

Agenda

General scrutiny committee

Date: **Monday 9 April 2018**

Time: **10.15 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.

For any further information please contact:

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Agenda for the meeting of the General scrutiny committee

Membership

Chairman Councillor WLS Bowen

**Councillor SP Anderson
Councillor BA Baker
Councillor JM Bartlett
Councillor AW Johnson
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 29 January 2018.</p>	9 - 52
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 4 April 2018 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 5.00 pm on Wednesday 4 April 2018.</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>FUTURE DELIVERY OF MUSEUM, LIBRARY AND ARCHIVE SERVICES</p> <p>To consider the delivery options for museums, libraries and archives in advance of a decision being made by cabinet and determine any recommendations that the Committee would wish cabinet to consider.</p>	53 - 80
8.	<p>WORK PROGRAMME</p> <p>To review the committee's work programme.</p>	81 - 106
9.	<p>DATE OF NEXT MEETING</p> <p>The next scheduled meeting is 11 June 2018.</p>	

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- Inspect minutes of the Council and all committees and sub-committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

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 SP Anderson	Conservative
Councillor BA Baker	Conservative
Councillor JM Bartlett	Green
Councillor AW Johnson	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 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 29 January 2018 at 10.15 am**

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

Councillors: SP Anderson, BA Baker, JM Bartlett, JF Johnson and
A Warmington

In attendance: Councillors BA Durkin (Cabinet Member), PC Jinman, PD Price (Cabinet Member), NE Shaw (Cabinet Member) and J Stone

Officers: Council: G Hughes – Director for Economy, Communities and Corporate, R Ball – Assistant Director – Environment and Place, A Lovegrove – Chief Finance Officer, C Hall – Head of Highways and Community Services, L Lloyd – Commercial and Contract Manager, and J Coleman – Democratic Services Manager/Statutory Scrutiny Officer.

Balfour Beatty Living Places: A MacDonald (Contract Manager), R Rice (Knowledge Centre Manager), A Williams (Contract Manager).

58. APOLOGIES FOR ABSENCE

None.

59. NAMED SUBSTITUTES

None.

60. DECLARATIONS OF INTEREST

None.

61. MINUTES

RESOLVED: That the minutes of the meeting held on 13 December 2018 be approved as a correct record.

62. QUESTIONS FROM MEMBERS OF THE PUBLIC

None.

63. QUESTIONS FROM MEMBERS OF THE COUNCIL

None.

64. HEREFORDSHIRE COUNCIL PUBLIC REALM SERVICE REPORT

The Committee was invited to review the performance of the public realm service contract to enable the committee to make reports or recommendations to the executive with respect to the discharge of a function which is the responsibility of the executive.

The Assistant Director Environment and Place (ADEP) introduced the report. The Head of Highways and Community Services (HHCS) then gave a presentation as appended. This had been updated since the presentation published with the agenda papers. Mr A MacDonald (AMCD) presented the section on the 2018/19 Annual Plan.

Mrs C Bucknell, Clerk to Wellington Parish Council, and Mr P Russell, Clerk to Leominster Town Council and Weobley Parish Council had been invited to the meeting.

Mrs Bucknell praised the work of the contractor and in particular commented favourably on the role of the locality steward in working with the local community and community engagement by the contractor in general.

Mr Russell also complimented the work of the locality stewards. He considered it unfortunate that the council was ceasing funding of the lengthsman scheme. Finance generally was an issue and non-statutory functions would become increasingly difficult to deliver unless these were taken on by Town or Parish Councils. Communication with them by Herefordshire Council would be welcomed. He noted, however, the difference in the scale of resources available to a Town Council compared with a Parish Council.

In discussion the following principal points were made:

- It was suggested that the response to winter conditions in the City had been superior to that in the rural areas with an issue there being the availability and provision of salt and the ability to spread it.

AMCD commented that all the required targets had been met. Grit bins had been filled at the start of the year and refilled as requested. The winter service plan provided for 15 priority routes to be treated. This represented about 30% of the highway network. Additional funding would be required to increase that coverage. He outlined arrangements to collaborate with others, such as the highways agency which secured further resilience through access to additional salt stocks; the role played by snow contractors and training provided to them, and provided a general overview of the operation of the winter maintenance service. He considered that the response had been successful in the face of challenging circumstances. It had taken longer than he would have liked to turn to the secondary routes but the possibility of moving onto that network from the primary network had been reviewed hourly. To date it had not been identified that anything could have been done differently but this would be reviewed as part of a lessons learned exercise at the end of the season.

The HCCS confirmed a lessons learned exercise would inform the annual review of the winter service plan. He added that the plan did provide the facility for Parishes to apply for salt to store themselves if they had suitable storage.

A member noted that one of their parishes had not purchased grit, suggesting this aspect might require some consideration.

- The highway asset management strategy expressed the intent to shift routine resources further towards preventative activities. It was questioned whether this would include a higher level of enforcement to make landowners discharge their riparian responsibilities.

- The role of locality stewards was praised.
- The difference between the level of financial resources available to Town Councils and Parish Councils, some of which covered large but sparsely populated areas, threatened to create a gap in service provision. It was asked if there was a possibility under the community commissioning model of offering some assistance to parish councils through part/match funding schemes.
- There were instances where Members considered BBLP's response to matters raised by them through e-mail or other means was not timely.
- There was some feeling within the parishes about the requirement under the lengthsman scheme to justify to BBLP plans that parish councils themselves were commissioning and funding.
- It was questioned how the assessment of whether the contract was delivering value for money was made. For example, it was observed that there were instances of individual pieces of work at parish level where the costs quoted for BBLP to carry out the work were significantly higher than quotes from other providers.

It was also observed that there appeared to be a risk that in assessing the effectiveness of delivery of the contract as a whole, success in meeting the needs of the larger areas of population outweighed a perceived lesser level of performance in the rural areas. It was asked how this growing cause of local concern might be addressed.

- Clarification was sought on the process for rectifying the number of invalid Traffic Regulation Orders.
- It was asked how the business management system recently rolled out would "significantly impact the way in which pothole defects are managed" (as referred to at page 48 of the agenda papers in a section on risk).

The HCCS commented:

- The main issues could be summarised as finance, value for money, and the urban/rural perception and the provision of service it was possible to provide across the whole network.
- The strategy had been to invest heavily in the C road and unclassified road network in the first two years of the contract. There had been an improvement overall in that network, which was fulfilling a purpose for which it had never been designed, but just over 25% of the unclassified network was still in need of maintenance. There had been a shift in resources from reactive to preventative works, mindful that reactive work cost 4-5 times more than preventative work, however, the core duty to address safety defects could and did distract from preventative work. It would take time and investment to continue to improve the entire network.
- In terms of value for money the price of a piece of work had to be considered in the context of the price of a service area and should be compared with other local authorities. The cost to the Council of highway maintenance was one of the lowest per km in the country and performance in terms of road condition were mid-range. This represented reasonable value for money. However, officers were working through the contract mechanisms to seek to improve value for money. It was also important to ensure that comparisons of prices were done on the correct basis taking

into account the costs of overheads for such matters as safety, quality and information security.

AMCD added:

- The approach to enforcement was in line with the council's enforcement policies and was robust. He outlined the staged approach that was followed with the persons concerned. However, in summary the view was that, whilst there was clearly a place for enforcement action, in the vast majority of cases it was considered matters were best resolved through negotiation rather than costly enforcement action. Two cases had been referred to the Council for a decision on whether or not to proceed to enforcement action and the conclusion had been that the costs of recovery outweighed the benefit of proceeding. The Cabinet Member (Transport, roads and regulatory services) (CMTRRS) had discussed the matter with him to see whether anything more could be done. Guidance to landowners on their responsibilities had been refreshed and was to be reissued. There was a role for local ward members and parish councils to play given their local working relationship with individuals concerned.
- Whilst there had been significant investment in the C and unclassified roads there had only been sufficient funding to cover 25% of the network. There was a clear pressure. He had discussed with the CMTRRS how priorities might be addressed. A model was used that was continuously updated covering a range of matters such as the amount of use, safety risks, numbers of complaints and enquiries, and the nature of the road. This informed the prioritisation tool. Inevitably, however, this did mean priority being given to A and B roads. Alternative actions were explored. A return to jet patching was being considered for C and unclassified roads.
- In relation to offering match funding opportunities the community commissioning model provided a clear process for considering projects in a locality. However, as repair of a 3 mile stretch of road, for example, would cost about £100k he was uncertain as to whether communities would have sufficient resources.

R Rice (KCM) commented that whilst funding for the lengthsman scheme was to cease from April 2018 BBLP was seeking to enter into contracts with parish councils that would grant them permission to commission work on the road network. The intention was that the relationships between the lengthsman and the locality stewards would be maintained and through the local plans visibility of planned activity on the network would be maintained and co-ordinated. This message could be reiterated in the next parish briefing. Information had also been disseminated on the community commissioning model and there was a designated contact point for parishes. Further information would be circulated as there was take up of the model.

The CMTRRS indicated his support for the Council's approach to enforcement and highlighted the role the local ward member could play. He also endorsed the benefit of further communication on the community commissioning model including the use of case studies. The ending of council funding for the lengthsman scheme was unfortunate. He encouraged parish councils to consider if they could find a way of supporting this method of working.

- Whilst the number of category 1 defects might have been reduced compared with 5 years ago it was questioned whether there appeared to be far more category 2 defects than there had been, meaning more defects even if of a lesser severity.

The HCCS commented in response that an annual survey of the network was undertaken. This showed that the condition of A roads had improved, the condition of

B roads had stabilised and that c/unclassified roads had improved, if not to the extent that would be desired.

- In rural areas the majority of roads were C and unclassified and concerns were being expressed in parish council meetings that they were becoming unpassable. The perception within parishes of conditions on the ground did not match the picture of improvement being presented by both client and contractor.
- Using the number of claims for compensation was not necessarily a reliable measure of satisfaction with the network or its condition because there was evidence that people considered the claims process too complex to pursue.
- Whilst two parish councils had spoken it would have been better to have secured a wider view from parish councils to ensure that the committee had a representative picture. A survey of parish councils needed to be conducted on this issue that insisted upon a response, given the fatigue that the volume of surveys and consultations had caused leading to a low response rate.
- An example was given of the complications faced by a landowner in seeking to undertake drainage works, noting that this often now entailed use of a mini-digger accompanied by road closures that generated complaints.

The ADEP commented that the aim had to be to ensure that the contract delivered the best outcome within the resources available. Investment and efficiencies had helped to arrest decline but there were 2,000 miles of network and a substantial maintenance backlog. This was a national issue that required a substantial increase in resource to address it. The HCCS subsequently indicated that a sum of £100m may be needed to address the deterioration in the carriageway asset alone.

The Director - Economy, Communities and Corporate endorsed these comments. In relation to monies retrieved from proceedings regarding the former Amey contract, Council had allocated some of that money for highways works as part of the capital programme. Some of the money had been retained pending the outcome of ongoing legal proceedings. Once the position was clear approval would be sought to allocate that money.

- It was suggested that communications about improvements to the road network did not provide sufficient context to the public and in highlighting improvements that were being made did not reflect the reality of the overall funding pressures as presented by the Director and Assistant Director.
- A further example of a disconnect was between the picture of performance being presented and the reality on the ground. An example was the reference in the section in the performance report to customer interaction. This showed a large number of calls being taken by BBLP but only a very few of these being recorded as complaints or compliments, when, based on the experience of local ward members, a large number of calls would be expected to express dissatisfaction with road infrastructure and services.
- Members acted as a conduit for the community to BBLP but they could also communicate reports of the work being done by BBLP to their communities if they were provided with the information.

AMCD commented that the importance of communication was recognised and improving it was an ongoing process. The role of locality stewards formed part of the communication strategy presenting a personal point of contact within the community. He noted the scope to work with local ward members as a conduit to their communities.

Consideration could be given to how information from the weekly locality steward briefing could be used.

Strategic performance indicators were now more focused on outcome and BBLP were confident of meeting those targets. However, there was a tension when faced with a decaying asset that required more investment than could afford to be made.

(The meeting adjourned between 12:10 and 12:40 pm)

- A member suggested that the confidence of the public had been lost and a way forward needed to be found working with local communities.
- The Commercial and Contract Manager commented that the contract contained strategic performance indicators and operational performance indicators and these were subject to annual review. The performance reports were reviewed and audited. An audit of the SPIs had found that the council agreed with the evidence presented. The operational indicators up until September had also been audited and the vast majority had been reported accurately.
- In relation to questioning of the accuracy of the statistics quoted for performance in resolving complaints AMCD commented that a distinction needed to be drawn between providing a response and providing the response desired by a complainant; there were occasions when complainants were not satisfied with a response, but an appropriate response had nonetheless been given. A number of calls taken were defined as requests for service, not complaints, for example calls reporting a defect. He was willing to look into individual cases.
- A member suggested that in terms of the operation of the community commissioning model there were a number of obligations to be met in initiating a project and it would be helpful if a list of approved people who could assist in providing that capacity was made available in the same way as there was a list of approved contractors to deliver a scheme.

The KCM commented that BBLP had decided that under the community commissioning model parish councils could select providers to carry out the works BBLP had to be used for design element of schemes. This was to ensure compliance with Regulations, and under the contract with parish councils BBLP remained the client and retained liability for design. If BBLP did not retain that responsibility the considerable liability would transfer to parish councils.

- It would have been helpful if more information on material alluded to within the report had been presented within the agenda papers, for example the Strategic Performance Indicators themselves.
- It was noted (p39 of the agenda papers) that the Council's Medium Term Financial Strategy required the Public Realm to identify a further £265k of savings for 2019/20 and 2020/21 and at present these were not identified.

AMCD commented that savings in 2018/19 had been achieved by actions such as the purchase of capital equipment, reducing leasing costs. The aim had been to seek to reduce costs without an impact on services themselves. The same approach would be adopted in seeking to identify future savings.

The ADEP commented that the Strategic Partnership Board sought to have a long term approach and there was time to identify savings for 2018/19 with the intention being to focus on efficiencies.

- It was asked if a sum of money from the monies retrieved from the Amey contract could be set aside in a budget that parishes could apply for funding from, subject to meeting approved criteria, to enable them to pursue schemes for which it had been recognised earlier in discussion their budgets would otherwise be insufficient.
- AMCD clarified that the provision in the annual plan 2108/19 to invest £12m in assets represented expenditure on roads in the majority. Some of the investment was made in plant, for example, to reduce revenue expenditure. This process was heavily scrutinised by the council and a business case had to be made to support any BBLP proposals in this regard. Any saving was reinvested in the service and reduction in the cost of service delivery did not result in a profit to BBLP. This was a feature of the open book contract.

The HCCS commented that the contract was founded in the true cost of delivery. There was no schedule of rates. The cost of service did include a fee to reflect BBLP's national overhead but was broken down into labour, plant, materials and overhead. There were a range of payment mechanisms depending on the nature and type of work to distribute risk between client and provider.

- It was questioned how the £6.1m of revenue funding in the annual plan for 2081/19, which appeared a modest sum, compared with provision in 2017/18.
- It was suggested that it would be helpful if a list was provided at the end of each financial year of roads that had been resurfaced and dressed to compare with what had been planned in the annual plan, acknowledging that circumstances could require some changes to the original plan to be made.
- It was asked what the provisions were for litter removal on non-trunked A roads, noting that parish councils could not undertake this task, that litter created a poor impression of the county, was a serious environmental issue and more attention seemed to be focused on this matter in Shropshire.

AMCD commented that provision for litter picking on such roads was included in the annual plan. However, this required extensive traffic management and was costly. On trunked A roads they therefore sought to take advantage of highways agency works when sufficient notice was received. He requested that if it was considered that areas were being missed or the scheduling was not working that these be referred to him. There had been problems in some places of bins overflowing. Counterintuitively removing the bins had solved that. In addition they were trialling technology within bins that would indicate how quickly they were being filled.

The HCCS commented that the council was the street cleaning authority for the whole county. Highways England did recognise the difficulties in accessing their network and stated in their plans that they would undertake some activity on the litter issue. This point would be taken up with them further, but their main focus was on the motorway network.

The CMTRRS commented that enforcement policy had been reissued and there was zero tolerance of fly-tipping. However, instances needed to be reported to enable them to be addressed.

- The KCM commented in response to comments on communication that the website was the most efficient means of reporting defects. She invited members to promote this method and noted that a link to the site was included in the locality stewards briefing. It was acknowledged that the site could be improved and discussions were being held with Hoople who managed the website. Locality stewards were the first point of contact for general enquiries. The e-mail address box for councillors

remained live, intended to be an alternative in the absence of the locality steward. This had not been resourced as effectively as it might have been in the past, but a locality liaison officer was now in post and would be considering contact with parishes and members. She would inform her of the concerns raised at the meeting.

In terms of dedicated contact provision for councillors the HCCS observed that providing means of communication for specific groups and the resource to respond added cost.

- A concern was expressed about the condition of the A44 and the A417 between the A49 and its junction with the A438. The HCCS commented that it was considered that a bid for funding on works on the A44 would be more likely to succeed. Subsequent decisions on the allocation of resources would need to balance the need for work on an A road against other roads. Plans were in preparation for A417, and other routes, subject to resources.
- The Cabinet member – finance, housing and corporate services suggested that there would be merit in giving higher priority to gritting access to strategic commercial sites., noting the extent to which council funding was becoming dependent on business rates. He considered that the lengthsman scheme had proved valuable and the allocation of some funding from monies retrieved from the Amey contract would be a good use of those resources. He also indicated his support for enforcement in relation to landowners discharging their riparian responsibilities, given that it appeared that a situation had evolved where there was a perception that if these were not fulfilled the council would ultimately do the work itself and invited the Committee to consider requesting the executive to making representations to Defra.
- The Cabinet member- infrastructure invited the Committee to consider whether a reappraisal of assessment of the definition of category 1 and category 2 potholes should be considered. Mindful of Council's decision to create some flexibility in the budget providing a 2.9% core budget increase and 2% adult social care precept he suggested consideration should be given to allocating some of that core budget increase to highways maintenance. He also suggested that traffic management arrangements should be reviewed to ensure that temporary traffic lights were in controlling traffic only when maintenance or other work was actually taking place.

RESOLVED:

- That**
- (a) the Council as client and BBLP as contractor consider how communication with parishes and ward members can be improved without incurring material cost;**
 - (b) the Council as client and BBLP as contractor be requested that in presenting information on performance for publication actual numbers should be provided alongside the %ages in the report to provide improved public understanding of the amount of work being carried out and outcomes delivered, with consideration also being given to disaggregating the data to present it along urban and rural lines, again without incurring material cost;**
 - (c) the executive be recommended to consider whether funding can be made available to support the lengthsman scheme;**
 - (d) the executive be recommended to consider whether a discretionary fund can be established to which parishes with fewer resources available to them could apply to support part/match funding of schemes;**

- (e) the executive be recommended to continue to explore all external funding opportunities to support road maintenance;
- (f) the executive be recommended to consider allocating 1% of the Council's core budget increase to highways maintenance to continue the long term investment in the network;
- (g) the executive be recommended that sums secured from legal proceedings in relation to the Amey contract should be allocated for highways maintenance;
- (h) the Council as client and BBLP as contractor be requested to ensure that parish councils are aware that salt deposits are available to be delivered to parishes if they apply;
- (i) the Council as client and BBLP as contractor be requested to review the snow contractor system to ensure that operatives have appropriate equipment available to them;
- (j) the executive be requested to review whether the claims management system in relation to damage to vehicles as a result of road defects is working fairly and appropriately;
- (k) the executive be requested to give further consideration to how landowners can be encouraged to discharge their riparian responsibilities;
- (l) the executive be requested to reappraise the classification of category 1 and 2 defects and whether the approach to the repair of potholes is satisfactory; and
- (m) action to be taken on behalf to the Committee to engage with parish councils possibly through a spotlight review to provide the Committee with a representative picture of views across the county and demonstrate to parish councils that account is being taken of their views.

65. WORK PROGRAMME

The Committee reviewed its work programme.

It was noted that it was likely that additional meetings would need to be arranged in advance of that scheduled in the diary for 9 April.

The following additions were suggested:

- Museum, Library Archive Service delivery proposals
- Hereford Transport Package Options – phase 2

It was also requested that consideration be given to the way in which the Committee could prepare for consideration of matters to seek to maximise its effectiveness.

RESOLVED: That the draft work programme as set out at appendix 1 to the report be approved, subject to consideration of the inclusion of:

- Museum, Library, and Archive Service delivery proposals
- Hereford Transport Package Options – phase 2

66. DATE OF NEXT MEETING

Monday 9 April 2018 (am)

Appendix - Presentation made to the meeting (Pages 11 - 44)

The meeting ended at 1.50 pm

Chairman

Herefordshire Council General Scrutiny Committee
Review of
Highway and Related Services
as delivered through
The Public Realm Services Contract
with
Balfour Beatty Living Places

A Strategic Overview
29 January 2018

19

A Strategic Overview

- **Creating the Environment for Change**
- **Defects - Enabling a Risk Based Approach**
- **Community – Locality Working**
- **Involvement in Major Projects**
- **Continuous Improvement in Value for Money**
- **Contract Term – How Potential Extension Incentivises Performance**

20

Creating the Environment for Change

Creating the environment for change

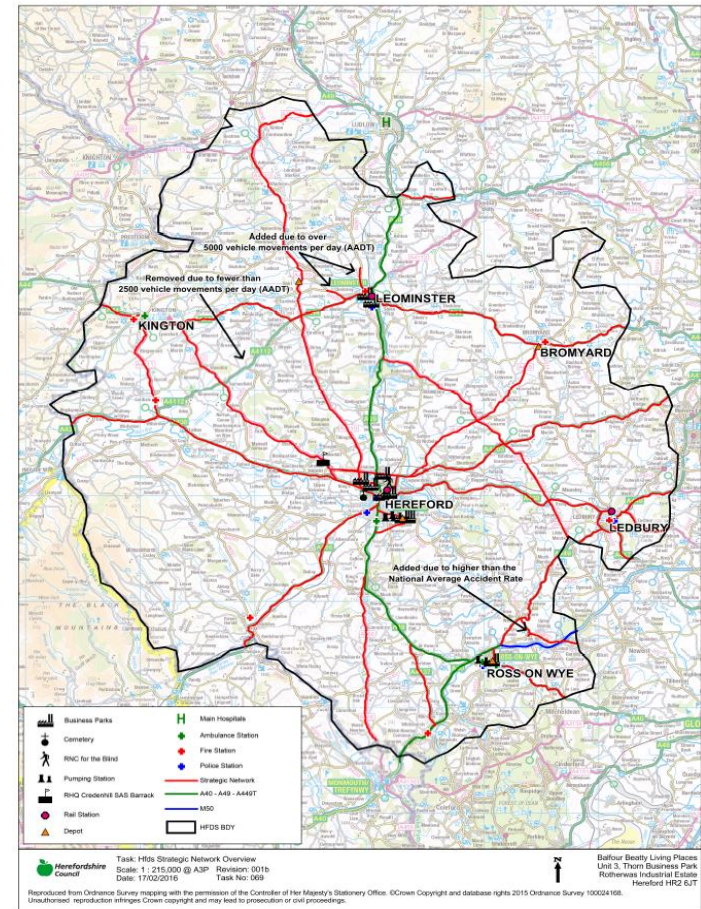
Our Asset Management Strategy is set out in the LTP. The network is comprised of 3 parts

Vision for Herefordshire:

A place where people, organisations and businesses work together within an outstanding natural environment, bringing about sustainable prosperity and wellbeing for all.

22

- Strategic Network (including the Resilience Network)
- General Network
- Low Priority Network



Creating the environment for change

The Asset Management Strategy is also set out in the Local Transport Plan

The Highway Asset Management Strategy for Herefordshire's Roads

1. Major Investment
2. Sustained Investment
3. Reduce the need for reactive 'temporary' pothole repairs
4. Shift our routine resources further towards preventative activities
5. Provide the support that enables routine maintenance work to be delivered locally

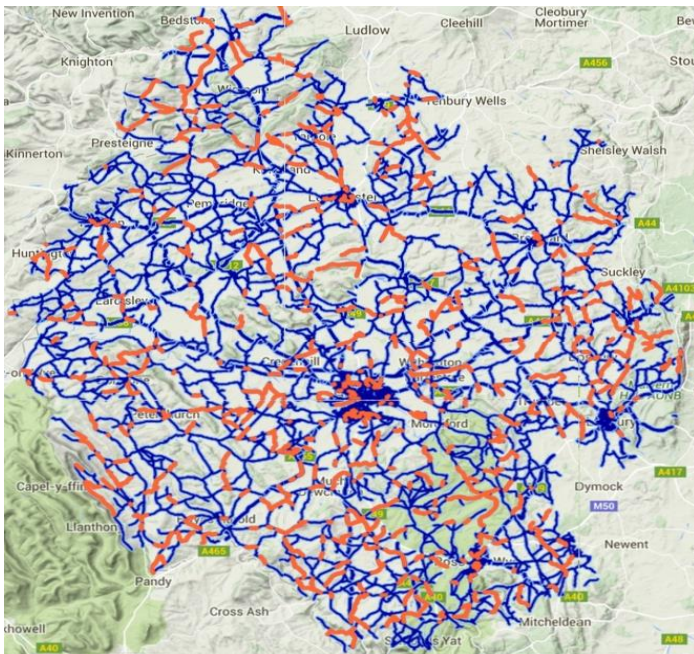


Creating the environment for change

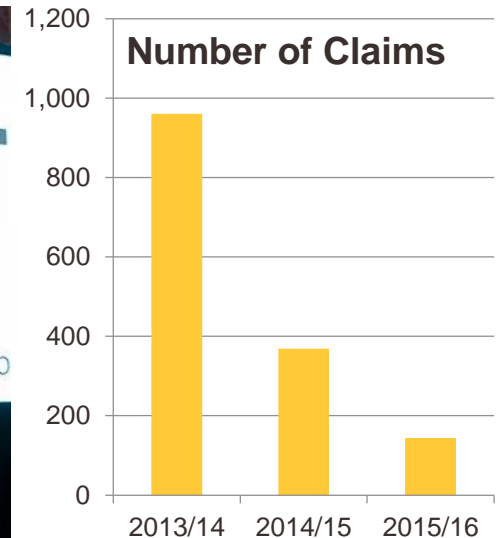
Investment in the C&U road network has improved overall condition and increased customer satisfaction, enhancing reputation and decreasing the cost of the service

Benefits Achieved from 2014/15 Investment in Roads

- Potholes numbers and claims dramatically down
- Tangible savings £25,000 / wk cost of maintenance
- NHT Survey – Most Improve County in the Country
- **Revised HMP will enable operational efficiencies through a risk based approach to defect response**



22% of the C&U Network surfaced
19% of the entire network surfaced



Sustaining Investment – Challenge Fund

Sustaining Investment Through Successful Bids to Government

Returning three strategically important routes to good condition throughout

- £8M Investment (£5M DfT, £3M Council)
- Supports economic growth in the county by investing in the 3 strategic A roads (A4103, A465 & A438) leading to Herefordshire's Enterprise Zone
- 25 miles of resurfacing 12 miles of surface dressing - improved road condition and improved safety
- Delivering quality treatments maximises improvement in road condition reducing future costs and disruption for all

25

Herefordshire Council

Hereford is changing...

There's a lot of work on Herefordshire's roads that can make it tricky and frustrating to get around. But there is light at the end of the tunnel. The City Link Road will open at the end of the year, which will make driving around Hereford quicker and easier and funding from Government has meant we can resurface some of the busiest roads across the county. This is the biggest investment we've been able to make for over twenty years. Cycle, walk or take the bus if possible if you're travelling around the city and allow a little extra time to get around Herefordshire. You can check where the latest works are that might affect your journey on the council's website and social media feeds. We'll be off the city centre roads in December in time for the Christmas shopping period.

Information supplied by Balfour Beatty Living Places
Schedule correct at time of print

Road works timeline October-November

Roads open at weekend unless indicated otherwise

A4103 Worcester road

- 9 - 27 October A4103 Fromes Hill
Closure: 8am-6am with diversions
- 31 October - 3 November A4103 Lower Eggleton to Upper Eggleton
Traffic convey in place: 9am-5pm

A438 Brecon road

- 25 - 30 October A438 near the Rhyspence Inn
Closure: 8.45am-5pm
- 31 October - 3 November A438 near Stowe Farm
Closure: 8.45am-5pm
- 6 - 9 November A438 Winforton towards Stowe Farm
Closure: 8.45am-5pm
- 9 - 15 November A438 Winforton Village
Closure: 8.45am-5pm
- 16 & 17 November A438 Bridge Sollars
Closure: 8.45am-5pm
- 14 - 17 November A438 Huntington Lane to A480 Junction (Credenhill Road)
Traffic convey in place: 6pm-1am

A465 Abergavenny road

- 24 - 27 October near Cobham Common track junction
Closure: 8am-6am
- 30 October - 1 November A465 Willax Bridge
Traffic convey in place: 8am-6pm
- 2 - 13 November A465 Tesco Roundabout (Belmont) to Clehonger
Traffic convey in place: 9am-4.45pm

A49

- 22-27 October A49 Edgar Street (Prior Street junction) to The Courtyard
Night time closure: 6pm-6am with a diversion in place
- Until 30 November A49 Newtown roundabout
Southbound lane closure for lane widening with a diversion in place (including weekends)
- 23 October - 11 November A49 Starting Gate to Priory Place
Highways England closure: 8am-6am for street lightings and white lining works

For all county road works, visit: herefordshire.gov.uk/roads

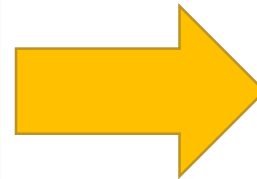
hfdscouncil

BUSINESSES OPEN AS USUAL

Enabling a Risk Based Approach to Defects

Enabling a Risk Based Approach to Defects

High Level Principles for the Risk Based Approach to Safety Inspections and Defect Response times. So LHAs can develop their highway safety inspection policies and practices with a view to ensuring that highway users experience an appropriately consistent approach to highway safety inspection and maintenance.



Defects - Categorisation and Response

Categorisation

- Risk of the injury or damage

Response times

- Changes in likelihood of a defect actually being encountered on different hierarchy roads.

28

Category	Cat 2C	Cat 2B	Cat 2A	Cat 1
Response Minimum Time Frame	Consider for Forward Programme	2 months	28 days	A&B Roads & Prestige Footways: by end of the following day All other locations: 7 days

Defects - Impact of Change

Impact

- longer response times on infrequently used parts of the highway network but
- with an expectation that the defect would be 'permanently' repaired.

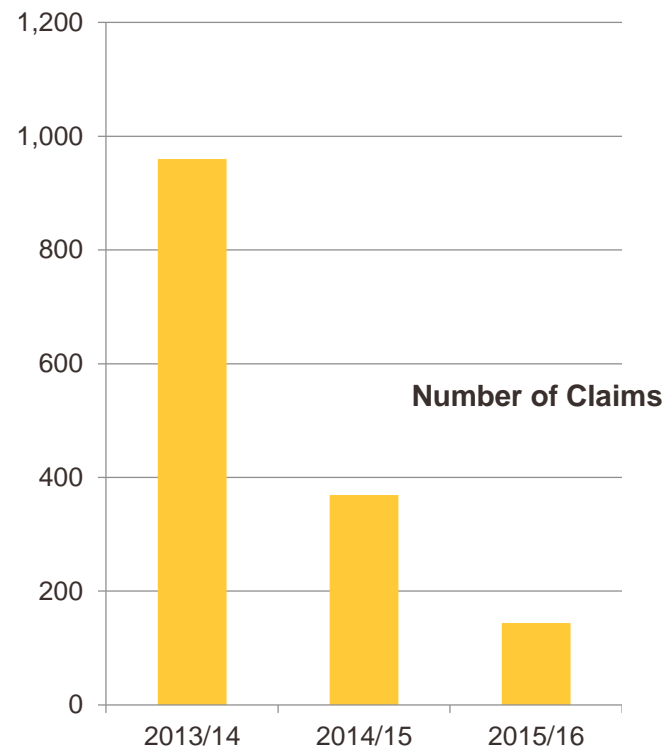


Defects – Consequence of Change

Consequence

- Transition to a preventative maintenance strategy
- Should see fewer potholes develop into an issue for highway users
- Move to a first fix preventative
- Sound defence against highway claims

30



Defects – How it Works - Building Blocks

Network Maintenance Hierarchy

- the foundation of the system of routine safety inspection.
- Assumes adopted the hierarchy described in the 2005 code of practice
- Consider variations to this hierarchy to reflect the diverse character of its own highway network

23

Defects – How it Works - Building Blocks

Safety Inspection Regime

- key part of strategy for managing liabilities and risk
- Founded on hierarchy
- comprises the following elements:
 - Frequency (and mode) of inspection
 - Items for inspection
 - Degree of deficiency (Defects)
 - Nature and timescale of response

32

Defects – How it Works - Building Blocks

Risk Based Approach to Timescales

Response times minimise risk to users by:

- Max number repaired before deteriorate to a cat 1
- Max the number permanently repaired for resources available
- Min the need to revisit temporary repairs
- Max the opportunity to repair roads, footways and cycleways as they deteriorate, as opposed to series of responses to individual defects that do not address the underlying deterioration in the highway.

28

Defects – How it Works - Building Blocks

The Method - Excel workbook:

- Title page
- Inputs page
- Scenario page
- Outputs page
 - Displays proportion of time that each category of defect will exist, given the scenario set.
 - Given the number of defects, calculates a value for the 'total risk exposure' and the cost. The cost can be compared to available budget.

Any new inspection regime should have a lower risk exposure than its predecessor.



MSIG

Experience of the Risk Based Approach

25

Stage 1 Action:	Timescale:
1. Review BBLP process and training for Triage of customer enquiries, identify any improvements required and implement immediately	All actions to be completed by early December
2. Review introduction of Investigatory Levels in the HMP. HC to issue requirements/Investigatory Level document to BBLP for review.	
3. Review and develop training plan for locality stewards training to deliver consistency of risk assessments	
4. Review recording decisions of 2c defects	
5. Opportunity – pilot of ‘in depth inspections’ and manage defects as singular project/ road closure approach. Comparison exercise to establish effectiveness and efficiency	
6. Share joint findings/ collated information with group in preparation for second session	By mid December

Stage 2 Action:	Timescale:
1. Group session to review findings from stage 1 and proposals for change	Early – Mid January 2018
2. Agree next actions	tbc
3. Formal implementation of agreed changes (Annual Plan 2018/19)	Formal decision March
4. Review changes to establish if benefits have been realised and if/what further improvements are required. Provide feedback to the group and further session if required	July 2018

Community – Locality Working

Locality Working

Community – A clear community engagement strategy

Understanding the Needs of the Community & Keeping People Informed

28

2 Community development & stakeholder management
 Providing high quality customer and stakeholder interaction through open and honest communication and by working with communities enabling them to take responsibility for local issues

Herefordshire Council

Safety
 Monitor and report on safety incidents and respond to customer requests.

CUSTOMER SERVICES
 Provide handling of all enquiries and requests for services from public.

COMMUNICATION
 Provision of timely information through weekly locality 'news' leaflets, the Herefordshire Council website, public consultation and individual responses to requests.

ENGAGED COMMUNITIES
 Support and empower local communities to contribute to local issues.

VOLUNTEERING SUPPORT
 Support to organisations and individuals to support local projects and activities through volunteering.

LUNCHBOX/PS SCHEMES
 Co-ordination of the lunchbox/PS schemes with local schools.

SKILLS OPPORTUNITIES
 Providing a range of opportunities for local people to gain experience and training for local jobs.

Balfour Beatty Living Places

HELP COMMUNITY STRATEGY AT A GLANCE

13 LOCALITY STEWARD AREAS

$\{ + \text{PHONE} \} \times 10,000 =$ 12,000+

Monthly Quarterly Annually

100+

Balfour Beatty Living Places

What we do in Herefordshire

Balfour Beatty **Herefordshire Council**

Working for Herefordshire

HerefordHighways
 @HfidsStreets

Balfour Beatty Living Places for @HfidsCouncil here Mon-Fri 9am-5pm for official updates on Herefordshire roads

Joined December 2010

69 Photos and videos

Tweets **Tweets & replies** **Media**

HfidsStreets @HfidsStreets - 21 Aug 2015
 Good morning! Did you know you can report defects online using the following link: herefordshire.gov.uk/report-it Please travel carefully today

HfidsStreets @HfidsStreets - 16h
 Grit update: we're monitoring the weather and the gritter force is ready on standby in case they are needed [bit.ly/1LC7vnk0](https://twitter.com/HfidsStreets/status/123456789) #Hfidsgritter #grittertwitter

Supporting Herefordshire's Major Projects

South Wye Transport Package (SWTP)

The package includes:

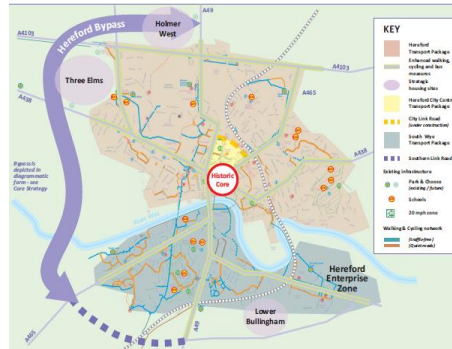
- Southern Link Road – new road from the A49 Ross Road/Rotherwas Access Road roundabout to the A465 and the B4349 Clehonger Road.
- Delivery of the road will be complemented by a package of active travel measures.



Hereford Transport Package (HTP)

The package includes:

- Hereford Bypass – a new road to the west of the city
- Walking, cycling and bus improvements – to increase walking, cycling and bus use for short distance journeys.



Hereford City Centre Transport Package (HCCTP)

The package includes:

- City Link Road and associated works – opened in Dec 2017.
- Royal Mail works – completed in Aug 2017
- Further work includes Transport hub and flood modelling studies.



Supporting Herefordshire's Major Projects

A44 Funding

The package includes:

- A major surfacing investment along the A44 corridor to improve the condition of the road and supporting network.
- It is anticipated that the funding will form the basis of a matched funding bid to win additional budget from the DFT.



Hereford City Centre Improvements (HCCI)

Phase 2 works includes:

- Public Realm works along Commercial St, Eign Gate, Owen St and selected parking improvements.
- The Hightown works will be scheduled around the Weeping Poppy Window, the May Fair and Xmas.



Challenge Fund

The package includes:

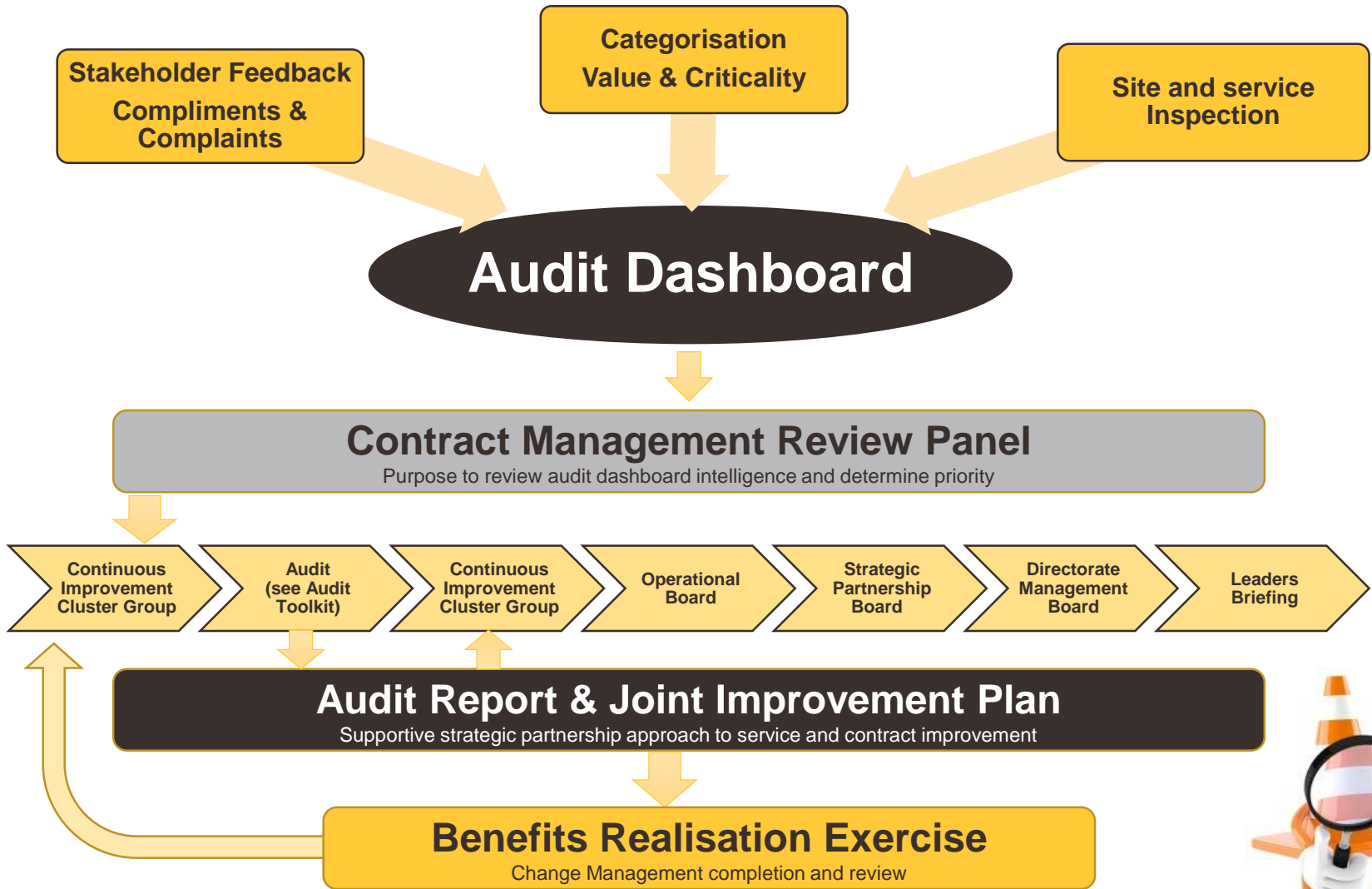
- The completion of the 2017/18 Challenge Fund with business briefings and selected works along the A465 A4103 and A483 corridors.



Continuous Improvement in Value for Money

32

Continuous Improvement in Value for Money



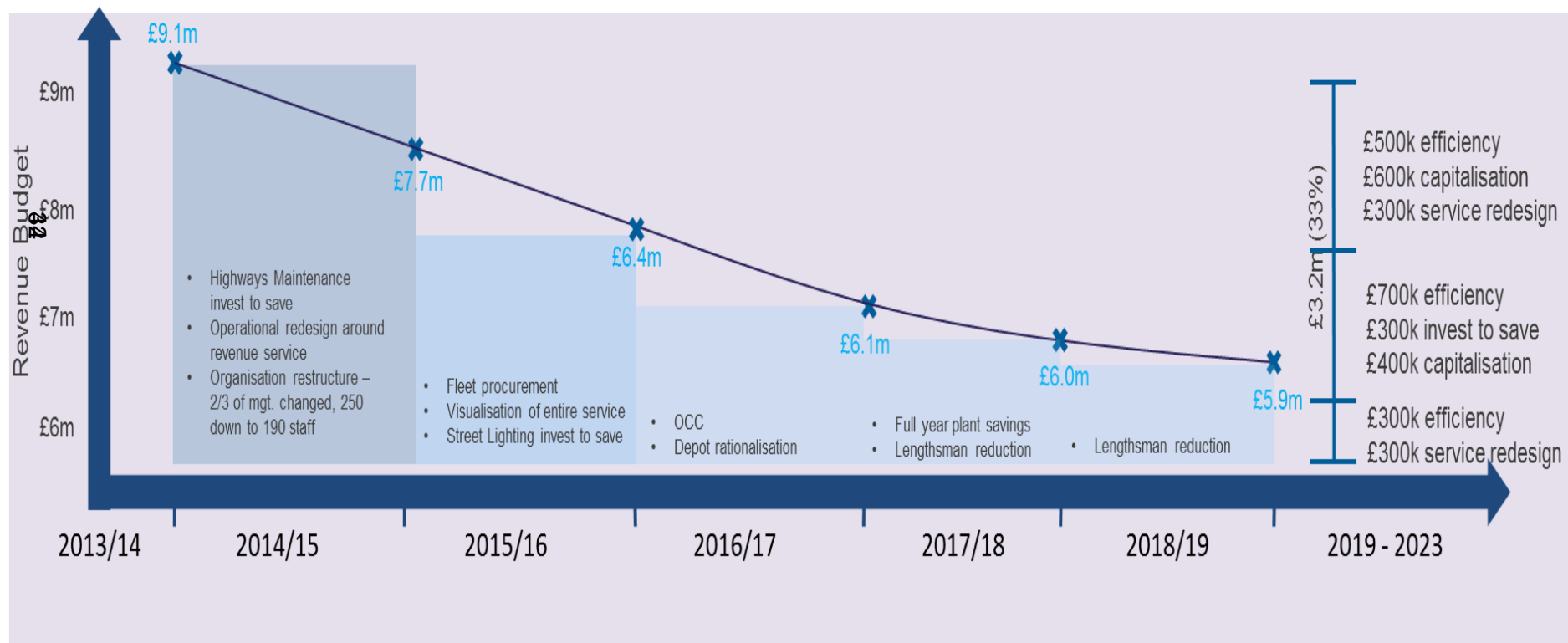
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A Journey to Efficiency

A Change Journey Focused on Efficient Delivery and Cost Reduction

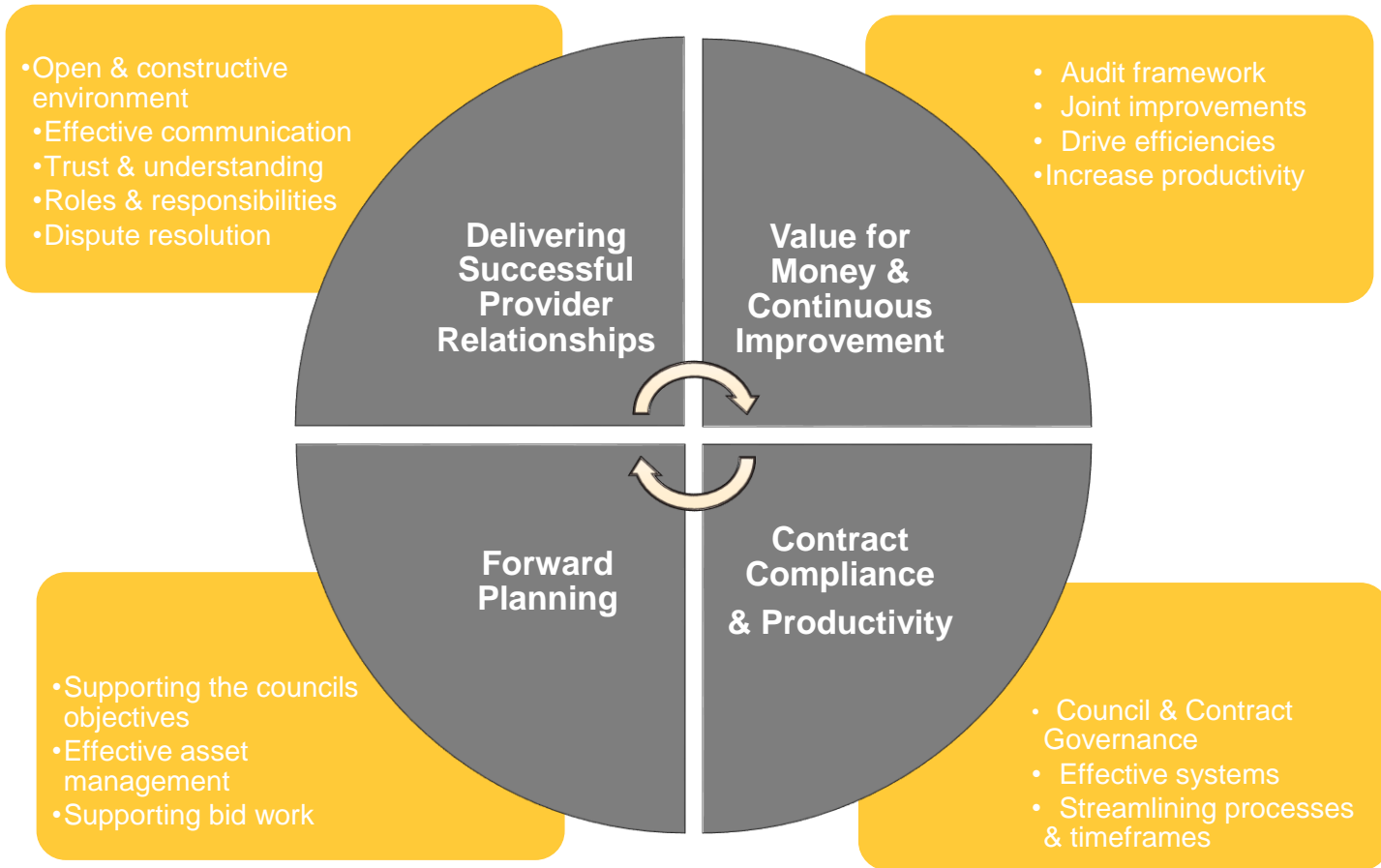
The first three years of the contract term have been focused on developing an efficient service and delivering a significant capital injection to the asset



Contract Term

How Potential Extension Incentivises Performance

Contract Management Objectives



Herefordshire Council General Scrutiny Committee
Review of
Highway and Related Services
as delivered through
The Public Realm Services Contract
with
Balfour Beatty Living Places

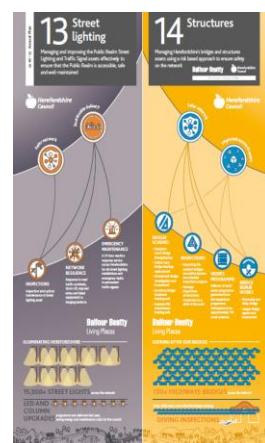
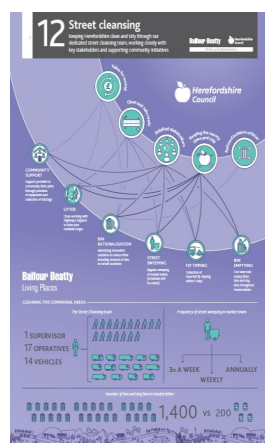
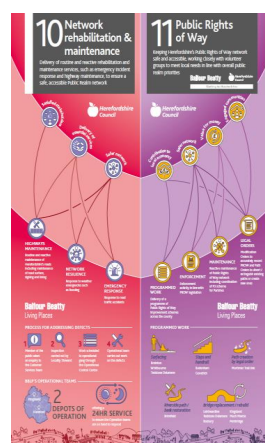
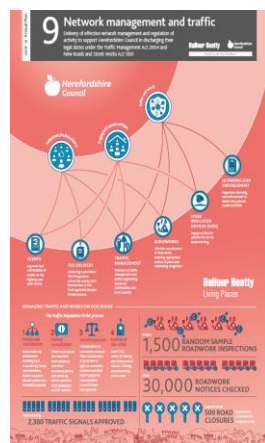
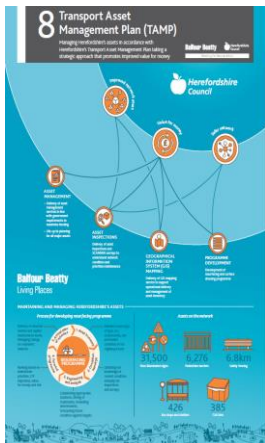
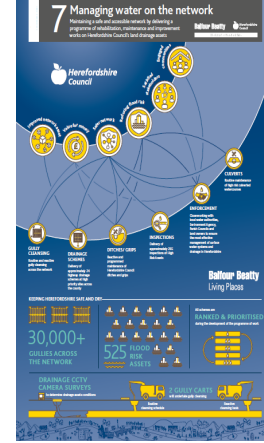
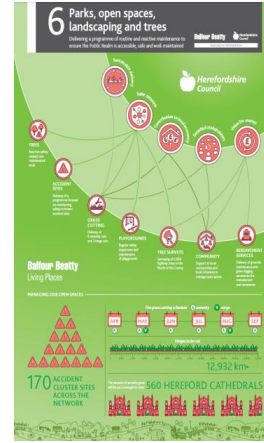
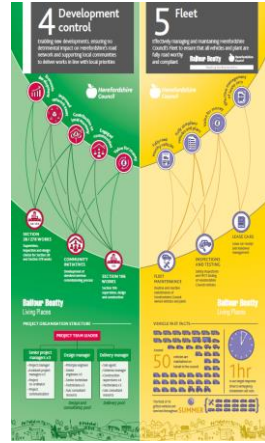
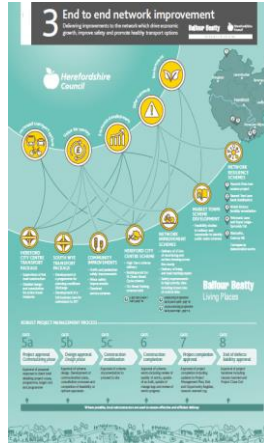
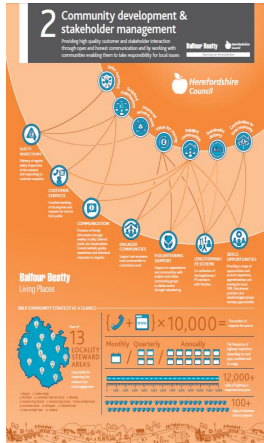
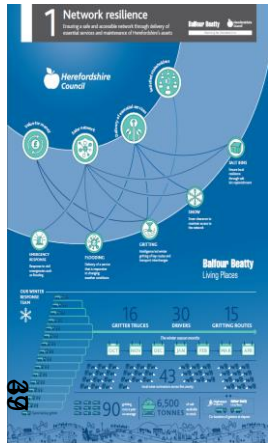
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The Annual Plan
29 January 2018

The Annual Plan 2018/19

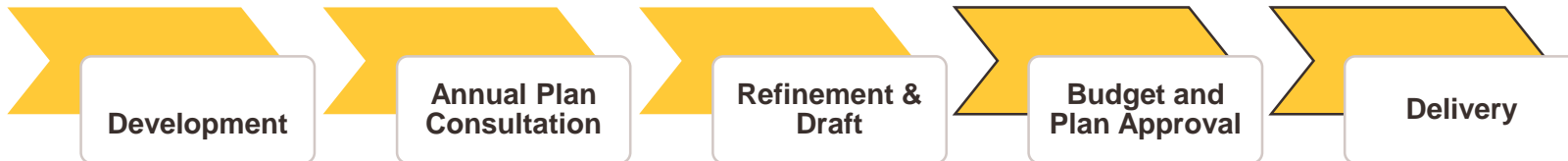
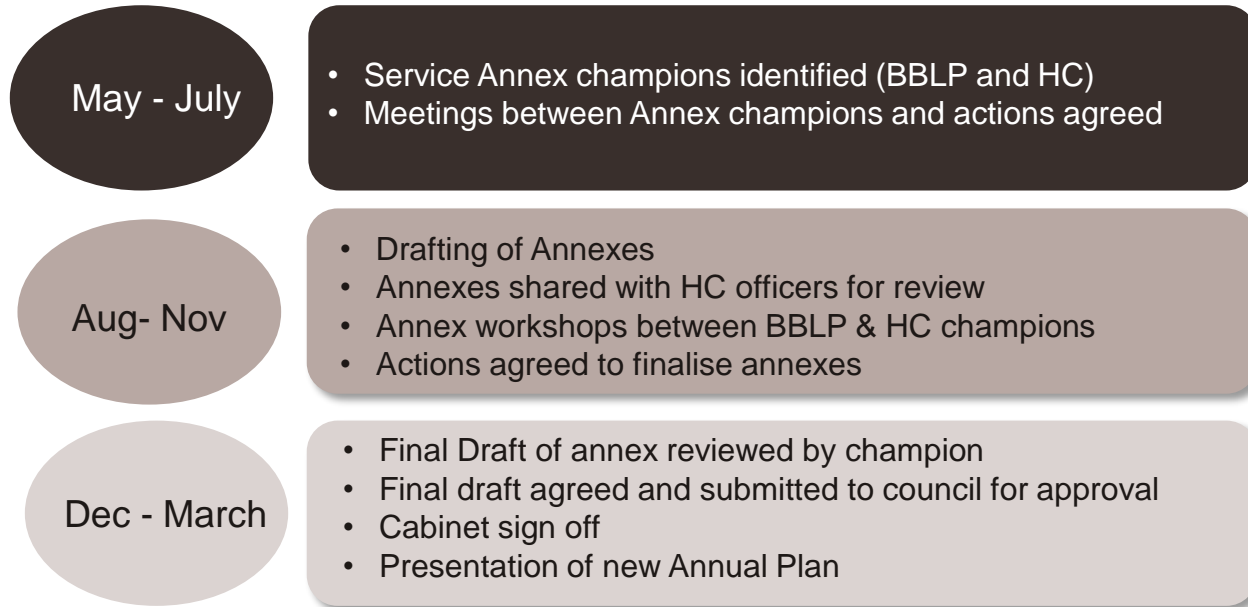
The Annual Plan 2018/19

Maintaining and Investing in the Public Realm



Developing the Plan 2018/19

48



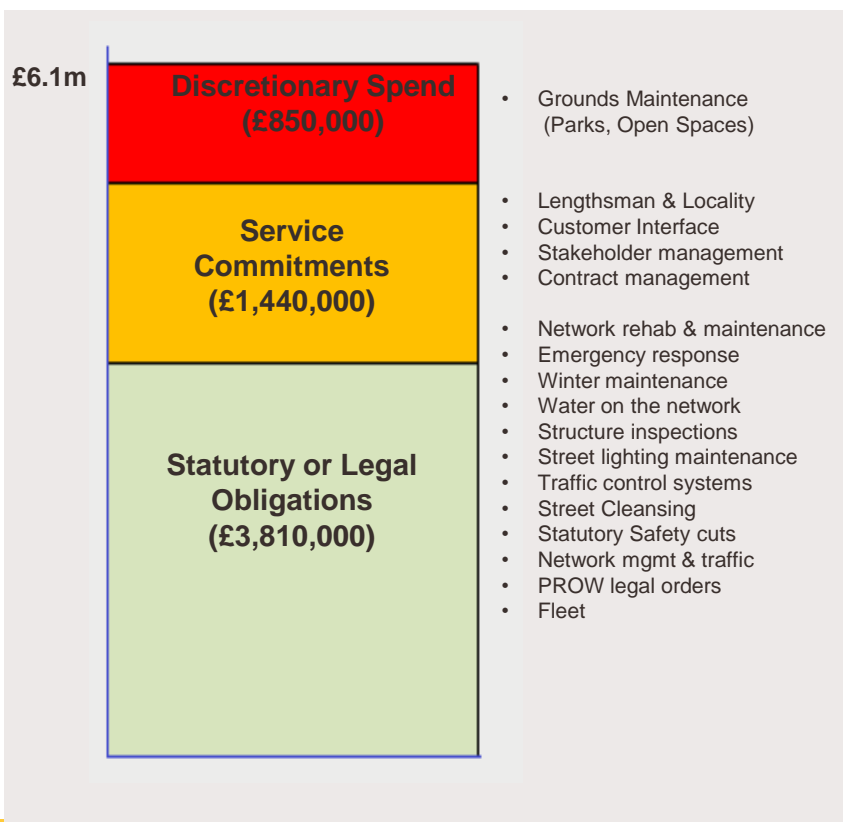
Annual Plan – 2018/19 Service headlines

1. We will protect our statutory and emergency services
2. The grass cutting service will continue to deliver one cut a month
3. We will meet our response times for potholes/ other highway defects
4. We will invest £12m in our assets
5. We will maximise the use of the £6.1m of revenue funding
6. We will improve operational delivery through our control centre
7. We have improved our efficiency to deliver savings

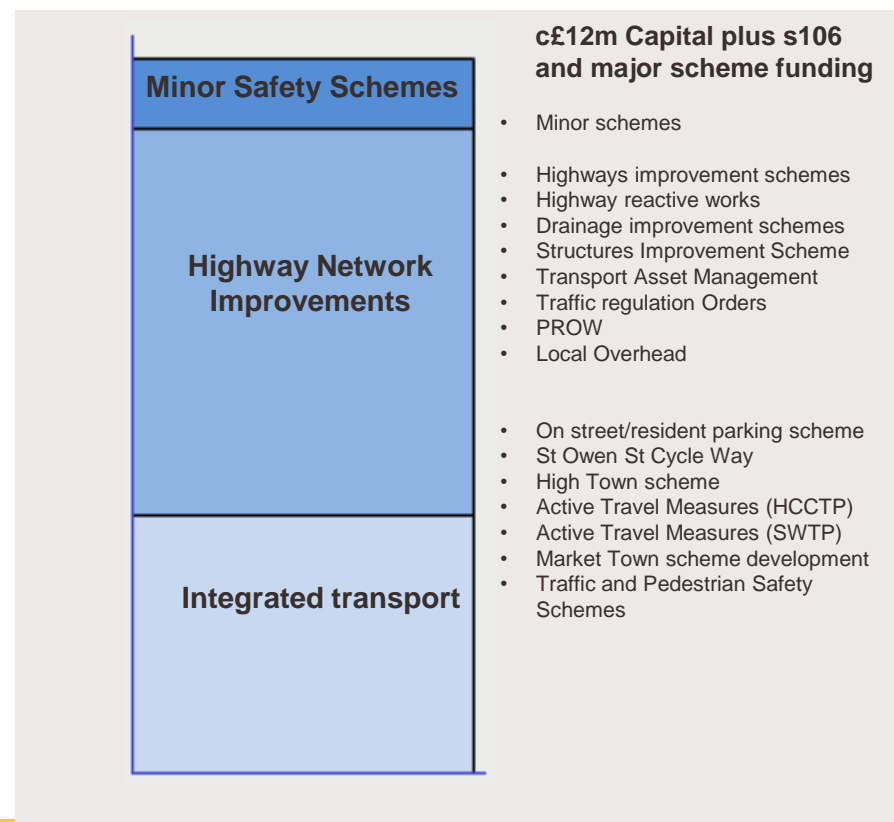
Overview of the Annual Plan 2018/19

Draft Annual Plan – We have a clear budget landscape for 2018/19

Revenue

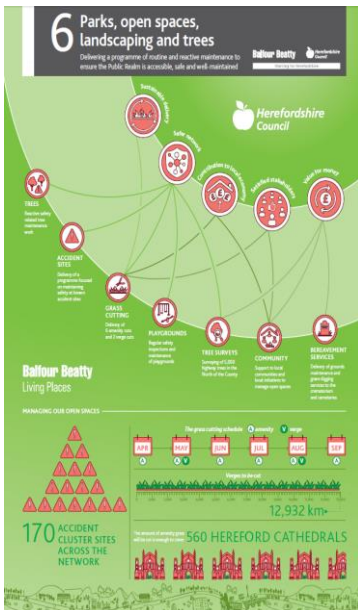


Capital

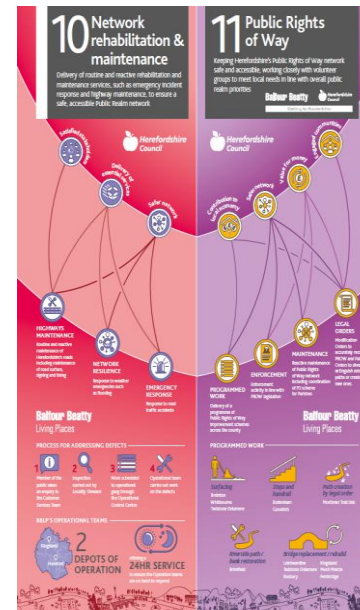


Maintaining the Public Realm

Grounds Maintenance



Highways Maintenance

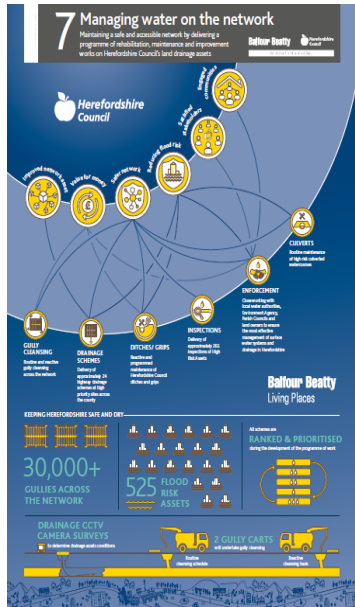


- 2017/18 service levels maintained
- **6 Amenity cuts** across the season
- **2 verge cuts**
- Accident cluster site maintenance

- Maintenance of highway defects to HMP
- Emergency response
- Out of hours service
- Trialling of new materials/ ways of working

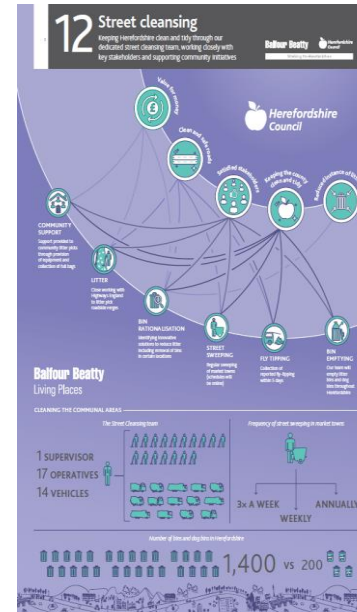
Maintaining the Public Realm

Managing Water on the Network



- 2017/18 service levels maintained
- **2 Gully tankers** in Operation
- Capital Drainage Schemes
- Liaison with landowners
- Culvert/ grill clearance (high risk assets)

Street Cleansing



- 2017/18 service levels maintained
- Reactive gang to undertake litter picking/fly-tip collection
- Litter picking of trunk roads



Meeting:	General scrutiny committee
Meeting date:	Monday, 9 April 2018
Title of report:	Future delivery of museum, library and archive services
Report by:	Cabinet member contracts and assets

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

This report has been prepared for the general scrutiny committee to consider the delivery options for museums, libraries and archives in advance of a decision being made by cabinet and determine any recommendations that it would wish cabinet to consider. In balancing the public interest in this decision and in seeking to not obstruct the council in its business, the general scrutiny committee has sought to call this forthcoming decision in for pre-decision scrutiny.

The purpose, therefore, is to review the key issues regarding the delivery of museums, libraries and archive services operated by Herefordshire Council that will be considered by cabinet on 10 May 2018. The views of general scrutiny committee would be a helpful contribution to the decisions that need to be made in balancing the demands on the council in terms of prudent finance planning with customer needs and expectations.

Recommendation(s)

That:

- (a) **the committee determine any recommendations it wishes to make to the executive to consider.**

Alternative options

1. None.

Key considerations

2. The general scrutiny committee has identified that the future delivery of museum, library and archives (MLA services) as a forthcoming decision on the forward plan, is relevant to the remit of its committee. The general scrutiny committee has exercised its right to call in this cabinet decision in advance of it being taken. When the scrutiny committee has called-in a key decision from the forward plan before its due date, the decision cannot be called-in again after the final decision.
3. The grounds upon which the committee deemed it was appropriate to use its pre-decision call-in relate to:
 - a. The significant (county wide) community interest in this decision as witnessed through previous budget consultation responses, letters, and petitions (including formal presentation to full council in 2016), and
 - b. Seeking the views of representative user groups of these services with a view to considering any recommendations the committee may wish to put to cabinet before final decisions are made.

Service Update

4. A number of cabinet and cabinet member decisions over the last 5 years have set the direction of museums, libraries and archives services. The objective being to retain services important to the public, while making the services more efficient and self-funding where possible.
5. In pursuing the objective of reaching a financially sustainable service an intensive period of change and development has taken place as summarised below.
6. **LGA Peer Challenge** – the Local Government Association was invited to conduct a peer challenge of MLA services. The peer challenge took place in May 2017 and involved interviews with external groups / organisations, councillors and staff. The report and executive response was published on 26 October 2017 as part of a cabinet member report (see appendix one for link).
7. **Plans** - the peer challenge recommended that the council should communicate its plans for the MLA services. Recognising the detail of future direction is outlined in cabinet reports the plans for the individual services were published in October 2017.
8. **Redesign of services** – library and customer services, as a then combined service, were subject to a service redesign in 2017. This was primarily relating to the recommendation in the cabinet report of 13 October 2016 to reduce the customer service offer in the market towns. The museum service was also restructured to direct efforts on the Black and White House as a local attraction generating an income. The wider community services division also conducted a redesign of its management structure to deliver savings.
9. **Libraries** - Weobley, Peterchurch, Leintwardine, Colwall and Belmont libraries now operate as community libraries supported by volunteers, development groups and parish councils. Bromyard Library is operated under contract to Halo as part of a dual use site. Ross-on-Wye Library has received investment to improve its layout and to accommodate

children centre services as outlined in cabinet report of 14 September 2017. Hereford Library has been refurbished and Leominster Library is also due for refurbishment. The public access PC's have been upgraded and Wi-Fi is available in most of the libraries. Self-service machines have also been installed so people do not have to wait to be seen by a customer service officer or library assistant to issue or return a borrowed item (this represented 27% use for February 2018).

10. **Museums** – the Black and White House was re-opened as a chargeable facility in February 2017 after investment in new displays. Hereford Museum is supported by volunteers to offset costs.
11. **Herefordshire Archive and Records Centre (HARC)** - the centre was opened in August 2015, built and financed by the council to house archives and records. The archive service is the principal service, though the centre also includes the archaeology unit, the historic environment records and the biological records with their respective teams. It has also become the planning search centre, the council's data centre, and recently available office space has been adapted to accommodate a multi-agency-office (MAO) to make the most of the building. Some modern records from the council were put in archive store, some of which have now been scanned to be electronically held. There is a continuous availability of a year to 18 months storage as a way of ensuring provision for future archives balanced with efficient use of space.
12. **Volunteering** – the services have a strong track record in being supported by volunteers. This has continued in the last few years where people give their time to locally run community libraries; collections care; archives records; front of house at the museums; development and user groups. Some groups also provide financial contributions and provide opportunity to generate an income. In Colwall additional volunteers and financial contribution from the Parish Council have enabled an increase in opening hours.
13. User numbers for 2017 calendar year for services and sites are outlined below, compared to 2016.

Visitor number	2016 visitor numbers	2017 visitor numbers
Hereford Library	72,474	149,029
Ross Library	103,216	90,653
Leominster Library	93,382	89,441
Ledbury Library	102,434	95,991
Bromyard Library	11,144	53,258
Kington Library	21,436	16,605
Belmont Library	40,170	24,562
Colwall Library	11,629	11,190
Leintwardine Library	2,751	2,902
Weobley Library	2,654	2,609
Peterchurch Library	2,097	2,359
Delivered Services (library)	171 individuals 30 nursing homes	150 individuals 31 nursing homes
Schools Library service	50 schools	36 schools
Black and White House	27,806	10,908
Broad Street Museums	closed	9,137
HARC - search room visits	3,156	2,889
HARC - talks, exhibitions, etc.	4,601	7,108
HARC - distance enquiries	2,523	3,317

Further information on the subject of this report is available from
Natalia Silver, Tel: 01432260732, email: nsilver@herefordshire.gov.uk

Note:

Due to a period of closure for Hereford Library in 2016 users number were down with alternative site provided at the Town Hall, while Belmont saw an increase in use.

The Black and White House was closed for February and March in 2017 for refit and charging increased which could account for the decrease in visitors.

Bromyard increase due a different system of counting visitors as a result of longer opening hours.

Schools library service based on primary school SLAs.

Issues to be addressed

14. **Libraries and customer services savings plans** - the October 2016 cabinet decision approved a series of actions that delivered a saving for the service of £510k. This contributes to the saving requirement contained in the Medium Term Financial Strategy of £760k which left a residual of £250k to find. During the course of the last two years additional decisions, operational and managerial savings have contributed to reducing the residual to £65k as the table below outlines:

Library Service	£000		
	2017/18	2018/19	2019/20
Savings in the MTFS	380	380	0
Savings achieved	360	315	0
Remaining to be achieved	0	65	0

15. Potential short term options to address the residual savings requirement as outlined below with estimated saving:

- Further reduce opening hours across sites – reduced hours were implemented in 2014 and have not changed since.
Estimate savings: £31k (based on closing one additional day in each of Ross, Leominster, Hereford and Ledbury).
- Reduce the book fund – the book fund enables the purchase of new stock and electronic resources and has been previously reduced.
Estimate savings: £20k (based on 10% of the book fund).
- Renegotiation of IT system – the library management system is up for renewal and there is potential to renegotiate the cost of the system.
Estimate savings: £20k (at least, variable depending on procurement).
- Rental space at Hereford Library – office space available for rent to a third party to create an income.
Estimate income: tbc.
- Explore other options for earned income across sites depending on suitability, e.g. commercial café.
Estimated income: £15k (needs to be tested in the market).

16. **Museum and Archive Service** – the target savings of £500k was set in the MTFS to be achieved by 2019/20 financial year. A £222k saving plan was agreed by cabinet in the report of 10 March 2016. This includes a mix of savings and income generation mainly from the museum service. Whilst management and operation changes contributed to the saving target in the last 2 years, income generation (ticket sales and merchandise) from the Black and White House may not achieve its 2018/19 target:

Museum and Archive savings	£000		
	2017/18	2018/19	2019/20
Target	100	150	250
Achieved	100	129	0
Savings to find	0	21	250

17. Potential short term options are:

- Reduce opening hours of the search room by one day a week to the public. Mondays are already closed to the public and a review can take place to understand the quietest day whilst also catering for people who need to access the service out of working hours.
Estimated saving: £8k based on one staff day cover.
- Black and White House – drive increasing footfall to the museum to generate an income to support other parts of the service. This would need investment in some additional marketing.
Estimated income: £20k (£40k income offset with £20k investment).
- Car Parking HARC – to be cost effective this needs to have low management requirement and not affecting parking impacts in the local area and consideration given to regular local users and volunteers.
- Estimated income: £5k (based per search room visit / events).
- Additional charging linked to access to the archives and digital records, and room hire.
Estimate income: £10k.

18. The combination of these will not fully achieve the full savings requirement in the MTFs.

Museum Resilient Project

19. Herefordshire Council in partnership with Herefordshire Museum Service Support Group (HMSSG) was awarded funding from Heritage Lottery to review opportunities for the museum service with an aim of meeting the challenge of changing audiences and budget reductions to create a sustainable service. The funding was used for staff training, funding strategy, fundraising activity and feasibility work. The latter was commissioned to a company called Prince and Pearce, with the final Museum Resilient Report (full title: The Future Resilience of Herefordshire Council Museum Service) published on the council website (see appendix 1 for link). In summary its findings recommend, that:
- the museum service is outsourced to a host organisation
 - after a period of time a separate trust is potentially established for the museum service
 - five years of planned council funding is invested over three years giving early investment to an outsourced service with other sources of funding
 - staff are Tupted to the host organisation to concentrate on their skill set of managing collections and hosting exhibitions, whilst the expertise of the host organisation is maximised to create a more commercial footing for the service and use of back office services.

Externalisation of service

20. In October 2016 cabinet decided to run a soft market test for the operation of the library service. A trust option was outlined in the cabinet report of March 2016 on the museum service, and in October 2017 the cabinet member decided to extend the soft market test to museums and archives. Soft market testing is a commonly used tool to gauge the market interest in operating services and helps inform decision making and options for

procurement process. This is not a procurement in itself with the suppliers providing feedback voluntarily in commercial confidence.

21. The soft market test took place toward the end of 2017 and the feedback results are published on the council website (see appendix one for link). There were 14 expressions of interest with five submissions received - one of these submissions was a statement rather than a completed form. The remaining four submissions were from two local organisations and two that operate out of the county. All four have a track record in running cultural / leisure services, and all would be interested in the full range of services. One submission outlined setting up a new “sister” trust, the others looked at services being part of their own operation as the lead provider but with potential partners.
22. The council has a statutory duty to provide a library service (see legal section) though no minimum provision is specified. There is also a range of legal requirements linked to the archive service. These requirements would be included in any specification / contract along with any other important element related to service level. It would be expected that the historic artefacts and archives are retained in the ownership of Herefordshire Council (with some items held by the council but not owned by the council).

Hereford Library and Museum

23. In January 2017 Hereford Library and Museum reopened after refurbishment. Further works have been authorised to repair the roof, with work due to start in May and complete by July 2018, and then some redecoration works particularly in the Woolhope Club room. After these works there will remain in the region of £230k from the original allocation of £1m.
24. Hereford Library Users’ Group (HLUG) presented proposals for the redevelopment of the site, with cabinet response on 9 May 2016 for HLUG to progress their plans to return to the council with worked up proposals within a two year time scale, with the council holding funds to match any capital raised for development of the building. Under “31 Broad Street Project” HLUG developed feasibility with the financial support of a council grant as part of the Library and Museum Fund. However, in September 2017 HLUG advised it had decided not to continue with the project at the current time as it believed there was a conflict with the Museum Resilient Report being conducted. To date any spend on essential works and refurbishment has been funded by council.
25. The following options for the remaining spend for Hereford Library and Museum Building are:
 - Cease capital spend on Hereford Library
Saving: £230k.
 - Bring into use the first floor space currently underutilised with spend on fixture, fitting and access to create a flexible space. To include a public study space, an area for multi-agency-office (six desks), chargeable events/activities and history displays to support Herefordshire History websites, display items from the museum and archive collections
Estimate cost: £150k
 - Use as match funding to expose the roof light of historic importance but as aesthetic rather than essential would look to external funding
Estimated cost £30k as match funding (total cost in the region of £100k).
26. **Archives held at HARC** – there are approximately 1 year to 18 months of available space for archive records (see above). However, some archives are stored at HARC on behalf

of estates and families but permission has not been given to be available to the public. Therefore the options are:

- To negotiate with the families / estates to be made available for public use
- To charge for their storage if not available to the public
- Relocate to closed storage as a cheaper option
- Return to the family.

Schools library service - The school's library service has been operated by the council for many years. However, there has been a decline in the schools purchasing the service having an effect on the income target of £66k. The decline is likely due to schools having to make choices regarding their expenditure and the nature of how children access books. It is proposed a review of service takes place to consider any future option in consultation with the schools.

Community impact

27. In relation to this report in accordance with the council's code of corporate governance, Herefordshire Council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making. The council achieves its intended outcomes by providing a mixture of legal, regulatory, financial 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.

Equality duty

28. 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.
29. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.
30. The recommendation in this report does not have an impact on protected characteristics; though this will be considered in any recommendation to cabinet based on service change.

Resource implications

31. The above information outlines issues regarding resourcing, including savings achieved and future residual savings targets. The following information gives an outline of expenditure:

Service / function	£							
	Rent	Rates	Utilities	Revenue Budget	Income	Staffing	County Book Fund	Total
Hereford Library / Museum	0	20,699	6,389	2,822	-27,912	147,740	54,019	203,757
Ross Library	-19,300	21,553	6,554	1,795	-14,552	112,491	25,496	134,037
Leominster Library	188	24,908	6,104	1,002	-17,067	127,611	32,765	175,511
Ledbury Library	0	7,107	0	4,796	-15,172	47,274	13,363	57,368
Kington Library	0	5,825	2,740	141	-1,440	18,588	7,916	33,770
Bromyard Library	0	0	0	18,038	-1,382	4,276	6,215	27,147
Schools and Delivered Library Services	0	0	0	11,401	-66,093	99,057	33,301	77,666
Community libraries	1,029	0	0	0	-13,637	0	17,484	4,876
County Library Team	0	0	0	91,569	0	209,560	15,440	316,569
Black and White House	0	7,511	586	12,350	-40,800	52,700	0	32,347
Heritage Management / collections	0	38,320	4,166	10,430	-14,016	67,690	0	106,590
HARC / Archive Service	0	167,063	20,209	20,680	-28,545	240,000	0	419,407
MLA management	0	0	0	5,524	0	104,458	0	109,982
Grand Totals	-18,083	292,986	46,748	180,548	-240,616	1,231,445	205,999	1,699,027

Notes:

- Figures are rounded up.
 - Site costs are based on actuals for 2016/17 financial year and revenue based on 2018/19 budget.
 - That the staffing for market town libraries is with north and south teams which work flexibly across sites. North: Kington and Leominster; South: Ledbury, Ross and Colwall.
 - Hereford Library is typical rates for the year. 2016 received a rates rebate due to not being open.
 - Community libraries – a high level of income is shown because the council receive an income from Colwall Parish Council to pay for staffing. Small levels of income are from stock charges. Not shown is the contribution from the county library service to the community libraries for stock management, training and IT access.
 - The county book fund is one budget but shown here as divided between the sites and serviced to give the value of operating costs
 - The cost of running the county courier services is included in the delivered services costs as an integrated cost.
32. Options as outlined above will also impact on corporate costs, primarily:
- Reducing opening will result in reduction of staff pay and potential redundancies
 - Only the closure of sites will have an impact on premise costs such as IT and utilities. The reduction in hours will have little impact on these costs.
 - Management costs have been reduced significantly in the last year which will impact on the some delivery and strategic work, or supporting the co-ordination and reporting to user and development groups
 - Project management cost likely for any external procurement.
33. A consideration based on the options outlined above is charity rate relief. Registered charities can receive an 80% mandatory relief on business rates if the property is used for charitable purposes. Registered community amateur sports clubs (CASCs) are also entitled to 80% relief on any non-domestic property that is mainly used for the purposes of

that club. Groups / charitable organisations may also be entitled to up to 20% discretionary rate relief top up. The council receives a proportion of the rates at 49% of the current billed amount, therefore with rate charge of the £292k paid by the council for MLA services £143k is retained by the council as income. Therefore, a net cost saving would be £149k if the building was successfully transferred to an organisation eligible for rate relief. However, from 2020/21 the arrangement is set to change with Herefordshire Council retaining 75% of rates, which means the savings will fall to £73k.

Legal implications

34. Section 7 of the Public Libraries and Museums Act 1964 (PLMA 1964) states that 'it shall be the duty of every library authority to provide a comprehensive and efficient library service for all persons desiring to make use thereof.' When fulfilling its duty under section 7, a local authority must have regard to the desirability:
 - Of securing that facilities are available for the borrowing of or reference to books and other printed matter, pictures, gramophone records, films and other materials
 - That these facilities are sufficient in number, range and quality to meet the general and special requirements of adults and children
 - Of encouraging children and adults to make full use of the library service.
35. If the secretary of state is concerned that a library authority is in breach of this duty s/he may order a public inquiry. The remodelling of library services across the country has generated several legal challenges in years. These legal challenges have tended to focus on whether the authority has complied with its obligations under the Equality Act 2010 - the public sector equality duty (PSED). This duty imposes a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation). In particular, the council must have due regard to the PSED when taking any decisions on service changes. However, it is also recognised that local authorities have a legal duty to set a balanced budget.
36. The archive service is not a statutory service but does support the legalisation the council is required to comply with:
 - Local Government (Records) Act 1962 - discretionary powers for local authorities to provide certain archives services. Section 1(1) of this act says that 'a local authority may do all such things as appear to it necessary or expedient for enabling adequate use to be made of records under its control'. The act was amended in 2003 to cover all county councils, all London boroughs, metropolitan districts and unitary councils.
 - The Local Government Act 1972 (s.224) requires local authorities to 'make proper arrangements with respect to any documents that belong to or are in the custody of the council of any of their officers'. In 1999 the Department for the Environment, Transport and the Regions (now the Department for Communities and Local Government) issued guidance on the interpretation of the term 'proper arrangements'.
 - Additional requirements with regard to access to information in records and archives, affecting local and regional authorities, relates to the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations. These include a statutory right for the citizen of access to information, subject to certain exemptions and conditions.

37. The library and museum site at Broad Street is in the ownership of the council but is subject to covenants on the title, restricting its use, such that it cannot be used ‘for any purpose whatsoever other than for the purpose of a free library’.

Risk management

38. There is minimum risk based on the recommendation, and future risk will be based on recommendations to cabinet. The below outlines some of the potential risks:

Risk / opportunity	Mitigation
Unable to achieve savings targets outlined in the MTFs impacting on the council’s prudent budgeting.	Future plan for income and savings plans.
External supplier not meeting the needs of customers and council requirements.	Specification requirements included in tender documents and contracts.
Judicial review based on reduced library service.	Impact assessment and consultation on any major change to service level.
Reputation risk based on reduced service.	Full consideration of impacts of reduced service.

Consultees

39. Consultation has taken place with key user and interest groups through:
40. **LGA Peer Challenge** for Museums, Libraries and Archives (May 2017). During the course of the peer challenge the team spoke to more than 45 people including a range of council staff, councillors, external partners and stakeholders including the HLUG, JAHL and Friends of Herefordshire Archive. The results are included in the peer challenge report.
41. **Museum Resilient Report** run in partnership with the HMSSG (January 2018). During the course of the study 38 people were consulted including museum staff and relevant council officers, along with 18 representatives of external groups including HLUG, Friends of Herefordshire Archive, and JAHL.
42. **Feedback for the Museum Resilient Report and Soft Market Test** (March 2018). Responses received from Unison, Ross Library Development Group, HMSSG, JAHL, Friends of Herefordshire Archive, Hereford Library Users Group (HLUG), Woolhope Naturalists’ Field Club, there were also staff comments.
43. Three key questions were asked (see below for responses) and the respondees were able to add any additional comments with 41 pages of responses:

Stakeholder responses	yes	no	Not stated, don’t know or other
Do you agree with the principles for the way forward outlined in the Resilient Heritage Report?	1	2	4
Do you agree with the preferred operating model in the Resilient Heritage Report?	1	2	4
Do you agree with the conclusions of the soft market test?	1	6	-

44. Concerns raised with externalising the services included:
- The assets and objects should not be managed by an external company
 - Any change should bring the museum, library and archive services together
 - The services should be recognised for their difference and distinctness and treated separately
 - Level of funding of concern and should not be an expectation of zero funding
 - Accountability of an external organisation
 - Not experience in museums or archives
 - Lack for financial justification
 - Need stability in the services
 - Concerns over future staffing
 - Not enough detail to make comment
 - Specification requirement included to protect services.

Appendices

Appendix 1- Summary of decisions and documents

Appendix 2 – General Scrutiny Committee presentation Museums, Libraries and Archives
9 April 2018

Background papers

None

Appendix 1 Summary of decisions and documents

The following reports and documents are relevant to the consideration in General Scrutiny Report on Museums, Libraries and Archives - all the reports / documents are published and available through the Herefordshire Council website.

Title	Date
<p>Options for Museums, Customer Services and Libraries (cabinet report) The purpose of this report was to present to cabinet the options for the future operation of museums, customer services and libraries and in the light of budget pressures and changing trends in accessing services; and for cabinet to make a decision based on the options presented. A series of service changes were agreed based on operating a core service model.</p>	19 September 2013
<p>Customer Services and Libraries (cabinet report) The purpose of this report was to outline options for customer services and libraries in the light of continued budget pressures and for cabinet to consider future delivery of centres and services for implementation in 2015/16. Service changes were agreed through recommendation, including combining Hereford Library and Hereford Customer Services though on consideration this was not progressed.</p>	23 January 2014
<p>Hereford Library and Museum (cabinet report) The purpose of this report was to consider implications and choices regarding Hereford library and museum in light of its current temporary closure and impacts on overall library, museums and customer services provision. The decision agreed capital works on Hereford Library and invited the Hereford Library Users' Group (working with other relevant stakeholders) confirm by the end of February 2016 options for the library.</p>	3 December 2015
<p>Museum and Archive Services (cabinet report) The purpose of this report was to consider initial options for future operation of the museum and archive service, specifically savings and income plan, agree investment in the Old House (now renamed Black and White House), and longer term options for future sustainable delivery of the service be developed to include exploration of trust, transfer and shared service arrangements with suitable heritage partners. The report outlined the principles of the library and museum support fund.</p>	10 March 2016
<p>Hereford Library and museum response (cabinet report) The purpose of this report was to consider the response to the proposals submitted by Hereford Library Users' Group (HLUG) regarding the future operation of Hereford library and museum. The decision was to conduct necessary capital works and remaining funds to be used as match funding for a development scheme, led by HLUG or other partner, subject to the development scheme progressing within a two year period.</p>	9 May 2016
<p>Customer Services and Libraries (cabinet report) The purpose of the report to present the model for future operation of customer services and libraries across the county to go some way to meet the MTFS targets. This led to the decision to retain library service in Hereford city and the five market towns with an appointment based approach in the market towns customer service function; Belmont Library becoming a community library and Bromyard library managed under contract by Halo; capital investment in Ross and Leominster libraries; and soft market test of the library service.</p>	13 October 2016
<p>Response to the LGA Peer Review of Museums, Libraries and Archives (cabinet member report) The purpose of the report was to outline progress in the service areas of museums, libraries and archives in light of the recommendations of the LGA (local government association) peer challenge; and associated decisions in relation to the services under review. The report covered key activity relating to</p>	26 October 2017

<p>the delivery of the LGA recommendations specifically in terms of producing plans outlining the service and process for exploring outsourcing the services. The report also seeks agreement of two key expenditure items relating to the services – namely requirements to repair the roof in Hereford to prevent weather damage and one-off investment in the Weeping Window project. The decision included work for Hereford Library roof and maintenance work be undertaken at a cost of no more than £200k capital expenditure.</p>	
<p>Soft Market Test Feedback The feedback document brought together submissions made by four organisations who provided information. Soft market test is a commonly used tool to understand the interest in operating services with information submitted voluntarily by companies (this is not a procurement). The soft market test was launched on 7th November 2017 with a deadline of 4th January 2018.</p>	<p>24 January 2018</p>
<p>Museum Resilient Report The report was commissioned by Herefordshire Council in partnership with HMSSG (Herefordshire Museum Service Support Group) with funding from Heritage Lottery. The work was conducted by Prince and Pearce to review the options for the museum service to support sustainability of the service.</p>	<p>24 January 2018</p>

General Scrutiny

Monday 9th April 2018

Museums, Libraries and Archives

Decisions

Title	Date
Options for Museums, Customer Services and Libraries (cabinet report)	19 September 2013
Customer Services and Libraries (cabinet report)	23 January 2014
Hereford Libraries and Museums (cabinet report)	3 December 2015
Museum and Archive Services (cabinet report)	10 March 2016
Hereford Library and museum response (cabinet report)	9 May 2016
Customer Services and Libraries (cabinet report)	13 October 2016
Response to the LGA Peer Review of Museums, Libraries and Archives (cabinet member report)	26 October 2017

68

Consultation

Title	Date
Customer Services and Libraries Public consultation - 3,457 responses	During June and July 2013
Customer Services and Libraries – public consultation 2,254 survey responses and 71 face to face interviews	During June, July, August 2016
Children Centre buildings Public consultation – 513 responses	During June and July 2017
LGA Peer Challenge Museums Libraries and Archives Stakeholder consultation	May 2017
Museum Resilient report in partnership HMSSG Stakeholder consultation	November 2017
Soft Market Test – with suppliers	Nov-Dec 2017
Feedback on Museum Resilient Report and Soft Market Test Stakeholder consultation	January 2018
Activity and feasibility by user and development groups funded via the Museum and Library Support Fund	2016-17

User numbers

Visitor number	2016 visitor numbers	2017 visitor numbers
Hereford Library	72,474	149,029
Ross Library	103,216	90,653
Leominster Library	93,382	89,441
Ledbury Library	102,434	95,991
Bromyard Library	11,144	53,258
Kington Library	21,436	16,605
Belmont Library	40,170	24,562
Colwall Library	11,629	11,190
Leintwardine Library	2,751	2,902
Weobley Library	2,654	2,609
Peterchurch Library	2,097	2,359
	171 individuals	150 individuals
Delivered Services (library)	30 nursing homes	31 nursing homes
Schools Library service	50 primary schools	36 primary schools
Black and White House	27,806	10,908
Broad Street Museums	-	9,137
HARC - search room visits	3,156	2,889
HARC - talks, exhibitions, etc	4,601	7,108
HARC - distance enquiries	2,523	3,317

70

Budget

Sites and Services	£							
	Rent	Rates	Utilities	Revenue Budget	Income	Staffing	County Book Fund	Total
Hereford Library / Museum	0	20,699	6,389	2,822	-27,912	147,740	54,019	203,757
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Kington Library	0	5,825	2,740	141	-1,440	18,588	7,916	33,770
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Community libraries	1,029	0	0	0	-13,637	0	17,484	4,876
County Library Team	0	0	0	91,569	0	209,560	15,440	316,569
Black and White House	0	7,511	586	12,350	-40,800	52,700	0	32,347
Heritage Collections	0	38,320	4,166	10,430	-14,016	67,690	0	106,590
HARC / Archive Service	0	167,063	20,209	20,680	-28,545	240,000	0	419,407
MLA management	0	0	0	5,524	0	104,458	0	109,982
Grand Total	-18,083	292,986	46,748	180,548	-240,616	1,231,445	205,999	1,699,027

Key activity

- Investment in Hereford and Ross Libraries, Black and White House and due in Leominster
- 6 out of 11 libraries community or contract operated
- Customer Services in market towns moving to appointment basis
- LGA Peer Challenge for services
- Published plans for each service
- 72 • Use of HARC and charging at Black and White House
- Museum / heritage resilient funding
- Specific projects and funding – Ross Gazette, Rotherwas Women, Hatton Centenary
- Reduction in management costs
- Library and Museum Support Fund
- Links with children centres

Like Share Suggest Edits ...

particularly the Ross Library Development Group who generously contributed £200 to help secure the HLF funding.

 **The Ross Gazette**
24 January at 01:19 · 🌐

We are delighted to announce we have been awarded a Heritage Lottery Fund for our archive project thanks to money raised by the National Lottery Players.



The Ross Gazette Archive Project wins National Lottery support

An award of £70,000 has been made from the Heritage Lottery Fund (HLF) to the Ross Gazette Archive Project in Ross-on-Wye.

Saving summary

Library Service	£000				
	2017/18	2018/19	2019/20	Totals	Agreed
Savings in the MTFS	380	380	0	760	
Savings achieved	380	315	0	695	510
Savings to find	0	65	0	65	
Museum and Archives					
Savings in the MTFS	100	150	250	500	
Achieved	100	129		229	222
Savings to find		21	250	271	

73

Short term options

Opening:

- HARC
- Black and White House
- Library hours

74

Efficiencies:

- Book fund spend
- IT system

Earned income:

- Charges, sales, rent space

Other issues

- Hereford Library capital investment:
 - Cease capital activity
 - Bring 1st floor room into use
- Non-public archive held at HARC
- Schools library service

75

Museum Resilient Report

Outline

- Funded by Heritage Lottery / partnership with HMSSG
- Operate the museum service by a host
- 5 year funding in 3 years as investment
- 76 ■ Objects remain in the ownership of the council

Risks

- What happens if fails in year 4
- How links to other services e.g. shared sites
- How links to wider externalisation of the service
- Relies on other sources of funding

Externalise service

- **Local examples**

- Halo and The Courtyard, community libraries

- **Comparables**

- Explore York – libraries and archives
- Hull Culture and Leisure – libraries and museums
- Inspire (Nottinghamshire) – libraries, heritage and archives
- South West Heritage trust – museums and archives
- Vivacity Peterborough – museums, libraries and archives

- **Soft market test showed**

- Potential market competition
- Type of organisation
- Commercial opportunities

77

Concerns

Issue	Potential mitigation
Historic objects and archives in the ownership of a private company	Ownership retained by the authority
Meeting legal obligations	Part of tender specification
Zero subsidy expectation	Tested through procurement / commercial opportunities
Standard of service reduced	Contract performance and customer power
Future for staff	Standard TUPE arrangements
Not experienced in services	Retain specialist and maximise supplier skills
Three distinct services	Have distinct requirements

Feedback from General Scrutiny

- View of short-term savings
- Hereford Library and managing archive
- ⁷⁹ ■ Externalise services and museum resilience



Meeting:	General scrutiny committee
Meeting date:	Monday, 9 April 2018
Title of report:	Work programme
Report by:	Governance services

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose and summary

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 a replacement appointment to the Minerals and Waste standing panel;
- (c) the committee considers establishing a task and finish group on highway maintenance – pothole repairs to undertake the work outlined in the draft scoping statement (Appendix 2) and the membership be confirmed
- (d) 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
- (e) the committee decides whether there is any matter for which it wishes to exercise its powers of co-option.

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

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.

Key considerations

Draft work programme

- 2 The work programme needs to focus on the key issues of concern and be manageable. It must also be ready to accommodate urgent items or matters that have been called-in.
- 3 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.
- 4 On 29 January the committee identified the following as possible items for inclusion in the work programme: Museum, Library, Archive Service (MLAS) delivery proposals and Hereford Transport Package Options - phase 2. Following discussion with the statutory scrutiny officer a report on the MLAS has been included on the agenda for the committee's meeting on 9 April to enable any recommendations the committee may have to be submitted to cabinet for consideration in May.

Hereford Transport Package Options – Phase 2

- 5 In terms of the Hereford Transport Package Options - phase 2, the report to cabinet on 18 January 2018 stated that: "Subject to cabinet's approval to the recommendations in this report, consultation will commence in February for a period of six weeks. A further report will then be presented to cabinet setting out feedback to this consultation and a recommendation for a preferred route for the bypass and a package of active travel measures for consideration. It is a matter for the general scrutiny committee to determine, but it may choose to exercise its right to pre-decision scrutiny of that decision.
- 6 The provisions in the Constitution relating to pre-decision scrutiny are set out at section 4.5.90 on. Members are reminded that in order not to obstruct the council in its business, the scrutiny committee may call in an executive decision in advance of its actually being taken. Where the scrutiny committee has called-in a key decision from the forward plan before its due date, the decision cannot be called-in again after the final decision has been taken."

Minerals and Waste Standing Panel

- 7 On 11 July 2017 the Committee appointed a standing panel to maintain a watching brief as proposals for the Minerals and Waste local plan develop. Following Councillor Swinglehurst's change of role a vacancy there is a vacancy on the Panel. Members of the Committee are invited to consider whether one of them would wish to fill this vacancy.

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

- 8 The current draft work programme is attached at appendix 1.

Constitutional Matters

Task and Finish Groups

- 9 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.
- 10 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 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.
- 11 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).

Proposed Task and Finish Group – Highway Maintenance – Pothole Repairs

- 12 Further to the Committee's meeting in January the Chairman has proposed that a task and finish group be established to examine this issue. A draft scoping statement is to follow.

Co-option

- 13 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.
- 14 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

- 16 A schedule of recommendations made in 2017/18 and action in response to date is attached at appendix 3.

Forward plan

- 17 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.

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

Forthcoming key decisions are also available to the public under the forthcoming decisions link on the council's website:

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

Community impact

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

Equality duty

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

Resource implications

20 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

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

Risk management

22 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

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

Appendices

Appendix 1 – Draft work programme

Appendix 2 – draft scoping statement – review of highways maintenance pothole repairs (to follow)

Appendix 3 – schedule of general overview and scrutiny recommendations made and action in response 2017/18.

Background papers

- None identified.

General Scrutiny Work Programme 2017/18

Meeting/items	Purpose	Comment	Notes
• TBC	Minerals and Waste Panel Report on draft Minerals and Waste Plan		Cabinet member decision due 11 June
• TBC	Community Safety		
• 11 June 2018			
	<i>Hereford Transport Package Options phase 2</i>		
• 10 September 2018			
	Hereford Area Plan <i>Highway Maintenance – pothole repairs – T&F report</i>		Provisional Cabinet member decision 10 September but expected not to Council until December at earliest.
• 30 November 2018			
	economically themed meeting to include a range of initiatives included in the economic vision (see below) Review of Economic master plan. Consider Development Partnership outline work programme		

	Marches Draft Strategic Economic Plan		
<ul style="list-style-type: none"> • 28 January 2019 • 8 April 2019 			
Unallocated			
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.
Waste Contract review (t&f) in preparation for end of current contract in 2023.			
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)			Suggested this is too broad and consideration be given to this at the next scrutiny work planning session.

(GSC 11 September 2017) It was requested that further consideration be given to the inclusion of the delivery of housing growth targets in the work programme.			
Review of the introduction of on-street parking in Hereford City to assess amongst other things whether the economic benefits were outweighing the costs. (see 13/11/17)			
construction and facilities management (see 13/11/17)			RESOLVED: That (a) a further report/scoping statement be presented to the Committee to enable it to decide how it wishes to be involved in any further consideration of this matter and to what timetable and to include a review of matters of concern identified during the debate;
Unallocated cross-cutting review suggestions Support for voluntary sector Young Carers			

Budget and policy Framework Minerals and waste local plan			
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Briefing notes requested	Comment
Approach to appeals against planning decisions – whether the council should seek costs more regularly?	Briefing note to establish current approach. Review need for further consideration in light of advice received.

Schedule of General Overview and Scrutiny Committee recommendations made and action in response (May 2017 on)

68

Meeting	item	Recommendations	Action	Status
11 July 2017	Sustainable modes of travel to school strategy	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;	Cabinet response 18 January 2018 The table setting out targets will be updated to demonstrate show the link to objectives. (Page 16)	To update
		(b) the wording in relation to the vacant seat payment scheme should be modified	The table setting out targets will be updated to demonstrate show the link to objectives. (Page 16)	
		(c) the strategy should contain a clear timetable for review of the strategy;	Timetable for review has been added. (Page 19)	
		(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;	In addition to officers promoting up to date travel plans and providing support directly to schools, local members will also be engaged to promote travel plans in their local communities. (Included in Action Plan at page 16)	
		(e) officers be requested to liaise with public health colleagues to	Liaison between officers has commenced with officers from public health and this is enabling	

		assist in the development of effective targets;	closer coordination between the SMOTS and public health objectives. (Included in the Action Plan at page 16)	
		(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;	Any data relevant to the SMOTS will be made available to schools and will be used to help encourage schools to engage in travel planning.	
		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;	The SMOTS has been updated to include the most recent robust school travel data set (Page 9). The action plan addresses how we will explore additional data sources, including NHS data to assist with implementing the SMOTS (Page 16).	
		(h) accident information in the strategy and methods of data collection should be clarified;	Accident information is collected by the police using their own reporting system. The accident data is then passed over to the Department for Transport for release to the public. Detailed methodology on how this happens can be found on the Government's website on the link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259012/rrcgb-qualitystatement.pdf	
		(i) the executive be requested to seek support from local MPs to assist in resolving transport issues and that their attention	A letter has been drafted from Cabinet Member for Transport and Roads and from the Cabinet Member for Young People and Children's Wellbeing.	

		should be drawn to the value that Plasc surveys had previously been in assessing needs;		
		(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 9)	
		(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 16)	
		(l) the executive is requested to ensure that an implementation plan translating strategy into action was developed to accompany the strategy;	An implementation plan will be developed for delivery to a pilot school by 2019. (Page 16)	
		(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.	

		(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.		
	Herefordshire local flood risk management strategy	That (a) the strategy should recognise the importance of clear and effective communication of responsibilities in respect of all relevant parties;	Response considered by cabinet 28 September 2017 <i>a: Accepted – there is already a section on communication (7.2) which addresses this point</i>	
		(b) the executive be advised of the importance of preparing a joined up implementation plan;	<i>b Accepted – this will form part of the action plan.</i>	
		(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;	C Accepted – this is already covered under section 10, particularly these summary actions: Work collaboratively through the Natural Flood Management Partnership for the River Lugg and Wye to deliver the Wye Nutrient Management Plan and influence land use and management practices to reduce the risk of flooding and deliver wider environmental benefits; and Work with landowners, communities, Town and Parish Councils, NFU, the Country Land and Business Association (CLA) and other similar organisations to promote changes in agricultural land management practices, which can reduce the impact of flooding and provide	

			opportunities to incorporate wider benefits.	
		(d) a public facing document be produced setting out what to do in the event of flooding and relevant legal remedies for those affected;	d Accepted – this will form part of the non-technical summary (easy reference guide summary document).	
		(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	e Accepted – this will be captured within the 'Water on the Network' Annex of the Annual Plan.	
		(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.		
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 to finalise the submission on the committee's behalf following consultation with the chairman and vice-chairman of the	Response submitted. Submission to PCC made by Executive opposing PCC proposal. Home Office approve PCC proposal 26 March 2018.	

		committee.		
11 September 2017	Travellers' Sites Development Plan Document	<p>RESOLVED:</p> <p>That (a) the executive be recommended to consider whether an additional temporary stopping place should be identified;</p>	<p>Cabinet Response 28 September 2017</p> <p>(a) The occurrences of unauthorised encampments across the county will continue to be monitored and this information will feed into future reviews of the GTAA and be a relevant factor in consideration of the need to review the DPD. The effectiveness of providing the temporary stopping place at Leominster will also be monitored.</p>	To update
		<p>(b) co-operative working with neighbouring authorities should be pursued;</p>	<p>(b) Agreed, local planning authorities are required to cooperate with neighbouring authorities, engage constructively, actively and on an ongoing basis with regard to relevant strategic matters under the Localism Act.</p>	
		<p>(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;</p>	<p>c) it would be beneficial to expand on the text in paragraph 4.20 – 4.25 to clarify the purpose and characteristics of this type of site. This will now refer to a management policy that will explain how the temporary stopping place will be managed by the Licensing, Traveller and Technical Support team. A management policy for the site will be produced in consultation with the Police to ensure that a fair, transparent and accountable method of allocating pitches on the temporary stopping place is set out. The lengths of stay for each encampment will be negotiated on a case by case basis but will not</p>	

			exceed 14 days.	
		(d) consideration be given to specifying when a review of the policy should be conducted;	(d) Response – Agreed, it is recommended to strengthen section 7 to refer to a five yearly review of the accommodation requirements of travellers. It is also recommended to include reference to the monitoring of the effectiveness of the policies through the Annual Monitoring Report using the following indicator: <ul style="list-style-type: none"> • The amount of new traveller pitch commitments and completions. Finally it is recommended that the records of both unauthorised encampments and turnover of site kept by the council are reviewed to help monitor the effectiveness of the policies.	
		e) dialogue continue with the Showmans' Guild to identify an appropriate site to meet their needs;	e) Response – Agreed, officers will continue to engage with the Showmans Guild in order to help identify and bring forward sites to meet the identified requirement. The progression of the draft plan to adoption will not prevent such a site being brought forward during the plan's lifetime.	
		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;	f) Response - Legal advice has been sought on the suitability of this process in relation to this matter. CPO could be used in the context of gypsy and traveller sites and there are several acts which enable public bodies to compulsory purchase land for a particular purpose but they would have to justify and	

			<p>demonstrate that the required criteria have been fulfilled. Before a CPO can be implemented, the acquiring authority will have to justify it to the Secretary of State and must be able to demonstrate (in respect of the CPO):</p> <ul style="list-style-type: none"> o that it is authorised by statute to purchase land compulsorily for a particular purpose and the CPO is necessary to achieve this purpose; o there is a compelling case in the public interest that sufficiently justifies interfering with the rights of those with an interest in the land affected; o the provisions of Article 1 (protection of property) of the First Protocol to the European Convention on Human Rights 1950 (and if a dwelling), Article 8 (protection of a person's home), should be taken into account <p>Therefore at this stage it is not recommended that the CPO process be pursued to identify land whilst there are options available to meet the requirement in the GTAA.</p>	
		<p>(g) site allocation policy on residential sites should be clear;</p>	<p>g) Response - Site allocation policy is not a matter for the DPD. There is an existing Gypsy and Traveller Site Allocation and Management Policy for Herefordshire 2015 which covers the existing residential sites managed by the council. However</p>	

			to aid a comprehensive picture to be provided, a document explaining the management and pitch allocation policy relating to the management of the Temporary stopping place will also be produced to accompany the DPD though the publication and examination processes.	
		(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.	h) Response – the management of the sites and allocation of resources are not matters for the DPD. Revenue and capital requirements for existing or planned sites in the council’s ownership will be considered and prioritised through the council’s normal budget planning process, and sites will be managed in accordance with the relevant policies	
11 September 2017	Youth Justice Plan 2017-2018	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	Reported to Cabinet 28 September 2017 Response: Resolutions are for the cabinet member young people and children’s wellbeing to consider as the plan is developed for 2018/19	To update

		<p>at an earlier stage so that its comments can be taken into account in the 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</p>		
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		effective transition from youth to adult services.		
13 November 2017	Construction and Facilities Management Services to Herefordshire Council	<p>RESOLVED:</p> <p>That (a) a further report/scoping statement be presented to the Committee to enable it to decide how it wishes to be involved in any further consideration of this matter and to what timetable and to include a review of matters of concern identified during the debate; and</p> <p>(b) officers be requested to be mindful of the importance of communicating any contractual changes to those potentially affected by them.</p>	Cabinet Member decision to extend contracts – 7 February 2018. Awaited.	To update
13 November 2017	Task and Finish Group Report: Devolution	<p>RESOLVED:</p> <p>That (a) the findings of the task and finish group report: devolution be approved for submission to the executive with the addition of reference to exploring the possibility of forming connections with non-contiguous areas with shared values and interests; and</p>	Cabinet considered on 15 February 2018. Recommendations accepted.	Completed

		(b) the Committee be advised of the executive's response.		
1 December 2017	Call-in of cabinet member decision in respect of charity shop waste disposal	<p>RESOLVED:</p> <p>(a) (i) there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account; and</p> <p>(ii) the decision is disproportionate to the desired outcome; and</p> <p>(b) the decision be referred back to the Cabinet Member – contracts and assets and he be asked to reconsider it, reviewing: - the reputational implications for the Council, - the charity shop waste disposal policy as set out at appendix 4 to the report prior to the policy being implemented, such review to include the cost of administering the proposed policy and its enforcement; and actively considering partnership working to minimise waste tonnage from charity shops, and with the request that he consider an exemption for</p>	<p>Cabinet Member Decision 5 February 2018.</p> <p>Original decision confirmed</p>	Completed

		local county based charities that help to fulfil the council's corporate objectives.		
13 December 2017	Setting the 2018/19 budget and updating the medium term financial strategy	RESOLVED: That (a) the budget papers should make more open and transparent use of the public consultation responses in the commentary;	Cabinet response 12 January 2018. http://councillors.herefordshire.gov.uk/mgAi.aspx?ID=48062#mgDocuments Consultees section of the report enhanced in response to this feedback	Completed
		b) a clearer narrative be provided on how the 3% uplift in the precept for adult social care is proposed to be used;	Paragraph 21 has been expanded to include this	
		(c) as part of the review of the constitution it be recommended that all three scrutiny committees are able to review the budgets of their directorates, with all recommendations being fed in to the General Scrutiny Committee before submission to Cabinet;	This has been referred to the audit and governance committee for their review	
		(d) that there be ongoing review of the deliverability of the looked after children budget, with reports provided every 2 months to the Children and Young People Scrutiny Committee accompanied by a profile of how savings are projected throughout the year with this information also to be made available to Group Leaders for their performance challenge meetings;	To be added into the committees work plan	
		(e) a clear breakdown of how income from car parking is being spent on transport services is shown in the budget papers for council together with a breakdown of the	Attached at appendix 7 to cabinet report	

		ECC 12 directorate efficiency savings.		
13 December 2017	Proposed 2018/19 capital bids and approval	RESOLVED: That it be recommended that the council makes funding available to enable the model farm development at Hildersley, Ross-on-Wye to proceed.	(Cabinet report 12 January 2018 para 27) A new line has been added to Appendix 1 for funding towards the development partnership activities with the detail of the activity to be provided as part of the approval to spend decision. In addition the committee asked for clarity on the proposal scores and funding, additional tables have been included in paragraphs 8 and 13 to provide this detail.	Completed
13 December 2017	Public Accountable body for NMiTE	RESOLVED: That (a) Council be recommended to put in place a robust and appropriate governance framework to supervise the discharge of its responsibility as the accountable body itself, or delegate this role to a Committee/Sub-Committee providing sufficient detail on the mechanism by which this role is to be discharged is provided to any such body to enable it to fulfil its role;	Responses submitted to Cabinet on 14 December 2017 http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=251&MId=6424&Ver=4 a - This is a matter for full Council as it could entail a change to the constitution, a report will be prepared for the next council meeting.	To update
		(b) the wording of paragraph 23 in the report to the Committee mirrored at paragraph 23 of the report to Cabinet on 14 December 2017 in relation to risk management be reviewed and amended as appropriate; and	b- the risk identified is the ability for the Department of Education to require a clawback of funds. Such a provision has not currently been included in the revenue grant determination letter but provision is contained in relation to the capital grant. The circumstances where such clawback can be	

			required will need to be clarified with the Department and if there is any provision this will need to be reflected in the drawn down agreement with NMiTE to ensure that the council is able to clawback monies paid to NMiTE where ineligible funds have been released. Any risks in relation to clawback of the Local Enterprise Partnership funding for the project are mitigated through payment of grant being made against defrayed costs only and therefore ineligible expenditure will be discounted before any grant is released. The council should only be responsible for repayment where there is a failure as accountable body in making appropriate checks	
		(c) subject to the above, Cabinet be advised that the Committee supports the proposal that the council acts as accountable body for public funding to support establishment of a new university in Hereford, provided assurances are given that no costs will be incurred by the Council.	C - the chief finance officer will ensure that costs incurred in providing the accountable body role are recovered from the grant funding allocated to the project.	
29 January 2018	Herefordshire Council public Realm Service Report	RESOLVED: That (a) the Council as client and BBLP as contractor consider how communication with parishes and ward members can be improved without incurring		To update

		material cost;		
		(b) the Council as client and BBLP as contractor be requested that in presenting information on performance for publication actual numbers should be provided alongside the %ages in the report to provide improved public understanding of the amount of work being carried out and outcomes delivered, with consideration also being given to disaggregating the data to present it along urban and rural lines, again without incurring material cost;		
		(c) the executive be recommended to consider whether funding can be made available to support the lengthsman scheme;		
		(d) the executive be recommended to consider whether a discretionary fund can be established to which parishes with fewer resources available to them could apply to support part/match funding of schemes;		
		(e) the executive be recommended to continue to explore all external funding opportunities to support road maintenance;		
		(f) the executive be recommended to consider allocating 1% of the Council's core budget increase to highways maintenance to		

		continue the long term investment in the network;		
		g) the executive be recommended that sums secured from legal proceedings in relation to the Amey contract should be allocated for highways maintenance;		
		(h) the Council as client and BBLP as contractor be requested to ensure that parish councils are aware that salt deposits are available to be delivered to parishes if they apply;		
		(i) the Council as client and BBLP as contractor be requested to review the snow contractor system to ensure that operatives have appropriate equipment available to them;		
		(j) the executive be requested to review whether the claims management system in relation to damage to vehicles as a result of road defects is working fairly and appropriately;		
		(k) the executive be requested to give further consideration to how landowners can be encouraged to discharge their riparian responsibilities;		
		(l) the executive be requested to reappraise the classification of category 1 and 2 defects and whether the approach to the repair of potholes is satisfactory; and		

		(m) action to be taken on behalf to the Committee to engage with parish councils possibly through a spotlight review to provide the Committee with a representative picture of views across the county and demonstrate to parish councils that account is being taken of their views.		
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