

Minutes of the meeting of Council held at Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP on Friday 4 March 2022 at 10.00 am

Present: Councillor Sebastian Bowen (chairperson)
Councillor Kema Guthrie (vice-chairperson)

Councillors: Graham Andrews, Polly Andrews, Jenny Bartlett, Chris Bartrum, Christy Bolderson, Dave Boulter, Tracy Bowes, Ellie Chowns, Barry Durkin, Toni Fagan, Elizabeth Foxton, Carole Gandy, John Harrington, Liz Harvey, Jennie Hewitt, Kath Hey, David Hitchiner, Phillip Howells, Helen I'Anson, Terry James, Peter Jinman, Tony Johnson, Mike Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Mark Millmore, Jeremy Milln, Felicity Norman, Roger Phillips, Tim Price, Ann-Marie Probert, Paul Rone, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillet, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

Officers: Interim head of legal services, Chief Executive and Director of governance and law

40. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Paul Andrews, Pauline Crockett, Gemma Davies, John Hardwick and Graham Jones.

41. DECLARATIONS OF INTEREST

Cllr Phillips declared an other interest in agenda item no. 11 – Motions on Notice – Motion: Rural Impact Assessment and Rural Proofing as vice chairman of the Rural Services Network.

42. MINUTES

RESOLVED: That the minutes of the budget meeting held on 11 February 2022 be confirmed as a correct record and signed by the Chairman.

43. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

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

The Chairman had received a petition from the Hereford Hackney Carriage and Private Hire Association which he passed to the Cabinet Member Housing, Regulatory Services and Community Safety to provide a response.

44. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 16)

There were no questions from members of the public.

45. QUESTIONS FROM MEMBERS OF THE COUNCIL (Pages 17 - 20)

There were no questions from members of the Council.

46. 2022/23 COUNCIL TAX SETTING REPORT

Council considered a report by the Leader of the Council and additional recommendation supplement published on 3 March to set the council tax and precepts for 2022/23 and amend the council tax reduction scheme. The Cabinet Member Finance, Corporate Services and Planning introduced the report and moved the recommendations in the report and supplement.

Council debated the report and supplement.

The Leader of the Council seconded the recommendations in the report and supplement.

The recommendations in the report and supplement were put to the recorded vote and were carried.

FOR (28): Councillors Graham Andrews, Bartlett, Bartrum, Boulter, Bowes, Chowns, Fagan, Foxton, Harrington, Harvey, Hewitt, Hey, Hitchiner, Howells, Jinman, Mike Jones, Marsh, Milln, Norman, Phillips, Price, Stark, Summers, Symonds, Toynbee, Tyler, Watson and Wilding.

AGAINST (8): Councillors Durkin, Johnson, Kenyon, Lester, Millmore, Probert, Rone and Shaw.

ABSTENTIONS (11): Councillor Polly Andrews, Bolderson, Bowen, Gandy, Guthrie, l'Anson, James, Matthews, Stone, Swinglehurst and Tillett.

RESOLVED: That:

- a) The precepting authority details incorporated in appendices 1 to 5, relating to town and parishes, West Mercia Police and Hereford and Worcester Fire Authority be approved in accordance with sections 30(2), 34(3), 36(1) and section 40 of the Local Government Finance Act 1992 (as amended) and that the following amounts be approved for the year 2022/23 in accordance with sections 31 to 36 of the Local Government Finance Act 1992, regulation 6 (as amended by the Localism Act 2011):**
- a. £385,137,976 being the estimated aggregate expenditure of the council in accordance with section 31A (2) of the act, including all precepts issued to it by parish councils;**
 - b. £260,451,287 being the estimated aggregate income of the council for the items set out in section 31A (3) of the act (including revenue support grant);**
 - c. £124,686,689 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the council in accordance with section 31A(4) of the act, as its council tax requirement for the year (including parish precepts); [Item R in the formula in Section 31B of the Act]**
 - d. £1,774.84 being the amount at (c) above divided by the amount of the council tax base calculated by the council, in accordance with section 31B of the act, as the basic amount of its council tax for the year (including parish precepts);**
 - e. £5,137,976 being the aggregate amount of all special items (parish precepts) referred to in section 34(1) of the act;**

- b) authority be delegated to the director of law and governance to make technical amendments (grammatical, formatting, and consistency) necessary to finalise and represent the revised constitution for publication.

There was an adjournment at 11:25 a.m.; the meeting reconvened at 11:40 a.m.

48. DESIGNATION OF MONITORING OFFICER

Council considered a report by the Chairperson of the Employment Panel to approve the recommendation of the Employment Panel to designate the role of director of governance and law as monitoring officer. A correction to the recommendation in the report was outlined and noted: to remove the word *interim* from the recommendation contained in the report. The Chairperson of the Employment Panel introduced the report and proposed the recommendation, as corrected above, in the report.

Council debated the report and recommendation, as corrected above.

The Vice-Chairperson of the Employment Panel seconded the recommendation in the report, as corrected above.

The recommendation, as corrected above was put to the vote and was carried.

RESOLVED: That:

- a) Council approves employment panels recommendation that the post of director of governance and law is designated as monitoring officer from 21 March 2022.

49. LEADER'S REPORT

Council received and noted the Leader's Report which provided an update on the work of the cabinet since the previous ordinary meeting of Council in January 2022. The Leader presented his report to Council.

Council questioned the Leader and the following actions were raised:

- To provide a written response regarding the ability to speak once (to ask one question) under the Leader's report.

50. NOTICES OF MOTION UNDER STANDING ORDERS

Motion – Ukraine

In accordance with paragraph 4.1.90 of the Council's constitution the Chairperson, in consultation with the monitoring officer, accepted the motion below for debate at the meeting as an urgent matter directly affecting part or all of the county and it was not practical to defer consideration of the motion to the next ordinary meeting of Council.

Councillor Nigel Shaw proposed the motion.

Councillor Mark Millmore seconded the motion.

Council debate the motion. In summary there was unanimous support for planning and preparation at the council to receive refugees from Ukraine.

The motion was put to the vote and was carried unanimously.

RESOLVED: That:

This motion calls on the executive to consider and put in place whatever facilities as may be reasonably expected to receive Ukrainian refugees, subject to direction from national government and an evaluation of council resources required, to ensure that schooling and health services are alerted and to inform the government in Westminster, immediately, that Herefordshire will not be found wanting in our welcome. And to extend a wider request to our residents to be willing to welcome any refugees that they can into their homes, and to be ready to facilitate such organisation and support as these actions may require.

Motion – Award scheme for the built environment

Councillor Jeremy Milln proposed the motion.

Councillor Phillip Howells seconded the motion.

Council debated the motion. In summary there was unanimous support for the motion to improve the standard of design of buildings and development locally.

The motion was put to the vote and was carried unanimously.

RESOLVED: That:

This Council wishes to promote high standards in design, conservation and sustainability in the built environment, both for new build and for the care of existing stock.

Therefore:

Council requests the Executive to investigate setting up a County of Herefordshire award scheme to encourage and recognise exemplary work in the areas of design, conservation and sustainability for the built environment.

Motion – Rural Impact Assessment and Rural Proofing

Councillor Yolande Watson proposed the motion.

Councillor Roger Phillips seconded the motion.

Council debated the motion. In summary there was unanimous support for the proposals in the motion to seek a formal evaluation of impacts on rural areas in decision-making and ensure that the decisions and policies of the council took account of the interests of a rural county.

The motion was put to the vote and was carried unanimously.

RESOLVED: That:

This motion asks to refer to the executive at Herefordshire Council consideration of the undertaking of a Rural Impact Assessment from the outset of every budget and contract whether for service or products, which includes engagement with rural stakeholders. The results of the Rural Impact Assessment (RIA) are to be included in all future reports.

Rural proofing will ensure the needs of rural communities will become transparent and would demonstrate whether Government or local policies address the needs of rural communities and rural economies like Herefordshire. It is the first step towards developing a Rural Strategy for Herefordshire.

This motion considers a reformed approach to rural proofing should be introduced and that the executive should take into account the following during its considerations:

- a) A rural assessment should take place at the start of the policy process, including engagement with rural stakeholders, and be treated as integral, rather than as an adjunct to urban-focused policy. No budget or service should be brought forward without an accompanying rural assessment statement;**
- b) The impact of new policies on rural areas should be systematically and consistently monitored as they are implemented. This would include an update on the performance of rural proofing across Herefordshire Council;**
- c) The executive at Herefordshire Council is required to monitor and report annually on the rural impacts of relevant policies and services, and to encourage its strategic partners to do the same; and**
- d) The executive at Herefordshire Council agrees to write to the Government and MPs in response to this motion that:
 - Government should put in place the appropriate structures to facilitate a more robust rural proofing regime; and**
 - Government needs comprehensively to rethink and reform the rural proofing process across Government, to ensure that relevant policies and legislation are attuned to the needs of rural communities and rural economies like Herefordshire.****

51. FULL COUNCIL MEETING DATES 2022/23

Council considered and agreed the dates for meetings during the 2022/23 municipal year.

RESOLVED – that the following dates are agreed for meeting of Council during the 2022/23 municipal year:

- 29 July 2022**

- **21 October 2022**
- **9 December 2022**
- **10 February 2023 (Budget meeting)**
- **3 March 2023**
- **19 May 2023 (Annual meeting)**

The meeting ended at 1.15 pm

Chairperson

Appendix 1 - Questions from members of the public

Question Number	Questioner	Question	Question to
PQ 1	Mr Fisher, Bromyard	On 1 April 2022 the Planning Inspector directed the Council to determine a total of 39 applications made by Herefordshire Ramblers for additions to the Definitive Map. The deadline set by the Inspector for 13 of these applications has already passed. What progress has the Council made in determining these 39 applications?	Cabinet member infrastructure and transport
<p>Response: Although it is our statutory duty to determine these applications, the limited resource currently within the Public Rights of Way (PROW) Service is insufficient to deal with the volume of work that the direction from the Planning Inspector (PINS) has generated. With the PROW team now being wholly insourced we are more able to determine their priorities, however the lack of suitable recruits for vacant positions has meant that the team has been pulled away to other, equally pressing, activity.</p> <p>Of the 39 applications referenced, the team has started work on one of the applications. The number is low because the team was already working on other Definitive Map Modification Orders (DMMOs) prior to the issuing of the PINS Direction.</p> <p>Moving forward I have asked the team to submit a growth bid to allow the team to seek assistance from external parties that are experts in the field and will be able to wholly focus on the processing of the outstanding DMMOs. As with all activity the bid will be looked at in the round of all Council priorities.</p> <p>Nationally we understand there are in excess of 10000 undetermined DMMOs, these numbers being driven in part by the original deadline of 2026 laid out in the Crow Act 2000 which authorities do not have the resource to deal with. Our near comparable neighbour, Gloucestershire, has 172 undetermined applications and 34 awaiting referral to the Secretary of State.</p> <p>Fortunately, after direct lobbying by many authorities; including local LAF members, myself and Jesse Norman MP in Herefordshire, Defra dropped this deadline, which should negate the heavy flow of applications coming in and we may be more able to get through the backlog, particularly if we are successful with our growth bid.</p> <p>As each DMMO application costs thousands to progress and we would dearly like to spend that money on improving the infrastructure on the ground instead, we are looking at an innovative approach, which we have discussed with Jesse Norman MP, which would allow us to consider the applications in bulk. This would require primary legislation changes, hence the involvement of our MP.</p>			
<p>Supplementary question: Will the Council commit to providing six-monthly progress reports to the Ramblers and to the Local Access Forum on dealing with the backlog of applications to be determined and the equally concerning delays in making the necessary Orders once applications have been determined?</p>			

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Response to supplementary question – Cabinet member infrastructure and transport

Updates would be provided on progress to clear the backlog which would be made available publically. With the lifting of the deadline for DMMO applications the number being submitted was reducing.

PQ 2	Ms Davies, Hereford	As I am sure many councillors travel to work by car they must be aware of the crumbling roads leading into the city it is very noticeable that other county roads e.g. Wales, Shropshire and Worcestershire are in far better condition. I believe the patching has to stop, it's a total waste of money, surely as council tax payers we deserve better. It also seems as if the council wants to make life more difficult for the older generation in the county, especially in the city itself. Many of us find walking very difficult so by doing away with the on street parking we are being excluded from spending time and money in the city. Please can the cabinet members respond to these issues and concerns?	Cabinet member infrastructure and transport
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Response:

Thank you very much for your question Ms Davies and I am absolutely aware that our roads are crumbling. Our highways network is estimated to be £315 million behind in being returned to optimal condition.

The County has in excess of 2,000 miles of roads and 2,000 miles of paths which are publicly maintained highways together with significant infrastructure such as 724 bridges, street lighting, gullies, drainage systems, barriers and green infrastructure. The budget allocated by the council is not insignificant but the extent of the network and its challenging condition does mean that difficult investment decisions are required to ensure that the network remains safe for all users. Therefore we have to concentrate on fast roads like A and B roads to the detriment of C and U roads and urban streets and footways. As a new administration we have managed to get extra money into our market towns as part of the extraordinary highways maintenance through our market town investment plans to try and redress that balance.

We used to get extra support from the government because we are a rural authority but unfortunately that funding has been almost completely withdrawn with the near complete cutting of the Revenue Support Grant and other revenue streams. We get approx. £100 million less in revenue in 2023 than we did in 2010. Unfortunately both our current MPs voted for these cuts.

Capital funding for highway repairs is still provided by Central Government but, unfortunately that has decreased by 33% since 2010 in real terms and we as a Council, unlike some authorities who have more income, also have to supplement road repairs from our own budget.

As engineers a wide range of treatments are applied to deal with discrete problems and issues. Patching is, and always will be, an essential tool for engineers to deal with road conditions as this represents a far more cost effective solution to simple re-surfacing.

With regard to parking the Council is aware of the benefits that a well-managed parking service can deliver for the City and our market towns. It is important that we balance provision and promotion of parking against the wider strategic ambitions of the council around sustainability and place making. By ensuring that our parking provision is located in the right locations, with a mix of long and short stay, we will be best placed to deliver pleasant centres that people want to visit and spend time in.

We also recognise the importance of parking to people with mobility issues. Where an individual is eligible for a blue disabled parking badge then the council does offer 3 hours free parking in all of its owned car parks. More information around obtaining a blue badge can be found on the council website at <https://www.herefordshire.gov.uk/parking-1/blue-badge-scheme>

PQ 3	Ms Searle, Hereford	<p>My points are, the horrendous amount of traffic lights in Hereford! Why do we need them when the traffic is less and has a good flow when the lights are not working?</p> <p>The state of our roads. So many pot holes!</p> <p>And I would like to know where the money has gone for our bypass, that has come from central government twice? And so the councillors actually live in Hereford and put up with what we have to put up with!</p>	Cabinet member infrastructure and transport
<p>Response:</p> <p>Thank you for your question. I agree with you on traffic lights, there are far too many and we are looking at reducing or removing them. One of the battles we have is convincing National Highways that we want to remove the lights on the parts of the roads that they control, at the Asda/Belmont junction and also the Tesco/Steels roundabout. On the roads we control we are looking at putting a roundabout in at the bottom of Aylestone Hill and potentially the Kerry junction. Some lights will need to stay, such as at some pedestrian crossings but generally we should be reducing traffic lights.</p> <p>With reference to potholes, and road maintenance: The County has in excess of 2,000 miles of roads and 2,000 miles of paths which are publicly maintained highways together with significant infrastructure such as 724 bridges, street lighting, gullies, drainage systems, barriers and green infrastructure. The budget allocated by the council is not insignificant but the extent of the network and its challenging condition does mean that difficult investment decisions are required to ensure that the network remains safe for all users. Therefore we have to concentrate on fast roads like A and B roads to the detriment of C and U roads and urban streets and footways. As a new administration we have managed to get extra money into our market towns as part of the extraordinary highways maintenance as part of our market town investment plans to try and redress that balance.</p> <p>We used to get extra support from the government because we are a rural authority but unfortunately that funding has been almost completely withdrawn with the near complete cutting of the Revenue Support Grant and other revenue streams. We get approx. £100 million less in revenue in 2023 than we did in 2010. Unfortunately both our current MPs voted for these cuts.</p> <p>Capital funding for highway repairs is still provided by Central Government but, unfortunately that has decreased by 33% since 2010 in real terms and we as a Council, unlike some authorities who have more income, also have to supplement road repairs from our own budget.</p> <p>With reference to the funding for the bypass I can confirm that as no business case had been prepared, Government did not provide any funding for progressing the Western Bypass.</p>			
PQ 4	Mr McGeown, Weobley	<p>Cllr David Hitchiner, as Leader of Herefordshire Council, has made a pledge, representing Herefordshire people, a pledge suggests obligations, to UK100 CITIES NETWORK LIMITED.</p> <p>https://www.uk100.org/blog/2021/01/road-cop26-january-update-local-net-zero-pledges-hit-50</p> <p>Financial information from:</p>	Leader

https://www.whatdotheyknow.com/request/pledge_by_leader_of_herefordshir?nocache=incoming-2236456#incoming-2236456

“FOI2023/00242 Answer: Herefordshire Council haven’t paid UK100 CITIES NETWORK LIMITED any money and they’re not set up as a supplier.”

So question: what is the relationship between Herefordshire Council and the £1.5Million+ annual turnover, Private Company, UK100 CITIES NETWORK LIMITED, Company number 10515243, <https://find-and-update.company-information.service.gov.uk/company/10515243>

A company that, from FOI, has no financial connection with or supplier too the council and does this pledge involve proposed imposition onto Herefordshire people of travel and movement restrictions, in any way similar, to those that are currently causing controversy and protest in Oxford?

<https://www.oxfordstudent.com/2023/01/25/15-minute-city-plans-cause-controversy/>

Response:

The Council signing up to the UK 100 net zero pledge does not involve the ‘proposed imposition onto Herefordshire people of travel and movement restrictions, in any way similar, to those that are currently causing controversy and protest in Oxford’

However, following the Hereford Transport Strategy Review, which was considered by cabinet on the 3 December 2020, and the formal decision at the Council meeting of the 2 February 2021 to stop the progress of the southern link road and western bypass schemes, the council’s preferred transport strategy for Hereford comprises of four key elements:

- a. active travel measures;
- b. investment in buses;
- c. demand management; and
- d. a new road link and river crossing to the east of Hereford (the eastern road link)

In order to progress this strategy an overarching masterplan is being produced for the city, the draft city masterplan is being considered by Cabinet on the 2 March 2023 (<https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=251&MId=8905&Ver=4>). If approved the Hereford City Masterplan will be the subject of consultation later this year in the summer.

In the masterplan consultation draft, low traffic neighbourhoods are proposed for a number of areas within the city to eliminate, or substantially reduce, motorised rat running through traffic, from residential areas and to reduce speeds within those neighbourhoods, thereby enabling residents to walk or cycle more should they choose to do so. The Hereford City Master plan will be considered for adoption in autumn following consultation in the summer. Individual low traffic areas will be co-designed with local communities as funding allows.

Both the revised Hereford Transport Strategy and the draft masterplan are clearly aligned with the national Government objective that public transport and active travel will be the natural first choice for daily activities.

Supplementary question:

What actual or intended/hoped for benefits to Herefordshire came from the action of David Hitchiner, as Leader of Herefordshire Council, making the pledge to UK100 CITIES NETWORK LIMITED and where/how can a Herefordshire resident, a simple man such as myself, easily find full details of this pledge action and its intended consequences in Herefordshire Councils information records/archives.

Response to supplementary question – Leader

The network provides an opportunity for the leaders of councils to co-ordinate work on methods to address climate change and move towards net zero. No fee was required to join the network but attendance at meetings had been limited due to other demands.

PQ 5	Ms Currie, Hereford	Can the cabinet member for CYPD please advise if the cabinet were in agreement for the terms of reference and parameters of the proposed commission meeting with families? These families are affected by historic failings of children's services, and in doing so can the cabinet member please confirm which/how many members indicated support, disagreed and abstained as conversations about it appear to have happened behind closed doors and not in full cabinet meetings.	Cabinet member children and families
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Response:

The Children’s Commissioner and Herefordshire Safeguarding Children Partnership (HSCP) have appointed the Commission to hear directly from families about their experience of children’s services in Herefordshire. Whilst the council is one of the three statutory safeguarding partners to the Herefordshire Safeguarding Children Partnership; this is a commissioned piece of work and Panel Members on the Commission do not have links to Herefordshire Children’s Services.

In order to consider and review matters appropriately, it is important that Panel Members are suitably qualified and experienced and include those with a social work qualification and practice experience. To ensure that information is effectively shared, considered and where needed responded to it is important that a representative of safeguarding partners observe the sessions and having listened to feedback from families on this matter it is now proposed that the Independent Scrutineer for the HSCP observe rather than representatives of agencies, and that Eleanor Brazil will attend to support the work of the panel.

Since the question was submitted, the Minister’s decision has been published and the proposed Commission sessions are dates in the future.

The Commissioner and the Safeguarding Partnership have listened to feedback from families and also removed what was paragraph 11 from the Terms of Reference about future attendance at public Council meetings as it was felt that this was an unfair limitation on families – although this was never the intention. The revised version of the Terms of Reference reflecting this change has been shared with the families.

For clarity, it is noted that the Commission will not be able to overturn, alter or appraise any decisions which are made by the courts; this includes the making of placement or adoption orders.

Supplementary question

Can the cabinet member please advise if the friendships between at least one of the panel members and two of external persons appointed to help improve Children's Services were declared when the INDEPENDENT Commission idea was suggested?"

Response to supplementary question – cabinet member children and families

As the appointees are professional, their friendships are not relevant to the role they will play.

PQ 6	Mr Potts, Hereford	Given it is now almost 6 months since the publication of the damning Ofsted report, which places the local authority you lead as inadequate on every single criteria. Can the leader outline what measures he recognises have yet to take place, which will give Ofsted, the families and the children you have failed, the confidence that Herefordshire has turned a corner and is an authority which is once again able and capable of protecting children in its care?	Leader
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Response:

As far as measures yet to take place are concerned, there are no areas of our services that we are not working on, and we are determined to up the pace of progress. Progress, including future actions, are included in the updated Improvement Plan and published on the council [website](#).

The Leader of the council notes that recommendations of the Commissioner, as accepted by the Minister, are for children's services to remain under the operational control of the council to build on the work that is already underway, albeit with a strong requirement to see evidence of progress in key areas within a period of three to six months. These recommendations are clear, measurable and public.

Implementation and progress of the improvement plan are overseen by the Improvement Board, the Corporate Leadership Team and Cabinet through regular assurance meetings. In addition to this, the council will receive a number of Ofsted monitoring visits followed by a re-inspection. It is typical for Ofsted to carry out 3-4 monitoring visits each year and that it might be three years of this before a re-inspection.

Supplementary question:

As there was no longer confidence in the council and the cabinet member children and families in regard to the performance of children's services, when would the cabinet member be replaced?

Response to supplementary question – Leader:

Continuity was important and there was confidence in the current cabinet member. Work was ongoing with the Director of Children's Services and now was not the time to make changes.

PQ 7	Ms Reid, Hereford	CE's Report mentions the Commission set up by Herefordshire Safeguarding Children Partnership (HSCP). Support group A Common Bond and I have similar concerns about it. For example, all Panel members have a safeguarding background; two are former social workers but	Cabinet member
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		<p>no representative of families. Herefordshire Council is one of the three Safeguarding Partners of HSCP. Therefore, I do <u>not</u> consider that they are independent of the council.</p> <p>Parameter 7:</p> <p style="padding-left: 40px;">"The Panel will <u>not</u> be able to consider any request to <u>review a case</u> where a child has been <u>adopted</u> ..."</p> <p>A family member can be accompanied by "someone" (ie one person) but:</p> <p style="padding-left: 40px;">"The Children's Commissioner and key representatives of the Council and safeguarding partners will attend the Panel sessions as observers."</p> <p>Do you agree with our concerns?</p> <p>I consider that the Commission sessions should be held after the Minister's decision.</p>	children and families
<p>Response: The Children's Commissioner and Herefordshire Safeguarding Children Partnership (HSCP) have appointed the Commission to hear directly from families about their experience of children's services in Herefordshire. Whilst the council is one of the three statutory safeguarding partners to the Herefordshire Safeguarding Children Partnership; this is a commissioned piece of work and Panel Members on the Commission do not have links to Herefordshire.</p> <p>In order to consider and review matters appropriately, it is important that Panel Members are suitably qualified and experienced and include those with a social work qualification and practice experience. To ensure that information is effectively shared, considered and where needed responded to it is important for key stakeholders, including the council, to be able to observe Panel sessions. The Commission and Panel Sessions are structured so that any person observing Panel Sessions does not influence the Commission.</p> <p>Since the question was submitted, the Minister's decision has been published and the proposed Commission sessions are dates in the future.</p> <p>It is noted that, pending the Terms of Reference being finalised, no decision has yet been taken concerning which cases should be included.</p> <p>For clarity, it is noted that the Commission will not be able to overturn, alter or appraise any decisions which are made by the courts; this includes the making of placement or adoption orders.</p>			
<p>Supplementary Question:</p> <p>Response included:</p> <p style="padding-left: 40px;">"... pending the Terms of Reference being finalised, no decision has yet been taken concerning which cases should be included."</p>			

However, families including adoption cases have received letters with appointments to speak to the Commission's Panel including terms of reference ("Parameters") including Parameter 11:

"If families participate in the Panel there will be the expectation that they will not raise the same issues as a public question at future Council meetings."

Three times I have submitted public questions about unsatisfactory responses to them but no responses! There were no responses to (? 4) public questions to the 28/2/23 Children's Scrutiny Committee meeting.

A family representative should be on the Panel. Testifying family members should be allowed more than supporter: duty of care.

Will adoption cases, including legacy cases, be reviewed as repeatedly promised?

Response to supplementary question – cabinet member children and families:

We have asked the Commissioner and the Safeguarding Partnership to reflect on the feedback from families about the original terms of reference and I am pleased that paragraph which referred to future attendance at public Council meetings has been removed. Observers to the panel will now also be limited to just the Independent Scrutineer of the Safeguarding Partnership with Eleanor Brazil attending to support the work of the Panel. It is therefore completely independent of the council.

Adoption Cases cannot be reviewed by the panel as they have no jurisdiction over Court Orders.

As for the public questions posed to the scrutiny committee earlier this week, the Chair of the committee issued a statement about this and apologised that questions got through the system to prepare responses. I echo that apology and am assured that responses are being prepared.

Appendix 2 - Questions from members of the Council

Question Number	Questioner	Question	Question to
MQ 1	Councillor Durkin, Old Gore	As the council is a DBID partner, is the cabinet member responsible, assured that the DBID proposal for Herefordshire is 'on track' legally, operationally and commercially to enable becoming an effective countywide BID, with the aim of improving businesses in the defined commercial area? Or is the cabinet member aware of any such stated or other impediments to enabling commencement?	Leader
<p>Response: Herefordshire County Business Improvement District (BID) is independent of the council. The Council has appointed a Director to the Board. The BID is currently operational having formed a limited by guarantee company in early 2022, and has supported marketing activity over the last few months with a loan provided by the council to enable activities to commence prior to the collection of levies from relevant businesses. The council has been working with the BID to clarify those businesses that should be issued levy demand notices, seeking clarification as to who should be invoiced based on the definitions and exemptions included in the BID business plan (which was subject to the ballot in November 2021). We are now close to resolving these areas. We are not aware of any reason that would prevent the BID continuing. We have every confidence that the BID will be a significant contributor to the Herefordshire Economy and accordingly the Council looks forward to working closely with it.</p>			
<p>Supplementary Question: How much have the tax payers of Herefordshire paid for this project? Would the Leader assure me that, as the authority is able to demand a BID levy, the BID arrangements are currently compliant with the requirement of the BOD Act and associated regulations? In addition also please inform why the answer to my question made no reference to advice from counsel?</p>			
<p>Response to supplementary question – Leader: The council took advice from counsel to ensure that arrangements were lawful, the advice remains confidential. The advice gave reassurance to the council and the bills would be sent out shortly.</p>			
MQ 2	Councillor Shaw, Bromyard Bringsty	What are the current total of vacant positions and positions held by temporary, Interim or staff acting up to a role (e.g. Acting Director) at the Council?	Cabinet member finance, corporate services and planning
<p>Response:</p>			

I'd like to thank Cllr Shaw for his question. Getting the balance right between permanent and temporary staff is important and – as he knows – there are many reasons why the council uses the flexibility afforded by temporary, agency and short-term appointments.

Sometimes we need specialist advice or expertise relating to a specific project or initiative – but only for a short period of time. In social care service areas there is a national shortage of qualified social workers prepared to work in the public sector – a problem exacerbated by Covid. Enabling officers to act up into more senior roles is an important way both to cover vacancies while formal recruitment processes are underway and to provide wider experience and on the job development opportunities.

The total number of vacancies is not held in one information system and a current figure cannot be provided in the time available to respond to written questions. However, in December 2022 an exercise was undertaken to reconcile all the data sources, which took more than 2 weeks to complete, and at that time there were 260 vacant posts of which 83 were covered by agency workers and 177 were vacancies actively being recruited into.

Supplementary question:

Will the cabinet member take steps to ensure that all current vacancies are advertised actively and will the chief executive consider actions he can take to have daily visibility of the trend in vacancies?

Response to supplementary question – cabinet member finance, corporate services and planning:

Yes

MQ 3	Councillor Hewitt, Golden Valley North	The Ofsted Rapid Review 2021 into sexual violence in schools and colleges found that, for child-on-child sexual assault 'when criminal investigations do not lead to prosecution', 'guidance does not equip' schools to make 'difficult decisions'. KCSIE (2022) cites relevant articles of the Human Rights Act (HRA) and Equality Act (EA) but falls short of an explanation as to how they may be used to protect victims. We understand that the DCS and his team are conducting a review of HC's guidance and advice, including safeguarding, this summer term. We seek assurance that this acknowledged gap in guidance will be addressed. That this Local Authority will produce written advice for our staff, to use when working with Designated Safeguarding Leads (DSL's) which explains clearly how the Human Rights Act and the Equality Act work to protect child victims of sexual assault.	Cabinet member children and families
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Response:

Thank you for the question. Yes we keep our guidance under review. We are in regular dialogue with local DSLs about safeguarding and referral processes, and in the case of a particular incident we are one of several sources schools go to for advice. I am aware of the national level *metooschool* campaign for guidance from the DfE, Ofsted and councils to provide more detail on the legal frameworks that protect the rights of children who disclose sexual assault, and am always open to suggestions of useful wording.

Supplementary question:

Can the cabinet member assure me that to her knowledge no victim of peer on peer abuse in this county has had to pay twice by remaining in school with their perpetrator despite the best efforts of the school?

Response to supplementary question – cabinet member children and families:

This is a national issue and I have frequent conversations with schools and colleagues around the country. I cannot give that assurance in a public meeting which would be very irresponsible to do so.

