

# Agenda

## General scrutiny committee

Date: **Wednesday 22 September 2021**

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Time: **10.00 am**

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Place: **The Conference Suite Herefordshire Council Offices,  
Plough Lane, Hereford, HR4 0LE**

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

For any further information please contact:

**John Coleman, Statutory Scrutiny Officer**

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If you would like help to understand this document, or would like it in another format, please call John Coleman, Statutory Scrutiny Officer on 01432 260382 or e-mail [John.Coleman@herefordshire.gov.uk](mailto:John.Coleman@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the meeting of the General scrutiny committee**

## **Membership**

**Chairperson**            **Councillor Jonathan Lester**  
**Vice-chairperson**   **Councillor Tracy Bowes**

**Councillor Sebastian Bowen**  
**Councillor Barry Durkin**  
**Councillor Louis Stark**  
**Councillor David Summers**  
**Councillor William Wilding**

## Agenda

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<b>PUBLICS RIGHTS TO INFORMATION AND ATTENDANCE AT MEETINGS GUIDE TO THE COMMITTEE NOLAN PRINCIPLES</b>	
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES</b> To receive details of members nominated to attend the meeting in place of a member of the committee.	
<b>3. DECLARATIONS OF INTEREST</b> To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
<b>4. MINUTES</b> To receive the minutes of the meeting held on 10 August 2021.	11 - 16
<b>HOW TO SUBMIT QUESTIONS</b>	
The deadline for the submission of questions for this meeting is 5.00 pm on Thursday 16 September 2021.	
Questions must be submitted to <a href="mailto:councillorservices@herefordshire.gov.uk">councillorservices@herefordshire.gov.uk</a> . Questions sent to any other address may not be accepted.	
Accepted questions and the responses will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at <a href="http://www.herefordshire.gov.uk/getinvolved">www.herefordshire.gov.uk/getinvolved</a>	
<b>5. QUESTIONS FROM MEMBERS OF THE PUBLIC</b> To receive any written questions from members of the public.	
<b>6. QUESTION FROM MEMBERS OF THE COUNCIL</b> To receive any written questions from members of the council.	
<b>7. PRIORITY FLOOD REPAIR WORKS CAPITAL PROGRAMME: REALIGNMENT</b> The general scrutiny committee review proposals for in year adjustments to the capital programme to allow the re-alignment of capital spend to projects on priority flood works that require the allocation of budget.	17 - 26
<b>8. DEVELOPMENT OPTIONS FOR THE FORMER HOLME LACY SCHOOL</b> To provide General Scrutiny Committee with an update in regards to the operation and future development of the former Holme Lacy Primary School.	27 - 38
<b>9. MAYLORDS ORCHARD</b>	39 - 44

To provide General Scrutiny Committee with an update in regards to the operation and future development of the Maylord Orchard Centre.

**10. WORK PROGRAMME**

To review the committee's work programme.

**11. DATE OF NEXT MEETING**

The next scheduled meeting is 15 November 2021.

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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 location of the office and details of city bus services can be viewed at:

<http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services->

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## 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 Sebastian Bowen	True Independents
Councillor Tracy Bowes (vice-chairperson)	Independents for Herefordshire
Councillor Barry Durkin	Conservatives
Councillor Jonathan Lester (Chairperson)	Conservatives
Councillor Louis Stark	Liberal Democrats
Councillor David Summers	Independents for Herefordshire
Councillor William Wilding	Independents for Herefordshire

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 and place directorate and corporate centre
- 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?**

The following attend the committee:

- Members of the committee, including the chairperson and vice-chairperson.
- Cabinet members, they are not members of the committee but attend principally to answer any questions the committee may have and inform the debate.
- Officers of the council to present reports and give technical advice to the committee.
- People external to the Council invited to provide information to the committee.

(Other councillors may attend as observers but are only entitled to speak at the discretion of the chairman.)



**The Seven Principles of Public Life  
(Nolan Principles)**

**1. Selflessness**

Holders of public office should act solely in terms of the public interest.

**2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**6. Honesty**

Holders of public office should be truthful.

**7. Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



**Minutes of the meeting of General scrutiny committee held at Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP on Tuesday 10 August 2021 at 10.15 am**

**Present:** Councillor Jonathan Lester (chairperson)  
Councillor Tracy Bowes (vice-chairperson)

**Councillors: Sebastian Bowen, Paul Rone, Louis Stark, David Summers and William Wilding**

**In attendance:** Councillors Gemma Davies (Cabinet Member – Commissioning Procurement and Assets), Liz Harvey (Deputy Leader and Cabinet Member for Finance, Corporate Services and Planning, David Hitchiner, Leader of the Council, Polly Andrews (Member for Widemarsh Ward), and Hereford City Councillor Paul Stevens (The Mayor of Hereford).

**Officers:** Guy Goodman (Deputy Solicitor to the Council), Neil Taylor (Interim Director, Economy and Place), Matthew Evans (Democratic Services Officer), Jennifer Preece (Acting Democratic Services Officer), John Coleman (Democratic Services Manager and Clerk), Helen Beale (Senior Estates Manager), Sarah Jowett (Head of Programme Management Office).

**19. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Barry Durkin

**20. NAMED SUBSTITUTES**

Cllr Paul Rone (for Cllr Durkin)

**21. DECLARATIONS OF INTEREST**

No schedule 1 or 2 interests were declared.

**22. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 19 July be approved.

**23. QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions from members of the public

**24. QUESTIONS FROM MEMBERS OF THE COUNCIL**

There were no questions from members of the council.

**25. FREEHOLD DISPOSAL OF THE TOWN HALL, ST. OWENS ST. HEREFORD**

The committee invited the Interim Director for Economy and Place and the Head of Programme Management Office to introduce the proposals for the disposal of the Town Hall.

The following principal points were explained:

- The future of the Town Hall is an issue that has been considered for some time – options around community asset transfer have been and continue to be explored but have not been successful to date.
- Importantly, no formal decision has been taken to dispose of the Town Hall.
- The council is currently considering how it manages its estate as part of a wider asset strategy and workforce (post Covid) accommodation review.
- It was noted that conditions surveys have been undertaken and maintenance issues with the Town Hall – as would be expected in an older building - have been identified
- Within this context, the views of the committee, and the attending Mayor of the City Council, on the potential uses for the Town Hall including whether, or not, it should be sold on the open market are welcomed.

#### **The chair invited committee members' views.**

The following principal points were offered by committee members:

- An immediate concern is the visual prevalence of damp and black mould – can urgent action be taken to ensure de-humidifiers are placed in the building to ensure the health of staff is not placed at unnecessary risk?
- The property strategy 2016/20 sought to keep both the Town Hall and the Shire Hall fit for public use. A view was expressed that the committee should not be asked to consider the future use/ownership of the Town Hall in isolation – it must be in combination with the wider strategy review.
- Members of the public need to be engaged in this conversation. Local Authorities do not receive grants to help them maintain their estate, are the public prepared to pay though increases in local precepts, for example, to maintain these public assets?
- Observations were drawn to the current costs of maintaining the Town Hall and the backlog of estimated maintenance costs (of £1.8m) with potential to increase. While these are relatively high sums of money, this would be dwarfed by having to replace and rebuild.
- It was noted that figures supplied in Appendix A relating to income was drawn from F/Y 2020/21, whereas the date for running costs were taken from 2019/20. The committee requested the income figures from 2019/20 are included to avoid imbalanced/worse case scenario financial reporting.
- In considering the options for market disposal, does this include No. 8 St. Owens St, and if so had consideration been given to re-investing any income generated from this ancillary sale to cover the maintenance requirements of the Town Hall?
- Whatever disposal option is committed to the Town Hall must remain open for public use.
- Enquiries were made as to where the current services operating out of the Town Hall, such as registration and licensing services, would be relocated to once the disposal has been completed.
- Further, what was the estimated market value of the site?

**Action:** Officers to provide the income figures for 2019/20 to the committee.

In responding to a number of these points, attending Cabinet Members and officers noted that:

- The preferred option for disposal remains a community asset transfer, there continues to be active negotiation with the city council and a local community group.
- Disposal will include the Town Hall, No. 8, the car-park and the garage.
- If, however, open market sale is the only realistic option - consideration would be given to the saleability of various elements of the site. Not with a view to profit from the sale, but with a view to ensuring the right buyers can be identified.
- The Town Hall, No. 8, the car park and garage is estimated at a total of £365k, this valuation reflecting the current condition and backlog of maintenance cost of £1.8m
- A key concern to all parties interested in the council's preferred option of community asset transfer is this liability – open market disposal may be the only realistic option if this cannot be overcome.
- However, the current context of the council needing to find £11.5m worth of savings this financial year is placing significant pressures on what the council can and cannot prioritise in terms of spend.
- The executive has considerable support for the city council becoming the new owners, recognising that they remain the largest of the county's parish councils who do not have their own offices.
- Whatever form of disposal is forthcoming, the new owners must be realistic and responsible for the liabilities of owning and maintaining an asset like the Town Hall.
- Public consultation has taken place – the data presented back to the council shows that maintaining council buildings is a very low priority for members of the public. It was noted that no members of the public had attended this meeting, giving a further indication of the levels of public interest.
- However, the council remains open to asking the public again for their views.
- The cabinet remain open to all good ideas that might facilitate public ownership, and to enable the city council and/or community groups to take ownership of this much valued site.

**The chair invited committee members to respond to these points.**

- It was suggested that a community interest company could be set up which would open up opportunities, not open to the council, to apply for grants and other sources of funding.
- Herefordshire Council would be willing to offer a 'letter of comfort' to support the city council in applying for grants, should they seek to pursue this as an option.
- The city council should also consider a public works loan - repaid over a long period of time – to provide the means to mitigate the liability at little or no extra cost to the public purse.
- Consider new uses – for example - open the building up to high profile artists to generate new income streams. The city council noted that they have similar ambitions to celebrate nationally recognised local artists.
- Acknowledgement was given that the city council remain open to and active participants in negotiations to find a community asset transfer arrangement.
- A contention was raised over the estimated liability figure of £1.8m stated by the council. The City Council – following their own independent surveys – suggest this liability figure is closer to £6m. It was suggested that to cover such liabilities would equate to raising local precepts by 50%.
- This point was responded to by indicating that other local town councils in the county do raise their precepts to ensure they can maintain their public offices. It is a reasonable expectation that the city council would need to do the same if they were to take on ownership.

- The discrepancy in the estimated liabilities was felt to be as a result of historical maintenance not complying with the necessary standards for maintaining a grade 2 \* listed building.

**Action:** The Cabinet Member for Commissioning, Procurement and Asset committed to write back to the committee on this point and to highlight whether compliance with maintenance for a building with listed status had been undertaken to date.

- Community Interest Companies and Charitable Incorporated Organisation models are being explored by the city council, under current Covid 19 working these operating models are taking longer to set up and establish than the current decision date would allow.
- It was suggested that given that the city council wish to take on ownership of the Town Hall that additional time should be offered to them to ensure they are able to put forward their business case and set up the right legal structures to be able to facilitate this outcome.
- That business case should be consulted on, with members of the public within the city council parish being consulted on the implications of shared financial responsibilities.

**Recommendations were proposed and seconded and it was unanimously resolved that:**

1. **As an immediate maintenance step - dehumidifiers are placed in the Town Hall to reduce/mitigate any immediate health related issues.**
2. **This decision should not be taken in isolation, but should be brought together with all of the council's listed buildings within the asset review.**
3. **The council consults further with the residents of Herefordshire (as part of the current round of budget consultation) to explain the costs of maintaining our council buildings, and to invite their views as to how the council should look to manage its estate of council buildings.**
4. **Clarity is given on exactly which elements of the Town Hall building is proposed for disposal if open market sale or a community asset transfer is the recommended option.**
5. **As part of the asset review, exploration is given to the possibility of selling No. 8 separately, with the proceeds of sale being re-invested in the restoration of the Town Hall to make it more viable as a community asset transfer.**
6. **That whatever the form of disposal is, it is stipulated that the Town Hall remains open for public use.**
7. **If a Community Interest Company/Charitable Incorporated Organisation is created, Herefordshire Council must accept its financial liabilities in accordance with legal, planning and property services advice and-**
  - a) **That rather than have a hard deadline for a decision, the council agrees to a suitable transition (time limited) period to help deliver and secure the asset transfer.**
  - b) **That the financial costs (around ownership and maintenance) must be built in to the Hereford City Council preferred ownership model.**

8. **The differences of view between Herefordshire Council and Hereford City Council set out within the condition survey estimates are revisited to establish a clear position on the backlog of financial costs of maintenance.**
9. **The Council reviews and updates its corporate property strategy to include a separate strategy for its listed buildings.**
10. **The urgent maintenance of the beam be addressed**

**26. DATE OF NEXT MEETING**

The next scheduled meeting is 13 September 2021, 10.15 a.m.

The meeting ended at 13.27pm

**Chairperson**







## **Priority Flood Repair Works Capital Programme: Realignment**

**Meeting: General Scrutiny Committee**

**Meeting date: 22 September 2021**

**Report by: Head of Highways and Community Services**

### **Classification**

Open

### **Decision type**

This is not an executive decision

### **Wards affected**

Backbury and Old Gore

### **Purpose**

The general scrutiny committee review proposals for in year adjustments to the capital programme to allow the re-alignment of capital spend to projects on priority flood works that require the allocation of budget.

### **Recommendation(s)**

**That:**

- a) **having regard to the proposals the committee determines any recommendations it wishes to make to Cabinet in relation to the realignment of the capital programme to cover priority flood repair works.**

### **Alternative options**

1. There are no alternatives to the recommendations. Cabinet is responsible for developing and proposing amendments to budget proposals for council

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Further information on the subject of this report is available from  
John Coleman, [John.Coleman@herefordshire.gov.uk](mailto:John.Coleman@herefordshire.gov.uk), 01432 260382

consideration and it is a function of this committee to make reports or recommendations to the executive with respect to budget and policy framework items. The council's budget and policy framework rules require Cabinet to consult with scrutiny committees on budget proposals in order that the scrutiny committee members may inform and support the process for making Cabinet proposals to Council.

## Key considerations

2. Storm Dennis hit Herefordshire during the weekend of 15 and 16 February 2020, resulting in significant damage and flooding, from both runoff and river overspill, with many of the rivers reaching their highest levels in 200 years. As part of a multi-agency response and recovery group the council successfully mobilised all resources to respond to the event.
3. The Bellwin scheme will not fund all repair needs following flooding in February 2020. With no further funding having been specifically made available by Government for recovery from Storm Dennis, the significant gap between what the Bellwin scheme provides and the cost of all necessary repairs must be met from within the capital programme.
4. The Fownhope flood damage related principally to a landslip at Lechmere Ley which caused more than a third of the carriageway to be lost. Approximately 3000 tonnes of material had to be excavated and equivalent imported to rebuild the road.
5. At Stone Cottage a five metre high retaining wall collapsed due to pore water pressure from run off. The retaining wall supported the B4224 carriageway immediately adjacent to Stone cottage. This was a complete failure of the wall which could not be repaired – and a new section of wall has been constructed.
6. The decision to progress flood repair works, including the repair to the damage to the B4224 at Fownhope was taken under emergency powers at section 3.7.9 of the constitution on 30 April 2020.
7. On 23 July 2020 cabinet considered funding options and made recommendations to Council for funding of the repair works. On 4 August 2020 at an extraordinary council meeting council confirmed that the priority flood repair works project be added to the capital programme.
8. The decision taken by the Council on 4 August 2020 was that £4.027m (Priority Flood Repair Works) be added to the capital programme as a new programme; and that they were funded by extended prudential borrowing.
9. The £4.027m was made up from the following estimates:

<b>Schemes</b>	
Fownhope Landslip	£ 1,565,000
Fownhope Retaining Wall Collapse	£ 1,000,000
Whitney on Wye Instability	£ 500,000
Various damage Sites	£ 962,000

TOTAL:	£4,027,000
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10. As work has progressed on these priority flood works the cost of the repairs have altered from their original estimates. Project budgets are requested to be realigned to account for project outturn to date and enable all payments due to be made. This all with a view to completing the programme within the budget set for the entire programme of Priority Flood Repair Works.
11. Approval is being sought to realign the capital programme to address the variances in the repair works, as follows:

Project	Original Capital Estimates	Realigned Capital Estimates	Rationale
Fownhope Landslip	£ 1,565,000	£510,000	To align to project outturn cost
Fownhope Retaining Wall Collapse	£ 1,000,000	£1,150,000	To align to project outturn cost
Whitney on Wye Instability	£500,000	£2,367,000	To account for uncertainty in the delivery of remaining schemes. This given that detailed scheme design has yet to conclude and approximately 18 months has passed since the original capital estimates were derived
Various damage Sites	£962,000		
Total	£4,027,000	£4,027,000	No change to programme budget

12. A delegation is being sought to enable the Chief Finance Officer (as S.151 officer) to approve the in-year amendments to the capital budget to allow for payments to be made in respect to the projects identified and those that form the remainder of the Priority Flood Repair Works Capital Programme.

## Community impact

13. These highway maintenance and flood repair works will contribute to the County Plan 2020 – 2024 ambitions by protecting the environment, safe communities and providing infrastructure that supports our economy. The investment will ensure the

network is resilient to the extremes of weather and ensure the safety and availability of the infrastructure for our public and users of Herefordshire's highway network.

## **Environmental Impact**

14. The allocation of funding for priority flood damage repairs and for works to enhance the resilience of the county's infrastructure to future storm events will contribute to the success of the County Plan by helping to increase flood resilience and improve residents' access to green space in Herefordshire via the highway network.
15. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
16. The development of these works has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance. This through minimisation of waste and enabling sustainable and active travel options across the county as a result of improvement in the condition of our highways and restoration of access throughout the highway network by the repair of flood damage.

## **Equality duty**

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

17. 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.

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.

## **Resource implications**

18. The total of the sum certified plus other expenditure incurred for two completed schemes is £0.905m below the total of the estimates for the two completed Fownhope repair schemes.
19. The service does not anticipate any substantial further expense in respect to works over the sums certified to date for both the Fownhope Landslip and the Fownhope Retaining Wall Collapse.
20. A review of estimates for the necessary work that remain, which will be best completed following receipt of tenders and the detailed contemporary quantification of works on a site by site basis, may identify the need for an adjustment in the budgets required for the remaining elements of this programme.
21. Approval is sought to reallocate this £0.905m and provide a budget of £2.367m for the remaining schemes in this programme of Priority Flood Repair Works.

## **Legal implications**

22. It is within the remit of General Scrutiny to review and consider budget and policy framework items.
23. The functions of the general scrutiny committee include the powers to make reports or recommendations to the executive with respect to the discharge of any functions which are the responsibility of the executive and to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area.

## **Risk management**

24. The recommendations agreed by the committee will be sent to the executive. In considering its response the executive will need to assess any risks arising from the recommendations.
25. Any recommendations made by the committee are focussed on actions that are already underway. Where further decisions are required upon completion of the recommendations, any resource requirements will be considered in future reports.

## **Consultees**

26. The general scrutiny committee met on 22 March 2021 to review the Fownhope Flood Repair Works.

## **Appendices**

Appendix A: Priority Flood Repair Works Capital Programme: Realignment

## **Background papers**

None

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

**Bellwin Scheme:** a United Kingdom government emergency financial assistance which "reimburses local authorities for costs incurred on, or in connection with, their immediate actions to safeguard life and property or to prevent suffering or severe inconvenience as a result of a disaster or emergency in their area

## Appendix A: Priority Flood Repair Works Capital Programme: Realignment

### Purpose

To approve in year adjustments to the capital programme to allow the re-alignment of capital spend to projects that require the allocation of budget. Provision of funding is required to enable the following:

- Given that:
  - the estimated cost for the repair of the Fownhope Landslip was £1.565m; and
  - the sum certified as due in accordance with the Public Realm Services Contract (PRSC) for this completed scheme is £0.508m,

approval is sought to reduce the budget for this scheme to £0.51m.

- Given that:
  - the estimated cost for the repair of the Fownhope Retaining Wall Collapse was £1m; and
  - the sum certified as due in accordance with the PRSC for this completed scheme is £1.066m; and
  - c£36k of other expenditure has been necessarily incurred to gain access to land and provide revised public transport arrangements during the closure of the B4224 at Fownhope.

approval is sought to increase the budget for this scheme to £1.15m.

- Given that:
  - the sum certified as due for the Fownhope Retaining Wall Collapse includes c£70k that have yet to be paid to BBLP and interest will be due on this late payment. The budget increase for sought for this scheme included an allowance for the interest due.
  - It should be noted that construction contracts are subject to the requirements set by the Housing Grants, Construction and Regeneration Act 1996. In the event that the contractor had to perform additional work to complete the construction, and the reason for that additional works is a matter which is identified as being at the client's risk, then the contractor is due to be paid that additional sum as part of the sums due to them. This regardless of whether the client has the budget to cover this assigned to the scheme. Consequently, the sum due must be certified under the contract for payment.
  - In contrast, council officers can only make payments in accordance with the authority delegated to them. Meaning that whilst the aforementioned sums are certified as due, officers do not have the authority to make the payment that is due, unless the budget is realigned as described.

as a consequence of this realignment the sums due for works done can now be paid in accordance with the PRSC and the requirements for payment in construction contracts

as established by Section 111 of the Housing Grants, Construction and Regeneration Act 1996.

- Given that the:
  - report to Council on 4 August 2020 set the budget for this programme of Priority Flood Repair Works at £4.027m;
  - the total of the sum certified plus other expenditure incurred for two completed schemes is £0.905m below the total of the estimates for the two completed Fownhope repair schemes; and
  - the service does not anticipate any substantial further expense in respect to works over the sums certified to date for both the Fownhope Landslip and the Fownhope Retaining Wall Collapse; and
  - a review of estimates for the necessary work that remain, which will be best completed following receipt of tenders and the detailed contemporary quantification of works on a site by site basis, may identify the need for an adjustment in the budgets required for the remaining elements of this programme.

Approval is sought to reallocated this £0.905m and provide a budget of £2.367m for the remaining schemes in this programme of Priority Flood Repair Works.

A delegation is sought to enable the Chief Finance Officer (as S.151 officer) to approve the in year amendments to the capital budget to allow for payments to be made in respect to the projects identified and those that form the remainder of the Priority Flood Repair Works Capital Programme.

### Alternative options

1. Not to approve the proposed amendments. This is not recommended as:
  - a. This would mean that sums certified as due for works that were required to complete the Fownhope repairs could not be paid. The council would be in breach of contract and have acted contrary to the requirements of the Housing Grants, Construction and Regeneration Act.
  - b. It may not be possible to complete all remaining Priority Flood Repair Works.
2. Not to seek a delegation to make the in-year amendments to the capital budget. This is not recommended as the re-alignment of the capital budget is within the envelope of the £4.027m allocated by Council for the repair of the Priority Flood Repair Works and therefore does not adversely impact on the council's financial position.

### Proposal

The Priority Flood Repair Works Capital Programme is realigned as follows:

Project	Original Capital Estimates	Realigned Capital Estimates	Rationale
Fownhope Landslip	£ 1,565,000	£510,000	To align to project outturn cost



Fownhope Retaining Wall Collapse	£ 1,000,000	£1,150,000	To align to project outturn cost
Whitney on Wye Instability	£500,000	£2,367,000	To account for uncertainty in the delivery of remaining schemes. This given that detailed scheme design has yet to conclude and approximately 18 months has passed since the original capital estimates were derived
Various damage Sites	£962,000		
Total	£4,027,000	£4,027,000	No change to programme budget

### Resource implications

The proposed resource implication is the realignment of capital funding within the sum decided for the works programme, this to enable the completion of all Priority Flood Repair Works and the payment of all sums certified as due for the completed works.

### Summary

Project budgets are realigned to account for project outturn to date and enable all payments due to be made. This all with a view to completing the programme within the budget set for the entire programme of Priority Flood Repair Works.





## **Future development options for the former Holme Lacy Primary School in Herefordshire**

**Meeting: General scrutiny committee**

**Meeting date: Wednesday 22 September 2021**

**Report by: Cabinet member housing, regulatory services, and community safety**

### **Classification**

Open

### **Decision type**

This is not an executive decision

### **Wards affected**

Dinedor Hill;

### **Purpose**

To provide General Scrutiny Committee with an update in regards to the operation and future development of the former Holme Lacy Primary School.

### **Recommendation(s)**

**That:**

- a) **The Committee reviews the future development options of the former old primary school at Holme Lacy and determines any recommendations it wishes to make to the executive, which may enhance the effectiveness of the plans.**

### **Alternative options**

1. The paper has been drafted at the request of the General Scrutiny Committee, providing an update on the proposed future development of the former Holme Lacy Primary School. As such, no alternative options have been identified

## Key considerations

2. On 22 July 2021 the Cabinet Member housing, regulatory services, and community safety led the decision to proceed with an outline design for the former Holme Lacy Primary School to allow housing market assessment and for the designs up to and including planning submission for houses on this council owned site. The link to the approved decision: <http://hc-modgov:9070/ieDecisionDetails.aspx?ID=8061>
3. The decision used the output of feasibility work at the council owned Holme Lacy Site which identified the site as being a suitable location at which to develop homes. However it was also explained that further work would need to be commissioned separately to complete outline design and commission full site surveys to fully understand the development opportunity.
4. The decision paper highlighted that the Holme Lacy Site offers the potential for offers the potential for suitable development to progress the council's aspiration of delivering affordable homes. The site also offers the opportunity to be sold on the open market and for the capital receipt be used to cross-subsidise alternative developments in other areas of the county. Any potential sale would be with outline planning permission which would ensure the council's net carbon zero building standard aspirations are delivered by any purchaser.
5. Housing need has been assessed to understand the housing need in Holme Lacy:
  - a. The initial document consulted was the Housing Market Area Needs Assessment, the assessment provides local level outputs on local housing need for the seven Housing Market Area's (HMA) with an urban/rural distinction between each HMA. The analysis is drawn from a scenario which looks at trends in population growth in each HMA and projects these trends forward.
  - b. Secondly, Home Point data was extracted. Home Point is the waiting list held by the council where applicants in housing need register for all forms of rented affordable housing.
  - c. In addition all vulnerable assessments are referred to and finally local intelligence of stock and the tenures in the given area were taken into account.
  - d. When all of that information is available an analysis was made and recommendations of dwellings numbers, bed sizes and tenure were given.
6. To support the decision a housing needs assessment was completed for the Housing Market Area. The assessment results indicated an estimated housing need of 106 dwellings per annum.

HMANA Hereford Rural HMA - Rental	80 units per annum
HMANA Hereford Rural HMA - Home Ownership (affordable)	26 units per annum
Home Point Data - Applicants who have registered for social housing in Holme Lacy	16 residents registered for rental
Current Housing Stock in the village	20 properties
Identified Vulnerable need	Zero

7. The site is a council owned asset which is currently not used. The site was released as an educational premises in January 2019. A decision was taken on 11 February 2019 to commission Keepmoat, one of the council's procured development partners the first stage appraisal in respect of a potential project at this site. Link to decision: <http://hc-modgov:9070/ieDecisionDetails.aspx?ID=5660>
8. The initial output of the work from Keepmoat indicated a potential for the site to deliver a development of 26 homes excluding the school building which is to be retained and refurbished. However, this was a high level feasibility study and full surveys were not commissioned at that stage therefore no costs were incurred.
9. On completion of pre-application planning advice the proposal was amended to reduce the density to circa 20 dwellings providing a 100% mixed affordable housing scheme of affordable rent and shared ownership. The advice took into account the close proximity to existing homes on the western boundary and density in the south east of the site. The advice also indicated the need to enhance the connection and surface finish to the Public Right of Way to the east of the site. These will be reviewed as part of the next stage of the project.
10. On appointment of a design team the local community, Parish Council and Ward Member will be consulted with to help shape the design of the homes at the site, with the aim of achieving a net carbon zero design.
11. To ensure that key milestones have been communicated a timeline of previous project information has been created and is attached as Appendix 1 for reference.
12. Section 9 of the Housing Act 1985 (the 1985 Act) is the key power for councils to provide housing accommodation. It includes two sets of acquisition provisions: Sections 9(1)(b) and 9(2) - a local housing authority (LHA) may acquire houses – and alter, enlarge, repair or improve a house so acquired; Section 9(3) – a LHA can exercise the Section 9 powers to provide housing accommodation "in relation to" land acquired for the purpose of (a) disposing of houses provided, or to be provided, on the land or (b) disposing of the land to a person who intends to provide housing accommodation on it.

## **Community impact**

13. The County Plan 2020 – 2024 aims to shape the future of Herefordshire and encourage and strengthen communities whilst creating a thriving local economy and protecting and enhancing the environment to ensure Herefordshire remains a great place to live, visit, work, learn and do business.
14. Delivering housing to help address the shortage of affordable housing in the County is intrinsically linked to the ambitions of the new County Plan 2020 – 2024:
  - a. Environment – protect and enhance our environment and keep Herefordshire a great place to live

- b. Community – strengthen communities to ensure everyone lives well and safely together
  - c. Economy – support an economy which builds on the County’s strengths and resources
15. Any proposed scheme at the Holme Lacy site would look to incorporate these aspirations as key elements of any proposed developments.

## Environmental Impact

16. As the proposals are developed during this stage the council can heavily influence and retain full control of what is ultimately built as part of any scheme. This ensures that all the council’s sustainability policies and objectives can be met for the sites to be developed.

## Equality duty

17. 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.

The equality duty covers the following nine groups with protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The decision does not discontinue services and has no detrimental impact for eligible service users.

- d) The development of a scheme will create greatly improved housing options for small numbers of vulnerable local residents who share protected characteristics either now or in the future. It is intended to where possible build to The National Development Space Standards with the aim of creating ‘Homes for Life’ and accessible accommodation for
  - e) wheelchair users or those with physical disabilities.
18. Consideration has been given to the types and standard of accommodation taking a fabric first approach to building design, maximising the performance of the components

and materials. Taking this approach can minimise the need for energy consumption which will assist in alleviating fuel poverty in the County it will also be cost beneficial to the occupant, demonstrating the council's commitment to equality and their pro-active approach to ensuring the right properties are available in the right location and built to a high specification to meet the their needs.

## Resource implications

19. Capital prudential borrowing will be used to fund the next stage, the design work, allocated in the capital programme approved at Council in February 2021. If a scheme does not progress the costs will need to be funded from reserves, as they can no longer be capitalised. However if an affordable housing scheme is not financially viable there is an option to develop the site as an open market scheme and therefore revenue cost implications would be minimised as development costs can be funded from the capital receipt received.

## Legal implications

20. There are no legal implications arising from this report or its recommendations.

## Risk management

21. The key risks associated with the options outlined in the paper are as follows:

Risk / opportunity	Mitigation
Drainage at the site may be challenging for any development	A full survey to be completed of the site and various drainage solutions to be considered and costed during the design stage of the project.
Ensuring all stakeholders are kept informed of the key elements of the project.	A full communication strategy will be created to ensure all key stakeholders are kept informed of each and every stage of the project.

22. Risks are managed according to the council's risk management framework, aligned with corporate risk strategy and recorded on a service risk register, being escalated to the directorate or corporate risk register according to the significance of the risk

## Consultees

23. Consultations have taken place with the Cabinet Members for Housing, Regulatory Services, and Community Safety
24. This paper and the recommendations contained within it incorporate comments received during the above consultations

## **Appendices**

Appendix 1 – Timeline of Communications


Appendix 2 – Holme Lacy Site Plan

## **Background papers**

None

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

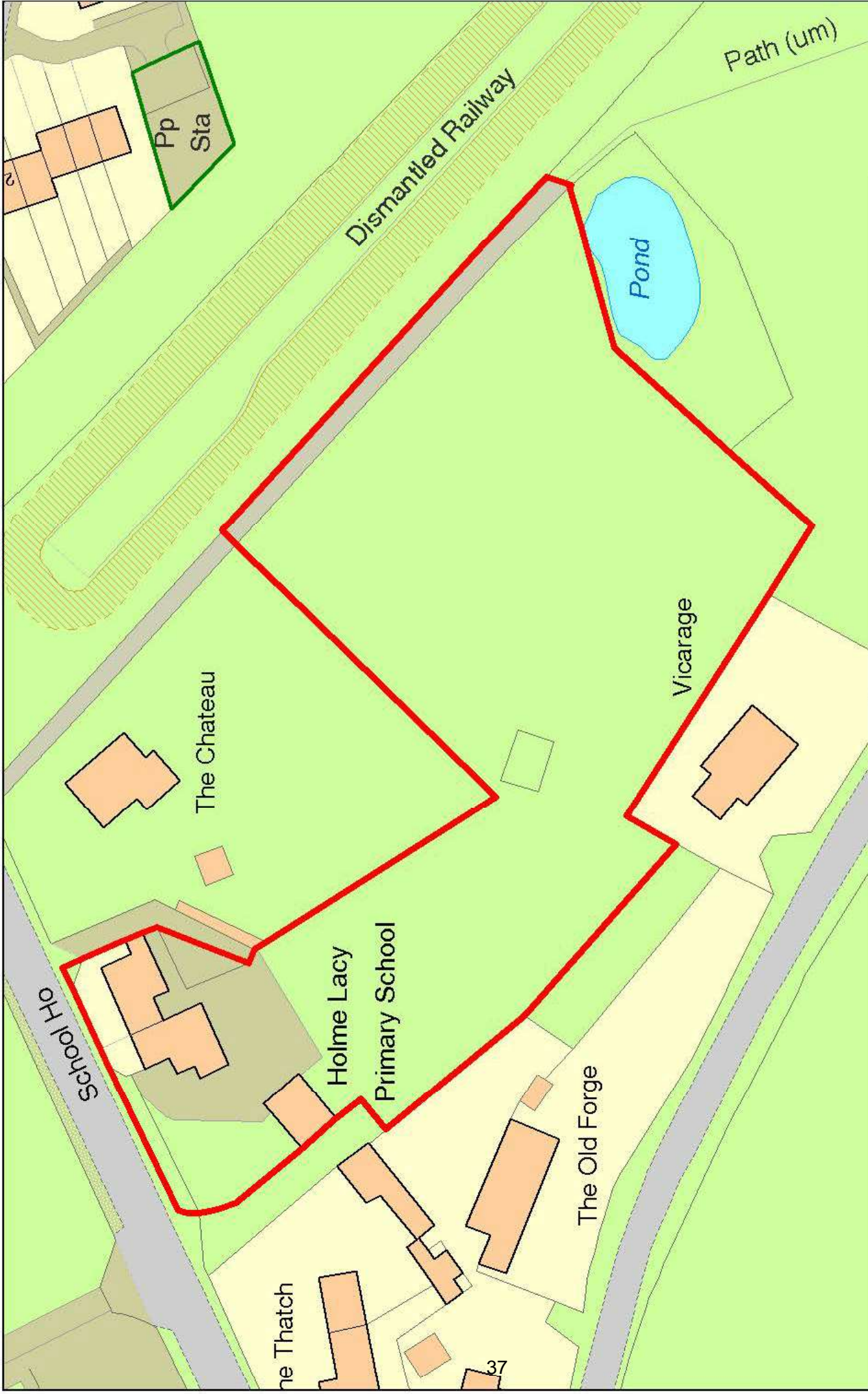


Date	Theme	Originator	Theme Content	Reply (if applicable)
09.01.19	Legal Update	Director of Housing	Confirmed to Ward Member that Secretary of state approval received for the disposal of the school	No response required
17.01.19	Pre Application Feedback	Planning Officer	Pre App response received from Planning Dept.	14.02.19 Ward Member relied and requested a copy of the ecology
11.02.19	Communication	Ward Member	Email from Ward Member to Director Housing advising disappointed at lack of communication re the disposal of the site	12.02.19 email from Director of Housing to Ward member providing a full update on progress
13.02.19	Site Specific	Strategic Housing Manager	Informed Ward Member of Property Services site visit looking at the boundaries of the school	No response required
14.02.19	Site Specific	Director of Housing	Email to Ward Member advising a visit has been made for the Brethren to look at the school building	No response required
04.03.19	Site Specific	Director of Housing	Met with Ward Member regarding the encroachment issue of the neighbour	No response required
10.03.20	Project Update	Keepmoat Representative	NPA report received from Keepmoat advising development not viable	 NPA Report to HC - 10 Mar 20.docx
01.03.21	Property Issues	Resident	Wrote to Ward Member to discuss overgrown hedge from the school falling into her property	Ward member emailed Balfour Beatty (BB) on the 10.03.21, who replied on 22.03.21 that the new provider would pick up the job: Ward member replied 22.03.21 as the reply was not understood, BB replied 22.03.21 that it is Council responsibility, 23.03.21 Cllr Tyler intervened and asked Strategic Housing Manager for a reply, 23.03.21 Ward Member suggested he had requested information twice and received no reply, 23.03.21 Strategic Housing Manager provided an update advising that options are still being considered
23.03.21	Site Specific	Ward Member	Ward member reply with concerns  “However, the following concerns me a little: (This work has only just started again so no topographical or ecological surveys have been undertaken it is very early days.) Keepmoat spent a great deal of time taking measurements etc. etc. what happened to all the information they gathered surely we have access to it? I would be interested in knowing if Herefordshire council is being billed for the information gathering that has already been done. Perhaps a meeting to discuss the matter further might be in order.”	Strategic Housing Manager reply 23.03.21 to Ward Member and Parish Council “We are now looking at the site again to establish ‘how do we make it viable’, what dwelling numbers can be developed on site, what tenures work, pre application advice is being sought again, once we have all of that information we will then make a decision of whether to take the site forward or not, if we proceed that’s when the costs will start to be incurred.  The information that Keepmoat gathered hasn’t been lost, no cost was incurred for any survey work as they never actually proceeded that far. Pre application advice was sought and planning advised that dwelling numbers needed to be reduced, at that point the scheme became unviable for Keepmoat to deliver. “

				24.03.21 Property Services also provided a response
11.09.20 and again on 01.04.21	Project Update	Holme Lacy Parish Council	Wrote to the Leader asking for update on the school plans,	Leader replied on 06 April 21 Strategic Housing Manager contacted Ward Member on 01.04.21 to ask if he has enough information reply to the Parish Council
01 .04.21	Project Update	Holme Lacy Parish Council	Wrote to Ward Member	As above
06.04 21	Site Specific	Ward Member	To Strategic Housing Manager advising 'As the school is one of the last one room school houses around, in 2015 I also suggested that the PC consider taking the school on as an asset'	Strategic Housing Manager replied on 06.04.21 advising she would take on board the suggestion
19.04.21	Redevelopment	Resident	Wrote "Advising against development in the village asking for current position"	Strategic Housing Manager replied 26.04.21
13.05.21	Project Update	Ward Member	Email from Ward Member replying to Resident	Strategic Housing Manager replied to Ward Member 14.05.21 advising that a number of people have made enquiries re the site and its future use, work is still ongoing re the available options, once known they will be discussed.
16.05.21	Site Specific	Residents	Expressing an interest in buying the school field to extend their garden and potentially use as a paddock,	Strategic Housing Manager replied on the 17.05.21 to Resident
24.05.21	Site Specific	Property Services	Discussion around Historic England receiving an application to add the building to the List of Buildings of Special Architectural or Historic Interest	13.08.21 Response from Conservation Officer "The former school building dates to 1860. It has quite a strong visual presence in the street generally and its long connection with the village as the local school gives it both architectural and cultural interest. Though unlisted it will be regarded as a non-designated heritage asset and there will be a resistance to any proposal for its demolition. There may be scope for some limited alteration to the rear of the school and there is certainly potential for its conversion to a single and possibly two residential units. The out building associated with the school has no architectural or historic interest and there would be no objection to its demolition. "
01.06.21	Decision Update	Ward Member	Request to Interim Development Director for further detail on the upcoming decision	01.06.21 Interim Development Director explained further detail would be provided post Cabinet workshop 18.06.21: 22.07.21 Interim Development Director sent apologies and the updated Pipeline detail
23.07.21	Decision Update	Ward Member	Query on the number of proposed homes decreased from 40 to 30?	23.07.21 Interim Development Director confirmed it would be circa 21 homes

04.08.21	Project Update	Holme Lacy Parish Council	Request to Ward Member for Parish Council Chair to be involved with discussions with officers and the design team	19.08.21 Interim Development Director explained that design team appointment was paused until after the scrutiny committee. 20.08.21 Ward member acknowledged paus
21.08.21	Redevelopment	Redevelopment	Requested clarification on redevelopment plans	23.08.21 Cabinet Member responded including note to engage the Parish Council who have already committed to work with Council on any redevelopment





SCALEBAR

Herefordshire Council, Property Services - Resources,  
 Franklin House, 4 Commercial Road, Hereford, HR1 2AZ.  
 HC Courier Code: H30  
 Tel. 01432. 261534  
 Fax. 01432. 261892

**RDA6: Holme Lacy Primary School**  
 Object Area= 7942.79 sq m ; Easting: 355359.64m ; Northing: 235519.99m ; ScaleBar Width: 221.4m



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## Maylords Orchard

**Meeting: General scrutiny committee**

**Meeting date: Wednesday 22 September 2021**

**Report by: Cabinet member commissioning, procurement and assets;**

### Classification

Part Exempt

This report is open but the appendix is part exempt by virtue of paragraph 3, Information relating to the financial or business affairs of any particular person (including the authority holding that information) of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A of the Local Government Act 1972, as amended.

### Decision type

This is not an executive decision

### Wards affected

Central;

### Purpose

To provide General Scrutiny Committee with an update in regards to the operation and future development of the Maylord Orchard Centre.

### Recommendation(s)

That:

- a) **The Committee reviews and notes the update report on the Maylord Orchards Centre acquisition and future plans and determines any recommendations it wishes to make to the executive**

### Alternative options

1. The paper has been drafted at the request of the General Scrutiny Committee, providing an update on the operation and proposed future development of the Maylord Shopping Centre. As such, no alternative options have been identified.

## Key considerations

2. On 18 May 2020 the Cabinet Member for Commissioning Procurement and Assets took a decision to acquire the leasehold of Maylord Orchards Centre as a strategically significant site in the centre of Hereford ([Decision - Strategic Acquisition of a leasehold in Herefordshire and to award a facilities management contract post completion - Herefordshire Council](#)).
3. As outlined in the decision report, the council sought control of the site to provide the opportunity to develop it in line with the county plan priorities to enable economic growth. The report also identified a risk that if the council did not acquire control of the site a private investor may have purchased it, and it is unlikely that they would carry out any improvement or re-purpose the facility. This would have led to a large strategically important site at the heart of the city centre continuing to decline, with increasing empty retail units, becoming a blight on the city centre rather than contributing to the local economy.
4. To inform the acquisition the council commissioned an asset valuation appraisal of the site to ensure value for money in the proposed purchase. As a background paper this is attached in Appendix 1.
5. The council employed the services of a professional retail management company as a 'stop-gap' for an initial one year period to ensure that the centre continued to operate effectively whilst the council investigated and determined the future of the Maylord Orchards Centre. As part of their commission the agents developed a three year Business Plan which was approved in December 2020 ([Decision - Record of Officer Decision - Adoption of Business Plan: Maylord Orchard Shopping Centre - Herefordshire Council](#)) outlining short, medium and long term objectives based upon commercial principles. Short term objectives were to improve cleaning, toilet refurbishment and improved Christmas decorations. Medium term objective was to minimise the number of void units, costs and maintain income levels close to that at time of acquisition. Long term objectives are more strategic around footfall, investment, regeneration and other uses.
6. The short term objectives are complete. Medium term, the council is considering and evaluating how Maylord Orchards Centre is managed and optimise its performance in line with the County Plan aspirations. However, the Covid pandemic has accelerated the change in the landscape with the future of the high street more uncertain, and the need for all cities to urgently consider the regeneration/ re-purposing of city centres. The national picture is challenging with companies closing down (including long-standing national retail chains), down-sizing and re-gearing leases or going out of business.
7. With regards to the financial performance of the Maylord Orchards Centre in this challenging time, the council has sought to mitigate the effects of Covid 19. We have been successful in letting nine previously vacant units and five tenants have renewed leases. This includes support for new businesses to become established in the city centre, diversifying the retail offer and creating new employment opportunities. .
8. The Maylord Orchards Centre management contract was extended in June 2021 until end September 2021 to allow a longer term approach to the operational management



of the shopping centre to be determined. Accordingly, a Decision report ([Decision - Maylord Shopping Centre – Management Services - Herefordshire Council](#)) dated 10 August 2021 was approved by the Cabinet Member Commissioning, Procurement and Assets to engage Hoople Ltd to take on the operational management on behalf of the council. Regular meetings linked to the de-mobilisation and mobilisation of the arrangement are in place.

9. In line with council aspirations, an interim management business plan has been developed which provides a firmer basis for the management of the shopping centre as future development plans are established. The Interim Management Plan will be presented to Cabinet shortly.
10. In terms of future development, as per the original intention, the strategically significant site will be redeveloped to support the regeneration of the city centre as a whole. The redevelopment of the centre will create a range of cultural, skills, and employment support services at the heart of the city. This will establish a new mixed use focus, creating new social value reasons for people to visit, learn and work in Hereford as retail declines in line with the national trend as a primary footfall driver.
11. This opportunity has been recognised by the Hereford Towns Fund Board in their [Town Investment Plan](#). Through submission of the Plan, the Towns Fund Board has secured £22.4m of government funding to support the regeneration and growth of the city, including three proposed projects (totalling £4.5m) in the Maylord Shopping Centre. The Plan states that *'This ecosystem of inter-connected projects stakes out a transformational post-Covid future for our city. It repurposes the Maylord Shopping Centre at the heart of the city as the base for a new Library and Learning Centre, a new Digital Culture Hub, and an enhanced creative and performance space linked to the Powerhouse...which will attract footfall in its own right.'*
12. The proposed Towns Fund projects are also complimentary to DWP's new job centre currently being developed in a prominent unit in the shopping centre.
13. The long term redevelopment of the Maylord Shopping Centre site will also be considered in the City Centre Masterplan. The masterplan will establish a long term vision for the redevelopment of the city centre as a whole. The strategically significant location of the Maylord Orchards Centre site means it is well placed to play a key role in the long term redevelopment of the city for many years to come.

## Community impact

14. The council's county plan 2020-2024 includes support the growth of our economy as a strategic priority. The wider Herefordshire economic vision sets out an ambitious framework for economic growth within the county and is supported by the core strategy. Delivery of the core strategy and economic vision will rely on significant investment in a variety of developments across the county. The purchase of the Maylord Orchards Centre in June 2020 supported this aspiration.

15. As above, the proposed mixed use social value focussed redevelopment of the shopping centre will provide local residents with access to enhance skills, cultural and public services located at the heart of the city centre.

## **Environmental Impact**

16. The environmental impact of any development proposals will seek to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance through the service specification and includes appropriate requirements on the contractor/delivery partner to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity.
17. One of the key ambitions of the centre is to create a sustainable zero waste hub, There are a number tenants including Cult Vintage, a vintage clothing store, a playwright library in Powerhouse and Make It Happen Creative Dreams who teach sewing skills and sell haberdashery so that people can repair and reuse items rather than disposing of, already helping to contribute to this ambition.

## **Equality duty**

18. 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.
19. The decision does not discontinue services and has no detrimental impact for eligible service users. Facilities have already been improved, with the reopening of the toilets which is having a significant positive impact on those with children, carers and those with parental responsibilities
20. Should any improvement or refurbishment of the property be required, the council will not only ensure that it is compliant with the provisions of the Equality Act 2010, but we will work with user groups to ensure that the design improves access for all, and achieves the highest possible level of accessibility.

## **Resource implications**

21. Capital funding was used for the acquisition, from the Development Partnership budget in the capital programme funded by allocating £4,147,079 of the capital receipts reserve to cover all costs including external and internal fees associated with the purchase. Any surplus revenue income is to be retained in a specific reserve for

maintaining the asset, the reserve fund open balance at the start of 2021/22 was £202.5k. The rent and service charge arrears at the end of August 2021 was £475k.

22. The previously reported yield is 10.43% although this is awaiting an update from Montague Evans. Forecast maintenance are subject to clarification with Montague Evans as part of the transition to new providers which is set for the 1<sup>st</sup> October 2021.
23. Normal shopping centre management principles include a service charge that is designed to recover costs shared in common by the tenants, including overall management of the site. Service charges for void units have to be covered by the Maylord Shopping Centre budget and non-domestic rates are also payable on void units by the Maylord Orchards Centre budget.
24. The mobilisation costs for Hoople to take on the operational centre management will be sourced from existing retained reserve fund.
25. The council, Powerhouse and Rural Media are currently developing full business case submissions for their respective Towns Fund projects. The business cases must be submitted by end of June 2022.

## Legal implications

26. There are no direct legal implications arising from this report or the recommendations.

## Risk management

27. The key risks associated with the options outlined in the paper are as follows:

Risk / opportunity	Mitigation
The COVID-19 pandemic and the longterm impact leaves a number of questions about the future of rental income, business rates, economic stability, growth, cash flows, both short term and long term.	The proposed redevelopment of the shopping centre will create new mixed use social vlaue focussed services, supporting the regeneration of the shopping centre as a wholw.
Council does not have the experience or capacity to run a shopping centre	Third party company have been contracted to run a full facilities and tenant management service at the site
The council fails to secure Stronger Towns Funding to establish the new Learning Resource Centre.	The proposed project has initially been selected for government support through the Town Investment Plan. The council has procured a range of technical support providers to develop a robust full business case.

28. Risks are managed according to the council's performance risk management framework, and recorded on a service risk register, being escalated to the directorate or corporate risk register according to the significance of the risk.

## **Consultees**

29. Consultation has taken place with Cabinet Member Commissioning, Procurement and Assets (TBC)
30. This paper and the recommendations contained within it incorporate comments received during the above consultations.

## **Appendices**

Appendix 1 – Asset Valuation Report - EXEMPT

## **Background papers**

None identified

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

**General scrutiny committee**  
**Work programming**  
22 September 2021

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AGENDA ITEM 10

# Work programme rationalisation and prioritisation

- Potential items of business have been identified previously and other items may be proposed. These need to be rationalised and prioritised, reflecting the time and resources available.
- Should this go on the work programme?

## Yes, if...

- ✓ the issue is strategic, county-wide and not limited to just a few communities...
- ✓ scrutiny is being proactive, able to make a difference at the right time...
- ✓ additional transparency and influence can be added to the topic at hand...
- ✓ there is considerable public interest in scrutiny lifting the lid.

- How can the issue be dealt with most efficiently and effectively?
  - a briefing note
  - a seminar / workshop
  - an agenda item
  - a task and finish group

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# Summary of potential agenda items

**Monday 19 July 2021, 10.15 am**

Update on executive response clarifications; work programme 2021/22

**August 2021**

Freehold disposal of the Town Hall, St Owen's Street, Hereford (pre-decision call-in\_

**Wednesday, 22 September 2021, 10.00 am**

Priority Flood Repair Works Capital Programme: Realignment; Maylords Orchard; Development Options for former Holme Lacy School

**Monday, 15 November 2021, 10.15 am**

Police Commissioner; Digital strategy; Management of capital projects

**Monday, 14 January 2022, 10.15 am**

Budget setting 2022/23

**Monday, 21 January 2022, 10.15 am**

To be identified

**Monday 21 March 2022, 10.15 am**

To be identified

# Agenda items

**Monday, 15 November 2021, 10.15 am**

Circulate to reviewers: 14 October 2021  
 Release report deadline: 2 November 2021  
 Publication deadline: 5 November 2021  
 Questions deadline: 9 November 2021

Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
<b>Police Commissioner</b> [Statutory community safety and policing scrutiny]	<a href="#">GSC 26 April 2021</a> requested that the item be brought forward	John Campion, West Mercia Police and Crime Commissioner Superintendent Edd Williams	The Commissioner and the Superintendent have confirmed availability for the 15 November 2021 meeting.
<b>Digital strategy</b> [Policy review and development]	8 July 2021: identified by the Assistant Director Corporate Support	Natalia Silver, Assistant Director Corporate Support	November 2021 suggested with decision anticipated in December / January.
<b>Management of capital projects</b> [Performance review]	<a href="#">GSC 25 January 2021</a> proposed that consideration be given to a spotlight review of contract / performance management.	Lisa Evans, Portfolio Manager	November 2021 suggested as the earliest date to enable the presentation of completed diagnostics, action planning and process changes.

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## To be scheduled and prioritised or removed (1/3)

Potential agenda items			
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
New Model Institute for Technology and Engineering (NMITE)			
Consideration of use to which S106 monies / Community Infrastructure Levy are put	Work programming 2020		Audit and Governance Committee (28 June 2021) recommended an all-members' briefing on S106
Scrutiny of the planning service (including enforcement)	Work programming 2020		
Devolution of control over parking charges and income to market towns	Work programming 2020		
Partnership working	Work programming 2020		

## To be scheduled and prioritised or removed (2/3)

Potential agenda items			
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Sustainable transport	Historic work programme item		
Public realm service provision	Historic work programme item		
Budget and policy framework items:	Ongoing		
Hereford area plan			
Rural areas development plan			
Core strategy			
Community safety			

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## To be scheduled and prioritised or removed (3/3)

New suggestions			
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Covid recovery programme delivery [Performance review]	Suggested for consideration by the Assistant Director Strategy and Transformation		Programme not in delivery phase yet.
Flexible Futures programme [Performance review]	Suggested for consideration by the Assistant Director Strategy and Transformation		Hybrid work model likely to come in around January 2022.
Housing	Suggested by Cllr David Summers		

## Task and finish group

Topic:	Origin:	Lead officer(s):	Current position:
Litter review	<a href="#">GSC 26 April 2021</a> agreed to undertake a task and finish group following a request from the Cabinet Member - Commissioning, Procurement and Assets	David Hough, Trading Standards Service Manager Ben Boswell, Head of Environment Climate Emergency and Waste Services	<a href="#">GSC 19 July 2021</a> to consider draft scoping statement

## Workshop / seminar

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Topic:	Origin:	Lead officer(s):	Current position:
To be identified			

## Briefing note

Topic:	Origin:	Lead officer(s):	Current position:
To be identified			