

**HEREFORD CITY COUNCIL**

**COMMUNITY DEVELOPMENT COMMITTEE 3<sup>rd</sup> November 2020**

**MINUTES OF MEETING**

**Present:** Councillor Jim Kenyon (Chair) and Councillors Boulter, Hornsey, Powell, Tillett, Wilcox and Foxton (from 6.04 pm)

**In attendance:** Steve Kerry Town Clerk, Becci O'Reilly Committees, Events and Contracts Officer

**CD2020/21.70 CONFIRMATION OF MEMBER ACCESS**

The Chair confirmed that all members could see and hear the business of the meeting and could be seen and heard.

**CD2020/21.71 CONFIRMATION OF PUBLIC ACCESS**

The Committees, Events and Contracts Officer confirmed that the meeting was being live streamed and was being recorded.

**CD2020/21.72 APOLOGIES FOR ABSENCE**

Apologies were noted from the Mayor and Councillors Oliver, Tyler and Stevens.

**CD2020/21.73 SUBSTITUTIONS**

None.

**CD2020/21.74 DECLARATIONS OF INTEREST**

None.

**CD2020/21.75 MINUTES OF PREVIOUS MEETING**

It was proposed by Councillor Hornsey, seconded by Councillor Tillett and unanimously

RESOLVED That the minutes of the meeting of 22<sup>nd</sup> September 2020 be accepted as an accurate record and signed accordingly by the Chair.

**CD2020/21.76 ALLOTMENTS' LEASE**

The Clerk introduced his report and gave a brief outline of the history of difficulties in bringing this matter to a conclusion, starting with the delay while flooding issues at Rockfield were resolved and the subsequent discovery that the Council had not registered title to most of the sites when they were brought back to the City Council in 2000. This was an unaccountable error by the Clerk in post at the time. Since the Council had first agreed to consider a long lease the Allotments Society had become a CIO and changed its name, but still operated under the acronym of HALGS and would be referred to as such in any minutes and reports going forward. Members may wish to review the new constitution as part of considering their position on the lease. The recommendations below allowed for this.

In answer to questions it was confirmed that the Council must act to secure title whether there is matter of a long lease to consider or not. Also, the terms of the lease had been discussed and heads of terms agreed some years ago by this Committee. Finally, it was noted that the solicitors acting for the Council were appointed after a competitive review of hourly

rates and that the individual solicitor acting is the senior land and property lawyer at the firm of Humffreys and Symonds.

It was then proposed by Councillor Kenyon, seconded by Councillor Foxton and unanimously

**RESOLVED**

**That the Clerk is authorised to instruct our solicitors to complete the securing of title to all the allotments so that the assets and interests of the City Council are properly protected.**

**That members review the constitution and working arrangements of HALGS at the next meeting and note any points that need to be discussed with the Society.**

**That once any matters relating to the above recommendation are resolved, that a full draft lease is prepared jointly with HALGS for implementation as soon as the title issue is resolved and the proper and registry entries have been made.**

**CD2020/21.77 ALLOTMENTS' GROUNDS MAINTENANCE CONTRACT**

The Clerk introduced the report and explained that it had been hoped that this would be dealt with by HALGS after the transfer of the assets. As that had been delayed it was necessary to bring the matter to Committee now. The contract had been re-let on the same prices for many years and had been operated satisfactorily for most of the time. Nonetheless it was good practice to review a contract from time to time.

The official representative of the HALGS trustees, their treasurer Val Simms, had been in discussion with the Clerk and some amendments to the specification were agreed between the two of them and recommended to Committee. These were to add strimming the edges of walkways as well as mowing the flat surfaces, and to have at least one visit to every site per month throughout the growing season to monitor grass height even if in drought conditions no mowing was actually found to be necessary. The Clerk also recommended adding the task of inspecting the outer face of the Holmer hedge where it can grow to obstruct the footway which is quite narrow and pruning it as necessary to keep the footway clear. This had been the subject of many one off purchase orders and should be in the main contract until such time as the plan to replace the hedge with a fence could be completed.

The Clerk had intended to invite HALGS to be part of the selection process for the new contractor but one of their trustees was a grounds maintenance contractor and had expressed an interest in bidding for the work. Whilst this might, or might not, be allowed within HALGS rules it was certainly not allowed within public sector procurement, and this was a Council contract. HALGS had not accepted that the trustee must resign from that group if he wishes to bid and that the trustees must agree not to pass any information to one bidder that is not available to all. Control of the release of information to bidders is fundamental to good contract awarding practice. Accordingly, the suggestion that HALGS be involved was no longer recommended, although their views on the specification could stand.

In answer to a question it was confirmed that either in the long lease or the contract the provision of water from the Westfaling allotment to the adjacent public space would be resolved. It was also confirmed that the idea of the lease is that any existing contracts be novated to HALGS so they become the customer and take responsibility from that point on, including for re-tendering at the appropriate time. The Council would enlarge the current allotment grant to include the cost of grounds maintenance and pest control at current rates

when the lease took effect. This was a very advantageous position for HALGS as it was also proposed that the lease be on a peppercorn rent, so they would have free use of the sites, as they do at present under an agreement, and financial support with running costs.

It was proposed by Councillor Kenyon, seconded by Councillor Wilcox and unanimously

**RESOLVED**

**That the grounds maintenance contract be re-tendered with a target date for a new contract of 1<sup>st</sup> April 2021.**

**That the revised specification agreed by the Clerk and the Treasurer of HALGS as representatives of their respective organisations, and the addition of the Homer hedge where it faces the footpath, are approved by the Committee.**

**That a panel of three member be elected by this Committee to carry out the member roles in procuring a new contract as set out above.**

**That the members of the procurement panel are Councillors Hornsey and Kenyon and that Councillor Stevens be asked at the next meeting to join the group.**

**CD2020/21.78 ALLOTMENTS' PEST CONTROL CONTRACT**

The Clerk reported that this is usually re-awarded on an annual purchase order and that the contractor has been reported to be working satisfactorily by the Society, and has held his prices static or slightly reduced them over time. This year one of the trustees at HALGS had written to the Chair of the Committee claiming the contractor was over-charging and that the Clerk was aware of this and allowing it to happen. The Treasurer of HALGS has indicated, and members had a copy of her email, that this was not something the trustees had discussed, that she was unaware of the complaint and that the trustees wished to see the contract renewed, and for the same contractor to be asked to cover a further five sites where rats had become a growing problem.

The Clerk had suggested to HALGS that they make some contribution to the cost of extending the contract and the Treasurer had suggested that the Society cover the one off cost of new bait boxes on the five sites and the Council meets the annual cost of the contract. This seemed a reasonable compromise.

In answer to questions relayed from watching members of the public it was confirmed that there are approximately 450 allotment plots in the City, that nearly all are used and that there is a waiting list for new members to join the Society and rent a plot. Details of how to contact the Society are displayed on the City Council website. Adding these five sites would mean that all main sites would have pest control. There is a tenth site which is only two plots adjacent to the gardens of the owners which has never been treated as an allotment in its own right, and in due course will not be part of the lease but will be transferred from the Council to the owners of those gardens.

It was proposed by Councillor Kenyon, seconded by Councillor Foxton and unanimously

**RESOLVED**

**That Kestrel Pest Control be given a purchase order for the four existing sites as per their current quoted rate.**

**That the same company be awarded a purchase order to cover the five new sites as per their quoted rate.**

**That HALGS meet the one off cost of the new bait boxes on the new site.**

#### **CD2020/21.79 CLIMATE AND ECOLOGICAL WORKING PARTY**

The Clerk introduced the report and reminded members that a very large report on these matters had been deferred from the last meeting. In discussion with members, including the member who had been the only attendee to the working group who produced the report, it had been decided to adopt a new approach. The issues of climate change, ecological impact and biodiversity were complex and inter-related. No single report could cover all of them in any meaningful way. The case for a new members of staff to address these issues had been briefly alluded to in the original report but not made with any clarity or cogency and would be parked for the time being. The Clerk was now proposing a formal sub-committee be established with terms for reference as set out in the report to develop a section of the Council's overall business plan. This would address local initiatives the Council could do for itself, partnership initiatives it could support or fund and policy initiatives that would be the subject of lobbying with the planning authority highway authority, government etc. These had not been defined with sufficient clarity in the original report which had been deferred.

The Chair expressed his thanks to Councillor Toynbee for producing the very large and thorough original report and indicated his support for setting up a full sub-committee to consider these matters in some depth and come up with proposals that could be delivered.

The role of the Youth Council was discussed. There are two councillors who attend the Youth Council and both are also members of this Committee. That was no route for communication between the two bodies, but the sub Committee could co-opt a Youth Council member as a non-voting member if they wished to do so and a volunteer could be found.

The position of members of the original working group was discussed and it was suggested that both members should be included in the new sub-committee, if necessary enlarging the sub-committee to accommodate this.

It was then proposed by Councillor Wilcox, seconded by Councillor Foxtan and unanimously

#### **RESOLVED**

**That the Committee sets up a Climate and Biodiversity Sub-Committee with terms of reference as set out in paragraph 5.3 of the report namely –**

**Review the literature available on how parish councils can respond to climate and biodiversity issues within their span of control.**

**Produce a scoping report to address how Hereford City Council in particular can make a response, highlighting which issues can be addressed locally and discreetly, and which are partnership issues for local implementation with others.**

**Suggest policy or lobbying objectives for the Council to work with others on improving the positive impact of local authorities generally on climate and biodiversity issues either through formal consultation responses or awareness raising initiatives.**

**Having produced a scoping report, address the resources required to make progress and a suitable timeframe for achievements to be sought. Present a programme and resources report to the Community Development Committee for referral to full Council.**

**Monitor progress on any projects agreed for implementation.**

**Continually review and respond to the need for ongoing effective communication of the Council's activities in this area.**

**That the Sub-Committee have seven members namely Councillors Kenyon, Milln, Toynbee, Boulter, Oliver, Powell and Hornsey.**

**CD2020/21.80 ITEMS FOR FUTURE MEETINGS**

Members asked for a rationalisation of the complex structure of working groups. The Clerk advised that this was a matter for Council as they had been set up as part of the business plan, but he was happy to take the Committee's view and report to Council later in the month with a view to fewer groups, more members of each group and more joined up terms of reference for each group.

Seagull contract and government policy.

Stronger Towns (again noting that key actions would need to be taken before the next meeting of this Committee and would be reported to Council in November).

Cycle track update

**CD2020/21.81 DATES OF FUTURE MEETINGS**

19<sup>th</sup> January 2021 routine meeting

8<sup>th</sup> February 2021 grants agenda

There being no further business the Chair declared the meeting closed at 18.55 thanking all members and officers for their contributions.

Signed .....

Date .....