

Minutes of the meeting of Council held at Online meeting on Friday 11 December 2020 at 10.00 am

Present: Councillor Sebastian Bowen (chairperson)
Councillor Kema Guthrie (vice-chairperson)

Councillors: Paul Andrews, Polly Andrews, Jenny Bartlett, Chris Bartrum, Christy Bolderson, Dave Boulter, Tracy Bowes, Ellie Chowns, Pauline Crockett, Gemma Davies, Barry Durkin, Toni Fagan, Elizabeth Foxton, Carole Gandy, John Hardwick, John Harrington, Liz Harvey, Jennie Hewitt, Kath Hey, David Hitchiner, Phillip Howells, Helen I'Anson, Terry James, Peter Jinman, Tony Johnson, Mike Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Jeremy Milln, Felicity Norman, Roger Phillips, Tim Price, Paul Rone, Alan Seldon, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillet, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

Officers: Director for children and families, Democratic services manager, Chief executive, Assistant director all ages commissioning, Solicitor to the council and Acting Assistant Director for Regulatory, Environment and Waste Services

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Graham Andrews, Graham Jones and Mark Millmore.

22. DECLARATIONS OF INTEREST

Councillor Jim Kenyon declared a schedule 1 interest in agenda item no. 7, Licensing Policy 2020-2025, as a licensee.

Councillor Paul Rone declared a schedule 1 interest in agenda item no. 7, Licensing Policy 2020-2025, as a holder of various licenses with Herefordshire Council.

The monitoring officer recorded the following as schedule 2 interests but they were not a personal interest in the item being discussed so did not preclude those declaring from participating in the debate and voting:

Councillor John Stone declared a schedule 2 interest in agenda item no. 7, Licensing Policy 2020-2025, as a treasurer of a village hall.

Councillor Polly Andrews declared a schedule 2 interest in agenda item no. 7, Licensing Policy 2020-2025, as a chairman of a community hall.

Councillor Carole Gandy declared a schedule 2 interest in agenda item no. 7, Licensing Policy 2020-2025, as a secretary of Orleton Village Hall.

Councillor Mike Jones declared a schedule 2 interest in agenda item no. 7, Licensing Policy 2020-2025, as the treasurer to the Mansel Lacy Community Association.

Councillor Jenny Bartlett declared a schedule 2 interest in agenda item no. 7, Licensing Policy 2020-2025, as a trustee of the Leominster District Community Association.

Councillor Toni Fagan declared a schedule 2 interest in agenda item no. 7, Licensing Policy 2020-2025, as a trustee of Llanwarne Village Hall.

Councillor Felicity Norman declared a schedule 2 interest in agenda item no. 7, Licensing Policy 2020-2025, as a member of the LARC (Grange Court) management committee.

Councillor Tracy Bowes declared a other interest in agenda item no. 7, Licensing Policy 2020-2025, as a partner to a licensee.

23. MINUTES

The Chairman introduced a challenge to the accuracy of the minutes and proposed the minutes for confirmation subject to the change below:

Minute 19, bullet point 5, on page 15 of the agenda pack: the wording '*The Leader explained that the council did not want to repay the money and was attempting to use it in accordance with the initial objectives.*' to be replaced with the wording '*The Leader explained that the Council would be using all arguments at its disposal to resist the claim.*'

RESOLVED: That the minutes of the meeting held on 9 October 2020 be confirmed as a correct record, subject to the change outlined above, and signed by the Chairman.

24. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

Council noted the Chairman's and Chief Executive's announcements as printed in the agenda papers. Members paid Tribute to the Chief Executive who was attending his last meeting of the full Council before leaving Herefordshire Council. The Chief Executive thanked members for their kind words.

25. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 7 - 8)

A copy of the public questions and written answers, together with the supplementary question asked at the meeting and its answer, is attached to the Minutes at Appendix 1.

Councillors Jim Kenyon and Paul Rone left the meeting.

26. LICENSING POLICY 2020-2025

Council considered a report by the cabinet member housing, regulatory services and community safety to approve the Licensing Policy 2020 – 2025. The report was introduced by the cabinet member who proposed the recommendation to approve the Licensing Policy 2020 – 2025.

During the course of the debate members raised the principal points below:

- The removal of crime and disorder zone from Hereford city centre was welcomed as it removed onerous conditions and requirements on prospective licensees and supported the licensing trade in the county;
- It was queried if a condition could be added to the policy to require events to use reusable and recyclable plastic cups; and

- There was support for the policy which was felt to be a positive approach to the licensee community during the difficulties posed by the Covid-19 pandemic.

Councillor Alan Seldon seconded the approval of the Licensing Policy 2020 – 2025 as the standing Chairman of the licensing sub-committee.

The approval of the Licensing Policy 2020 – 2025 was approved by a simple majority of the Council.

RESOLVED: That:

1. the draft Licensing Policy appended to the report be approved: and

2. that authority be delegated to the Assistant Director Regulatory Environment and Waste to make any minor amendments to the statement of licensing policy, as and when required to be updated by legislation and guidance issued by government.

Councillor Paul Rone re-joined the meeting.

27. LEADER'S REPORT

The Leader presented his report on the activities of Cabinet since the meeting of full Council 9 October 2020 and the following points were raised:

- The signs of safety briefing should be provided to all members and the importance of providing detailed information to scrutiny committees. The length of time it had taken to produce a final report concerning peer on peer abuse was questioned and that in future issues should be addressed in a more timely and compassionate manner. *It was confirmed that the signs of safety briefing would be offered to all members and that it was important that scrutiny committees had all relevant information to enable an examination of significant issues. The outcomes of the peer on peer abuse report would be followed-up and in future the council would be more responsive.*
- There was concern over the timing of bids for the stronger towns fund and the council was encouraged to withdraw the applications it had made to allow local groups and bodies to access the funding. *It was confirmed that applications to the fund from the council would proceed and projects were being shortlisted to include in applications.*
- The budget setting process was queried and whether there was any update on funding from central government and the progress of the budget consultation. The extension of the medium term financial strategy (MTFS) to a period of 5 years was queried. *It was confirmed that central government would announce the settlement before Christmas and that the online budget consultation would be live over the Christmas period into the New Year. The MTFS covered a period of 4 years which was aligned with the county plan.*
- The role of the council to continue the provision of free school meals was welcomed and it was queried how the council could make council services more accessible to such groups as children with English as an additional language and with special education needs. *It was confirmed that free school meals would be provided across Christmas and government funding was being passed to schools to distribute to families entitled to free school meals.*
- It was queried how many fixed penalty notices had been issued for non – compliance with tier 2 restrictions and if the council had been in contact with schools regarding pupils social distancing after leaving school. *It was confirmed that a written response would be provided on the fixed penalty notices and that advice had been sent to schools.*

- The review of waste management services was queried and it was felt that the current system worked effectively in rural areas of the county. *It was confirmed that the review of the services was being undertaken to address low recycling rates.*
- The risk management arrangements concerning Brexit were queried. *It was confirmed that an officer group was working in preparation for the changes in 2021.*

RESOLVED: That the report be noted.

28. NOTICES OF MOTION UNDER STANDING ORDERS

Motion 1 – That this Council bestow Lady Darnley an honorary freewoman of Herefordshire.

In moving the motion Councillor Sebastian Bowen explained that Lady Darnley had undertaken her role of Lord Lieutenant with distinction and served the interests of Herefordshire. She had always been respected by those she met and had ensured a close working relationship between the Lord Lieutenancy and Herefordshire Council.

In seconding the motion Councillor Bob Matthews explained that Lady Darnley had been very supportive for the county of Herefordshire and had a natural ability to empathise with people of the county.

The following principal points were raised during the debate:

- It was queried if the proposed award was consistent with the scheme for awarding individuals the freedom of Herefordshire.
- Lady Darnley had shown a commitment to charities and community groups across Herefordshire.
- Lady Darnley had modernised the role of the Lord Lieutenant.
- Lady Darnley involved herself with local organisations and maintained a close link to local communities.
- The award was to honour the individual and the exemplary manner in which she had undertaken the role of Lord Lieutenant.

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

RESOLVED: That this Council bestow Lady Darnley an honorary freewoman of Herefordshire.

Motion 2 – Climate and Ecological Emergency

In moving the motion Councillor William Wilding explained that the motion sought to build on the earlier climate emergency motion. It was felt that the original motion should include mention of the ecological emergency which faced the county to ensure that the actions of the council took account of and sought to address the emergency.

In seconding the motion Councillor Elissa Swinglehurst explained that the motion demonstrated cross-party working. The ecological emergency had been implicit in the earlier debate in March 2019 around the climate emergency motion. The ecological emergency included the loss of insects, pollution in rivers and the collapse of soil structure. The motion sought to raise awareness and encourage people to be considerate of the natural world: such an approach needed to be incorporated in the processes and policies at the council.

The following principal points were raised during the debate:

- The inclusion of the ecological emergency was welcomed as it helped to embed an awareness and an emphasis into the actions of the council.
- There was concern that the declaration in the motion might hinder some opportunities for economic growth in the county.
- It was considered that the commitment in the motion could have a positive economic impact by encouraging tourism.
- There was concern about the use of insecticides and the impact on insect species in the county.

Councillor Wilding, as the mover of the motion, closed the debate and explained that the local economy should seek to enhance and protect local ecology.

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

RESOLVED: That this council, already having declared a 'Climate Emergency' in March 2019, wishes to strengthen its commitment by changing this declaration to now say that we 'declare a Climate and Ecological Emergency'.

29. FULL COUNCIL MEETING DATES 2021/22

Council considered meeting dates in the 2021/22 municipal year and agreed those dates set out below:

RESOLVED: That Council approves the schedule of full Council meeting dates in 2021/22 as below:

23 July 2021
8 October 2021
10 December 2021
11 February 2022 – Budget meeting
4 March 2022
20 May 2022 – Annual meeting

The meeting ended at 1.30 pm

Chairperson

Agenda item no. 5 - Questions from members of the public

Question Number	Questioner	Question	Question to
PQ 1	Mr Pincham, Hereford	<p>On 28th July 2020, the Cabinet Member for Environment, Economy and Skills stated, in a written response to my supplementary question to the Cabinet meeting on 23 July, that the <i>"Edgar Street stadium project is pencilled in on the forward plan for decision at the end of October. This is subject to the outcome of the review of the capital programme as mentioned by Cllr Chowns"</i>.</p> <p>It is now December. What is the decision?</p> <p>It isn't all that long since 20 000 Hereford supporters travelled to Wembley for the FA Vase Final so there will doubtless be a large number of local people interested in this decision.</p>	Cabinet member Environment, Economy and Skills
<p>Response:</p> <p>The council has not yet taken a decision regarding the possible development of the Blackfriars Street site at Hereford Football Club. Hereford has been selected by government for Stronger Towns Funding, with the potential to seek up to £25m to support the redevelopment of the city. This requires the development of a Town Investment Plan identifying a future vision for the city and potential projects to deliver the vision. This is being led by the Hereford Towns Board. The Town Investment Plan will be submitted to government for consideration in January 2021. To enable the possible Football Club development to be considered through this process, the council have postponed our decision on this site.</p>			
<p>Supplementary Question:</p> <p>On the basis of the Cabinet Member's response can you confirm:</p> <p>Whether the development appraisal documents produced by ENGIE and commissioned by Herefordshire Council for Blackfriars Street (at a cost of £120 000) have therefore been submitted to the independent Towns Fund board (#StrongerHereford board) for due consideration ahead of the Board's submission to MHCLG in January 2021; If the Blackfriars Street project will remain in the council's capital programme regardless; taking into account MHCLG is not due to make a decision on round 2 Stronger Town bids before the Council is due to approve its next budget in 2021; and explain why this development is listed as "abandoned" on the Herefordshire Council website despite your statement that "no decision has yet been made"</p>			
<p>Response to Supplementary Question:</p> <p>A written response would be provided to the points raised.</p> <p><i>Written response below sent – 14 January 2021</i></p>			

Hereford Football Club made a direct application to the Hereford Town Board for consideration in the in the Town Investment Plan. Unfortunately we understand that this project has not been short listed for inclusion in the investment plan at this stage. A very high number of applications were submitted, far exceeding the level of potential funding.

As per our previous response, the council is in the process of reviewing our capital programme at present. Covid 19 has had a very significant impact on the Herefordshire economy, and we will need to make some difficult choices going forward as to how our limited funds can be best utilised to support the recovery of the economy as a whole.

The council's website identifies a forward plan of dates for all key decisions to be taken in accordance with our constitution. As we are not in a position to identify a specific date to take a decision on the next steps of the project, the date of the decision has been abandoned (not the project itself at this stage).

I will be actively reviewing the options for this site early this year.

PQ 2	Mr McKay, Leominster	Would you acknowledge: that Herefordshire is a county that recorded 'Roads used as public paths' (RUPP's) as footpaths or bridleways, due to administrative error by Ministry of Town and Country Planning issuing guidance using the term CRF/CRB inconsistent with the legislation, followed by Herefordshire Council accepting parish information of CRF/CRB, then recording as FP (some through adjacent field) or BR, rather than the statutory RUPP; and that this should be raised in a report covering the technicalities to which reference could be made, correcting the records in similar manner as proposed for Anomalies (Council Meeting 9 October), with the parish data at HARC showing these made viewable online, fulfilling the Plans key aims, and meeting the 2026 cut-off date?	Cabinet member Infrastructure and Transport
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Response:

The council is not aware of any systematic procedural errors in handling of parish council's historical PROW submissions. We are aware that some of these routes were claimed by parishes as RUPPs but recorded as footpaths or bridleways on the First Definitive Map. This is not an error as such - it was the role of the Council to process and assess the information provided by the parishes, and there were Draft and Provisional Map stages prior to the First Definitive Map in which the decisions made could be scrutinised and challenged, this was undertaken at the time. The information submitted by parish councils is available to view at the HARC council offices in Rotherwas. The submissions are scanned in and are available to view there. The resource required to compile and review would be significant and would divert limited resources from other work such as DMMO applications. If we are made aware of anomalies, we will manage the enquiry as we do with the Definitive Map Modification application process.