

HEREFORD CITY COUNCIL

MINUTES OF MEETING OF THE COUNCIL MEETING

The Council Chamber, Town Hall, Hereford
TUESDAY 19th JUNE 2018

PRESENT: The Right Worshipful the Mayor, Cllr Susan Boulter and Councillors Bushkes, Chappell, Dykes, Griffiths, Hey, Kenyon, Lloyd-Hayes, Michael, Stevens, Tawn, Tillett, and Wilcox

IN ATTENDANCE: Steve Kerry (Town Clerk), Tracy Morriss (Deputy Town Clerk), Lesley Robinson (Administration, Finance and Information Officer)

C2018/19.13 APOLOGIES FOR ABSENCE

Apologies were noted from Councillors Butler, Edwards, Mansell, and Rone

C2018/19.14 DECLARATIONS OF INTEREST

None at the start of the meeting.

C2018/19.15 PUBLIC PARTICIPATION

None

C2018/19.16 REACH OUT HEART OF OUR COMMUNITY PROJECT

Members of the Reach Out Project team gave a presentation about the Reach Radio project to bring true community radio to Herefordshire. They explained that many other counties have something similar and it is a proven way of increasing community activity and supporting charitable activities. The nearest one to us is in Gloucester, although Hereford Football Club do have a community station but it only broadcasts on match days. Supporters have included the previous Mayor through her allocated charity fund, the Rotary Club, the National Autism Society and HVOSS. It is currently based in Saxon Hall although mobile broadcasting and at least one other fixed location within the City would be developed. Ofcom's warm endorsement for the value of community radio was read out and in line with other examples across the country it was intended that this would be self-sustaining within three or four years.

In answer to questions it was confirmed that they would not be applying for an FM licence, it wasn't needed and could take up to four years to obtain. The unique attraction for listeners would be a radio station about what the City has to offer with all its charities and volunteer activities being covered and no-one else is providing that cover in that level of detail. The service could be made available through a phone app. It was also confirmed that young people are already very much involved in this, the group have spoken with the Youth Council, Close House and SHYPP all of whom are very keen. Two people at the White House (Tupsley) have also said they would be very interested. A number of local schools have been contacted and others would be followed up.

It was proposed by Councillor Kenyon, seconded by Councillor Bushkes and

RESOLVED:

That the City Council reaffirms its commitment to the Reach Out project. That the City Council affirms its commitment to the development and broadcasting of the community radio station “Reach Radio” and awards £10,000 of grant funding to support the cost of equipment, licenses, insurance, publicity material, initial training of volunteers and the installation of the radio station as identified in the attached papers.

C2018/19.17 MINUTES OF THE LAST MEETING

It was proposed by Councillor Chappell, seconded by Councillor Tawn and

RESOLVED:

That the minutes of the meeting of 24th April 2018 were an accurate record and were signed accordingly by the Mayor.

C2018/19.18 MAYOR’S CORRESPONDENCE

The Mayor welcomed all members to her first full meeting since being installed as Mayor of Hereford. She has attended several civic functions including three Mayor-Making ceremonies and has had a visit to the House of Lords.

The Mayor reminded members of the Three Choirs Festival in Hereford this year, asking that as many as possible attend the civic procession at the start of the event on Saturday 28th July. There were tickets available for the evening concert on 31st July which unfortunately clashed with a Council meeting but was the City Council sponsored event this year. Please contact the Clerk or Mayor’s Secretary if anyone wishes to take up that offer for tickets.

C2018/19.19 ANNUAL GOVERNANCE AND ACCOUNTABILITY REPORT AND ACCOUNTS FOR 2017/2018

The Clerk reminded Council of the legal obligation to adopt the accounts and to complete the statutory return which asked eight questions of members. The attached report set out the evidence on which members could base positive answers to each of these questions. The accounts had been scrutinised in detail by Finance and Policy Committee and a number of questions had been resolved either at the meeting or since then and a revised set of accounts had been published with this report. No changes to any reported figures had occurred, it was simply tidying up wording in the narrative sections of the notes and removing some shown calculations which were not relevant to the final out-turn.

The Council had ended the year with a surplus of £94,263 and in accordance with set policy this had been rounded up to £100,000 and it was proposed to place this with CCLA in the Local Authorities Property Fund. Committee had decided to increase this to £200,000 and the Clerk confirmed that this would still leave a prudent level of reserves accessible to the Council without loss of interest. In answer to questions members were reminded that the large number of litter bins shown in the asset register reflected the purchase in 2010 of around fifty replacement bins across the City in a joint exercise with Amey, then the main contractor for street scene with Herefordshire Council.

It was proposed by Councillor Wilcox, seconded by Councillor Lloyd-Hayes and

RESOLVED:

That the financial statements and annual accounts for the year ended 31st March 2018 be agreed and approved by Council.

That questions 1-8 conclusive on page five of the Annual Governance and Accountability report be answered positively.

That question 9 on page five of the Annual Governance and Accountability Statement be answered “not applicable”.

That the Mayor and Clerk sign the completed page five.

That the Mayor and Clerk sign the final page (page 6) of the Annual Governance and Accountability Statement (headed Accounting Statement 2017/18) as a summary of the accounts of Hereford City Council and completed document with supporting accounts and other relevant papers is sent to the external auditors.

That the signed statements, accompanying accounts and other relevant papers be made available to the public for scrutiny in accordance with the statutory inspection rights and that notice of this be published in the prescribed format.

C1018/19.20 STANDING ORDERS

The Clerk reported that the Council should once a year formally affirm it is retaining its standing orders, and this is an opportunity to consider any updates that might be necessary. The National Association of Local Councils (NALC) have issued a new model standing order document which fully incorporates recent legislation and Governance and Procedures Committee had reviewed this. Where there were options within the Standing Orders the most appropriate one for Hereford had been chosen, such as the time limits for members speaking, public participation etc. The section on reporting and filming had also been updated to comply with the latest guidance on openness and transparency. One new item is Standing Order 24. This reflects the resolution passed at every Planning Committee concerning the preliminary view taken by City Councillors on matters which they may later consider as members of Herefordshire Council. It prevents twin hatted members from being barred from speaking or voting on grounds of pre-determination of the issue. This had been inserted in place of a recommended standing order concerning sending minutes and agendas to members of the principal authority which is redundant in a council with many twin hatted members. Councillor Lloyd-Hayes thanked the Clerk for the work done on this and asked for a couple of typing errors to be corrected before final publication.

It was then proposed by Councillor Lloyd-Hayes, seconded by Council Dykes and unanimously

RESOLVED:

That the NALC Model Standing Orders for 2018, as amended, be adopted as the Standing Orders of Hereford City Council.

C2018/19.21 CODE OF CONDUCT AND DECLARATIONS OF INTEREST

The Clerk reported that Herefordshire Council had recently considered changes to the Code of Conduct for members. It was a statutory requirement for the City Council to adopt a code which complied with the Nolan principles of public life. There were two standard drafts, one from NALC, the other from Herefordshire Council, although they were virtually identical. The Council could decide to adopt either, or neither. If it adopted neither, the Council must write its own, compliant,

code. By adopting Herefordshire Council's code, as revised, members who were on both councils would be operating under the same rules, rather than two slightly different sets. Accordingly, he was recommending adoption of the revised code. Herefordshire's arrangements have changed in two respects. Firstly, under the code of conduct there was now a right of appeal against a decision by the Monitoring Officer to the Standards Panel. This refers to a finding against a Councillor, and a finding that a case should not be upheld. Herefordshire had considered another change which had been to keep the names of Councillors and their councils confidential when findings are reported, as had been recommended by a narrow majority vote of their Audit and Governance Committee. Herefordshire Council had overturned this and asserted that in the interests of openness and transparency all findings would be made public. The City Council welcomed this revision.

The change to process for declarations of interest concerned membership of organisations not open to the public. Previously Councillors need only declare such a membership if they were in a position of management or control, such as an officer, executive committee member or trustee. Now all such memberships must be declared, regardless of the level of responsibility attached to that membership.

Members debated whether it was right to ask current Councillors to agree to a change which had not been discussed with them when they stood as candidates and were elected. The alternative would be to retain the existing code and then introduce a new one early in the next administration, which would also mean candidates seeing one code, signing up to that shortly after their election and then being asked to sign a new one within a few weeks. It was affirmed that all winning candidates must sign a declaration of acceptance of office before they function as Councillors, and this includes committing to the code. It was therefore felt that the code should be changed now to reflect what new members will be asked to sign up to after the next elections. Councillor Wilcox asked for it to be noted that he would be abstaining from the vote on the grounds that he felt a mid-term change was wrong.

It was noted that the issue of a new declaration of interests' form was timely as it had also been decided at Governance and Procedures that in addition to the statutory holding of these forms by the Monitoring Officer, the Clerk would now retain a hard copy of every City Councillor's forms in a file open to public inspection at the Town Hall, as part of the procedures file, and that the declarations of interest should be visible on the City Council website. This could now be done as one process with the issue of revised declaration forms by Herefordshire Council.

It was proposed by Councillor Stevens, seconded by Councillor Michael and

RESOLVED (with one abstention):

That the City Council note the amendments made to Herefordshire's Code of Conduct regarding disclosure of information regarding complaints against Councillors and Councils, and the revision of requirements for declarations of interests.

That the City Council, having noted the amendments, continues to adopt the Herefordshire Council Code of Conduct as the code of conduct applicable to members of the City Council and makes no further amendment to it.

That the City Council agrees that the Clerk will circulate members with the new declaration of interest form, retain a copy of all completed forms and arrange for these to be open to the public both in hard copy held within the City Council offices, and on the website.

That any sensitive interests redacted will be respected in accordance with the provisions of the code.

C2018/19.22 BROADBAND IMPROVEMENTS

The Clerk reported that the slow speed of broadband, due to the low capacity copper cable installed, had been a major disruption to efficient working at the Town Hall for some time and was getting worse. Staff were waiting for files to open, print instructions to be sent and some complicated printing tasks had been seriously delayed. Uploads for Microsoft that should take a few minutes were taking hours and had to be timed to start at 5 pm to have a chance of the system being clear and operational the following morning, and even that didn't always work. The "Fasterhire" project had not reached the Town Hall, and despite being finished in parts of the City, Herefordshire Council, the joint owners of the scheme with Gloucestershire Council, had no intention in the medium term of hooking their own building on to the network of fibre optic links which would allow for much more bandwidth to be available. Negotiations with Herefordshire to try and unlock this had proved abortive.

BT have identified two options, as set out in the attached paper, and the Council's IT advisor and support contractor, John Finch, had recommended the purchase of a three-year lease on a fibre optic link. This was the recommendation now before members.

Councillor Kenyon asked if the high cost could not be met by simply moving offices, although that would have its own very substantial costs too. He indicated he would be abstaining on the proposals as he was concerned about spending so much money to alleviate an inconvenience. However, other members were concerned that the inefficiency caused by the present inadequate system was also a public cost in lost time and lower productivity than could otherwise be achieved.

It was proposed by Councillor Lloyd-Hayes, seconded by Councillor Stevens and

RESOLVED (with one abstention):

That the Clerk be authorised to enter into a contract with BT for the provision of a dedicated leased line (single fibre connection) for a period of three years at a rate to be negotiated but no higher than £393-00 per month, equating to an annual cost of £4,716 and a contract value of £14,148.

C2018/19.23 LARGE GRANT APPLICATION – Courtyard Centre for the Arts

The Clerk suggested the Chairman of Community Development Committee introduce this item as he had not been present at the Grants Meeting of Community Development Committee. Councillor Bushkes introduced the recommendation of the Committee which is to support three projects – one for one year and the other two running for the whole three years. There had been a great deal of discussion at the Committee about this quite complicated application and

generally the members had been very supportive once they had worked through the fine detail. It had been stated at the meeting by the Courtyard that the use of a mobile dance floor by community groups would be open and free, but there was reference in the documents to an unspecified “administration charge” and coverage of insurance costs. Members felt that if community groups were to be charged at all then the Council having paid for the floor should be able to nominate at least three free uses at community events.

It was proposed by Councillor Kenyon, seconded by Councillor Bushkes and by majority

RESOLVED:

That the proposal be amended to include a grant condition that the City Council has three free uses per year of the mobile dance floor, for which it could nominate its own activities or those of community groups.

With the amendment added to the resolution it was proposed by Councillor Bushkes, seconded by Councillor Michael and unanimously

RESOLVED:

That the Council awards funding to the Courtyard Centre for the Arts as requested of £10,000 per year for three years subject to the usual conditions that a substantial and satisfactory annual report is submitted to the Community Development Committee, including a presentation, before the release of the second and third tranches of funding and a final report is received on completion of the third and final year of the three projects. That it will be a grant condition that the City Council has three free uses per year of the mobile dance floor for which it can nominate either its own activities or those of community groups.

C2018/19.24 MOTIONS

Councillor Wilcox moved the motion appearing on the agenda concerning the decision to move all remand cases for the West Mercia Police area to Kidderminster magistrates instead of the nearest magistrate’s court. This had caused major inconvenience to defendants, who at this stage in their case are still presumed innocent, and defence solicitors were often not able to attend remand hearings which were covered by less knowledgeable duty solicitors at the court. The local knowledge of magistrates in Hereford about bail conditions, the location of alleged offences etc was also being lost. The move was being imposed after a flawed consultation which had wrongly stated that Kidderminster was the best fit for a single centre for remand cases. If the resolution was passed the Clerk would draw it to the attention of both the County’s MP’s and the Chief Steward in his role as the Council’s “friend at court”.

Councillor Chappell seconded the motion referring the strong principle at the heart of the magistrate’s court system of local justices dispensing justice to local people in local courts. He referred to the difficulty of families and other interested parties attending bail or remand hearings at Kidderminster.

After a brief discussion with other members indicating their concern about this poorly planned change it was formally proposed by Councillor Wilcox, seconded by Councillor Chappell and unanimously

RESOLVED:

That Hereford City Council deplores the transfer of all remand cases from Hereford to Kidderminster and calls on the Lord Chancellor and Secretary of State for Justice to right a wrong and return such cases to the Hereford Justice Centre to be dealt with by Herefordshire Justices dealing with Herefordshire cases.

Councillor Stevens moved and Councillor Bushkes seconded the motion appearing on the agenda about changing the name of the City Council to try and reduce the confusion between the City Council and Herefordshire Council, noting that around half the calls to the Town Hall were in fact redirected to Herefordshire Council, and letters constantly appear in the Hereford Times criticising the City Council for decisions made by the County Council and much time is being wasted by all concerned.

Some members were concerned about implementation costs. It was pointed out that headed paper is not held in large stocks, it is retained and printed electronically. The motion was to consider a change, not to impose it with immediate effect so a suitable time could be picked to minimise costs, taking advantage of forthcoming elections for example to re-launch the Council's corporate image with new visiting cards for members.

On being put to the vote the motion was lost with four votes in favour and seven against.

C2018/19.25 COMMUNITY DEFIBRILLATOR

As a trustee of the Saxon Gate Community Centre, Councillor Griffiths declared a pecuniary interest and left the room.

The Clerk informed the Council that this item was being brought forward to Council rather than a committee because it was time sensitive. The proposal was to part-fund the outright purchase of a defibrillator at Saxon Hall, to be installed on an outside wall. This has arisen from a discussion about telephone boxes where it had been decided not to use them, to identify the roadshow and the Whitehouse (Tupsley) as suitable sites and to identify a suitable venue for a community defibrillator in the Southern Wye area. The total cost is £1,200 and as it is being bought by a charity, the British Heart Foundation are offering a 50% subsidy, with half the remaining cost being met by the Putson Community Association. The proposal was therefore effectively a grant of £300-00. Although the Clerk had delegated authority to agree to minor street scene items of up to £500-00, this specifically excluded community grants, so Council agreement was required if this was to proceed.

It was proposed by Councillor Bushkes, seconded by Councillor Tawn and unanimously

RESOLVED:

That Members agree to support the purchase and installation of a defibrillator at Saxon Hall and award £300-00 towards the cost.

C2018/19.26 DRAFT MINUTES OF MEETINGS OF COMMITTEES

Members noted the minutes of the following committee meetings:

Community Development Committee: 12th May 2018

Finance and Policy Committee: 5th June 2018

Planning and Highways Committee: 5th April, 26th April, 17th May 2018

It was noted regarding the Planning Committee minutes of 17th May that there had been a serious delay in progress on the Hereford Area Plan. There had also been a marked reluctance to discuss a second river crossing. Councillor Griffiths (Planning Committee Chairman) has drafted a letter to the Chairman and Leader of Herefordshire Council about this matter.

C2018/19.27 COMMITTEE MEMBERSHIP

The Clerk reported that, with her election as Mayor, Councillor Boulter, who was a member of every committee, was now an ex-officio member. Thus, there was one vacancy on all committees for a directly elected member. Having completed her term as Mayor, Councillor Michael was now not on any committees, nor was the recently elected Councillor Tillett, nor Councillor Butler. Councillor Butler was still recovering from knee surgery and had sent his apologies for this meeting. Councillor Hey also reported that she wished to step down from Planning and Finance and Policy Committees. It was

RESOLVED:

That membership of the Council committees, with the Mayor, Councillor Susan Boulter as an ex-officio member of every committee be:

Community Development Committee (eleven members) - two vacancies

Councillors Bushkes, Edwards, Griffiths, Hey, Kenyon, Lloyd-Hayes, Rone, Stevens and Tillett.

Finance and Policy Committee (ten members) - two vacancies

Councillors Dykes, Edwards, Lloyd-Hayes, Michael, Rone, Stevens, Tawn and Wilcox.

Governance and Procedures Committee (nine members)

Councillors Bushkes, Chappell, Hey, Kenyon, Lloyd-Hayes, Michael, Stevens, Tawn and Wilcox

Planning and Highways Committee (nine members) - three vacancies

Councillors Chappell, Dykes, Griffiths, Lloyd-Hayes, Mansell and Tillett

It was noted that all but Governance and Procedures Committee have remaining vacancies and Councillor Butler would be invited to state which committees he wished to serve on when he was able to resume his duties.

C2018/19.28 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES AND ELECTION OF REPRESENTATIVES

Municipal Charities – Noted that representation had now been reduced to two Councillors. **Resolved that Councillors Boulter and Hey continue**, noting that this is not an ex-officio Mayoral role.

Herefordshire Market Towns Forum – Noted that this group is no longer meeting regularly as there are no issues to discuss. **Resolved that Councillor Wilcox would attend any ad hoc meetings with the Clerk that are called.**

Herefordshire Association of Local Councils Executive – Councillor Griffiths reported the meeting of 6th June had been almost entirely taken up with discussion of the Ledbury case and the High Court judgement, which was due to come to Governance and Procedures Committee. **Resolved that Councillor Griffiths continues as the Council's representative, with two vacancies to be filled.**

HALC Southern Area Meeting – **Councillor Griffiths to remain as the representative with one outstanding vacancy.**

Enterprise Zone Stakeholder Group – Councillor Griffiths reported on a useful meeting held on 23rd May. There was now a proposal to change the name of the whole site to Skylon Park to avoid confusion especially with satellite navigation systems on lorries which had been seen on CCTV entering and exiting the wrong ways on the one-way system. In answer to a query about joined up monitoring with Herefordshire CCTV it was confirmed that this is a local system feeding to a police laptop only. **Resolved that Councillor Griffiths continues to represent the Council on the Group.**

Three Choirs Festival – Imminent with invitations to the opening event being sent to three councils and the market town Mayors of the diocese of Hereford. **Resolved that Councillors Bushkes and Lloyd-Hayes continue to represent the Council, and that Councillor Chappell be added as a third representative.**

Hereford Twinning Association – The Mayor reminded members of the correspondence item she had reported. **The Mayor will continue as the representative as an ex-officio role.**

Hereford City Tourism Group – **Councillor Lloyd-Hayes to continue as representative of the Council on this group.**

Hereford in Bloom – Noted that the annual judging is imminent and HiB will be invited to Community Development Committee in September to report on the outcome. **Councillor Boulter to continue as the Council's representative on this group, noting that this not an ex-officio Mayoral role.**

Hereford New University Working Group - Councillors Lloyd-Hayes and Stevens to continue as representatives on this group. Cllr Stevens reported that during the last 3½ years he had still not been contacted to attend any of their meetings and felt increasingly concerned that some small traders in the city were being forced out due to the new university.

Close House - Councillor Kenyon to continue as a representative of the group.

Hereford BID Group - Resolved that Councillor Stevens replaces Councillor Tawn as the new representative of the group.

Magna Carta Committee - Councillor Lloyd-Hayes to continue as a representative of the group.

Hereford Area Plan - Councillors Griffiths and Lloyd-Hayes to continue as representatives of this group. It was requested that more City Council support be provided should these Councillors be unable to attend some meetings. It was further proposed that a meeting of all members be held, prior to HAP meetings, to give Councillor input on the plan and the Clerk stated that this could be included as an open item for discussion, either at the next full Council meeting or the one after that. Cllr Kenyon felt there should be more City Council representation on HAP and expressed an interest in getting involved on the group. The Clerk informed members that City Council representation had been increased, which now included two members of the Youth Council, plus two further members, making a total of six representatives from the original two.

Community Land Trust - The Clerk reported that this organisation has been running for some time with Council support and has a page on our website. It was now timely for a Councillor to be elected to serve on their Board. It was proposed by Councillor Kenyon, seconded by Councillor Bushkes and **Resolved that Councillor Michael act as the Council's representative on the Community Land Trust.**

C2018/19.28 TOWN CLERK'S COMMUNICATIONS

The Clerk reminded members about the Herefordshire Council budget consultation on 4th July. So far, he and Councillor Stevens had committed to attend and anyone else to confirm if they also wished to attend.

C2018/19.29 DATE OF NEXT MEETING

Tuesday 31st July 2018 at 6 pm

There was no further business and the Mayor closed the meeting at 20:16

Signed

Dated