

**Minutes of the meeting of Council held at The Council Chamber -
The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Friday
13 July 2018 at 10.00 am**

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

Councillors: SP Anderson, PA Andrews, BA Baker, JM Bartlett, WLS Bowen, TL Bowes, H Bramer, CR Butler, ACR Chappell, E Chowns, PE Crockett, PGH Cutter, BA Durkin, CA Gandy, DW Greenow, KS Guthrie, J Hardwick, DG Harlow, EPJ Harvey, EL Holton, TM James, PC Jinman, JF Johnson, JLV Kenyon, JG Lester, MD Lloyd-Hayes, PP Marsh, RI Matthews, RL Mayo, MT McEvelly, SM Michael, PD Newman OBE, FM Norman, CA North, RJ Phillips, AJW Powers, PD Price, P Rone, A Seldon, NE Shaw, J Stone, D Summers, EJ Swinglehurst, LC Tawn and SD Williams

Officers: C Baird, A Brookes, J Coleman, M Evans, G Hughes, A Lovegrove,
C Marshall, A Neill, Vickers and C Ward

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors MJK Cooper, JA Hyde, AW Johnson, AR Round, WC Skelton and A Warmington.

11. DECLARATIONS OF INTEREST

Councillor RJ Phillips declared a non-pecuniary interest in agenda item no. 10, notices of motion, in relation to the motion concerning the Hereford Justice Centre, as a Justice of the Peace.

12. MINUTES

A point of order was raised regarding the timing of the publication of the questions from the public and councillors and the responses. The Chairman undertook to see if arrangements for earlier publication ahead of the meeting could be introduced.

RESOLVED: That the minutes of the meeting held on 25 May be confirmed as a correct record and signed by the Chairman.

13. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

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

The Chairman provided the following updates:

- Congratulations to the Hereford Cathedral Choristers who had recently performed at the Vatican in front of the Pope;

- A recognition of the volunteers who had recently been involved in Britain in Bloom locally; and
- A tribute to Geoff Hughes, Director of Economy, Communities and Corporate who was leaving the Council after a number of years of service.

The chief executive highlighted those points below from his announcements attached to the agenda:

- The appointment of two care leavers to apprenticeships in Adults Wellbeing Directorate;
- The commendations recently received regarding the Council's model of adult social care;
- The award won by the Fastershire project;
- The proportion of young people attaining level 2 qualifications which now exceeded the national average;
- The narrowing attainment gap for children eligible for free school meals; and
- The recent appointments of Assistant Directors in the Children's Wellbeing Directorate.

14. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 11 - 26)

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.

15. QUESTIONS FROM MEMBERS OF THE COUNCIL (Pages 27 - 30)

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.

16. TREASURY MANAGEMENT - 2017/18 OUTTURN

Council considered a report from the Cabinet Member Corporate Strategy and Budget concerning the Treasury Management outturn for 2017/18. The report was introduced by the Cabinet Member Finance and Corporate Services who reported that the underspend currently reported was attributable to early reporting of budget receipts. There was an intention to improve spend profiles and the recent LGA challenge process had determined that the balance sheet was relatively healthy. A note of caution was sounded regarding the greater degree of uncertainty in the financial affairs of the country caused by current circumstances.

Councillor NE Shaw proposed and Councillor RJ Phillips seconded the recommendation to approve the treasury management outturn 2017/18.

Members of the Council made the comments below in the discussion that followed:

- The exposure to the increased rates from the Public Works Loan Board was raised and whether capital receipts could be used to repay the loans. *The Cabinet Member Finance and Corporate Services confirmed that methods of paying off the loans as early as possible were being investigated.*
- A query was raised regarding an ethical investment framework at the Council. *The Cabinet Member Finance and Corporate Services explained that he would investigate whether any of the Council's investments would be potentially classified under an ethical framework.*

- The projected growth rate was disappointing and external borrowing should be closely monitored. *The Cabinet Member Finance and Corporate Services agreed that external borrowing should be kept to acceptable levels.*
- The utilisation of usable reserves was queried and internal borrowing. *The Cabinet Member Finance and Corporate Services confirmed that if internal borrowing was not available then external borrowing would be considered within prudent limits.*
- Clarification was sought regarding those Council-owned properties and assets sold over the last 18 months and the income gained from the sales. *The Cabinet Member Finance and Corporate Services confirmed that a written response would be provided.*

RESOLVED: That Council approves the treasury management outturn for 2017/18 at appendix 1.

17. CAPITAL PROGRAMME UPDATE

Council considered an update to the Capital Programme. The report was introduced by the Cabinet Member Finance and Corporate Services who moved the recommendation with an alteration to recommendation f in the report to refer to paragraphs 37 and 38. The Cabinet Member explained that the capital programme update was required following additional grants awarded by central government and the allocation of section 106 monies to capital projects.

The recommendations in the report were seconded by Councillor BA Durkin.

The Cabinet Member Economy and Communications introduced detail of the capital projects concerning the cyber security centre and the Shell Store business incubation facility. The cyber security centre was a project being undertaken in partnership with the University of Wolverhampton and would provide a facility for research and development. The Shell Store would provide space for up to 30 local business start-ups and would be the only business incubation facility in the Marches LEP area. The Cabinet Member Children and Young People presented detail of the capital projects concerning the Children's Wellbeing and the Cabinet Member Health and Wellbeing outlined detail of the investment in the redevelopment of the Hillside Rehabilitation Centre.

Councillor Greenow left the meeting at 11.16 a.m.

Members made the comments below in the discussion that followed:

- It was queried when the Cyber Security Centre would be completed and how many jobs would be created. *The Cabinet Member Economy and Communications explained that it was anticipated that building would start in Q3 of the current year and a 12 month build was likely. It was not the purpose of the Cyber Security Centre to create jobs; the facility enabled businesses to test cyber security products.*
- The lack of grant funding for the Ross Enterprise Park was queried. *The Cabinet Member for Finance and Corporate Services explained that the project had been assessed by the Local Enterprise Partnership and there had been some positive feedback. Unfortunately there was a lack of funding to dedicate to the scheme; an application for funding could be made under a future round of LEP funding but there was uncertainty when this would occur.*

- It was noted that the projected cost of the Shell Store project had increased which had also been experienced in other projects. Better initial estimates of capital projects were urged in future. *The Cabinet Member Economy and Communications explained that it was a complex project and the increase in cost was frustrating. The Cabinet Member Finance and Corporate Services explained that an element of the increase in costs was attributable to inflation in construction costs.*
- Assurance was sought that after the refurbishment of the Hillside Centre the asset would be retained and not sold. *The Cabinet Member Health and Wellbeing explained that the need for care facilities and provision would double in the future therefore there were no plans to sell the facility once constructed.*
- It was noted that opportunities for business incubator facilities also existed in market towns including Bromyard and Leominster.
- It was requested that the risk register concerning the multiple funding streams for the Cyber Security Centre be made available. Assurance was sought that the Council would not be exposed to liabilities arising from the investments of partner organisations. *The Cabinet Member Finance and Corporate Services explained that he would investigate this request with colleagues. The risks to the Council would be contained and managed in the risk register.*
- The business case for the Cyber Security Centre was queried in light of the detail that the project would not assist in the creation of jobs. It was noted that the project required considerable investment and evidence was requested to demonstrate why the facility was an economic development priority. It was queried whether there was potential duplication between the functions of the Cyber Security Centre and the Shell Store. The requirement for better infrastructure around Rotherwas, particularly improvements to the condition of Holme Lacy Road was raised. *The Cabinet Member Economy and Communications explained that the Cyber Security Centre would help to increase the number of better paid jobs locally. It was not the role of the Council to create jobs but to help facilitate employment opportunities by establishing infrastructure locally which encouraged business investment. Evidence to support the Cyber Security Centre would be shared. The importance of utilising European Funding promptly was emphasised in the context of national circumstances.*
- The Hillside Centre project was welcomed and the need for facilities for Elderly Mental Infirm (EMI) patients. The facility would also provide an opportunity for training for carers. There was concern regarding parking at the site and that significant investment of £1.5 million was for a facility of only 28 beds. *The Cabinet Member Health and Wellbeing confirmed the long term nature of the investment; the facility would be utilised for a generation which provided value for money.*
- Following the closure of 1 Ledbury Road it was queried whether investment similar to the amount dedicated to the Hillside Centre would be forthcoming for respite facilities in Herefordshire? Alternative provision for respite care provided locally was highlighted by members. *The Leader explained that changes to short breaks provision in the county had produced a redesigned service; the number of families requiring respite care had increased significantly which required a different model of care. The Cabinet Member Children and Young People confirmed that she would be prepared to consider proposals for other forms of respite care.*
- The investments dedicated to economic development would result in higher quality jobs but detail was requested regarding accompanying lower paid jobs; such forms of employment were often not favoured. *The Cabinet Member Economy and Communications understood the issues raised and had discussed with the LEP the difficulty of filling low paid jobs; he would be in contact to discuss the matter with the member further.*

A recorded vote was conducted and the recommendations were approved: For 42; Against 0; and Abstained 3.

For (42): Councillors SP Anderson; PA Andrews; BA Baker; JM Bartlett; WLS Bowen; TL Bowes; H Bramer; CR Butler; ACR Chappell; PE Crockett; PGH Cutter; BA Durkin; PJ Edwards; CA Gandy; KS Guthrie; J Hardwick; DG Harlow; EPJ Harvey; EL Holton; TM James; PC Jinman; JLV Kenyon; JG Lester; MD Lloyd-Hayes; PP Marsh; RL Mayo; MT McEvilly; SM Michael; PD Newman OBE; CA North; RJ Phillips; AJW Powers; PD Price; P Rone; A Seldon; NE Shaw; J Stone; D Summers; EJ Swinglehurst; LC Tawn; DB Wilcox; and SD Williams.

Against (0):

Abstained (3): EE Chowns; RI Matthews; and FM Norman;

RESOLVED: that:

- (a) **The addition of £6.711m grant funding and s106 contributions to existing project budgets within the existing capital programme as detailed in the table below be approved;**

Scheme Name	2018/19 New Budget/ Grant
Economy, Communities and Corporate	
Local Transport Plan (LTP)	3,198
Fastershire Broadband	1,674
ECC's S106	756
Total ECC Capital Projects	5,629
Children's wellbeing	
Schools Capital Maintenance Grant	33
CYPD's S106	589
Special Provision Capital Fund	167
Healthy Pupils	99
Basic Needs Funding	48
Total CWB Capital Projects	936
Adults and wellbeing	
Disabled facilities grant	147
Total AWB Capital Projects	147
Total	6,711

- (b) **the special provision capital fund be increased by £167k in each of 2019/20 and 2020/21 capital budgets for the new grant allocation;**
- (c) **additional provision of £1.116m be made to support development of the Hereford Enterprise Zone Shell Store making the total provision for this project £7.316m;**
- (d) **provision of £1.5m be made to support conversion of the Hillside Rehabilitation Centre to provide a nursing home facility;**
- (e) **provision of £3.5m be made to support delivery of a Cyber Security Centre at Rotherwas;**
- (f) **the changes set out at paragraphs 37 and 38 to funding streams for Ross**

Enterprise Park and Children's Wellbeing projects and adjustments across directorate projects with an overall reduction of £476,000 be approved;

- (g) the revised 2018/19 capital budget of £145.315m detailed in appendix 1 be adopted, which consists of £40.816m 2017/18 brought forward balances and previous approved budgets of £92.148m, along with the above items be approved; and**
- (h) the chief finance officer be authorised, following consultation with the Cabinet Member Finance and Corporate Services, to make in year amendments to the capital programme to reflect additional external funding secured in year.**

18. LEADER'S REPORT TO COUNCIL

Council received a report from the Leader of the Council concerning an update on the work of the Cabinet since the previous ordinary meeting of Council in March 2018 and an annual report on the priorities of the cabinet and progress made in meeting those priorities. The Leader introduced the report and informed Council of the proposal for a council tax reduction for care leavers which would be the subject of a forthcoming decision. The Leader also outlined the significant infrastructure projects currently in progress within the context of the financial challenges faced by the Council.

The issues below were raised in the discussion that followed:

- It was asked whether the Leader supported a meeting with Highways England (HE) to discuss safety concerns on the A49. *The Leader expressed sympathy for local residents affected by recent accidents on the road and supported a meeting with HE. The Cabinet Member for Transport and Regulatory Services confirmed that there would be three seminars with HE in September concerning the road;*
- An update on the inquiry concerning the Southern Link Road was requested. *The Cabinet Member Infrastructure explained that the inquiry concerned the compulsory purchase arrangements and side road orders. Such inquiries routinely took place when objections to compulsory purchases were lodged;*
- Detail concerning the targets for the proportion of households able to access faster broadband and the actual uptake was requested. *The Cabinet Member Economy and Communications explained that a written response would be sent to the member;*
- Franklin House had been purchased for £1.5m but a recent valuation had valued the building at £500k. *The Cabinet Member for Contracts and Assets explained that the property had been purchased with grants and property prices had steadily reduced in value in recent years;*
- The Leader was encouraged to work with new public transport franchise holders to advance the priority of an integrated transport network in the county;
- It was noted that one of the reasons cited for the failure of the bid for the City of Culture was a lack of local authority support for the project.

Councillor AJW Powers proposed a motion without notice under paragraph 4.1.92 (d) of the constitution to refer to the appropriate body or individual to consider an additional objective for the Chief Executive's objectives 2018/19 as follows: *Champion high standards of conduct and a strong commitment to public service throughout the Council.*

There was a brief adjournment at 12.24 p.m.; the meeting reconvened at 12.36 p.m.

Councillor A Seldon seconded the motion.

The motion was debated with the following points raised:

- The proposal was adding to a process that had already been undertaken with the Group Leaders;
- The additional objective should be added to the Chief Executive's objectives in the following year 2019/20; and
- The motion was supported as a public statement to represent principles already in place at the Council.

The motion was put to the vote and carried by a simple majority of the Council.

RESOLVED: that Council refers the list of objectives for the Chief Executive for 2018/19 back to the Leader to consider an additional objective as follows: *Champion high standards of conduct and a strong commitment to public service throughout the Council.*

RESOLVED: that the Leader's report to Council is noted.

19. NOTICES OF MOTION UNDER STANDING ORDERS

Council considered the notices of motion set out in the supplement published on 11 July 2018.

Council considered a notice of motion concerning verge parking.

In moving the motion Councillor BA Baker made the following points:

- There was significant frustration regarding verge parking in the county and the damage caused;
- Underground services were vulnerable to the damage caused to verges;
- The introduction of restrictions would have resource implications for civil enforcement officers;
- Legal exemptions would need to be established for certain circumstances such as broken down vehicles; and
- Parking on verges was an unsightly and unregulated activity which required action.

In seconding the motion Councillor SP Anderson made the following points:

- The issue was a significant issue across the county; and
- The motion proposed a positive way forward to address the problem.

The following principal points were raised by members in the debate:

- It was recognised by members that this was a significant issue;
- There would be an issue in determining land owners and where restrictions on verges could be enforced;
- Wider consideration was also required in market towns to understand and make provision for cars displaced by the introduction of restrictions on verge parking;
- It was queried whether the cost of new enforcement would be affordable to the Council; and
- It was important to undertake other methods of deterring people from parking on verges including tree planting;

Councillor D Summers proposed and Councillor P Rone seconded an amendment to the motion to include restrictions on parking on pathways in the motion.

The proposed amendment was discussed with the following points raised:

- There would be resource implications involved with imposing restrictions on pathways as well as grass verges; and
- The problems caused to people with wheelchairs and prams by cars parking on pathways was significant. The proposed amendment would positively address problems caused by cars parking on pavements.

The amendment was put to the vote and was carried by a simple majority.

The substantive motion was put to the vote, as amended with inclusion of reference to pathways, and was carried.

RESOLVED: The damage caused by vehicles being parked carelessly on grass verges and pathways is not only unsightly but can add to the costs of maintaining the verges and highways at a time when council resources are already stretched. In light of this largely unregulated activity. I move that the executive be asked to consider putting in place suitable controls to restrict parking on grass verges and pathways, including the introduction of by-laws.

Council considered a notice of motion concerning the Development Partnership.

In moving the motion Councillor EE Chowns made the following points:

- The motion was a cross-party initiative to help shape the direction of development in the County;
- The motion provided a framework for development to follow;
- The motion built on an earlier motion to Council in 2014;
- Consultation had been conducted with officers and other members; and
- Two alterations to the motion were outlined by the proposer: the inclusion of the wording ‘...development designed and constructed through...’ in place of ‘...housing built through...’; and an additional bullet point, as follows: ‘designed to promote walking, cycling, public transport and car sharing.’

A further alteration was requested by Councillor PJ Edwards to include the wording ‘...with maintenance thereof.’ at the end of the first bullet point. The alteration was accepted by the proposer and seconder.

In seconding the motion Councillor SP Anderson made the following points:

- The motion would ensure the development partnership would be sustainable;
- The motion would incorporate social responsibilities and environmental considerations into the development partnership; and
- The intention was for the selected development partner to demonstrate evidence of sustainable principles in development activities.

The following principal points were raised by members in the debate:

- The Council was compliant with the National Planning Policy Framework (NPPF). The Core Strategy and Policy Framework incorporated relevant elements and principles from the NPPF;

- The contract management team at the Council would produce Key Performance Indicators for the Development Partnership. The proposed principles would need to be balanced against an assessment of value for money; and
- The motion proposed valuable principles to incorporate in the development partnership at an early stage.

The motion was put to the vote and was carried unanimously.

RESOLVED: that -

Noting that Herefordshire Council has recently mobilised a large amount of capital from the sale of its farm estate, and plans to invest this in a 'Development Partnership' which will significantly shape the growth and development of the county, we call on the council to resolve:

That the Development Partnership should be designed to be a Sustainable Development Partnership, with equal consideration given to social, environmental, and economic dimensions of planned development.

That the executive be asked to consider ensuring that all development designed and constructed through the Development Partnership should be:

- **planned to maximise residents' health and wellbeing, including through shared green space and opportunities for outdoor exercise and social interaction, with maintenance thereof;**
- **built to the highest possible standards of energy and water efficiency in order to ensure affordability for residents and low environmental impact;**
- **sourced using local procurement wherever possible, in order to maximise local economic benefit and employment opportunities;**
- **designed to support and enhance wildlife habitats, in line with Herefordshire's identity as a beautiful rural county; and**
- **designed to promote walking, cycling, public transport and car sharing.**

Council considered a notice of motion concerning the Hereford Justice Centre.

In moving the motion Councillor ACR Chappell made the following points:

- Remand cases were now being sent to Kidderminster;
- Magistrates in Kidderminster were unfamiliar with the local area in Hereford and the circumstances in the town;
- The travel involved for solicitors would be a 70 mile round trip;
- Many of those in front of magistrates experienced mental health problems or a limited income and if it is found that there is no case to answer they would be released in Kidderminster;
- A motion had also been approved unanimously by Hereford City Council calling on the Lord Chancellor & Secretary of State for Justice to reverse the transfer of remand cases from Hereford to Kidderminster Justice Centre ; and
- The hearing of remand cases at Kidderminster was counter to principles of local democracy and local application of justice.

In seconding the motion Councillor CA Gandy made the following points:

- It was a long and convoluted journey to Kidderminster if there was no case to answer. People with Mental Health problems and learning disabilities would need to make the journey back;

- Depending on the time of arrest some people would spend 24 hours in custody awaiting transportation to Kidderminster.

The following principal points were raised by members in the debate:

- There was a cost to West Mercia Police, solicitors, defendants and others;
- Some defendants may think it cheaper to plead guilty than have to make the journey back from Kidderminster;
- The savings proposed by the Department of Justice were not felt to be acceptable and would cost others additional time and expense; and
- The need for savings have caused the Department of Justice to make an unreasonable decision.

The motion was put to the vote and was carried unanimously.

RESOLVED: that

Earlier this year, the judicial system was changed so that remand cases throughout West Mercia are automatically sent to Kidderminster Justice Centre, thus removing local justice from the county, and locating hearings for all remand cases to a court in a town some 35 miles from Hereford's Justice Centre. Local justice should be administered locally, by magistrates who know the area, and local factors, and defence solicitors who are aware of the circumstances and some of the background issues.

That Herefordshire Council deplores the transfer of remand cases from Hereford to Kidderminster and calls on requires the Leader of the Council to call on the Lord Chancellor and Secretary of State for Justice, to right a wrong and return such cases to the 'Hereford Justice Centre', (Magistrates Court) to be dealt with by Herefordshire Justices dealing with Herefordshire cases.

20. MEETING DATES 2018/19

The date of the next meeting was 12 October 2018.

The meeting ended at 1.45 pm

Chairman