

SUPPLEMENT TO THE AGENDA FOR

Cabinet

Thursday 20 October 2016

2.00 pm

**The Council Chamber - The Shire Hall, St. Peter's Square,
Hereford, HR1 2HX**

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Cabinet held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Thursday 13 October 2016 at 2.00 pm

Present: Councillor AW Johnson (Chairman)
 Councillor PM Morgan (Vice-Chairman)
 Councillors H Bramer, DG Harlow, PD Price and P Rone

Cabinet support members in attendance Councillors JA Hyde and EJ Swinglehurst

Group leaders in attendance Councillors JM Bartlett, TM James, RI Matthews and AJW Powers

Scrutiny chairmen in attendance Councillors PA Andrews and WLS Bowen

Other councillors in attendance: Councillors CA Gandy, D Summers and J Hardwick

Officers in attendance: Alistair Neill, Geoff Hughes, Jo Davidson, Martin Samuels and Claire Ward

37. APOLOGIES FOR ABSENCE

Apologies were received from Councillor J Lester.

38. DECLARATIONS OF INTEREST

None.

39. MINUTES

Resolved: That the Minutes of the meeting held on 21 September 2016 be approved as a correct record and signed by the Chairman.

40. ANNUAL REPORTS OF THE HEREFORDSHIRE SAFEGUARDING CHILDREN BOARD AND THE HEREFORDSHIRE SAFEGUARDING ADULTS BOARD

The cabinet member for health and wellbeing thanked the independent chairs of the two safeguarding boards for their work. She stated that looking after the most vulnerable people was the most important work the council did. She noted that a great deal of good work goes on but that often it was only the failures that received notice.

The Manager of the Safeguarding Business Support Unit informed the meeting that the boards had a statutory requirement to produce annual reports for consideration by cabinet. The role of the boards was to co-ordinate the work of partner organisations involved in safeguarding and to ensure the effectiveness of this work. The business manager summarised the report and drew attention to the priorities for each board.

The cabinet member for health and wellbeing asked how Herefordshire council rated in terms of spend on safeguarding issues compared to other authorities. The director for children's wellbeing responded that Herefordshire was in the highest spending quartile of authorities nationally.

The cabinet member for health and wellbeing asked for feedback on the national Wood review. Alan Wood, past president of the Association of Directors of Children's Services, had been commissioned by the government to look at the effectiveness of Local Safeguarding Children Boards (LSCBs) and make recommendations about their future. The review had highlighted issues with alignment of board areas to the boundaries of the relevant public bodies and stressed that continued partnership working was crucial. It identified the health service, police and local government as key partners. The report also put forward the case for national serious case reviews. The report had made recommendations that statutory arrangements for LSCBs be replaced and guidance on how this would be taken forward was awaited from the government.

A group leader asked if there were weaknesses in systems dealing with children who went missing and how long it usually took for police to inform the council that a child had been reported missing.

The business manager responded that there were areas in which the partner organisations could do better, for example in learning lessons from cases locally and nationally. There was greater recognition that children who went missing were people at risk rather than categorising them as exhibiting bad behaviour. An example of work still to do was the improvement of debriefs of children when they had been returned and sharing of information with partner agencies to identify common factors and threats. The response to a missing child would depend on the risk assessment surrounding each individual child but the police work closely with children's services staff.

A cabinet support member asked what the impact of budget constraints would be on the safeguarding boards.

The director for children's wellbeing reported that there would undoubtedly be an impact but noted that the experience nationally was that those services which were not performing well were also the most expensive to run. Early intervention to prevent issues from becoming more serious was most cost effective and focussing on this aspect of work would help to address financial pressures.

The director for adults and wellbeing reported that many of the same points applied to adult's safeguarding. He noted that a recent peer challenge review had helped to identify areas to focus on and that teams were being used more effectively. He noted improvements in the number of case reviews being completed within the year. He also noted increased pressures, for example from changes to the interpretation by the courts of the deprivation of liberty safeguards for vulnerable individuals. There had been a tenfold increase in the number of referrals and while it was important to safeguard these individuals the additional demands were an issue of national concern.

A group leader asked if the play 'Chelsea's Choice' had been made available to all schools, given the positive reaction from schools that had seen it staged.

The business manager confirmed that the play was still available and could be accessed by any school that felt it was appropriate for their pupils. He noted that the content was not suitable for all age groups.

A group leader asked if there was an issue with capacity in the voluntary and community sector as they had not been represented at all the HSCB meetings.

The business manager responded that larger agencies have greater capacity to staff the meetings but that the voluntary and community sector representatives were encouraged to attend whenever possible.

A group leader asked what dialogue took place between the two boards.

The business manager responded that there was collaboration regarding the transition of individuals from services focussing on children to services focussing on adults, when this was appropriate and that the two boards were supported by a joint business unit which aided close working. He highlighted examples of cross-over work such as continued support for individuals at risk of child sexual exploitation when they became 18 and work by the children's board recognising that young people aged 16 or 17 can be both victims and perpetrators of domestic violence.

A group leader asked who was now responsible for the Multi Agency Safeguarding Hub (MASH) which had previously sat with the safeguarding board.

The business manager responded that the MASH had faced challenges, with many more people reporting concerns in the wake of national coverage of safeguarding issues. The MASH governance group is no longer a sub-group of the safeguarding board but does still submit reports to the board. The group is chaired by the assistant director safeguarding and early help.

The director for children's wellbeing reported that the decision to move control of the MASH away from the board was taken by the board itself following an external peer review. Management of the MASH is an operational delivery issue and it was felt appropriate to move it to operational services. The board continues to review the effectiveness of the MASH in line with its scrutiny function.

A group leader asked if the commissioning of a deep dive analysis of the MASH by the board was contradictory to placing the MASH under operational services.

The director for children's wellbeing responded that the role of the board was to scrutinise the effectiveness of all safeguarding work. As such the deep dive review fell under the remit of the board.

The chief executive stated that there had been a good discussion of the items. The safeguarding services were invisible to the majority of residents but very important for those in need of protection. The reports showed the partnership working that was taking place. The safeguarding boards were increasingly effective agents for change and the progress made was both important and encouraging. The areas for further work were noted. The council would prioritise the needs of vulnerable people ahead of the money, even in financially challenging periods. The outcome of the Ofsted/CQC inspection of the approach to children with special education needs and disabilities services was awaited but informal comments made by the inspection team were positive.

Resolved:

That:

- a) the annual reports and effectiveness of the safeguarding arrangements for children, young people and vulnerable adults in Herefordshire as assessed by the boards be noted;**
- b) the strategic priorities identified by the board be used to inform future decision making by the council; and**

- c) no further areas that the safeguarding boards should be focusing attention upon to provide challenge regarding the council's functions to safeguard vulnerable groups were identified.**

41. CUSTOMER SERVICES AND LIBRARIES

The cabinet member contracts and assets introduced the report. He stated that councillors were grateful for the letters received from members of the public in terms of support for their particular library, and this was considered in terms of the provision of these services across the county.

The assistant director communities stated that the pressures on the council budget and the need for safeguarding were well rehearsed. She explained that all services had to be tested in terms of their relevance and contribution to their community. It was also necessary to take account of changing needs within the community, changing technologies and better ways of working.

The savings target in the medium term financial strategy for customer services and libraries was based on centrally retained services though subsequent consultations had shown strong support for retention of libraries. The research for the needs assessments showed that 23% of the population were regular library users, but more people recognised libraries as a good thing even if they did not use them. The assistant director also commented on the useful feedback received from the General Overview and Scrutiny Committee to help inform recommendations.

The assistant director drew attention to the fact that the recommendations in the report would not fully meet the savings target. Work would continue on ways to use library buildings to assist other service areas to deliver services more efficiently.

A group leader asked what mitigation would be put in place against the withdrawal of face to face customer services in the market towns. He also asked whether the further efficiencies would include redundancies.

The assistant director responded that the impact assessment identified the types and levels of impact, with less than 6,000 face to face queries in market towns for council tax and benefits. A system of appointments were to be introduced for these queries for at least 12 months and information would be gathered to help assess the particular needs of users. The revised website would be clearer and easier to use with better online help for users making payments, phone contact would continue, and face to face services in Hereford. Efficiencies were not redundancies but based on change of practice within the services for example sending a text or email to remind users of overdue books rather than letters. Any staff impacted in the longer term would be supported through redeployment in the first instance. The cost of any redundancies if needed would depend on the work history of the individual member of staff.

A scrutiny chair stressed the importance of having professional library staff to back up volunteers or staff from other services and asked if HALO would have access to professional support in delivering services at Bromyard.

The assistant director communities responded that existing and new community libraries would receive support including training and part of the county book stock system. She gave the example of Leintwardine community library that had flourished and shown a greater sense of ownership and involvement.

A group leader noted that the highest use of the libraries was still to borrow or return books. She asked if there would be stakeholder involvement in any decision to relocate Leominster library.

The assistant director communities responded that the relocation of Leominster library was not set in stone. An opportunity existed and was felt to be worth exploring but would only proceed if it was beneficial to the community. She stated that there would of course be consultation with the community. The importance of books to the library service was noted but so was the contribution of other services and local groups in offering a range of opportunities at libraries which made them a community resource.

A scrutiny member stated that Leintwardine library was very good but would not be able to continue without the support of professional staff from the central library service. GOSC had discussed options 3 and 4 of the report in detail but the majority felt that they could not recommend option 4 as there was too much uncertainty regarding the financial contributions that would be needed from other agencies.

A group leader queried if the proposed savings would actually be realised as sending staff out to perform face to face interviews ad hoc would incur a cost.

The leader stated that officers had costed the plans very carefully looking at both the savings that could be achieved and the degree of certainty that could be offered to libraries and their communities.

A group leader asked how Herefordshire compared to other authorities.

The assistant director communities responded that all authorities that she knew of were having to make savings and that some were considering drastic cuts to library services, including those of a similar geographical size to Herefordshire. She commented that Herefordshire was fortunate to have a useful volunteer network supporting services.

The cabinet member economy and corporate services stated that councillors had listened to what people had said and were seeking to keep the libraries open and retain opening hours. There would be investment actually to improve the libraries and a safety net for those that needed face to face support.

The cabinet member contracts and assets stated that the retention of the libraries was important. He recognised that there was still work to do to achieve the necessary savings but that the report suggested further options which would be explored.

The leader thanked the members of the public for their contributions to the process. He noted that savings had to be made and that all services would be under pressure to deliver these.

Resolved:

That:

- a) **option three as detailed in the report and appendix 1 be approved providing:**
- **retained library service in Hereford city and the five market towns;**
 - **realign customer services in the five market towns to form a centralised face to face service in Hereford city, supported by improved online access using the 'Better Off' service;**
 - **transfer of delivery of library services at Belmont library to a community group;**

- operational delivery of Bromyard library to be provided by HALO under a service level agreement;
 - subject to council approval of the capital programme, £133,000 investment in equipment and remodelling of existing premises to provide more efficient utilisation of space and increased access to online payment facilities;
 - remodel the operation of the county library service, retaining delivered library and schools library services with a view to achieving more integrated and efficient delivery; and
 - a review of the charging model and income generation potential;
- b) with a view to development of a longer term enhanced service model providing prevention and early help to children, families and vulnerable adults an option appraisal on the potential use of children centre buildings and libraries be undertaken along with the opportunity of creating a network of well-being hubs;
- c) soft market testing of future delivery of the remodelled library service be undertaken during 2017; and
- d) the assistant director communities be authorised to take all operational decisions necessary to implement recommendations a) and b) and c) above within the agreed budget envelope.

42. **SMALLHOLDINGS DISPOSAL PLAN**

The cabinet member contracts and assets introduced the report. He pointed out that cabinet had previously approved the policy of disposing of the smallholdings estate and the appointment of Fisher German as the professional agent for the council. The recommendations put to the meeting reflect the advice from the agents with regard to the disposal process.

The head of corporate asset management stated that the report set out the work that had been undertaken to date and that it was clear and transparent.

A group leader asked if sufficient time had been allowed for the process and if the council would achieve the return that had previously been anticipated.

The head of corporate asset management stated that significant advice had been taken regarding the process and that he believed there was sufficient time. The process aimed to deliver value for the council as well as giving existing tenants the opportunity to buy land. The Adamson Trust helps people in agriculture looking to find another home. Officers had met with the trust some 2 or 3 months previously and any tenants with concerns were advised to contact the trust for advice.

A scrutiny chair asked how the receipts would be used. He suggested that the funds should be used to invest in the county.

The leader responded that the capital receipts would be used in the best interest of the public good at the time they were available.

The cabinet member contracts and assets stated that he felt the receipts should be used to reboot the economy of the county and focus on regeneration.

A group leader asked why this method of disposal was preferred and whether tenants had been consulted on the recommendations that had been put forward.

The cabinet member infrastructure stated that the agent had made the recommendations based on what the council wanted to achieve. The council wanted to look after existing tenants as far as possible and it was felt that this was the best method for them. It was recognised that tenants would need professional help to make the most of the opportunities the disposal offered and a fund had been made available to support tenants in getting that help. When the tender process was completed the transfers would be completed very quickly.

The leader stated that tenants had been told that the fund was available and that there would be continued consultation.

A group leader commented that land prices had dropped over the previous 12 months and were continuing to fall. He asked if this had been taken into account and asked if it was the right time to sell.

The head of corporate asset management stated that professional advice had been taken from the agent who was very familiar with the market. He noted that there were a number of objectives set by cabinet in relation to the disposal and that it was not purely about achieving the highest possible value.

A group leader queried the proposed overage clause as no clawback was recommended by the agent's report. She also asked if there was a minimum price under which the council would not sell.

The head of corporate asset management responded that advice would continue to be taken from the agent depending on the situation.

A group leader asked if the agent had been made aware of the policies in the core strategy with regard to land adjacent to settlement boundaries.

The head of corporate asset management stated that the agent had been made aware of the core strategy and where relevant opportunities existed the agent had been asked to take pre-application advice.

The leader stated that with regard to the overage clause this would be applied on a case by case basis.

The cabinet member economy and corporate services asked if any view had been taken on the impact of the fall in value of sterling on the expected return.

The head of corporate asset management stated that it was too early to judge the impact but that officers would continue to seek appropriate advice.

Resolved:

That:

- (a) the disposals programme as set out in appendix 1 be approved and specifically:**
- 1) the smallholdings estate be offered to the market by way of informal tender;**
 - 2) marketing of the portfolio commences in spring 2017;**
 - 3) the smallholdings estate be offered for sale as a whole, as sub estates and as individual farms;**
 - 4) smaller parcels of land or groups of buildings should be divided as sub-lots where premium prices are achievable to increase total sale receipts;**

- 5) an overage clause be applied to all sales in relation to permitted development rights and otherwise on a case by case basis as indicated by development potential;
- 6) all farm business tenancies with a termination date in advance of 30 September 2017 be extended to that date; with the exception of a dairy tenancy which will be extended to 1 December 2017;
- 7) the contract for the legal services required to support the sales preparation and sales execution be awarded to Lidders LLP; at an target cost of no greater than £50K;
- 8) authority be given to the director for economy communities and corporate to take all operational decisions necessary to implement the above recommendations and, following consultation with the relevant cabinet member and section 151 officer, to conclude sales.

43. LOCAL GOVERNMENT OMBUDSMAN DECISION

The monitoring officer introduced the report. She explained that the monitoring officer was required to bring the findings of maladministration by the LGO to the attention of cabinet and that all councillors had seen the report.

The cabinet member for health and wellbeing stated that in her view the report was self-explanatory and contained nothing for the council to be proud of. She asked the director for adults and wellbeing to explain the steps that had been taken to ensure such a failure would not happen again.

The director for adults and wellbeing stated that it was clear there had been a failure on the part of the council. The individual who was the subject of the report had been in a placement which was not suitable for his needs for 11 months and this was far too long. Although social workers were engaged in his care the move to a suitable placement only happened due to pressure by the family of the individual concerned. The director reported that significant steps had been taken to address the issues identified in the report.

Pathways had been redesigned for individuals in similar situations and reviews were being completed more regularly. It had been reiterated to staff that there must be a focus on meeting the needs of individuals. The director reported that the teams within this service area had been reorganised away from dealing with individual diagnostic cohorts into geographical teams, with a separate team for individuals with complex needs. Each team had expert professional advice and oversight. This had already lead to a reduction in waiting lists for care needs to be assessed.

The social worker directly involved with the case and the wider team had been placed on a development programme. This had drawn on expertise both from within the council and from outside agencies.

The director stated that this area of the service was not yet performing at the level he expected and that he and his management team were taking an active interest in driving improvements. He noted that some progress had been made and was confident that such a failing would not happen again.

The director for adults and wellbeing apologised to those affected by this case, in particular to the individual, his family, to cabinet and members of the council.

Resolved:

That:

- (a) the report and recommendations of the Local Government Ombudsman, at appendix 1, be considered;**
- (b) the findings be accepted and the recommended actions agreed; and**
- (c) in implementing the recommendations:**
 - (i) the director for adults and wellbeing undertake to apologise to the parties and ensure training is provided to social workers; and**
 - (ii) the monitoring officer makes the recommended payments.**

44. EXECUTIVE RESPONSE TO THE REVIEW OF EARLY YEARS PROVISION AND CHILDREN'S CENTRES

The cabinet member health and wellbeing thanked the task and finish group for their work. She noted that almost all of the recommendations had been accepted. Recommendation 6 was felt to be encompassed by the other recommendations. The cabinet member asked for an update regarding recommendation 7 on the performance of speech and language therapy.

The director for children's wellbeing responded that the main responsibility for speech and language therapy lay with the clinical commissioning group (CCG). The CCG acknowledged significant delays in accessing the service and had confirmed that while a broader review was under way they would also engage in a short term improvement process. The CCG expected improvements over the following few months and certainly by March 2017.

The chairman of the task and finish group stated she was pleased that the majority of recommendations had been taken on board. With regard to recommendation 6 the concern of the task and finish group was that it was not known if some of the other organisations using the children's centres were paying anything at all and that it was not always known which other organisations were using the centres. She reported that the children's centres were massively underused, despite having good facilities and being in areas that should attract a good number of people.

A group leader asked if there was an overarching strategy to pull together the rationalisation of services and buildings taking place across the council.

The cabinet member health and wellbeing stated that services rather than buildings helped people. She went on to say that giving children a good start in life had the biggest impact on health and wellbeing later in life.

Resolved:

That:

- a) the responses to the health and social care overview and scrutiny committee's recommendations regarding the early years and children's centres report, as attached at appendix 1 be considered and approved.**

The meeting ended at 4.21 pm

CHAIRMAN

Partnerships governance framework: annual checklist for significant partnerships

Significant partnerships definition

A partnership is an agreement where Herefordshire Council and one or more organisations work collectively to achieve an objective or goal.

To be considered 'significant' partnerships should have either:

- a) Financial responsibility – based on a threshold for the council's annual contribution, or for directing council funding of £100k (excluding staffing costs); and/or
- b) Strategic importance – the partnership being critical to the delivery of key council objectives or statutory obligations, or is a fundamental component of council priorities and functions and the council's reputation could be damaged by the partnership's failure to deliver.

Please refer to the partnerships governance framework for more guidance on what may constitute a partnership or for more detail on the elements covered by the checklist.

Please contact Annie Brookes (Ext: 0605, or email ab1@herefordshire.gov.uk) if you need any help in completing the form.

The completed form should be returned to Annie Brookes by XXXX.

Summary sheet

Once the attached assessment is completed please use the summary sheet below to summarise the assessment for the lead director to review and sign off.

Partnership name:			
Type of partnership:			
Link officer			
Council representatives in the partnership:			
<ul style="list-style-type: none"> • • • 			
Key changes and risks within the partnership in the last 12 months:			
Key outcomes achieved in the past 12 months:			
Key actions planned in the next 12 months to support/improve development of partnership governance to achieve the aims and objectives:			
<i>Risk assessment</i>			
Section	High	Medium	Low
Aims & objectives			
Membership & accountability			
Decision making			
Finance			
Conduct & behaviour			
Liability			
Performance, evaluation and review			
Overall assessment			
Link officer (completing the assessment):			
Date of assessment:			
Lead director:			
Date of director review:			

1.	Name of partnership:
2.	Lead director:
3.	Type of partnership: What best describes the status of the partnership? Incorporated partnership (i.e. a separate and distinct legal entity)
	Statutory partnership
	Non-statutory partnership
	Contractual
4.	Aims and objectives
4.1	Where are the partnership's aims and objectives set out?
	Contract
	Funding agreement
	Memorandum of understanding
	Terms of reference
	Other (please provide brief details)
4.2	When were these first approved and who by?
4.2	When were they last reviewed by the partnership?
5.	Membership and accountability
5.1	Please list all other organisations involved in the partnership and their current representative(s) at board level. <ul style="list-style-type: none"> • • • •
5.2	Is it clearly documented what authority the partnership has to take decisions and the scope of that authority?
5.3	Are the roles and responsibilities of members of the partnership documented and clear (including an agreed accountable body if appropriate)?
5.4	Who does the partnership report to, and how frequently?
5.5	Has the partnership established any affiliated or subsidiary groups or partnerships? If so please specify what and when these were established and whether the accountability of these groups is clear.
6.	Decision making
6.1	Is there a clear and documented process for decision making (including a scheme of delegation if appropriate), and what assurance is there this is being followed?
6.2	Are the decisions of the partnership recorded, and if so where?

6.3	Are decisions of the partnership publicised and if so how?
7.	Finance
7.1	Who are the funders of the partnership and approximately what percentage of total partnership income does each represent? <ul style="list-style-type: none"> • • • •
7.2	What was the total value of council funding to/expenditure on the partnership in the last financial year, and budgeted for the current financial year?
7.3	What was the overspend/underspend against budget for the last financial year?
7.4	What is the nature of the council funding, and if appropriate the split between these? (eg capital/revenue/ in kind/grant/pooled funds etc)
7.5	Does the partnership have clearly documented financial procedures and what assurance is there these are being followed?
7.6	Does the partnership produce an annual statement of accounts? If so when were these last produced and where are they available?
7.7	If the accounts are audited, please confirm who by, when the last opinion was issued and what that opinion was.
8.	Conduct and behaviour
8.1	Does the partnership have any employees? If so are there effective employment policies and practices in place?
8.2	Does the partnership have policies and procedures in place to deal with:
	Standards of conduct
	Declarations of interest
	Gifts and hospitality
	Complaints
	Whistleblowing
9.	Liability
9.1	Are clearly documented rules and exit strategies in place if one partner leaves the partnership and if the partnership is terminated?
9.2	What is the current limit of indemnity on the partnership liability insurance (if relevant)?
10.	Performance, evaluation and review
10.1	Is performance information reported to the partnership and to stakeholders on a regular and timely basis?
10.2	Does the partnership produce an annual report that describes performance in the achievement of its aims and objectives?

10.3	Has the partnership defined its expected outcomes and how has it performed in meeting those?
10.4	In the past year has the partnership been subject to any assessment, inspection, audit or review process? If yes please provide brief details and summary outcome.
10.5	Does the lead directorate have a process in place for assessing the value for money that the partnership provides?
10.6	Does the partnership have a clearly documented process for the identification, assessment and management of risks?
10.7	When was the partnership's risk register last reviewed?
10.8	In the last year has the partnership had any major change in circumstances? If so please provide summary details.

