

Economy, Communities and Corporate

Geoff Hughes - Director

TO: ALL MEMBERS OF THE COUNCIL

Our Ref: Council - 30 September 2016

Please ask for: David Penrose

Direct line: (01432) 383690

email: dpenrose@herefordshire.gov.uk

22 September 2016

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the meeting of the Herefordshire Council to be held on **Friday 30 September 2016** at the Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX at **10.00 am** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely

C Ward

**CLAIRE WARD
SOLICITOR TO THE COUNCIL**

AGENDA

Council

Date: **Friday 30 September 2016**

Time: **10.00 am**

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

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

For any further information please contact:

Governance Services

Tel: 01432 260239

Email: councillorservices@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Governance Services on 01432 260239 or e-mail councillorservices@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Council

Membership

Chairman

Vice-Chairman

Councillor DB Wilcox

Councillor PJ McCaull

Councillor PA Andrews
Councillor JM Bartlett
Councillor TL Bowes
Councillor CR Butler
Councillor MJK Cooper
Councillor PGH Cutter
Councillor PJ Edwards
Councillor DW Greenow
Councillor J Hardwick
Councillor EPJ Harvey
Councillor JA Hyde
Councillor AW Johnson
Councillor JLV Kenyon
Councillor MD Lloyd-Hayes
Councillor RI Matthews
Councillor MT McEvelly
Councillor PM Morgan
Councillor FM Norman
Councillor RJ Phillips
Councillor AJW Powers
Councillor P Rone
Councillor A Seldon
Councillor WC Skelton
Councillor D Summers
Councillor LC Tawn
Councillor SD Williams

Councillor BA Baker
Councillor WLS Bowen
Councillor H Bramer
Councillor ACR Chappell
Councillor PE Crockett
Councillor BA Durkin
Councillor CA Gandy
Councillor KS Guthrie
Councillor DG Harlow
Councillor EL Holton
Councillor TM James
Councillor JF Johnson
Councillor JG Lester
Councillor MN Mansell
Councillor RL Mayo
Councillor SM Michael
Councillor PD Newman OBE
Councillor CA North
Councillor GJ Powell
Councillor PD Price
Councillor AR Round
Councillor NE Shaw
Councillor J Stone
Councillor EJ Swinglehurst
Councillor A Warmington

AGENDA**Pages**

(The meeting will be preceded by prayers.)

- | | | |
|-----|---|---------|
| 1. | APOLOGIES FOR ABSENCE
To receive apologies for absence. | |
| 2. | DECLARATIONS OF INTEREST
To receive any declarations of interest by Members in respect of items on the Agenda. | |
| 3. | MINUTES
To approve and sign the Minutes of the meeting held on 15 July 2016. | 9 - 26 |
| 4. | CHAIRMAN'S ANNOUNCEMENTS
To receive the Chairman's announcements and petitions from members of the public. | 27 - 28 |
| 5. | QUESTIONS FROM MEMBERS OF THE PUBLIC
To receive questions from members of the public. | 29 - 30 |
| 6. | NOTICES OF MOTION UNDER STANDING ORDERS
To consider notices on motion. Please be aware that that under section 100(A)(4) of the Local Government Act 1972, the public could be excluded from the meeting for motion one of the item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.
1 Information relating to any individual.
2 Information which is likely to reveal the identity of an individual. | 31 - 36 |
| 7. | ANNUAL REPORT OF HEREFORD AND WORCESTER FIRE AUTHORITY
To receive the annual report of Hereford and Worcester Fire Authority. | 37 - 42 |
| 8. | LEADER'S REPORT
To receive a report from the leader on the activities of cabinet since the meeting of Council in July. | 43 - 56 |
| 9. | FOUR YEAR FUNDING SETTLEMENT
To consider acceptance and implications of the four year funding settlement offered by central government. | 57 - 74 |
| 10. | DESIGNATION OF SECTION 151 OFFICER
To designate a post as section 151 officer. | 75 - 78 |
| 11. | FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS
To receive any written questions from Councillors. | |

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- 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.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- 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.

Public Transport Links

- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

Recording of meetings

- Anyone is welcome to record public meetings of the council using whatever, non-disruptive, methods you think are suitable. Please note that the meeting chairman has the discretion to halt any recording for a number of reasons including disruption caused by the recording, or the nature of the business being conducted. Recording should end when the meeting ends, if the meeting is adjourned, or if the public and press are excluded in accordance with lawful requirements.
- Anyone filming a meeting is asked to focus only on those actively participating.
- If, as a member of the public, you do not wish to be filmed please make a member of the governance team aware.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit and make your way to the Fire Assembly Point in the Shire Hall car park.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Council held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Friday 15 July 2016 at 10.00 am

Present: Councillor DB Wilcox (Chairman)
Councillor PJ McCaull (Vice Chairman)

Councillors: PA Andrews, BA Baker, JM Bartlett, WLS Bowen, TL Bowes, H Bramer, CR Butler, ACR Chappell, MJK Cooper, PE Crockett, PGH Cutter, BA Durkin, PJ Edwards, CA Gandy, DW Greenow, KS Guthrie, J Hardwick, DG Harlow, EPJ Harvey, EL Holton, JA Hyde, TM James, AW Johnson, JLV Kenyon, JG Lester, MD Lloyd-Hayes, RI Matthews, MT McEvelly, SM Michael, PM Morgan, PD Newman OBE, FM Norman, CA North, RJ Phillips, GJ Powell, AJW Powers, PD Price, P Rone, AR Round, A Seldon, NE Shaw, WC Skelton, J Stone, EJ Swinglehurst, LC Tawn, A Warmington and SD Williams

15. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Harlow, JF Johnson, MN Mansell, RL Mayo, R Phillips and D Summers.

16. DECLARATIONS OF INTEREST

Councillor PD Newman OBE declared a pecuniary interest for item 10, appointment of Chairmen of Committees.

17. MINUTES

RESOLVED:

That

- a) the minutes of the Annual General Meeting, held on 20 May at 10.30am be confirmed as a correct record and signed by the Chairman.
- b) the minutes of the Extraordinary General Meeting, held on 20 May at 2pm be confirmed as a correct record and signed by the Chairman

18. CHAIRMAN'S ANNOUNCEMENTS

Council noted the Chairman's announcements as printed in the agenda papers.

The Chairman reported that he had received two petitions. The first related to the perceived closure of the Citizen's Advice Bureau. The cabinet member, health and wellbeing, received the petition.

The second petition related to Traffic calming measures outside Burghill Community Academy. The cabinet member, transport & roads, received the petition.

19. QUESTIONS FROM MEMBERS OF THE PUBLIC

A copy of the public questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the Minutes at Appendix 1.

20. NOTICES OF MOTION UNDER STANDING ORDERS

Notice of motion 1 – national planning policy framework

Councillor BA Baker proposed the motion and made the following principal points:

- The Herefordshire Local Plan Core Strategy (HLPCS) laid out in detail how the county would develop, up to 2031 and included planned domestic housing growth of 16,500 units within the plan period.
- in accordance with national policies and guidance, the personal circumstances of residents could not form part of planning policy and could not be taken into consideration when determining a planning application as defined under policy RA3 - Herefordshire's countryside.
- people living with any number of long term medical conditions or other special needs were having these needs and circumstances ignored by the planning system, through no wish of the council.

Councillor KS Guthrie seconded the motion and said that there had been times that local Herefordshire families in rural areas had required a new home for an ill or disabled close relative in the proximity of their local community. These types of planning applications were within small hamlets considered to be in “open countryside” and therefore were not supported by the current policy. If medical evidence were to become a material planning consideration, those who were unwell or disabled would not be disadvantaged as they presently were and would have the opportunity to live locally with the support of family and friends.

In the ensuing debate the following point was made:

- That the National Planning Policy Framework had a number of health and wellbeing references, and it was unlikely that such a motion would be considered by Whitehall, who would view it as a matter for each local authority to resolve.

The motion was carried unanimously.

RESOLVED: That The executive be requested to consider lobbying central government for a change to the national planning framework to enable local planning authorities to take personal circumstances into account as material planning considerations where proportionate residential development is considered necessary for a person suffering from a serious disability, or some other unusual or exceptional circumstances, and is supported by professional medical or other evidence, to enable that person to maintain and enjoy an acceptable quality of life.

Notice of motion 2 – mental health day

Councillor MD Lloyd-Hayes proposed the motion on behalf of Councillor Summers.

Councillor PE Crockett seconded the motion commenting that this was a matter that was not sufficiently well recognised within the health sector.

In discussion the following principal points were made:

- That mental health was a serious issue within the county and at the recent meeting of the health and social care overview and scrutiny committee it had been reported that the 2gether NHS Trust had received a good report from the Care Quality Commission for its work.
- The cabinet member, health and wellbeing said that she was prepared to consider any additional initiatives in this area, but that they would have to be set against the need to achieve value for money and the work that was already being undertaken. She highlighted a number of initiatives that were already underway in the county.
- That a mental health day would provide the council with an opportunity to highlight and publicise initiatives that were being undertaken without additional costs to the council.
- That the mindSCAPE Project had been developed by the Wye Valley Area of Outstanding Natural Beauty to enable people living with dementia, their carers both family and professional, to reconnect with the landscape in a sociable and creative way.

The motion was carried unanimously.

Resolved: That the executive be asked to consider the establishment of an annual designated mental health day to be called ‘Lets Listen Herefordshire’ and to be held every ‘blue Monday’ (that being the third Monday of each new year) from January 2017 onwards.

Notice of motion three – support of *count them in*

Councillor MT McEvelly proposed the motion, and made the following principal points:

- that the armed forces community within the county should not face disadvantage in the provision of services and that special consideration was appropriate, as enshrined in the Armed Forces Covenant.
- The provision of more accurate data on the size or demographics of the armed forces community was important and should, where possible, include serving regular and reserve personnel, veterans, and their families.
- That the availability of such data would greatly assist the council, local partner agencies, the voluntary sector, and national Government in the planning and provision of services to address the unique needs of the armed forces community within Herefordshire.
- The cabinet member, health and wellbeing reiterated the number of initiatives that were already underway in the county in this area.

Councillor BA Durkin seconded the motion.

The motion was carried unanimously.

Resolved: that the executive be requested to support and promote the Royal British Legion’s call to include a new topic in the 2021 census that concerns military service and membership of the Armed Forces community; and to call upon the UK Parliament, which will approve the final census questionnaire

through legislation in 2019, to ensure that the 2021 census includes questions concerning our Armed Forces community.

Notice of motion four: combating racism

Councillors JM Bartlett, TM James, RI Matthews, PM Morgan and AJW Powers proposed the motion and it was supported by all members. During the discussion the following principal points were made, that:

- whilst it was recognised that it did take place, it should be made clear that hate crime was unacceptable in the county. There had traditionally been under reporting of such incidents and the fact that they appeared to be increasing might be a positive sign as it showed that more people were taking the issue seriously.
- That the city council was taking positive steps to address this issue, which included the Herefordshire Pride event and twinning with a Polish city.

Resolved: That this council wishes to state unequivocally that Herefordshire welcomes people from all walks of life - and will continue to do so.

We want Herefordshire to be known for being a diverse and tolerant society. Unkind speech and acts of prejudice have no place in our county or our country.

This council continues to promote and celebrate difference and we condemn all forms of racism, xenophobia and hate crime. We encourage respect for one another in all that we say and do, and wish to reassure all people visiting and living in this area that they are welcome and valued members of our community

21. TREASURY MANAGEMENT OUTTURN 2015-16

Council received a report on the treasury management outturn for 2015/16.

In the ensuing debate the following points were raised:

A member said that there appeared to be a variance of £800k on the total borrowing figures in this report, compared to the report that had been presented to cabinet. The leader undertook to provide a written reply to explain the apparent disparity, and pointed out that a substantial amount of the increase in borrowing was as a result of capital spend that would provide a return on the investments made. These included the following:

- A loan of £17.4m for the energy from waste plant which would be funded by future loan repayments
- Road investment of £5.2m; the cost of borrowing would be financed by revenue maintenance cost savings
- £4m investment in LED street lighting, to be financed by energy cost savings
- £2.8m Investment in leisure centres which would be financed by rental charges
- £1.8m for the purchase of the three elms trading estate which would be funded by rental income

A member asked why there was an expenditure on removing asbestos from Elgar House, as this was surely the responsibility of the landlord, not the local authority. The leader replied that property management would provide a written response to this question.

- Whilst it was not possible to guarantee that the investment in the leisure centres would be funded by rental charges, but that based on the past performance of the centres, it was reasonable to assume that this would be the case.
- That if the council were to undertake no further borrowings, then there were many areas of operation that it would no longer be involved in.

A member said that treasury management was viewed in terms of investment and that the landscape had changed dramatically since the 23 June. He asked whether the council could be assured that the management of resources would continue during the Brexit negotiations. Assurance was sought that in managing future investment account would be taken of this new landscape, mindful that the Council had relied on yields from its treasury management to help finance investment and that such income might be less secure in the future.

The leader replied that the shape and scope of the uncertainty had been laid out at a recent meeting in London by a senior civil servant. The leader's personal view was that even greater prudence than usual should be exercised in both treasury management and capital projects until the situation became clearer

Resolved: that the treasury management outturn for 2015/16 be approved.

22. LEADER'S REPORT

The Leader presented his report on the activities of cabinet since the meeting of Council in March 2016

In the ensuing discussion, the following issues were raised:

It was suggested that resolution a and resolution b of the cabinet member, infrastructure's decision of 24 June on the adoption and maintenance of new public open space were contradictory and the decision should be reviewed. Ensuring finance for the management of public open space had been an ongoing issue for the Planning Committee with several applications referring to that future provision being made through the formation of a management company. Developers should be required to meet the ongoing cost of managing public open space provided as part of any new development.

The cabinet member, infrastructure replied that the decision was clear that the council would no longer actively adopt or take on the maintenance of new public open space, except in exceptional circumstances in which case the cost would be recovered from the developer. He would ensure that officers were applying this policy to all relevant planning applications.

A member asked how the management of the policy was to be taken forward and suggested the formation of a Public open Space Management Company be included in the draft heads of terms in any planning agreement for housing developments. The cabinet member, infrastructure, replied that there was no intention to adopt the open spaces within a development unless mitigated by the costs of that development. The question would be referred to the Planning Officers for a written reply.

A member said that there had been no meaningful debate around the 100% retention of business rates. This was an issue that needed to be addressed as, he believed, it fell under objective four of the chief executives objectives, as outlined in appendix 2 of the report, and that the chief executive needed to be empowered to address this issue. The Leader replied that it was not clear at this point whether business rate retention would

impact local authorities. It would impact the choices that a local authority would make. A further report on the issue would be made when there was a definitive answer.

The chief executive agreed with a member's comment that objective eight should be extended to all elections and referendums, rather than just those held in May and June.

In reply to a question, the cabinet member health and wellbeing said that the award of contracts for learning disability services would provide a comprehensive service that would include respite care.

A member questioned whether objective seven had been met, as there was currently an overspend in adult social care. The cabinet member health and wellbeing replied that action was being taken to address this overspend in order to ensure that the budget was brought in on target.

In reply to a further question, the leader said that the chief executive's objectives were monitored on a daily basis, but that by their very nature they were not easy to split down further. He would be happy to discuss any other form of dissemination of this information with members and group leaders.

RESOLVED: That the report be noted.

23. NEW MODEL IN TECHNOLOGY AND ENGINEERING (NMITE) UNIVERSITY

Council received a report to approve an amendment to the current year's capital programme in order to allow the council to support the development of the new university in the county.

The Leader reported that the Government had pledged support to secure launch funding to create the NMiTE university. Funding of circa £18m had been earmarked but access to this was dependent upon the Herefordshire Tertiary Education Trust (HTET) submission of a sound Green Book business case, the Office of Government Commerce's recommended standard for the preparation of business cases.

In order to achieve this, HTET had requested the council to provide loan support of up to £300k, repayable once government and/or private funding had been secured. The cabinet member had given in principle approval to this request for loan funding subject to Council approval of the amendment to the capital programme and to a number of conditions to be determined by the joint university project board.

In the ensuing debate, the following points were raised:

A member commented that Welsh Water were keen to be involved in the NMiTE in order to be able to train engineers there, but had not been approached. The leader undertook to pass this request on to the project team.

- That following the referendum vote to leave the EU, it should be noted that it was intended that the majority of students would be recruited within the UK and would be learning technical skills for British job. There would be issues for the Russell Group of Universities, who would be exposed to issues around EU research funding. This would not apply to the NMiTE.

Resolved: that provision of £300k be made in the current year's capital programme to support the development of the new university.

24. APPOINTMENT OF CHAIRMEN OF COMMITTEES

Council received a report to exercise powers reserved to it to appoint chairmen of committees.

The Leader proposed councillor PD Newman OBE as chairman of the Audit and Governance Committee. Councillor Newman was seconded by councillor ACR Chappell and he left the room for the duration of the vote.

Councillor PD Newman was elected unanimously.

It was noted that when appointments were made in May to the positions of chairman and vice-chairman of committees, the position of Chairman of the Health & Wellbeing Board was inadvertently omitted from the report to annual council. Councillor PM Morgan, being Cabinet Member Health and Wellbeing, was confirmed as chairman of the health and wellbeing board.

Resolved

That

- a) **Councillor PD Newman OBE be appointed as chairman of the Audit and Governance Committee; and;**
- b) **Councillor PM Morgan, being Cabinet Member Health and Wellbeing, be confirmed as the chairman of the Health and Wellbeing Board**

25. ANNUAL REPORTS FROM COMMITTEES

The annual reports from committees were noted.

In the ensuing discussion, the following points were made:

The cabinet member, health and wellbeing said that the council's Sustainability and Transformation Plan (STP) had been discussed by the health and wellbeing board on two different occasions, and that the plan was not yet public. Active discussions were hand with the local authority and the clinical commissioning group leading the way for the county. The One Herefordshire plan was being actively promulgated, and that there had been an officer team working on this since December 2015. The authority was actively engaged in the process and was bringing forward ideas for working together more efficiently within the county.

The cabinet member went on to say that the health and wellbeing board did not report to the health and social care overview and scrutiny committee (HOSC) but to the constituent agencies of the board. The board did provide an annual update to HOSC on progress over the year.

In reply to a question, the chairman of the planning committee said that the issue of the five year land supply would be addressed at an all members seminar to be held in the Shire Hall on the 25 July.

In reply to a further question, he went on to say that he would provide members with a written answer as to how many allowed appeals had been passed on officer recommendations.

A member asked that a strategic overview of the work of the planning committee should be provided to members.

The chairman of the regulatory committee thanked all members who had turned up at short notice to regulatory subcommittee meetings. He went on to thank officers for their work for the committee including the recently retired legal adviser.

Resolved: that the annual reports from committees be noted.

26. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

A copy of the Member questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the Minutes at Appendix 2.

The meeting ended at 1.03 pm

CHAIRMAN

Public questions to Council – 15 July 2016

Question from Mr P McKay, Leominster

Question 1

Street works register

Herefordshire Council has adopted both its Core Strategy and Transport Plan without any policies regarding completing and correcting our highway records (the Street Works Register reference LAF Blue Book for Roads viewable at https://www.herefordshire.gov.uk/media/4753074/blue_book_for_roads_v8.pdf), which must surely be a fundamental requirement, leading to an unrecorded verbal discussion reported in FOI IAT 11614 deciding to register our unadopted roads on the upgraded Local Street Gazetteer as being without any highway dedication status, even those leading to public places, with public paths branching off them, in regular public use including those with public street lights !

However I am also advised under FOI IAT 11812 that Herefordshire Council proposes to make a representation to the Department for Transport shortly regarding envisaged problems, and also that the 1950's parish submissions are presently not available due to being scanned, so may I please ask if Herefordshire Council will raise a plan to address completing and correcting the Street Works Register complete with an Evidence Base of what has been done in previous years; that is open, transparent and an understandable way forward that may be undertaken in the most effective, efficient and economic manner ?

Answer from Councillor Paul Rone, cabinet member transport and roads

As Mr McKay will be aware from answers to his previous questions, the council has adopted a highway records protocol and a definitive map modification order policy and procedure which clearly set out how changes to these records will be considered and progressed within the resources available. No further plans are necessary.

Supplementary Question

At December meeting Council agreed that showing definitive map modification order application's and road protocol applications on a highways map layer in addition to being listed in the register would aid clarity, and I enquire when this may be expected, the other actions agreed at that meeting having been undertaken ?

Answer from Councillor Paul Rone, cabinet member transport and roads

Work is ongoing with the Council's IT teams to make the necessary changes to allow this information to be published. It is anticipated that this will be completed by November.

Question from Mrs V Wegg-Prosser, Breinton

Question 2

Local Growth Fund / Large Local Major Transport Development Schemes

The budget for the Southern Link Road (SLR) is overspent (£2.164 million as against the budgeted £1 million for development). Incurred costs reported by the Council are £1.712 million, and the Marches LEP has complied with the Council's invoice and paid over £2.164 million. The Council has failed to allocate any money in its Medium Term Financial Strategy for the sustainable transport / active travel elements in the South Wye Transport Package (of which the SLR is a part). The consequence of this action is that the Local Growth Fund conditional funding of £27 million (minus the £2.164 million already advanced) is the only funding available to the Council to complete the South Wye Transport Package. Furthermore, the Council, through the Marches LEP, is seeking an additional £2.65 million for development costs of the Hereford Transport Package (aka Hereford bypass), and pledging from the Council £600,000 of tax payers' money towards these costs.

Public questions to Council – 15 July 2016

Could the Cabinet member responsible for infrastructure, Councillor Philip Price, please explain why he has confidence that the sustainable transport / active travel elements within the SWTP will be delivered alongside the SLR, and that the £2.65 million in the Marches LEP bid document (ref. 160531) will be forthcoming via the DfT Large Local Major Transport Development Scheme to kick-start the Hereford Transport Package?

Answer from Councillor Philip Price, cabinet member infrastructure

I must begin by correcting a number of incorrect assertions made by the questioner. The budget for the South Wye transport package (SWTP) is not overspent; the council has not failed to allocate funding in its medium term financial strategy (MTFS) for the sustainable transport/active travel elements of the SWTP; and the £27m local growth funding is not the only funding available to the council to complete the SWTP.

The grant drawn down to date, and in compliance with Department for Transport guidance, is early draw down of funding reflecting the significant work done by the council in developing and appraising a number of route options and preparation of a planning application for the scheme. It was for programmed work and does not mean the budget is overspent.

The SWTP budget of £35m is made up of £27m secured from the local growth fund as listed in the medium term financial strategy (2016/17 – 2019/20) and a further £8m local contribution which will be funded from the council's existing enterprise zone, highway maintenance and integrated transport plan budgets over the period of the scheme (and therefore there is no separate budget line just for SWTP sustainable transport/active travel elements). As with all our schemes, consideration will continue to be given to other future funding opportunities which may arise for which the council may be able to bid for and apply as contributions to this scheme. I therefore have confidence that the sustainable transport/active travel elements of the SWTP will be delivered.

An announcement regarding the large local majors application is awaited.

Supplementary Question

If the Local Transport Plan budget allocations are being raided to pay for the South Wye Transport package without being specified as such, how can the full business case for the South Wye Transport package pass the scrutiny of the independent Technical Evaluator before being signed off by the Department for Transport?

Answer from Councillor Philip Price, cabinet member infrastructure

The budget for the entire SWTP is £35m with £27m from Growth Fund and £8m local contribution. The council will consider a variety of funding sources to complete the package. Utilising local transport plan funds to implement sustainable transport measures within the south Wye area and which deliver elements of the package is entirely compatible with the aims of the strategy.

Question from Mrs E Morawiecka, Breinton

Question 3

Five year housing land supply

Herefordshire currently does not have a 5 year housing land supply, meaning that any development that can show it is "sustainable" can be granted planning permission anywhere in the county. As the Western Relief Road corridor prevents housing development on the grounds of prematurity along the length of Kings Acre Road, until the route is defined, housing in Three Elms will not come forward in accordance with the approved Core Strategy Local Plan, and the shortfall will increase at a rate of 100 dwellings pa. What steps are being taken to review the housing targets of the Core strategy, and to assess infrastructure that will actually bring forward sustainable housing in Hereford, maximising the use of active modes of travel, such as that proposed by the Destination Hereford project?

Public questions to Council – 15 July 2016

Answer from Councillor Philip Price, cabinet member infrastructure

The core strategy was adopted by the Council in October 2015 following examination in public where the inspector considered that the plan's housing target was "reasonable and justified" (Inspector's report) para 31. Given its recent adoption there is no justification for reviewing the plan's housing targets at this time and we continue to work with parish councils and developers to bring forward plans which will continue to increase the county's housing land supply in accordance with core strategy policy.

I would wish to correct the rather alarmist suggestion that any development that can show it is sustainable will be granted planning permission anywhere in the county; planning decisions are taken on a far more complex mix of planning considerations and each case must be considered on its own merits.

Officers are working proactively with the developers of strategic sites in the adopted plan, including the Three Elms site, to ensure their timely release. The protection given to the relief road corridor by the core strategy would be considered by the planning authority in determining any applications. However, subject to ensuring any proposals do not prejudice the future choice of route for the relief road, this would not prevent suitable initial phases of housing being delivered.

In terms of bringing forward necessary infrastructure, on 26 June cabinet approved the commencement of work to develop further phases of the Hereford bypass, in support of proposals within the adopted core strategy and in the context of the overall transport strategy for the city, of which the Destination Hereford project forms a part.

Question from Ms K Sharp, Hereford

Question 4

Enterprise zone jobs and investment

With Rotherwas Enterprise Zone having created 254 new jobs (net) at the REZ up to the end of 2015, when does the Cabinet Member anticipate the 4,000-6,000 new jobs anticipated will be created in Hereford at the REZ and what investment by Herefordshire Council is needed to make these jobs a reality?

Answer from Councillor David Harlow, cabinet member economy and corporate services

Over 180,000 sq ft of new business space has been built and occupied at the Hereford Enterprise Zone to date. At least as much again is in the pipeline through sales being negotiated. In its lifetime (up to 2037) the Hereford Enterprise Zone has the potential, if fully built out, to accommodate up to 1,500,000 sq ft of new development.

The actual amount of business space built, and the number of new jobs generated as a consequence, depends on the investment decisions made by individual companies now and in the future.

Using current estimates of the type of space that might be built, and industry standards on employment density in that space, points to a potential total job number of around 4,500 when the Hereford Enterprise Zone is fully built out. The actual number, and the date that they are generated, will depend on the individual company investment decisions that are made. The council has a capital investment programme to make development land ready for sale and to make specific interventions to build business space for rent. Under the arrangements established for the Enterprise Zone programme, the costs of this programme are financed from the business rate income generated by new investors.

Public questions to Council – 15 July 2016

Question from Dr N Geeson, Hereford

Question 5

Relief road and congestion

The Western Relief Road corridor has recently prevented development of 75 new homes just off Kings Acre Road. (See Appeal ref 3137770). The proposed Western Relief Road may also run through the Strategic Urban Extension at Three Elms Urban Extension. Would the cabinet member please explain how the Western Relief Road will reduce congestion into Hereford City from this large development site, improving sustainable connections with schools, colleges, hospitals, shops and employment sites and other services in the centre of Hereford and so bring forward development of these new homes?

Answer from Councillor Philip Price, cabinet member infrastructure

The primary purpose of the Hereford bypass is to enable the creation of new jobs and homes vital to the future of the county. It will also reduce traffic flows on the existing A49 within Hereford as some traffic chooses to use the new route. This reduction in traffic flow will enable a number of sustainable transport measures to be introduced on the existing network combining with the bypass to form the overall Hereford transport package. The detail of these sustainable transport measures will be developed taking stakeholder views into account but are likely to include measures to improve conditions for walking, cycling and public transport.

In conjunction with the sustainable transport measures of the Three Elms development itself, including walking and cycling connections into the city centre, this will enable the Three Elms development to be delivered.

Question from Ms D Toynbee, Eaton Bishop

Question 6

Enterprise Zone investment and business rates

Please would the cabinet member detail how much in business rates from the REZ has been paid to the Marches LEP since the creation of the Zone, and how do these payments compare, year on year, with the investment Herefordshire Council has put into REZ?

Answer from Councillor Tony Johnson, cabinet member corporate strategy and finance

No payment of business rate income has been made to the LEP to date. Business rate growth has been used to finance inward site investment to attract businesses to the site as agreed by the Marches enterprise joint committee in December 2014.

Capital and revenue expenditure on the zone is as follows:

	Enterprise Zone expenditure £000s				
	2012-13	2013-14	2014-15	2015-16	Total
Capital	994	1,353	2,233	5,071	9,651
Revenue	203	292	323	388	1,206

Public questions to Council – 15 July 2016

Question from Mrs C Protherough, Clehonger

Question 7

Three Elms trading estate

With Herefordshire council purchasing the Three Elms Trading Estate as an investment for the local taxpayer, would the Cabinet member please confirm:-

1. How much this investment has cost to date, including renovations and business rates payable on unoccupied units;
2. How much rental income has been received by Herefordshire Council;
3. How many new jobs have been created, or lost, on this employment site?

Answer from Councillor Harry Bramer, cabinet member contracts and assets

The Three Elms Trading Estate was purchased in May 2015 to support business growth and economic development in the city/county, particularly given the relatively limited availability of employment sites in the city north of the river. The investment also provided accessibility to support future release of adjacent council owned land which would otherwise have proved difficult to develop. Longer term plans to stimulate the overall development of the land for economic purposes are being drawn up as part of the county's wider economic development plans.

1. Total spend of £2,426k has been incurred (£2,109k capital and £317k revenue)
2. £80k in the 10 months of 2015/16 following purchase of the estate; in addition there is an element of the business rates which is retained by the council and that retained element amounted to £24.2k in 2015/16.
3. This information is not currently held by the council.

Question from Mr R Palgrave, How Caple

Question 8

Hereford livestock market

In a period of austerity, services such as supporting homeless young people, Citizens Advice, and tourist information can no longer command a subsidy from Herefordshire Council. Rural bus services are under continual threat of closure. No Council money is being provided to help Hereford's City of Culture bid.

The local taxpayer invested at least £12million to provide a brand new, purpose built Livestock Market for local auctioneers. Would the Cabinet member please explain how the new Livestock Market is performing as an investment for the people of Herefordshire, in particular:

- i) how much annual rent is received from the auctioneers and when was this last reviewed?
- ii) how much is paid in rates for the site?
- iii) who receives the benefit of any rates on this site?
- iv) is the return on investment achieving the level expected at the time the Livestock Market was built?

Answer from Councillor Harry Bramer, cabinet member contracts and assets

- i) £198k in 2015/16. The 5 yearly rent review is scheduled for the current year.
- ii) The rates paid in respect of the two business on the site were £40k in 2015/16

Public questions to Council – 15 July 2016

- iii) 49% is retained by the council, 1% is distributed to Hereford and Worcester Fire Service and 50% is distributed to central government
- iv) The rent and rates achieved, alongside the introduction of an animal toll included in the figure at i) above, are in line with expectations when the decision to provide the livestock market was approved. In addition a capital receipt of some £58k has been received from the disposal of the first plot at the site further disposals/development are likely in the future.

The investment in the new livestock market site should not simply be measured in financial return to the council; it enabled the redevelopment of the old site which of itself has generated additional business rate income, creating new jobs and stimulating over £100m private sector investment in the city. The new livestock market has also provided a vital resource for the agricultural sector – a key element of the county's economy, and since moving to the site there has been a growth in throughput of 7.8% in the last three years.

Members' questions at Council – 15 July 2016

Question from Councillor WLS Bowen

Property maintenance.

Question 1

In respect of recent works carried out:

- a) Who was in charge of the initial works to the Shirehall and the Union Street Building?
- b) What was the total cost of these works, in both cases?
- c) Who signed off these works as satisfactory?
- d) How much has it cost to repair the faulty damp proofing in the Union Street Building?
- e) How much will it cost to repair the damage to the Members' rooms, meeting rooms and offices in the Shirehall?
- f) Will all these costs be covered by insurance?
- g) If not, will the original designers and contractors for these works be held responsible for these disasters and will they pay for the renovations?
- h) Can we be assured that, as far as is possible, the problems plaguing the Shirehall and the Union Street building are now solved and that we can take back the various facilities in the sure and certain hope that all problems have been satisfactorily resolved?

Answer from Councillor H Bramer cabinet member contract and assets

- a) Works were commissioned by the council's property services function and overseen by the then service delivery partner.
- b) I refer to the answers provided to Councillor Bowen in September 2014
- c) See a) above
- d) There was no faulty damp proofing. Remedial work to address dry rot which had not been identified as present at the time of the phase 1 works has cost £39k
- e) Remedial work to the ceiling in the lower ground floor is underway and therefore final costs are not available but are estimated at £112k
- f) No.
- g) No; the remedial work has not been identified as a fault of the contractor.
- h) Councillor Bowen is a vocal advocate for the preservation and use of historic listed buildings within the county and will be aware that such properties come with higher than average maintenance requirements. The council has in place appropriate processes for assessing maintenance requirements of its property holdings, and an annual budget for maintenance is in place.

Supplementary Question

Did the service delivery partner do an effective job in undertaking the works?

Answer from Councillor H Bramer cabinet member contract and assets

Yes. They were asked to restore a two hundred year old listed building and to deal with the issues that were associated with it.

Question from Councillor J Bartlett

Impact of 'Brexit' on LEP funding.

Question 2

According to the Marches Local Enterprise Partnership website <http://www.marcheslep.org.uk/?s=ESIF+Strategy> it has been awarded some £95 million of EU funding for projects being developed and delivered between 2014 and 2020.

Members' questions at Council – 15 July 2016

These projects are set out in the draft Marches Local Enterprise Partnership 'European Structural and Investment Fund (ESIF) Strategy 2014 – 2020' published 7th October 2013.

Given the result of the referendum will the LEP still get the full £95 million originally awarded and when will we know and if not will Herefordshire Council need to underwrite schemes, or will it become liable for any outstanding costs of projects started with money allocated from this fund if ESIF money is withheld?

From where will the LEP make up any shortfall in the £95 million ESIF funding to finance the completion of the projects set out under the Five Strategic Activities headings in the above strategy?

Answer from Councillor A Johnson cabinet member corporate strategy and finance

At a national level the managing authorities (DCLG, DWP, and DEFRA) of the EU funding, along with other relevant government departments, are discussing the impact of the referendum on the national ESIF programme, and we await the outcome of those discussions. There are no indications at this stage that committed funding will be withdrawn.

It is important to note that the Marches local enterprise partnership (LEP) does not hold the ESIF funds, this is a responsibility of the managing authorities. Additionally the Marches ESIF strategy does not detail specific projects that will receive funding, rather the five strategic activities within the strategy outline the type and nature of activity that could be supported. Consequently the £95m is an allocation of finance to be spent within the LEP area rather than an explicit commitment to spend on specific projects by the LEP or its partners.

Equally it is unclear what national funding streams will be developed in the coming months and years. The council will continue to pursue all available funding streams and prioritise allocation of that funding in accordance with its relevant strategies and plans to ensure the needs of the county are met going forward.

Supplementary Question

With a shift to a low carbon economy and social inclusion, would the removal of EU money affect the statutory activities which underpinned the core strategy and were part of the Marches LEP push to create jobs in these areas?

Answer from Councillor A Johnson cabinet member corporate strategy and finance

The current understanding was that funding commitments that had already been made would be honoured. National negotiations that would be undertaken would undoubtedly mean that funding should be returned from Brussels.

Question from Councillor RI Matthews

Asset management.

Question 3

It would appear that this present administration are more than eager to sell off the county's valuable assets, while not always obtaining the best return for the taxpayer because of the present uncertainty in the property market generally.

Can the leader of the council assure members that any funds raised from these sales will be prudently managed, and that every effort will be made to reduce the council's excessive debt and at the same time make some effort to strengthen our dwindling reserves?

Members' questions at Council – 15 July 2016**Answer from Councillor A Johnson cabinet member corporate strategy and finance**

The council's medium term financial strategy approved by Council in February 2016 includes the realisation of capital receipts to repay council debt reducing the annual debt repayment costs. Any assets retained by the council are held for the benefit of the public. It is the duty of the council to secure best consideration for any property disposals, unless there are clear and compelling reasons to do otherwise. To suggest that we do not do so is unacceptable; if Councillor Matthews is suggesting that we should do nothing until there is certainty in the property market, a simple look at recent history would indicate he would have us do nothing for a longer time that I would be prepared to wait.

I equally refute the suggestions that the council is imprudent in its management of resources, and that the council's debt is excessive. It may have escaped Councillor Matthew's notice that not only have we been investing capital resources that we secure from a range of sources in a number of schemes which benefit the community, whether those be school buildings, leisure facilities, road improvements, economic development projects or other similar investments from which the county can grow and prosper, we have also managed to increase the level of usable revenue reserves held by £2m during 2015/16, as well as delivering a balanced budget year on year through very challenging times.

Supplementary Question

How will the council manage when there are no assets left to dispose of?

Answer from Councillor A Johnson cabinet member corporate strategy and finance

The council had a responsibility to manage publicly owned assets and ensure the best possible return was made from them. Without accepting that the position would be reached, if there were no further assets which could be used to raise revenue, then the council would stop spending money, which was the approach that any responsible local authority would undertake.

Chairman's Announcements

Meeting of Council on 30th Sept 2016

Events attended by the Chairman/Vice-Chairman of Herefordshire Council since the last Council meeting on 15th July 2016

21 st July	Art College Awards
24 th Aug	The Cart Shed Summer Barbeque
9 th Sept	Drinks and Canapes with the High Sheriff
10 th Sept	St Paul's and St James' Consultation morning
11 th Sept	Ross on Wye Mayor's Civic Service
12 th Sept	Citizenship Ceremony
16 th Sept	Home-Start Herefordshire 34 th AGM
18 th Sept	Ledbury Mayor's Civic Service
18 th Sept	76 th anniversary of the Battle of Britain commemorative service
22 nd Sept	West Mercia Police awards ceremony
23 rd Sept	Dying to Drive Initiative
25 th Sept	Installation of Former High Sherriff Edward Harley DL as a lay canon of the Foundation of Hereford Cathedral
29 th Sept	ECHO AGM

This weekend sees the retirement of Rev. Preb. Paul Towner as the Vicar of St Peter & St James and his impending move to Chester from Hereford after 17 years of loyal service to the City and County in his current role.

On Saturday, 22nd October in the Shire Hall, the Police Choir, together with the Soul Choir, is putting on a concert in aid of the Chairman's Charity, namely "The Haven". All councillors and members of the public are encouraged to support this worthwhile charity whilst simultaneously enjoying a very good evening's entertainment.

PUBLIC QUESTIONS TO COUNCIL – 30 SEPTEMBER 2016

Question from Mr P McKay, Leominster

Question 1

Community representation as part of the Strategic Development Plan (SDP)

Fathoming out why there was a lack of community input into appropriate s.106 planning obligations in recent 20+ dwelling planning decision in parish that had lodged objection, with several other housing sites in its Neighbourhood Plan, and putting this down to absence of guidance in the SDP when there has been no developer initiated pre-application consultation regarding these in-conformance with chapter 1.8 of the SDP, with the effect being that the absence of any guidance denied the community of any input, and then finding that the latest s.106 agreements contain a clause to effect that should the Community Infrastructure Levy become payable that this would replace agreed s.106 payments.

May I ask for confirmation that in absence of any developer initiated consultation that consideration of appropriate planning obligations is not closed to community but open for community representations to be made as part of consideration of the planning application within the published consultation period, and if guidance regarding this could be added to the SDP, making it clear that submitting this information should the development be approved would not prejudice any objection to the development raised by the community, or if the introduction of the Community Infrastructure Levy is so imminent that clarifying this issue would no longer serve any practical purpose and ought look forward to receipt of Community Infrastructure Guidance ?



Meeting:	Council
Meeting date:	30 September 2016
Title of report:	Motions on notice
Report by:	Monitoring officer

Classification

Part exempt

Motion one is exempt by virtue of paragraphs 1 and 2 of section 100(A)(4) of the Local Government Act 1972.

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To consider motions received on notice.

Recommendation(s)

THAT:

- (a) the motions as listed at paragraphs 7 and 8 are debated and determined by Council.

Alternative options

- 1 There are no alternative options to the recommendation; the constitution makes provision for motions on notice to be debated and decided by Council.

Reasons for recommendations

- 2 To comply with the provisions of the constitution.

Key considerations

- 3 The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by at least one member and submitted not later than midday on the seventh working day before the date of the meeting.

- 4 Motions must be about matters for which the council has a responsibility or which affect the area.
- 5 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, to a maximum of three, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it. motions exceeding three are not listed on the agenda and will be held over for listing on the agenda for the next meeting in the order they were received.
- 6 A maximum of 1½ hours will be allocated for dealing with notices of motion but that time may be extended at the discretion of the chairman.
- 7 Two notices of motion have been received and are set out below:

Motion one

In the opinion of the Proper Officer this item will not be, or is likely not to be, open to the public and press at the time it is considered and the public and press will be excluded from the meeting for this item of business.

Motion two– Supplementary planning document (SPD) relating to polytunnels

(Proposed by Councillor EJ Swinglehurst)

With the adoption on the Core Strategy in 2015 a number of other planning policies were either replaced, saved or lost. One of the lost policies was the supplementary planning document (SPD) relating to Poly tunnels. This is a comprehensive and detailed supplementary policy framework dealing specifically with the impact of Poly tunnels, it was originally adopted in 2008 and I believe it is still relevant.

It represents not only a tremendous amount of work, investment of officer time and expertise but also it is a clear statement of what is required of applications. This is a helpful framework for applicants, objectors and officers alike and I would like to ask the Council and Executive to consider re-instating all policy compliant elements of this piece of work to sit alongside the core strategy.

This would aid in the determining of applications, reduce the likelihood of appeals, assist the planning committee in determining applications and contribute to ensuring a sustainable future for this type of farming in the county.

I therefore make this proposal

That Herefordshire Council ask the Executive to consider reinstating the SPD on Poly tunnels working with officers to ensure that the policy is still fit for purpose, up to date and policy compliant.

Community impact

- 8 None arising from the recommendation; if any motions results in a request that the executive (cabinet) take some action the implications of such action will inform any decision by cabinet.

Equality duty

- 9 None arising from the recommendation; if any motions results in a request that the executive (cabinet) take some action the implications of such action will inform any decision by cabinet

Financial implications

- 10 None arising from the recommendation; if any motions results in a request that the executive (cabinet) take some action the implications of such action will inform any decision by cabinet.

Legal implications

- 11 None arising from the recommendation; if any motions results in a request that the executive (cabinet) take some action the implications of such action will inform any decision by cabinet.

Risk management

- 12 None arising from the recommendation; if any motions results in a request that the executive (cabinet) take some action the risks associated with such action will inform any decision by cabinet.

Consultees

- 13 None.

Appendices

None.

Background papers

- None identified.

Document is Restricted



MEETING:	Council
MEETING DATE:	30 September 2016
TITLE OF REPORT:	Annual report of Hereford & Worcester Fire Authority
REPORT BY:	Head of Corporate Governance

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

County-wide

Purpose

To receive the annual report of the Hereford & Worcester Fire Authority.

Recommendation(s)

THAT: the report be received.

Alternative Options

1 There are no alternative options as the report is for information.

Reasons for Recommendations

2 The Fire Authority submits an annual report to the Council for information.

Key Considerations

3 The Fire Authority consists of 25 Councillors appointed by the constituent authorities: Herefordshire Council and Worcestershire County Council. Each constituent authority appoints such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in the other constituent authority's area. This currently

Further information on the subject of this report is available from
Fire Authority Committee & Members' Services on 01905 368209

means that Herefordshire Council makes 6 appointments and Worcestershire County Council makes 19 appointments.

- 4 This Council's current appointments, made on a politically proportionate basis by this Council, are Councillors BA Baker, KS Guthrie, JLV Kenyon, RI Matthews, RJ Phillips and S Williams.
- 5 The Fire Authority's annual report is appended.
- 6 Copies of agenda papers and Minutes for all meetings of the Fire Authority are available on the Authority's website:

<https://hwfire.cmis.uk.com/hwfire/Meetings.aspx>

Background Papers

- None identified



Hereford & Worcester Fire Authority

Annual Report to Herefordshire Council

30 September 2016

Authority Chairman and Vice-Chairman 2016/17

1. Councillor D W Prodger MBE, from Worcestershire County Council, was re-elected as Chairman of the Authority and Councillor R J Phillips, from Herefordshire Council, was re-elected as Vice-Chairman.

Chief Fire Officer

2. Chief Fire Officer Mark Yates retired on 31 March 2016 following permission granted by the Authority in December 2015. Mr Yates commenced with Hereford & Worcester in 2010 and retired with over 32 years continuous service.
3. The Authority have appointed Nathan Travis BA (Hons), MPA (Warwick) as Chief Fire Officer/Chief Executive. With almost 23 years spent in the fire service Nathan has most recently served as Deputy Chief Fire Officer for Oxfordshire Fire & Rescue Service (OFRS).
4. During his time at OFRS, Mr Travis has faced challenging operational incidents, most notably wide-area flooding in Gloucestershire in 2007 and Oxfordshire in 2013/2014 – and most recently the major building collapse at Didcot power station.
5. On a national level, Mr Travis leads the environment and sustainability reference for the Chief Fire Officers Association, which involves liaising closely with the Environment Agency to identify areas where the fire service can work more closely with them to help prevent and mitigate injury to people and damage to their communities as a result of major weather-related events.

Performance

6. The Service attended 6,459 incidents in 2015-16. This was 347 or just over 5% more than last year. Although we expect there to be fluctuations up and down in the number of incidents from year to year, we still analyse the underlying causes, with the aim of improving our targeted prevention activities. Despite the increase, though, the overall trend continues to be downward, and this year's total is still the second lowest total in the ten years we have collected data in this way.

Budget Savings

7. Since the start of the 'austerity' period in 2010-11, the Fire Authority's annual revenue budget has reduced by 16 per cent in real terms. Taking into account the additional running costs over the last five years, such as inflation pressures, national pay rises, tax increases and maintenance of property and equipment, this has resulted in a headline budget reduction from £32.6 million in 2010-11 to £32.0 million in 2016-17.
8. In order to meet these pressures, we have made reductions in our workforce, including managers and support staff, made changes to crewing at fire stations, cut our spending budgets and removed two fire engines from the fleet. By 2019-20 the full implementation of these measures will be saving £6.7 million per year.

9. The External Auditors issued an unqualified opinion on the Authority's 2014/15 financial statements and an unqualified Value for Money Conclusion on 28 September 2015. At the time of writing, it is expected that they will do the same in respect of the 2015/16 financial statements on 27 September 2016.

Community Risk Management Plan 2014-2020

10. Following the Community Risk Management Plan (CRMP) the Fire Authority approved a two year trial period of the voluntary Day Crewing Plus (DCP) duty system for the second fire engines at Hereford and Worcester. Both Hereford and Worcester fire stations went live with the new DCP crewing pattern on Monday 11th May 2015 and the system continues to provide 24/7 availability for the second appliance. A review of the trial is currently underway and the findings will be reported to the Fire Authority in due course.

Wyre Forest Emergency Services Hub Station Consultation Update

11. Following a Transformation Fund award of £2.38 million from Government to involve the relocation of three existing fire stations into a single, central hub and co-location of multiple partners (West Mercia Police, West Midlands Ambulance Service, Severn Area Rescue Association and the British Red Cross) the Authority conducted a public consultation programme. Facilitated by an independent social research specialist, Opinion Research Services (ORS), the process ran for 12 weeks between 1 September and 27 November 2015. The consultation returned 192 completed questionnaires, 10 written submissions and one petition in addition to numerous public and stakeholder meetings and forums.
12. ORS concluded that overall there was an even balance between the level of support and the level of opposition to the proposals but emphasised that the consultation was about the principle of establishing a hub station and noted that many respondents felt unable to form a definitive view without knowing the proposed location of any hub. As a result the Authority approved a further phase of consultation running from 4 July to 9 September 2016 to seek the views and opinions of staff, local communities and their representatives to ensure that all views on the now confirmed two preferred locations of the hub are considered. The outcome of the consultation will be reported to the Fire Authority on 11 October 2016.

Hereford Fire Station

13. The Fire Authority is currently in discussions with West Mercia Police and Herefordshire Council regarding the development of a joint facility that will provide a new fire station for Hereford.

Dying 2 Drive

14. As part of the Service's suite of community safety initiatives the Dying 2 Drive scheme, now in its tenth year, took place in September 2015. The multi-agency road safety scheme aimed at reducing death and serious injury amongst young road users in Herefordshire had the highest ever number of schools signed up, with almost 1500 young people attending.
15. The events commenced with a hard hitting road traffic collision reconstruction, involving all of the emergency services and live casualties. The reconstructions were closely followed by powerful, interactive workshops run by the Fire & Rescue Service, West Mercia Police, Herefordshire Council, Safer Roads Partnership, West Midlands Ambulance Service and St John Ambulance. During these workshops, the consequences of bad decisions were explored and, amongst other activities, students were shown how to perform live saving cardiopulmonary resuscitation (CPR).

16. The feedback received has been exceptional with all schools commenting upon the clarity of the key safety messages together with the impact the sessions had on the young people who took part.
17. The 2016 Dying 2 Drive events were held at Leominster Police Station from 13 to 15 September 2016 and at Peterchurch Fire Station from 20 to 23 September 2016 in Herefordshire. In Worcestershire, the event ran at Worcester Fire Station from 27 to 29 September with an additional event planned for 4 to 6 October.

National Flood Relief December 2015

18. Firefighters were despatched to assist with flood relief efforts in the north of England as part of a national deployment programme. On 28 December 2015, the Service was requested to immediately mobilise a high volume pump (HVP) and hose module to Lancashire. A Type B boat team (powered boat and advanced water rescue) from Droitwich was also deployed to assist. During this period of flooding, a HVP Tactical Advisor was also mobilised on two occasions to offer technical support and advice.
19. The feedback from the deployments indicate that both crews were clearly regarded as highly skilled, equipped and motivated and provided assistance to significantly affected communities.

Members' Allowances

20. Members voted that the level of Members' Allowances for 2016/17 be increased by 0.2% in line with the Consumer Price Index.

Cllr R J Phillips
Vice-Chairman – Hereford & Worcester Fire Authority

FURTHER INFORMATION is available on the Service's website at www.hwfire.org.uk/your-right-to-know/our-publications/



Meeting:	Council
Meeting date:	30 September 2016
Title of report:	Leader's report
Report by:	Leader of the council

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To receive a report from the leader on the activities of cabinet since the meeting of Council in July.

Recommendation

THAT:

- (a) the report be noted.

Alternative options

- 1 There are no alternative options; it is a requirement of the council's constitution.

Reasons for recommendations

- 2 To ensure members are aware of the activities of cabinet.

Key considerations

- 3 A list of the decisions taken by cabinet and cabinet members since the last report to Council (covering the period between 24 June and 16 September is provided at appendix 1; six were taken under the general exception provision (less than twenty-eight but more than five days' notice) and the relevant overview and scrutiny committee chairman was notified. None were taken under the urgency provision (less than five days' notice). No decisions were subject to call in.

Further information on the subject of this report is available from
Councillor T Johnson, leader of the council on Tel (01432) 260494

- 4 Members will be aware that the NHS nationally is developing sustainability and transformation plans designed to enable it to continue to meet the needs of patients, through the provision of high quality services, within the available resources. Given the close connections between healthcare and social care, and between health more generally and the wider wellbeing of the population, officers have been closely involved with NHS colleagues in the development of the plan for the Herefordshire and Worcestershire footprint. Efforts continue to be made to ensure that the plan fully reflects the impact on the Herefordshire population of changes in healthcare services, while also drawing on the considerable influence that council services can have on the wellbeing of local communities, and hence on demand for healthcare.
- 5 Since the last Council meeting, we have received the provisional and final results from all the key stage checks and exams from the early years, right the way through to A level and other Level 3 results. What a year it's been for our Herefordshire children and young people. We've had particularly pleasing results in the early years of school – four years ago we were one of the worst performing areas in the country; this year we are now above the national average. We've bucked the national trend where there was a fall in GCSE results, and seen, yet again, an improvement in the number of young people getting 5 A*-C including English and maths, which also places us above the national average. We've also seen excellent results at A level again, cementing our position as one of the best performing areas in the country. Well done to our early years settings, schools and colleges, well done to all the parents and carers, and most of all, congratulations to our children and young people who have worked so hard.
- 6 Over the summer we have had very detailed consultation with the children and families who may need short breaks to provide respite and opportunity for children with disabilities. This council has taken a keen interest in this matter, through the good work of the scrutiny task and finish group. Cabinet have approved the approach to tendering for a range of short breaks and the tender process started this month.
- 7 You will be aware that the proposed economic master plan is currently being drafted with a view to being approved by full Council later this year. An engagement process is beginning and the views of all ward members will be welcomed. The intention is for the document to be 'living' rather than static and therefore its important there is a broad understanding of how to propose projects for inclusion in the plan going forward. An all member briefing is being arranged and I encourage all members to participate, to support the growth of our economy now and going forward.
- 8 Members will also wish to note the summary of the activity of the community safety partnership, chaired by the cabinet member health and wellbeing, attached at appendix 2.

Community impact

- 9 The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

Equality duty

- 10 Cabinet and cabinet members have paid due regard to the public sector equality duty in their decision-making, as set out in the relevant decision reports.

Financial implications

- 11 The financial implications of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

Legal implications

- 12 The legal implications of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

Risk management

- 13 The risks associated with any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

Consultees

- 14 None.

Appendices

Appendix 1 – Executive decisions taken

Appendix 2 – Report of community safety partnership activity

Background papers

- None identified.

Executive decisions taken between 25 June and 16 September 2016

Appendix 1

Decision and purpose	Decision date	Taken by
<p>Elgar House refit</p> <p>To approve the refit of Elgar House following the acquisition of the lease. The refit is required to make the accommodation suitable for council staff</p>	7 July 2016 (general exception)	Cabinet member contracts and assets
<p>Council support for the New Model in Technology and Engineering (NMiTE) university</p> <p>To agree and recommend measures (including recommending to Council provision be made within the capital programme) to support the development of a university for the county</p>	8 July 2016 (general exception)	Cabinet member corporate strategy and finance
<p>Consultation for passenger transport review</p> <p>To agree the approach to consulting on options for delivering savings in relation to passenger transport services in the line with the savings proposals included in the medium term financial strategy</p>	8 July 2016	Cabinet member transport and roads
<p>Special guardianship order, child arrangement order and adoption allowances</p> <p>To approve the implementation of a fair and transparent process for special guardianship orders, child arrangement orders and adoption orders that will enable prospective and existing carers to understand the financial assessment from 1 September 2016.</p>	14 July 2016	Cabinet member young people and children's wellbeing
<p>Increase in basic fostering allowance</p> <p>To approve an increase in the foster carers' basic fostering allowance of 1%</p>	12 July 2016	Cabinet member young people and children's wellbeing
<p>Public consultation on site options, Travelers' Sites development plan document</p> <p>To approve the consultation document for public consultation as part of the preparation of the Travellers' Sites development plan document.</p>	18 July 2016	Cabinet member infrastructure
<p>Funding submission to the Department for Communities and Local Government (DCLG) Growth Deal 3 funding</p>	19 July 2016	Cabinet member corporate strategy and finance

Executive decisions taken between 25 June and 16 September 2016

Appendix 1

Decision and purpose	Decision date	Taken by
To approve a request to the Marches local enterprise partnership (LEP) that they make a submission to the Growth Deal fund for a contribution towards one or more project proposals		
<p>New growth deal submission</p> <p>To agree the bid for funding support from the local growth fund to support economic growth across the Marches</p>	20 July 2016 (general exception)	Marches enterprise joint committee
<p>West Midlands Combined Authority – non constituent membership</p> <p>To set out the case for the Marches LEP becoming a “non-constituent” member of the West Midlands Combined Authority (WMCA) and the potential long term economic growth benefits to the Marches LEP in so doing.</p>	20 July 2016	Marches enterprise joint committee
<p>Council support for the New Model in Technology and Engineering (NMiTE) university – sites</p> <p>To approve the approach to council-owned property and land disposals in support of the development of a university for Herefordshire.</p>	21 July 2016 (general exception)	Cabinet
<p>Community infrastructure levy (CIL) task and finish group report</p> <p>To make an executive response to the third phase of the work on CIL by the general overview and scrutiny task and finish group</p>	21 July 2016	Cabinet member infrastructure
<p>Adoption of the Brimfield and Little Hereford neighbourhood development plan and consequential updates to the countryside policies map</p> <p>To adopt Brimfield and Little Hereford neighbourhood development plan and agree consequential changes to the countryside policies map part of the statutory development plan for Herefordshire.</p>	25 July 2016	Cabinet member infrastructure
<p>Adoption of the Fownhope neighbourhood development plan and consequential updates to the countryside policies map</p> <p>To adopt the Fownhope neighbourhood development plan and agree consequential changes to the countryside policies map as part of the statutory development plan for Herefordshire.</p>	25 July 2016	Cabinet member infrastructure

Executive decisions taken between 25 June and 16 September 2016

Appendix 1

Decision and purpose	Decision date	Taken by
<p>Adoption of the Wellington neighbourhood development plan and consequential updates to the countywide policies map</p> <p>To adopt the Wellington neighbourhood development plan and agree consequential changes to the countywide policies map as part of the statutory development plan for Herefordshire.</p>	25 July 2016	Cabinet member infrastructure
<p>Termination of contract with the Shaw Trust for mental health employment service</p> <p>Approval for the withdrawal of funding and termination of contract for mental health employment service provided by the Shaw Trust</p>	27 July 2016	Cabinet member health and wellbeing
<p>One Herefordshire and the Herefordshire and Worcestershire sustainability and transformation plan</p> <p>To provide an update on the One Herefordshire programme and the Herefordshire and Worcestershire sustainability and transformation plan submission and seek the support of cabinet for the strategic direction to be followed.</p>	28 July 2016	Cabinet
<p>West Midlands combined authority</p> <p>To approve Herefordshire Council’s application to become a non-constituent member of the West Midlands combined authority.</p>	28 July 2016	Cabinet
<p>National unaccompanied asylum seeking children transfer scheme</p> <p>To approve joining the National Unaccompanied Asylum Seeking Children (UASC) Transfer Scheme and accept the statutory responsibility for a number equivalent to up to 0.07% of the child population within the county.</p>	28 July 2016	Cabinet
<p>Understanding Herefordshire: joint strategic needs assessment (JSNA) summary report 2016</p> <p>To approve the Understanding Herefordshire: JSNA 2016 summary report.</p>	28 July 2016	Cabinet

Executive decisions taken between 25 June and 16 September 2016

Appendix 1

Decision and purpose	Decision date	Taken by
<p>Restated 2015/16 capital outturn per scheme</p> <p>To inform cabinet of the revised presentation of the capital outturn figures for 2015/16 following the identification of errors in one table within the report to cabinet on 16 June.</p>	28 July 2016	Cabinet
<p>Herefordshire Council support for the Courtyard Centre for the Arts capital project.</p> <p>To provide governance for Herefordshire Council with respect to support for the Courtyard capital project.</p>	09 August 2016	Cabinet member contracts and assets
<p>Approve the proposal to seek further CCTV grant funding from the Police & Crime Commissioner (PCC) and other relevant parties</p> <p>To approve the submission of a grant application to the PCC</p>	11 August 2016	Cabinet member economy and corporate services
<p>Adoption of Humber, Ford and Stoke Prior neighbourhood development plan</p> <p>To approve the Humber, Ford and Stoke Prior neighbourhood development plan and agree consequential changes to the countywide policies map adoption as part of the statutory development plan for Herefordshire.</p>	15 August 2016	Cabinet member infrastructure
<p>Integral and Interserve service contracts</p> <p>To approve the extension of the Integral and Interserve service contracts for a further one year term.</p>	30 August 2016 (general exception)	Cabinet member contracts and assets
<p>South Wye transport package (SWTP) active travel measures consultation</p> <p>To agree the scope of the South Wye transport package active travel measures and approve commencement and detail of public consultation to inform design and delivery of the scheme</p>	26 August 2016	Cabinet member infrastructure
<p>Marches building investment grant</p> <p>To approve the acceptance of the ERDF funding agreement from DCLG in order to deliver the Marches building investment grant. Herefordshire Council will act as the accountable body.</p>	9 September 2016 (general exception)	Cabinet member economy and corporate services
<p>Agreement of section 75 arrangements between the council and Herefordshire clinical</p>	15 September 2016	Cabinet

Executive decisions taken between 25 June and 16 September 2016

Appendix 1

Decision and purpose	Decision date	Taken by
<p>commissioning group To agree variations to the Better Care Fund section 75 agreement effective from 1 October 2016</p>		
<p>Recommissioning short breaks for disabled children To brief cabinet on the duties to provide short breaks for disabled children and their carers, and the level of need for such services in Herefordshire and to recommend the continuation of council funding up to £450,000 per year for 2017-2020 to procure services for Herefordshire's short breaks offer for disabled children.</p>	15 September 2016	Cabinet
<p>Healthy child programme 0-19 years To seek agreement to extend the current health visiting and school nursing contract whilst further work is undertaken to explore options to secure a more integrated service model and approach to meeting the needs of children and young people from the ages of 0-19</p>	15 September 2016	Cabinet

Report to brief Herefordshire Council on the activity of the Herefordshire Community Safety Partnership (HCSP).

Introduction:

1. This document is to brief the council on the activity of the Herefordshire community safety partnership (HCSP).

Report:

2. Over the past year the Herefordshire community safety partnership (HCSP) has met on four occasions. The priority sub groups that sit below the HCSP met every other month.
3. HCSP is a statutory partnership. Herefordshire Council is one statutory member. The cabinet member for health and wellbeing chairs HCSP, with the police area commander as vice chair.

4. HCSP board consists of:
Cabinet member with responsibility for community safety (health and wellbeing)*
West Mercia Police – Herefordshire Policing Area Commander*
Hereford and Worcester Fire and Rescue Service – Group Commander*
Herefordshire Clinical Commissioning Group - Chief Officer*
Warwickshire and West Mercia Community Rehabilitation Company – Assistant Chief Officer with responsibility for Herefordshire*
National Probation Service – Chief Officer for West Mercia and Warwickshire*

Police and Crime Commissioner for West Mercia
Director of Public Health
Director of Adult Well Being
Director of Children’s Wellbeing
Chair of Health and Wellbeing Board
Chair of Safeguarding Adults Board
Chair of Safeguarding Children’s Board

*Responsible authorities with a duty to work together to reduce crime and disorder.

5. HCSP has continued to focus activity on four priorities, plus a fifth joint priority shared with the Herefordshire Safeguarding Children Board (HSCB).
6. Priority - reducing harm from alcohol and drugs
Over the past 12 months, partnership activity has focussed on assisting the new alcohol and drug treatment provider, Addaction, to commence the contract and get established in Herefordshire. Working alongside the sub group responsible for addressing anti-social behaviour (ASB), the working group has combined efforts with agencies to make the night time economy safer. This includes supporting the street pastor initiative.

Key performance indicators to be improved over the forthcoming year include an increase in the number of successful treatment completions for opiate users and an increase in successful treatment completions for alcohol misuse.

7. Priority - reducing harm from antisocial behaviour and improving community cohesion

Key projects over the past year include implementation of the integrated community management system in Hereford city, the continued successful stop rogue trading and 'scam' awareness scheme, and the summer period night time noise initiative.

The partnership has worked to introduce national anti-radicalisation/ anti-terrorism initiatives in the county, known as Prevent, Channel and WRAP. These are designed to prevent people being drawn into terrorism and to identify and provide support to individuals who are at risk of being radicalised and drawn into violent extremism.

In the year to the end of May 2016, 6501 ASB incidents in Herefordshire were recorded by West Mercia Police – a 4.3% decrease year on year. In the year to the end of July 2016, the number of hate offences was up 69% (44 from 26 last year). Numbers are low, so an increase in reporting may reflect increased confidence in reporting hate incidents and crimes, which is a priority for the Board.

Regarding the successful scams initiative; in Herefordshire over 180 referrals from the national scams team have been actioned. Total losses uncovered to date in the county are approximately £325,000 (mass marketing). Money saved during the financial year to the end of March 2016 was approximately £35,000.

8. Priority - reducing harm from domestic violence and abuse

Domestic violence continues to challenge Herefordshire; it has a devastating impact on the community and the families it occurs in. Over the past year HCSP has piloted a voluntary domestic violence perpetrator programme, produced research investigating barriers faced by those who need to access help from violence, and the HCSP continued to offer training to raise awareness of domestic violence.

For the financial year 2015/16 referrals to West Mercia Women's Aid increased by 24% and the calls to and from the help line increased by 55%. The increase in the number of referrals and help line business has put significant pressure on the service. The reason for the increase is unknown, but may reflect an increased confidence in victims seeking help to escape abuse.

9. Priority - reduce reoffending

Probation services and Warwickshire and West Mercia police drive this priority. They are supported by other key agencies such as housing and substance misuse services. Offenders are managed to reduce their reoffending behaviour by intensive supervision and wrap around help to address their accommodation, employment, training, relationship, substance misuse, financial and health concerns.

Accurate and up to date reoffending data is difficult to obtain, what is known is that reoffending rates in Herefordshire are around 11%.

West Mercia Youth Offending service continues to work with Herefordshire young offenders. During 2015 Herefordshire had 566 first time entrants per 100,000 youth population. This represented a -49% decrease since 2009. However, challenges remain in that Herefordshire has the second highest rate in West Mercia. Research has identified factors for this include a high detection rate and a lower use of informal disposals, eg community resolutions. Youth reoffending rates are significantly lower.

10. Shared priority - reducing harm from child sexual exploitation

This priority sits with the Herefordshire safeguarding children board on behalf of both the HSCB and HCSP. During the 2015/16 year HSCB established a child sexual exploitation (CSE) sub-group in order to drive improvements in our collective response to this threat within Herefordshire.

This has led directly to clear pathways, guidance and tools to support recognition, referral and response to CSE. Extensive work has taken place over the year to raise awareness of

CSE, including a multi-agency conference in March 2016, close work with the licencing authorities, and delivering key messages to children and young people. This has in turn led to an increase in the identification of cases

11. Future developments

Over the next 12 months HCSP will work with the new Police and Crime Commissioner to tackle crime and disorder in Herefordshire. HCSP has commissioned a strategic assessment of community safety in Herefordshire. This will inform a new three year community safety partnership strategy for 2017 to 2020.



Meeting:	Council
Meeting date:	30 September 2016
Title of report:	Four year financial settlement
Report by:	Leader of the council

Classification

Open

Key decision

This is not an executive decision.

Wards affected

County-wide

Purpose

To consider acceptance and implications of the four year funding settlement offered by central government.

Recommendation (s)

THAT:

- (a) Council accept the four year central government funding settlement for 2016-17 through to 2019-20; and**
- (b) the efficiency statement (at appendix 3) be approved.**

Alternative options

- 1 To not accept the four year financial settlement. This is not recommended because it could lead to further funding reductions for which compensatory additional savings proposals must be identified.

Reasons for recommendations

- 2 The Council is required to approve budget and policy framework items.

Key considerations

- 3 The four year financial settlement offer was made as part of the 2016/17 final central government funding settlement in February 2016. The offer, if accepted, will confirm Herefordshire's revenue support grant, rural services delivery grant and transitional grant funding up to and including 2019/20.
- 4 The Secretary of State wrote to all local authorities' leaders and chief executives in March 2016 with further details of the four year settlement offer, a copy of the letter and annex are provided at appendix 1 and 2. The offer requires an efficiency plan to be produced showing the benefits that will be gained from those that wish to accept it.
- 5 The offer excludes the current business rate income top up grant that Herefordshire receives (£6.9m in 2016/17). The offer letter goes on to say that for those that accept the four year offer there will be no changes to the business rate tariffs and top-ups will "not be altered for reasons related to the relative needs of local authorities". This implies that there may be changes as a result of the 2017 revaluation of business rates, new rateable values are due to be shared later in September 2016. The result of revaluation changes are expected to remain fiscally neutral but in doing so may mean a change to the value of any top up grant.

Background

- 6 The council has seen significant funding reductions and budget pressures since 2010. The council has risen to this challenge by delivering £59m of savings in the financial years 2010-11 to 2015-16, and is targeting an additional £28m in the financial years 2016-17 through to 2019-20. This gives total savings for the financial period 2010-11 to 2019-20 of £87m.
- 7 The current savings plan is shown below; by accepting the funding offer this plan remains appropriate.

Directorate	2016-17 £m	2017-18 £m	2018-19 £m	2019-20 £m	Total 16-20 £m
Adults and wellbeing	4.1	2.3	1.8	1.7	9.9
Children's wellbeing	1.6	1.3	1.4	1.0	5.3
Economy, communities and corporate	5.2	3.4	2.3	2.3	13.2
Total	10.9	7.0	5.5	5.0	28.4

- 8 Successfully delivering savings of this scale requires longer term planning; knowing the grant element of longer term plans enables increased accuracy in targeting the financial challenges ahead.

- 9 If the offer were not accepted council funding would continue to be allocated under the current existing yearly process. The annual allocations could be subject to additional reductions to the current offer dependant on the fiscal climate and the need for central government to make further savings to reduce the national deficit. There is at this stage no indication of the potential levels of support which could be expected under such a system, and the council would be less able to rely on longer term plans. It is also possible, although currently not considered likely, that if national policy changed during the settlement period funding allocations could increase.

The four year funding deal: 2016-17 to 2019-20

- 10 The four year funding offer is shown below. The offer excludes a number of significant grant funding streams but does provide a degree of increased funding certainty. The offer has been labelled as a guaranteed minimum grant funding envelope however central government reserves the right to change the settlement due to unforeseen circumstances.

	2016/17	2017/18	2018/19	2019/20
	£000	£000	£000	£000
Revenue Support Grant	17,470	10,090	5,370	620
Rural Services Delivery Grant	5,069	4,093	3,149	4,093
Transitional Grant	572	576	0	0
Total	23,111	14,759	8,519	4,713

Efficiency statement and business rate retention

- 11 The funding offer is conditional on the publication of an efficiency statement. There are no mandatory requirements for the efficiency statement however the published plan must demonstrate increased efficiency over the four year period.
- 12 The draft efficiency statement is included at appendix 3 and is based on the current medium term financial strategy (MTFS) approved by Council in February 2016, <https://www.herefordshire.gov.uk/media/4506617/medium-term-financial-strategy-2016-20.pdf>
- 13 The efficiency statement supports the council’s journey to self-sufficiency; from 2019-20 it is intended that all councils will be funded locally from council tax and full business rate retention. The exact details of how this funding mechanism will be implemented is yet to be shared and the council has submitted a response to the ongoing consultation process. The intended timetable in respect of moving to full local business rate retention is as shown below:

Summer 2016	Consultation on the approach to 100% retention
Autumn 2016	Further technical consultation on the specific workings of the reformed system
Early 2017	Legislation introduced
April 2017	Pilots of the new approach
Before May 2020	100% business rates implemented

Implications of not accepting the offer

- 14 The funding offer confirms the implications of not accepting the offer as follows:

“Those councils that chose not to accept the offer, or do not qualify, will be subject to the existing yearly process for determining the local government finance settlement. Allocations could be subject to additional reductions dependent on the fiscal climate and the need to make further savings to reduce the deficit. At present we do not expect any further multi-year settlements to be offered over the course of this parliament”.

Timeline

- 15 The offer must be accepted before 14 October, with this in mind the following timetable was set:

Date	Action
5 September 2016	General overview and scrutiny committee
19 September 2016	General overview and scrutiny committee
21 September 2016	Cabinet
30 September 2016	Council
14 October 2016	Deadline

Community impact

- 16 The MTFS, associated budget and funding demonstrates how the council is using its financial resources to deliver the priorities within the agreed corporate plan.

Equality duty

- 17 The Public Sector Equality Duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying “due regard” in our decision making in the design of policies and in the delivery of services. This funding offer is in line with our current MTFS therefore there would be no additional adverse impact on different protected characteristics if the offer is accepted.

Financial implications

- 18 As set out in the report.

Legal implications

- 19 There is no requirement to accept the four year settlement. If the council chooses not to accept the offer, or does not qualify, we will be subject to the existing yearly process for determining the local government finance settlement. The only legal requirement under the Local Government Finance Act 1992 requires a council to set a balanced budget which should be possible under either settlement process however accepting the offer provides increased longer term certainty and improved planning opportunities.

Risk management

- 20 By accepting a longer term funding offer, the risk of unbudgeted spend is decreased. The most substantial risks have been assessed as part of the budget setting process and reasonable mitigation has been made. Risks will continue to be monitored through the year and reported to cabinet as part of the budget setting and monitoring process.

Consultation

- 21 The views of the general overview and scrutiny committee on accepting the four year central government funding deal were sought on 5 September. The committee requested additional information, included at appendix 4, and requested a further meeting which was held on 19 September. The committee determined that there were no specific matters for cabinet to consider in making its recommendation to full council.
- 22 Consultation on the budget proposals for 2017/18, based on the indicative funding allocations within the funding offer, have commenced and the outcome of the consultation will be used to guide decisions within a balanced budget. A link to the live consultation can be found here <http://newsroom.herefordshire.gov.uk/2016/july/council-launches-budget-consultation.aspx> and the 2017/18 budget setting timetable is shown below:

Date	Action
29 July to 7 October	Budget consultation open
14 November 2016	Both scrutiny committees
1 December 2016	Cabinet – capital budget
16 December 2016	Council – capital budget
19 January 2017	Cabinet – budget, MTFS & Treasury Management Strategy (TMS)
3 February 2017	Council – budget, MTFS & TMS
3 March 2017	Council – council tax setting

Appendices

- Appendix 1 – letter from secretary of state to council leaders
- Appendix 2 – annex to letter from secretary of state to council leaders
- Appendix 3 – efficiency statement
- Appendix 4 – general overview and scrutiny committee request

Background papers

- None identified.



Department for
Communities and
Local Government

The Rt Hon Greg Clark MP
*Secretary of State for Communities and Local
Government*

**Department for Communities and Local
Government**
4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 3450
Fax: 0303 444 3289
E-Mail: greg.clark@communities.gsi.gov.uk

www.gov.uk/dclg

10 March 2016

Dear Colleagues

MULTI-YEAR SETTLEMENTS AND EFFICIENCY PLANS

On 17 December I announced a historic opportunity for councils to achieve greater certainty and confidence from a 4-year budget. I see this as a key step to supporting you to strengthen your financial management, at the same time as working collaboratively with your local partners and reforming the way services are provided.

The settlement consultation process showed great support for this approach and identified a number of queries about what the offer includes and the requirements for applying to accept this offer. I have therefore set out some further details in the attached annex. But I want to reiterate that I want this offer, and the production of an efficiency plan, to be as simple and straightforward as possible, and reassure you that this is not about creating additional bureaucracy.

If you wish to apply to accept the offer you simply need to send an email or letter to MultiYearSettlements@communities.gsi.gov.uk by **5pm on Friday 14th October** and include a link to your published efficiency plan.

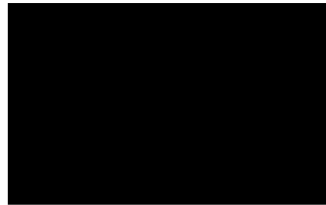
I do not intend to provide further guidance on what efficiency plans should contain – they should be locally owned and locally driven. But it is important that they show how this greater certainty can bring about opportunities for further savings. They should cover the full 4-year period and be open and transparent about the benefits this will bring to both your council and your community. You should collaborate with your local neighbours and public sector partners and link into devolution deals where appropriate.

Of course this offer is entirely optional. It is open to any council to continue to work on a year-by-year basis, but I cannot guarantee future levels of funding to those who prefer not to have a four year settlement.

I have been delighted by the response of councils all over the country to the offer of four year budgets and I look forward to hearing from you if you would like to avail yourself of it.

For any further queries, please contact officials at the above address.

Yours sincerely



THE RT HON GREG CLARK MP

Annex

Conditions of the multi-year settlement

The Government will offer any council that wishes to take it up a four-year funding settlement to 2019-20. This includes:

- Common Council of the City of London
- London borough councils
- district councils
- county councils
- Council of the Isles of Scilly
- Greater London Authority
- metropolitan county fire and rescue authorities
- combined fire and rescue authorities.

The Government is making a clear commitment to provide minimum allocations for each year of the Spending Review period, should councils choose to accept the offer and if they have published an efficiency plan.

What the offer includes

On 9 February we provided summaries and breakdown figures for each year to your s151 Officer. From those figures the relevant lines that are included in the multi-year settlement offer, where appropriate, are:

- Revenue Support Grant;
- Transitional Grant; and
- Rural Services Delivery Grant allocations.

In addition, tariffs and top-ups in 2017-18, 2018-19 and 2019-20 will not be altered for reasons related to the relative needs of local authorities, and in the final year may be subject to the implementation of 100% business rates retention.

The Government is committed to local government retaining 100% of its business rate revenues by the end of this Parliament. This will give them control over an additional £13 billion of tax that they collect.

To ensure that the reforms are fiscally neutral local government will need to take on extra responsibilities and functions. DCLG and the Local Government Association will soon be publishing a series of discussion papers which will inform this and other areas of the reform debate.

The new burdens doctrine operates outside the settlement, so accepting this offer will not impact on any new burden payments agreed over the course of the four years.

The Government will also need to take account of future events such as the transfer of functions to local government, transfers of responsibility for functions between local authorities, mergers between authorities and any other unforeseen events. However, barring exceptional circumstances and subject to the normal statutory consultation process for the local government finance settlement, the Government expects these to be the amounts presented to Parliament each year.

Process for applying for the offer

Interest in accepting this offer will only be considered if a link to a published efficiency plan is received by 5pm Friday 14th October. We will provide confirmation of the offer shortly after the deadline.

Efficiency Plans

Efficiency plans do not need to be a separate document. They can be combined with Medium Term Financial Strategies or the strategy set out in the guidance (<https://www.gov.uk/government/publications/guidance-on-flexible-use-of-capital-receipts>) on how you intend to make the most of the capital receipt flexibilities if appropriate.

The Home Office will provide guidance on the criteria and sign off process for efficiency plans for single purpose Fire and Rescue authorities. All Fire and Rescue authorities, including those which are county councils, should set out clearly in their efficiency plans how they will collaborate with the police and other partners to improve their efficiency.

Process for those who do not take up the offer

Those councils that chose not to accept the offer, or do not qualify, will be subject to the existing yearly process for determining the local government finance settlement.

Allocations could be subject to additional reductions dependant on the fiscal climate and the need to make further savings to reduce the deficit.

At present we do not expect any further multi-year settlements to be offered over the course of this parliament

Herefordshire council's efficiency statement: 2016/17 to 2019/20

Herefordshire council provides public services costing approximately £328m per annum alongside capital investment in the county of approximately £75m per annum. Since 2010 Herefordshire council has delivered £59m savings whilst protecting and enhancing the services it provides to the county's citizens. Herefordshire have been developing a platform to deliver further efficient working.

- Fastershire <https://www.herefordshire.gov.uk/broadband>.
- Waste Treatment <https://www.herefordshire.gov.uk/environmental-protection/waste-management/refuse-area-waste-strategy/waste-treatment>.
- Joint management of public health with Shropshire Council.
- Proposed as non-constituent member of the West Midlands combined authority.
- Our leading approach to Highway Asset Management and targeted capital investment means that we have successfully delivered efficiencies to manage Herefordshire's highways within the lowest revenue funding per kilometre of any highway service in England. Despite this challenge there has been a significant increase in customer satisfaction and last year the National Highways and Transport Public Satisfaction Survey confirmed Herefordshire as the most improved Council.
- Ofsted rating was moved out of intervention and special measures.
- Improvements in educational attainment.
- Increased take-up of direct payments for social care
- Rationalisation of assets.

Herefordshire is unique in the dispersed pattern of its sparse rural population, making delivering services to the public challenging. Herefordshire also has a large proportion of small businesses, which puts limits on the extent to which the delivery of services can be funded through business rates.

The council is focussing on become self-reliant, being funded wholly through local resources, from 2019-20. It has set its plans in line with this and how this will be achieved whilst ensuring essential services continue to be provided in recognition of increasing budget pressures. To achieve this will require the delivery of further savings over the intervening period to ensure the budget available is enough to fund local demand.

Focussing on the longer term enables different service delivery modules to be considered and implemented, thereby providing longer term sustainability.

Following consultation the council has reconfirmed its priorities, which are to:

- Enable residents to live safe, healthy and independent lives
- Keep children and young people safe and give them a great start in life
- Support the growth of our economy
- Secure better services, quality of life and value for money

These objectives set out our priorities to focus on to make sure we make the best use of resources and deliver services that make a difference to people in Herefordshire.

Herefordshire council has approved its medium term financial strategy (MTFS) and corporate plan both to 2019-20.

https://www.herefordshire.gov.uk/media/8060372/corporate_plan_2016-20.pdf

<https://www.herefordshire.gov.uk/media/4506617/medium-term-financial-strategy-2016-20.pdf>

The MTFS specifically addresses the financial challenges being faced over the period. The council has already delivered savings of £59m and is targeting a further £28m ahead of 2020, a total of £87m between 2010 and 2020. Herefordshire intends to deliver these savings through growing its local economy, reducing costs, managing current and future demand. Details can be reviewed here:

<http://councillors.herefordshire.gov.uk/documents/s50031032/App%204%20Directorate%20Savings%20plan%20to%2019-20.pdf>

The Corporate Delivery Plan identifies the key projects planned for the year to achieve progress towards the council's priorities in the Corporate Plan.

https://www.herefordshire.gov.uk/media/4763825/2016-17_corporate_delivery_plan.pdf

Directorates within the council produce a business plan which sets out how they will progress the achievement of the corporate objectives, the objectives specifically for the directorate, the changes it will go through to achieve them and the performance targets it will monitor to check its progress.

<https://www.herefordshire.gov.uk/government-citizens-and-rights/performance-and-risk/performance-reports>

Plans will be continuously reviewed as more of the anticipated changes and their effects become known. For example, the implications of leaving the European Union, localising business rates, additional responsibilities, the future of new homes bonus and pension fund reviews. Although these changes are largely outside the council's control, the council will play an active role in consultations and reflect on the implications on a regular basis in tandem with the delivery of local savings already targeted.

The council recognises it can't successfully navigate the journey alone and understands the importance of working effectively with its partners. Herefordshire has in place a Better Care Fund agreement with Herefordshire clinical commissioning group; it is an active member of the Marches Local Enterprise Partnership; it is working on a devolution deal; and it an active partner with the NHS in developing the Herefordshire and Worcestershire Sustainability and Transformation Plan. In addition to this Herefordshire has recently become a non-constituent member of the West Midlands combined authority. This ensures collaborative working delivers the best outcomes.

Herefordshire council is currently in the process of consulting on its 2017/18 budget and has a number of specific consultations live to ensure we consider the full views of residents of the county when changing the delivery of the services we provide and commission.

<https://www.herefordshire.gov.uk/government-citizens-and-rights/democracy/council-finances/budget-consultation-2017>

Herefordshire council reported its 2015/16 outturn on 16 June delivering a small underspend which has been added to general reserves. This means that Herefordshire's

prudential general reserve balance at 31 March 2016 was £7.3m, representing 5% of the 2016/17 net budget.

<http://councillors.herefordshire.gov.uk/documents/s50035709/End%20of%20year%20corporate%20performance%20and%20budget%20report.pdf>

The general reserve balance is expected to increase by £4.5m in 2016/17 to give an estimated total general fund reserve of £11.8m as at 31 March 2017. The increase is due to the additional rural and transitional grant funding received in the final 2016/17 funding settlement from government confirmed after the budget for 2016/17 was approved by Council in February 2016. This one off grant funding will be used to provide increased resilience in the MTFS supporting rural service delivery.

The 2015/16 statement of accounts and annual governance statement are available to view here: <https://www.herefordshire.gov.uk/government-citizens-and-rights/democracy/council-finances>

The audit reviewed the financial resilience, value for money and statement of accounts of the council by looking at key indicators of financial performance, its approach to strategic financial planning, its approach to financial governance and its approach to financial control. The overall conclusion was rated as green in all of these areas, meaning adequate arrangements are in place.

Monthly reviews of the budget position, performance to targets and challenge are held in tandem with public reporting. The budget setting timetable and monitoring reporting is shown below.

	Health and wellbeing overview scrutiny committee	General overview and scrutiny committee	Cabinet	Audit and governance committee	Council
2015/16 financial and performance outturn			16.06.16		
2016/17 Q1 finance and performance			21.07.16	22.09.16	
Draft 2017/18 budget and medium term financial strategy (MTFS)	14.11.16	14.11.16			
2016/17 Q2 finance and performance			01.12.16		
2017/18 capital programme			01.12.16		16.12.16
Detailed 2017/18 budget, MTFS and treasury management strategy			19.01.17		03.02.17
2016/17 Q3 finance and performance			09.02.17	20.03.17	
Council tax for 2017/18					03.03.17

This efficiency plan demonstrates how Herefordshire council is using its vision, policies, opportunities and challenges in its journey to local financial sustainability. The key to this success will be delivering the councils priorities and plans which will ensure Herefordshire council moves to:

- self-reliant, vibrant communities;
- growing the economy;
- supporting the most vulnerable through ensuring their families, friends and communities can support them;
- people helping themselves through the choices they make.

Approved for publication on 30 September 2016 by:

.....

Leader of the council

.....

Chief executive of the council

I confirm that the above efficiency statement is likely to achieve and sustain a balanced budget position, subject to the delivery of targeted savings, over the four years to 2019-20.

.....

S151 of the council

General overview and scrutiny committee request

Information requested on 5 September	Information currently available
<p>Is there scope to make representations at “Council for Europe” in relation to the UK being in breach of the Charter of local government in providing the four year funding offer?</p>	<p>It would have to be established what legal basis the Charter of Local Government has and whether a breach can be identified and whether it can be actionable.</p>
<p>Additional information is requested in relation to business rates including information on the numbers of small businesses, the impact of business rate proposals on them and the current business rate consultation paper.</p>	<p>The four year funding offer is entirely separate to 100% local business rate retention in the final year of the offer. The intended timetable for implementation of full local rate retention is provided in paragraph 14 of the covering report and commences with two consultations:</p> <ol style="list-style-type: none"> <p>1. Self-Sufficient local government: 100% business rates retention</p> <p><i>This consultation is being run by the Department for Communities and Local Government (DCLG) and seeks views on the implementation of the Government’s commitment to allow local government to retain 100% of the business rates that they raise locally.</i></p> <p>2. Fair Funding Review: Call for evidence on Needs and Redistribution</p> <p><i>As announced at the time of the 16-17 settlement the government is conducting a fair funding review of what the needs assessment formula should be following the implementation of 100% business rates retention.</i></p> <p>Both consultations close on 26 September and further technical consultation is expected to begin thereafter. The acceptance of the four year funding offer deadline, 14 October, will be ahead of the government’s response to the consultations.</p> <p>In early August the Society of County Treasurers and the Society of District Council Treasurers submitted a joint response to DCLG, LGA and HMT outlining their key priorities and issues. The letter raised concerns about the complexity of the system and how this will be exacerbated by asymmetrical devolution of services across the country. The two societies also highlighted the levels of uncertainty around the quantum available and how this would be affected by pilots and devolution deals before any unfunded pressures could be considered.</p> <p>Herefordshire is currently preparing a response addressing the</p>

	<p>local specifics of the consultation questions.</p> <p>Additional business rate reliefs from April 2017 were announced in the last budget. The actual impact of these cannot be shared yet because we do not know the new rateable values (revaluation to be based on 2015 rentals, current billing is based on 2008 rentals) which also come into force in April 2017. We also do not know what the taper will be for businesses with a rateable value of between £12k and £18k but the main impact is where small business rate relief of 100% is awarded to businesses with a rateable value of £12k, previously £6k. Although we cannot provide an accurate assessment at this time indications are that small business rate relief currently allocated at £6m pa could increase to £13m pa, an increase of £7m pa. Herefordshire loss of income due to additional reliefs is expected to be compensated through specific central government grant funding.</p>
Confirmation of the views of other local authorities, in particular comparator authorities.	A recent survey of unitary authorities concluded that 47% have accepted the four year deal, a further 32% confirmed that they intend to accept and none stated that they will not accept the offer. The main reason given for accepting the offer is to provide certainty in forward planning.
Sharing of the current information on lobbying/what the LGA is doing.	The LGA announced on 15 January 2016 that it <i>“welcomes the offer of a four year settlement. We have long called for local government to have the same planning horizon as government itself. This is a step towards financial certainty.”</i> In February Lord Porter, Chairman of the Local Government Association, went on to say <i>“Giving councils the option to fix longer-term funding settlements is hugely significant. The LGA has long-argued that it is crucial for councils to be able to plan ahead for more than 12 months at a time. This is an important step towards the financial certainty councils need to run important local services to the high standard our residents deserve and will allow councils to review the level of financial reserves they need to hold.”</i>
Is there any clarity on whether council tax capping and additional 2% adult social care precept will remain?	There have been no indications of changes to the current capping and adult social care precept setting restrictions on council tax increases.
Confirmation of Rural Services Network stance.	The Rural Services Network (comprising SPARSE Rural, the Rural Assembly, the wider Rural Services Partnership and the RSN Community Group working with Rural England) welcomed the recognition of the particular costs of providing services in sparse rural areas by increasing the Rural Services Delivery Grant by more than fivefold from £15.5m in 2015/16 to £80.5m in 2016/17 (see table below). The network will continue its work in ensuring fair funding for rural communities through supporting the review of the needs assessment moving towards the 100% business

	<p>rates retention.</p> <table border="1" data-bbox="711 253 1377 658"> <thead> <tr> <th data-bbox="711 353 963 412"></th> <th data-bbox="963 253 1182 353">Provisional Settlement</th> <th data-bbox="1182 253 1377 353">Final Settlement</th> </tr> </thead> <tbody> <tr> <td data-bbox="711 353 963 412">2015-16</td> <td data-bbox="963 353 1182 412">£15.5m</td> <td data-bbox="1182 353 1377 412">£15.5m</td> </tr> <tr> <td data-bbox="711 412 963 470">2016-17</td> <td data-bbox="963 412 1182 470">£20.0m</td> <td data-bbox="1182 412 1377 470">£80.5m</td> </tr> <tr> <td data-bbox="711 470 963 528">2017-18</td> <td data-bbox="963 470 1182 528">£35.0m</td> <td data-bbox="1182 470 1377 528">£65.0m</td> </tr> <tr> <td data-bbox="711 528 963 586">2018-19</td> <td data-bbox="963 528 1182 586">£50.0m</td> <td data-bbox="1182 528 1377 586">£50.0m</td> </tr> <tr> <td data-bbox="711 586 963 658">2019-20</td> <td data-bbox="963 586 1182 658">£65.0m</td> <td data-bbox="1182 586 1377 658">£65.0m</td> </tr> </tbody> </table>		Provisional Settlement	Final Settlement	2015-16	£15.5m	£15.5m	2016-17	£20.0m	£80.5m	2017-18	£35.0m	£65.0m	2018-19	£50.0m	£50.0m	2019-20	£65.0m	£65.0m
	Provisional Settlement	Final Settlement																	
2015-16	£15.5m	£15.5m																	
2016-17	£20.0m	£80.5m																	
2017-18	£35.0m	£65.0m																	
2018-19	£50.0m	£50.0m																	
2019-20	£65.0m	£65.0m																	
<p>Sharing of more analysis of options.</p>	<p>Paragraph 15 of the covering report states that not accepting the four year funding deal would result in annual funding settlements. More analysis of the funding offer was provided at the all member seminar held on 26 July which confirmed the advantages of accepting the offer are:</p> <ul style="list-style-type: none"> • A step in the direction of what LAs have been asking for • Provides a degree of certainty over the longer term • Increase focus on the longer term • Enables better financial planning <p>And the drawbacks are:</p> <ul style="list-style-type: none"> • The amount guaranteed is relatively small & excludes other significant funding streams • Acceptance of reduced funding • Year 5 is probably the most uncertain in living memory • Requirement of an 'efficiency plan' • Funding not guaranteed – government reserves the right to change the settlement due to unforeseen circumstances 																		



Meeting:	Council
Meeting date:	30 September 2016
Title of report:	Designation of section 151 officer
Report by:	Chairman, employment panel

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To designate a post as section 151 officer.

Recommendation(s)

THAT:

- (a) **the interim director of resources (name to be advised) be designated as section 151 officer to the council.**

Alternative options

- 1 It is a statutory requirement that the council appoints a section 151 officer. Whilst it is open to Council to designate this function to another post (excluding the monitoring officer), this is not recommended given the need to maintain a clear focus on delivery of the medium term financial strategy.
- 2 The council could consider entering into a 'shared' section 151 officer arrangement with another council. This is not recommended given the need to maintain a clear focus on delivery of the medium term financial strategy; the unknown level of interest in such an arrangement amongst neighbouring councils facing similar financial challenges, and the length of time such negotiations would take.

Reasons for recommendations

- 3 To ensure effective leadership of the council's budget planning process, on-going financial management, and to meet statutory requirements. The designation of a post as section 151 officer is reserved to Council.

Further information on the subject of this report is available from
Geoff Hughes, director for economy, communities and corporate on Tel (01432) 260695

Key considerations

- 4 The council's director of resources resigned with effect from 2 September 2016; he held the statutory role of section 151 officer; pending either interim or permanent recruitment to the role the responsibilities are being fulfilled by the head of corporate finance (deputy section 151 officer).
- 5 It is the intention to appoint to this role permanently, however given the need to maintain momentum regarding delivery of the medium term financial strategy and to ensure the section 151 role is met in full, it is vital that the council has an experienced director of resources in position to lead a challenging budget setting process. It is proposed therefore to appoint an experienced interim for a period of up to six months whilst the process of recruiting permanently is progressed.
- 6 The council's constitution delegates authority to the chief executive, as head of paid service, to make interim appointments to senior management positions; however the designation of a post as section 151 officer remains reserved to Council.
- 7 The selection of an interim appointee is underway, in accordance with the council's contract procedure rules and recruitment and selection policies, and the employment panel meeting on 23 September will consider the recommendation to Council of the appointee as section 151 officer.

Community impact

- 8 Working with the council's management board and members, this role will ensure that the council's directorates and services are supported to meet the challenges imposed by financial reductions and will ensure the council meets its statutory duties.

Equality duty

- 9 The council's recruitment and selection policies and procedures ensure that the council meets its public sector equality duties.

Financial implications

- 10 The establishment budget for the director of resources post is available to support the interim appointment in 2016/17, but indicatively there will be an in-year budget pressure of up to £20k (assuming a 6 month interim appointment) over and above the establishment budget. This pressure will be addressed through underspends across the economy, communities and corporate directorate.

Legal implications

- 11 Section 151 of the Local Government Act 1972 requires all councils to 'make arrangements for the proper administration of their financial affairs' and to 'secure that one of their officers has responsibility for the administration of those affairs.'
- 12 Under Part 3 of the council's constitution, the duty to designate an officer as the section 151 officer is reserved to full Council. Under the council's employment rules arrangements for the appointment of a statutory chief officer are to be made by the employment panel, which also approves the terms and conditions of employment, and makes a recommendation to full Council.

Risk management

- 13 If the council does not have statutory officers in post there is a risk that focus will be lost on fulfilment of key statutory duties. This risk is mitigated by statutory officers having appointed or designated deputies who are qualified, capable, and authorised to act in their absence. The head of paid service is authorised to make interim appointments to fill key senior manager posts pending permanent recruitment.
- 14 There is a risk that the council is unable to make an interim appointment; early indications on the level and quality of applicants suggest this risk is low; should an appointment not be made before the panel meeting a further search will be undertaken and the existing arrangements covering the section 151 responsibilities will remain in place.

Consultees

- 15 None.

Appendices

None

Background papers

- None identified.

