

Agenda

General scrutiny committee

Date: **Monday 13 November 2017**

Time: **10.30 am**

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

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

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Agenda for the meeting of the General scrutiny committee

Membership

Chairman **Councillor WLS Bowen**
Vice-Chairman **Councillor EJ Swinglehurst**

Councillor BA Baker
Councillor JM Bartlett
Councillor PGH Cutter
Councillor JF Johnson
Councillor A Warmington

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES</p> <p>To receive details of members nominated to attend the meeting in place of a member of the committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by members.</p>	
4.	<p>MINUTES</p> <p>To receive the minutes of the meeting held on 11 September 2017.</p>	7 - 12
5.	<p>QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive any written questions from members of the public.</p> <p>Details of the scheme and related guidance are available here:</p> <p>https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved</p> <p>Please submit questions to councillorservices@herefordshire.gov.uk</p> <p>The deadline for the receipt of questions is Wednesday 8 November 2017 at 5.00 pm.</p> <p>Accepted questions will be published as a supplement prior to the meeting.</p>	
6.	<p>QUESTIONS FROM MEMBERS OF THE COUNCIL</p> <p>To receive any written questions from members of the council.</p> <p>Deadline for receipt of questions is 5:00pm on Wednesday 8 November 2017.</p> <p>Accepted questions will be published as a supplement prior to the meeting.</p> <p>Please submit questions to councillorservices@herefordshire.gov.uk</p>	
7.	<p>CONSTRUCTION AND FACILITIES MANAGEMENT SERVICES TO HEREFORDSHIRE COUNCIL</p> <p>To invite general scrutiny committee to review proposals for the re-procurement of building maintenance and cleaning services and:</p> <ul style="list-style-type: none"> • make any recommendations to the executive they feel would improve the efficiency or effectiveness of the short term proposals; and • consider whether to establish a time limited task and finish review to inform the assessment of the longer term option to move to an outcomes based model of procurement for these services. 	13 - 26

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| <p>8. TASK AND FINISH GROUP REPORT: DEVOLUTION</p> <p>To consider the findings of the scrutiny task and finish group: devolution and to recommend the report to the executive for consideration.</p> | <p>27 - 52</p> |
| <p>9. WORK PROGRAMME</p> <p>To review the committee's work programme.</p> | <p>53 - 86</p> |
| <p>10. DATE OF NEXT MEETING</p> <p>The next scheduled meeting is 2.00 pm on Tuesday 5 December 2017.</p> | |

Guide to General Scrutiny Committee

Scrutiny is a statutory role fulfilled by councillors who are not members of the cabinet.

The role of the scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.

Council has decided that there will be three scrutiny committees. The Committees reflect the balance of political groups on the council.

The General Scrutiny Committee consists of 7 Councillors.

Councillor WLS Bowen (Chairman)	Herefordshire Independents
Councillor EJ Swinglehurst (Vice-Chairman)	Conservative
Councillor BA Baker	Conservative
Councillor JM Bartlett	Green
Councillor PGH Cutter	Conservative
Councillor JF Johnson	Conservative
Councillor A Warmington	It's Our County

The committees have the power:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- (b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- (d) to make reports or recommendations to council or the cabinet with respect to the discharge of any functions which are not the responsibility of the executive,
- (e) to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area
- (f) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and to make reports or recommendations to the council with respect to the discharge of those functions. In this regard crime and disorder functions means:
 - (i) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (ii) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
 - (iii) a strategy for the reduction of re-offending in the area

- (g) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised or to be consulted by a relevant NHS body or health service provider in accordance with the Regulations (2013/218) as amended. In this regard *health service* includes services designed to secure improvement—
- (i) in the physical and mental health of the people of England, and
 - (ii) in the prevention, diagnosis and treatment of physical and mental illness
 - (iii) And any services provided in pursuance of arrangements under section 75 in relation to the exercise of health-related functions of a local authority.
- (h) to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.

The specific remit of the general scrutiny committee includes:

- Services within the economy, communities and corporate directorate
- Corporate performance
- Budget and policy framework matters
- Statutory flood risk management scrutiny powers
- Statutory community safety and policing scrutiny powers

Who attends general scrutiny committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairman and vice chairman.
Pale Blue	Cabinet Members – They are not members of the committee but attend principally to answer any questions the Committee may have and inform the debate.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
Green	People external to the Council invited to provide information to the committee.
White	Other councillors may also attend as observers but are not only entitled to speak at the discretion of the chairman.

**Minutes of the meeting of General scrutiny committee held at
The Council Chamber - The Shire Hall, St. Peter's Square,
Hereford, HR1 2HX on Monday 11 September 2017 at 10.30 am**

Present: Councillor WLS Bowen (Chairman)
Councillor EJ Swinglehurst (Vice-Chairman)

Councillors: BA Baker, JM Bartlett, PGH Cutter and A Warmington

In attendance: Councillors J Hardwick, PD Price (Cabinet Member), NE Shaw and D Summers

Officers: Officers: K Barham, Head of service, West Mercia Youth Justice Service, C Corfield, Licensing, travellers and technical support service manager, A Newey, Senior planning officer, and J Coleman (Democratic Services Manager/Statutory Scrutiny Officer).

19. APOLOGIES FOR ABSENCE

Apologies were received from Councillor JF Johnson.

20. NAMED SUBSTITUTES

None.

21. DECLARATIONS OF INTEREST

None.

22. MINUTES

RESOLVED: That the minutes of the meeting held on 11 July 2017 and 21 August 2017 be approved as a correct record.

23. QUESTIONS FROM MEMBERS OF THE PUBLIC

None.

24. QUESTIONS FROM MEMBERS OF THE COUNCIL

None.

25. TRAVELLERS' SITES DEVELOPMENT PLAN DOCUMENT

The Committee was asked to determine whether it wished to make any recommendations to the executive on the draft pre-submission Travellers' Sites development plan document (DPD) which would strengthen the emerging policy approach.

The Senior Planning Officer (SPO) presented the report. She commented on the preparation of the evidence base which informed the assessment of the need for new pitches, proposals for the provision of residential pitches, the proposal to develop a temporary stopping place, noting that the proposed site still required further discussion with Highways England, and the inclusion of an enabling policy to make provision for travelling showpeople.

In the course of discussion the following principal points were made:

- It was asked whether the proposed provision was sufficient noting that the government's revised definition of travellers and travelling showpeople on which the assessment of need had been based was the subject of a legal challenge.

The SPO commented that it was likely that the legal challenge would take some time to resolve and therefore the council had to seek to progress its policy based on the current government guidance. If the government issued new guidance in due course the policy may then need to be reviewed.

- A number of questions were asked about the policy governing the proposed temporary stopping place (TSP) and how this would operate in practice, the importance of communicating policies to the wider public to provide clarity, whether it was a suitable site, noting the proximity to the A49 and the railway line, and whether one such site was going to be sufficient.
- In response the SPO and the Licensing, travellers and technical support service manager (LTTSSM) and the Programme director housing and growth commented:
 - There was no proposed general policy in relation to the provision of temporary stopping places because it was considered that the proposed site would meet the need identified in the Gypsy and Traveller Accommodation Assessment.
 - The TSP would be managed in accordance with recognised good practice. There were established legal procedures to manage the length of stay.
 - Those using the site would have to abide by conditions governing occupancy.
 - Experience of other local authorities suggested that bringing in sanitation and waste disposal facilities as and when required was preferable to making permanent provision on a TSP.
 - There would be occasions when the number of unauthorised encampments exceeded the space available on the TSP. However, it was important to recognise the benefits the TSP would provide, noting that West Mercia Police strongly advocated the provision of such a site and the environmental health service supported it. It would allow the authority to provide basic sanitary facilities and have arrangements in place with regard to access to health services and education when required.
 - Management arrangements should ensure clear communication between agencies including the police to ensure, for example, that travellers were not directed to the TSP from another part of the county when it was already full.
- It was questioned whether the assessment of the extent to which need could be addressed through turnover of occupants on council sites was reasonable and could be relied upon. The SPO commented that this was the Consultants' view and it would be kept under review.
- The SPO confirmed that no sites had been identified for travelling showpeople in response to the call for sites. Discussions with the Showmans Guild were continuing. An enabling policy was proposed to encourage sites to come forward.

- It was suggested that there were areas of private land that might be more suitable for sites than council owned land. It was asked whether there was scope for the council to use compulsory purchase powers.
- The SPO commented that there had been there calls for sites but very little private land had been put forward for consideration in response. It was acknowledged that the identification of sites was a challenging process and the Homes and Community Agency encouraged local authorities to look at their own landholdings to meet the accommodation requirement.
- Support was expressed for the policy of organic growth of existing sites on the basis that these were already embedded within the local community.
- The local ward member for Bromyard Bringsty referred to a statement he had obtained from the police and fire service about Openfields Caravan Site, Bromyard to which it was proposed to add two pitches . This outlined a number of concerns about the site's operation. However, they did not object to the proposal.

The LTTSSM commented that, whilst there had been some incidents, arrangements were in place to manage the site effectively. An issue about access to the site caused by parked vehicles had been resolved.

- Provisions for when a review of the policy should be undertaken should be clarified.
- Clarification was sought on the scope to improve co-operation with other authorities noting as referred to at paragraphs 2.10-2.11 of the presubmission document (appendix 1)that no opportunity for shared traveller accommodation provision had to date been identified.
- The SPO commented that discussions with neighbouring authorities had taken place and would continue to do so. However, one of the complications was that authorities were at different stages in developing their plans and Monmouthshire, for example, fell within the remit of the Welsh Assembly. There was also a TSP in the area of Forest of Dean District Council near the M50 but the council could not rely on accommodation being available and consequently had identified its own provision.
- The cabinet member – infrastructure commented that he considered the provision of residential pitches to be relatively satisfactorily addressed and that provision for travelling showpeople would be resolved. The most pressing need was to address the issues caused by unauthorised encampments and the TSP was intended to do so.

RESOLVED:

- That**
- (a) the executive be recommended to consider whether an additional temporary stopping place should be identified;**
 - (b) co-operative working with neighbouring authorities should be pursued;**
 - (c) clarity be provided on how the TSP would operate in practice, including protocols for the allocation of places on the site including the management of different families, so that there is a clear public understanding;**
 - (d) consideration be given to specifying when a review of the policy should be conducted;**
 - (e) dialogue continue with the Showmans' Guild to identify an appropriate site to meet their needs;**

- (f) **the scope to acquire land for sites by Compulsory purchase order to increase the options and select sites in the most suitable locations be explored;**
- (g) **site allocation policy on residential sites should be clear;**
- (h) **officers be requested to ensure that existing sites are appropriately managed and maintained and that appropriate resources are in place for both capital improvements and maintenance.**

(The meeting adjourned between 11.50 am and 11.55 am)

26. YOUTH JUSTICE PLAN 2017-2018

The Committee was asked to endorse the Youth Justice Plan 2017/18 for approval by Council and consider whether there were any comments it wished to make that would inform the production of the Plan for 2018/19.

The Head of Service, West Mercia Youth Justice Service, presented the report. He noted the significant changes the service had recently faced including the transfer of responsibility for the service to the Office of the West Mercia Police and Crime Commissioner (PCC), a new client management information system, a new national assessment and planning framework and a team restructure. He also drew attention to the actions to improve service provision in 2017/18 under 7 main priorities, summarised at paragraph 10 of the report.

In response to questions the HS commented:

- That the transfer to the office of the PCC had occurred in parallel with a restructure to meet service need on a reduced budget. This had adversely affected staff morale. The action plan recognised this with a priority of ensuring team morale was good. He considered morale was improving.
- The tool for tracking reoffending of current cases in real time was working well.
- The small numbers of offenders in Herefordshire did mean that disproportionate swings in the statistics could take place complicating comparison with other authorities.
- A different model of decision making for out of court disposals was being piloted in Shropshire exploring the possibility of appropriately diverting more young people from formal justice sanctions through offering a wider range of options to support informal resolutions. If the evaluation concluded this approach was successful it would be rolled out to other areas.
- A detailed assessment of the role mental health issues played in offending had taken place and the contribution of substance abuse had formed part of that consideration. Substance misuse had been identified as a risk factor associated with reoffending for 20% of first time entrants. There was a team of substance misuse workers with one part/time post allocated for Herefordshire. He confirmed that there was liaison with the public health team through the community safety partnership. An action plan had been produced to address findings from the assessment of mental health issues.
- The pattern of male/female offending with some 80% of offenders being male was broadly replicated across the country. There were a number of studies on this point. Because there were so few young female offenders in the county there was some concern as to whether the service was meeting their needs.

- The service was exploring the possibility of developing a programme to assist young people with their numerical and literacy skills.
- There was a spike in offending at the ages of 17/18. He confirmed that transitions from the youth offending service to the national probation service were planned in each case. If it was considered an individual was not mature enough to adapt to a transfer they continued on their current order until it expired.
- The first time entrant rate was higher than the average rate for West Mercia and for England but the numbers were very small. The number of first time entrants was half that in 2009/10, a significant reduction.
- The value for money of the service was hard to measure. One national statistic compared the resource allocated into youth justice services divided by the number of disposals. On this basis the west mercia service provided one of the lowest cost services compared with statistical neighbours. The number of people entering the youth justice system had reduced since the establishment of the service. Crime had reduced but so had the proportion committed by young people. The statistics took account of informal disposals.
- Clarification was sought on how statistics quoted in the 2017/18 plan compared with the 2016/17 plan. It was noted that paragraph 2.4 of the 2017 plan did not reference all the questions in paragraph 2.6 of the 2016/17 plan. Updated information in relation to paragraph 2.5 of the 2016/17 plan was also requested. It was proposed that a briefing note be circulated.
- It was requested that the briefing note should also include clarification on the operation of transition protocols and reassurance that there was a seamless and fully effective transition from youth to adult services.

RESOLVED:

- That**
- (a) the Youth Justice Plan (at appendix A to the report) be endorsed and submitted to Cabinet for recommendation to full Council for approval;**
 - (b) the Cabinet Member (young people and children’s wellbeing) be asked:**
 - (i) to request the West Mercia Youth Justice Service Management Board to review the process for preparing the Youth Justice Plan in order to permit the scrutiny committee to comment on next year’s plan at an earlier stage so that its comments can be taken into account in the plan’s preparation;**
 - (ii) to request that an evaluation of informal disposals be included in next year’s plan;**
 - (iii) to request that next year’s plan be drafted so as to enable performance year on year to be compared;**
 - (iv) to request that mindful of the fact that the low numbers of offenders in Herefordshire can distort statistical comparison with other authorities information be presented within the Plan in a way that enables the circumstances of the Herefordshire cohort of offenders and performance of the service in addressing their needs to be assessed and compared year on year; and**
 - (c) a briefing note be requested setting out: how the statistics quoted at paragraph 2.4/2.6 of the draft plan compare in full with the 2016/17 plan; and also providing clarification on the operation of**

transition protocols and reassurance that there is a seamless and fully effective transition from youth to adult services.

27. WORK PROGRAMME

The Committee reviewed its work programme.

It was requested that further consideration be given to the inclusion of the delivery of housing growth targets in the work programme.

RESOLVED: That:

- (a) the draft work programme as set out at appendix 1 to the report be approved; and**
- (b) the terms of reference for the Minerals and Waste local plan standing panel as set out at paragraph 7 of the report be endorsed.**

28. DATE OF NEXT MEETING

Tuesday 26 September 2017 at 10.30 am.

The meeting ended at 1.01 pm

Chairman



Meeting:	General scrutiny committee
Meeting date:	Monday 13 November 2017
Title of report:	Construction and Facilities Management Services to Herefordshire Council
Report by:	Director for economy, communities and corporate

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To invite general scrutiny committee to review proposals for the re-procurement of building maintenance and cleaning services and:

- make any recommendations to the executive they feel would improve the efficiency or effectiveness of the short term proposals; and
- consider whether to establish a time limited task and finish review to inform the assessment of the longer term option to move to an outcomes based model of procurement for these services.

The existing two contracts for building maintenance and building cleaning services are due to end on 31 March 2018 having previously been extended once. Whilst a longer term aim is to move to an outcomes based commissioning model there is insufficient time to develop such a specification and complete a procurement before the existing contracts terminate. It is therefore proposed to commission, as a single service, based on the existing specification for a limited period of two years, to allow for the development and procurement of an outcomes based service.

Recommendation(s)

That:

- (a) **the committee determine any recommendations it wishes to make to strengthen effectiveness or efficiency of the short term procurement arrangements proposed in respect of building maintenance and cleaning services; and**
- (b) **the committee determine any areas for inclusion in its future workplan.**

Alternative options

1. Alternative options to the proposed action are set out below.
2. Not to re-procure, this has been discounted as Herefordshire Council will require some form of building maintenance and cleaning services to continue operating and delivering services for its property portfolio.
3. Extend existing contract. This is not recommended because it could result in a challenge to the procurement process as the council would not be in compliance with the Public Contract Regulations; a successful challenge could result in significant costs to the council and affect service continuity in these important front line services. The option of extending the current arrangement was considered but as this did not comply with the OJEU regulations due to the amount of work exceeding the published limits, this has been discounted. During the procurement phase the service is procuring individual contracts for all works in excess of £5,000 as per the council's contract procedure rules. There is however a provision in the existing contract to continue until September 2018 is proposed this should only happen if the process for re-procurement cannot be achieved in the time scales laid out in this report.
4. The option of procuring individual contracts has been considered but given the volume of small orders, this approach does not comply with the rules around aggregation of contracts and would also take considerable time and staff resources which means this option is not recommended.
5. Consideration of moving straight to an outcome spec was explored but given the time frames involved this is not feasible due to the following.
 - The eventual desired outcome specification is different to the existing way of working and therefore would require time to implement the processes and the structures within the council and the property department this was not considered to be the preferred option for going forward at this stage.
 - Such an approach would not visibly demonstrate that the market has been tested to ensure the services are providing best value.
6. The option of utilising the existing Balfour Beatty Living Places Public Realm contract was also considered, however this has been discounted at this stage for the following reasons:
 - Such an approach would not visibly demonstrate that the market has been tested to ensure the services are providing best value on works of this type.

- This approach could lead to the council being challenged by other providers of these services.

Key considerations

7. The existing contracts with Interserve UK Ltd (for cleaning soft FM) and Integral UK Ltd (for construction and building maintenance) were awarded in September 2013. In August 2016 the cabinet member contracts and assets took a decision to exercise an option under the contract to extend the current arrangements to 31 March 2018. The services currently provided within the scope of the service delivery contracts need to be re-procured for services to continue throughout Herefordshire Council owned or maintained properties.
8. It is proposed to put in place a single contract covering building maintenance services and building cleaning. This procurement will be carried out under the EU open procedure and this report seeks delegated approval to conclude this process and award a contract following consultation with the cabinet member for contracts and assets. The services covered in this contract will be procured under standing orders and the governance in place at the time, to ensure that members have visibility of works going through the contract, and offering maximum opportunities for local small and medium sized enterprises (SMEs) to tender for such work. The volume of work under the contract will likewise be monitored to ensure that the contract spend is within the limits published in the OJEU notice.
9. The approach taken aims to re-commission the services to ensure value for money, deliver savings through our ability to reconfigure the existing services and processes and meet corporate plan objectives in addition the amalgamation of the two contracts should save internal Herefordshire Councils resource time and produce lower contractors overhead costs as there will be one contractor rather than two enabling saving due to less management overheads.
10. The two existing contracts detailed below are to be brought together to provide a single point for the management of the contract, this will enable the council to start the subsequent tender for an outcome specification form a single contract rather than two contracts.
 - Building Services; these cover the regular servicing of plant and equipment, day to day maintenance which equates to a value approximately £1.2m; a further £900k a year in relation to the Councils Enterprise Zone works; and approximately £5m a year capital works to council buildings in the current contract.
 - Building Cleaning; these cover the cleaning of offices etc., and the provision of accessories such as *cleaning products* etc. The cost is approximately £700k per year.
11. The contract is to be set up to allow the existing provision to be procured on a , term contract and NEC3 contract, (this is the industry standard civil engineering contract) basis in line with the existing arrangements this will allow the development of a future contract of an outcome specification at the end of the present proposed contract.

12. The maximum value of spend has been determined to allow the use of the contract for one off capital schemes in council owned buildings. Each such scheme will continue to be subject to its own governance before progressing and that governance would include clarification as to whether this contract or another procurement option is deemed to offer best value.
13. The new contract will be evaluated on a cost and quality basis on a 40% quality and 60% cost basis, with quality questions included in the ITT being given marks which will form the basis of the quality evaluation.
14. The proposed draft procurement timetable is as follows, out to tender in November 2017, return in December 2018, evaluate in January 2018, award at the end of January 2018 and contract start date in April 2018.
15. The appointed contractor will be expected to obtain his subcontracted work packages, in line with Herefordshire Councils procurement rules to ensure best value principals are followed and is visible for scrutiny purposes.
16. The review of the future direction of construction and cleaning services, considering an outcome specification for the next procurement process following on from this procurement exercise, will be reported to cabinet in due course. An outcome specification would follow a similar model to that used in the existing Public Realm contract with the core services being subject to annual review and an agreed sum for the total of work required. Payment for that work along with the outcomes will be agreed as part of this yearly process. The outcomes expected would, at high level, be to ensure the safe continuation of the use of the property stock to an agreed standard. Part of this would also include the cost reduction targets for the year. The committee is invited to consider the merits of establishing a time limited task and finish review group to inform a decision regarding the potential move to an outcomes based procurement of these services.

Community impact

17. The services covered by this procurement are critical to the Council to enable it to ensure that its buildings are maintained in a condition that is safe for community users and staff. This contract enable Herefordshire Council to react to these requirements in a timely and cost effective way.
18. Preserving our stock in a good condition, by using the contract will save money on reactive works, and procurement costs by reducing the work involved in tendering.
19. The council has a duty of care to ensure the safety of the users of our buildings both visiting public and our staff, this contract enable us to comply with these duties.
20. The contract will be used to ensure statutory compliance of our stock by providing the vehicle to deliver the appropriate servicing and inspection regime.

Equality duty

21. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
22. 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. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

23. The current expenditure on the services within the scope of the procurement is in approximately £7.8m per annum covering capital approximately £5m per year and revenue approximately £2.1m per year for Herefordshire Council. Building cleaning of £700k per year. A power point presentation is attached as appendix 1 to this report giving more break down of the existing spend.
24. The re-procurement of services will be conducted on the clear understanding that savings can and will be achieved on both the revenue and the capital works, *a target saving of 10% has been set on the core service* The expenditure in relation to these services will be managed within the funding available whilst working with providers to deliver efficiencies and improvements. The council will need to work with its chosen provider to continually review and improve the delivery of services. The contract will seek to ensure that the chosen provider is clearly focused on achieving on-going efficiencies capital and revenue and savings on for the benefit of Herefordshire. The costs associated with the procurement of these services have been budgeted for within the current financial year.
25. Expenditure in relation to construction services covers both revenue and capital elements. Expenditure in recent years has varied in line with demands placed upon the service (for example reflecting severe weather conditions) and delivery of major projects.
26. There are costs in re-procuring both in staff resources and hard costs with fees required for both specification development and legal fees in developing the overarching contract. These fees are estimated in the region of £150,000, if required this will need to be sourced from the revenue allocation for maintenance work in 2017/18.
27. The TUPE rules apply to some of the existing contractor's staff and this is being worked through at present with advice being taken from Herefordshire Councils HR service. No Herefordshire Council staff are involved in TUPE on these contracts.

Legal implications

28. Given the value of the works and services a full EU compliant procurement process must be followed as set out in the contract procedure rules.

Risk management

29. Risks are being managed throughout this procurement process and a detailed risk register is in place with appropriate mitigation identified. A number of key risks have been identified which are set out below.
30. **Risk:** Slippage to the procurement timetable outlined above could present a risk to service continuity and savings. **Mitigation:** Additional resources have been allocated to the process to guarantee that specialist and technical support is available to ensure the procurement proceeds to plan. The existing providers have been asked to indicate if they are prepared to extend the existing contract if necessary to enable the procurement process to be completed. Both have signalled their willingness to do so.
31. **Risk:** The services within scope are high profile front line services and any break in service or reduction in service quality during transition could negatively affect the reputation of the council. A relatively short mobilisation period has been allowed for within the plan which may result in service delivery risk during transition. **Mitigation:** A robust approach to mobilisation planning is being incorporated into the procurement to ensure the provider puts in place service delivery arrangements for the complete range of services to be provided. This will include clear communication plans to explain the new arrangements to our customers and stakeholders. We have been working closely with Integral UK Ltd and Interserve UK Ltd to manage this process and commitments have been made to ensure full cooperation during the transition. In the procurement process all bidders are required to provide fully resourced programmes setting out how they will undertake mobilisation.
32. **Risk:** The nature of the contract is deliberately flexible to be able to respond to changing priorities, needs and budgetary constraints. Service delivery needs to be planned in advance of each financial year but will not be the same in each financial year. **Mitigation:** Whilst the provider will be expected to take the lead in planning the delivery of services (based on sound asset management principles) the council will need to be properly resourced to set the appropriate strategic objectives and manage and interrogate cost information in order to better understand the true cost base for the services and continue to drive efficiency, innovation and improvement.
33. **Risk:** Given the scale and complexity of these services the risks will be many and varied over the term of the contract. It is essential that both the client and provider recognise and work to manage risks, as they are apportioned between them, if they are to achieve the council's objectives through the contract. As such it is essential that the council mobilises the appropriate client contract management resources and supports their effective operation throughout the term of the contract, if the potential for enhanced value for money realised through the procurement of services is to be realised. **Mitigation:** Client mobilisation will be run in parallel with the mobilisation of the provider of services.

Consultees

34. Soft market testing with Integral, Interserve, Midas and Balfour Beatty has been carried out. Political groups were consulted but no comments have been received.

Further information on the subject of this report is available from
Gary Angove, Tel: 01432 383869, email: gary.angove@herefordshire.gov.uk

Appendices

Appendix 1 - Interserve and Integral spend through existing contracts presentation

Background papers

None identified.

Construction and Facilities Management Services to Herefordshire Council

November 2017

Integral Construction Contract

This covers areas of work such as:

- Day to day maintenance of buildings
- Servicing of plant and equipment
- Reports such as Asbestos and Fire Risk Assessments
- Tree inspections and works arising
- Smaller capital projects such as roof renewals

Integral construction contract spend

23

	Revenue £,000's	Capital £,000's	Total £,000's
2013/14 (not full year)	300	1,362	1,662
2014/15	2,251	4,986	7,237
2015/16	2,675	2,924	5,599
2016/17	3,153	2,067	5,220
2017/18 (not full year)	1,070	1,567	2,638
Total	9,449	12,906	20,694

Interserve FM contract

This contract cover the following areas:

- Corporate Building cleaning
- Public Conveniences opening & cleaning
- Hand Dryers
- Window Cleaning
- Legionella Testing
- Reactive response service
- Clinical Waste
- Sharp Collection
- Pest Control
- Consumables supplies

Interserve contract spend per year

Activity	Year 1 (Sept.13-Aug.14)	Year 2 (Sept.14-Aug.15)	Year 3 (Sept.15-Aug.16)	Year 4 (Sept.16-Aug.17)	Total to date
	£000's	£000's	£000's	£000's	£000's
Hand Dryers	0	17	18	18	53
Window Cleaning	14	24	24	25	87
Corporate Building	293	465	486	516	1760
Legionella Testing	2	1	1	1	5
Public Conveniences	58	87	79	79	303
Reactive Works	10	39	29	44	122
Clinical Waste	0	4	9	7	20
Sharp Collection	0	1	3	4	8
Pest Control	0	0	4	4	8
Consumables supplies	1	9	7	6	23
Total	378	647	660	704	2389

New Contract Anticipated Spend

- The new contract will be a combined contract with the cleaning soft FM and the contraction servicing contract in one so the figures are combined.
- The cleaning and the day to day contractor revenue work is anticipated to be around approximately £2.2m for the first year reducing to £2.1 m for the second year.
- The capital maintenance spend is anticipated to be around £1.7m per year including both corporate and CWB spend.
- The additional capacity above this figure, built into the tender is to allow for any unforeseen capital works, that the Council may want to use the contract for. NB there is no obligation to do so if the alternative procurement routes are more suitable or cost effective.



Meeting:	General scrutiny committee
Meeting date:	Monday 13 November 2017
Title of report:	Task and Finish Group Report: Devolution
Report by:	Director for economy, communities and corporate on behalf of Task and Finish Group

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To consider the findings of the scrutiny task and finish group: devolution and to recommend the report to the executive for consideration.

The then general overview and scrutiny committee (GOSC) commissioned this task and finish group in September 2016, in response to a request from the leader to inform cabinet on options/recommended actions open to the council in response to the national devolution deal agenda. The report provides a narrative on the relative merits of applying to become a full constituent member of West Midlands Combined Authority (WMCA). The report of the task and finish group, as attached at appendix 1, is submitted for consideration and approval by the committee.

Recommendation(s)

That:

- (a) **the committee considers the report and recommendations of the task and finish group: devolution (at appendix 1 of this report) and determines whether to agree**

the findings for submission to the executive; and

- (b) subject to the review being approved, the Committee be advised of the executive's response.**

Alternative options

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

Key considerations

2. At its meeting on 27 September 2016 the then general overview and scrutiny committee (GOSC) commissioned this task and finish group for the following purpose: to inform the cabinet on options/recommended actions open to the council in response to the national devolution deal agenda including the relative merits of applying to become a full constituent member of WMCA.
3. Between October 2016 and January 2017, the task and finish group interviewed a number of people to explore their experience of the WMCA and combined authorities in general and also interviewed the leader of one council from another region that had declined to join a combined authority.
4. The Task and Finish Group report was almost finalised when the general election was called. GOSC was decided to put the report on hold subject to clarification of government thinking after the election.
5. Since the election in June 2016 talks continued between the government and WMCA with a view to creating a further devolution package that will ensure WMCA have the powers they need to deliver growth, jobs and housing, for example. The draft West Midlands Combined Authority (WMCA) establishment order was approved in spring 2017 both by the House of Commons and House of Lords. The Parliamentary Order includes the list of constituent and non-constituent members. Herefordshire Council's application as non-constituent member was not considered in the Order, hence, Herefordshire Council sits in the WMCA Board as an observer.
6. It is now understood that the WMCA is not expected to submit a new establishment order (which would be required to admit Herefordshire Council and Marches Local Enterprise Partnership (LEP) as non constituent members) in the next four years. It is considered that there are recommendations in the Task and Finish Group's report that could be worth pursuing during this period and the report is accordingly brought forward for consideration.

Community impact

7. A principle of the council's code of corporate governance is to determine the interventions necessary to optimise the achievement of the intended outcomes. The council achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining the right mix of these is an important strategic choice to make to ensure intended outcomes are achieved. The council needs robust decision-making mechanisms to ensure our outcomes can be achieved in a way that provides the best use

of resources while still enable efficient and effective operations, and the recommendations of scrutiny can contribute to the strength of decision-making..

Equality duty

8. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
9. If the committee agrees with the findings of the task and finish group, the report will need to be considered by the executive and, depending on their decision, due regard will need to be given to public sector equality duty.

Resource implications

10. On 28 July 2016 Cabinet approved an application by the council to become a non-constituent member of the West Midlands Combined Authority (WMCA) at an annual cost of £25k. The cost of full membership is £500k. The report recommends that the council maintains its application for non-constituent membership but does not seek full membership. If the executive wishes to change the current approach the financial implications would need to be assessed

Legal implications

11. If the committee agree with the findings of the task and finish group, the report will need to be considered by the executive and, depending on their decision, the legal implications of implementing any of the recommendations will need to be assessed.

Risk management

12. If the committee agrees with the findings of the task and finish group, the report will need to be considered by the executive and, depending on their decision, the risk management implications of implementing any of the recommendations will need to be assessed.

Consultees

13. The consultees are detailed at section 4 of the appended report

Appendices

- Appendix 1 Task and finish group report: devolution

Background papers

None identified.

Appendix 1

Task and Finish Group Report Devolution

**Draft for consideration by the General Overview and
Scrutiny Committee on 13 November 2017**

1. **Chairman's Foreword**

- 1.1 General Overview and Scrutiny Committee (GOSC) were asked to conduct a review on a) key issues relating to the Government's devolution agenda, b) the pros and cons of engagement with the West Midlands Combined Authority (WMCA), and c) other options on partnership working to deliver growth and jobs in Herefordshire. This would encompass Herefordshire Council's corporate plan, strategic economic strategy and economic master plan.
- 1.2. Herefordshire Council applied to be a non-constituent member of the WMCA in August 2016. A decision on the application by the WMCA will follow the WMCA mayoral election on 4 May 2017.
- 1.3. WMCA is a statutory body that facilitates the collaboration and joint working between local authorities in order to drive economic prosperity. It was formally created on 1st June 2016. WMCA devolution deal¹ 1 which includes a £1 billion of government investment was agreed by the then Chancellor of the Exchequer George Osborne on November 2015. This first deal devolved responsibility for a consolidated transport budget with a multi-year settlement, responsibility for franchised bus services and full devolution of the 19+ adult skills budget from 2018 /19. Chancellor Philip Hammond promised large-scale infrastructure investment which was part of devolution deal 2 in the 2016 autumn statement. Infrastructure projects include High Speed Two (HS2), Midlands Rail Hub.
- 1.4. WMCA has two types of membership - constituent and non-constituent. Both categories of members have to sign-up to, and be named within, the WMCA scheme submitted to government. The Government only gives voting rights to constituent members. However, the WMCA Board decided to give limited voting rights to non-constituent members, for example, allowing them to vote on matters to do with economic development. Constituent members may only be signed up to one combined authority, whilst non-constituent members can be signed up to one or more combined authorities.
- 1.5. The WMCA is not looking to expand its constituent membership at least in the next two years. However, the WMCA chief executive and Birmingham City Council both recognise that the shires play a key role in delivering the growth agenda in the West Midlands.
- 1.6. The report makes a number of recommendations that will inform Herefordshire Council's decision making processes as it strives to deliver its corporate plan, strategic economic strategy and the economic master plan.

¹ WMCA devolution deal 1

<https://westmidlandscombinedauthority.org.uk/media/1023/westmidlandsdealsummary.pdf>

- 1.7. I would like to thank all witnesses who gave useful accounts and advice. I would also like to thank the officers who have supported the group for their professionalism, dedication, hard work, and good humour, in particular: Richard Gabb, Geoff Hughes, Tim Brown and especially Vinia Abesamis. I must also thank my fellow group members, Cllr. Terry James, Cllr. Roger Phillips, and Cllr. Graham Powell for their enthusiasm, intelligent questioning and general input.

Councillor Sebastian Bowen,
Chairman of the Task and Finish Group
February 2017

2. **Executive Summary**

- 2.1. The task and finish group interviewed three local authority leaders, one portfolio holder, a civil servant, WMCA chief executive, the chair and chief executive of the Marches LEP and read WMCA reports and Board meeting papers. Based on these, this report summarises and focuses on those matters identified in the scoping document.
- 2.2. There is a consensus within the T&F group that Herefordshire Council should pursue three recommendations 1) pursue its application for a non-constituent membership of the WMCA, 2) maintain current and develop new partnerships/networks with local authorities, LEPs and combined authorities in order to deliver the Herefordshire growth and jobs agenda, and 3) adopt a watching brief on the WMCA to determine whether to apply for constituent membership.

3. **Composition of the Task and Finish Group**

- 3.1. Members of the Task and Finish Group were:
Councillor Sebastian Bowen (Chairman)
Councillor Terry James
Councillor Roger Phillips
Councillor Graham Powell
- 3.2. Lead Officer: Vinia Abesamis (Senior Policy and Funding Officer – Regeneration Programmes)
- 3.3. Secretarial support: Tim Brown (Democratic Services Officer)

4. **Context**

Why did we set up the group?

1. Cabinet approved Herefordshire Council's application to become a non-constituent member of the WMCA at an annual cost of £25,000 on 28 July 2016. WMCA will formally determine that application following their mayoral election on 4 May 2017. Currently, the leader of Herefordshire Council or his nominated substitute attends the WMCA board meetings as an observer.
2. The GOSC was invited to identify and assess the devolution deal options open to Herefordshire Council and make recommendations to the executive on the preferred option which will deliver the best economic growth outcomes for Herefordshire.

Key Themes

Throughout the task and finish group review there was a focus on the need to:

1. understand government's position and direction on the Midlands Engine for Growth, devolution, combined authorities, and the Local Enterprise Partnerships;
2. understand the pros and cons for Herefordshire of a being a constituent member or non-constituent member of the WMCA;
3. understand other partnership routes to deliver Herefordshire's Economic Development Strategy, Economic Master Plan, and Corporate Plan.

In progressing the review through the above themes, the task and finish group sought to achieve the following outcomes, aligned with the review terms of reference:

1. Establish what options are open to Herefordshire Council
2. Review the potential for those options to accelerate growth outcomes
3. Identify risks and opportunities associated with each option
4. Make recommendations to Cabinet

What were we looking at?

The GOSC was asked to review the partnership options and prepare recommendations to Cabinet that will maximise government funding and deliver economic growth in Herefordshire.

Who did we speak to?

Between October 2016 and January 2017, the group held interviews to gather as much information and seek as many views as were required to make recommendations. In doing so, the group spoke to the following people (in chronological order):

1. Tony Bray, area director of the Department for Business, Energy and Industrial Strategy
2. Councillor Nigel Ashton, leader, North Somerset Council
3. Graham Wynn, OBE, chair, Marches Local Enterprise Partnership
4. Gill Hamer, director, Marches Local Enterprise Partnership
5. Councillor Cecilia Motley, cabinet member, Rural Services and Local Government, Shropshire Council
6. Martin Reeves, chief executive, WMCA and Coventry City Council
7. Councillor Shaun Davies, leader, Telford and Wrekin Council
8. Councillor Chris Saint, leader, Stratford upon Avon District Council

Witnesses from the Marches LEP and the leaders of Telford and Wrekin Council, Stratford upon Avon District Council, and cabinet members of Shropshire Council were the key drivers in putting forward their application as non-constituent members to the WMCA. They have been attending the WMCA board meetings either as member or observer. The leader of North Somerset Council was a member of the West of England Combined Authority (WECA). Tony Bray is the government's representative in the Midlands to deliver the devolution agenda. Martin Reeves is the chief executive of WMCA and Coventry City Council.

What did we read?

1. WMCA Super Plan "Making our Mark"²
2. WMCA Constitution³
3. WMCA Devolution Deal 1
4. WMCA Board meeting papers
5. West Midlands authorities' statutory governance review undertaken in accordance with section 108 of the Local Democracy, Economic

² WMCA Super Plan "Making our Mark" <https://westmidlandscombinedauthority.org.uk/about/strategic-economic-plan/>

³ WMCA Constitution <https://westmidlandscombinedauthority.org.uk/media/1716/constitution-of-the-west-midlands-combined-authority.pdf>

Development and Construction Act 2009 and section 82 of the Local Transport Act 2008⁴

6. North Somerset Council Report June 2016⁵
7. Briefing paper on the WMCA and Devolution by Richard Gabb and Vinia Abesamis
8. Tony Bray's notes on the WMCA October 2016
9. Centre for Public Scrutiny: Governance and devolution: charting the way⁶
10. Herefordshire Council Corporate Plan⁷
11. Herefordshire Economic Development Strategy⁸
12. Invest Herefordshire (Herefordshire Economic Masterplan)⁹

5. Key Findings

The key findings from the review are summarised below:

5.1. The government's position and direction on the Midlands Engine for Growth, devolution, combined authorities, and Local Enterprise Partnerships (Clearly, this is all subject to review following the announcement of a general election on 8th June)

Midlands Engine for Growth

1. The "Midlands Engine for Growth" is the key focus for Government policy development, economic growth and inward investment as directed and

⁴ West Midlands authorities' statutory governance review Undertaken in accordance with section 108 of the Local Democracy, Economic Development and Construction Act 2009 and section 82 of the Local Transport Act 2008 <https://westmidlandscombinedauthority.org.uk/media/1107/west-midlands-governance-review-without-appendices.pdf>

⁵North Somerset Council Report June 2016
<http://apps.n-somerset.gov.uk/cairo/docs/doc27405.pdf>

⁶ Centre for Public Scrutiny: Governance and devolution: charting the way
<http://www.cfps.org.uk/wp-content/uploads/CfPS-Charting-The-Way-v4-WEB.pdf>

⁷ Herefordshire Council Corporate Plan 2013-2020
<http://councillors.herefordshire.gov.uk/documents/s50031075/Corporate%20Plan-JAN2015.pdp>

⁸ <http://www.herefordshirebusinessboard.co.uk/wp-content/uploads/2012/04/Herefordshire-Economic-Development-Strategy.pdf>

⁹ <http://councillors.herefordshire.gov.uk/documents/s50040614/Appendix%201%20-%20fin%20-%20ECONOMIC%20MASTER%20PLAN%20HFD1690%20V3.pdf>

supported by the UK Trade and Investment policy. It is a strong brand with high visibility nationally and internationally. The Midlands Engine has five themes which are Midlands Connect, prosperity, skills, innovation and finance to business. WMCA supports all five themes, particularly Midlands Connect. Midlands Connect in collaboration with central government brings together local authorities and Local Enterprise Partnerships from across the Midlands. The Midlands Connect Partnership and the Department for Transport are developing a transport strategy that identifies the major infrastructure projects needed to improve the connectivity of various regions' key locations to drive economic growth and power the Midlands Engine. Herefordshire colleagues, particularly the transport team, have met with Midlands Connect to discuss regional transport schemes.

2. Prime Minister Theresa May and Chancellor of the Exchequer Philip Hammond supported the Midlands Engine Strategy which includes significant investment in skills, connectivity and local growth, while it sets out how the government plans to drive the region's huge potential and promote it to the world. The government will invest £392 million in the Midlands for the Local Growth Fund, £20 million in a flagship Midlands Skills Challenge, and committed an additional £4 million to support the operation of the Midlands Engine Partnership.
3. The government has also confirmed £17 million of funding to develop its proposals, which include the potential for up to ten additional trains per hour into central Birmingham.

Devolution

1. Our witnesses gave important and ambitious reasons for pursuing devolution, the prime reason being economic growth.
2. A witness stated that ministers under the current administration have reaffirmed their commitment to devolution as a significant step in improving decision-making and direct accountability to the electorate.
3. At the moment the government's focus is to make devolution deals work, but it is unclear what the government's thinking is. There is currently no appetite to increase pressure on local authorities to form combined authorities.
4. There is no separate government funding for devolution deals. Government looks at these on a case-by-case basis by considering the benefits.
5. According to a witness, there is a lower limit of one million in terms of the size of population that could form a devolution deal. Herefordshire can therefore not seek a devolution deal on its own.
6. One of the witnesses advised that Herefordshire needs to consider how it will contribute towards the WMCA SEP, which sets out the vision,

objectives, strategy and actions to improve the quality of life of everyone who lives and works in the West Midlands. What is it that each is seeking to achieve? Where does working together make sense? Where does a wider geography and powers bring benefits that could not otherwise be secured?

7. According to the Herefordshire Economic Master Plan, “There is commercial potential to capitalise on the county’s links to the Midlands, the South West and Wales alongside local specialisms in defence and security, manufacturing, food, drink and tourism. This economic vision identifies key projects and investment opportunities across the county and starts the conversation between local partners and the investment and development community”.

Combined Authorities

1. The combined authority is a jointly formed statutory body that will exercise strategic functions with the agreement of and on behalf of the constituent members (at present the seven metropolitan unitary authorities covering the former West Midlands Metropolitan County)¹⁰ and the Secretary of State, who has the powers to devolve functions and powers to the combined authority on the basis of an agreement to move to a mayoral model.
2. Combined Authorities are seen to be the route to greater spending powers and greater control over local decision making. However, the powers being devolved to combined authorities so far tend to be increased abilities to spend budgets allocated by central government rather than powers to raise taxes or borrow.
3. The Conservative prospective candidate for WMCA mayor has stated the WMCA will focus on the region’s core conurbation stretching from Wolverhampton to Coventry and Birmingham.
4. Some matters may require a unanimous vote of the constituent members to be carried. This is still a matter that is being discussed.
5. WMCA adopted the mayoral combined authority model. The mayor, when elected, will be the chair of the combined authority, with a cabinet drawn from the leaders of the constituent members and beyond, if agreed. The Leader of Warwickshire County Council is currently a portfolio holder in

¹⁰ The WMCA comprises the seven metropolitan boroughs of the West Midlands which are Birmingham City Council, City of Wolverhampton Council, Coventry City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, and Walsall Council, the three Local Enterprise Partnerships (LEPs) covering the geographical area, and a current total of five non constituent members which are Telford and Wrekin Council, Cannock Chase District Council, Nuneaton and Bedworth Borough Council, Redditch Borough Council and Tamworth Borough Council.

the WMCA cabinet. The leaders of the metropolitan areas can veto the mayor.

6. Ministers were willing to look at other forms of governance and negotiate deals with Local Authorities – as with Cornwall, who opted to have their own governance structures rather than an elected mayor.
7. Witnesses stated that while a mayoral model might make sense in cities such as London and Manchester, it is probably less fitting for large rural areas.
8. Clearly, what will make this mayoral combined authority work is the relationship between the mayor and the cabinet.
9. A witness stated that the majority of local authorities in England are not members of a combined authority and government's plans for these authorities are, currently, not clear.
10. The combined authority has professional staff currently drawn from secondees from councils. For instance, Martin Reeves, the chief executive of Coventry City Council, is the WMCA CEO.
11. Centro, the West Midlands Integrated Transport Authority, will provide programme and project management capability as well as strategic transport and public transport services.
12. WMCA is set to implement devolution deals 1 and 2. It is unclear if the government will fund further deals in this parliament. If this is the case, there is no strong case for Herefordshire to apply as constituent member, as it will not access funding to finance its economic development projects and programmes.
13. As fresh funding for new deals are not guaranteed for this parliament, it is unclear if government has an appetite to expand the membership of the current combined authorities.
14. Before the end of this parliament, once the majority of the deals have been sealed and signed and elected mayors have established their position, the government intends to undertake a review of the progress of devolution in England.

Local Enterprise Partnerships

1. Herefordshire has been a recipient of the local growth deals, which provide funds to local enterprise partnerships or LEPs (partnerships between local authorities and businesses) for projects that benefit the local area and economy. Example of a project funded from growth deals is the £8m to create a new teaching university in Hereford to address the shortage of skilled graduate engineers.
2. Witnesses projected that some LEPs may merge. However, it is envisaged that the Marches LEP will stay as it is, and that LEPs will be better options than combined authorities for raising grant funding.

3. LEPs are at the forefront of promoting the growth of the economy and in securing government funding.
4. A witness noted that growth deals and economic development bids would continue to be progressed via the LEPs.
5. It is important that Herefordshire Council and the Marches LEP partners work in a coordinated way in the future and consult each other before making decisions in relation to WMCA.
6. Herefordshire and the Marches LEP need to articulate to the WMCA their potential contributions to the West Midlands functioning economy and the WMCA.
7. It is unclear if government will allocate new funding for future growth deals for this current parliament.

5.2. Understanding the pros and cons for Herefordshire of a being either a constituent or a non-constituent member of the WMCA;

1. It is important to be very clear that there are two distinct, but intertwined strands to the combined authority agenda. The first is the formal creation of the combined authority (and it is clear that this will only involve the seven metropolitan areas (Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall, and Wolverhampton), and the second is the Devolution Deal that can be negotiated with Government, with certain aspects of it on a potentially wider geographic footprint.
2. Non-constituent or associate membership is available to those bodies such as councils outside the geographical area covered by the seven current constituent members of WMCA. Non-Constituent Membership could provide the opportunity for such bodies to build on their relationship with the Constituent members and the WMCA as a whole.

A. Non-Constituent Members

Pros for Herefordshire:

1. Non-Constituent members are at the table and taking part in the discussion;
2. They help shape and identify how growth of the urban core could play a role in driving growth in other areas e.g. non-Metropolitan areas like Herefordshire;
3. They have a sense of greater support in discussions with government;
4. They help shape strategy;
5. They help identify core priorities;

6. Non-Constituent members are being given certain voting rights, so that their voice carries weight, but they cannot out-vote the constituent members. Again, the attempt here is to give non-constituent members a real voice;
7. Devolved power and funding do not extend to non-constituent areas. The WMCA can, though, invest outside the area of the constituent members where there is a clear benefit to the 'core' area of the WMCA; and
8. Non-Constituent members can join other combined authorities. One witness stated that their functional economy goes beyond the West Midlands regions. Hence, being a non-constituent member will give them the freedom to form other partnerships and trading relations.
9. They pay a £25,000 annual membership fee.

Cons for Herefordshire:

1. They are not part of the devolution deal and may not have access to funding;
2. There will be a significant resource implication in terms of attendance at group and sub group meetings.

Opportunity for Herefordshire

1. There is an opportunity for non-constituent members to work collaboratively. The chief executives and leaders of non-constituent members and applicants attend non-constituent members meetings which are being organised by the joint chief executive of Redditch Borough Council and Bromsgrove District Council. There is a need to define the terms of reference of this group, and define how it will work with constituent members.
2. The Marches LEP needs to explore its "Ask" which may include skills, transport and possibly tourism, as a separate document from the WMCA devolution deals.

B. Constituent Members

Pros:

1. The WMCA is one of six pilot areas nationally to test out the new schemes whereby the members will no longer receive any Revenue Support Grant from Government, but will keep all

business rates generated (instead of only half at the moment). Other payments to/from Government will be adjusted to achieve a neutral net position. However, the region will be able to benefit from all of the growth in business rates. Some of this growth will be used by the WMCA to help fund its investment programme. Because this is a pilot, the Government has guaranteed that the WMCA region will not be any worse off than it would have been under the existing financing arrangements. This scheme is seen as a real incentive to work with others to generate growth in the region.

2. Constituent members are part of the devolution deals and are able to attract funding for their economic development projects.

Cons:

1. One of the witnesses thinks that the £9 million West of England devolution deal for four local authorities over a 30-year period is not a good deal. He maintained that a better option is to allocate the funding to the LEPs and spend it on infrastructure projects.
2. One witness was sceptical about how much funding would be available for non-metropolitan areas. He maintained that devolution deals are urban centric. He explained that the needs of more rural area authorities are very different to the major urban authorities.
3. If government will not allocate funding for future deals in this parliament, then those applying as constituent members will not have any access to fresh funding.
4. There is a £500,000 annual fee to pay as a constituent member.

6.3. Understanding other partnership routes to deliver Herefordshire's Strategic Economic Development Strategy, Economic Master Plan, and Corporate Plan.

1. Herefordshire needs to strengthen current partnerships and relationships. Herefordshire is a member of the Marches LEP which is home to the highly successful Skylon Park Enterprise Zone. The achievements of the Zone to date mean that there is now capacity to take on additional sites and the current sector offering can be amended to make sure the commercial propositions are clearly differentiated, appeal to businesses and deliver for the Marches and wider economy. (Enterprise Zone application, page 11). The Marches LEP is a vital gateway between the Midlands, the west of England, Wales and the Irish export market. It provides an outstanding

business environment with a strong, loyal and proactive private sector and an excellent track record of delivering new housing, jobs and businesses.

2. Herefordshire needs to form new partnerships to deliver its strategic economic plan, economic master plan and corporate plan. One option is partnership with geographic neighbours e.g. Gloucestershire. It would be desirable to work with Wales (Powys) on matters of tourism and transport. However, the Welsh Assembly Government is preoccupied with more pressing issues than cross border work.
3. These partnerships can be built from past and current partnerships e.g. the Herefordshire and Gloucestershire partnership in delivering rural broadband. The Marches LEP should be nurtured as it may continue to be our major source of funding.
4. The Council should be cognisant of options for partnership working with Wales and these should be explored. There was a recognition that the Marches LEP was involved in cross border work with Wales. In the past the West Midlands and Central Wales signed a Memorandum of Understanding aimed to achieve effective cross border collaboration on all aspects of policy development and service delivery which impacted on social, economic and environmental well-being and sustainability in Central Wales and the rural West Midlands. It is suggested that this possible partnership should be revisited.

7. Options

Option 1: To become a non-constituent member.

1. If Herefordshire is accepted as a non-constituent member, it will take part in joint lobbying efforts for resources for rail, road, skills and education, etc., and this may lead to a better overall view and shared long term strategic planning for the transport network in the Marches and the West Midlands.
2. According to witnesses there is a resource implication to being a non-constituent member as the leaders currently spend four days a month on WMCA affairs. Likewise, they have one or two officers who spend four days per month attending meetings, networking, etc. This is not seen as wasted time as the officers and leaders are able to build relationships with partners in the WMCA. These relationships result in joint working, exchange of best practice, collaboration and sharing of resources. For instance, local authorities with housing stock are facing Housing Revenue Account (HRA) borrowing restrictions. WMCA is seeking greater flexibility on the HRA borrowing caps alongside a delivery agreement on new housing of different tenures to enable councils to act more commercially to secure new homes.

3. Being a non-constituent member could allow Herefordshire to establish partnership arrangements with other combined authorities, local enterprise partnerships and local authorities. Constituent members are not allowed to join other combined authorities.
4. It would help to prevent Herefordshire becoming isolated.
5. This option is recommended.

Option 2: Apply to become a constituent member

1. Most of the witnesses acknowledged that there are merits in being a constituent member as they will be part of future devolution deals and other funding opportunities. However, it is not clear if the government will allocate funding to future deals.
2. There is a risk that funding from the current parliament may cease, removing the opportunity for Herefordshire to access funding for economic development projects.
3. On the other hand, if parliament decides to re-channel resources to growth and jobs, Herefordshire Council will be able to attract funding via the WMCA's future devolution deals. Ministers are prioritising combined authorities in terms of funding allocation for growth and jobs. Hence, it is important that Herefordshire Council maintains a watching briefing on the WMCA.
4. The mayoral WMCA is not looking to expand the constituent membership in the next 2-3 years.
5. Birmingham City Council is seen as the major player in the WMCA. However, there are concerns about its capacity to help deliver the devolution deals as it is run by an intervention board.
6. The option can be revisited to assess if there are merits in becoming a constituent member. Likewise, the council needs to assess the implications for democratic accountability and council resources as well as the risk and opportunities that come with being a constituent member. A number of authorities have expressed concerns about the role of elected mayors.
7. Herefordshire Council would need to allocate resources (£500,000 annual membership fee and staff resources) to ensure that resources were coming to Herefordshire.
8. Herefordshire should adopt a watching brief on the progress of devolution and decide if it wants to formally join the WMCA as a constituent member.
9. This option is not recommended.

Option 3: Form partnerships based on common aims and ambitions

1. The WMCA recognised that there is a need to define the relationship between the constituent and non-constituent members. Pending a decision on its application as a non-constituent member, Herefordshire attends the WMCA

Board as an observer. Likewise, it attends the meeting of non-constituent members.

2. Herefordshire Council and the Marches LEP need to articulate their potential contributions to the economic growth of the West Midlands and could use this as a bargaining tool for future devolution deals. For instance, Herefordshire and the Marches LEP need to demonstrate that they are open for business and that their economic plans are aligned with the WMCA Strategic Economic Plans and the Midlands Engine. This will open opportunities for Herefordshire to be part of the succeeding devolution deals, which will fund its economic development projects and programmes e.g. skills development, transport and digital infrastructure, etc.
3. Herefordshire Council must be very alert to focus on its ability to create partnerships and the ability of the LEP to act as a facilitator. Herefordshire Council needs to be closely aligned to the Marches LEP.
4. This option is recommended.

Option 4: Seek a devolution deal on our own and/or with our geographic neighbours

1. This does not seem a viable option at the moment because colleagues in the Marches LEP are looking at different functioning economic geographies. For instance, Shropshire has links with Cheshire and Crewe. The HS2 station at Crewe could provide benefits for the Whitchurch/Wem area. Shropshire and the WMCA share similar economic interests in the M54 corridor.
2. Telford and Wrekin finds the geography of the Marches difficult as its employment flows link to the WMCA rather than Shropshire and Herefordshire. It has potential links with Staffordshire. Metropolitan areas in the West Midlands refer companies to Telford and Wrekin when they themselves cannot accommodate them.
3. As for Warwickshire, its functioning economic geography is linked to Solihull, Coventry, Birmingham and South East England and East Midlands.
4. The Task and Finish Group invited the Worcestershire Country Council leader as one of the witnesses. He declined the invitation and Worcestershire County Council decided not to join the WMCA.
5. The government's intention for deals with non-metropolitan areas remains unclear.
6. This option is not recommended.

8. Recommendations

Recommendation 1

The recommendation is that HC should continue to seek non-constituency membership of the WMCA

- a. The decision to apply as a non-constituent member of the WMCA was the correct one, in accord with the evidence that the Task and Finish Group received.
- b. It is important that Herefordshire Council and the Marches LEP partners work in a coordinated way in the future and consult each other before making decisions in relation to WMCA.
- c. Herefordshire and the Marches LEP need to articulate to the WMCA their potential contributions to the West Midlands functioning economy and the WMCA.
- d. Herefordshire and the Marches LEP need to explore their “Ask” which may include skills, transport and possibly tourism in a document separate from the WMCA devolution deals.
- e. It is also recommended that Herefordshire Council engages with the non-constituent members in defining their role in the WMCA and how they can demonstrate to the WMCA their economic geographies can contribute to the delivery of the WMCA SEP, devolution deals and the Midlands Engine for Growth.

Recommendation 2

Herefordshire should seek to form partnerships and relations with other local authorities and their LEPs

- a. Herefordshire should, strive to avoid being isolated.
- b. It is strongly recommended that Herefordshire forms partnerships and relationships with local authorities and their LEPs. These partnerships can be built from past and current partnerships e.g. the Herefordshire and Gloucestershire partnership in delivering rural broadband. The Marches LEP should be nurtured as it may continue to be our major source of funding.
- c. The Council should be cognisant of options for partnership working with Wales and these should be explored. There was a recognition that the Marches LEP was involved in cross border work with Wales. In the past the West Midlands and Central Wales signed a Memorandum of Understanding aimed to achieve effective cross border collaboration on all aspects of policy development and service delivery which impacted on social, economic and environmental well-being and sustainability in Central Wales and the rural West Midlands. It is suggested that this possible partnership should be revisited.

Recommendation 3

Keep a watching brief on WMCA

- a. It is early days for Herefordshire to contemplate applying as constituent member to the WMCA as this will require the WMCA to re-consult on the combined authority scheme and make a case to the Secretary of State in relation to the evidence for being a functional economic geography and setting out the benefits of an enlarged partnership, but a watching brief should be kept on the developing WMCA and no option should be excluded.

8. Appendix

Appendix A Scoping document

Title of review	Devolution
Scope	
Reason for enquiry	To inform the executive and cabinet on options/recommended actions open to the council in response to the national devolution deal agenda including the relative merits of applying to become a full constituent member of West Midlands Combined Authority.
Links to the corporate plan	<p>The review contributes to the following objective's contained in the Herefordshire corporate plan and other key plans and strategies:</p> <ul style="list-style-type: none"> • To develop a strong local economy, where businesses want to settle and flourish, where city and towns centres are vibrant, where a wide range of businesses support and encourage the growth of high value businesses and small enterprises and offer employment to local people. • To develop a skilled workforce. • To achieve a sustainable infrastructure that protects and promotes nature, communities and the country's economy.
Summary of the review and terms of reference	<p>Summary:</p> <p>To identify and assess the devolution deal options open to Herefordshire Council and make recommendations to the executive on the preferred option which will deliver the best economic growth outcomes for Herefordshire.</p>
	<p>Terms of Reference:</p> <ul style="list-style-type: none"> • Establish what options are open to HC • Review the potential for those options to achieve improved economic growth outcomes • Assess the potential implications for those options on democratic accountability and council resources (staff, budgets, property etc • Identify risks and opportunities associated with each option • Make recommendations to cabinet on preferred option and any further actions cabinet should undertake before coming to a considered view
What will NOT be included	<ul style="list-style-type: none"> •
Potential outcomes	<ul style="list-style-type: none"> • The preferred option based on a compelling narrative with an intelligent analysis of the Herefordshire economic position and ambition for the next decade. • Understanding the cost benefit analysis of the preferred option. • Understanding the terms of engagement with the West Midlands Combined Authority.
Key Questions	<p>To consider:</p> <ul style="list-style-type: none"> • Economic Plus is the added value Herefordshire gets in economic

	<p>investment and development terms from being a member of a combined authority.</p> <ul style="list-style-type: none"> Financial and staff implications for being a member of the West
Cabinet Member	CLlr Tony Johnson (corporate strategy and finance)
Key stakeholders / Consultees	<ul style="list-style-type: none"> Marches LEP Shropshire Council Telford Council Worcestershire County Council Chief Executive
Potential witnesses	<ul style="list-style-type: none"> Tony Bray, Department for Business, Energy and Industrial Strategy Martin Neeves, chief executive, Coventry Council and chief executive, West Midlands Combined Cornwall Combined Authority
Research Required	<ul style="list-style-type: none"> Economic data Housing data Transport Plan West Midlands Combined Authority strategy
Potential Visits	Not applicable
Publicity Requirements	Together with a communication team, a comprehensive communication and marketing strategy will be prepared to ensure that residents and stakeholders are aware of the progress and benefit of the option chosen.
Outline Timetable (following decision by the Overview & Scrutiny Committee to commission the Review)	
<i>Activity</i>	<i>Timescale</i>
Confirm approach, Terms of Reference, programme of consultation/research/provisional witnesses/meeting dates	4 October 2016
Collect current data available for circulation to Group for first meeting of the Group	Second and Third week of October 2016
Analysis of data	Fourth week of October 2016
Carry out stakeholder meetings (Spotlight meeting)	
Final analysis of data and stakeholder evidence	First week of November 2016
Prepare options/recommendations	Second week of November 2016
Present final report to General Overview & Scrutiny Committee	17 January 2017
Prepare cabinet report	Second week of January 2017
Present options/recommendation to Cabinet	9 February 2017
Cabinet response/decision	9 February 2017
Monitoring of implementation of agreed recommendations	

Group Members	
Chair	Cllr Sebastian Bowen
Support Members	
Support Officers	Vinia Abesamis



Meeting:	General scrutiny committee
Meeting date:	13 November 2017
Title of report:	Work programme
Report by:	Governance services

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To review the committee's work programme.

Recommendation(s)

THAT:

- (a) the draft work programme as set out at appendix 1 to the report be approved, subject to any amendments the committee wishes to make;
- (b) the committee considers whether it wishes to accept cabinet's request that if application for the authority to to be a business rate pool pilot for 2018/19 is accepted, the committee consider the implications for Herefordshire of operating such a pool and to make any such recommendations as it feels appropriate to inform a further decision on participation;
- (c) the committee determines any other matter in relation to the appointment of task and finish groups their chairmanship and any special responsibility allowance or the undertaking of a spotlight review; and
- (d) the committee decides whether there is any matter for which it wishes to exercise its powers of co-option.

Alternative options

- 1 It is for the committee to determine its work programme to reflect the priorities facing Herefordshire. The committee needs to be selective and ensure that the work programme is focused, realistic and deliverable within existing resources.

Reasons for recommendations

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

Key considerations

Draft work programme

- 3 The work programme needs to focus on the key issues of concern and be manageable allowing for urgent items or matters that have been called-in.
- 4 Should committee members become aware of any issue they think should be considered by the Committee they are invited to discuss the matter with the Chairman and the statutory scrutiny officer.
- 5 The current draft work programme is attached at appendix 1.

Application to be a business rate pool pilot for 2018/19

- 6 Cabinet agreed on 26 October to authorise the the chief financial officer to submit an application for Herefordshire Council, together with Shropshire and Telford and Wrekin councils, to be a 100% business rate pool pilot area for 2018/19; and to request this committee, should the application be accepted, to consider the implications for Herefordshire of operating such a pool and to make any such recommendations as it feels appropriate to inform a further decision on participation. Successful pilots will be announced in December 2017 and launched in April 2018. The Committee is invited to consider this request.

Constitutional Matters

Task and Finish Groups

- 7 A scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances.
- 8 The relevant scrutiny committee will approve the scope of the activity to be undertaken, the membership, chairman, timeframe, desired outcomes and what will not be included in the work. A task and finish group will be composed of a least 2 members of the committee, other councillors (nominees to be sought from group leaders) and may include, as appropriate, co-opted people with specialist knowledge or expertise to support the task. In appointing a chairman of a task and finish group

Further information on the subject of this report is available from
Governance Services on Tel (01432) 260239

the committee will also determine, having regard to the advice of the council's monitoring officer and statutory scrutiny officer, whether the scope of the activity is such as to attract a special responsibility allowance.

- 9 The Committee is asked to determine any matters relating to the appointment of a task and finish group and the chairmanship and any special responsibility allowance or undertaking a spotlight review including co-option (see below).

Co-option

- 10 A scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed workplan and/or task and finish group membership.
- 11 The Committee is asked to consider whether it wishes to exercise this power in respect of any matters in the work programme.

Tracking of recommendations made by the committee

- 13 A schedule of recommendations made and action in response to date is attached at appendix 2.

Forward plan

- 14 The constitution states that scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions. The current Forward plan is available to Members through the Councillors' handbook intranet site. Forthcoming key decisions are also available to the public under the forthcoming decisions link on the council's website:

<http://councillors.herefordshire.gov.uk/mqDelegatedDecisions.aspx?RP=0&K=0&DM=0&HD=0&DS=1&Next=true&H=1&META=mgforthcomingdecisions&V=1>

Community impact

- 15 The topics selected for scrutiny should have regard to what matters to residents.

Equality duty

- 16 The topics selected need to have regard for equality and human rights issues.

Financial implications

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

Legal implications

- 18 The council is required to deliver an overview and scrutiny function.

Risk management

- 19 There is a reputational risk to the council if the overview and scrutiny function does not operate effectively. The arrangements for the development of the work programme should help mitigate this risk.

Consultees

- 20 The Chairman and Statutory scrutiny officer meet on a regular basis to review the work programme.

Appendices

Appendix 1 – Draft work programme

Appendix 2 – schedule of general overview and scrutiny recommendations made and action in response.

Background papers

- None identified.

General Scrutiny Work Programme 2017/18

Meeting/items	Purpose	Comment	Notes
Tuesday 5 December (pm)			
The Budget and Medium term financial strategy	(budget and policy framework item)		
Capital Programme			
Before December 2017 Balfour Beatty Living Places (BBLP) Contract	To consider performance against BBLP's annual plan.		General look at performance against BBLP's annual plan and the plan proposed for next year to ensure that the plan satisfactorily addresses any performance issues. Decide in light of that whether further work required.
TBC	Minerals and Waste local plan		
January/February?			
New university / Economic themed meeting			Proposed spotlight review involving key stakeholders in late November/early December of public realm improvements needed to accommodate numbers of students (cycleways/public transport/leisure facilities)/ measures to avoid any adverse impact on current residents.
February/March 2017			

Edgar Street Stadium, Hereford			14 November 2016 Committee requested further report setting out the long term proposals for the Edgar Street stadium following an appraisal by the football club, council and potential development partners of the options.
29 January (am)			
Community Safety Partnership	Annual review.		Consider scrutiny approach in light of outcome of meeting in January 2017.
	Waste Contract review (t&f) in preparation for end of current contract in 2023.		
9 April (am)			
OTHER ISSUES/PROPOSALS			
Consideration given to review period of minerals and waste local plan and synchronising with Core Strategy.			
Hoople			
Performance indicator - killed and seriously injured on roads (will involve partner agencies)			Possible task and finish topic.
One off spotlight: All aspects of enforcement (parking/planning/environmental health)			

<p>Unallocated cross-cutting review suggestions</p> <p>Support for voluntary sector</p> <p>Young Carers</p>			
<p>Budget and policy Framework</p> <p>Minerals and waste local plan</p>			

59

Briefing notes requested	Comment
<p>Approach to appeals against planning decisions – whether the council should seek costs more regularly?</p>	<p>Briefing note to establish current approach.</p> <p>Review need for further consideration in light of advice received.</p>

Schedule of General Overview and Scrutiny Committee recommendations made and action in response

Meeting	item	Recommendations	Action	Status
10 June 15	Executive Response – Review of lease restructuring with Hereford United	RESOLVED: That (a) the Executive’s responses be noted;		Completed
	Executive Response – Balfour Beatty Living Places – Public Realm Services	RESOLVED: That (a) the Executive’s responses be noted; and (b) a briefing note on progress with the responses to the task and finish group report on Balfour Beatty Living Places - Public Realm Services be provided within six months.	Briefing note on customer contact statistics issued 8 September 2015. Briefing note on highway maintenance plan issued September 2016. A further update on the Public Realm actions potentially required	Completed ongoing
	Task and Finish Group Report – Development Management Planning	RESOLVED: That (a) Subject to the amendments to recommendations 1, 12 and 18 above, the report of the task and finish group on Development Management (Planning) be agreed for submission to the Executive; and (b) The Executive’s response to the review be reported to the first available meeting of the committee after the Executive has approved its response.	Submitted to executive Reported to Committee 21 July 2015. Update issued via briefing note on 18 December 2015.	

61

			Further update to be issued for 26 July 2016.	Completed
	Work Programme	<p>RESOLVED: That</p> <p>(a) the draft work programme, as amended, be noted;</p> <p>(b) a task and finish group on the smallholdings estate be established to undertake the work outlined in the draft scoping statement; and</p> <p>(c) scrutiny activity on football provision be considered at a future meeting.</p>	<p>Group established and work completed.</p> <p>Report scheduled for November 2016</p>	<p>Completed</p> <p>ongoing</p>
21 July 2015	Executive Response to Committee Recommendations on School Examination Performance	<p>RESOLVED: That</p> <p>(a) the Executive response be noted; and</p> <p>(b) a briefing note be prepared on the Herefordshire Food Strategy and its linkages to schools.</p>	Briefing note issued 18 December 2015	Completed
	Executive Response to the Task and Finish Group Report on Development Management (Planning)	<p>RESOLVED: That</p> <p>(a) the draft Executive response be noted; and</p> <p>(b) a briefing note on progress with the response be provided within six months.</p>	Update issued 18 December 2015	Completed

30 September 2015	The Development of a Schools Capital Investment Strategy	<p>RESOLVED: That it be recommended to the executive that the Schools capital investment strategy principles:</p> <ol style="list-style-type: none"> 1. include reference to the need to be responsive to anticipated growth and reductions in communities, including the key role of local schools in the sustainability of growth villages in Core Strategy policies RA1 and RA2; 2. (within principle 8) take school journey distance, mode and time into account, not only in terms of environmental and transportation impacts but also the effect of journey times on pupils, with schools encouraged to keep school travel plans up-to-date; 3. recognise what schools can and should offer, outside school hours, to local communities – such as libraries, information hubs, meeting venues, open space etc.; 4. provide assurance that the authority would provide backing and support for academies to make bids for central funding to improve infrastructure; 5. include consideration of county boundary transitions, including dialogue with adjoining authorities to ensure that provision was not considered in isolation; 6. clarify how the authority would assure itself that ‘There would be an appropriate number of 	<p>Incorporated into strategy and being taken forward in its implementation on a local area basis.</p> <p>Briefing note issued 18 December giving further information on school places and travel plans.</p>	Completed

		<p>faith places' (principle 3); and</p> <p>7. revise principle 11 e. to 'Participatory budgeting as a means of enabling local communities to assist in supporting a local school'.</p>		
	Work Programme	A briefing note be prepared on digital issues.	Issued September 2016.	Completed
27 October 2015	Task and Finish Group Report – Smallholdings Estate (County Farms)	<p>RESOLVED: That</p> <p>(a) That the report and recommendations of the task and finish group: smallholdings estate (county farms) be agreed for submission to the executive subject to:</p> <p>i. the removal of Councillor Harvey's name from the group's composition (page 3 of the report);</p> <p>ii. the deletion of option b) from recommendation 1 (page 13); and</p> <p>iii. the removal of the words 'on the remaining estate should be let' from recommendation 5 (page 14).</p> <p>(b) The executive's response to the review be reported to the first available meeting of the committee after the executive has approved its response.</p>	<p>Submitted to the Executive</p> <p>Briefing note including response issued 18 December 2015</p>	Completed
17 November	Budget and medium Term Financial Strategy	RESOLVED: That it be recommended to Cabinet that consideration be given to the merits of a rise	Council did levy an additional 2% precept at	Completed

2015	– Draft prior to Funding Announcement	in council tax of more than the 1.9% cap, with consideration given to the best mechanism for advancing this should Council agree to this measure reflecting the wishes of the significant response to the priorities and budget consultation, particularly in relation to retention of specific non-statutory services.	in respect of adult social care in response to a Government initiative.	
19 January 2016 (am)	Update on home to School Transport Provision	Resolved That: A) The relevant officers work to produce a briefing note on home to school transport to present to the General Overview and Scrutiny Committee for July 2016 B) The item be returned to the scrutiny committee for another annual review in January 2017 C) It be investigated what other scrutiny activity would be of benefit regarding home to school transport	Briefing note issued July 2016. Listed in Work programme. To be reviewed in January 2017.	Completed Completed ongoing
	Local Transport Plan	Resolved that: The following recommendations be put to cabinet regarding the Local Transport Plan: A) A recommendation be made that the Local Transport Plan (LTP) be subject to a review every five years in accordance with Department for Transport guidance B) LTP4 Vision to be amended to include the objective “and reduce congestion and increase accessibility by less polluting and healthier forms of transport than the private car.”	Reported To Cabinet. Confirmed at Council on 20 May that recommendations would be reflected in Plan.	Completed

		<p>Health and Social Care Overview and Scrutiny Committee's early years provision task and finish group in relation to referral rates for speech and language development.</p> <p>e) The committee's suggestions in regard to the teaching of phonics be brought to the attention of the early years task and finish group reporting the health and social care overview and scrutiny committee.</p>	(d and e have been done)	
	<p>Marches Local Enterprise Partnership</p>	<p>Resolved: That</p> <p>(a) the committee commend and encourage further the engagement of small businesses within the activity of the Marches LEP.</p> <p>b) The work of the Marches LEP in cooperation with neighbouring and other Local Enterprise Partnerships, in particular the equivalent bodies across national borders be encouraged.</p> <p>c) That the Marches LEP ensure that the delivery of accounts and reporting is made more clear and the availability of such documentation to the public is ensured.</p> <p>d) That the committee recommend to the board of the Marches LEP that a summary of accounts be published in conjunction with the annual report on the activity of the Marches LEP.</p>	<p>2015/16 accounts are in process of being completed and will be placed on the LEP website. Draft accounts will be going to the LEP Board on 3 August.</p> <p>Annual report published with Marches Enterprise joint Committee papers on 31 May 2016.</p>	<p>completed</p>

4 May 16	Suggestions from the public	RESOLVED: That a working party be set up by officers to discuss the detail of the issues surrounding the definitive Map	Working party established.	ongoing
	Task and Finish Group Report – Community Infrastructure Levy	<p>RESOLVED that:</p> <p>(a) the report of the task and finish group: community infrastructure levy be approved and the findings be submitted to the executive</p> <p>(b) the recommendations of the task and finish group: community infrastructure levy be approved as follows:</p> <p>Recommendation 1: The ‘Preliminary Draft Charging Schedule’ be carried forward unchanged as the ‘Draft Charging Schedule’;</p> <p>Recommendation 2: Urgent consideration be given to the need for a robust governance structure to be developed for the administration of CIL in advance of CIL being adopted;</p> <p>Recommendation 3: That Parish Councils be supported by clear advice to assist with the implementation of the CIL charging process prior to any collected CIL monies being spent;</p> <p>Recommendation 4: That the CIL charging schedule and its implementation be kept under review.</p> <p>(c) subject to the review being approved, the executive’s response to the review be reported to the first available meeting of the committee after the executive has approved its response.</p>	Submitted to Executive. Cabinet member decision 21 July 2016.	Completed
26 July 2016	Economic Master Plan	the cabinet member–economy and corporate services be invited to consider the following recommendations:	Submitted to the executive for	Completed

		<ul style="list-style-type: none"> • Consideration be given to ways of pooling ideas for economic development through less structured approaches such as a think tank. • An inventory should be made of the County's strengths and opportunities for synergy be then identified. • Clarity should be sought as to how the planning framework accommodates farm diversity proposals, for example in relation to semi-permanent structures such as log cabins and whether that framework is appropriate. • The invitation to a GOSC member to participate in meetings with chief executive, director and cabinet member on the development of the Masterplan be accepted. • The further report proposed to be submitted to the committee in September 2016 should include highlights of lessons learned in relation to the implementation of the 2011-16 economic development plan and how these might inform the development of the new Masterplan. • There should be cross-party engagement and engagement with all Members in developing the Plan. • An alternative word to masterplan should be found to describe the plan. • The plan should take account of the value of the arts and tourism to the County's economy. • Consideration should be given to how best to maximise the promotional opportunities for Herefordshire. and 	<p>consideration.</p> <p>Council approved Plan 16 December 2016.</p>	
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		<p>(b) consideration of the draft economic masterplan be added to the committee’s work programme for September 2016 together with an annual review of the effectiveness of the plan thereafter.</p>	<p>Report considered on 27 September 2016</p>	
	<p>Communication Strategy</p>	<p>RESOLVED: That (a) the communication protocols be subject to further clarification and consideration and a further report on them made to the Committee; and (b) that, subject to a above, the following recommendations be made to inform cabinet’s consideration of the strategy communication strategy with associated communication protocols for the period 2016-2019:</p> <ul style="list-style-type: none"> • the use of a chat facility on the website should be pursued taking into account how an operator’s time can most effectively be used; • the opportunity for the community to interact on-line quickly and easily should be fully explored; • clarification be provided as to how it is intended to implement the “spend within our means” approach outlined in section 3 of the strategy at appendix 1 to the report at p41 of the agenda papers: “making tough but necessary choices which will include ceasing to provide some services and working with communities to help them run services important to them”; • the wording of paragraph 5.13 of appendix 2 to the report relating to the access of the press 	<p>Report made to Committee on 5 September.</p> <p>Matters referred to Cabinet for consideration.</p>	<p>Completed</p>

		to premises be reviewed and clarified.		
5 September 2016	Four Year Financial Settlement	RESOLVED: That (a) in order to make a recommendation on whether or not to accept the 4 year funding settlement a further meeting should be convened to consider alternative options including information from comparator authorities; and (b) Cabinet be recommended to consider the points made by the Committee and the further information the Committee considered was required in order to make a recommendation to full Council on whether or not to accept the four year funding deal.	Further meeting arranged for 19 September. Report made to Cabinet on 21 September.	Completed
	Statement of community involvement consultation, communications and programme to adoption	RESOLVED: That Cabinet be recommended to consider amending the revised draft statement of community involvement to take account of the amendments proposed in the above table.	Considered by Cabinet on 3 November.	Completed
	Communication Protocol for Members	RESOLVED: That cabinet be recommended that further consideration be given to the following matters in relation to the communication protocol for members: • In relation to paragraph 3.1 of the protocol further clarification was needed on when it was appropriate to use the word “Council” in communications when referring to such matters as Council policy and when further distinction was needed between a decision taken at full Council and a decision taken by an individual cabinet member or an officer.	Report on Cabinet agenda for 21 September.	Completed

27 September 2016	Customer Services and Libraries	RESOLVED: That Cabinet be recommended to support option 3 – retained libraries and central service with an emphasis on making best use of them and community libraries as contact points for council services, extending service options and exploring new ways of working, and the report to cabinet should include a delivery plan.	Considered by Cabinet 13 October 2016	Completed
	Economic Master Plan	RESOLVED: That the Cabinet Member be recommended to have regard to the points raised by the Committee in discussion and in particular the summary of the principal points set out above.	Considered by Cabinet on and approved by Council on 16 December 2016.	Completed
14 November 2016	Draft 2017/18 Budget And Medium Term Financial Strategy Update	RESOLVED: That (a) the executive be recommended to work with Parish and Town Councils to explore options for service delivery; (b) the executive be recommended to make representations to local MPs and others to ensure that the voice of the County is being heard in relation to the government’s business rate proposals and the views of local MPs reported; (c) the clarity of the budget report should be reviewed and officers requested that the report should be amended to include detail of gross income and expenditure, consistency of terminology, virements over the year to identify actual expenditure, analysis of the use of the Rural Services Delivery Grant, clarity over income; and (d) the executive be asked to take full account	In respect of items a, b and d , these were addressed to the executive who have reported back to GOSC their intention to develop closer working with Parishes, liaise with MP’s to champion the County’s issues and provide a response to the issues raised during budget consultation (summary provided to GOSC at December meeting) (c) The clarity of budget report was reviewed and amended to ensure	completed completed completed completed

		of the consultation on the budget and reflect the views expressed in their budget proposals, indicating in the next report back to the overview and scrutiny committees the extent to which the consultation findings had influenced budget proposals, and, if the findings had been discounted, the rationale for taking that course.	consistency and clarity in future presentations and reports. Further detail of gross income and expenditure will be provided in the budget book summary which will be prepared once all information on grants is confirmed with government. The impact of this review was provided to GOSC at their December meeting	
	Proposed 2017/18 Capital Budget	RESOLVED: That written answers be provided to questions raised at the meeting and appended to the Minutes	Answers published with minutes.	Completed
	Edgar Street Stadium, Hereford – Lease Proposals	RESOLVED: That (a) the executive be advised that the Committee supports the proposed grant of a new lease to the current tenant for a term of 10 years, commencing at some point prior to the expiry the current lease; and (b) a further report is presented to the Committee setting out the long term proposals for the Edgar Street stadium following an appraisal by the football club, council and potential development partners of the options.	Executive informed. Lease awarded. Added to work Programme	Completed Ongoing

			<p>councils under S137 of the local government act 1972 provide for flexibility in use of funds when no other specific power for expenditure exists. Parishes will need to satisfy themselves that any such expenditure meets tests in terms of community benefits and other provisions. It is worth noting that parish councils already benefit from direct powers to provide funding for public and community transport should they wish (Transport Act 1985 S106A as amended by Local Government and Rating Act 1997 S27).</p> <p>Report made to Cabinet 6 April 2016.</p>	Completed
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13 December 2016	Draft 2017/18 Budget and Medium Term Financial Strategy Update	<p>RESOLVED</p> <p>That (a) the reconciliation showing the changes between the report made to the Committee in November and that presented in December be circulated to members of the Committee for information;</p> <p>(b) officers be requested to explore the principle of facilitating increased engagement with parish Councils and communities and revenue funding to support invest to save proposals in support of the delivery of some services in place of Herefordshire Council could be explored as part of the future review of the MTFS; and</p> <p>(c) if a substantive issue relevant to the budget warranting further discussion with the Committee emerged a further report be made to the Committee's meeting in January for its consideration.</p>	<p>Report submitted to committee January 2017.</p> <p>It was clarified at the meeting that an "invest to save" proposal could be considered at any time even though a specific "pot" was not allocated.</p> <p>Included in the reconciliation referred to in (a), reference was also made to the changes in the Autumn Statement in respect of New Homes Bonus and Adult Social Care Grant. In addition the report clarified the flexibility provided around the adult social care precept being up to 3% per annum subject to a maximum of 6% over three years.</p>	Completed
17	Update on home to	RESOLVED: That the executive be requested to		ongoing

January 2017	school transport provision	produce a sustainable modes of travel to school strategy for consideration by the Committee by July and that schools should be encouraged to produce and update school transport plans.		
	Herefordshire community safety partnership strategy and related performance	RESOLVED: to recommend that the Community Safety Partnership pay particular attention to recidivism rates of offenders.	Request submitted.	Completed
	Draft 2017/18 budget movements	Noted.		Completed
9 May 2017		<p>RESOLVED:</p> <p>That (a) it be requested that In future reports performance data is also provided in a manner which allows the attainment of cohorts of pupils to be seen and understood;</p> <p>(b) briefing notes be provided:</p> <ul style="list-style-type: none"> • to confirm that the pupil premium is being used effectively; • on how the council provides support to the governance process in schools and the process by which this is delivered outlining any difference in approach in the support provided to maintained 		To update

		<p>schools and academies.</p> <ul style="list-style-type: none"> • on the current school funding position and the introduction of the national funding formula. <p>(c) the executive be requested that schools be reminded of the need to publicise information on how they are using the pupil premium</p> <p>(d) it be requested that quantitative analysis be provided in reports of the extent to which education provision is highly valued by children and young people, parents and carers, the community and employers indicating where areas of education provision are valued and where they are not valued.</p> <p>(e) a spotlight review of the trend in performance of sponsored academies be proposed for consideration in the work programme session in June.</p>		
11 July 2017	Sustainable modes of travel to school strategy	<p>That (a) the strategy should clearly link targets to the strategy's aims and objectives and ensure that it showed how actions can deliver on those objectives;</p>	Table of actions to be amended to show what objectives each action will deliver. The table setting out targets will be updated to show the link to objectives. (Page	To update

			16) Added to final doc- no further update	
		(b) the wording in relation to the vacant seat payment scheme should be modified	The wording has been amended in the strategy. (Page 10) Added to final doc- no further update	
		(c) the strategy should contain a clear timetable for review of the strategy;	Timetable for review has been added. (Page 21) Added to final doc- no further update	
		(d) the executive should again be asked to request schools to update their school travel plans making clear to them the potential benefits to schools of doing so and drawing on the support of councillors who are school governors to encourage this work to take place;	We are requesting that the councillors make request to schools within their constituencies to update school travel and support the SMOTS process. (Included in Action Plan at page 19) This will need to be added to a councillor newsletter- this will form an outcome of the cross-directorate meeting	

		(e)	officers be requested to liaise with public health colleagues to assist in the development of effective targets;	We have established an internal cross-department working group to assist in the delivery of a number of actions including the identification of health targets (Included in the Action Plan at page 19) Inaugural meeting due to take place on 2nd November 2017	
		(f)	the executive be asked to ensure that relevant council held data is actively shared with schools to prompt them to share their own data for the SMOTS;	We are happy to share data with relevant schools, as long as it complies with data protection rules. No update- no request for data has been made by a school	
		(g)	the executive be requested to explore means of data collection for the SMOTS, to seek to secure more robust data to inform policy and assist in prioritising actions, with regard also being had to NHS data;	We shall use School census mode share from 2011 and will discuss ongoing data collection at cross-directorate working group. (Page 10) Added to final doc- no further update	

		(h) accident information in the strategy and methods of data collection should be clarified;	Accident information has been clarified within the strategy document. (Page 13) Added to final doc- no further update	
		(i) the executive be requested to seek support from local MPs to assist in resolving transport issues and that their attention should be drawn to the value that Plasc surveys had previously been in assessing needs;	A letter has been drafted from Cabinet Member for Transport and Roads and from the Cabinet Member for Young People and Children's Wellbeing. A reply was received from Bill Wiggan MP that the issue will be raised with the minister- we await further outcome).	
		(J) the executive is requested to ensure that the SMOTS makes clear the evidence used to inform the strategy, the efforts made to secure evidence and any deficiencies in collecting evidence;	Amended within the strategy. (page 10) Added to final doc- no further update	
		(k) the executive be requested to ensure that the capacity and performance measures in the Sustrans contract are aligned to the strategy;	We will review the Sustrans contract to ensure the contract goals will be compatible with the SMOTS. (Included in the Action	

			Plan at page 19) Sustrans are a key partner in the delivery of the SMOTS and will continue engagement to ensure our outcomes and targets are matched	
		(l) the executive is requested to ensure that an implementation plan translating strategy into action was developed to accompany the strategy;	A implementation plan will be developed for delivery to a pilot school. (Page 19) Plan to be developed and a school/locality to be chosen	
		(m) the Sustrans contract was part way through its duration yet the strategy had not been published. The relationship of that work to the strategy needed to be considered to ensure that that work contributed to the delivery of the strategy; and	The Sustrans delivery project was taken into account when developing the SMOTS. No further update	
		(n) the Statutory Scrutiny Officer be informed of the annual review of the action plan and following consultation with the Chairman and Vice-Chairman consider whether there are any material matter requiring consideration by the Committee.	We will forward update reports on an annual basis to the scrutiny officer for distribution to GSC. Report to be drafted for July 2018	
	Herefordshire local	That (a) the strategy should recognise the	Considered by cabinet	To update

	flood risk management strategy	<p>importance of clear and effective communication of responsibilities in respect of all relevant parties;</p> <p>(b) the executive be advised of the importance of preparing a joined up implementation plan;</p> <p>(c) careful consideration be given to how land use and management affect flood risk, ways of educating people on this point and developing mitigating measures;</p> <p>(d) a public facing document be produced setting out what to do in the event of flooding and relevant legal remedies for those affected;</p> <p>(e) BBLP be requested to seek information from lengthsman and local councillors on local conditions and identified flood risks as a matter of course; and</p> <p>(f) the Statutory Scrutiny Officer be informed of the annual review of the action plan and following consultation with the Chairman and Vice-Chairman consider whether there are any material matters requiring consideration by the Committee.</p>	28/9/17.	
21 August 2017	West Mercia Police and Crime Consultation on Fire Governance	RESOLVED: That a draft submission to cabinet be circulated to members of the committee for comment and the statutory scrutiny officer authorised	Response submitted	

		to finalise the submission on the committee's behalf following consultation with the chairman and vice-chairman of the committee.		
11 September 2017	Travellers' Sites Development Plan Document	<p>RESOLVED:</p> <p>That</p> <ul style="list-style-type: none"> (a) the executive be recommended to consider whether an additional temporary stopping place should be identified; (b) co-operative working with neighbouring authorities should be pursued; (c) clarity be provided on how the TSP would operate in practice, including protocols for the allocation of places on the site including the management of different families, so that there is a clear public understanding; (d) consideration be given to specifying when a review of the policy should be conducted; (e) dialogue continue with the Showmans' Guild to identify an appropriate site to meet their needs; (f) the scope to acquire land for sites 	To update	

		<p>by Compulsory purchase order to increase the options and select sites in the most suitable locations be explored;</p> <p>(g) site allocation policy on residential sites should be clear;</p> <p>(h) officers be requested to ensure that existing sites are appropriately managed and maintained and that appropriate resources are in place for both capital improvements and maintenance.</p>		
11 September 2017	Youth Justice Plan 2017-2018	<p>RESOLVED: That</p> <p>(a) the Youth Justice Plan (at appendix A to the report) be endorsed and submitted to Cabinet for recommendation to full Council for approval;</p> <p>(b) the Cabinet Member (young people and children's wellbeing) be asked:</p> <p>(i) to request the West Mercia Youth Justice Service Management Board to review the process for preparing the Youth Justice Plan in order to permit the scrutiny committee to comment on next year's plan at an earlier stage so that its comments can be taken into account in the</p>	To update.	

		<p>plan's preparation;</p> <p>(ii) to request that an evaluation of informal disposals be included in next year's plan;</p> <p>(iii) to request that next year's plan be drafted so as to enable performance year on year to be compared;</p> <p>(iv) to request that mindful of the fact that the low numbers of offenders in Herefordshire can distort statistical comparison with other authorities information be presented within the Plan in a way that enables the circumstances of the Herefordshire cohort of offenders and performance of the service in addressing their needs to be assessed and compared year on year; and</p> <p>(c) a briefing note be requested setting out: how the statistics quoted at paragraph 2.4/2.6 of the draft plan compare in full with the 2016/17 plan; and also providing clarification on the operation of transition protocols and reassurance that there is a seamless and fully effective transition from youth to adult services.</p>		
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