

MINUTES of the meeting of CABINET held at THE COUNCIL CHAMBER, BROCKINGTON, 35 HAFOD ROAD, HEREFORD on Thursday 28 February 2008 at 2.00 pm.

Present: Councillor RJ Phillips (Chairman)
Councillor (Vice Chairman)

Councillors: LO Barnett, AJM Blackshaw, H Bramer, JP French,
JG Jarvis and DB Wilcox

In attendance: Councillors PA Andrews, WLS Bowen, ACR Chappell, ME Cooper,
GFM Dawe, PJ Edwards, RI Matthews, JE Pemberton, SJ Robertson,
PJ Watts and JD Woodward

38. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor JA Hyde.

39. DECLARATIONS OF INTEREST

Councillor RJ Phillips, Leader of the Council and Mr CJ Bull, Chief Executive declared a personal interest in Agenda Item 6 the Edgar Street Grid.

Councillor ACR Chappell declared a personal interest in Wyebridge Academy.

40. MINUTES

The Chairman proposed that approval of the Minutes of 21 February 2008 be deferred to the next meeting of Cabinet.

ITEMS OF NOTE:

The Leader welcomed Councillor GFM Dawe to Cabinet as the Group Leader for the Hereford Alliance Group.

The Leader referred to Agenda Item 7 the Edgar Street Grid confidential report and advised Cabinet that all items would be dealt with in open session unless any specific financial aspects were raised.

Councillor PJ Edwards referred to Cabinet dates and welcomed the decision to have preferred meeting dates in the Council diary as this would ease the flow of information and overcome the number of late reports. Councillor Matthews queried the lateness of the Edgar Street Grid report. Members were advised that this was due to the sensitive nature of the report.

41. WYEBRIDGE ACADEMY

The Director for Children and Young People's Services presented the report on Wyebridge Academy and advised Cabinet of the proposed new build for the Academy; stating it came with some anxiety as it was a new project for officers and the County. She added it was an opportunity to make best use of the intended investment of £22 million to refurbish the school and would be negligent if it was not progressed to provide better facilities for young people. Cabinet was advised that the Department for Children Schools and Families (DCSF) were concerned the Authority was being slow in progressing the Academy. It was important to progress discussions with DCSF and finalise the statutory notices to enable the next steps. Trustees and the Board were keen to progress the Academy further.

The Head of Commissioning and Improvement advised Cabinet that Wyebridge College had made tremendous strides in recent years. There were still details to be considered with the learning environment at the College and the new Academy would address this and meet the needs of children in the South Wye area. Cabinet was advised that the opening of the Academy was dependent on the statutory notices for the formal closure of Wyebridge College.

The Leader invited Mr Martin Erwin, Chairman of Governors for Wyebridge College and the former Haywood High School to address Cabinet. Mr Erwin stated he had been the Chairman of Governors for nine years and had taken on the role after emergency powers had been instigated at the school. At that time the number of students achieving 5 or more grades A*-C at GCSE Level were in single percentage figures. He went on to explain how the school was transformed under the new headship of Wiktor Darren and had continued to succeed under the inspirational leadership of John Sheppard, with last year 52% of students attaining 5 or more GCSEs at grades A*-C. Despite this the College was still achieving negative press coverage. He stated it was believed that Academy status was the single opportunity for the College to break free of prejudice and thanked the Local Authority being supportive in this process. He said School Governors also supported the process. He emphasised the Academy would continue to be a community school for South Wye, with no Church places being offered. The School, the Council and the community would be liaised with throughout the process. He reminded Cabinet that the investment of £22 million would not be available again and that governors had voted unanimously to support the proposal for an Academy.

Mr Sheppard supported the comments of Mr Erwin and believed the Academy was a dream for something exciting to happen in the South Wye area.

Cabinet endorsed the comments made however; Cabinet believed the business case should have been presented prior to seeking Cabinet's endorsement. It was asked when the business case would be brought forward and whether there were any circumstances which would cause DCSF to withdraw funding.

The Director of Children and Young People's Services stated that significant conversations had been held with the Academy section of DCSF and it had been requested that the business case was presented to Cabinet prior to the issuing of statutory notices, however DCSF had opposed this. The business case would therefore be brought to Cabinet on 27 March. The Director emphasised that the DCSF had dictated the sequence of events.

A Member in attendance stated the Academy would be part of the next phase of regeneration for South Wye. It was stated that the children in South Wye were in the top quartile in the Country for being deprived. It was stated that 90% of South Wye residents supported an Academy and it was not believed that the Academy would be

taken over as a Church school.

A Member in attendance asked about the funding of the Academy and was advised that it was all coming from Central Government through Partnerships with Schools.

RESOLVED

THAT:

- (a) the issue of statutory notices to enable the opening of an Academy at Wyebridge Sports College for 900 students aged 11-16 on 1 September 2008, and post-16 provision for 220 students at the start of the academic year following completion of the new building be authorised; and**
- (b) a further report be made to Cabinet on 27 March 2008.**

42. FINANCIAL AND CONTRACTUAL PROCEDURE RULES

The Head of Legal and Democratic Services presented the report on the review of the Budget and Policy Framework Procedure Rules, Financial Procedure Rules and Contract Procedure Rules and Members Questions for Council. He reminded Members of the background for the report from the Independent Crookall Report following on from the Director of Resources Section 151 report. He stated that the report had been before the Standards Committee, the Audit and Corporate Governance Committee and the Strategic Monitoring Committee. He added that questions from the Strategic Monitoring Committee had been responded to and the Director of Resources had looked at 4* Authorities such as Worcestershire, East Riding of Yorkshire and Shropshire taking the best of these and condensing them to manageable levels. He added that Mini guides were being provided for officers and that the scheme of delegation for officers would be reviewed shortly. He stated that significant changes would be required for the Constitution and that it was proposed that a full review would come before Cabinet and Council in July.

A Member in attendance sought the Chief Executive's assurance that all the issues raised in the Crookall report had been dealt with. The Chief Executive stated that he felt part of the Crookall recommendations had been addressed in this report, however a further report would be coming before Cabinet which would provide a detailed response to the Crookall report.

Councillor GFM Dawe disagreed with the change to the time for submitting questions to Council and stated that he felt that the current time allowance was adequate. The Leader informed Cabinet that the proposal had been agreed by Group Leaders and had also been agreed at the meeting of the Constitutional Review Working Group. He reminded Members that questions could be asked of officers at any time.

Further discussion was held on the Scheme of Delegation and Cabinet was informed that a further report would be coming before Cabinet setting out the differing roles between Cabinet Members and Directors and where accountability lay.

RESOLVED**THAT:**

- (a) **Cabinet considered the Budget and Policy Framework Procedure Rules, Financial Procedure Rules and Contract Procedure Rules attached to the report before formal consideration and adoption by Council on 7 March 2008;**
- (b) **the Head of Legal and Democratic Services carry out a thorough revision of the Scheme of Delegation for approval by Council on 7 March 2008;**
- (c) **the head of Legal and Democratic Services carry out a thorough review of the remainder of the Constitution for approval by Council in July 2008; and**
- (d) **Cabinet recommends to Council the amendment to paragraph 4.25.1. of the Constitution.**

43. EDGAR STREET GRID

The Leader of the Council reminded Members that it was not proposed to hold a closed session on the Edgar Street Grid unless Members wished to discuss any financial issues. The Cabinet Member for Economic Development and Community Services presented the Edgar Street Grid Development report for the selection of a preferred first phase development partner and for the authorisation of detailed negotiations with the supplier prior to consideration of a full Development Agreement. He welcomed Jonathan Bretherton and Nigel Hudson from Advantage West Midlands.

Jonathan Bretherton advised Cabinet that a thorough and rigorous process had been carried out to find a preferred developer, which had started following the Cabinet meeting of March 2007. He added that the ESG Hereford Ltd had been working with the current selection of developments for several months. He outlined the components of the various schemes provided by the three developers. In referring to all the schemes he stated that an open air scheme was a requirement in order to address a walk way between high town and the new development, with the key point being at Garrick House. He stated that the Stanhope scheme was a distinctive scheme. It had remarkable quality, which the developers wanted to achieve in the build and which was reflected in the costs. A supermarket and a multi plex cinema was part of the proposal for all three developments.

Jonathan Bretherton advised that the Stanhope development was the scheme being recommended to Cabinet although all three schemes were high quality and had been commended by English Heritage.

The Leader paid tribute to Jonathan Bretherton, his team and board members for their commitment and the work that had been carried out. Cabinet noted the amount of national interest in the schemes and felt that the similarity between the schemes was reassuring. The Leader said that the development needed to win back the status of Hereford as a market town within a large rural hinter land. The Cabinet Member for Economic Development and Community Services thanked Nigel Hudson and his colleagues from Advantage West Midlands for their support for the project.

A Member in attendance complimented the schemes but expressed concern as to whether the schemes would work in practice and not be a detriment to the current

retail area. Jonathan Bretherton stated that the linkage between the two areas was the most important issue. He added that it was not solely about forming a physical link, but included a raft of linkage schemes for the old and new areas and reiterated that the board was keen to support and help the development of the city centre as a whole.

RESOLVED**THAT CABINET:**

- (a) **agree the selection of Stanhope as the preferred Retail Quarter Development Partner;**
- (b) **authorises the director of Adult and Community Services, in consultation with relevant officers, to complete negotiations regarding a Heads of Term Agreement;**
- (c) **authorises the Head of Legal and Democratic Services to sign a Heads of Terms agreement with the preferred development partner following satisfactory completion of the negotiations;**
- (d) **authorises the Director of Adult and Community Services, in consultation with the Director of Resources, Head of Legal and Democratic Services and ESG Herefordshire Ltd., to undertake further negotiations regarding a Development Agreement; and**
- (e) **notes that a further report be brought to Cabinet, on completion of the further negotiations regarding a Development Agreement, setting out the detailed financial implications, and seeking approval to enter into a Development Agreement before being finalised with the preferred developer.**

44. EDGAR STREET GRID

There was no confidential report on the Edgar Street Grid Development.

The meeting ended at 3.45 p.m.

CHAIRMAN