

Supplement to the agenda for

Cabinet

Thursday 28 June 2018

10.00 am

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

	Pages
4. QUESTIONS FROM MEMBERS OF THE PUBLIC	3 - 10
5. QUESTIONS FROM COUNCILLORS	11 - 12

PUBLIC QUESTIONS TO CABINET – 28 June 2018

Question 1

Ms J North, Hereford

To: cabinet member, contract and assets

What evidence does the Council collect about the benefits which the Museum Service contributes to health, well-being and education and where that information can be found?

Response

There is a wide range of nationally published information that includes the health, wellbeing and educational benefits of the museum service which informs local service development, including 'Museums Matter published by the National Museums Directors' Council, case studies published by the Heritage Lottery Fund, and information published by the National Alliance for Museums, Health and Wellbeing.

The council's [museum plan 2017 2020](#) sets out how the service can contribute to achievement of the council's corporate plan priorities to: enable residents to live safe healthy and independent lives; keep children and young people safe and give them a great start in life; support the growth of our local economy; and secure better services, quality of life and value for money.

Appendix 1 to the report on today's agenda provides links to a number of reports and reviews which include reference to the wider benefits of the museum service.

Question 2

Ms J Ward, Tarrington

To: cabinet member, contract and assets

There is a law in Britain to protect public libraries: The Museums and Libraries Act 1964 imposes on local authorities a statutory duty to provide comprehensive and efficient public library services. Any public servant or politician who breaks the law is liable to criminal proceedings. Will Herefordshire Council abide by the law?

Response

Yes. The report to Cabinet elsewhere on our agenda today clearly sets out the legal framework within which the council does, and will continue to operate.

Question 3

Ms L Wallace, Bishops Frome

To: cabinet member, contract and assets

What is the cost of the tendering process and how many years would it take to offset this against anticipated savings through outsourcing/subcontracting?

Response

There are no specific costs to the tendering process beyond existing staff time. The business case including financial benefits/costs for a commissioned service will be identified and evaluated through the procurement process and will inform a further decision on the preferred option.

Question 4

Ms E Whattler, Ledbury

To: cabinet member, contract and assets

What is the evidence to show that there would be cost savings by outsourcing / subcontracting the Library Service?

Response

The outcome of the soft market testing and the report of the Heritage Lottery Funded review "The Future Resilience of Herefordshire Council's Museum Service" links to which are published as an appendix to the report on the Cabinet agenda today demonstrate that a commissioned service may provide an income generation opportunity and shared costs as a way of reducing the revenue budget. This will be further tested through the procurement process to inform a final decision.

Question 5

Ms J Buttery, Ledbury

To: cabinet member, contract and assets

What is the evidence to show that there would be cost savings by outsourcing/subcontracting the Library Service?

Response

I refer to the response provided to Ms Whattler above.

Question 6

Ms S Sharples

To: cabinet member, contract and assets

How will the tendering process ensure that possible providers of these services have the relevant expertise?

Response

The evaluation criteria for any procurement process will include an assessment of the skills, expertise and track record of potential providers.

Question 7

Mr B Sharples

To: cabinet member, contract and assets

I believe the Council is doing good work in its analysis of how the MLA services can be adapted to serve future Herefordshire Residents. The document is vague on this point so would you explain in some detail the procedures you will put in place to ensure that anyone running any part of these services is properly monitored by the Council and who will be the responsible person tasked with carrying out this work?

Response

As with any commissioned service specific standards would be put in place to evaluate performance of the selected provider and ensure that commissioned services deliver the outcomes expected by the council. If the recommendations before Cabinet today are agreed it is intended that these standards will align to current levels of service, [CIPFA](#) benchmarking for the library service, accreditation for the museum services and due accreditation for the archive service.

The council will assign a contracts manager to manage the commissioned service and performance will be monitored and reported in accordance with the council's [Performance, Risk and Opportunity Management Framework](#). As with all council services whether delivered in house or through a commissioned arrangement, performance may be reviewed by the relevant scrutiny committee.

Question 8

Mrs E Morawiecka, Breinton

To: cabinet member, infrastructure

Herefordshire Council have referred to the Southern Link Road as the second phase of the Hereford Bypass. As this is just a local council project and not part of the strategic road network, what assurances have been received from Highways England that this road will be adopted, along with the proposed Hereford Relief Road, to be the new route of the A49.

Response

A decision as to whether the Hereford bypass is included as part of the national Strategic Route Network is a matter for the Secretary of State for Transport to determine not Highways England. Regardless of any future decision the Secretary of State may make on this matter the by-pass is of strategic importance as recognised in the council's local transport plan and the prioritisation of the route in the Midlands Connect transport strategy.

Question 9

Ms N Shields, Ledbury

To: cabinet member, contract and assets

As libraries are a key service in our communities and support the Council's four main objectives, where is the evidence that undertaking an expensive tendering process will result in any cost savings or help ensure the sustainability of this service?

Response

I refer to the response provided to Ms Whattler above.

Question 10

Mr A Walker, Hereford

To: cabinet member, contract and assets

Will the council give assurance that any decision to award a contract for management of the Archive service will be taken by full council and not be delegated to the cabinet member for contracts and assets?

Response

Any decision to award a contract for the management of these services will be taken by either Cabinet or myself. This is because, by law, in a council operating a cabinet system such as Herefordshire, any function not reserved to Council to determine, is a function of the Cabinet.

However, council members are consulted on key decisions and can, through effective scrutiny, make recommendations to Cabinet to inform our decision making.

Question 11

Mr J Milln, Hereford

To: cabinet member, infrastructure

Progress on the Hereford Area Plan has stalled, allegedly due to the awaited decision on the proposed Western by-pass, with no meeting of its Reference Group since 4th April. Yet most of the HAP's work is unrelated. In particular there is an urgent need to progress the recommendations of Historic England's Urban Panel for a Design Guide SPD and for a visionary and overarching City Masterplan to underpin the HAP. Who is carrying out this work, to what brief and timetable?

Response

Progress on the Hereford Area Plan has not stalled. A brief for a City Centre Design Guide has been prepared and consultants are being procured to draft a Supplementary Planning Document. The document is expected to be completed in 8-9 months.

Additionally, consultation on the Hereford Area Plan Housing and Employment Site Options is expected to begin in August to enable the consultation to be informed by a preferred route. The Reference Group will have an opportunity to review the draft consultation document before the consultation begins.

Question 12

Mr T W Harvey, Leominster

To: cabinet member, contract and assets

In the consideration of the best way to deliver library services in Herefordshire, why is the in-house management of library services not included as an option to be evaluated along with the other possibilities such as out-sourcing?

Response

In-house delivery is included as an alternative option in the report to be considered by Cabinet today. Proposals submitted by potential providers will, as part of the tender evaluation, be assessed against current service delivery standards and costs.

Question 13

Ms J Adams, Kingsthorpe

To: cabinet member, contract and assets

Will the Council give assurance that the community groups representing the concerns of users and supporters of archives, museums and libraries will be given the opportunity to be fully involved in the development of any service specifications and evaluation of bids should a commissioning process to examine options for their delivery be put in place?

Response

As the report on today's agenda sets out it is proposed to use the existing service standards rather than develop a new specifications. An evaluation process will be developed to include provision for user group representative views to be taken into consideration.

Question 14

Mrs C Palgrave, How Caple

To: cabinet member, finance and corporate services

The proposed capital programme for 2018/9 shows a Grant & Funding Contribution of £29.052m for the South Wye Transport Programme. This is different from the £27m

provisionally awarded for the SWTP from the Marches LEP Local Growth Fund. Which figure is correct?

Response

The total budget for the South Wye Transport Package is £35m. Funding for the scheme comprises £27m allocated from the Marches LEP Local Growth Fund and £8m Local Transport Plan grant allocations over the life of the project. The Grant and Funding Contribution column in the appendix shows the balance of LEP and LTP funding yet to be drawn down with the balance of the £35m figure being shown in the previous years' column. I would also like to clarify that the appendix 1 published with the agenda erroneously included £970k prudential borrowing; this has been corrected in a supplement published this week.

Question 15

Ms A E Jones, Hereford

To: cabinet member, contracts and assets

As a former library worker I am interested in the following: When formulating the agreement of a TUPE process how long will the Council guarantee that the Staff Terms and Conditions and their Local Government Pensions will be protected for?

Response

The council will comply with the TUPE legislation. Should a commissioned service be implemented, relevant staff would transfer on existing terms and conditions including pension. TUPE does not expressly prohibit changes to terms and conditions within a certain time frame, but any new employer would be obliged to follow relevant employment processes should they wish to implement a change.

Question 16

Mr R Palgrave, Hereford

To: cabinet member, infrastructure

The adopted Neighbourhood Development Plan for Abbeydore, Bacton, Ewyas Harold, Dulas, Llancillo, Rowlestone and Kentchurch, identified a key issue as follows - "The long-term objective of re-opening the Pontrilas Railway Station should be promoted, with the aim of reducing road use and for the wider economic benefit of south west Herefordshire."

Pontrilas is identified in the Core Strategy as a main focus of proportionate housing development, and I understand that the local sawmill is interested in making use of the railway line for freight transport.

Will Herefordshire Council actively support the objective set out in the NDP?

Response

The Neighbourhood Development Plan (NDP) referred to was adopted on 20 April 2018 forms part of the statutory development plan. The re-opening of the station at Pontrilas emerged as a key issue and a long term objective within the area. There is no specific policy within the plan regarding the reopening of the station as it was considered to be beyond the plan period.

The proposal is not currently prioritised within the council's Corporate Plan or Local Transport Plan and before consideration could be given to supporting achievement of this long term objective work would need to be undertaken to establish an initial business case through an assessment of the proposal in line with national guidance. I have discussed the proposal with the ward member and although the council does not currently have resources available to support this initial work we would be happy to provide the community with advice on the process to be followed so that they may take forward this initial exploration.

Question 17

Mr D Stevens, Branch Secretary Herefordshire UNISON, Hereford

To: cabinet member, contract and assets

With regards to the future of museums libraries and archives, if a procurement process is commenced for the future commissioning of museums, libraries and archives will UNISON be included in any subsequent tender creation and following procurement processes?

Response

Management will comply with the council's policies for managing change within the organisation and will inform unions and positively engage them in developing options, consultation and negotiation about major changes in the workforce in accordance with established HR policies and procedures.

Question 18

Ms D Toynbee, Hereford

To: cabinet member, contracts and assets

What plans does the Council have to reduce and ultimately stop the use of single-use plastics across its estate, including schools?

Response

The council's [Environmental Policy](#) approved in 2013 is currently being reviewed and consideration is being given to this issue as part of that review.

Schools are responsible for their own procurement policies, but we will, as part of our review, consider how best to encourage schools and our contractors, to minimise use of single use plastics where less environmentally impactful materials are available. These discussions are already underway with our catering provider.

More widely the council's [Stop the Drop](#) campaign has gathered enormous community support to reduce and clear up litter, including single use plastics, across the our beautiful county.

Question 19

Mr A Sharp, Hereford

To: cabinet member, infrastructure

In light of the evidence in the CPOs for the SLR, I suspect that only desk-top analysis was used to re-route bridleways and would welcome evidence to the contrary. It is also of great concern that the planners appear not to grasp the current legal precedent requiring horse-riders to ride on the road and not the verge as the planners have suggested in the Orders. Instead of trying to cut corners at every turn, thereby putting horses and their riders in grave danger, please can the council reassure bridleway users that every site will now be visited – in person - and that safety audits, relying on up to date information, are now carried out as a matter of urgency.

Response

There is no attempt to 'cut corners at every turn' and the safety of all road users continues to be appropriately assessed in accordance with established guidelines to ensure informed decision making.

Any proposed changes to the public rights of way network have been designed using appropriate guidance and standards, and safety audits of the scheme have been carried out as the design has progressed; further audits will be completed when the scheme is constructed.

Question 20

Mrs K Sharp, Hereford

To: cabinet member, infrastructure

The CPO documents for the SLR leads one to suspect that only desk-top analysis was used to reposition a new PROW and access gate onto an extremely dangerous road and also that a Road Safety Audit was not carried out in regard of the repositioned access at HA7 onto Haywood Lane. If this was not the case, I would welcome any evidence please as well as an assurance that the council will seek to better protect and reassure pedestrians as they plan the SLR and that every site will now be visited – in person – and safety audits for each path and gate will be carried out now as a matter of urgency.

Response

Road safety audits of the scheme design were carried out at the appropriate stages of the project. An objector's concerns about the visual impact of an access relocation on their property has been considered and, subject to the Secretary of State's consent, a modification will be sought to the Side Roads Order to retain the access from the footpath on Haywood Lane in its current location. The review you suggest is not required; the appropriate design process has been followed, appropriate audits have been completed, and further audits will be carried out when the scheme is constructed in accordance with established processes.

Councillors' questions at Cabinet – 28 June 2018

Question 1

Councillor CA Gandy, Conservatives

To: cabinet member, contract and assets

The library service in Herefordshire is extremely valued and can be a life line for some of our most vulnerable residents who do not have the money available to either purchase books or a digital device and who also particularly in rural communities use their library as a meeting place and somewhere to obtain local information. If the decision is taken to outsource Herefordshire Library services what assurances can you give that access to our libraries by the most vulnerable will not change and that rural community libraries will continue to be supported as at present.

Response

The value of the library service is not in question, and drives the need for us to find a way in which the future of these services can be assured in the most cost effective way.

If the recommendations to be considered elsewhere on the Cabinet's agenda today are approved the commissioning of services will be based on the current standard of service.

The front-line delivery of community libraries is provided by local groups and parish councils who provide their time to deliver locally valued services which are important additions to the overall library network across the county. Although as independent from the council these community libraries would not form part of any commissioned service the council currently supports these libraries with training, advice and in some cases IT – also the council pays for the book stock; this support would be maintained through any commissioned service.

Question 2

Councillor RM Matthews, Herefordshire Independents

To: cabinet member, transport and regulatory services

A team of scientists from the University of Exeter and the Barcelona Institute for Global Health have recently announced that they have found a very strong link between the new generation of LED street lighting and breast and prostate cancer. Analysis of four thousand people in eleven regions of Spain established a link between exposure to LED lighting, doubled the risk of prostate cancer together with a 1.5 times higher chance of developing breast cancer.

Can the Cabinet Member inform us if he was aware of these very serious findings, and if so what action is being taken to reassure the public.

Public Health England have also recently raised concerns about the increasing use of LED lighting, which has of course recently been installed throughout this county.

Response

I am aware of the research report, and the media coverage of a statement made by the chief medical officer. It is unfortunate that similar coverage was not afforded to the clarification issued by Public Health England (PHE) some days later which stated "While the chief medical officer's article highlights a theoretical risk of glare to motorists from LED street lighting if it is not installed correctly, PHE anticipates that a vast majority of this type of lighting will be installed with the LEDs recessed or with an appropriate balance of blue light so it does not dazzle drivers". PHE's senior scientific group leader of radiation dosimetry went on to confirm that the references to high levels of blue light damaging the retina refers to blue light in general rather than that emanating from street lights and no risk of eye damage from LED street lighting.

This is an area where there is currently no scientific consensus. The EU's Scientific Committee on Health, Environmental and Emerging Risks has also undertaken a review of this specific issue and, whilst recognising the need for further research concluded:

"... that there is no evidence of direct adverse health effects from LEDs emission in normal use (lamps and displays) by the general healthy population."

Lighting in Herefordshire has been correctly installed and includes an automated process for dimming the lights through the night.

We will of course continue to monitor research on this subject, but it is pleasing to note that Herefordshire was reported by the Campaign to Protect Rural England as being the darkest county in England with the lowest average light levels.