

MINUTES of the meeting of COUNCIL held at Brockington, 35 Hafod Road, Hereford. on Friday, 12th November, 2004 at 10.30 a.m.

Present: Councillor P.E. Harling (Chairman)
Councillor J.W. Edwards (Vice Chairman)

Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. W.U. Attfield, Mrs. L.O. Barnett, Mrs. E.M. Bew, W.L.S. Bowen, H. Bramer, R.B.A. Burke, M.R. Cunningham, P.J. Dauncey, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, P.J. Edwards, D.J. Fleet, Mrs. J.P. French, J.H.R. Goodwin, Mrs. A.E. Gray, K.G. Grumbley, J.G.S. Guthrie, J.W. Hope, B. Hunt, T.W. Hunt, G.V. Hyde, Mrs. J.A. Hyde, T.M. James, Brig. P. Jones CBE, Mrs. R.F. Lincoln, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.M. Manning, R.I. Matthews, J.C. Mayson, R. Mills, J.W. Newman, Mrs. J.E. Pemberton, R.J. Phillips, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, D.W. Rule MBE, Miss F. Short, R.V. Stockton, J. Stone, D.C. Taylor, J.P. Thomas, W.J.S. Thomas, Ms. A.M. Toon, P.G. Turpin, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams and R.M. Wilson

34. PRAYERS

The Very Reverend Michael Tavinor, the Dean of Hereford, led the Council in prayer.

35. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. P. A. Andrews, A.C.R. Chappell and Mrs. S.P.A. Daniels.

Note: Councillor Mrs. Andrews joined the meeting just prior to consideration of the report of the Strategic Monitoring Committee to Council (Minute No. 45 refers).

36. DECLARATIONS OF INTEREST

There were no declarations of interest made.

37. MINUTES

The Chairman advised that Councillor R. Manning had, under Standing Order 4.14.4, raised a query on the accuracy of Minute 25. The Chairman proposed that the minute be amended by removing the last sentence in the third paragraph of page 4 of the agenda and replacing it as follows:

"He asked: If a dissatisfied applicant, with enough financial resources chose to challenge Appendix 13 paragraph 37 in its present form at judicial review and was successful, how safe would other decisions be which had been referred in the same manner? Could other cases then be reconsidered and in that event what would be the potential cost to the Council."

RESOLVED: That, subject to the above amendment, the minutes of the meeting held on 30th July, 2004 be approved as a correct record and signed by the Chairman.

38. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed a number of pupils and teachers from Burghill Community Primary School to the meeting. He also extended an invitation to other schools, and particularly to High Schools, to attend Council and asked Councillor Mrs. C.J. Davis, in her capacity as School Governor for John Kyrle High School, Ross-on-Wye, to issue an invitation to pupils there on his behalf.

He announced an outstanding achievement by other schools in the County from the Golden Valley Pyramid. Fairfield High School had been the venue for the making of a film when the planet Venus passed in front of the Sun in June this year. The film had been awarded the first prize in a European competition in Paris. The prize was a trip to Chile to visit the largest telescope in the world. It was still to be decided who would be lucky enough to represent Herefordshire on the trip.

The Council joined the Chairman in congratulating Sian Lines, the Finances and Resources Manager in the Environmental Health and Trading Standards Department on her award of Top Student prize for the Certificate in Marketing by the Chartered Institute of Marketing.

Another prize was won by a team representing the Council - this time in the Local Government Chronicle's Management Challenge Awards. The team of Amanda Atfield, Jonathan Barrett, Christine Dyer, Cat Griffiths, Sue Griffiths and Andrew Tanner beat off competition from 45 other Councils to lift the prize for the Best Press interview.

The Chairman announced that, as the report of the Cabinet meeting held on 4th November, 2004 was confidential and necessitated members of the public leaving the Council Chamber, he would deal with it as the final item of business at today's meeting.

The Leader took the opportunity to report on three awards presented to Councillors Mrs. Barnett, Mrs. Gray and Harling. The awards were presented by St Michael's Hospice in recognition of over 20 years continuous service.

Councillor Harling announced that he had received two petitions prior to the meeting. One, containing 1,300 signatures, opposed further development at Bullinghope, Hereford and was presented to Councillor P.J. Edwards, Cabinet Member (Environment). The other, protesting about the continued use by heavy traffic at Old Road, Bromyard was presented to Councillor M. Wilson, Cabinet Member (Highways and Transportation).

39. QUESTIONS FROM MEMBERS OF THE PUBLIC

Under the Constitution a member of the public can ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties, or which affects the County, as long as a copy of the question is deposited with the County Secretary and Solicitor more than six clear working days before the meeting. No such questions had been received.

40. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS**Question from Councillor Mrs. C.J. Davis**

"Can the Leader please let us know what progress has been made towards holding a public meeting in Ross with the appropriate officers plus representatives from Welsh

Water to discuss openly the Tanyard Lane proposals and the effect these will have on the existing sewage/water courses within the town?"

Councillor Phillips, the Leader of the Council, advised that a public meeting had been arranged for Monday, 22nd November commencing at 7.30 p.m. at John Kyrle High School, Ross-on-Wye. Planning officers would be in attendance and representatives of the developers and of Welsh Water had been invited. At the meeting the Welsh Water representatives would be able to advise on the sewerage implications of the Tanyard Lane proposals. He said that he had also extended an invitation to the meeting to former Councillor Mrs. Joyce Thomas.

In response to a further query Councillor Phillips agreed that local members should be informed of matters affecting their wards before the press or local town or parish councils.

Question from Councillor W.J. Walling relating to the road works at the junction of Folly Lane/Ledbury Road.

"The Cabinet Member (Highways and Transportation) will be only too aware of the considerable public concern – not to say anger – that has been generated by the delays that appear to have occurred in the progress of these works. Is he in a position to say why the works have taken so long and is it possible for him to give Council some indications as to when the works might finally be completed?"

Councillor Wilson, Cabinet Member (Highways and Transportation) thanked Councillor Walling for his question and took the opportunity to thank residents not just of Folly Lane and Ledbury Road but also those living near other extensive road works at Newtown Crossroads and Aylestone Hill for their patience while road works were being carried out.

He advised that the signals became operational on Tuesday, 9th November and seemed to be working very well. Some minor remedial works were being completed on the footways.

It had been hoped that the works could be undertaken during the summer months for completion before the start of the school term. Unfortunately, during the detailed design it became apparent that the site was packed with underground services that would hamper construction and required careful layout of the new signal equipment. Before any work could start on the project it had to undergo a thorough Health and Safety evaluation, and this highlighted the need for some additional preparatory design work before the start on site.

Delays in completion could be attributed to several factors, including intervention by Transco who required the scheme to make allowance for insertion of a new gas main. By adding a duct to take a proposed new main, possible future disruption has been avoided. Delays were compounded by some relatively poor co-ordination of resurfacing, anti-skid treatment, white lining and the weather. Completion was further delayed by non-delivery of some vital electronic units. This necessitated a further delay to allow co-ordination of site works between the signal company and Central Networks for connection of the signals to the power supply.

He said that the implementation of this scheme illustrated the vital importance of effective partnership working between the Council, designers, contractors and suppliers to ensure that work was efficiently programmed and delivered. That process is still developing in Herefordshire but has already produced successful results on schemes such as the Bridge Sollers replacement and the new culvert in Greytree Road, Ross-on-Wye. Similarly, the Roman Road Improvement scheme is

progressing very well. Lessons learnt from the Ledbury Road scheme will be applied in the management of future projects of this type.

Councillor Walling thanked Councillor Wilson for his detailed answer and agreed that the lights appeared to be working reasonably well. He expressed concern for a number of residents in the area who were now experiencing problems accessing their driveways.

Question from Councillor W.L.S. Bowen

"Is it true that Herefordshire Council could put a person on the moon more quickly than the time it takes to install a necessary speed limit in one of our villages? Has the process of creating a sensible speed limit been speeded up?"

Councillor Wilson said that he understood that the time required to implement new village speed limits was often a source of concern to local communities who understandably wished to see rapid progress once the implementation process had started.

He stated that any new Order could take at least 12 months from the start of specific site investigation to implementation, allowing for the necessary periods for consultation and public notice. He recognised that many Orders take far longer than this and has been working on addressing this matter since taking up his portfolio. One of the significant factors was that some Parish Councils and even Local Members do not reply to consultation correspondence delaying the process and creating the additional workload of sending out reminders.

He reminded Members that he had written to them earlier in the year when he had agreed to a minor revision of the Council's policy on Speed Limits which would have the effect of allowing more comprehensive treatment of minor side roads without significant additional investigation and assessment. The Director of the Environment is working closely with the County Secretary and Solicitor to review the procedures for processing the details of individual Traffic Orders. Councillor Wilson said that he was monitoring this review and was confident that delivery of new Speed Limits, once agreed, would improve.

Councillor Bowen said he would look forward to seeing an improvement in the process.

Question from Councillor W.L.S. Bowen

"Can I, and all those affected, be assured that all necessary pieces of equipment, and suitable spaces and accesses will be put in place for all disabled and disadvantaged users of the new swimming pool in Leominster and the existing Hereford pool?"

May I point out that the statutory minimum does not supply a satisfactory solution to this problem.

Has full and proper discussion taken place with disability groups?

Has a proper response and notice been given to their needs?"

Councillor Hyde, Cabinet Member Economic Development, Markets and Property replied as follows:

North Herefordshire Swimming Pool - the new building complies fully with Part M

of the Building Regulations that deals with access to and use of buildings by disabled people. This is achieved by ramps, disabled toilets and a lift to the main pool. There are, however, some disabled groups with specific needs that are not covered by the Regulations. Discussions are on-going with a number of organisations to see how these requirements can be met. He reminded Council that when a decision had been made on the financing of a new pool it was clear that the Council would provide funding for the basic pool and that it would be up to the local people to raise money for any additional features. He congratulated those who had raised a considerable amount of money towards the project.

Hereford Swimming Pool - He advised that when the pool had been built it adequately met the requirements at the time. However, the first phase of upgrading the premises to meet the new Regulations would be undertaken early in 2005. This would involve re-designing the changing rooms and making improvements to the access ramp. Additional works would then be undertaken in 2006. He said the intention would be to fully comply with the regulations. Liaison with all access groups was ongoing and their views would be taken into consideration when decisions were made. He reminded Council of the clear commitment across Herefordshire to ensure those in need or disadvantaged were looked after and this was reflected in the Council.

Councillor Bowen said he took some comfort from Councillor Hyde's answer but had some concerns about the changing facilities not just complying with the statutory requirements, but also addressing the true issues of accessibility.

Question from Councillor T.M. James

"Could the Cabinet Member (Highways and Transportation) inform Members of this Council of the cost of the recent introduction of a new traffic light system in Ledbury Road and what level of accidents and serious injury necessitated such expenditure?"

Councillor Wilson, Cabinet Member (Highways and Transportation) replied that the new traffic signal installation at the Ledbury Road/Folly Lane junction had an estimated cost of approximately £160,000.

He reminded Councillor James that the scheme was inherited from the previous administration and was requested by Councillor Mrs. Lloyd-Hayes and by the late Councillor Mrs. Ann Carter, the local Members in that administration. The scheme has been implemented to improve facilities for pedestrians under the Safer Route to Schools project and did not form part of the Council's Casualty Reduction programme of works. He stated that the average cost of a personal injury accident is currently estimated to be £80,090 and in the last five years, there has been one recorded serious injury accident at the Ledbury Road/Folly Lane junction.

Councillor James stated that the request from Local Members was for a mini roundabout or road straightening scheme and asked whether a controlled pedestrian crossing would have been a better solution. He said that the lights had caused traffic queues both into and out of the City causing damage to the environment and hoped they would work efficiently.

Councillor Wilson said that the lights had been in operation for only three days and appeared to be working satisfactorily. He acknowledged that there had been queues when the temporary traffic lights were operating but that these would never have been expected to work as efficiently as permanent ones.

Question from Councillor Mrs. M.D. Lloyd-Hayes

"Is it true that the Drugs Intervention Program has been awarded £110,000 and has chosen to recruit one manager and two co-ordinators whose task is to ensure that offenders remain engaged in programmes as a result of their offending?"

Councillor Phillips, the Leader of the Council agreed that £110,000 grant had been awarded for 2004-05 for through care and after care - Drugs Intervention programme - there had been no official announcement from the National Treatment Agency, Government Office for the West Midlands, but it was likely that the funding would continue for the next two financial years.

He advised that the Co-ordinator has already been appointed and two further staff were to be recruited this week.

Councillor Phillips agreed to write to Councillor Mrs. Lloyd-Hayes in response to a further query about withdrawal of match-funding.

41. NOTICES OF MOTION UNDER STANDING ORDERS

Councillors Mrs. M.D. Lloyd-Hayes and W.L.S. Bowen had submitted the following notice of motion:

"That HEREFORDSHIRE COUNCIL, as an important consumer and opinion leader, gives support to facilitate the promotion and purchase of foods with the FAIRTRADE Mark.

That HEREFORDSHIRE COUNCIL supports a fairer deal to marginalized producers by promoting FAIRTRADE products throughout the Council via its many establishments such as Leisure and Sports Centres, offices, Info Centres and encourages partner agencies such as Jarvis Catering to use FAIRTRADE products wherever possible.

The initiative involves a commitment to Agenda 21 and sustainable development by :

- widely offer FAIRTRADE Marked food and drink options internally and make them available for internal meetings.*
- promote the FAIRTRADE Mark using FAIRTRADE Foundation materials in refreshment areas.*
- promote the FAIRTRADE initiative on internal communications and external newsletters*
- allow staff to purchase FAIRTRADE products internally*
- attract media coverage and popular support for the campaign*
- allocate responsibility for progression of the FAIRTRADE initiative to a member of staff from Agenda 21 to liaise with the already existing steering group."*

Urgency had not been moved and under Standing Order 4.22.6 the motion stood referred to the Leader of the Council pending the Council's approval of the Constitutional amendment which allocates responsibility for procurement to the Cabinet Member (Human Resources and Corporate Support Services).

42. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 9th and 23rd September and 14th and 21st October, 2004. He reminded Council that the report of the proceedings of the meeting held on 4th November, 2004 was exempt and would be considered as the final item at

today's meeting

In relation to item 1.2 - Review of the Constitution -

Clarification of Head of Planning Services' powers of referral - The Leader moved a small amendment to the text at paragraph 5 on page 51 of the agenda to require the Head of Planning Services to consult the County Secretary and Solicitor before referring matters which he considered should be dealt with at a strategic county-wide level. He confirmed that the County Secretary and Solicitor would now be consulted on all matters referred to the main Planning Committee. It was also confirmed that the Head of Planning Services would not refer applications which have been considered by the relevant Area Planning Sub-Committee where that Area Planning Sub-Committee is minded to make a decision which is contrary to officer recommendation and which is likely to be the subject of a call-in for the Secretary of State. It was noted that it was necessary in the procedure note to retain the paragraph: "*[Subject to no further objections raising additional material planning considerations being received by the [insert date - end of the consultation period]]*" because, occasionally, the report was considered prior to the end of the consultation period.

Members Planning Applications - The Leader confirmed that, following confirmation from the Standards Board for England, it was no longer necessary to move amendment number 3 to the Constitution set out at page 29 of the agenda which deals with Members' rights to appoint an agent to speak on their behalf at Planning Committees.

Children's Bill and Review of Cabinet and Scrutiny Portfolios generally - Councillor Phillips formally moved the appointment of Councillor D.W. Rule as lead Cabinet Member for Children's Services.

In relation to item 1.3 - Herefordshire Unitary Development Plan (UDP) Presentation to the Revised Deposit Draft - Councillor P.J. Edwards, Cabinet Member (Environment) confirmed that notice would be sent to all local Members of any proposed changes to the Revised Deposit Draft that affected their ward. It was also confirmed that objectors would only be able to comment further on the three cases detailed in the report and not to the UDP generally. It was noted that the Public Inquiry would begin in February 2005.

In relation to item 4.1(ii) - Recovery of Town and Parish Council Election Costs - It was noted that some polling stations had been recently inspected and would not need to be inspected again.

In relation to item 4.1(iii) - The Children's Bill - it was noted that Mrs. S. Fiennes had been appointed as interim Director responsible for Children's Services.

In relation to Item 4.2(vii) Budget 2005/06 and beyond - In response to a query the Leader confirmed that the Council, together with other local authorities, was continuing to lobby government over the use of out of date census information but so far the government had failed to respond positively.

Addressing another query he acknowledged that the cost of the budget consultation exercise was a concern but advised that Herefordshire's costs compared favourably with the national average.

Councillor T.M. James, suggested that people would have preferred the Council to put together a small number of packages on which to consult rather than asking for opinions on each individual service. The Leader stated that all local authorities were

undertaking a programme of consultation on their budgets. He acknowledged that it was a difficult exercise to get right, but said that the exercise undertaken in Herefordshire was admired by other local authorities. He said that it was necessary to employ outside canvassers rather than Council staff, to ensure independent feedback.

In response to a query the Leader confirmed that the figures at the second bulleted paragraph and the final bulleted paragraph should read £2,500,000 (two and a half million) and £1,200,000 (one point two million) respectively.

In relation to item 9.1(i) The Herefordshire Code of Practice for the Temporary Agricultural Use of Polytunnels - The Leader confirmed that the code now applied to the whole of the County and not just to Areas of Outstanding Natural Beauty. In answer to a query about enforcement he stated that there was still the option to require planning permission in certain cases and that in some areas it might be possible for polytunnels to be erected for more than two years.

In relation to item 13.1(i) - Home Point Herefordshire Allocations Policy - In response to a query it was confirmed that people with mental health problems would be entitled to a higher rating under the new policy.

RESOLVED: That the reports from the meetings of Cabinet held on 9th and 23rd September and 14th and 21st October, 2004 be received and the recommendations set out below be adopted:

- That (a) the revised budget set out at Appendix 1 be approved;
- (b) Councillor D.W. Rule, be appointed as lead Cabinet Member responsible for Children's Services;
- (c) the detailed recommendations on changes to the Constitution set out at Appendix 2 be approved; and
- (d) the changes to the Revised Deposit Draft as recommended by the UDP Working Group be approved and the Cabinet Member (Environment) be authorised to agree any potential changes to the UDP arising at Inquiry, prior to and subject to their approval by Council if recommended by the Inspector as modifications to the Plan.

43. STATUTORY ACCOUNTS COMMITTEE

Councillor D.B. Wilcox presented the report of the meeting of the Statutory Accounts Committee held on 2nd August, 2004. In doing so he advised that the external auditors had concluded that there were no matters that they felt they needed to draw to Members' attention. He also advised that, for Comprehensive Performance Assessment purposes, the Council had scored top marks [4] for the use of its financial resources.

RESOLVED: That the report of the meeting of the Statutory Accounts Committee held on 2nd August, 2004 be received.

44. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meeting of the Planning Committee held on 1st October, 2004.

RESOLVED: That the report of the meeting of the Planning Committee held on 1st October, 2004 be received.

45. STRATEGIC MONITORING COMMITTEE

Councillor Mrs. P.A. Andrews presented the report of the meeting of the Strategic Monitoring Committee held on 15th October, 2004. In response to a query about Ward Members not being informed of cases in their wards, the Leader urged all Members to contact either the Chief Executive or himself once it was apparent that this was not happening.

RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 15th October, 2004 be received.

46. STANDARDS COMMITTEE

Mr Robert Rogers presented the report of the meeting of the Standards Committee held on 15th October, 2004. In doing so he advised that discussions were still taking place with the Standards Board for England over the use of Council resources by Members. Once the outstanding problems were resolved, the Committee would consult all Councillors on the final draft before bringing to Council.

RESOLVED: That the report of the meeting of the Standards Committee held on 15th October, 2004 be received.

47. WEST MERCIA POLICE AUTHORITY

Councillor B. Hunt presented the report of the West Mercia Police Authority held on 21st September, 2004. He advised that his usual newsletter would be circulated to all members once he had received answers to queries raised at the last Council meeting.

He agreed to get answers to other questions raised at the meeting about a number of issues including the number of Community Support Officers, anti-social behaviour, the fatal accident at Ashton in June, and police response times.

He advised that the custody facilities at Leominster police station had recently been upgraded and would be used as the main custody station in the County pending the refurbishment of the Hereford facilities. In the longer term it would also provide overflow facilities for Ludlow and Tenbury Wells.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 21st September, 2004 be approved.

48. HEREFORD AND WORCESTER COMBINED FIRE AUTHORITY

Councillor G.W. Davis presented the report of the meetings of the renamed Hereford and Worcester Fire and Rescue Authority which were held on 18th May, 14th June, 22nd July and 27th September, 2004.

Council thanked the Fire and Rescue Authority for the efficient way it dealt with a number of recent fires in the Leominster area.

RESOLVED: That the report of the meetings of the Hereford and Worcester Fire and Rescue Authority which were held on 18th May, 14th

June, 22nd July and 27th September, 2004 be received.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That the public be excluded from the meeting for the following item of business which disclosed information relating to consultations or negotiations, or contemplated consultations or negotiations, in connections with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

49. CABINET - SUPPLEMENTARY REPORT

Councillor Mrs. J.P. French, Cabinet Member (Human Resources and Corporate Support Services) presented the Report of the meeting of Cabinet held on 4th November, 2004 setting out the proposed arrangements to introduce a new set of terms and conditions to apply to all relevant Council employees. The scheme had been devised to achieve a collective agreement with the trade unions within parameters which the Council could afford, without creating the need for redundancies and with a protection scheme to ameliorate the impact on individual employees. Councillor Mrs. French recognised the work of the Council's negotiating team in progressing this matter. She paid tribute to the team from the joint trade union side, comprising both local and national representatives who had worked very hard to resolve outstanding issues. Unfortunately, a recent ballot had not given the trade unions a mandate to agree a collective agreement. The Council had continued to meet with the trade unions, but they had been unable to suggest any acceptable alternative approach. Much work had gone on over the last year in ensuring that employees were fully informed at every stage of the process and Members had been kept up to date with regular briefings. Detailed negotiations had gone on with the trade unions with a view to reaching a collective agreement. The ballot result had been disappointing but understandable. What was important now was to make every effort to support individual employees through this period

The Leader indicated his disappointment with the outcome of the ballot and the need to continue to seek a collective agreement if possible.

Councillor Walling pointed out that many trade union members had chosen not to vote in the ballot and that the outcome was hardly a mandate for the trade unions to refuse the collective agreement. Councillor T.M. James commented on the role of the trade unions and the difficulties that had been caused by their policy of requiring the Council to introduce the National Scheme despite advice at the time.

It was agreed:

- (a) to continue to make every reasonable effort to conclude a Collective Agreement with the Joint Trade Union Committee that maintains the financial benefits to staff arising from the implementation of any such proposals from 1 April 2005 and notes the forthcoming meeting on 15 November 2004; and
- (b) in the event that the parties are unable to conclude a collective agreement as in (a) above, the Chief Executive, Directors and Departmental Heads be authorised to:
 - (i) conclude the implementation of the single status proposals by varying employees contracts of employment; and

- (ii) take any consequential action required to give effect to the stages set out in the Report in the event that individual employees refuse to agree required contract variations.

This was agreed unanimously.

The meeting ended at 12.20 p.m.

CHAIRMAN