

AGENDA

General Overview & Scrutiny Committee

Date: **Monday 10 December 2012**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the General Overview & Scrutiny Committee

Membership

Chairman	Councillor A Seldon
Vice-Chairman	Councillor EPJ Harvey
	Councillor EMK Chave
	Councillor BA Durkin
	Councillor DW Greenow
	Councillor JW Hope MBE
	Councillor RC Hunt
	Councillor TM James
	Councillor Brig P Jones CBE
	Councillor R Preece
	Councillor GR Swinford
	Councillor DB Wilcox

Statutory co-optees (for educational matters only)

Mr P Burbidge – Roman Catholic Church
Miss E Lowenstein – Secondary School Parent Governor
Mr T Plumer – Primary School Parent Governor
Mr P Sell – Church of England

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 9 November 2012.</p>	5 - 14
5.	<p>SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY</p> <p>To consider suggestions from members of the public on issues the Committee could scrutinise in the future.</p> <p><i>(There will be no discussion of the issue at the time when the matter is raised. Consideration will be given to whether it should form part of the Committee's work programme when compared with other competing priorities.)</i></p>	
6.	<p>QUESTIONS FROM THE PUBLIC</p> <p>To note questions received from the public and the items to which they relate.</p> <p><i>(Questions are welcomed for consideration at a Scrutiny Committee meeting so long as the question is directly related to an item listed on the agenda. If you have a question you would like to ask then please submit it no later than two working days before the meeting to the Committee Officer. This will help to ensure that an answer can be provided at the meeting).</i></p>	
7.	<p>BUDGET AND EMERGING OPTIONS 2013/14</p> <p>To receive a presentation on the budget and emerging options and consider the report to Cabinet on 13 December and make recommendations to Cabinet.</p>	
8.	<p>TASK & FINISH GROUP REPORT - COMMUNITY INFRASTRUCTURE LEVY (CIL) REVIEW</p> <p>To consider the findings arising from the scrutiny Task & Finish Group – 'Community Infrastructure Levy (CIL) Review' and to recommend the report to the Executive for consideration.</p>	15 - 38

9.	UPDATE TO THE OVERVIEW & SCRUTINY TASK & FINISH GROUP REPORT ON FEES & CHARGING	39 - 48
	To note the updated task and finish report on fees and charges council procurement and monitor progress against the Executive Action Plan.	
10.	UPDATE TO THE OVERVIEW & SCRUTINY TASK & FINISH GROUP REPORT ON COUNCIL PROCUREMENT POLICY AND LOCAL BUSINESS AND LOCAL EMPLOYMENT	49 - 64
	To note the updated task and finish report on council procurement policy and local business and local employment and monitor progress against the Executive Action Plan.	
11.	UPDATE TO THE OVERVIEW & SCRUTINY TASK & FINISH GROUP REPORT ON TOURIST AND TEMPORARY EVENT SIGNAGE	65 - 92
	To note the contents of the report and to seek the views of the General Overview and Scrutiny Committee on the draft Policy and Guidance Notes, arising since the Task & Finish Review.	
12.	COMMITTEE WORK PROGRAMME	93 - 126
	To consider the Committee work programme.	

PUBLIC INFORMATION

Public Involvement at Scrutiny Committee Meetings

You can contact Councillors and Officers at any time about Scrutiny Committee matters and issues which you would like the Scrutiny Committee to investigate.

There are also two other ways in which you can directly contribute at Herefordshire Council's Scrutiny Committee meetings.

1. Identifying Areas for Scrutiny

At the meeting the Chairman will ask the members of the public present if they have any issues which they would like the Scrutiny Committee to investigate, however, there will be no discussion of the issue at the time when the matter is raised. Councillors will research the issue and consider whether it should form part of the Committee's work programme when compared with other competing priorities.

2. Questions from Members of the Public for Consideration at Scrutiny Committee Meetings and Participation at Meetings

You can submit a question for consideration at a Scrutiny Committee meeting so long as the question you are asking is directly related to an item listed on the agenda. If you have a question you would like to ask then please submit it **no later than two working days before the meeting** to the Committee Officer. This will help to ensure that an answer can be provided at the meeting. Contact details for the Committee Officer can be found on the front page of this agenda.

Generally, members of the public will also be able to contribute to the discussion at the meeting. This will be at the Chairman's discretion.

(Please note that the Scrutiny Committee is not able to discuss questions relating to personal or confidential issues.)

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YOU HAVE A RIGHT TO: -

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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of General Overview & Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 9 November 2012 at 10.00 am

Present: Councillor A Seldon (Chairman)
Councillor EPJ Harvey (Vice Chairman)

Councillors: AM Atkinson, EMK Chave, BA Durkin, DW Greenow, JW Hope MBE, TM James, Brig P Jones CBE, JW Millar, R Preece, J Stone and GR Swinford

In attendance: Councillors PGH Cutter, RB Hamilton, J Hardwick, MAF Hubbard, JG Jarvis, JLV Kenyon, RI Matthews, PJ McCaull, C Nicholls, AJW Powers, PD Price and SJ Robertson

Officers: D Taylor, Acting Chief Executive; G Hughes, Director for Places and Communities; D Powell, Chief Officer Finance & Commercial; C Chapman, Assistant Director Law, Governance and Resilience; P James, Democratic Services Officer.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors: RC Hunt; G Lucas; DB Wilcox, and Mr P Sell.

2. NAMED SUBSTITUTES

Councillor J Stone substituted for Councillor RC Hunt
Councillor AM Atkinson substituted for Councillor G Lucas
Councillor JW Millar substituted for Councillor DB Wilcox.

3. DECLARATIONS OF INTEREST

7. Urgent Agenda Item - Call-in of Cabinet Decision Concerning the Variation to the Retail Quarter (Old Livestock Market) Development Agreement.
Councillor JG Jarvis, declared a personal non-pecuniary interest as a member of the Hereford Futures Board.

4. MINUTES

RESOLVED: That the Minutes of the meetings held 3 October and 12 October 2012 be confirmed as a correct record and signed by the Chairman.

5. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY

No suggestions for future scrutiny were made.

6. QUESTIONS FROM THE PUBLIC

The Committee received a number of questions in relation to the urgent agenda item – Call-in of Cabinet Decision Concerning the Variation to the Retail Quarter (Old Livestock Market) Development Agreement. The full questions, and responses currently available, were circulated at the meeting. Written responses would be forwarded to the Members and contributors.

The Chairman thanked the contributors for submitting their questions.

7. URGENT AGENDA ITEM - CALL-IN OF CABINET DECISION CONCERNING THE VARIATION TO THE RETAIL QUARTER (OLD LIVESTOCK MARKET) DEVELOPMENT AGREEMENT (Pages 7 - 10)

The Chairman considered that for reasons of special circumstances set out below, the item should be considered at the meeting as a matter of urgency.

The Chairman explained that Cabinet had treated the matter as urgent because this was a major commercial transaction which had been subject to negotiation for some time and had required a resolution by 31 October 2012. It was appropriate therefore to treat this business as urgent today.

The Committee reviewed the decision 2012.CAB.084 (Variation of Retail Quarter (Old Livestock Market) Development Agreement, made by Cabinet on the 31 October 2012. The Decision Notice and the report to Cabinet with its appendices had been made available as a supplement to the agenda for this Committee.

Councillor JG Jarvis, Leader of the Council, declared a personal non-pecuniary interest as a member of the Hereford Futures Board.

The Chairman commented that members of the public had submitted questions before the meeting and answers in writing would be made available as soon as possible. Questions and responses currently available were circulated at the meeting. A copy has been appended to these minutes.

The three signatories to the call-in (Cllrs: A Seldon; EPJ Harvey & GR Swinford) elaborated upon the reasons for the call-in as set out in the agenda report at paragraph 3. An additional comment was made that this decision should have been considered as a stand-alone decision and not as a follow on from the decision taken in April 2012.

The Chairman reminded Members of the Committee's recommendations made 13 April 2012, copies of which had been circulated, when the Committee had called-in a previous Cabinet decision concerning variations to the development agreement.

The Assistant Director Law, Governance and Resilience explained why the matter was not a key decision and circulated a note setting out his reasoning.

The Leader of the Council commented in relation to the previous Cabinet decision on 5 April 2012 and how the two decisions interrelated. He assured the Committee that Cabinet Members had been fully briefed on the risks and mitigation measures prior to the Cabinet meeting 31 October. The key decision question had been made clear in relation to urgency. He also commented that he had been convinced that there had been a significant risk that the deal was likely to fall through should the decision not be made by Cabinet on 31 October. He had only known the latest position concerning the financial negotiations on the Friday before Cabinet.

In overall terms the variations (£500,000 reduction in the capital receipt and amendment to the required number of pre-lets) were of a minor nature in the overall scheme considering the economic and other long term benefits that would be accrued from the development.

The Chairman made reference to requests for minutes of Hereford Futures and referred to recent comments made by M Hodge MP and N Raynsford MP concerning the need for accounting records of public companies delivering public services to be open, so that

the tax payer can see that proper value for money was being obtained rather than hide behind commercial confidentiality.

The Vice Chairman referred to the Notice of Motion raised in July 2012 warning about the financial situation concerning the contract and questioned what action had been taken since then to protect the Council from financial risk. Councillor Hubbard elaborated upon the issues raised in the Notice of Motion and also referred to subsequent correspondence with the Monitoring Officer which he suggested that the administration were already aware of issues regarding whether Stanhope and British Land were secure in going forward.

The Leader of the Council confirmed that since the Notice of Motion a conversation had taken place with Cllr Hubbard, concerning the issues raised, however, no evidence supporting the assertions had been brought forward.

In wishing to call an urgent Cabinet meeting the Leader commented that he had consulted with the Chairman of this committee concerning his reasons for wishing to deal with this as an urgent exempt item and acknowledged that the Chairman had expressed a different view. He had proceeded with the urgent non-exempt meeting as he had been convinced that the agreement could fall through if not proceeded with.

Responding to various questions, Mr Bretherton commented that a tough negotiating stance had been taken. However, this position needed to be understood in the current economic climate. The contract position had been slightly complicated in being a tri-partite agreement but this was not unprecedented. Also it was not unusual for the different parties to the funding agreement and contract to take different stances and Hereford Futures had on occasions acted as brokers during difficult negotiations. He also confirmed that it was not unknown in major deals of this nature for rumours, counter-rumours and other speculation to be in the public domain.

A member questioned any legal implications arising from the decision, including Paragraph 2.4 of the Pinsent Masons advice which had been circulated at Cabinet. If a judicial review of the agreement were initiated, he questioned whether the Council was vulnerable. He also suggested that, if Stanhope and British Land walked away from the deal, the Council would have to pick up the full costs. He also made the point that the public were fed up with secrecy concerning this development.

A member also suggested that the Council should be open and transparent, but it was important that any allegations made were fully substantiated.

A member acknowledged that there may be risks in proceeding, but also questioned what risks there were in not proceeding. He also questioned whether there would be further opportunities for Stanhope/British Land to seek any further financial contributions. He questioned whether there was any foundation to the rumour that the Council had paid for the site demolition.

The Leader of the Council stated that Stanhope had financed the demolition at the site. He further confirmed that the current state of the contract now meant that only the Council could allow negotiations to re-open should the financial position change.

Mr Bretherton clarified various deadline dates in the contract.

The Leader of the Council responded to the earlier question concerning the risk of not proceeding, commenting that amongst other things the county would lose out on 1,000 jobs, car park, cinema, new stores, Newmarket Street improvement, capital receipts and income from council car parks. Phase 2, when it proceeded, would bring further benefits.

The Committee questioned whether the scheme was still value for money. In response the Chief Officer Finance & Commercial commented that he had sought advice from Montagu Evans and their assessment that this remained value for money had been included in the report to Cabinet on 31 October. He also briefly commented concerning the Government's recent changes to the business rate scheme and the effect this would have on income from the development.

Responding to various questions concerning the change to the pre-let policy, Mr Bretherton confirmed that no change had been made to the Letting Displacement Policy previously approved. He commented that the reduction from six pre-lets to five pre-lets would now enable British Land/Stanhope to continue the funding arrangements. It would also put negotiators in a stronger position when talking to potential tenants.

The Assistant Director Law, Governance and Resilience reported that Pinsent Masons had led on the legal advice. In relation to the potential for judicial review they had expressed views on the likely hood of any successful challenge. He emphasised that any council decision could in theory be the subject of litigation. However were the courts to disagree with the decisions taken, there was nothing to prevent the authority from subsequently perfecting its decision making.

Mr Bretherton explained that the legal view was that the variation should be dealt with under a separate contract to that from the main contract, thereby divorcing one from the other should it be legally challenged.

The Director for Places & Communities commented that if the deal did not proceed he could not rule out the possibility that Stanhope may request a financial contribution from the Council for the cost of the demolition works though there was no obligation for the Council to agree or even consider this.

Questions were again asked whether risks had been tracked and were understandable. It was appreciated that specialist solicitors were undertaking the legal work, but the point was made that the Council needed to clearly understand the risk position. It was suggested that Appendix 2 to the report to Cabinet had not reflected the true position, as amongst other things it had not indicated the risks to the Council if the variations had not been agreed.

A member suggested that if Stanhope and British Land had been given a three month window in which to further the legal arrangements, it was unfair that the Council had only been given 24 hours' notice to make the decision concerning the variations.

Responding to questions Mr Bretherton clarified the various terminologies within the lettings policy. Mr Bretherton commented that the letting strategy within the agreement was unusual, in that it did provide a high degree of protection to the city centre as 30 businesses were not allowed to be approached by Stanhope.

A Member in attendance suggested that it would be many years before the Council would receive an actual return on its investment, bearing in mind how much time and money had been spent so far. He also questioned why, if British Land and Stanhope had confidence in the scheme, they had not been prepared to finance the shortfall in full and suggested that the current economic climate may mean the project was not as attractive as it had been.

Mr Bretherton assured the Committee that it was normal for large developments to take time and create a degree of frustration. This deal had not been helped by the down turn in the economic climate and the range of terms within the agreement. He acknowledged that British Land and Stanhope had responsibilities to their shareholders, yet it was clear

that both companies still wished to invest in Hereford, as there was no lack of confidence.

The Chairman sought clarification concerning how the 0.2% change equated to the £3m and the cost. Mr Bretherton responded that this related to a number of factors but in summary, the effect of this yield reduction when applied to a projected rent roll of approximately £5.7M for the completed development led to the £3m reduction in capital value.

The Leader of the Council restated that Cabinet Members had received briefings by officers and Mr Bretherton prior to the Cabinet meeting. He also commented that the Council was due to receive £1.5m, now reduced to £1m in accordance with the variation, on signature of the agreement next week. He also confirmed he would be happy to go through the figures with Cllr James and Cllr Matthews at a later date.

Questions were asked why the Cabinet Member (Enterprise & Culture) had not attended Cabinet or this meeting. The Leader of the Council confirmed that Councillor Phillips was out of the county on Council business, but would be attending Cabinet on Monday.

Responding to a request for clarity over the financing of the project, the Leader of the Council confirmed that a fact sheet could be provided to Members at an appropriate stage.

It was questioned why the risk identified in paragraph 2.4 of Pinsent Mason report hadn't been registered on the risk register (Appendix 2). The Assistant Director Law, Governance and Resilience confirmed that the risks were addressed in the external advice received.

Mr Bretherton commented that the risk mentioned in Pinsent Mason report rested with Stanhope, and not the Council. He reiterated that isolating this part of the agreement from the main contract provided a degree of protection. The commercial risk to Stanhope was they believed negligible and Stanhope had to take a commercial view.

Members considered that Cabinet needed to be clear about the risks involved and suggested the risks be categorised against each party in the agreement and list the mitigation being put in place.

A Member in attendance made the point that if these variations are to be dealt with by a standalone agreement, then this would infer that these variations are a separate decision to that taken earlier. It should be a key decision as it would now meet the criteria for being so. The Assistant Director Law, Governance and Resilience clarified that there was a distinction between the structure of the legal agreements and the totality of the decision constituting a key decision.

The Vice Chairman referred to amendments to the Constitution made by Council concerning definition of a key decision and also suggested that this Cabinet decision clearly met the definition.

Following questions about the various contract deadlines, Mr Bretherton explained how the various deadlines related to key points in the agreement and how they related to decisions made by Cabinet.

Comment was made about the appropriateness of Members text messaging during the meeting.

RECOMMENDATION:
That Cabinet

- a) **Undertake further due diligence to demonstrate that value for money can be shown;**
- b) **Ensure that steps have been taken to safeguard the Council's position under the European procurement rules;**
- c) **Ensure that the risks reasonably inherent in this decision be recorded and segregated as between this Council and Stanhope;**
- d) **Make a detailed examination of paragraph 2.4 of the report by Pinsent Masons entitled Public Procurement Advice and produced to Cabinet on 31 October;**
- e) **Ensure that the issue of commercial confidentiality be considered extremely carefully as a reason for withholding papers from this Committee;**

The meeting ended at 12.12 pm

CHAIRMAN

General Overview & Scrutiny Committee

Held at 10.00am Friday 9 November 2012

Agenda Item 6 – Questions from the Public.

Agenda Item 6 invited the public to submit questions for consideration at the meeting so long as the question is directly related to an item on the agenda.

The Following questions have been received. Officers have provided written response.

From: Mrs Wegg-Prosser

I understand the Cabinet recommendation regarding the ESG Retail Quarter Development Scheme has been called in for Scrutiny. On the assumption that this matter will appear on the Agenda for the next General Overview and Scrutiny Committee Meeting to be held on 9th November 2012, I should be grateful if you could submit the following question and let me have the answer as soon as possible:- What has happened to the commitment to provide affordable housing and a civic quarter within the ESG development scheme?

Signed Victoria Wegg-Prosser, Hereford.

Response - The question in relation to the provision of affordable housing in the civic quarter on the ESG scheme is not relevant to the Call-in but a written response will be provided separately to Mrs Wegg-Prosser on this matter.

From: Mr N Jones

Uncorroborated reports suggest that the costs of the demolition of the old cattle market buildings (which has been going on since early October) together with the cost of the site's perimeter hoarding, have so far been borne by Herefordshire Council.

If true, this is highly irregular. In effect, public funds are being diverted to start work on a private property consortium's commercial development, before that development had been authorised by Herefordshire Council.

On 31 October 2012, Hereford Future's Chief Executive Jonathan Bretherton told the Emergency Cabinet Meeting that "the deal" (ie: the required Variation to the Retail Quarter (Old Livestock Market) Development Agreement) had to be signed by midnight that day. Yet Councillors were not informed that for at least three weeks Herefordshire Council had effectively been "underwriting" this demolition work in expectation of Cabinet approval.

The chairman of the meeting made no reference to this highly unusual circumstance; neither did the Acting Chief Executive nor the Director of Places & Communities, both of whom were in attendance. It would appear that due process was not followed.

Q: Can the Scrutiny Committee:-

- i) Ascertain whether Herefordshire Council has been “underwriting” the site demolition costs since early October?
- ii) If so, what is the total expenditure up to 31 October 2012?
- iii) Who authorised such an arrangement?
- iv) Why was the Emergency Cabinet Meeting not informed, since it might well have affected the decision taken?

In my view, all of the four elements of the above question relate to the Cabinet decision of 31 October 2012.

Submitted by:

Mr N Jones
Hereford

Response - These questions are not directly relevant to the Call-In, a separate written response will be provided which will confirm that there has been no underwriting of the demolition costs by Herefordshire Council.

From: Mrs E Morawiecka

Question 1

Six months ago I requested information regarding the calculation of the business rate income at the 13th April meeting of Overview & scrutiny. The questions and answers provided were:-

"5.2. What has been the loss to date of business rates on the sites in Widemarsh Street, Station Approach, the Cattle Market site, etc since businesses were required to relocate for the “Link Road” to support the Grid Development?

This is not relevant to the call-in but we will provide a written response to this question at a future date. It should be noted that the national business rates pool picks up any reduction in income and not the council.

5.3 What is the expected annual loss in business rates arising from the anticipated city centre attrition rate of retail businesses arising from the revised terms from businesses closing or relocating as a result of the new ESG development competing with the existing City Centre, including business rates that will be lost on the existing Odeon cinema site?

See answer to 5.2 above"

1a) As this information would surely be required for the senior officer to calculate value for money for the local taxpayer, what is the answer to these questions, now that officers have had 6 months to prepare?

Response - This question is not relevant to the current call-in, a written response has now been provided.

1b) Montague Evans were apparently being prudent estimating that the retail development would generate business rates of £2.5million. I understand that the latest estimate for

business rates will now be just £1.25million. How prudent are Montague Evans being 6 months later with this estimate and what is the risk attached to their latest detailed calculation, bearing in mind the level of error before?

Response - This question is not relevant to the call-in but a written response will be provided at a future date.

Question 2.

The minutes of the Gateway Committee, which includes Cllr Jarvis, Cllr R Phillips, the Chief Executive of Herefordshire Council and Mr Geoff Hughes, of 18th July 2012, states under 5. Old Market Site/Stanhope:-

"5.2 The committee was made aware of Stanhope's proposals regarding project funding.

5.3 "redacted"

5.4 The Committee discussed the final steps required to conclude the agreed contracts. Geoff Hughes had delegated authority to proceed".

2a) What were Stanhope's proposals regarding project funding in July?

Response - Stanhope made the proposal that they would put in place the project funding with British land PLC based upon the cabinet approval from April. They enquired as to the likely timescale regarding putting the delegated officer approval in place.

Stanhope also mentioned contingency plans in the event that they failed to secure satisfactory agreement with British land and how they were considering approaching the investment market in future.

2b) What were the final steps agreed by this committee for Mr Geoff Hughes to conclude the agreed contracts under delegated authority?

Response - The Gateway Committee agreed no final steps, the delegated authority referred to was the delegated authority given to Mr Hughes at the cabinet decision meeting in April.

The gateway committee have no executive authority to make decisions, this was purely a reference to the delegated authority given by cabinet.

All that was discussed was the timetable for completed that work as agreed by cabinet.

Question 3.

There is still considerable potential for the Old Livestock Market site to compliment the historic city centre of Hereford and to provide much needed housing; educational resources; etc. Now that the future income/capital receipts on this deal have fallen as a result of :-

i) the estimate of business rates dropping from £2.5million to £1.25million p.a.in the last 6 months;

ii) the future capital receipt has fallen from £1.5m to £1million;

iii) Herefordshire Council has already overspent by £1.5 million on purchasing land for the link road to support the Stanhope Development;

at what point does the deal with Stanhope/British Land cease to be value for money for the local taxpayer?

Response - The council has taken independent advice from Montagu Evans about the revision to the development agreement and has received assurance that this remains value for money for the local taxpayer.

3b) Please confirm the net present value and the return on investment local taxpayers can expect on their money being invested in the Old Livestock Market retail scheme, showing the calculation and total costs incurred by way of legal and professional fees; capital costs of the Link Road; the New Livestock Market; etc to date, and clearly identifying the current estimated capital and income receipts this project will deliver.

Response - This is not relevant to the call-in, but a written response will be provided at a future date.

Yours sincerely,

Mrs E Morawiecka

MEETING:	GENERAL OVERVIEW & SCRUTINY COMMITTEE
DATE:	10 DECEMBER 2012
TITLE OF REPORT:	TASK & FINISH GROUP REPORT – COMMUNITY INFRASTRUCTURE LEVY (CIL) REVIEW
REPORT BY:	Task & Finish Review Group

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To consider the findings arising from the scrutiny Task & Finish Group – ‘Community Infrastructure Levy (CIL) Review’ and to recommend the report to the Executive for consideration.

Recommendation(s)

THAT:

- (a) **the Committee considers the report of the Task & Finish Group – Community Infrastructure Levy (CIL) Review, in particular its recommendations, and determines whether it wishes to agree the findings for submission to the Executive;**
- (b) **Subject to the Review being approved, the Executive’s response to the Review including an action plan be reported to the first available meeting of the Committee after the Executive has approved its response;**

Key Points Summary

- A scrutiny Task & Finish Review has been undertaken into the preparation of a Community Infrastructure Levy (CIL) charging schedule for Herefordshire.
- The findings and recommendations of the Review Group are contained in the attached report.

Alternative Options

- 1 The Committee can agree, not agree or can vary the recommendations. If the Committee agree with the findings and recommendations from the review, the attached report will be submitted to the Executive for consideration. It will be for the Executive to decide whether some, all or none of the recommendations are approved.

Reasons for Recommendations

- 2 This Committee commissioned a Task & Finish Group to look at the preparation of a Community Infrastructure Levy (CIL) charging schedule for Herefordshire. The Task & Finish Group has completed its task so far as it is currently able and its report is required to be submitted to this Committee for approval. The recommendations also set out how the report should be progressed in accordance with the Council's Constitution, if approved by the Committee.

Introduction and Background

- 3 Cabinet on 28 July 2011 considered the Economic Development Strategy, Local Development Framework (LDF) and the Local Transport Plan 3 (LTP3). Arising out of that debate Cabinet invited the Overview and Scrutiny Committee to inform the preparation of a Community Infrastructure Levy charging schedule for Herefordshire.
- 4 The Overview & Scrutiny Committee commissioned a Task & Finish Group to undertake a review. The Review has been undertaken within the limitations of having to meet a deadline for a report to be submitted to the Executive by December 2012. The resultant findings and recommendations are to be reported to this Committee for its consideration prior to being referred to the Council's Executive for consideration and approval.

Key Considerations

- 5 The Community Infrastructure Levy (CIL) is expected to provide additional monies for infrastructure but will not replace existing mainstream funding. Core public funding will continue to bear the main burden, and the Council will need to utilise CIL alongside other funding streams to deliver infrastructure plans locally.
- 6 The Task & Finish Group considered the range of information put before it and its principal findings were that a differential rates approach be taken to setting CIL rates in Herefordshire and that a locality-based approach to managing both the encouragement of development and the implementation and ownership of infrastructure projects – including those designed as 'strategic' at county level, is recommended for Herefordshire.
- 7 The Task & Finish Group were time limited in its investigations to meet the deadline for reporting to the Executive by December 2012. The Task & Finish Group are of the opinion that the Group should be recommissioned early in the New Year when further evidence namely a report by Three Dragons consultancy will be available.

Community Impact

- 8 The findings and recommendations from the review are in accordance with many of the guiding principles in the Herefordshire Community Strategy. If the Committee and the Executive agree with the findings of the Group, any community impact will be reported in the resultant report to Cabinet.

Equality and Human Rights

- 9 If the Committee agree with the findings of the Group the report will need to be considered by the Executive and, depending on their decision, any resultant implementation of a Community Infrastructure Levy will need to be assessed against the Equality Analysis and be reported to Cabinet.

Financial Implications

- 10 If a Community Infrastructure Levy is imposed then the level of income derived will be dependent on the evidence to support the fee levels in the charging schedule and how the payment of the fees is phased as defined by the payment schedule. Both these elements will need to be considered by the Executive and, depending on their decision, any resultant implementation of a Community Infrastructure Levy will need to be assessed against the financial implications and be reported to Cabinet.

Legal Implications

11. The Council is required to take into account the changes to recent government guidance to which the review report refers. If the Committee and the Executive agree with the findings of the Group, legal input will be given to the resultant report to Cabinet.

Risk Management

12. There is reputational risk if the Council does not operate a sound policy. The recommendations in the Review report should help mitigate this risk. The potential risk has been highlighted to the relevant department to assess whether the risk warrants inclusion in the risk register.

Consultees

- 13 As part of the Review interviews were held with: Lin Cousins, Three Dragons Consultancy; Shropshire Council; Jane Thomas, Strategic Housing Manager, and Hayley Crane, Housing Development Officer.

Appendices

- 14 Task & Finish Review Group Report – Community Infrastructure Levy (CIL) Report (Appendix 1).

Background Papers

- The Review Group received many documents which are listed in appendix 3 to the Review Groups report the majority of which are available via the respective websites.

Task & Finish Group Report

**Community Infrastructure Levy
(CIL) Task & Finish Group**

**For consideration by the General
Overview & Scrutiny Committee –
10 December 2012**



Task & Finish Group Report

Community Infrastructure Levy (CIL)

What is the Community Infrastructure Levy?

The Community Infrastructure Levy (CIL) is a new local tax on capital gain that local authorities in England and Wales can choose to charge on new developments in their area.

The money can be used to support development by funding infrastructure projects that the council, local community and neighbourhoods want – for example, new or safer road schemes, or park improvements. It applies to most new buildings and charges are based on the size and type of the new development. The term ‘infrastructure’ in this instance, is used in its broadest sense to mean any service or facility that supports the county and its population. For examples of ‘infrastructure’ see Appendix 1.

Background

1. Cabinet on 28 July 2011 considered the Economic Development Strategy, Local Development Framework (LDF) and the Local Transport Plan 3 (LTP3). Arising out of that debate Cabinet invited the Overview and Scrutiny Committee to inform the preparation of a Community Infrastructure Levy charging schedule for Herefordshire. The Committee accepted and the work was to be part of the Task & Finish review of income and charging, however, at that time the CIL guidance was unclear and therefore the CIL element was deferred until it was practical to undertake the review. The guidance was somewhat improved by the summer of 2012 and the terms of reference of this task and finish group were agreed as being:
 - To review national guidance and best practice on the issue;
 - To review the applicability of CIL charging regimes elsewhere in the UK to Herefordshire;
 - To make recommendations to the Cabinet for the scope / scale / geographic applicability of the CIL.
2. The full scoping statement for the review is set out at Appendix 2.
3. This report addresses the key questions from the scoping statement and sets out a number of recommendations.
4. In undertaking this review, the Task & Finish Group has not looked at:
 - Input into the evolving Local development Framework or its associated Infrastructure Delivery Plan (however the Group have been kept advised of relevant progress and areas of concern).
 - Scrutiny of national legislation or guidance.
5. The Task & Finish Group comprised of Councillors: EPJ Harvey (Chair); B Durkin, J Hardwick; MAF Hubbard; GR Swinford. Councillor P Watts and Councillor EMK Chave have kept a watching brief on the review and have contributed some key comments. The Group were supported by Mr A Ashcroft, Assistant Director

Economic, Environment & Cultural Services (Lead Officer); Mrs Y Coleman, Planning Obligations Manager; Siobhan Riddle, Senior Planning Officer; Mr P James, Democratic Services Officer.

6. Prior to the start of the review the Group were provided with a substantial briefing pack and this has been supplemented by a number of further documents (listed at Appendix 3). Between 17 September 2012 and 20 November 2012 the Group carried out research, convened meetings; undertook interviews (see appendix 3) and undertook a visit to Shropshire Council.
7. The Group would like to thank all those who participated or supplied information during the course of this review.

Addressing issues from the Terms of Reference

8. In undertaking this review the Group have taken into account national guidance 'The Community Infrastructure Levy – Summary' produced by the Department for Communities and Local Government (November 2012). The Group have received information on how CIL regimes have been introduced in the few local authorities who have already implemented this new tax, principally Shropshire Council and Newark & Sherwood District Council. The Group has also received information concerning the number of CIL rate areas (zones) and the charging rates set by those authorities. Information concerning the scope, scale and geographic applicability of CIL is set out later in this report.

Commentary and Findings on the Key Questions

9. It must be emphasised that CIL is expected to provide additional monies for infrastructure but will not replace existing mainstream funding. Core public funding will continue to bear the main burden, and the Council will need to utilise CIL alongside other funding streams to deliver infrastructure plans locally.
10. The flexibility provided by CIL is that, unlike Section 106 which is site specific, funds from CIL do not have to be spent on projects local to the development and do not have to be spent within a fixed period of time. However, legislation requires that such projects need to be identified at county level and to be published in a regularly updated Infrastructure Delivery Plan (IDP).

Q1 - Examine appropriate CIL charging rates, and the effect of these rates on the viability of development in the County; and whether different CIL rates should be applied in different parts of the County.

11. Since CIL is a new and additional 'tax' on development it will, inevitably, impact upon the overall costs of development in parts of the country where the levy is implemented.
12. Legislation requires a Charging Authority (Herefordshire Council) to use 'appropriate available evidence' to inform the drafting of the charging schedule it implements. Government guidance recognises that the available data is unlikely to be fully comprehensive or exhaustive. However the Charging Authority will need to demonstrate that the proposed CIL rate or rates are informed by what information is

available and that the rate/s are consistent with that evidence across the whole County.

13. The Guidance indicates that where different rates are considered for application in different parts of the County then Charging Authority should use an area-based approach. This involves a broad test of development viability, informed by the evidence base, to ensure the CIL rates for an area are achievable. In doing this, the Charging Authority is advised to take a strategic view across its areas rather than to focus on the potential implications of setting a CIL for individual development sites within a charging area.
14. The Regulations recognise that the introduction of CIL may put some potential development sites at risk. It is for the Charging Authority to decide what CIL rate sets an appropriate balance between the need to fund infrastructure, and the potential implications for the economic viability of development across its area of responsibility.
15. The Council has contracted with consultants Three Dragons to produce the evidence base for Herefordshire; collating and interpreting inputs from land owners, developers and estate agents. Unfortunately, the timescales for this work have slipped and are now not compatible with the timescales to which this Task & Finish Group is working. This has impacted upon a number of aspects of this Group's review and recommendations to address these shortfalls will be referred to later in the report.
16. **Review process:** In setting a CIL rate, the Charging Authority will need to bear in mind that the economic circumstances and land values could change significantly during the lifetime of the charging schedule; and that it will be necessary to plan to review the CIL rates at appropriate points in the lifetime of the core strategy. Any such review may be achieved by considering the proposed CIL rates in the context of projected trend levels, over the longer term, of property prices and land values in the area; and will require that CIL rates are adjusted to maintain optimum revenue generation and broad alignment with market conditions. It is recommended that the initial implementation of CIL in Herefordshire should be reviewed after 12 months of operation.
17. The Council's three strategic documents comprising the Local Development Framework, the CIL Charging Mechanism and the Infrastructure Development Plan are all linked and interdependencies exist between them – see *Figure 1*. Some of these plans look ahead up to 20 years and all will be 'living documents' being updated and revised throughout their lifetimes.

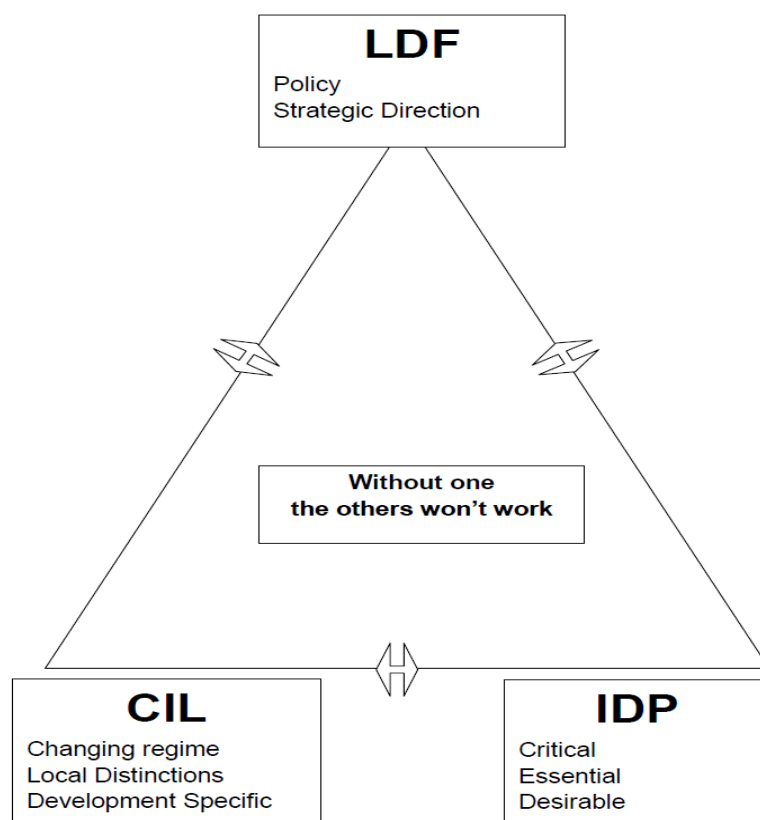


Figure 1: Interdependencies between strategic policy documents and processes

18. The Group recommend that both the LDF and IDP should contain implementation plans which identify the following:
- a) where strategic developments sit geographically within the county;
 - b) when they are anticipated to be needed;
 - c) what infrastructure projects are associated with those developments;
 - d) whether their implementation needs to lead or lag the developments;
 - e) who is responsible for their implementation (NOTE: Not all projects in the IDP are the responsibility of the Council to deliver)
19. This will enable developments to be identified against localities and for a timeline view of developments planned within an area to be built and maintained as part of the annual update cycle of the IDP.
20. The Group consider that this approach will also allow the segmentation of the three interlinked strategic documents (LDF/CIL/IDP) into fixed timeframes. This will assist in setting CIL rates for the near-term timeframe with a degree of confidence, supported by the current evidence base. It will also allow all stakeholders to see when future rate reviews are planned so that they can make allowance for possible

variations in charging rates in negotiations on future developments. This will assist both in managing development timescales and in reduce uncertainty regarding development cost/profit modelling.

21. **CIL Rates:** There are a number of different ways in which CIL rates can be structured. The Charging Authority may consider setting uniform rates, because they are simple to understand and to manage. Alternatively, the Charging Authority may consider setting differential rates as a way of both optimising revenue generation and recognising variations in economic viability within the County.

22. If differential rates are set the regulations require that the geographical zones are precisely defined on an Ordnance Survey map so that it is immediately clear which charging zone any particular development is in thereby providing a developer with certainty regarding what rate they should expect to pay. The Charging Authority also needs to be mindful that complex patterns of differential rates need to be compliant with state aid regulations. Examples of approaches to the zoning of charges are given in *Table 1*

Council Name	Residential (new houses & extensions over 100sqm)		
	Differential Payment	Lowest Charge per square metre	Highest Charge per square metre
Mid Devon District Council	1 Standard Charging Zone	£90	£90
Shropshire	2 Charging Zones – Urban & Rural	£40	£80
Mid Sussex District Council	3 Charging Zones – Rural, Village & Town	£150	£235
Newark & Sherwood	7 Charging Zones	£0	£75

Table 1: Example differential CIL rates

23. The Group consider it to be important that infrastructure projects prioritised within the IDP are enabled by CIL. Therefore it is the responsibility of the Charging Authority to optimise the revenue generated by CIL payments, within the moderating framework of the county’s market conditions and supported by an independently assured and regularly updated evidence base.

24. The Group hasn’t been able to review the evidence collected by the Three Dragons consultants. However, the Group has heard evidence that would strongly suggest that there are varying degrees of development viability across the County. It is therefore recommended that the Council implement a differential CIL rate approach in Herefordshire. Differential CIL rates would require a charging matrix to be created which prescribes the CIL rate to be applied to specific developments according to a variety of assessment criteria.

25. The criteria associated with setting of differential CIL rates may include the following:

- a) The geographical market area e.g. Locality - this will be specific to the general location of a development

- b) Any development zoning defined within the Locality e.g. Urban, Village, Rural – this will be specific to the particular location of a development
 - c) The development type, e.g. residential, employment, retail, agricultural, etc. – this will be specific to the nature of a development
26. In developing differential rates it will be important to include sufficient variables in the charging mechanism to reflect the range of market conditions within the County. However, it must also be borne in mind that the more variables introduced into the charging mechanism the more complex the process will be both to administer and to communicate to developers and land owners as indicated by the table above.
27. There may be two or more localities in Herefordshire which have similar market conditions and may therefore be able to use a common set of differential rates – which would make the system easier to administer. However, the evidence base is not currently available to enable this report to make specific recommendations regarding a CIL charging matrix. The Group consider it important that the evidence base is examined before making any detailed recommendations on a differential CIL charging matrix for Herefordshire.
28. **Recommendation: - that a differential rates approach, in terms of both areas and zoning within areas, be taken to setting CIL in Herefordshire.**
29. **Recommendation: - that this Task & Finish Group be recommissioned early in 2013 to review the available documentation, engage with stakeholders on the proposed charging schedule and make recommendations.**

Q2 - Examine whether charges should be applied for some types of development, or for all.

30. The Regulations allow the Authority to vary CIL rates according to the intended uses of development (e.g. residential, retail, business, etc.) across their charging area provided that the different rates can be justified by a comparative assessment of the economic viability of those categories of development. Where the Authority has applied differential rates in this way, the charging schedule should reflect those rates by reference to the appropriate use categories.
31. The Charging Authority should not exempt or set a zero rate for a particular zone or category of development from CIL, unless it can demonstrate that this is justifiable in economic viability terms and aligns with the guidance already in place on Income and Charging.
32. **Recommendation – That the guidelines set out in the Income & Charging Review be applied to the application of CIL rates.**
33. **Recommendation - It is important to include all types of development in the CIL charging framework – although some categories may be given a £Nil rate in a particular charging timeframe.**
34. **Phasing of CIL Payments:** CIL payments must be paid. They are not negotiable. It is therefore vital that when setting its payment schedule the Charging Authority is open and transparent about how the charges will be imposed (e.g. the percentage

payable at any defined key point in the development) and sensitive to the type and scale of the likely development so as not to make the development unviable. The Charging Authority has to get the payment schedule right first time.

35. Once set, the phasing of the payment schedule against the staged completion of a development will have a significant impact on the cash-flow of the developer and ultimately the viability of the development in the round. Examples of payment phasing adopted in other authorities are given in *Table 2*.

Council Name	Details of Payment Phasing		
	Phasing Criteria	Phases	Schedule of Payment Instalments
Bath & North East Somerset	Up to £35,000	1	100% within 60 days of commencement
	Greater than £35,000	3	33% within 60 days of commencement 33% within 12 calendar months after commencement 34% within 18 calendar months after commencement
Newark & Sherwood	Less than £50,000	1	100% within 60 days of commencement
	£50,000 to £250,000	2	25% within 90 days of commencement 75% within 270 days of commencement
	Greater than £250,000	4	25% within 90 days of commencement 25% within 180 days of commencement 25% within 360 days of commencement 25% within 540 days of commencement
Shropshire Council	1 dwelling	2	15% within 60 days of commencement 85% within 270 days of commencement
	2 – 4 dwellings	3	15% within 60 days of commencement 20% within 270 days of commencement 65% within 365 days of commencement
	5 – 25 dwellings	3	15% within 60 days of commencement 25% within 270 days of commencement 60% within 365 days of commencement
	26+	2	25% within 60 days of commencement 75% within 365 days of commencement
Huntingdonshire	Less than £16,000	1	100% within 120 days of commencement
	£16,000 to £50,000	3	25% within 120 days of commencement 50% within 210 days of commencement 25% within 270 days of commencement
	£50,000 to £100,000	3	25% within 120 days of commencement 50% within 240 days of commencement 25% within 365 days of commencement
	£100,000 to £500,000	3	25% within 150 days of commencement 25% within 300 days of commencement 25% within 450 days of commencement
	Greater than £500,000	3	25% within 180 days of commencement 50% within 450 days of commencement 25% within 720 days of commencement

Table 2: Examples of CIL payment phasing policies

36. The Group consider this to be an important aspect of the successful implementation of CIL and **Recommend - That this Task & Finish Group be re-commissioned early in 2013 to review the available documentation, and to engage with local**

stakeholders on the options for phasing of CIL payments before making further recommendations.

37. **Apportionment of CIL:** The implementation of CIL needs to be undertaken in a manner which encourages positive behaviours in all stakeholder groups. This includes the local communities and the parish councils hosting the developments, as well as landowners, financiers and developers.
38. Once collected, CIL needs to be apportioned against a variety of activities. How this is done will have a huge impact on how CIL and the whole development strategy for the county as a whole is perceived by local communities across the county.
39. There are now a few CIL models around the country and some, due to local circumstances, seem quite complex. However Shropshire, has implemented a more straight forward model which appears well aligned to the needs of Herefordshire.
40. The Group were most impressed by the positive behaviours engendered in local communities, and the contribution this makes to realising county level strategies, that has been enabled by the approach to CIL implementation adopted in Shropshire. Their astute model both delivers major top-down infrastructure projects and encourages community support for bottom-up local developments by the way in which they have handled the apportionment of CIL and the Locality planning of infrastructure projects.
41. To drive positive behaviours in the 'Shropshire model' they assign even major infrastructure projects to the Localities in which they are sited; and these are then contributed to by the 77% portion of the total CIL payment from any development that is retained in that Locality.

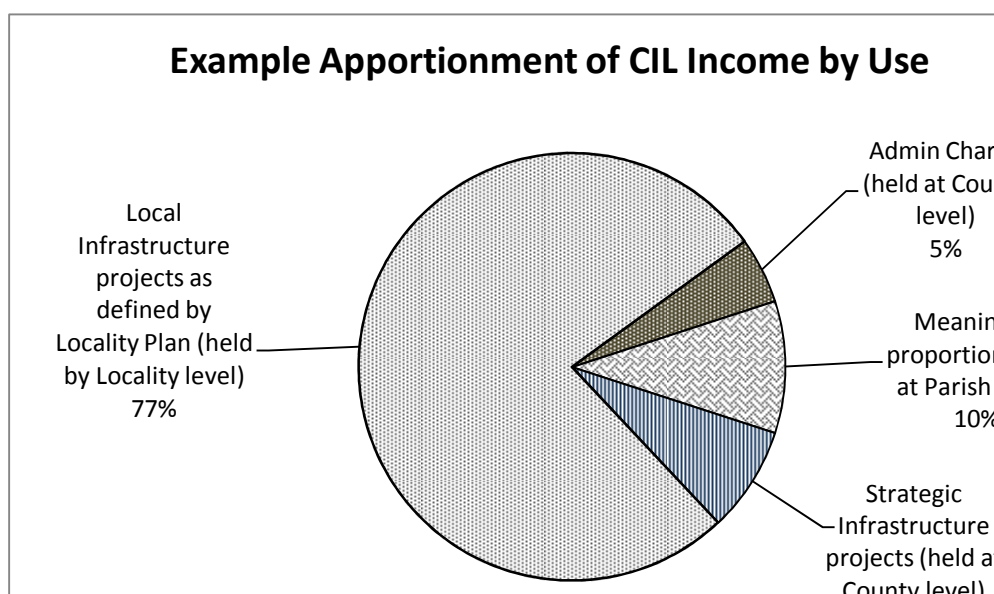


Figure 2: CIL apportionment to use category and level of local government

42. In Shropshire, they assign 5% of any CIL payment to overall administration and 10% as the 'meaningful proportion' of the CIL required by legislation to be returned to the parish in which the development takes place. Of the remaining 85%, 90% of it is

retained at a 'Locality' level, with only 10% going towards county-level strategic infrastructure projects.

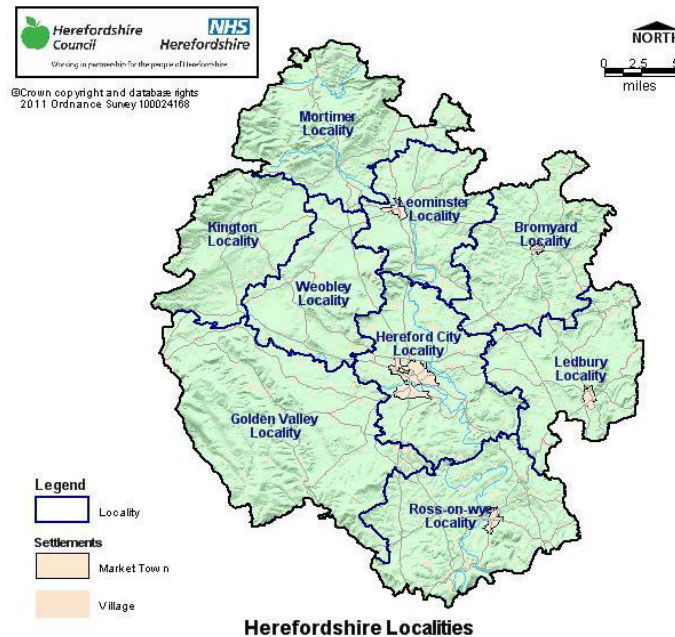


Figure 3: Herefordshire Localities

43. This approach requires that each Locality develop an area plan which is refreshed annually to reflect the infrastructure projects which are proposed for the coming year. These are then aggregated and used to update the county level IDP – which is required by legislation. The currently defined Herefordshire Localities are given in *Figure 3*.
44. In addition to strategic developments which are assigned to their Localities, local communities are actively coming forward to propose development projects in the villages and rural areas – where they are starting to see the resulting CIL being an important enabler for local community projects.
45. The Group consider that this is an important point for the Charging Authority to address. Roughly a third of the total development planned for Herefordshire over the next 20 years in the LDF is expected to be small scale developments, infill projects and individual dwellings built across and throughout the whole county, evolving out of local need. It is important to have mechanisms in place which will actively encourage the bringing forward of this development. It is also important to have CIL, and the infrastructure projects it funds, regarded in a positive light across the county as this will reduce resistance to these developments and will increase local 'ownership' of the county level plans.
46. **Recommendation - That a Locality-based approach to managing both the encouragement of development and the implementation and ownership of infrastructure projects – including those designated as 'strategic' at county level, is recommended for Herefordshire.**

Q3 - Examine whether charging regimes could relate to building sustainability as part of a wider encouragement for improved building efficiency standards

47. The Group consider that economic conditions and changing social priorities make it essential that the council delivers on its targets for affordable and social housing, perhaps even to exceed those targets. In addition the Group is concerned that housing built from now on is both affordable to buy/rent and also affordable to live in. The layout of houses on building plots, their roof geometry and aspect and their overall build to advanced standards of energy efficiency while delivering low impact on local resource and utilities are all crucial to the sustainable nature of the county's future housing stock.
48. **Recommendation - To ensure that the implementation of CIL encourages and supports the Councils targets for affordable and social housing and advances the standards of building sustainability of the county's housing stock.**
49. In addition, the Group recommends that careful consideration should be given to the creation of a special development category for high energy efficient, lifetime sustainable developments by the setting of a CIL rate that reflects the increased up-front cost of developments which meet these higher build standards. By implementing this via the means of a special development category the Group believe it will encourage this type of industry sector within the County.
50. **Recommendation – That a special development category be included in the CIL rate recognising high energy efficient, lifetime sustainable developments.**

Q4 - Examine and understand the transitional arrangements that will be required between Section 106 agreements and the introduction of CIL.

51. Traditionally Section 106 agreements have been applied to the more substantial developments which involve professional developers who are aware of the Section 106 system. While larger developers will be involved in the CIL process it is likely that smaller developers will become increasingly involved as buildings are extended or small developments over 100 square metres take place. It is therefore important that the Charging Authority policy on CIL is open, transparent and clear and provides good advice as early in the development process as possible.
52. **Recommendation – That a communication plan and workshops be instigated in advance of the implementation date to ensure that clear advice is available to both the development industry and the general public.**

Other Matters

53. The Group has sought assurance that the council has the software tools, staff cover and processes in place to enable the implementation of CIL to be handled effectively and efficiently. That assurance has been given, but has not been tested as part of this review.

54. The Group identified the need to set up an Infrastructure Delivery Working Group to oversee the delivery of CIL. A mechanism to deal with any appeals that may arise may also be required.
55. The Group also recognises that CIL management is an important area both in terms of the Council's ability to manage its own resources and to provide transparency to both the developers and the public alike. The Group has been briefed by the Planning Obligations Manager on the current arrangements for managing Section 106 monies, and is satisfied that these systems are both robust and effective. It was however clear that different mechanisms will need to be introduced once CIL is in place to project manage major infrastructure schemes, to provide annual statements, and to ensure a correct and sustainable balance between debt repayment and CIL payments.
56. In the timeframe of this review, the Group has not been able to obtain clear guidance on how the use of CIL payments will operate with respect to the other mechanisms open to the council for raising funds to pay for infrastructure projects. The way in which the cost of infrastructure projects are budgeted for and managed will have a major bearing on how CIL can be used at local and at county levels to enable community and more strategic infrastructure investments.
57. The group considers that this is an important area of discussion which may well impact on how infrastructure projects are scheduled in the IDP, and how the payment schedule for development projects can be phased. The group recommends that this is a subject which is investigated in more detail when the group is recommissioned to address outstanding questions in the New Year.
- 58. Recommendation – That the question of how the cost of infrastructure projects are budgeted for and managed be investigated in more detail when the Task & Finish Group is recommissioned.**

The Recommendations contained in this report This table needs updating:

Paragraph No	
28	Recommendation: - that a differential rates approach, in terms of both areas and zoning within areas, be taken to setting CIL in Herefordshire.
29	Recommendation: - that this Task & Finish Group be recommissioned early in 2013 to review the available documentation, engage with stakeholders on the proposed charging schedule and make recommendations.
32	Recommendation – That the guidelines set out in the Income & Charging Review be applied to the application of CIL rates.
33	Recommendation - It is important to include all types of development in the CIL charging framework – although some categories may be given a £Nil rate in a particular charging timeframe.

36	Recommend - That this Task & Finish Group be re-commissioned early in 2013 to review the available documentation, and to engage with local stakeholders on the options for phasing of CIL payments before making further recommendations.
46	Recommendation - That a Locality-based approach to managing both the encouragement of development and the implementation and ownership of infrastructure projects – including those designated as ‘strategic’ at county level, is recommended for Herefordshire.
48	Recommendation - To ensure that the implementation of CIL encourages and supports the Councils targets for affordable and social housing and advances the standards of building sustainability of the county’s housing stock.
50	Recommendation – That a special development category be included in the CIL rate recognising high energy efficient, lifetime sustainable developments.
52	Recommendation – That a communication plan and workshops be instigated in advance of the implementation date to ensure that clear advice is available to both the development industry and the general public.
58	Recommendation – That the question of how the cost of infrastructure projects are budgeted for and managed be investigated in more detail when the Task & Finish Group is recommissioned.

Examples of Infrastructure

1. The term “infrastructure”, in this instance, is used in its broadest sense to mean any service or facility that supports the county and its population. It includes but is not restricted to the following:

- a. Table 1.1 Defining Infrastructure

Physical Infrastructure	Social Infrastructure	Green Infrastructure
Road Improvements and Travel Management	Affordable housing - social rented/intermediate	Parks
Rail	Education - Nursery and pre-school; primary, secondary; further education, higher education, adult education	Children’s play areas
Buses and other Public Transport	Health - Hospitals; Health centres/GP surgeries; Public health and prevention	Sports pitches and ball courts
Cycle Network	Community services - Libraries, Community centres, Youth services, Social services/over-50s/support, police, fire & rescue, ambulance, cemeteries and crematoria, courts, prisons, hostels, places of worship, post offices, Children’s centres; special needs and disability	Country parks & Accessible Natural Green space
Footway Improvements	Public Art and Public Realm	Green public realm
Car Parking	Sport and Recreational Facilities	Allotments
Gas and Electricity generation and provision	Culture - Museum/galleries, Theatres / Venues, Cinemas, events, festivals and town centre programmes, Markets	Public Rights of Way
Water supply, waste water treatment, drainage, flood defences		Rivers
Telecommunications e.g. broadband		Canals

TITLE OF REVIEW:	Community Infrastructure Levy
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SCOPING

Reason for Enquiry

To assist in the formulation of the Community Infrastructure Levy (CIL) policy and rates throughout the County.

Links to the Community Strategy

The review contributes to the following objectives contained in the Herefordshire Sustainable Community Strategy, including the Council's Corporate Plan and other key plans or strategies:

Summary of Review and Terms of Reference

Summary

This review is to consider the setting of the Community Infrastructure Levy in the County.

Terms of Reference

- To review national guidance and best practice on the issue.
- To review the applicability of CIL charging regimes elsewhere in the UK to Herefordshire.
- To make recommendations to the Cabinet for the scope/scale/geographic applicability of the CIL.

What will NOT be included

- Input into the evolving Local Development Framework (although the group will need to be kept advised of relevant progress and to comment on areas of concern).
- Scrutiny of national legislation or guidance.

Potential outcomes

To

- Influence the setting of the CIL within the County.
- Assess the applicability of recently introduced CIL models elsewhere in the UK to Herefordshire.

Key questions

To

- Examine appropriate CIL charging rates, and the effect on these rates on the viability of development in the County.
- Examine whether charges should be applied for some types of development, or for all.
- Examine whether charging regimes could relate to building sustainability as part of a wider encouragement for improved building efficiency standards.
- Examine whether different CIL rates should be applied in different parts of the County.
- Examine and understand the transitional arrangements that will be required between Section 106 agreements and the introduction of CIL.

Cabinet Member (s)

Councillor Russell B Hamilton

Key Stakeholders/Consultees

- Community Groups in Herefordshire.
- Development Industry / land owners.
- Highways Agency.
- Infrastructure Providers (including Environment Agency).

Potential Witnesses

- Community representatives from other counties.
- Landowners/agents involved in proposed strategic sites.
- Technical experts (Highways Agency / Environment Agency).
- Retained consultants (Three Dragons).

Research Required

Largely completed – national legislation / other authorities work.

Potential Visits

To

- Shropshire
- Newark and Sherwood

Publicity Requirements

Launch of Review
 During Review
 Publication of the Review and its recommendations
 Herefordshire Matters

Outline Timetable (following decision by the Overview and Scrutiny Committee to commission the Review)

<i>Activity</i>	<i>Timescale</i>
Collect current available data for circulation to Group prior to first meeting of the Group.	Completed
Confirm approach, programme of consultation/research/provisional witnesses/meeting dates	First meeting of the Review Group. Early September 2012
Collect outstanding data	Early September 2012
Analysis of data	
Final confirmation of interviews of witnesses	
Carry out programme of interviews	Early October 2012
Agree programme of site visits as appropriate	Early October 2012
Undertake site visits as appropriate	Early October 2012
Present interim report to Overview and Scrutiny Committee, if appropriate.	
Final analysis of data and witness evidence	
Prepare options/recommendations	
Present Final report to Overview and Scrutiny Committee	
Present options/recommendations to Cabinet (or Cabinet Member (s))	
Cabinet/Cabinet Member (s) response (Within 2 months of receipt of Group's report)	
Consideration of Executive's response by the Overview and Scrutiny Committee.	
Monitoring of Implementation of agreed recommendations (within six months of Executive's response)	
Members	Support Officers – Yvonne Coleman, Planning Obligations Manager. Siobhan Riddle, Senior Planning Officer.
Councillors: Cllr EPJ Harvey (Chairman of Review Group) Cllr BA Durkin Cllr J Hardwick Cllr MAF Hubbard Cllr GR Swinford	Lead Support Officer – Andrew Ashcroft – Assistant Director Economic, Environment & Cultural Services. Democratic Services Representative Paul James – Democratic Services Officer

Evidence and Interviews

Documents in initial briefing pack:

(Note many of these documents are available from the respective web sites)

Doc No.	
1	Communities and Local Government – The Community Infrastructure Levy (CIL) Summary
2	Newark & Sherwood District Council - CIL
3	Newark & Sherwood District Council – CIL Charging Schedule including Instalment Policy
4	Newark & Sherwood District Council – List of CIL Funded Projects (Reg.123)
5	Newark & Sherwood District Council – CIL Form Form to Accompany Planning Application Form
6	Newark & Sherwood District Council – CIL Form 2 Assumption of Liability Notice of Chargeable Development
7	Newark & Sherwood District Council – CIL Form 3 Liability Notice (Reg 65)
8	Newark & Sherwood District Council – CIL Form 4 Claim for Relief (Affordable Housing or Charitable Purposes)
9	Newark & Sherwood District Council – CIL Form 5 Commencement Notice (Reg 69)
10	Newark & Sherwood District Council – CIL Form 6 Demand Notice (Reg 69)
11	Newark & Sherwood District Council – CIL Appeals Procedure Note
12	Newark & Sherwood District Council – Paying CIL in the form of land note
13	Newark & Sherwood District Council –CIL Guide – Newark & Sherwood
14	Shropshire Council – Community Infrastructure Levy
15	Shropshire Council –CIL Form 0 v3
16	Shropshire Council –CIL Form Guidance note v3
17	Shropshire Council – CIL Form 1 assumption of liability
18	Shropshire Council – CIL Form 2 claiming exemption and or relief
19	Shropshire Council – CIL Form 3 withdrawal of assumption of liability
20	Shropshire Council – CIL Form 4 transfer of assumed liability
21	Shropshire Council – CIL Form 6 commencement notice
22	Shropshire Council – Guide to CIL relief
23	Shropshire Council – Notification of CIL relief
24	Shropshire Council – Instalment Policy
25	Shropshire Council – CIL FAQ for communities April
26	Shropshire Council – CIL Detailed notes for applicants April 2012
27	Shropshire Council – CIL Reg 123 list for April 2012
28	Shropshire Council – Shropshire CIL Charging Schedule
29	Herefordshire Council: Economic Viability Assessment Final Report – June 2011 Three Dragons and Roger Tym & Partners
30	CIL Charges – by various Councils (Charging Authorities)
31	FAQ's about the CIL

Documents received during the Review:

A	Members seminar 6 September (postponed) PowerPoint presentation 'Community Infrastructure Levy'
B	Comments on Scoping for CIL (LC August 2012) from Cllr Chave
C	Comments for T&FG – CIL meeting 17 September 2012 from Cllr Chave.
D	Link to the DCLG website to an overview of the CIL. (e-mail from Y Coleman 19.9.12)
E	List of examples of 'infrastructure' (e-mail from Y Coleman 19.9.12)
F	Draft Herefordshire Core Strategy Infrastructure Delivery Programme.
G	Torbay Council – CIL – Preliminary draft Charging schedule consultation document – Dec 2011.
H	List of Local Authority (collection authority) 'Phasing Amounts' (Bristol; Bath & North East Somerset; Shropshire; Huntingdonshire).
I	Article in on line publication 'Planning' by Jamie Carpenter 'Official hints that CIL will not fund affordable homes'. (e-mail from Y Coleman 14.10.12)
J	CIL Charging Comparisons – various charging authorities (excel sheets)
K	Flip chart notes of meeting 29 October 2012
L	PowerPoint presentation by Lin Cousins, Three Dragons, to the meeting on 10 October with some post meeting updating.

Interviews have been held with:

Shropshire Council – a visit was undertaken on Monday 8 October 2012.
Lin Cousins, Three Dragons Consultancy – Wednesday 10 October 2012.
Jane Thomas, Strategic Housing Manager, and Hayley Crane, Housing Development Officer – Wednesday 10 October 2012.

MEETING:	GENERAL OVERVIEW AND SCRUTINY COMMITTEE
DATE:	10 DECEMBER 2012
TITLE OF REPORT:	UPDATE TO THE OVERVIEW & SCRUTINY TASK & FINISH GROUP REPORT ON FEES & CHARGING
REPORT BY:	DAVID POWELL CHIEF OFFICER FINANCIAL & COMMERCIAL

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

County-wide

4. Purpose

To note the updated task and finish report on fees and charges attached at appendix A and monitor progress against the Executive Action Plan.

5. Recommendation(s)

THAT:

- (a) the report be noted.

6. Key Points Summary

- Good progress has been made implementing the recommendations
- Since the first report the overall Root and Branch process has developed and includes the review of charging for each thematic area.
- Extensive cost benchmarking has been undertaken to understand our services

Further information on the subject of this report is available from David Powell, Chief Officer: Finance & Commercial on Tel: (01432) 383519

7. Alternative Options

7.1 There are no Alternative Options.

8. Reasons for Recommendations

8.1 The executive response was brought to Overview & Scrutiny and approved.

8.2 It was agreed that an updated position would be brought back to the Committee for noting six months after the initial report.

9. Introduction and Background

9.1 In June 2011 Cabinet agreed a number of charging principles. The report arose from a benchmarking review that showed Herefordshire was in the lower quartile in terms of potential fees, charging and income compared to other authorities. Cabinet requested "Overview and Scrutiny Committee, through the Vice-Chairman Corporate Services, to undertake a review to identify options for the development of budgetary policy to support further income generation".

9.2 At the meeting of Overview & Scrutiny Committee on 19 March 2012 the Committee agreed the findings and recommendations to the Executive arising from the review of income and charging (appendix A).

9.3 In developing its response the Executive has taken into consideration the current financial climate and future efficiency savings that face local government.

9.4 When Cabinet requested the review there was a need to understand how the rationale for setting fees and charges linked to service provision and how this fitted within the overall approach to budget policy. The move towards greater integration of fees and charges into the overall service delivery and budget process was indicated by Cabinet when it agreed draft charging and trading principles back in July. These principles required:

- a. A consistent approach to full cost recovery and increased income generation to be achieved through the adoption of corporate charging principles. This principle also requires that implementation of income proposals should be supported and driven using a properly managed process with clear timescales and priorities;
- b. The work already undertaken around traded services to schools had identified proposals totalling £1.9m, which related to existing income streams. Such services needed to be further developed to mitigate the risk of this income being lost due to external competition as academy status schools exercise newfound 'choice' by purchasing services from outside providers;
- c. A medium-term aim to develop an appropriate approach to extending the traded services model to provide a wider range of council services on a commercial basis;
- d. A benchmarking comparison with other unitary authorities in the council's comparator 'family group' shows Herefordshire in the lower quartile in terms of income generation. Cabinet formed the view that this indicates there is scope to generate additional income to offset budget pressures and to reduce the level of subsidy provided.

10. Key Considerations

10.1 The recommendations of the task and finish group were that:

- a. Council should consistently apply the principles for setting or amending fees and charges agreed last year and revised by this group and by PwC. These principles should be set out as part of the annual budget papers where the full schedule of fees and charges is included. Any future presentation of the schedule to members should include a covering report setting out how the principles have been met.
- b. Any new charges or any changes to existing charges in excess of inflation, should be tested and reported against the council's stated principles for setting or amending fees and charges. Over a period of time, not exceeding 18 months, all existing charges should be tested against the principles in order to provide a baseline for future review.
- c. The council should develop a consistent approach to engaging service users and taxpayers more in decisions about whether and at what level to charge for services. Questions should continue to be asked in consultations about services and wider engagement exercises to do with council finances. As part of this engagement, the council should describe the financial and non-financial contribution of charging, and the rationale for levels of subsidy for services to local people. The council should make this information available on its website and at service hubs and information centres.
- d. Staff should receive the necessary training to behave in a business-like/commercial manner in developing and delivering council services
- e. The appropriate finance mechanisms and tools should be made available to enable service costs and management overheads to be apportioned and managed effectively to ensure cost recovery.
- f. Benchmarking should be undertaken to learn from commercial markets exhibiting functional or capability similarities to council services.
- g. Enabling systems and tools should be in place to minimise the implementation and running costs of service charges and to ensure appropriate information about service use and user behaviour is captured to inform future planning and service delivery.
- h. Services should be classified to distinguish between those that are mandatory, discretionary and commercial to aid transparency and clarity for staff, councillors and the public.

102. The Executive's response is contained at Appendix A and progress against the recommendations is included. The response covers the eight recommendations and indicates wide acceptance of the Task and Finish group's report. It is clear that the current financial climate and national financial context signal the need for a transformation in approach.

10.3 The council has worked with Local Government Futures to analyse our statutory and discretionary activity to support the 'Root and Branch' process. As part of this a benchmarking exercise has compared Herefordshire's spend across all major service areas. This has provided greater awareness of per capita spend and has also looked at comparisons by activity 'drivers'.

11. Community Impact

11.1 Increases in fees and charges will have an impact on communities across Herefordshire. However, significant cuts to front line service provision would be necessary if the increase to median levels of fees and charges were not implemented.

12. Equality and Human Rights

12.1 Any decision to increase charges will be subject to an Equality Impact Assessment. It is important that the council has due regard to the relevant part of the general duty under

legislation covering the legislation equalities

13. Financial Implications

13.1 All actions proposed will be met from within existing agreed budgets

14. Legal Implications

14.1 There are no legal implications

15. Risk Management

15.1 The proposed actions must be considered alongside progress within other relevant service areas to ensure a strategic and cohesive approach to future opportunities with regards to income and charging.

15.2 The response in Appendix A has a series of dependencies and interdependencies between tasks. These are critical and will be part of the wider implementation/action plan to aid the response to the task and finish group's report. Income generation is critical to the council delivering on its challenging budget and changing the culture internally and behaviours externally. Actions are spread across all areas of the council and slippage in individual areas of the attached response will have consequences on the overall schedule. In order to mitigate this an overall project plan will be developed for all action owners. This will help ensure that the risk associated with any slippage can be understood.

16. Consultees

16.1 None identified but future changes to some charges will require consultation

17. Appendices

17.1 Executive Response - Updated

17.2 Task & Finish Group Report on Income and Charging – 19 March 2012

18. Background Papers

- Fees and Charges, Cabinet – 30 June 2011
- Fees and Charges Update, Cabinet – 16 April 2012

Recommendation No. 1	Council should consistently apply the principles for setting or amending fees and charges agreed last year and revised by this group and by PwC. These principles should be set out as part of the annual budget papers where the full schedule of fees and charges is included. Any future presentation of the schedule to members should include a covering report setting out how the principles have been met.			
Executive's Response	The recommendation is accepted. Officers will ensure the principles are applied. The budget papers for Cabinet and Council will provide a full schedule of fees and charges.			
Action	Owner	By When	Target/Success criteria	Progress
Consistent application of principles	Chief Officer; Finance & Commercial	July 2012	All fees and charges assessed against principles and outcome shared with Cabinet.	On Going -Fees and charges assessed against the principles
Include principles within Medium term Financial Strategy (MTFS)	Chief Officer; Finance & Commercial	October 2012	Inclusion of principles within MTFS for Cabinet and Council consideration.	Completed -Included in the first draft of the Council's Medium Term Financial Strategy.
Provide full schedule of fees and charges as part of the budget process	Chief Officer; Finance & Commercial	September 2012	Schedule based on input from directorates. Schedule forms part of annual budget process.	Completed - First draft schedule completed for inclusion

Recommendation No. 2	Any new charges or any changes to existing charges in excess of inflation, should be tested and reported against the council's stated principles for setting or amending fees and charges. Over a period of time, not exceeding 18 months, <u>all existing charges</u> should be tested against the principles in order to provide a baseline for future review.			
Executive's Response	The recommendation is accepted. It is the intention to review all existing charges over a period of time.			
Action	Owner	By When	Target/Success criteria	Progress
All new charges or changes will be tested against principles.	Directors	As required and part of the budget	Evidence of assessment against principles with outcome held in a single document.	Guidance produced

Existing charges to be tested against principles.	Directors	process. May 2013	All existing charges tested against principles and results report to Cabinet.	Guidance produced
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Recommendation No. 3	The council should develop a consistent approach to engaging service users and taxpayers more in decisions about whether and at what level to charge for services. Questions should continue to be asked in consultations about services and wider engagement exercises to do with council finances. As part of this engagement, the council should describe the financial and non-financial contribution of charging, and the rationale for levels of subsidy for services to local people. The council should make this information available on its website and at service hubs and information centres.			
Executive's Response	The recommendation is accepted and it is the intention to use the Root and Branch process wherever possible to challenge subsidy levels.			
Action	Owner	By When	Target/Success criteria	Progress
Engage public and service users via Your Community, Your Say process.	Directors	Autumn 2012	Improved engagement and feedback about charging.	Completed- As part of the process public engaged about funding of services
Review charges to establish level of subsidy as part of the root and branch process.	Head of Corporate Finance	September 2012	Clarity about level of subsidy in existing charging levels.	Partial- Hoople being engaged to support analysis.
Greater awareness of charging through better use of website.	Digital Channels Project Manager	September 2012	Charges to be published on website and provided at customer service centres.	On hold – currently none in post. This will be reviewed when postholder is appointed.

<p>Recommendation No. 4</p>	<p>Staff should receive the necessary training to behave in a business-like/commercial manner in developing and delivering council services</p>			
<p>Executive's Response</p>	<p><i>The recommendation is accepted that training is a requirement; however this is a matter for the Head of paid Service to consider. A more significant requirement is to change the culture of the organisations so that it operates in a more commercial manner.</i></p>			
<p>Action</p>	<p>Owner</p>	<p>By When</p>	<p>Target/Success criteria</p>	<p>Progress</p>
<p>Training programme for managers</p>	<p>Head of Commercial Services and Hoople training function.</p>	<p>March 2013</p>	<p>All service managers and above to attend training events.</p>	<p>Commenced - A three point training and awareness programme is currently being developed and will be presented to the Leadership Academy to include:</p> <ul style="list-style-type: none"> (i) Commercial Awareness – council wide training for all stakeholders across the council – would consider this as part of the induction training programme (ii) Commercial Training – advance commercial training for all council officers that undertake commercial or procurement activities as part of their role (iii) Local Suppliers training – a series of

					“How to Tender” workshops to support local suppliers and increase opportunities to win business.
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Recommendation No. 5	The appropriate finance mechanisms and tools should be made available to enable service costs and management overheads to be apportioned and managed effectively to ensure cost recovery				
Executive’s Response	The recommendation is accepted. The Executive is committed to having management information that delivers greater clarity about the cost of service provision.				
Action	Owner	By When	Target/Success criteria	Progress	
Development of Agresso system to provide greater management information.	Head of Corporate Finance (Council) and Head of Finance (Hoople)	December 2012	Services to be costed to enable inclusion of overhead costs.	Partial- Unit 4 (Agresso) are looking at the cost of developing this option.	
Best practice to be established to enable transfer of knowledge.	Head of Corporate Finance	September 2012	Engagement with other organisations to obtain information that leads to improvement.	Partial- Engagement with neighbouring councils to share practice	
Presentation of information on costs to support management action.	Head of Finance (Hoople)	January 2013	Revised financial information that supports decision making. This will require a shift towards management accounting rather than financial accounting.	Partial - This has commenced through benchmarking work around costs from LG Futures	

Recommendation No. 6	Benchmarking should be undertaken to learn from commercial markets exhibiting functional or capability similarities to council services.				
Executive’s Response	Benchmarking already plays an important part in informing services how their performance compares with other local authorities. The challenge will be to find comparable external non local government bodies for benchmarking.				

Action	Owner	By When	Target/Success criteria	Progress
Investigate other potential benchmarking organisations.	Head of Commercial Services	September 2012	A set of non-local government organisations that can be benchmarked against.	This has proved challenging and
Review existing benchmarking information to seek evidence of comparability	Head of Commercial Services	September 2012	Clear understanding of the current position around service performance.	Completed The council worked with LG Future sto produce comparison of unit expenditure.

Recommendation No. 7	Enabling systems and tools should be in place to minimise the implementation and running costs of service charges and to ensure appropriate information about service use and user behaviour is captured to inform future planning and service delivery.			
Executive's Response	This links to subsidy of service issues. The digital channel project will assist minimise the cost of collecting charges.			
Action	Owner	By When	Target/Success criteria	Progress
Ensuring that as many as possible of charges can be paid for via digital channels.	Digital Channels Project Manager	September 2012	Increased volumes of charges payable via internet.	Partial - Council currently has internet payment provision.
Review of charging process via root and branch reviews.	Lead officers for root and branch reviews	To be established	Assessment completed of cost of charging for services.	Commenced - This forms a key part of the Root and Branch process that covers all Council services. As part of the 'discovery' phase this is assessed
A review of customer information currently available and proposals for	Digital Channels Project Manager	November 2012	Information on customer segmentation and impact of charges on activity.	On hold – currently no-one in post. This will be reviewed when postholder

further data collection.				is appointed.
Recommendation No. 8	Services should be classified to distinguish between those that are mandatory, discretionary and commercial to aid transparency and clarity for staff, councillors and the public			
Executive's Response	<i>The recommendation is accepted and the analysis of services will form part of the 2013/14 budget process. This will aid transparency as well as promoting debate about whether services should be subsidised.</i>			
Action	Owner	By When	Target/Success criteria	Progress
Provide analysis of all services against classifications.	Directors	September 2012	A comprehensive schedule of all services classified.	Completed – council has worked with LG Futures who have carried out this work within the Root and Branch framework. Senior managers have been briefed on outcome.

MEETING:	GENERAL OVERVIEW AND SCRUTINY COMMITTEE
DATE:	10 DECEMBER 2012
TITLE OF REPORT:	UPDATE TO THE OVERVIEW & SCRUTINY TASK & FINISH GROUP REPORT ON COUNCIL PROCUREMENT POLICY AND LOCAL BUSINESS AND LOCAL EMPLOYMENT
REPORT BY:	WAYNE WELSBY, HEAD OF COMMERCIAL SERVICES

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

County-wide

4. Purpose

To note the updated task and finish report on council procurement policy and local business and local employment attached as appendix A and monitor progress against the Executive Action Plan.

5. Recommendation(s)

THAT:

- (a) the report be noted.

6. Key Points Summary

- The progress delivering the recommendations is covered in the Appendix
- Good progress has been made in key areas but the inability to recruit to category manager posts has hampered delivery of some objectives
- A review of the Proactis system has meant that a more accessible means of advertising tendering opportunities is being explored

Further information on the subject of this report is available from Wayne Welsby, Head of Commercial Services on Tel: (01432) 261529

7. Alternative Options

7.1 There are no Alternative Options.

8. Reasons for Recommendations

8.1 The executive response was brought to Overview & Scrutiny and approved.

8.2 It was agreed that six months on an updated position would be brought back to the Committee for noting.

9. Introduction and Background

9.1 At the meeting of Overview & Scrutiny Committee on 19 March 2012 the Committee agreed the findings and recommendations to the Executive arising from the review of council procurement policy and local business and local employment (appendix A).

9.2 In developing its response the Executive took into consideration the current financial climate and future efficiency savings that face local government. It also took into account the impact that the Council has on the local economy through its procurement practices.

9.3 When Cabinet requested the review there was a need to understand how the rationale for setting fees and charges linked to service provision and how this fitted within the overall approach to budget policy. The move towards greater integration of fees and charges into the overall service delivery and budget process was indicated by Cabinet when it agreed draft charging and trading principles back in July. These principles required:

10. Key Considerations

10.1 The recommendations of the task and finish group were that:

- a. That the council's partners should, if possible, use the council's Proactis system to advertise procurement opportunities and if this is not possible give a commitment to share information about local suppliers.
- b. That parish councils might find it helpful to draw on the database of suppliers held on the Proactis system and that arrangements to share data with them should continue to be explored.
- c. That the role of Contract Monitoring Officers (CMO) set out in the Constitution requires review and clarification to ensure that there is a clear understanding of the role the CMO is expected to fulfil across directorates
- d. That lists showing the contracts let and who is responsible for monitoring them should be maintained by each directorate and held in a central location available to the relevant director for inspection, with a formal review of the lists say every six months.
- e. That six monthly sample audits be undertaken, perhaps as part of the audit programme, to provide an independent, external assessment of the council's major contracts to verify whether or not the council's assessment of the value for money and performance of these contracts is correct, with a report subsequently submitted to the relevant Cabinet Member and the Chairman of the Overview and Scrutiny Committee.

- f. That a communication plan be developed to raise awareness of the Proactis system to try to ensure that all businesses who wish to register on the system are registered.
- g. That the council consider how to raise business awareness and provide training and support to businesses to help them to equip themselves with the necessary skills to achieve the necessary accreditations that the council's contracts generally require.
- h. That a plan be produced setting out how help will be provided to develop local capability and capacity to win contracts including encouraging the formation of local consortia or other means
- i. That Contract Standing Orders should be amended and it should be mandatory that all procurement must be undertaken via the Proactis system unless a waiver not to do so is approved by the Commercial Services.
- j. That compliance with the mandatory requirement that all procurement above a threshold of £10,000 must be undertaken via the Proactis system should be monitored and reviewed every quarter for one year and six monthly thereafter.
- k. That to support the embedding of the Proactis system across the organisation annual presentations be made to each Directorate Management Team by Commercial Services and two awareness sessions arranged per year for officers directly involved in the use of Proactis.
- l. That the council should be alert to any changes to EU procurement rules and benchmark its interpretation of these rules with peer authorities to ensure that any adverse effect on local firms is minimised
- m. That the council should review the accreditations required in its contracts for the supply of certain services to ensure that they are proportionate and not unnecessarily onerous
- n. That the council consider how to raise business awareness and provide training and support to businesses to help them to equip themselves with the necessary skills to achieve the necessary accreditations that the council's contracts generally require
- o. That a plan be produced setting out how help will be provided to develop local capability and capacity to win contracts including encouraging the formation of local consortia or other means
- p. That arrangements are put in place to measure the amount of work let locally that is sub-contracted locally to ensure a true picture of local spend is captured
- q. That if the current model under the Amey Contract is maintained the council should have two councillors on the Amey Wye Valley Board with full voting rights
- r. The Council reviews the benefits of joint venture companies to see if they are distorting the market and consequently did not represent value for money
- s. The potential for the Council's buying power to drive down costs be explored

10.2 The full implementation of the recommendations has been hampered by the inability to recruit to the new Commercial Services team. The appointment of a Head of Commercial Services has strengthened the capability of the council but lack of staff resources has delayed the implementation of some of the recommendations.

10.3 A review of the Proactis system is underway to ensure that a user friendly system is available better able to support involvement of local suppliers is in place.

10.4 The updated position is contained at Appendix A.

11. Equality and Human Rights

- 11.1 Any decision to review council procurement policy charges will be subject to an Equality Impact Assessment. It is important that the council has due regard to the relevant part of the general duty under legislation covering the legislation equalities.

12. Financial Implications

- 12.1 None arise as a direct response to the report.

13. Legal Implications

- 13.1 There are no legal implications

14. Risk Management

- 14.1 The proposed actions must be considered alongside progress within other relevant service areas to ensure a strategic and cohesive approach to future opportunities with regards to income and charging.

15. Consultees

- 15.1 None identified but future changes to some charges will require consultation

16. Appendices

- 16.1 Executive Response - Updated
16.2 Task & Finish Group Report on Procurement

17. Background Papers

- None

<p>Recommendation No. 1</p>	<p>That the council's partners should, if possible, use the council's Proactis system to advertise procurement opportunities and if this is not possible give a commitment to share information about local suppliers.</p>			
<p>Executive's Response</p>	<p>The recommendation is accepted. Providing Proactis access to the council's partners provides clear benefits for local suppliers to access a 'one stop shop' of council and partner's tender opportunities; the Council, however, will need to review the functionality and security of Proactis to ensure that in providing access to other partners it would not compromise confidentiality of tender processes being managed by the Council.</p>			
<p>Action</p>	<p>Owner</p>	<p>By When</p>	<p>Target/Success criteria</p>	<p>Progress</p>
<p>To review any issues and risks in providing Proactis access to partners and mitigate where possible.</p>	<p>Head of Commercial Services</p>	<p>August 12</p>	<p>Full review of providing access to partners is undertaken including full issues and risk register.</p>	<p>On Hold - The Council remains committed to this objective but is currently reviewing other potential solutions that may provide greater ease of use for both internal officers and external users. This includes the option of collaborating with other authorities by joining the South West regional portal. This is decision is on hold as SW authorities are currently considering their future solution and will decide in Jan 13 if to remain with the current portal or retender.</p>
<p>Subject to above – identify clear cost structure and training programme to enable partners to fully utilise Proactis</p>	<p>Head of Commercial Services and Hoople training</p>	<p>August 12</p>	<p>A clear cost structure and training programme is established</p>	<p>See above</p>
<p>If access is not possible</p>	<p>Head of Commercial</p>	<p>August 12</p>	<p>Information is freely available and shared</p>	<p>See above</p>

options explored to share information about local suppliers with partners	Services		with partners.	
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Recommendation No. 2	That parish councils might find it helpful to draw on the database of suppliers held on the Proactis system and that arrangements to share data with them should continue to be explored.			
Executive's Response	The recommendation is accepted. The Council's database of suppliers is a list of organisations that have either expressed an interest to bid for council business or may be a current supplier. The council will establish arrangements to share data; however it should be noted that whilst the council can share this data it would be done so on the clear understanding that it is without approval or endorsement of any specific organisation by the authority			
Action	Owner	By When	Target/Success criteria	Progress
To explore ways in which the council's database of suppliers on Proactis could be shared with parish councils.	Head of Commercial Services Parish Liaison and Rural Services Officer	Sept 12	Database of suppliers is fully accessible by partner organisations.	Complete - A listing of organisations listed on the Proactis system is issued to the Parish Liaison and Rural Services Officer for distribution on a quarterly basis.

Recommendation No. 3	That the role of Contract Monitoring Officers (CMO) set out in the Constitution requires review and clarification to ensure that there is a clear understanding of the role the CMO is expected to fulfil across directorates			
Executive's Response	The recommendation is accepted. The Council will review the role of CMO and ensure clarification of the role and responsibilities is communicated to all stakeholders.			
Action	Owner	By When	Target/Success criteria	Progress
Review CMO role and communicate to all stakeholders.	Head of Commercial Services	August 2012	Review of role is undertaken and communication to all stakeholders.	On Hold , CMO review is on hold due to a project to implement a new contract management toolkit

				<p>across the council. This will have a direct impact on the role of the CMO under the constitution and any changes will be made via the Audit and Governance Committee. A Training event is scheduled for 29th Jan 13.</p>
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Recommendation No. 4	<p>That lists showing the contracts let and who is responsible for monitoring them should be maintained by each directorate and held in a central location available to the relevant director for inspection, with a formal review of the lists say every six months.</p>			
Executive's Response	<p><i>The recommendation is accepted. The council's Contract Register is currently updated annually and available for review/inspection at any time via the Council website. It is intended that Commercial Services (with support from Hoople Procurement) will provide monthly updates to Contract Monitoring Officers to increase visibility of contracts ending in the next 9 months or less to improve future procurement planning. It is anticipated that this will provide a more dynamic process than a 6 monthly review.</i></p>			
Action	Owner	By When	Target/Success criteria	Progress
To issue monthly updates of contracts registers to the council's CMO on a monthly basis to provide greater visibility of contracts and support greater	Head of Commercial Services (with support from Hoople Procurement)	August 2012	Contracts registers are provided monthly.	Implemented – monthly updates are sent to contract leads. This has significantly improved to the council's procurement pipeline visibility and planning

Recommendation No. 5	That six monthly sample audits be undertaken, perhaps as part of the audit programme, to provide an independent, external assessment of the council's major contracts to verify whether or not the council's assessment of the value for money and performance of these contracts is correct, with a report subsequently submitted to the relevant Cabinet Member and the Chairman of the Overview and Scrutiny Committee.			
Executive's Response	The recommendation is accepted. This will form part of audit programme planning.			
Action	Owner	By When	Target/Success criteria	Progress
To review annual audit plan to ensure sufficient coverage of contract audits	Chief Officer: Finance & Commercial Head of Commercial Services	July 2012	To review the existing programme and ensure Value for Money issues are covered.	Implemented – the annual audit plan was reviewed and agreed by the Audit and Governance Committee. Arney contract was audited
To ensure the Audit & Governance Committee is informed of progress	Chief Officer; Finance & Commercial Head of Internal Audit	September 2012	To brief the committee on scope of relevant audits and provide feedback in progress reporting.	Implemented –Progress reports in place.

Recommendation Nos. 6, 12 and 13	<p>(6) That a communication plan be developed to raise awareness of the Proactis system to try to ensure that all businesses who wish to register on the system are registered.</p> <p>(12) That the council consider how to raise business awareness and provide training and support to businesses to help them to equip themselves with the necessary skills to achieve the necessary accreditations that the council's contracts generally require</p> <p>(13) That a plan be produced setting out how help will be provided to develop local capability and capacity to win contracts including encouraging the formation of local consortia or other means</p>			
Executive's Response	Also covers 12 & 13 - The recommendation is accepted. The Council will work with the local Chamber of Commerce and other sectors to deliver a programme of training and communication events to 1) increase awareness of the Council's opportunities, 2) the use of the Proactis system, 3) 'how to tender' workshops and 4) support the development of consortia bodies to up-skill potential suppliers so they are better informed to try and win council business.			

Action	Owner	By When	Target/Success criteria	Progress
To agree with the Chamber of Commerce a programme of communication events.	Head of Commercial Services	Starting Sept 2012	Programme is agreed and in place	<p>6 – On hold - due to possible change of Proactis (see Rec 1).</p> <p>12 & 13 - Engagement has already started with the Chamber with particular focus on the Public Realm tender project. A wider programme of engagement events and training is now being developed to be undertaken in 2013.</p>

Recommendation No. 7	That Contract Standing Orders should be amended and it should be mandatory that all procurement must be undertaken via the Proactis system unless a waiver not to do so is approved by the Commercial Services.			
Executive's Response	<p>The recommendation is accepted. The Council agrees with the principle of mandatory use of Proactis but would need consider a number of factors:</p> <ul style="list-style-type: none"> • <i>use of existing frameworks – it is recognised that in some cases the use of established framework provides better value solutions for the Council and therefore would negate the need to advertise.</i> • <i>Proportionality - to ensure that the appropriate processes are proportionate to the level of spend / complexity of the give procurement, it is recommended that use of Proactis is applied to tenders with a value above £10,000.</i> • <i>that the demands can be managed by the Hoople procurement team and/or a training programme for other users is implemented.</i> 			
Action	Owner	By When	Target/Success criteria	Progress
To review the level of resources within Hoople	Head of Commercial Services (with support	Sept 2012	Review undertaken and actions agreed	Partly implemented - Priority has been given to

Procurement to support this	from Hoople Procurement)			requirements above £50k in line with current CSO demands.
Training programme for other users	Head of Commercial Services (with support from Hoople Procurement)	Sept 2012	A training programme to be agreed and implemented.	On hold – subject to decisions referred to in 1.

Recommendation No. 8	That compliance with the mandatory requirement that all procurement above a threshold of £10,000 must be undertaken via the Proactis system should be monitored and reviewed every quarter for one year and six months thereafter.			
Executive's Response	The recommendation is accepted. Subject to the factors in #7 a robust monitoring regime is implemented.			
Action	Owner	By When	Target/Success criteria	Progress
Subject to the factors in #7 a robust monitoring regime is implemented.	Head of Commercial Services (with support from Hoople Procurement)	Dec 12	Monitoring and reporting of use of Proactis is in place.	See No 7. Improved procurement visibility and planning is supporting this compliance. Supported by Audit Programme

Recommendation No. 9	That to support the embedding of the Proactis system across the organisation annual presentations be made to each Directorate Management Team by Commercial Services and two awareness sessions arranged per year for officers directly involved in the use of Proactis.			
Executive's Response	The recommendation is accepted. The council agrees with the proposal and would need to form part of the actions undertaken in response to Recommendation 8.			
Action	Owner	By When	Target/Success criteria	Progress
	Head of Commercial	Dec 12	Programme of events are agreed and	On hold – subject to

Implement a programme of annual presentations and awareness sessions.	Services (with support from Hoople Procurement)	being delivered.	decisions referred to in Recommendation 1. A more user friendly solution may reduce training needs across the council.
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Recommendation No. 10	That the council should be alert to any changes to EU procurement rules and benchmark its interpretation of these rules with peer authorities to ensure that any adverse effect on local firms is minimised		
Executive's Response	<i>The recommendation is accepted. The Council's Head of Commercial Services (HoCS) is a member of the National Advisory Group for Local Government (supported by the LGA) which as a consultation forum for new EU Procurement Rules and therefore well placed to have early sight of changes to procurement legislation and minimise any potential impact. In addition, the HoCS is also a member of the WM Procurement Board and WM Strategic Procurement Managers Group so has regular discussions with other authorities to benchmark current practices.</i>		
Action	Owner	By When	Target/Success criteria
N/A – recommendation will be undertaken under business as usual	Head of Commercial Services	n/a	n/a
			Progress

Recommendation No. 11	That the council should review the accreditations required in its contracts for the supply of certain services to ensure that they are proportionate and not unnecessarily onerous		
Executive's Response	<i>The recommendation is accepted. The council agrees with the principles of this recommendation, implementation will need to be considered on a case by case basis as new tender requirements emerge.</i>		
Action	Owner	By When	Target/Success criteria
Develop a training programme for council procurement stakeholders which will include the principles of applying	Head of Commercial Services (with support from Hoople Procurement)	Sept 12	Training programme in place
			Progress
			Part implemented – support and challenge is provided on a case by case basis. A training programme is being

<p>proportionality to the council's procurement practices</p>				<p>developed. Resourcing has delayed implementation. A new proposed Contract Management regime being explored will also aid compliance with this objective.</p>
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<p>Recommendation No. 12</p>	<p>(6) That a communication plan be developed to raise awareness of the Proactis system to try to ensure that all businesses who wish to register on the system are registered. (12) That the council consider how to raise business awareness and provide training and support to businesses to help them to equip themselves with the necessary skills to achieve the necessary accreditations that the council's contracts generally require (13) That a plan be produced setting out how help will be provided to develop local capability and capacity to win contracts including encouraging the formation of local consortia or other means</p>			
<p>Executive's Response</p>	<p><i>Also covers 6 and 13. The recommendation is accepted. The Council will work with the local Chamber of Commerce and other sectors to deliver a programme of training and communication events to 1) increase awareness of the Council's opportunities, 2) the use of the Proactis system, 3) 'how to tender' workshops and 4) support the development of consortia bodies to up-skill potential suppliers so they are better informed to try and win council business.</i></p>			
<p>Action</p>	<p>Owner</p>	<p>By When</p>	<p>Target/Success criteria</p>	<p>Progress</p>
<p>To agree with the Chamber of Commerce a programme of communication events.</p>	<p>Head of Commercial Services</p>	<p>Starting Sept 2012</p>	<p>Programme is agreed and in place</p>	<p>See 6.</p>

<p>Recommendation No. 13</p>	<p>(6) That a communication plan be developed to raise awareness of the Proactis system to try to ensure that all businesses who wish to register on the system are registered.</p> <p>(12) That the council consider how to raise business awareness and provide training and support to businesses to help them to equip themselves with the necessary skills to achieve the necessary accreditations that the council's contracts generally require</p> <p>(13) That a plan be produced setting out how help will be provided to develop local capability and capacity to win contracts including encouraging the formation of local consortia or other means</p>			
<p>Executive's Response</p>	<p>Also covers 6 and 12. The recommendation is accepted. The Council will work with the local Chamber of Commerce and other sectors to deliver a programme of training and communication events to 1) increase awareness of the Council's opportunities, 2) the use of the Proactis system, 3) 'how to tender' workshops and 4) support the development of consortia bodies to up-skill potential suppliers so they are better informed to try and win council business.</p>			
<p>Action</p>	<p>Owner</p>	<p>By When</p>	<p>Target/Success criteria</p>	<p>Progress</p>
<p>To agree with the Chamber of Commerce a programme of communication events.</p>	<p>Head of Commercial Services</p>	<p>Starting Sept 2012</p>	<p>Programme is agreed and in place</p>	<p>See 6.</p>
<p>Recommendation No. 14</p>	<p>That arrangements are put in place to measure the amount of work let locally that is sub-contracted locally to ensure a true picture of local spend is captured</p>			
<p>Executive's Response</p>	<p>The recommendation is accepted. A number of organisations, (e.g CLES.org.uk) has undertaken detailed analysis of the impact of council procurement spend on the local economy for other authorities. The council will undertake benchmarking analysis to establish the costs of commissioning such this requirement against potential in-house resources.</p>			
<p>Action</p>	<p>Owner</p>	<p>By When</p>	<p>Target/Success criteria</p>	<p>Progress</p>
<p>Put in place systems to capture information. Review options on</p>	<p>Head of Commercial Services Head of Corporate</p>	<p>Sept 12</p>	<p>Activity to meet the requirements of this recommendation has been undertaken and implemented.</p>	<p>Partly implemented – a new spend analysis system being implemented</p>

undertaking this recommendation and identify recommended solution	Finance			will provide greater clarity on spend with local suppliers. Mechanisms to capture subcontracted spend are being explored.
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Recommendation No. 15	That if the current model under the Amey Contract is maintained the council should have two councillors on the Amey Wye Valley Board with full voting rights			
Executive's Response	The recommendation is accepted. This is being explored as part of the discussions with Amey about future direction of the arrangement.			
Action	Owner	By When	Target/Success criteria	Progress
To explore the governance arrangements for the joint venture partnership	Director of Places	September 2012	To have sufficient representation on the Amey Wye Valley Board	No longer applicable - Amey contract not being extended.

Recommendation No. 16	The Council reviews the benefits of joint venture companies to see if they are distorting the market and consequently did not represent value for money			
Executive's Response	The recommendation is accepted. The council can undertake a review of joint venture companies as recommended. Any decision to establish a joint venture company is tested at the time of establishment to ensure it is the most appropriate model. Delivery is monitored after an arrangement is put in place.			
Action	Owner	By When	Target/Success criteria	Progress
Review of joint venture companies.	Head of Commercial Services	Nov 2012	Review has been undertaken and reported.	On hold – subject to the recruitment of additional Commercial Services resources.

Recommendation No. 17	The potential for the Council's buying power to drive down costs be explored			
Executive's Response	<i>The recommendation is accepted. The council is developing a procurement change programme to maximise its buying power through implementing a Category Management approach to procurement - supported by robust Contract Management and Supplier Relationship Management. This will be underpinned by common systems and processes (includes Proactis) and high quality spend data management information and capacity/capability building of key stakeholders.</i>			
Action	Owner	By When	Target/Success criteria	Progress
Establish high quality spend data management capability	Head of Commercial Services	August 2012	Competitive spend analysis is in place and used by Commercial Services to drive strategy.	Partly implemented – a new spend analysis system is being established and data is currently being analysed.
Develop systems to supply management information	Head of Commercial Services Head of ITC (Hoople)	Sept 2012	Continuous development programme of systems and processes has been implemented	A new Contract Management model is being explored to support compliance with the objective.
Implement Category Management regime	Head of Commercial Services	Sept 2012	Appropriate resources are in place and Cat Mgt regime is being implemented.	The Council attempted to recruit Category managers but was unable to appoint to the posts. However the principles are in place.

MEETING:	GENERAL OVERVIEW AND SCRUTINY COMMITTEE
DATE:	10 DECEMBER 2012
TITLE OF REPORT:	UPDATE TO THE OVERVIEW & SCRUTINY TASK & FINISH GROUP REPORT ON TOURIST AND TEMPORARY EVENT SIGNAGE
REPORT BY:	Richard Ball, Assistant Director Place Based Commissioning

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

County-wide

4. Purpose

To note the contents of the report and to seek the views of the General Overview and Scrutiny Committee on the draft Policy and Guidance Notes, arising since the Task & Finish Review.

5. Recommendation(s)

THAT:

- (a) **the report and progress is noted; and**
- (b) **The committee provide a view on the draft policy and guidance notes**

6. Key Points Summary

- In July 2011 the Overview and Scrutiny Committee commissioned a task and finish group to review Tourist Signage
- The review was completed in March 2012. The Overview and Scrutiny Committee agreed the findings and recommendations and in April 2012 wrote to the executive requesting a response to the recommendations

Further information on the subject of this report is available from Rob Hemblade, Parks, Countryside and Leisure Development Manager 01432 261981

- The executive responded in July 2012 setting out an action plan and timetable which was approved by the committee with a request for an update after 6 months.
- This report and attachments provides an update on progress.

7. Alternative Options

- 7.1 The alternative option is to retain the current guidance notes and policies. However these have been reviewed and considered to be out of date, unsupportive of local business and non-reflective of the current emphasis on community engagement.

8. Reasons for Recommendations

- 8.1 Overview and Scrutiny has recognised that the current Tourist Signage policy needs revising. The views of the committee on the proposed policy and guidance notes would be welcome.

9. Introduction and Background

- 9.1 In July 2011 the Overview and Scrutiny Committee commissioned a Task and Finish group to undertake a review of Tourist Signing (Brown Signs). At the first meeting of the group the scope was reviewed and Temporary event signage was added as it had a close bearing on the subject. The final agreed scope for the review was therefore:

- The review Tourist signing policy
- To review Tourist signing delivery
- To review the guidance provide on temporary event signage
- To review the temporary event signage delivery

10. Key Considerations

- 10.1 In July 2012 the Overview and Scrutiny committee considered the findings of the Task and Finish Group set up to review Tourism and temporary event signage policies and delivery. Eight recommendations were put forward by the task and Finish Group along with executive's response. The executive's responses included a number of actions and timetable which has been updated and is attached in the supporting documents.
- 10.2 After consideration, it was decided the best way to move forward was to compile a package of guidance notes covering tourist signage, business signage and temporary event signage under an overarching policy. The guidance notes will provide clear advice and directions to business and organisation wishing to apply for signage adjacent to and on highways. In regards to business signage and temporary event signage, Herefordshire Council are setting out what they will not enforce against as technically, signage on or adjacent to a highway needs to be authorised.
- 10.3 The draft policy consultation is now underway and has included local ward members, parish councils, local tourism businesses, The Council for the protection of Rural England, Amey Herefordshire and the Planning service. Useful discussions have also been carried out with Visit Herefordshire who are supportive of the direction of the policy and are helping with the consultation. The consultation is due to end on the 21st December 2012. However due to Parish Council meeting timetables is has been agreed that parish Councils can submit comments up to the 17th January 2013. Based on this a revised timetable has been produced.

10.4 The draft policy along with the 3 supporting guidance notes have been attached to the report and comprise of the following:

- Draft Tourism signage and Temporary event policy – this sets out the general direction Herefordshire council are taking which is to provide greater support to business whilst ensuring protection for the environment and road safety, along with greater involvement of local communities
- Draft Tourist Signage Policy – this has been considerably simplified and provides far more support to local businesses. The emphasis is on encouraging business to apply for signs rather than acting as a deterrent which often results in illegal signs and excess clutter. A requirement to involve the local community in the decision making process has been introduced. This will ensure greater local engagement and will give communities a direct say in the installation of infrastructure which affects the areas they live in and from which business operate from.
- Draft temporary event signage – the previous differences between commercial and non-commercial events has been removed and the requirement to remove signs after an event has finished has been strengthened.
- Draft business signage – this a new form of signage designed to encourage those business that either do not meet the criteria for brown signs, or wish to have something more individual than a brown sign, to apply for direction signs. The emphasis will be on the look of the signs to make sure they fit with the environment and, similar to temporary event signage, it will set out what Herefordshire Council's Highways and Planning services will tolerate and not enforce against. Local community organisations will have a key role in the decision making process alongside officers

10.5 The emphasis on all three documents is to encourage rather than discourage groups, business and organisations to apply for signage which will in turn reduce the increasing proliferation of clutter, improve road safety and help promote rural businesses. Those organisations wishing to run events will have clarity around what is expected of them and clear guidance on how to ensure the signage element of event organisation is carried out safely and in a way that ensures the event is well promoted and signposted. There is a far greater role for local communities who will be part of the decision making process and for the first time will have a say on what signage is erected in their areas. Costs for signage will be kept to a minimum with the emphasis being on covering expenses rather than making a profit.

11. Community Impact

11.1 The current procedures do not involve local communities in the decision making process in respect of new permanent signage. In light of the fact that very often it is businesses based within rural communities applying for signs it seems clear that local people should have a say. The new policy and guidance notes for business and tourism signage therefore puts local communities very much in the decision making process and applicants will need the support of local parish councils and ward members for their proposals. This will be a new role and therefore parish councils and ward members are being consulted.

12. Equality and Human Rights

12.1 There is no Equality or Human Rights Impact

13. Financial Implications

- 13.1 There are no additional cost implications for the authority. New signs will need to be paid for by the applicant.

14. Legal Implications

- 14.1 Given that signage erected on the highway must comply with the relevant highway regulations the Council, as highway authority, cannot authorise the erection of signage that is not in compliance with these provisions. However, it does have discretion to take enforcement action, depending on the circumstances.

15. Risk Management

- If agreed, the new policy and guidance notes will help provide greater clarity around what is expected, hence helping to reduce sign clutter, improve road safety and help promote rural businesses.
- If agreed, the new policy and guidance notes require the full involvement of local parish councils and ward members in the decision making process. Risks around the fact that local communities vary in size and capacity will be managed through ensuring that their views are taken into account as part of any consultation and subsequent implementation.
- If declined, the risk of retaining the current out of date guidance notes and policies is that these will not support local business, nor reflect the current emphasis on community involvement.

16. Consultees

- 16.1 The draft policy is currently out to consultation with Parish Councils, Local Ward Members, Tourism businesses, Chamber of Commerce, CPRE and the Areas of Outstanding natural Beauty. Visit Herefordshire, Highways and Planning Services have also been consulted

17. Appendices

- 17.1 Draft Tourism and Temporary Event Policy

Draft tourism signage policy

Draft temporary event guidance notes

Draft business guidance notes

18. Background Papers

- 18.1 Executive response to Overview and Scrutiny Committee Task and Finish group recommendations

<p>Recommendations</p>	<p>1. The eight recommendations of the task and finish group were that:</p> <p><i>Recommendation 1</i></p> <ul style="list-style-type: none"> a) <i>That the Herefordshire Tourist Signing Policy be reviewed;</i> b) <i>That all criteria requirements are reviewed with the emphasis on encouraging more businesses to apply for brown signs and in particular :</i> <ul style="list-style-type: none"> <i>I. The requirements for a national quality scheme are reviewed and, where appropriate, a local quality assurance scheme is used instead of a national quality scheme or as an alternative.</i> <i>II. All quality assurance schemes should be relevant and valid</i> <i>III. The criteria around the “i” Tourist Information Centre is revised.</i> <p><i>Recommendation 2</i></p> <p><i>The current Guidance note entitled Guidance Note: Signs placed within the highway boundary in Herefordshire should be reviewed and in particular the following points should be addressed:-</i></p> <ul style="list-style-type: none"> a) <i>The different rules for commercial and non-commercial events should be removed</i> b) <i>Directional signage should be allowed early than 72 hours in advance</i> c) <i>The rapid removal of signs by the event organiser after an event should be rigorously enforced.</i> <p><i>Recommendation 3</i></p> <p><i>Wherever possible, usage should be made of symbols rather than words and local communities should be encouraged to make more use of multiple signage.</i></p> <p><i>Recommendation 4</i></p> <p><i>Redundant signs should be removed as soon as possible after the highway authority have</i></p>
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	<p>been made aware of the fact that they are no longer required.</p> <p><i>Recommendation 5</i></p> <p><i>A review should be carried out to ensure reasonable costs are met but that the Herefordshire Council should not seek to make a profit on the administration of tourism signing responsibilities.</i></p> <p><i>Recommendation 6</i></p> <p><i>That a wider review of all highway signage and delivery is carried out with a priority being to reduce sign clutter wherever possible.</i></p> <p><i>Recommendation 7</i></p> <p><i>A review of all signage across the authority is carried out and all guidance documents relating to signage issued by either the planning or highway authority are reconciled with current regulations</i></p> <p><i>Recommendation 8</i></p> <p><i>In revising both the 'Herefordshire Tourist Signing Policy' (at recommendation 1) and the guidance note: Signs placed within the highway boundary in Hereford (at recommendation 2) the Executive consider the role of the Town and Parish councils could play in respect of these areas, in line with the localism agenda</i></p>	
<p>Executive's Response</p>		<p><i>The recommendations and the research undertaken by the review are noted. A new policy statement will now be developed taking account of the recommendations and then stakeholders consulted prior to final adoption. The aim will be to develop a simple and straight forward policy that supports local business and encourages tourism. The principle of full cost recovery for the service will be established and the policy will</i></p>

ensure that road safety is not compromised and the environment is preserved.					
Action	Owner	By When	Target/Success criteria	Progress	Progress December 2012
Draft Tourist Signage Policy statement prepared	Director for Places and Communities	July 2012	Draft policy prepared for consultation	Assistant Director Place Based Commissioning to complete draft policy by mid July 2012.	Completed
Consultation on draft Tourist Signage Policy statement to be carried out with Local Members, Parish Councils and key stakeholders	Director for Places and Communities	September 2012	Consultation carried out in line with corporate guidelines with Local Members Parish councils and key Stakeholders. To include Tourism businesses, Planning, Business Enterprise, Campaign for the Protection of Rural England and Highways Agency	Consultation to be completed by end of September 2012.	Initial consultation carried out with Ben Gill September 2012 Consultation with Parish Council's issued mid November 2012 due back 21 December 2012 except for Parish Councils mid-January 2013
Final Draft Prepared	Director for Places and Communities	October 2012	Results from consultation to be collated to provide evidence to support policy. Final draft prepared to reflect consultation feedback where appropriate.	Final draft completed by end of October 2012	Final Draft now due end January 2012
Revised Tourist Signage Policy statement approved	Director for Places and Communities	November 2012	Revised Tourist Signage Policy statement to be approved by Cabinet Member for Highways and Transportation	Revised policy to be approved by end of November 2012	Approval now due end February 2013

HEREFORDSHIRE COUNCIL

TOURISM AND TEMPORARY EVENT SIGNAGE POLICY

Introduction

The focus of this policy and guidance notes is to support local businesses, especially those in rural areas, and empower local communities to have a greater say in the signage within their areas.

Well-designed tourism and temporary event signage can support the local economy and improve the customer experience for highway users and local communities. Poorly designed signage, whether it is located within the highway boundary or on private land adjacent to a highway can cause problems for highway users and detract from the local environment. In many cases the difference between good and bad design is a matter of balance and perception. Herefordshire Council's role is to ensure the right balance is made between highway safety, environmental damage and supporting local businesses. We must also operate within regulations, such as exist for planning and highways. This policy is aimed at ensuring the right balance is achieved through solutions that comply with the law.

Key Aims

- Support tourism and local businesses;
- Promote community engagement;
- Improve road safety;
- Reduce environmental damage.

Tourism and local businesses

Tourism is a key industry within the county and Herefordshire Council will support the use of signs to raise awareness of the location of facilities and attractions that promote the economic health and cultural wellbeing of our County. New guidance will be introduced to support rural business and activities who do not meet the criteria for brown signs but need to guide customers to their premises

Local communities

Facebook: <http://www.facebook.com/hfdscouncil>

Twitter: <http://twitter.com/HfdsCouncil>

Flickr: <http://www.flickr.com/photos/hfdscouncil/>

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V0.1

The benefits and impact of signs is felt most at a local level. Local communities will therefore have a key role in the approval, design and location of signs within their locality. Local communities will also be encouraged to work with providers to ensure the detrimental environmental impact that signage can have is reduced as much as possible.

Road safety

Signs play an important role in ensuring road users arrive at their intended destination efficiently and safely. Road signs are also a distraction, therefore signs will need to be kept to a minimum and the information contained within a sign will provide only the detail required to allow the driver to find their destination. Road signage is not the only guide to travellers, and should work with street name plates, the destinations own publicity media, and other readily available information to direct the travelling public firstly to the right locality, and then on to their final destination. No sign should impede forward visibility, cause obstruction, confuse or distract drivers to the extent that it will cause undue risk to highway users to an unacceptable level.

Environment

Herefordshire Council will seek to enhance our environment and reduce environmental damage. Signs can have both a positive and negative impact on the environment. If located correctly they can ensure visitors arrive at their destination by the most direct route. However, too many signs cause environmental clutter and can threaten one of the attractions of our county, its beauty.

Eligibility criteria

Applicants for Brown or Tourist signs should be able to demonstrate they have met certain basic criteria to ensure that visitors expectations are met on arrival at their destination.

Process

Herefordshire Council's aim is to reduce 'red tape' and ensure the process of applying for signage is open, engaging and efficient and achieves its objective.

Costs

There are inevitably costs associated with the approval and installations of signs. Whilst Herefordshire Council must ensure all their costs are met to eliminate any unnecessary burden on tax payers, they will not seek to profit. Costs will be clearly set out, along with the standard of service applicants can expect. These costs will take account of the whole life of the sign, so that they can remain as effective guidance to the travelling public now and in the future.

Clutter

Signage clutter can come about as the result of redundant signs not being removed, badly thought out procedures, incremental development and the installation of unauthorised signs. The impact of such clutter can lead to safety issues and detract from the visual beauty of the county. Local communities and providers will therefore be invited to play an active role in helping reduce signage clutter along in partnership with Herefordshire Council.

Highways Agency and neighbouring authorities

Trunk Roads such, as the A49, and Motorways, as the M50 are managed by the Highways Agency who have their own criteria for signs. Neighbouring authorities also have their own approach to signage. Herefordshire Council will continue to work with the Highways Agency and its neighbours to ensure compatibility between the policies of respective organisations, recognising that many journeys to destinations within the County will have started from elsewhere in the World.

DRAFT HEREFORDSHIRE TOURIST SIGNING GUIDANCE NOTES

1. INTRODUCTION

- 1.1 Brown on white tourist signs play a key role in supporting rural tourism based businesses and enabling visitors to the county to move around the road network efficiently and safely by providing clear directional information. At the same time this document has by necessity been guided by a desire to not see the county littered with excessive signs and current statutory guidelines which provide a framework for all signage within the country. It is also important to recognise that there is a cost to administering, installing and removing redundant tourist signs and that these costs are fair and reasonable to all parties.
- 1.2 The intention of this policy is set out clearly how Herefordshire Council will administer and authorise the installation of tourist signs which provides clarity to those wishing to install signs
- 1.3 The provision of tourist signing on the motorway and trunk road network is dealt with by the Highways Agency. Within Herefordshire, this applies to the A49 and M50 The Highways Agency publication “We’re just off the Main Road” provides advice on traffic signs for tourist businesses in England.
- 1.4 Government guidance on the provision of tourist signing is contained in the following three documents:
 - TA93/04 – Guidance for Tourist Signposting – General Introduction
 - TD52/04P – Tourist Signing – Trunk Roads
 - TA94/04P – Tourist Signing – Local Roads

2. KEY PRINCIPLES

- 2.1 The objective of this guidance is to provide clear advice on the provision of tourist signing that meets the needs of the road user and the tourist industry, whilst being consistent with the safe and efficient management of traffic, and minimising the impact of signing on the environment.
- 2.2 Tourist signing should not be used purely as a marketing or advertising tool, and requests for signing that are made simply to promote a tourist destination will not be approved. A clear road safety and / or environmental benefit will need to be demonstrated before signing requests will be accepted.
- 2.4 All signs installed on the highway network will need to be fully compliant with The Traffic Signs Regulations and General Directions (TSRGD) and associated guidance. (Ref. Statutory Instruments 2002 No. 3113 The Traffic Signs Regulations and General Directions 2002). TSRGD sets out the design principles for road signs including tourist signing, specifying

criteria on sign dimensions, size of lettering, and siting. The Council's Traffic Management Team will be able to advise applicants on any updated TSRGD guidance.

- 2.5 In general five destinations is regarded as the maximum that drivers can absorb at a single junction, or four on all purpose dual carriageway roads with speeds in excess of 50 mph.
- 2.6 From the initial tourist sign, it is essential that there is clear and consistent signing along the entire route to the tourist destination being signposted. The need for continuity will involve signing at junctions along the route, particularly where a change of road is involved. Along longer sections of a route, reminder signs may be required to reassure drivers that they have not missed a turn. Such signs should be at minimum intervals of one mile and maximum intervals of five miles.
- 2.7 It is recognised that road signs have an impact on the local environment, and therefore it is intended that the provision of tourist signing should be carefully designed so as to minimise the impact on the very environment that attracts tourists to Herefordshire in the first place. Accordingly, tourist signing should complement rather than duplicate existing signing, and where possible should be incorporated into existing signs rather than require the installation of new signs. For rural businesses, tourist based or otherwise, who wish to produce their own bespoke directional signs, there is separate guidance entitled Business signs in the countryside available. However it is important to note that there is a presumption for tourist based businesses to apply for brown signs and that an organisation cannot have both types of signs.
- 2.8 In particular, to minimise the impact of new signs on the environment, there will be a general presumption against white on brown signs to tourist facilities that a visitor would normally expect to find within an urban area, in particular shops, cinemas, accommodation, restaurants, cafés, etc.
- 2.9 Herefordshire Council funds the provision and maintenance of general road signing on the highway network in its capacity as Local Highway Authority. However, tourist signing will only be provided where it is requested by a specific tourist destination, where it is considered to meet the criteria outlined within this guidance, and where that tourist destination funds the manufacturing, installation and maintenance costs associated with that signing. Tourist signs will remain in the ownership of the Authority, but in the event of them being stolen, damaged or destroyed, the applicant will be expected to pay the cost of subsequent repair or replacement. When the signs require replacement through age the applicant will be required to pay the cost of replacement.
- 2.10 The full cost for the supply and erection of the proposed tourism signs will be borne in full by the applicant, and Herefordshire Council will only

arrange for the signs to be manufactured and erected on receipt of this amount. This amount will also include costs for sign removal should the attraction close down, cease trading, or no longer meet the required standards as set out in this policy.

- 2.11 Generic signing schemes or use of symbols instead of words to groups of attractions or facilities, will be actively. Similarly on approach to towns, an Historic Towns type sign may be considered more appropriate than individual establishment signing. These signs will then incorporate appropriate symbols to be followed within the town. With respect to such signs there will need to be a lead applicant who will need to coordinate facilities and funds

3. DEFINITION OF TOURIST DESTINATIONS

- 3.1 A **tourist destination** is defined as a permanently established attraction or facility which:

- (a) Attracts or is used by visitors to an area; and
- (b) Is open to the public without prior booking during its normal opening hours.

- 3.2 **Tourist attractions** include

- Visitor centres,
- Theme parks,
- Historic buildings,
- Museums,
- Zoos and Safari Parks,
- Parks and gardens,
- Natural attractions (such as nature reserves and viewpoints),
- Areas of special interest,
- Country tours and routes,
- Sports centres,
- Concert venues,
- Theatres and,
- Cinemas.

- 3.3 **Tourist facilities** include

- Hotels, guesthouses, bed and breakfast and other serviced accommodation,
- Public houses,
- Restaurants,
- Holiday, touring and camping parks,
- Picnic sites and,
- Tourist Information Centres.

To be eligible for the provision of tourist signing, facilities offering accommodation will need to be accredited in an identified local or national quality assurance scheme. Similarly, holiday, touring or camping parks will need to have a reasonable number of pitches available for casual and overnight use, and be accredited.

- 3.4 Retail centres, garden centres and exhibition centres are specifically excluded from classification as tourist destinations, and where signing is considered appropriate for such facilities this should be done using normal directional signing.

4. CRITERIA FOR THE PROVISION OF TOURIST SIGNING

- 4.1 The identification of a particular tourist destination as a tourist attraction or facility under the definitions listed above does not automatically mean that the provision of tourist signing will be accepted for that destination. This section of the policy sets out the specific criteria that need to be met before the provision of tourist signing will be approved.
- 4.2 Eligible tourist destinations should have adequate parking, toilets, and publicity material, which should be of good quality

Parking

- 4.3 Parking provision could either be on site or close by, and should include disabled, cycle and coach parking where appropriate. Where it is close by rather than at the destination, the tourist signing should direct visitors to the parking rather than the destination itself. Pedestrian signing should then be provided on the safest route linking the parking facility to the destination, and should ensure continuous signing of the route in both directions (i.e. from car park to destination and back again).

Toilet Facilities

- 4.4 The destination should have adequate toilets on site or close by, including facilities for disabled people.

Publicity

- 4.5 Publicity material produced for the destination should have clear and accurate information including directions of how to reach the destination by road and, where appropriate, by public transport, walking and cycling. Such material may include leaflets, information contained within guidebooks, web sites, and at Tourist Information Centres. Where possible, directions should include reference to destinations that are already well sign-posted, such as settlement names, and to road numbers. Local names for roads or junctions should be avoided unless well signposted, as visitors will generally not be aware of such names.

Quality

- 4.6 Destinations will be expected to be of generally good quality, well maintained and to adhere to the appropriate accessibility standards, including the Disability Discrimination Act 1995 requirements. Membership of a recognised national or regional scheme for maintaining quality standards, will be generally required for a tourist destination to be considered for tourist signing provision. Evidence of such membership will be required from the applicant.

Existing Signs

- 4.7 The provision of tourist signing will be conditional on the permanent removal of any advertisement signs relating to that destination from private land adjacent to the highway or within the highway boundary. This shall be done prior to the installation of the tourist signing. This is to ensure that the provision of the tourist signing does not add to signing clutter and results in the consolidation of signing rather than proliferation.

Tourist Information Centres / Points

- 4.8 Signing to Tourist Information Centres (TIC) will only be provided where those centres are networked. Signing to Tourist Information Points (TIPs) will only be provided where the relevant authority enters into a Service Level Agreement to commit to ensuring that the TIP is properly maintained with visitor information.

Bypassed Communities

- 4.9 Bypassed community signs will only be provided for settlements with a population less than 10,000 and where adequate direction signing to that settlement does not already exist.

Local Communities

- 4.10 The impact of tourism signing is most significant at the local level and Herefordshire Council are keen to ensure local communities are fully engaged in the process. Applicants will therefore need to gain the support of their local Town or Parish Council before submitting an application for signing.

Other Criteria

- 4.11 Tourist signing for tourist facilities will not be provided where those facilities are located on or adjacent to an "A" or "B" road, where they are located within a settlement that already has directional signing in place, or where the facility does not meet the criteria relating to quality etc. outlined above. It is the responsibility of the owner of the

facility to ensure that their publicity contains clear instructions to visitors on how to reach their establishment, and tourist signing will only be provided where it is necessary to provide additional information to drivers on road safety grounds. This will generally only be the case where tourist facilities are located in relatively isolated locations that are more difficult to find.

- 4.12 Tourist signing for tourist attractions will only be provided where those attractions meet the criteria outlined above, where they attract at least 40,000 visitors per year (or where visitor numbers in the busiest month exceeds 20% of this figure), where they are nationally recognised attractions (e.g. they are in the care of English Heritage or The National Trust), or where they are of regional importance (e.g. Country Parks, Cathedrals / Historic Churches). Within towns and cities, tourist signing will only be provided to direct drivers to the most appropriate car park for each tourist destination by the most appropriate route.
- 4.13 In general tourist signing will be provided from the most appropriate location(s) upon the “A” or “B” road network. Signing will then guide motorists from that location to the tourist destination by the most appropriate route. It is for the Highway Authority to decide what forms the most appropriate route.
- 4.14 Signing over a wider area may be considered for tourist destinations attracting larger numbers of visitors.

5. PROCEDURE

Initial discussion with officer to discuss plan and eligibility

Applicant to submit formal application to HC containing the following:

- Fee
- Completed form
- Evidence of consultation with Parish Council and Local member*
- Evidence of consultation with other stakeholders*

* In order to ensure that local communities and other stakeholders are fully engaged in this process, applicants will need to seek approval of the parish or town council and the local member. The applicant will also need to gauge the views of other stakeholders such as other local businesses, neighbours etc.

Local Councils will be asked to consider :

- Whether signs are required / benefits / threats
- The visual impact / Clutter

- Design and locations
- Opportunity to amalgamate with other signs and businesses
- Impact on aspects such as traffic movement
- Criteria set out by Herefordshire Council.

An applicant must have the support of the Local Council and Local Member before an application is submitted.

Once the application is submitted, officers will add their views which will concentrate of location, highway safety and compliance with statutory guidance. A final report will then be submitted to the decision maker with a copy going to the applicant. The applicant will be advised of the decision and advised either:

- The application is successful and timescale within which time the works will be completed.
- The application is unsuccessful as it stands but what could be changed to make it successful.
- The application is rejected and the reasons why.

The parish council will be advised of the final decision. There may be an opportunity for the Parish Council through the lengthsman scheme to arrange to have the signs installed which will help reduce costs. This will depend on the roads and locations and the final decision will remain with the highway authority.

5.4 If successful, the applicant will also need to bear the cost of design, manufacture, installation and future maintenance of the tourist signing. The Traffic Management Team will notify the applicant of the approximate cost when they notify the applicant of the approval of their application. If the applicant does not respond within two months of being notified of the success of their application and of the approximate costs, it will be assumed that they do not wish to proceed with the installation of the signing. Payment to cover the notified costs for administration, design, manufacture and installation would be expected prior to any works commencing.

5.5 For applications where both Highways Agency and County Council approval will be required, the application should initially be submitted to the County Council who will then arrange for the necessary discussions to be held with the Highways Agency. Similarly, where an application will involve the installation of tourist signing on the local road network within neighbouring local authority areas, the initial application should be made to the County Council who will then arrange for the discussion of the application with the appropriate authorities.

5.6 Once installed all signs will be the property of the County Council as Local Highway Authority. The Council will retain the right to remove tourist signing where these are to be incorporated in an overall signing scheme for that locality (e.g. being combined with other road signing on the network). The Council will also review road signing provision as part of other road

maintenance or improvements schemes, and retains the right to remove tourist signing where the tourist destination no longer complies with the criteria applying at that time to the provision of tourist signing. Furthermore should the signs fail to be supported by the tourist destination or the parish or town council, or the business cease to trade, then the County Council will remove the whole series of signs and make reparations to recover the costs of the works.

November 2012

DRAFT

Draft GUIDANCE NOTE

Temporary Signs placed within the highway boundary in Herefordshire

1 INTRODUCTION

Herefordshire Council (the Council) has produced this guidance note to set standards for the placing of temporary advertising and directional signs within county highways which are unlikely to attract enforcement action. The Council wishes to encourage the economic viability of the county but this has to be in a way which is balanced against the highway dangers caused by drivers endeavouring to read unauthorised signs.

In recent years there has been a steady increase in the number of unauthorised signs sited within the highway boundary across much of the county road network. The Council has also been receiving an increasing number of complaints from the public about the clutter caused by these signs, and this is of particular concern in the Areas of Outstanding Natural Beauty. The majority of the unauthorised signs are advertising commercial ventures such as public houses, tea-shops, sales, garden centres and properties for sale, as well as regular events such as car boot sales, and less frequent non-commercial or charitable events, such as school events, community functions, village fêtes and festivals.

Because of the risks associated with the proliferation of unauthorised signs, no permanent commercial advertising signs on county highways will be allowed by the highway service as detailed in Section 4. The primary concern is that unauthorised signs erected within the highway boundary are adversely affecting the safety of highway users, such as in the following ways.

- The signs are frequently sited in locations that obstruct visibility from side road junctions and accesses, and forward visibility “through” bends.
- The signs provide visual distractions that divert drivers’ attention away from the road ahead.
- The signs sited on footways frequently obstruct the safe passage of pedestrians, particularly the visually impaired and disabled.
- The construction of the signs may be a dangerous and potentially lethal object for vehicles to hit should they leave the carriageway.

These risks can be associated with any location; however it is of particular concern when unauthorised signs appear at sites with a known accident history. Should this practice be permitted to continue, there is a real risk of serious incidents occurring on county highways for which the Council may be deemed liable. (County highways do not include the M50, the A49, part of the A40 (from the county boundary with Monmouthshire to the Overross roundabout), and the short length of the A449 (from the Overross roundabout to the M50) which are the responsibility of the Highways Agency.)

2 THE LEGAL BACKGROUND

The Highways Act 1980 specifies offences relating to activities on the highway, imposes duties on the Council and also gives the Council power to enforce its responsibilities.

The main areas relating to advertising and directional signs within the highway are those concerned with the unauthorised painting, inscribing or affixing any picture, letter, sign or other

mark on the surface of a highway, tree, structure or works on or in a highway; the removal of any sign, etc.; and the details of the offences.

All unauthorised traffic signs within the highway boundary are illegal. All authorised traffic signs are specified in traffic regulations, and this includes white on brown tourism signs and temporary signs erected by approved bodies such as the AA and RAC.

The Traffic Signs Manual warns that “An unauthorised sign in the highway is an obstruction. The possible consequences of erecting or permitting the erection of obstructions may be severe and those responsible could lay themselves open to a claim for damages; for example if the obstruction is the cause of accident or of injury in a collision.”

This guidance note aims to minimise the need for exercising such powers by setting acceptable standards.

3 LOCAL EVENT SIGNING

Whilst not giving formal prior written consent for signage, for the benefit of local communities the Council is unlikely to take action on highway grounds with regard to signs advertising and providing directions to local events, such as village fêtes and fairs that are considered to be primarily for the benefit of the local community, providing the following conditions are met.

- The sign does not constitute an obstruction or a hazard to highway users including pedestrians.
- The sign is not erected in any area that constitutes a visibility splay for junctions or accesses, nor shall it obstruct drivers' sight lines at bends.
- The size, detail described, number, and/or positioning of the sign does not unduly distract drivers' attention.
- The sign is not erected at any site that has a significant collision history during the last 10 years as advised by the Council's transportation accident investigation team
- The sign is constructed in such a way that does not represent a danger to vehicles that might collide with it.
- The sign face is manufactured on a suitable lightweight material such as Correx, wood, or ply and not exceed 10mm in thickness.
- The sign face must be no larger than 0.27 sq m, such as 900mm by 300mm, and must be securely attached to a stake no larger than 50mm by 50mm in thickness and firmly placed in the ground. The top of the sign must not exceed 1 metre in height above ground level.
- The sign is not to be affixed to street furniture without obtaining prior written permission of the Council.
- The sign must not be erected more than 14 days in advance of an event, and must be removed no later than 7 days after. Any damage to the highway or apparatus within it caused by the sign's presence must be made good to the satisfaction of the Council, who may seek to recover the costs of remedial works if any damage to the highway is not made good.

In the context of this guidance, sales, special offers, new or refurbished business opening and similar are not considered events and will be regarded as commercial signing as set out in paragraph 4

Depending on the nature and length of the event the Highways Engineer may require an application through and authorised body such as the RAC or AA

4 COMMERCIAL SIGNING

With the exception of temporary event signage and regular local seasonal activities, unauthorised signing (including posters, placards, banners and advertising boards), erected anywhere within the boundary of county highways, that seeks to advertise businesses, services or goods will be discouraged on a countywide basis. The enforcement of this policy will be applied consistently across the county using a common sense approach.

Where subject to the requirements of the Town and Country Planning Act 1990, any sign may only be erected in accordance with the planning permission obtained, which will be enforced by the Council's planning service.

Action is unlikely to be taken on highway grounds to remove signs about regular local seasonal activities.

Street furniture and pavement cafés are subject to the terms and conditions detailed in the 'Highways Amenity Licenses for Pavement Cafés' information pack and guidelines, which is available from the Markets and Fairs office of the Council.

The use of banners to advertise goods and commercial services within the highway boundary or upon any highway structure will not be permitted. The use of these items on private land or premises will be subject to any statutory planning regulations and will be regulated by the Council's planning service.

A separate guidance note is available for commercial business that wish to provide directional sign to their location

6 CASE LAW

There is extensive case law on the placing of signs, advertising boards and the like within the highway. The conditions contained within this guidance note establish when **it is unlikely that action will be taken** by the Council on highway grounds against those who place unauthorised signs in the highway. However, anyone who places items on the highway is potentially liable to any person who suffers personal injury or damage to property caused by that item. Therefore it may be advisable for such persons to consider obtaining public liability indemnity insurance in the event of such claims.

7 PROCESSES TO BE FOLLOWED WHEN THE CONDITIONS FOR THE PLACING OF SIGNS WITHIN THE HIGHWAY ARE NOT MET

This guidance note sets acceptable standards for the placing of signs on county highways. Where the conditions are not met, action may be taken by re-positioning, removing, warning or prosecuting.

As part of routine highway inspections or in responding to complaints, any sign that is deemed unauthorised in accordance with this guidance note and constitutes an immediate danger will be removed from the highway and retained.

For similar signs that are deemed unauthorised in accordance with this guidance note but do not constitute an immediate danger, the owner will be requested to remove them or to reposition them in accordance with the conditions of this guidance note within 48 hours. If the owner cannot be identified or traced, or if the sign is not removed within the stated time period, the Council will arrange for its removal. Where previous warnings have been given, immediate removal of the sign(s) may take place.

Evidence of persistent offenders will be recorded and the relevant legislation will be used to pursue the matter. A breach of the policy can lead to immediate prosecution, but in the majority

of cases an initial written warning will be issued by the Council with subsequent offences subject to prosecution.

Any items removed from the highway will be retained for collection by the owner. The items will be disposed of if they are not collected within a period of one month. The Council may seek to recharge the owners any expenses incurred in removing and storing unauthorised signs.

8 OTHER LICENCES

The Council can legally place items of street furniture such as road signs, trees and seats on county highways. In addition, the Council may issue licences for the erection of scaffolding, for the placing of builders' skips and for the provision of outside catering facilities in accordance with the relevant specific regulations.

9 FURTHER INFORMATION

This guidance note advises whether the placing of temporary event signs on county highways is acceptable to the highways service. It does not extend to other items which may not be covered by the examples described above.

This guidance note does not absolve anyone from any statutory, or non-statutory, risk, with regard to personal injury or damage to property, incurred by depositing anything on the highway. Similarly this guidance note does not override the powers of a police officer or the planning Authority.

This guidance note is without prejudice to the powers to license other amenities on county highways in accordance with the provisions of the Highways Act 1980. It does not confer any right or privilege or permit any breach of statutory requirements, but outlines the Council's normal approach in such matters. It reserves the right to enforce any appropriate statutory requirement where considered necessary.

10 MODIFICATIONS, ALTERATIONS AND AMENDMENTS

The conditions, procedures and requirements specified within this guidance note may be modified, altered or amended at anytime without notice as the Council deems appropriate.

Dated 7th November 2012

DRAFT

HEREFORDSHIRE COUNCILS GUIDANCE NOTE FOR ADVERTISEMENTS AND BUSINESS SIGNS IN THE OPEN COUNTRYSIDE

Introduction

The Council has always been concerned about the detrimental impact of the uncontrolled erection of advertisements and signs on the character and appearance of the County and the potential impact to highway safety.

As a result of this concern this guidance note has been produced to enable signs to be erected where appropriate.

Not unnaturally however and particularly in times of economic recession, businesses in the countryside, especially those geared to the tourist industry or passing trade, may wish to make their presence known by signing. It is also accepted that in many cases some signing is necessary if the visitors are even to find the facilities. Such signing therefore serves a valuable dual function. However, excessive and inappropriate signing can be visually harmful and potentially a highway safety hazard. It is therefore important to strike the right balance.

The purpose of this guidance is to provide advice direction as to what signage the Council considers to be reasonably necessary and what is appropriate in visual terms within Herefordshire.

The Legal Background

The Highways Act 1980 specifies offences relating to activities on the highway imposes duties on the Council and also gives the Council power to enforce its responsibilities.

All unauthorised traffic signs within the highway boundary are illegal. All authorised traffic signs are specified in traffic regulations, and this includes white on brown tourism signs and temporary signs erected by approved bodies such as the AA and RAC.

The Traffic Signs Manual warns that 'An unauthorised sign in the highway is an obstruction. The possible consequences of erecting or permitting the erection of obstructions may be severe and those responsibilities could lay themselves open to a claim for damage: for example if the obstruction is the cause of accident or injury in a collision'

This guidance note aims to minimise the need for exercising such powers by setting acceptable standards.

Guidance

Signs fall into categories:

- 1 Signs within the curtilage of the premises to which they relate
- 2 Signs outside the curtilage of the premises which can advertise but are usually directional.

There appears to be few issues with signs on business premises, as they are normally controlled by way of the submission of a planning application, or in some cases, through confirmation that the proposed sign does not require formal planning permission as it is considered to be permitted development under the Town and Country Planning (Control of Advertisements) regulations 1992. Directional signs located on private land not within the premises to which they relate will always require advertisement consent.

Where a sign is considered reasonably necessary, the Council is keen to guide businesses towards erecting signs appropriate to their setting. It is important that directional advertisement signs do not conflict with or in any way mimic standard traffic signs and they are not located on highway land in a manner that obstructs visibility splays, a hazard to the public or distract drivers to the extent that it will increase the risk to all highway users to an unacceptable level.

Herefordshire Council retains the right to remove or take action in regard to signs that are deemed to be a hazard in the highway, in a location where the cumulative impact is detrimental to the environment and those that do not comply with the principle of this document.

Road signage is not the only guide to travellers, and should use work street name plates, the destinations own publicity media, and other readily available information to guide the travelling public firstly to the right locality, and then onto their final destination.

Signs have both a positive and negative impact on the environment. Located correctly they can ensure visitors arrive at their destination by the most direct route. However, too many signs cause environmental clutter and can threaten one of the reasons why visitors come to the county.

Outlined below are principles of what is considered to be appropriate in terms of location and design.

- Evidence for the need is required to minimise the impact of illegal signs on the highway. Advance directional signs may be accommodated if the access is considered hazardous in location terms.
- The location must not obstruct visibility splays or deem to be positioned and / or configured so as to be an unacceptable distraction to road users.
- Impede the highway or use of the verges such that the sign becomes detrimental to the highway user,
- Signs should not exceed 1.5m² in area and have a maximum height of 2.5m.

- Text on the sign should be limited to just the business name.
- Lettering must be in a clear text with the height dimension suitable for the speed of the road.
- Background colours and lettering must be sympathetic to the environment and setting.
- The sign and posts must be suitable for the location.
- The location of the signs must be subject to risk assessment in terms of statutory undertaker's apparatus such as Welsh water, BT, Electricity etc.
- The signs must not be reflective.
- To avoid a proliferation of inappropriate signs, the sign may require direction to the locality of a Business Park.
- The sign needs to be maintained by the applicant to ensure the quality, safety and the tidiness of the sign.

Procedure

1. Consider Submitting initial proposals to Local Members, parish Councils for support.
2. Consult with Herefordshire Councils Planning Authority as to the acceptability of the design.
3. Consult with Amey Herefordshire as to the acceptability of the design and location.
4. Apply to Herefordshire Council for permission who will consult with Herefordshire Highways as to the acceptability of the location and sign design. If the sign is acceptable in the highway, permission from highways will not be given but the sign will be deemed acceptable and not enforced against.
5. Decision Notice Issued
6. If approved the sign can be erected, permission lasts for 5 years, after which the sign must be removed or reapply for permission.

Costs

There are inevitably costs associated with the approval and installations of signs. Herefordshire Council must ensure all their costs are met but they will not seek to profit. Costs will clearly be set out along with the standard of service applicants can expect. This cost will take account of the whole life of the sign, so that they can remain as effective guidance to the travelling public now and in the future.

Clutter

Signage clutter can come about as the result of redundant signs not being removed, badly thought out procedures, incremental development and the installation of unauthorised signs. The impact of sign clutter can be a safety issue and can detract from the visual beauty of the county. Local communities and providers will have an active role in helping reduce signage clutter along with Herefordshire Council.

Highways Agency and neighbouring authorities

Trunk Roads such, as the A49, and Motorways, as the M50 are managed by the Highways Agency who have their own criteria for signs. Neighbouring authorities also have their own approach to signage. Herefordshire Council will continue to develop the partnership working with the Highways Agency and our neighbours to ensure there is compatibility between the policies of the organisations, recognising that many journeys to destinations within the County will have started from elsewhere in the World.

November 2012

DRAFT

MEETING:	GENERAL OVERVIEW AND SCRUTINY COMMITTEE
DATE:	10 DECEMBER 2012
TITLE OF REPORT:	COMMITTEE WORK PROGRAMME
REPORT BY:	ASSISTANT DIRECTOR – LAW, GOVERNANCE AND RESILIENCE

1. Classification

Open

2. Key Decision

This is not a key decision.

3. Wards Affected

County-wide.

4. Purpose

To consider the Committee's work programme.

5. Recommendation(s)

THAT: the work programme as appended be noted, subject to any comments the Committee wished to make.

6. Key Points Summary

- The Committee is asked to note its work programme and to note progress on current work.

7. Alternative Options

- 7.1 It is for the Committee to determine its work programme as it sees fit to reflect the priorities facing Herefordshire. Any number of subjects could be included in the work programme. However, the Committee does need to be selective and ensure that the work programme is focused on the key issues, realistic and deliverable within the existing resources available.

8. Reasons for Recommendations

- 8.1 The Committee needs to develop a manageable work programme to ensure that scrutiny is focused, effective and produces clear outcomes.

9. Introduction and Background

- 9.1 An outline work programme only is appended for this meeting. This is because the programme is under continuous review.

10. Key Considerations

- 10.1 The work programme needs to focus on the key issues of concern and be manageable allowing for urgent items or matters that have been called-in.

11. Community Impact

- 11.1 The topics selected for scrutiny should have regard to what matters to the County's residents.

12. Equality and Human Rights

- 12.1 The topics selected need to have regard for equality and Human rights issues.

13. Financial Implications

- 13.1 The cost of the work of the Scrutiny Committee will have to be met within existing resources. It should be noted the costs of running scrutiny will be subject to an assessment to support appropriate processes.

14. Legal Implications

- 14.1 The Council is required to deliver an Overview and Scrutiny function.

15. Risk Management

- 15.1 There is a reputational risk to the Council if the Overview & Scrutiny function does not operate effectively. The arrangements for the development of the work programme should help mitigate this risk.

16. Consultees

- 16.1 Following initial consultations on topics for scrutiny with Directors and Members of the Cabinet, all members of the Council were invited to suggest items for scrutiny.

17. Appendices

- 17.1 An outline work programme for the Committee.
Herefordshire Public Services Rolling Programme.

18. Background Papers

18.1 None identified.

GENERAL OVERVIEW AND SCRUTINY COMMITTEE

ITEMS IDENTIFIED FOR INCLUSION IN THE WORK PROGRAMME

DRAFT WORK PROGRAMME

Monday 14 JANUARY 2013 at 10.00am	
Medium Term Financial Strategy	To receive a presentation on the Medium Term Financial Strategy and consider the report to Cabinet and make recommendations to Cabinet. (Cabinet on 17 Jan)
Governance of Hereford Futures	Following the report on 12 Oct 2012 To report on: project management; target measurement and tracking; information management and future monitoring arrangements.
Completed Task & Finish Reviews: Monitoring progress against the Executive Action Plans	To monitor progress against the Executive Action Plan arising from the following Task & Finish Reviews: <ul style="list-style-type: none"> • Planning System Review – Development Control and the operation of the Constitution.
Monday 11 FEBRUARY 2013 at 10..00am	
LDF Core Strategy	To consider the Core Strategy process and make recommendations to Cabinet (Cabinet on 21 Feb).
Annual consideration of the Community Safety Strategy	To consider and comment on the Community Safety Strategy. (Note: Scrutiny is obliged to consider community safety issues at least once per year.)
Monday 4 MARCH 2013 at 10.00am	
Root and Branch Reviews	To consider Phase 2 of the Reviews (as they relate to this Committee)
Monday 8 APRIL 2013 at 10.00am	
Monday 13 MAY 2013 at 2.30pm	
JULY 2013	
Music Service	Agreed in July 2011 to review after 2 years.
OCTOBER 2013	
Root and Branch Reviews	To consider Phase 3 of the Reviews (as they relate to this Committee)
T&F – Income & Charging - Projected additional Income	O&SC 19 March 2012 added to the T&F Report that a report be made in Oct 2013 setting out how much of the projected additional income had been achieved and reviewing the intended and unintended consequences of new/additional charges.

The following issues have been identified for consideration but not scheduled:

Local Development Framework (see item at 11 Feb 2013)
Local Transport Plan
Corporate Delivery Plan
Root and Branch Reviews – (pre consideration by Cabinet)
Performance Report on Amey
Performance Report on Hoople
Performance Report on Waste Management
Broadband
Park and ride (latest position requested by briefing note – see 4 July 12) Briefing note issued Nov 2012.)
Performance Monitoring
Document control and information including the website;
Cycle Routes; (latest position requested by briefing note – see 4 July 12. Briefing note issued Nov 2012.)
Legal Services Improvement Plan

Suggestions from the Public (30 September 2011 on)

Suggestion that the Council's consultation processes were flawed, exposing the Council's decisions to the risk of challenge, and the processes should therefore be reviewed by the Committee.	OSC September 11
Request that the Committee consider the future of the libraries programme for the County.	OSC November 11
That the possibility of creating an Eastern Bypass for Hereford along a route close to the Aylestone Ridge should be explored.	OSC December 11
That the quality of Council surveys and the use of results of surveys should be examined. (Later clarified by e-mail – to refer to “the integrity of the Council’s research process”/ how research is commissioned, conducted, appraised and used.	OSC December 11 & OSC 13 April, and OSC 4 July 2012.
LTP3 and the Link Road. How Cabinet anticipates making a decision on a compulsory purchase order for the ‘Link Road’ on 14 June 2012 when the new Local Transport Plan (LTP3) is not due to be considered by Council until July 2012	OSC 13 April
Concern over the ever expanding remit of Hereford Futures. When will the company provide a formal report to Council and make its accounts available?	OSC 13 April
The role of organisations which are promoting via the Herefordshire Council Parish Liaison Officer, the Living Villages and Herefordshire 20/20 events.	OSC 13 April
The role of the Parish Liaison Officer and whether it should be allowed to promote political events.	OSC 13 April
That the Committee carry out a full review of the Local Transport Plan (LTP) at its earliest opportunity and sustain its focus on the Plan by including it within the Committee’s work plan.	OSC 8 June
That the Committee should examine how the plans for development of the Enterprise Action Zone at Rotherwas could proceed without links to the LTP and LDF in place	OSC 8 June
That if councillors are being directed to make decisions on the basis that officers have failed to comply with National Planning Policy Framework and statutory obligations, what was being done to address the situation? When will the 5 year housing land supply figures and basis of calculation be available? What risk does this pose to the reputation of the Council and financial risk arising from possible appeals by developers? These were considered to be questions, rather than suggestions for Scrutiny, an answer has been provided by the AD It is proposed that this matter should therefore not be included	OSC 14 September

on the Work Programme

This was reiterated at the meeting on 12 October



OSC 12 October 2012



REVIEWS IDENTIFIED FOR FEASIBILITY STUDY	
Proposed Review	Status
Free Schools	Chairman has requested information concerning free schools and will decide whether a review is required.
Scrutiny of arm's length public companies	Chairman is in discussion with the Deputy Chief Executive concerning the scrutiny of Council public limited companies.
Road Surfaces (Potholes)	Feasibility Study complete. Officer response is that topic will be covered by Street Scene Root and Branch Review.
Tourism Use of the River Wye	Feasibility Study on-going. Not now proceeding
Legal Services	Feasibility Study complete. Scoping to be confirmed.
Governance & Management of Joint Ventures/Partnering Arrangements –	Feasibility Study complete. Scoping to be confirmed
Accommodation Strategy	Feasibility Study complete. Scoping to be confirmed.
Digital Channels Strategy	Feasibility Study complete. Report on digital channels strategy and links with Broadband to be made to the Committee in October to identify what needs to be reviewed. Since the above the Vice Chair has been in discussion with the Assistant Director People Policy and Partnership and further work is being undertaken on scoping of the review (27.11.12)
Locality Working	Feasibility Study complete. Scoping to be confirmed. Report to be made to Committee in October to identify what needs to be reviewed.
Traffic Speed Signs	Feasibility Study complete. Officer response is that topic will be covered by Street Scene Root and Branch Review.
Market Towns Shop Fronts	Feasibility Study on-going. Officer response is that this could be incorporated in a Root and Branch Review looking into the part that building conservation work in general and market town shop fronts can play in a conservation-led regeneration of our market towns.




REVIEWS IN PROGRESS		
Review	Meetings	Comment
Community Infrastructure Levy – draft policy for Herefordshire	20/11/12	Group met to finalise the report contained in this agenda. Report contains recommendations that the Group be recommissioned in New Year to continue work following release of new evidence.
Housing Allocations Policy and Effective Use of the Housing Stock	18/6/12	Consideration of background material.
	6/9/12	Met to discuss policy options.
	8/10/12	Discussion with representatives of Forces
	15/11/12	Consideration of further evidence prior to drafting of the report.
REVIEWS COMPLETED AND AWAITING RESPONSE FROM THE EXECUTIVE		
Review	Comment	
There are currently no reviews in this section.		
REVIEWS COMPLETED AND SUBJECT TO MONITORING OF THE EXECUTIVE ACTION PLAN		
Review	Comment	
Council Procurement Policy and Local Business and Local Employment	Executive response to review reported to OSC 4 July. Six month monitoring of Executive action plan programmed for December 2012. Contained in this agenda.	
Income and Charging	Executive response to review reported to OSC 4 July. Six month monitoring of Executive action plan programmed for December 2012. Contained in this agenda	
Planning System Review – Development Control and the operation of the Constitution	Executive response to review reported to OSC 4 July. Six month monitoring of Executive action plan programmed for December 2012. Contained in this agenda.	
Tourist Signing (Brown Signs)	Executive response to review reported to OSC 4 July. Six month monitoring of Executive action plan programmed for December 2012. Contained in this agenda.	

Executive Rolling Programme – INTERNAL WORKING DOCUMENT

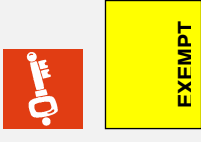

November 2012



FINAL DECISION MAKER AND WHETHER KEY DECISION	MEETING / BRIEFING DATE Cabinet Council Cabinet Member Briefing OSC or HOSC Leadership Team Leaders Briefing	REPORT TITLE	PURPOSE	STATUTORY NOTICE FINAL PUBLICATION DATES		REPORT DEADLINE	AGENDA PUBLICATION / DESPATCH - OR - CABINET MEMBER KEY DECISION – O&SC START OF 5 DAY REPORT NOTICE PERIOD	DIRECTOR AND LEAD OFFICER
				 28 clear days' notice required	 28 clear days' notice required AND 5 clear days' notice of reasons required			
CABINET MEMBER								
CABINET MEMBER 15/11/12	Cabinet Member Corporate Services 15/11/12 REPORT OUTSTANDING	West Mercia Supplies Entered on RP 12/10/12	To ask Cabinet to terminate the existing agreement with WMS	N/A		01/11/12	07/11/12	DCE/David Powell
CABINET MEMBER 22/11/12	Cabinet Member Environment Housing & Planning LB 6/9/12 REPORT OUTSTANDING	Disposal of Wilson Brook Cottages, Glewstone and the Retention of the Clawback by Herefordshire Housing Ltd	To seek cabinet member approval for Herefordshire Housing Ltd (HHL) to retain a proportion of the claw-back from the sale of 3 properties known as Wilson Brook Cottages, Glewstone Ross on Wye following disposal on the open market.	N/A		21/11/12	N/A	DCE/CO F&C/ Richard Gabb
CABINET MEMBER 22/11/12	Cabinet Member Environment Housing & Planning HPSLT 4/9/12 LB 6/9/12 REPORT OUTSTANDING	The Vortex, Newton Farm, Hereford	To endorse the disposal of an undesignated piece of land known as the Vortex at Newton Farm, Hereford currently in the ownership of the Local Authority to Herefordshire Housing Ltd, to assist in facilitating the wider regeneration of the site known as the Oval.	N/A		21/11/12	N/A	DCE/CO F&C/ Jane Thomas
OFFICER DECISION								

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Officer Decision 22/11/12	Director of Corporate Services	Approval to let contracts for accommodation strategy component schemes through West Midlands contractor network	To seek approval to let those construction contracts associated with the accommodation strategy component schemes through the west midlands contractor framework					DCX/ David Powell
OFFICER DECISION		The Planning Application Process – Notification to Parish Councillors	To establish the operating procedure with respect to how the Council undertakes the notification of planning applications to Parish Councils.	N/A		N/A	N/A	DforP&C / Mike Willmont
OFFICER DECISION		Planning Application Neighbour Notification	To review the operation of the requirement to undertake the neighbour notification on planning applications	N/A		N/A	N/A	DforP&C / Mike Willmont
OFFICER DECISION		Planning Applications Requirements	To set out a project plan for the review of the Council's Planning Application Requirements	N/A		N/A	N/A	DforP&C / Mike Willmont
OFFICER DECISION		Pre-Application Advice Charging	To review and revise the operation of the service	N/A		N/A	N/A	DforP&C / Mike Willmont
CABINET MEMBER								






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 CABINET MEMBER 29/11/12	Cabinet Member Health & Wellbeing Key Decision 29/11/12	Procurement of Telecare	To seek approval of the procurement of a remodelled and re-managed telecare service.	Notice published 04/09/12		21/11/12	22/11/12	DforPS / Chris Baird
CABINET MEMBER	Cabinet Member Environment & Housing & Planning Decision date? CM November HPSLT 06/11/12 LB 08/11/12	Tenancy Strategy		N/A		At least one working day before Decision due to be taken	N/A	Lead Officer?




DECEMBER 2012

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CABINET MEMBER							
CABINET MEMBER December 2012	Cabinet Member Education & Infrastructure Decision December 2012 CM Briefing 23/8/12 HPSLT 4/9/12 LB 20/9/12	Community Infrastructure Levy Date entered on RP 5/09/12	To endorse the schedule of infrastructure schemes identified in the Infrastructure Delivery Plan which informs the Community Infrastructure Levy charging schedule and, approve the Council's prioritisation approach to the delivery of those schemes	N/A	At least one working day before Decision due to be taken	N/A	DforP&C / Andrew Ashcroft / Yvonne Coleman
A&G COMMITTEE 5/12/12							
A&G 5/12/12		Report of the standards panel 22 November 2012	To ask A & G to approve the recommendations of the Independent Person. If the recommendation are approved, there will be a report to Council on 4 Jan 13	N/A	21 November 2012	27 November 2012	Chris Chapman, Asst Dir. Law, Governance & Resilience & Monitoring Officer
CABINET 13/12/12							
CABINET 13/12/12 	Cabinet 13/12/12	The Waste Contract Issue	To consider future options for Waste Contract Entered on RP 5/10/12	06/11/12 (General Exception – Notice was due to be published 2/11/12)	29/11/12	05/12/12	DforP&C/Andy Tector



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CABINET 13/12/12	CMB 29/10/12 HPSLT 06/11/12 LB (policy session) – 08/11/12 LB (sign off) – 22/11/12	Major Scheme Funding	Major Scheme Funding Devolution and the establishment of the Local Transport Body across Herefordshire, Shropshire and Telford local authorities		29/11/12	05/12/12	
CABINET 13/12/12		Budget Update 2013/14	To consider the position		29/11/12	5/12/12	Dof CS
OFFICER DECISION							
OFFICER DECISION 26/12/12		Deployment of Home to School Transport Escorts	To brief Peoples Services Directorate Leadership Team on the options regarding the deployment of Home to School Escorts.	N/A		N/A	DforPS

JANUARY 2013

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COUNCIL							
COUNCIL 4/1/13		Boundary Commission					
CABINET 17/01/13				4/12/12	3/1/13	9/1/13	
CABINET 17/1/13 Remove (19/10/12) decision to be taken spring 2013	Cabinet -Jan/Feb 13 HPSLT 17/07/12 & 11/12/12 LB-20/12/12	Small Schools Policy	Consultation document to be sent out to schools.	N/A	3 January 2013	9 January 2013	DforPS and Rob Reid
CABINET 17/1/13 B&PF item = 		Medium Term Financial Strategy 2013/2016	To set the overall financial framework for the next three years and advise on the future funding environment	04/12/12	03/01/13	09/01/13	DCE/ CO F&C
CABINET 17/01/12 	LT - LB -	Public Health Transition Plan	To update the Cabinet on the Public Health Transition and agree the commissioning Intentions and re-procurement prioritisation	04/12/12	03/01/13	09/01/13	DforPH / Alan Holmes
CABINET 17/01/13 B&PF item = 		Local Transport Plan		04/12/12	03/01/13	09/01/13	DforP&C / Richard Ball





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CABINET 17/1/13  ?		Enterprise Zone Governance Paper					DforP&C / Nick Webster
A&G 18/1/13							
A&G 18/1/13				N/A	4 January 2013	10 January 2013	

FEBRUARY 2013






FINAL DECISION MAKER AND WHETHER KEY DECISION	MEETING / BRIEFING DATE Cabinet Council Committee Cabinet Member Briefing OSC or HOSC Leadership Team Leaders Briefing	REPORT TITLE	PURPOSE	STATUTORY NOTICE FINAL PUBLICATION DATES  28 clear days' notice required  28 clear days' notice required AND 5 clear days' notice of reasons required EXEMPT	REPORT DEADLINE	AGENDA PUBLICATION / DESPATCH - OR - CABINET MEMBER KEY DECISION - O&SC START OF 5 DAY REPORT NOTICE PERIOD	DIRECTOR AND LEAD OFFICER
COUNCIL 18/02/13					4/2/13	8/2/13	
COUNCIL 18/02/12 B&PF item =		Medium Term Financial Strategy including Pay Policy Statement		08/01/13	04/02/13	08/02/13	
A&G 19/2/13							
A&G 19/2/13				N/A	5 February 2013	11 February 2013	
CABINET 21/02/13				11/1/13	7/1/13	13/2/13	
CABINET 21/2/13	Cabinet 21/02/13 HPSLT 22/01/13 LB 31/01/13	Quarterly Integrated Corporate Performance Report Budget Monitoring Report	Third Quarter report	N/A	7 February 2013	13 February 2013	DCE/Jenny Lewis

MARCH 2013



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COUNCIL 08/03/13					22/2/13	28/2/13	
COUNCIL 08/03/13 B&PF item		Council Tax Resolution		28/01/13	22/02/13	28/02/13	DCE/ CO F&C
COUNCIL 08/03/13		Annual Pay Policy Statement		28/01/13	22/02/13	28/02/13	DCE/ CO F&C
COUNCIL 08/03/13		Leader's Report		28/01/13	22/02/13	28/02/13	DCE/ CO F&C
COUNCIL 08/03/13		Standards Panel Report		28/01/13	22/02/13	28/02/13	DCE/ CO F&C
COUNCIL 08/03/13	N/A	Hereford and Worcester Fire and Rescue Authority Report		28/01/13	22/02/13	28/02/13	DCE/ CO F&C
COUNCIL 08/03/13	N/A	? West Midlands Police Authority Report		28/01/13	22/02/13	28/02/13	DCE/ CO F&C
COUNCIL 08/03/12 B&PF item	Cabinet 17/01/12	Local Transport Plan		28/01/13	22/02/13	28/02/13	DforP&C / Richard Ball
CABINET 14/03/13				1/2/13	28/2/13	6/3/13	




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CABINET 14/3/13	Cabinet 14/03/13	Response to Local Government Boundary Commission warding proposals		N/A	28/02/13	06/03/13	DCE/HofG
CABINET 14/3/13 	LT – 04/12/12 LB – 13/12/12	Public Health Annual Report	To receive the annual Public Health report	04/12/12	03/01/13	09/01/13	DofPH
CABINET 14/3/13 B&PF item = 	Cabinet 14/03/13 HPSLT 11/02/13 LB 21/02/13	Corporate Plan	To approve plan for 2013/14	01/02/13	28/02/13	06/03/13	DCE/Jenny Lewis
A&G 15/3/13							
A&G 15/3/13				N/A	1 March 2013	7 March 2013	

APRIL 2013



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A&G 16/4/13							
A&G 16/4/13				N/A	2 April 2013	8 April 2013	
CABINET MEMBER							
 CABINET MEMBER 25/4/12 Revised date April 2013	Cabinet Member Corporate Services & Cabinet Member Enterprise & Culture Decision 25/10/12	Buttermarket Refurbishment	To establish if and how the Council wishes to fund the refurbishment of the Buttermarket and to clearly set out the options available in managing the delivery of the project should it progress.			N/A	DforP&C Chris Jenner
CABINET 18/04/13				6/3/13	4/4/13	10/4/13	
CABINET 18/4/13 		Root and Branch - Phase 1 Implementation & Phase 2 and 3 Proposals			4 April 2013	10 April 2013	DofCS / Donna Etherton

MAY 2013

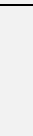
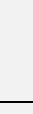
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A&G 13/5/13							
A&G 13/5/13				N/A	2 May 2013		
CABINET 16/05/13				4/4/13	1/5/13	8/5/13	
CABINET 16/5/13		Quarterly Integrated Corporate Performance Report			1 May 2013	8 May 2013	
CABINET 16/5/13		Budget Monitoring Report			1 May 2013	8 May 2013	
COUNCIL 24/05/13					9 May 13	16 May 2013	
COUNCIL 24/5/13		Annual Report on Executive Decisions	To monitor the operation of the provisions relating to call-in and urgency	N/A	9 May 2013	16 May 2013	
COUNCIL 24/5/13		Leader's Report			9 May 2013	16 May 2013	
COUNCIL 24/5/13		Annual Report – Standards Panel			9 May 2013	16 May 2013	
COUNCIL 24/5/13		Annual Report – Audit & Governance Committee			9 May 2013	16 May 2013	



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COUNCIL 24/5/13		Annual Report – General Overview and Scrutiny Committee					
COUNCIL 24/5/13		Annual Report – Health and Social Care Overview and Scrutiny Committee					
COUNCIL 24/5/13		Annual Report – Planning Committee					
COUNCIL 24/5/13		Annual Report – Regulatory Committee					

JUNE 2013



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CABINET June 2013							
CABINET June 2013 (Original Date: 21/2/13)	Cabinet 21/02/13 CM Oct HPSLT 08/02/13 LB 10/01/12	Housing Allocations Adoption Policy	The Housing Allocation Policy describes the criteria that Herefordshire Council uses to prioritise affordable housing for those with a housing need. The local authority is using powers under the Localism Act 2011 which gives increased flexibility to review its policy to enable them to manage their housing registers which better reflects local demand, whilst still protecting the most vulnerable.	N/A		12/06/13	DforP&C / Richard Gabb

JULY 2013



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A&G July 2013				 			
A&G July 13		Annual Audit Fee Letter and Plan		N/A			
A&G July 13		Annual Governance Statement		N/A			
A&G July 13		Annual Internal Audit Plan		N/A			
A&G July 13		A&GC Work Programme		N/A			
COUNCIL July 2013							
COUNCIL July 13		Leader's Report					
COUNCIL July 13	N/A	Hereford and Worcester Fire and Rescue Authority Report					
CABINET July 2013							
CABINET July 13		Quarterly Integrated Corporate Performance Report					

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		Budget Monitoring Report					



SEPTEMBER 2013

FINAL DECISION MAKER AND WHETHER KEY DECISION	MEETING / BRIEFING DATE Cabinet Council Committee Cabinet Member Briefing OSC or HOSC Leadership Team Leaders Briefing	REPORT TITLE	PURPOSE	STATUTORY NOTICE FINAL PUBLICATION DATES   28 clear days' notice required 28 clear days' notice required AND 5 clear days' notice of reasons required	REPORT DEADLINE	AGENDA PUBLICATION / DESPATCH - OR - CABINET MEMBER KEY DECISION - O&SC START OF 5 DAY REPORT NOTICE PERIOD	DIRECTOR AND LEAD OFFICER
CABINET Sep 2013							

OCTOBER 2013

FINAL DECISION MAKER AND WHETHER KEY DECISION	MEETING / BRIEFING DATE Cabinet Council Committee Cabinet Member Briefing OSC or HOSC Leadership Team Leaders Briefing	REPORT TITLE	PURPOSE	STATUTORY NOTICE FINAL PUBLICATION DATES  28 clear days' notice required  28 clear days' notice required AND 5 clear days' notice of reasons required	REPORT DEADLINE	AGENDA PUBLICATION / DESPATCH - OR - CABINET MEMBER KEY DECISION – O&SC START OF 5 DAY REPORT NOTICE PERIOD	DIRECTOR AND LEAD OFFICER
CABINET Oct 2013							
CABINET Oct 2013		Quarterly Integrated Corporate Performance Report Budget Monitoring Report					

NOVEMBER 2013

FINAL DECISION MAKER AND WHETHER KEY DECISION	MEETING / BRIEFING DATE Cabinet Council Committee Cabinet Member Briefing OSC or HOSC Leadership Team Leaders Briefing	REPORT TITLE	PURPOSE	STATUTORY NOTICE FINAL PUBLICATION DATES  28 clear days' notice required  28 clear days' notice required AND 5 clear days' notice of reasons required	REPORT DEADLINE	AGENDA PUBLICATION / DESPATCH - OR - CABINET MEMBER KEY DECISION - O&SC START OF 5 DAY REPORT NOTICE PERIOD	DIRECTOR AND LEAD OFFICER
CABINET Nov 2013							
CABINET Nov 13							
COUNCIL Nov 2013							
COUNCIL Nov 13		Annual Report – Corporate Plan Leader's Report					
COUNCIL Nov 13		Leader's Report					

NOTE: THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012:



GENERAL OVERVIEW AND SCRUTINY ITEMS

MEETING/ BRIEFNG DATE	ITEM	PURPOSE	O&SC PRE-DECISION PRIOR TO:	
			A&G Committee Cabinet Council	Meeting Date
9 November 2012				
	Call-in: Variation of Retail Quarter (Old Livestock Market) Development Agreement			
10 December 2012				
	Budget and Emerging Options 2013/14	To consider the position		
	Task & Finish Review: Community Infrastructure Levy	To consider the findings of the Community Infrastructure Levy (CIL) Task & Finish Group. (Cabinet on 17 December)		
	Completed Task & Finish Reviews: Monitoring progress against the Executive Action Plans	To monitor progress against the Executive Action Plan arising from the following Task & Finish Reviews: <ul style="list-style-type: none"> • Planning System Review – Development Control and the operation of the Constitution. • Council Procurement Policy and Local Business and Local Employment. • Income and Charging. • Tourist and Temporary Event Signage. 		
14 January 2013				
	Medium Term Financial Strategy	To receive a presentation on the Medium Term Financial Strategy and consider the report to Cabinet and make recommendations to Cabinet.	Cabinet Council	17 Jan 13 18 Feb13
11 February 2013				
	LDF Core Strategy	To consider the Core Strategy process and make recommendations to Cabinet	Cabinet	
4 March 2013				
	Annual consideration of the Community Safety Strategy	To consider and comment on the Community Safety Strategy (Scrutiny is obliged to consider community safety issues at least once per year).		
8 April 2013				
13 May 2013				

GENERAL OVERVIEW AND SCRUTINY ITEMS

MEETING/ BRIEFNG DATE	ITEM	PURPOSE	O&SC PRE-DECISION PRIOR TO:	
			A&G Committee Cabinet Council	Meeting Date
July 2013				
July 13	Music Service	Agreed in July 2011 to review after 2 years.		
October 2013				
October 13	Task and Finish Group – Income and Charging – Projected additional income			

HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY ITEMS

MEETING/ BRIEFNG DATE	ITEM	PURPOSE	O&SC PRE-DECISION PRIOR TO:	
			A&G Committee Cabinet Council	Meeting Date
16 November 2012				
	Strategic Plan for Delivery Adult Services	To consider a quarterly report containing a schedule of performance reports outlining the savings that are being achieved through the Strategic Plan. (July12)		
	Safeguarding of Children in Herefordshire	To receive the review of Safeguarding of Children		
	OFSTED Safeguarding Report	To consider the OFSTED Safeguarding Report published on 18 October, and the Improvement Board Action Plan that has been put in place as a result of the report's findings.		
14 December 2012				
	Discussion with 2gether NHS Trust	NOTE: Content of future updates to ensure they present clear picture of service delivery; with performance information to be provided in advance of the meeting and with each meeting to have a particular purpose.		
	Completed Task & Finish Reviews: Monitoring progress against the Executive Action Plans	To monitor progress against the Executive Action Plan arising from the following Task & Finish Reviews: <ul style="list-style-type: none"> • Adult Safeguarding in Herefordshire. • Planning System Review – Development Control and the operation of the Constitution. • Council Procurement Policy and Local Business and Local Employment. • Income and Charging. • Tourist and Temporary Event Signage. 		
	Completed Task & Finish Reviews: Monitoring progress against the Executive Action Plans	To monitor progress against the Executive Action Plan arising from the Task & Finish Review on Adult Safeguarding in Herefordshire.		
11 January 2012				
	Discussion with Wye Valley NHS Trust	To receive a report on the financial position of the Trust, and to discuss potential out comes should the Trust's required savings not be achieved		

	Discussion with: Clinical Commissioning Group NHS West Mercia Cluster	NOTE: Content of future updates to ensure they present clear picture of service delivery; with performance information to be provided in advance of the meeting and with each meeting to have a particular purpose. Cluster performance data to be monitored quarterly. Committee to assess the impact on population. (July 12)	
	Executive Responses to Task and Finish Review - Safeguarding of Children	To receive the Executive response to the Task & Finish Review into Safeguarding of Children and to consider the Executive's Action Plan.	
	Recovery Plan for Children Safeguarding	To receive a progress report on the Action Plan.	
7 February 2012			
	Health & Wellbeing Board – governance and operation	To receive a report on the Health & Wellbeing Board prior to the Board becoming formally constituted on 1 April 2013	
	Governance of Health Watch	To receive a report on the Governance of Health Watch	
22 March 2012			
	2gether NHS Trust	To provide a report on the Trust's Annual Plan for 2013/14.	
	West Midlands Ambulance NHS Trust	To provide a report on the Trust's Annual Plan for 2013/14.	
	Strategic Plan for Delivering Adult Services	To consider a quarterly report containing a schedule of performance reports outlining the savings that are being achieved through the Strategic Plan. (July12)	
12 April 2012			
	Wye Valley NHS Trust; Clinical Commissioning Group, and NHS West Mercia Cluster. Stroke Services	To provide a report on the Trust's Annual Plan for 2013/14. Content of future updates to ensure they present clear picture of service delivery; with performance information to be provided in advance of the meeting and with each meeting to have a particular purpose. (May 12) Cluster performance data to be monitored quarterly. Committee to assess the impact on population. (July 12) To receive an update.	

	<p>Wye Valley NHS Trust; Clinical Commissioning Group; and NHS West Mercia Cluster.</p> <p>Stroke Services</p>	<p>To provide a report on the Trust's Annual Plan for 2013/14. Content of future updates to ensure they present clear picture of service delivery; with performance information to be provided in advance of the meeting and with each meeting to have a particular purpose. (May 12) Cluster performance data to be monitored quarterly. Committee to assess the impact on population. (July 12) To receive an update.</p>		
2 May 2012				