Minutes of the meeting of Cabinet held as Online meeting on Thursday 24 September 2020 at 2.30 pm

Present: Councillor David Hitchiner, Leader of the Council (Chairperson)

Councillor Felicity Norman, Deputy Leader of the Council (Vice-Chairperson)

Councillors Ellie Chowns, Pauline Crockett, Gemma Davies, John Harrington,

Liz Harvey and Ange Tyler

Cabinet support

members in attendance

Councillors Jenny Bartlett, Peter Jinman and Yolande Watson

Group leaders / representatives in

representatives in attendance

attendance
Scrutiny chairpersons in

Councillors Elissa Swinglehurst, Diana Toynbee and Jonathan Lester

Councillors Alan Seldon, Terry James, Bob Matthews, Trish Marsh and

attendance

O4h a n a a

Councillors Jeremy Milln and Nigel Shaw

Other councillors in

attendance:

Officers in attendance: Director for economy and place, Director for children and families, Solicitor

to the council, Chief finance officer, Director for adults and communities,

Interim Head of Legal Services and Director of public health

168. APOLOGIES FOR ABSENCE

There were no apologies from members of the cabinet.

William Wilding

169. DECLARATIONS OF INTEREST

None.

170. MINUTES

Resolved: That the minutes of the meeting held on 23 July 2020 be approved as

a correct record and signed by the Chairperson.

171. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 10)

Questions received and responses given are attached as appendix 1 to the minutes.

172. QUESTIONS FROM COUNCILLORS (Pages 11 - 14)

Questions received and responses given are attached as appendix 2 to the minutes.

173. HEREFORD LEISURE POOL RE-OPENING

The cabinet member commissioning, procurement and assets introduced the report. She noted the importance of the leisure pool to the whole community and the need to reopen as soon as possible. She also stated that this was not the right location for a pool for the longer term and alternative locations needed to be considered.

In discussion of the report cabinet members noted:

 The importance of the pool to the whole community in Hereford and to the wider county;

- The council's insurers had confirmed that subject to work taking place they would continue to insure the pool building:
- The works to the power supply should ensure that the pumping system was more resilient in the future and would mitigate against future flood events;
- Advice had been sought from the council's own experts and from the insurer to make sure that the works were appropriate, compliant with standards and that all due processes had been followed in costing the proposals;
- Some of the repair work would have been necessary within the next couple of years but the opportunity was being taken to bring these forward alongside works required by the flooding;
- The council would be explicitly taking account of risks arising from the increasing frequency and severity of significant weather events in future decision making.

Group leaders and representatives were invited to give the views and queries of their respective groups. Key points were noted as:

- Finding an alternative site would be challenging and would take some time, in the meantime the importance of getting the existing site re-opened was recognised;
- Regular maintenance of assets was important and the council should be mindful
 of what further works might need to be done on the current building in light of the
 amount of spend;
- The tenant was involved in the process to agree the scope of works and were picking up their costs.

In addition to the recommendation set out in the report the cabinet member commissioning, procurement and assets proposed that authority be delegated to the director for economy and place to progress procurement of the works.

The cabinet member finance and corporate services proposed an additional recommendation that a new location for the Hereford leisure pool be investigated as part of the update of the core strategy. The cabinet member commissioning, procurement and assets amended this to also include reference to the development of the leisure strategy.

Both additional recommendations were seconded by the cabinet member health and adult wellbeing.

It was agreed:

- (a) To recommend to Council the addition of a new capital budget to fund uninsured regulatory and essential works required at the Hereford leisure pool to be funded by existing budgets wherever possible and, failing that, new prudential borrowing not expected to exceed £505k;
- (b) that authority be delegated to the director for economy and place to procure and undertake the necessary works; and
- (c) that the review of the core strategy and leisure strategy considers the location of a leisure pool in Hereford.

174. MAJOR CONTRACT PERFORMANCE REVIEW

The cabinet member commissioning, procurement and assets introduced the item. A typographical correction to the report was noted in that the current public realm contract ended in November 2024, not 2020 as stated. The cabinet member highlighted that:

• it was good practice to review contracts, particularly when they were as large as the public realm contract;

- the reduction in the number of staff in technical services had eroded the council's ability to rely on its own technical advice and to have constructive tension in the contract;
- taking on board the recommendations from the audit report the council would be able to achieve value for money;
- the council could always look to improve the performance of such contracts.

The chief finance officer explained that:

- a number of external partners had contributed to the review, the report presented to cabinet consolidated the feedback received:
- the advice was that the contract was a good one overall, with some fine-tuning required to improve performance as an ongoing process;
- an action plan was being drawn up to ensure that the points raised were addressed.

In discussion of the report cabinet members noted that:

- the council had received assurance that the contract was a good contract of its sort with the flexibility and scope necessary to deliver a good service and long-term relationship with the contractor;
- the council needed to be a good customer and the report highlighted how the council could improve in that regard;
- concerns had been raised by parish councils and members of the public regarding a lack of testing of value for money through regular external tendering and the report stated that works under £250k had automatically passed to Balfour Beatty in the past;
- there was a balance to be struck between economies of scale and value for money but it was felt that there should be more opportunities for local businesses to benefit from council contracts under the work to take forward progressive procurement and achieve social value:
- there was disappointment that it had taken so long to have a good review;
- the action plan would be shared with cabinet members and it would be sensible to review progress against that at an appropriate time;
- the proposed changes arising from the review were intended to be cost neutral as investments in staffing should deliver better value for money in the longer term;
- there were already some vacancies in the team and part of the response to the review would be ensuring that those recruited to these roles had the right skills and experience.

Group leaders and representatives were invited to give the views and queries of their respective groups. The review was generally welcomed and key points were noted as:

- SMART objectives should be used in the action plan;
- The contract needed to be monitored to ensure that value for money was obtained;
- Council staff should be located in council buildings to create to ensure appropriate separation from employees of the contractor;
- There could be greater focus on the environmental impact as contractor emissions were a major part of the council's carbon footprint and future works needed to consider resilience to increasing climate variability;
- The contract was often raised at parish council meetings as a point of concern;
- The smaller contracts needed to demonstrate value for money and not slip through.

The cabinet member health and wellbeing proposed that parish councils be included within the reference to improved communications.

The cabinet member infrastructure and transport proposed that a progress review be brought back to cabinet after six months.

Both additional recommendations were seconded by the cabinet member commissioning, procurement and assets.

It was agreed that:

- (a) The suggested improvements are implemented in a timely manner to improve the performance of the major contracts for Public Realm services and Property and Facilities Management services, specifically:
 - a. Build technical knowledge within the Council
 - b. Improve internal and external (parish council) communication and education
 - c. Increase the involvement of the procurement team
 - d. Set up a contract management framework
 - e. Consider an appropriate Contract Management System (CMS); and
- (b) Cabinet undertake a progress review in six months' time.

175. QUARTER 1 BUDGET AND PERFORMANCE REPORT

The cabinet member finance and corporate services introduced the report. She highlighted that the period covered ran to the end of June and that the situation had moved on since then. The impact of the coronavirus epidemic was clearly shown in relation to increased cost pressures and lost income.

Key points of the report included:

- Substantial shifts in priorities to tackle the impact of the coronavirus;
- A net projected overspend of just £4m was credible and creditable in the circumstances;
- The council was grateful for the support received from the Ministry of Housing, Communities and Local Government;
- The format had been adjusted to match that of the county plan;
- New graphics and data had been introduced which it was hoped would provide useful extra information.

The head of corporate performance set out further detail including that:

- Details of the revenue position were set out in appendix 1 with most of the overspends and shortfalls in income due to COVID-19;
- The capital budget was forecasting an 89% capital spend for the year, again a large proportion of the underspend was due to the virus;
- All savings for 2020/21 had been achieved or were in the process of being delivered;
- The sections were themed to the county plan and highlighted progress on key pieces of work within each.

In discussion of the report cabinet members noted that the forthcoming delivery plan would add points to future performance reports, particularly in relation to the environment. Officers were commended for their efforts in responding to the coronavirus epidemic and partners such as schools were also recognised.

Group leaders and representatives were invited to give the views and queries of their respective groups. The challenges of COVID-19 and impact on the council's finances were recognised. It was also noted that:

- In response to a query the S151 officer confirmed he was satisfied that the council had sufficient reserves to continue with its business and noted that government grants were being received on a regular basis which made the financial situation quite fluid;
- It was alarming that all the planned savings for 2021/22 were currently rated amber or red;

- Capital allocations to address phosphate levels in the county's rivers were welcomed:
- The roll out of support packages during the coronavirus epidemic was commended;
- The council should not spend money on ideas or projects the council could not now afford during the epidemic;
- Additional measures on the environment would be welcomed.

The leader of the council noted the impact of the coronavirus and commended the way officers of the council had responded. He reported that feedback from businesses in his ward had been very positive in the way that grants had been rolled out. Herefordshire had relatively low average income levels and it was encouraging to see that the government was aware of the support needed.

It was agreed that:

(a) Cabinet reviewed performance and financial outturn for quarter 1 2020/21, as set out in appendices 1 - 9, and did not identify any additional actions to be considered to achieve future improvement.

The meeting adjourned from 4:21pm to 4:30pm.

176. PERFORMANCE MANAGEMENT FRAMEWORK

The cabinet member finance and corporate services introduced the item. She explained that a new plan on a page had been created as part of the refresh of the performance management framework which pulled together a number of items. The risk management plan identified risks at every level and how these were managed and reported. A project management approach would be taken to all aspects of the councils work and a cycle of do – monitor – review would be embedded more deeply into how the council operated on a day to day basis.

The head of corporate performance highlighted key points of the report including:

- The framework sought to improve upon and strengthen the previous version which had been adopted in 2016;
- The development of the one page plan was aligned with the new county plan;
- Staff across all directorates had been consulted to understand their experience of the previous framework and how to make it easier to share with officers, the one page plan was a response to this;
- Risk was now aligned to the solicitor to the council and the management plan contained more definitive escalation criteria that clarified where action must be taken and where it might be accepted as business as usual;
- There would be greater internal checks and balances as part of the risk process and the opportunity to add in comparisons with similar councils;
- The audit and governance committee had discussed the draft documents and their comments had been incorporated;
- Work was taking place to plan how to launch the new framework within the council including making it part of the induction process for new staff;
- Service business plans would now require self-evaluation prior to development of action plans which would include identification of meaningful 'SMART' actions.

The leader of the council stated that the document would help with recruitment as it gave a clear overview of the council.

Group leaders and representatives were invited to give the views and queries of their respective groups. The new document was welcomed as clear and understandable. It was noted that:

 It was suggested that PESTLE could be used as a tool alongside use of SMART targets;

- Some typographical errors were highlighted;
- Risk management was felt to be vital to the council;
- It was suggested that training on the new plan be made available for councillors as well as staff.

The chairman of the audit and governance committee commented that the new framework provided a natural transition to a more comprehensive and cohesive approach and that it was important that officers used the document as a tool rather than view it as a management overhead.

It was agreed that:

- (a) The Performance Management Framework, at appendix 1, is approved;
- (b) Delegation is given to the Solicitor to the Council, to update the Risk Management Plan annually; and
- (c) Delegation is given to Assistant Director Corporate Support, to update the Service Business Planning Guidance annually

177. CORPORATE PARENTING STRATEGY 2020 - 2023

The cabinet member children and families introduced the report. She noted that all councillors and officers were corporate parents and that everyone would want to ensure that the children and young people in the council's care were happy, fulfilled and had the best possible opportunities for a good quality of life. The strategy outlined how the council would work with partners to achieve this. A 16-plus champion had recently been appointed who would support this work and look to develop opportunities for children and young people with experience of care.

The head of looked after children highlighted the key points of the strategy including:

- An aim to ensure that children and young people in care had the opportunity to achieve the same or better than their peers;
- The corporate parenting panel had worked to develop the new strategy including representation from foster carers and from the children in care council;
- The key priorities broke down the main areas where the council wanted to see improvements in outcomes;
- The care leavers covenant was a new approach for the council and fitted with a national initiative which looked to improve outcomes for care leavers specifically;
- The council hoped to work with local businesses and the third sector to ask them
 to sign up to their own covenants saying what more they could do to improve
 outcomes from care leavers;
- Amendments had been made following recommendations from the children and young people scrutiny committee.

In discussion of the report cabinet members noted that:

- while it was sometimes necessary to reflect the terminology used in legislation, feedback from young people was that they did not like the term 'LAC' so there was an effort to use language they were more comfortable with;
- alternatives to the term 'corporate parenting' were discussed and would be raised with the corporate parenting panel;
- the coronavirus had forced young people in care to spend more time with their foster families, while some had found this period challenging others had found it beneficial in providing stability;
- the epidemic had also seen a reduction in the availability of foster placements and this remained a concern through the autumn and winter;
- Each of the leads for the priority areas would develop a detailed action plan which would be reported back to the corporate parenting panel.

The impact of instability in social worker assignments was discussed. It was felt that as this was something the council was struggling with it should be included more explicitly in the strategy. The cabinet member finance and corporate services proposed that recommendation (a) in the report be altered to reflect that the draft strategy would be amended to expand upon the priority to provide a safe and stable home, instead providing a safe and stable life.

Group leaders and representatives were invited to give the views and queries of their respective groups. The strategy was welcomed and key points were noted as:

- it was suggested that creative sources should have more input to young people's lives:
- there had been good improvements in attainment and resolving accommodation issues:
- in addition to mandatory corporate parenting training, all councillors were routinely invited to attend meetings of the corporate parenting panel as a means of understanding its work and an annual update on the strategy would be reported to cabinet;
- other methods of providing training and raising awareness were being explored;
- attainment and ambitions were captured as part of the personal education plan review meetings with each child and used to support children and young people for example through participation with particular projects or work experience;
- it was queried whether the strategy should be more explicit about the aim to enable children to leave care as soon as possible but the head of looked after children explained that this was already captured in other documents such as the children and young people plan and that the corporate parenting strategy focussed on achievements for children while in care;
- early intervention was key and the council worked closely with the police, the new domestic abuse hub was still in the early stages but was proving effective and investment had been made in early help services;
- the appointment of a champion for the 16 to 25 age group was welcomed;
- it was suggested that the strategy could reference active support for alternatives to care and explain where to find more information in other policy and strategy documents.

The vice chair of the children and young people scrutiny committee welcomed the fact that young people had been involved in drawing up the strategy. She highlighted that the scrutiny committee had sought a number of points of clarification which had been addressed, supported the use of plain English as much as possible and shared the concerns about staff turnover and recruitment of foster carers.

It was agreed that:

- (a) the draft corporate parenting strategy 2020 2023 (appendix A) is approved as amended to expand upon the safe and stable life;
- (b) Cabinet agrees to receive an annual report on Corporate Parenting to enable progress of the strategy to be monitored; and
- (c) Cabinet agrees the Care Leavers covenant (appendix B) is approved.

178. FOSTERING AND ADOPTION SERVICE ANNUAL REPORTS 2019/20

It was agreed that this item be deferred to the next meeting of the cabinet.

179. TALK COMMUNITY STRATEGIC APPROACH

The cabinet member health and adult wellbeing introduced the report and highlighted the key points:

 Talk community was becoming increasingly integral to the council's business and developing its identity;

- It was recognised as a new way of working in partnership with communities and would be a launch pad for future partnerships;
- The programme provided central coordination during the emergency phase of Covid and during the winter floods;
- It was an all-ages approach which built on the strengths based model already in place in adults and communities.

The assistant director talk community programme explained that:

- The approach had been evolving over the previous 12 to 18 months and had started to become an established way of working with communities;
- It supported the council's prevention agenda to manage demands for health and social care services:
- The appendix to the report gave an overview of where talk community hubs were and where they were looking to be established,;
- Partners in the health system and communities had endorsed the approach.

In discussion of the report and proposed approach cabinet members noted that:

- The talk community business element had started earlier in the year and focussed on how businesses could support their employees and signposting to services:
- There were many directions this approach could take, building on the volunteer networks that were active during the coronavirus epidemic and the flooding in the winter:
- The joint strategic needs assessment and data from the research team should be used to help identify priority areas and scrutiny committees were encouraged to use the data to lead policy shaping;
- The council's data was shared with communities as part of partnership working but the approach also made use of intelligence from within communities;
- It was important to set out a timeline of key deliverables moving forward;
- The approach synchronised well with action to strengthen families and reduce the need for intervention including children being taken into care.

Group leaders and representatives were invited to give the views and queries of their respective groups. The concept was welcomed and it was noted that:

- Further work was needed to communicate the approach to more communities, this would be part of the engagement plan;
- The push to make use of existing assets as part of the strategic approach was welcomed;
- the use of wider networks of care could be explored including intergenerational activities, this would create a wider economy of care where many more organisations and individuals were involved in providing care;
- hubs already in place were well received and providing a useful service.

The chairperson of the adults and wellbeing scrutiny committee explained that overall the committee were very positive about the strategy and welcomed the application of a strengths based approach. The scrutiny committee had noted that the approach was flexible, consolidated existing offers and encouraged communities to support one another.

It was agreed that:

- (a) the Talk Community strategic approach and its implementation be approved and;
- (b) authority be delegated to the director for adults and communities to take all operational decisions necessary to ensure adoption and implementation of the proposed Talk Community programme and plan, within available

revenue and capital resources, subject to further governance when required.

The meeting ended at 5.56 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 24 September 2020

Question 1

Mr P McKay, Leominster

To: cabinet member, infrastructure and transport

The Highways Map for the Local Street Gazetteer, https://www.herefordshire.gov.uk/travel-transport/highways-public-rights-way-map, shows the table of Maintenance Responsibility codes under the heading of Road Status. Could this be corrected, and Road Status then shown as three sets of codes, with option to switch between them, being Highway Dedication, Street Surface and Maintenance Responsibility? This would result in a more informative presentation of the Local Street Gazetteer map, and conform with reply by cabinet member transport and roads to question to Council December 2015 that will continue to work to make as much information as possible available online. Assuming that was agreed, could you also provide some indication of when this map may be viewable in this format?

Response

Thank you for your question. Currently the highways and public rights of way map Local Street Gazetteer sets out information using the following five codes:



We aim to provide as much highway information online that is available and these codes describe maintenance responsibilities.

The addition of further information and codes can always be considered and if there were benefits this information could be added subject to resource and funding being available to do so. Happy to look at your suggestion in more detail. The website would be then updated and be available to the public.

COUNCILLOR QUESTIONS TO CABINET – 24 September 2020

Question 1

Councillor Yolande Watson, Kerne Bridge Ward

To: cabinet member infrastructure and transport

In October 2019, Herefordshire Council resolved that: the executive is requested to write to government to ask them to review the policy regarding part 3 class Q (General Permitted Development Order as amended) applications under the General Permitted Development Order. In light of the response received from the Ministry of Housing, Communities and Local Government dated 2nd July 2020 will the cabinet member seek to put in place a condition that any class Q permitted developments have an agricultural tie placed on them to help provide much-needed homes for family members and agricultural workers, and consult the local community on removing a permitted development right by making an Article 4 direction?

Response

As you will be aware from MHCLG's reply in July 2020, the agricultural to residential permitted development right is seen by the government as an important measure to support our rural communities and help provide much-needed homes, including – but not just for - family members and agricultural workers. The government has also made it clear that they believe it makes best use of existing buildings for our housing supply. These Part Q applications are therefore Prior Approval applications where the development proposed is considered to be permitted development, subject to a number of criteria that need to be satisfied. If these criteria are satisfied, then the council would normally have no option other than for prior approval to be granted.

That said, I am happy to further consider the government's comment (below) about removing this permitted development right by making an Article 4 direction to allow Class Qs to be dealt with like any other planning application where it was felt that it was necessary to protect the local amenity or wellbeing of an area. However, this would in practice be quite difficult to justify, unless in a designated area for example. I would be happy to have officers discuss this with you and Cllr Swinglehurst further to understand the framework template we might use to consider such exceptions and the implications of making an Article 4 direction.

'Where it is felt that it is necessary to protect the local amenity or wellbeing of an area, the local planning authority can consult the local community on removing a permitted development right by making an Article 4 direction. This then requires a planning application which the local planning authority can determine in accordance with its local plan'.

Question 2

Councillor Nigel Shaw, Bromyard Bringsty Ward

To: cabinet member infrastructure and transport

On 21st July the 151 officer of Shropshire County Council wrote to the Herefordshire Council 151 officer to demand the repayment of £3,843,609-71 due to the LEP following this administrations halting of the South Wye link road project. Has a reply been sent and, if so, can this reply and the original letter now be put in the public domain, in the interests of openness and transparency?

Response

A letter was received on 21 July 2020 from Shropshire County Council and a response was sent on 4 August. Both of these documents are attached as appendices to this response.

Supplementary question

Thank you for publishing both of these letters and I do wish the S151 officer well in the line of defence chosen whilst noting that the sum has already been possibly earmarked from the financial resilience reserve. The leader previously stated the council was not in a position to proceed with the southern link road after the election. I've now shared with him evidence that a re-procurement could have been stared in May 2019. Last summer I drew the attention of the S151 officer and the leader to the clawback terms of the LEP grant, LEP board waited until six months after the election to 26 November 2019 for announcing it would be reallocating funding allocated to the SWTP unless the council could provide assurance that it was proceeding with the project by 17 January 2020 and the assurance was not given. The project review was going to report last year, then in the New Year, then in July and we're still waiting. Will you accept that under your leadership you've risked this £3.8million bill to the residents of Herefordshire and are you also gambling with a further £12 million of revenue costs from the bypass? Is this the real reason for the dilly dallying of the delay so that these sums don't crystallise in the accounts?

Response

Leader of the Council: that's a very complex question. The first point you make about evidence it could have been placed – I have to say I haven't followed that through yet and I'm yet to be satisfied that that is an accurate representation.

Cabinet member infrastructure and transport: I don't share Councillor Shaw's view that we could have retendered in time and I find it interesting that Councillor Shaw, who was cabinet member at the time for finance didn't push the previous administration at the time to release that information and to cancel that process much more quickly. I find it extraordinary they waited such a long time to do it and I can only imagine that there was an election coming up and there was some political embarrassment. When we came in we had immediately to try and preserve the planning permission and then discover the issue with failed procurement and then and to try and do our own review. We're perfectly entitled to do all those things. The money as the previous administration has stated was a grant and there have been questions to cabinet and to council where members of the previous administration have responded as such. The review will be finished at the end of this month and it'll be going to scrutiny in the next couple of weeks.

Cabinet member finance and corporate services: It's my understanding that even if it was possible for us to commence a re-procurement we did not have sufficient time available to conduct that procurement, award the contract and for the road to be built before the money needed to have been spent and that was the problem that we inherited from Councillor Shaw's administration and we've been dealing with it ever since. I'd be very grateful if he'd actually just admit that there was a major mess up under his and his colleagues' watch rather than continuing to pick away at the mess that we're having to try and resolve.

Question 3

Councillor Jeremy Milln, Central Ward

To: cabinet member finance and corporate services

In future could we please commonly include a measure for the historic environment in the Environment Scorecard at Appendix 7? This to track our stewardship of our heritage assets including listed buildings, archaeological sites and conservation areas much as we do our natural resources. In respect of scheduled monuments and grade I and II* listed buildings at risk information is obtainable from Historic England.

Response

The Environmental Scorecard is primarily designed to report on performance measures protecting the natural environment, rather than the built one. However, the planning team does monitor the performance of both the Building Conservation team and the Archaeology team at monthly service performance meetings. This management process tracks monthly performance measures which assess the number of both building conservation and archaeological consultations responded to within the specified planning deadline. In this way we ensure that the stewardship of our heritage assets are protected and are effectively considered in the determination of planning applications.

Supplementary Question

My initial question concerned appendix seven, which is the environment scorecard where data provided by the intelligence unit is but it is rather narrowly defined as being the natural environment, and my plea really was simply to ask for data on the historic environment as well. The question was not answered, instead I had a question answered which seemed to suggest that I was questioning the professional performance of officers in planning and conservation which I was not doing. So my supplementary is simply a restatement of my initial question - can we look at having recognition of our stats on how we're performing in terms of our stewardship of the historic environment? For example we've got 64 conservation areas but no real understanding of their condition and whether they're declining or whether they're improving. Historic England records basic data on those at risk and for example those of Kington and Ross are at risk and in declining condition but it was a slightly more subtle assessment of how we're doing for the historic environment in that score card that it was a plea for.

Response

I apologise to Councillor Milln for giving a response that wasn't an answer to his question. I'm very happy to meet with him to discuss this matter further. I agree that it is very important that we take great care of and husband properly our historic assets and our listed buildings and I also agree that it's not presently clear that we have a sound understanding of their current condition or how we might measure how well we're looking after them. All of those questions I'm very happy to explore further.