

**MINUTES of the meeting of Cabinet held at The Shire Hall, St Peters Square, Hereford, HR1 2HX on Thursday 13 November 2014 at 2.00 pm**

**Present:** Councillor AW Johnson (Chairman)

**Councillors:** H Bramer, JW Millar, PM Morgan, GJ Powell, PD Price and P Rone

**In attendance:** Councillors WLS Bowen, PJ Edwards, DW Greenow, JA Hyde, TM James, JLV Kenyon, RI Matthews, FM Norman, AJW Powers, P Sinclair Knipe, DC Taylor

**Officers:** Chris Baird (Assistant Director, Commissioning and Education), Richard Ball (Assistant Director, Place Based Commissioning), Jason Collins (Parsons Brinkerhoff), Helen Coombes (Director of Adults Wellbeing), Jo Davidson (Director of Children's Wellbeing), Phil Davidson (Parsons Brinkerhoff), Gary Diamond (Parsons Brinkerhoff), Andy Hough (Head of Education Development), Geoff Hughes ( Director for Economy, Communities and Corporate), Mairead Lane (Construction Manager), Alistair Neill (Chief Executive), Bill Norman (Assistant Director, Governance), Ben Pritchard (Parsons Brinkerhoff), Peter Robinson (Chief Financial Officer), Andy Williams (Balfour Beatty LLP).

**35. APOLOGIES FOR ABSENCE**

Councillor CN Attwood.

**36. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**37. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 9 October 2014 be approved as a correct record and signed by the Chairman.

**38. CORPORATE PERFORMANCE REPORT 2014/15: QUARTER 2**

Cabinet considered performance for the second quarter of 2014/15 following the quarterly performance review held on 20 October 2014.

The Assistant Director, Place Based Commissioning introduced the report confirming its focus had been on the successes, challenges and future priorities of each of the directorates.

Following a question from members about the dental health of children in the county, the Director of Adults Wellbeing confirmed the dental health service would be running tooth brushing workshops with a focus on parents understanding the importance of teeth cleaning, regular visits to dentists and diet. This will be in place before the end of the year. Following a further question about the percentage of fluoride in drinking water the Director of Adults Wellbeing advised a written answer would be given.

Concerning the figures on the number of people killed or seriously injured in road traffic collisions the Assistant Director, Place Based Commissioning confirmed that detailed assessments are carried out by road safety engineers to collate the patterns in accidents. During this year the pattern has shown an increase in injuries due to collisions rather than a pattern of treatable road conditions. There is a package of road safety information in place and the drink/drive campaign will start before Christmas.

With regard to the accident on the Holme Lacy Road on the 10 November 2014 the Assistant Director, Place Based Commissioning confirmed he was not yet in a position to give any causes for the accident and work with the police was continuing. If the investigation into the accident finds any action is needed this will be acted upon.

Concerning broadband speeds, the Cabinet Member for Health and Wellbeing confirmed 44,000 homes in the county now have access to fibre optic broad band.

## **Resolved**

### **THAT:**

**(a) Performance for the second quarter be considered.**

## **39. STRATEGIC PLAN FOR EDUCATION**

The Cabinet Member for Young People and Children's Wellbeing presented Cabinet with the Strategic Plan for education 2014 – 2017. The six priorities of the strategy were highlighted to members.

Since the report was published it has been confirmed that Herefordshire was one of only six Local Authority areas who achieved an improvement at Key Stage 4 (GCSE level) this year.

The Assistant Director, Commissioning and Education confirmed the plan is a live document which will continue to be updated. Access through the web site will allow people to navigate through to further information.

Following members' queries about the estate strategy the Head of Education Development confirmed that it is forward looking and takes into account any planned strategic housing. Pressures concerning the maintenance and the rationalisation of buildings are also taken into account.

The Director of Children's Wellbeing went on to say the Education Estate Strategy was a large piece of work. Concerning small schools (those with fewer than 100 pupils) the approach was for education efficiency and being effective with the resources available. Decisions are not based on size, but looking at different forms of sustainability. In some cases small schools can look at shared leadership. It is important that the education strategy looks at education provision as an education community which is both efficient and effective.

Concerning a query about the staffing of the education department the Director of Children's Wellbeing confirmed, as with other areas of the council, there have been reductions in staffing levels. This has meant the relationship with schools has changed, and, in line with government expectations, schools are expected to be more self-supporting. An Improvement Partnership has been set up with the ambition of securing highly effective peer to peer support.

Regarding school governors the Assistant Director, Commissioning and Education advised there is a regular newsletter sent to the chairs of governors. Each term the council attends the Herefordshire Governors' Association meetings. Further briefings have been set up for governors, the next of which is concerning performance and trends. Members were asked to encourage people to become school governors.

The Assistant Director, Commissioning and Education confirmed £19,000 has been received by schools from Section 106 agreements so far this year. £76,000 has been spent by schools so far this year from monies accumulated from previous Section 106 agreements. Further details will be circulated to members.

Following members queries about Academy Schools the Assistant Director, Commissioning and Education confirmed there had been good engagements with the head teachers in the preparation of the strategy. The educational achievements of academy schools are no different than those from non-academy schools. No further schools currently plan to become academies.

The Director of Children's Wellbeing advised members the local authority have a duty to make sure every child has good deal through education and it still has the power to make improvements and influence education through high expectations and joint working.

## **Resolved**

### **THAT:**

- (a) the Strategic Plan for Education in Herefordshire be approved.**

#### **40. CAPITAL SUPPORT FOR FEDERATION OF AYLESTONE BUSINESS AND ENTERPRISE COLLEGE (ABEC) AND BROADLANDS PRIMARY SCHOOL AND CHILDREN'S CENTRE.**

The Cabinet Member for Young People and Children's Wellbeing presented a report asking cabinet to approve the relocation of Broadlands Primary School onto the Aylestone Business and Enterprise College site, at a cost of £1.007m. This would release the Broadlands Primary School site whilst not having the long term maintenance costs of the school.

In answer to a member's query concerning the need to have Secretary of State permission to sell the Broadlands School site, and if free schools would make this less likely to be given, the Assistant Director, Commissioning and Education observed that fewer free schools are being approved. He went on to confirm he felt there was a strong case for the sale, as the school was not being closed, only relocated; there were improvements being made to buildings; and capital from the sale was being used to make these improvements. The deteriorating state of the school was confirmed.

The Director of Children's Wellbeing reminded members that the Secretary of State has the power to take over land which has been used for education in the last eight years.

The Chairman confirmed any issue concerning vehicle access to the new site would be looked into as part of the planning process.

A member of the public handed a petition concerning this item to the Cabinet Member for Young People and Children's Wellbeing.

## **Resolved**

**THAT:**

- (a) The relocation of Broadlands Primary School and Children's Centre onto the Aylestone Business and Enterprise College (ABEC) site be approved at a cost of £1.007m ; and**
- (b) It is recommended to council that provision of up to £1.007m is made in the capital programme and;**
- (c) Subject to completion of the scheme the Broadlands site be declared redundant and disposed of in accordance with council policy.**

### **41. LOCAL ACCOUNT 2013/14**

The Cabinet Member for Health and Wellbeing presented the Adult Social Care in Herefordshire 2013/14 Local Account. This is a statutory report, required by the Department of Health, looking back at the service provided by Adult Social Care in 2013/14.

It was pointed out to members that the majority of service users are generally happy with the service they receive. The report looks forward to plans around increased use of direct payments, service users having greater control, working with partners and the introduction of the Care Act in 2015.

Following concern raised by members about the care of elderly people, the Director of Adults Wellbeing confirmed that across the health and social care sector there are issues with the workforce and recruiting staff. For many people the sector is not seen as an attractive option. Work has been done with partners, and colleges to see how to increase the capacity of the workforce and how to attract more people to the profession.

Concerning care homes that are not compliant with national standards the Director of Adults Wellbeing confirmed the responsibility for this lies with the Care Quality Commission (CQC). However the local authority does have a quality control process and officers to deal with issues. A local process is in place to make sure improvements are made.

Following a query about alleged financial abuse of patients, the Director of Adults Wellbeing confirmed this can be a common problem, especially for elderly people. There is currently a safeguarding process in place, and options for people include the court of protection and involvement from police and social workers. Work has been done with Trading Standards to make people aware of the possible risks. The Care Act will give further advice and guidance on how people can be protected.

## **Resolved**

**THAT:**

- (a) Cabinet approve the publication of the Local Account as attached at Appendix 1.**

**42. COUNCIL ACQUISITION OF THE THREE ELMS TRADING ESTATE, HEREFORD. HR4 9PU**

The Cabinet Member, Contracts and Assets introduced the report for the council acquisition of the Three Elms Trading Estate, Hereford from the Homes and Communities Agency. The estimated cost of the purchase of the site and further investments in the site are £2.6m.

The Director for Economy, Communities and Corporate went on to confirm the area is important employment land for the north of the city. A number of businesses are interested in moving to the estate, which would increase occupancy to 95%. This is an opportunity to buy the land at a reduced price, the rents received will cover the costs and it will also release the adjoining land which the council already owns.

It was clarified the new developments mentioned in paragraph 5 of the report are to be on the part of the land not yet developed.

**Resolved**

**THAT:**

**(a) Council are recommended to approve (as part of the 2015/16 capital programme) the allocation of £2.6m for;**

- i. the purchase of the freehold interest of the Three Elms Trading Estate from the Homes and Communities Agency; and**
- ii. investment of around £850k in the estate to improve the site infrastructure thus improving the prospect of further investment in the development of the vacant land and improvements to the existing buildings; and**

**(b) Authority be delegated to the Director of Economy Communities and Corporate (in consultation with the Cabinet Member, Contracts and Assets, the Chief Financial Officer and Assistant Director Governance) to determine agreement of acceptable terms as to land acquisition and infrastructure investment as referenced in recommendation (a) above.**

**43. SOUTH WYE TRANSPORT PACKAGE**

Cabinet were presented with reports recommending a preferred route for the new link road from the A49 to the A465, together with details of the consultation responses received during the public consultation period in July and August 2014.

The Cabinet Member for Infrastructure introduced the item giving details of how the proposed road fits into the core strategy, opens up business and housing growth and addresses transport problems within the South Wye area. He thanked the Cabinet Members who attended a site visit earlier in the week to the area of the route options.

He confirmed that route SC2 was the preferred route to progress to planning application stage, and had been chosen following the assessment work carried out by consultants Parsons Brinkerhoff and review of public consultation feedback. This is the most southerly of the route options passing under Haywood Lane and over the railway line. Funding for the route was in place and would come from Government funding through the Marches Local Enterprise Partnership (LEP).

The Assistant Director, Place Based Commissioning advised that if the preferred route was selected by Cabinet, the project will proceed to the planning stage. Further reports would be made to Cabinet once planning approval was in place, to enable the project to progress.

The Construction Manager gave cabinet the background of the project from 2010. She confirmed in 2013 consultants Parsons Brinkerhoff were asked by the council to look at the eight identified options available. Through 2013 residents were kept up to date with the progress of their work and in July 2014 public exhibitions were held giving details of the proposed routes.

The Construction Manager confirmed that a professional review had been undertaken by Herefordshire Council project team and they are content with the Preferred Option Report which accompanies the cabinet report and recommends SC2 as the preferred route.

Ben Pritchard from Parsons Brinkerhoff (PB) presented a slide show, showing the eight original route options. He confirmed four of the eight had been discounted prior to public consultation due to their impact on avoidable ancient woodland areas and impact on residential and listed buildings. The four remaining routes were considered and presented for public consultation over the summer. Three further routes were assessed in detail post the consultation in response to comments received. Further slides were shown of the extra three route options considered, an appraisal summary table showing the scores given to each route using the Department of Transport WebTag system, the costs of the proposed routes and concluding with the preferred route, SC2.

A Cabinet Member asked about the status of Grafton Wood. Four routes had been discounted due to their impact on other ancient woodlands areas but four remaining routes had an impact on Grafton Wood, an explanation of this was requested.

Ben Pritchard (PB) confirmed the project team had been made aware of Grafton Wood being added to Natural England's ancient woodland inventory in July 2014.

Phil Davidson (PB) advised the ecological value of all of the woodlands in the route corridor had been surveyed. The results of the surveys showed the relative values of each woodland area. Newton Coppice and Hayleasow Wood had a higher ecological value, whilst Grafton Wood was at the lower end of the scale. In line with standard practice for environmental assessments, consideration was given to whether woodland can be avoided and then if not how the impact can be mitigated.

Slides were shown of Grafton Wood and Newton Coppice to show the differences between them.

Ben Pritchard (PB), added that based on feedback from the Highways Agency and good highway design practice, the junction with the A49 has to be onto the existing roundabout, leading to the Rotherwas access road. Another roundabout could not be added to the road and the alignment of the southern link road would need to comply with highway standards this meant that none of the routes would be able to avoid Grafton Wood given its proximity to the A49, whilst still meeting appropriate highway standards and it was therefore appropriate to seek to mitigate its impact.

A Cabinet Member asked about the visual impact of the preferred route going over the railway rather than under.

Ben Pritchard (PB), confirmed this was the preferred option due to the added costs of going under the railway line, the engineering that would be needed to do that and also the potential risk of the road under the line flooding.

A Cabinet Member asked if members could be assured the consultation currently carried out was robust enough, and appropriate, for the stage the project was at.

Ben Pritchard (PB) confirmed consultation had taken place over the summer as outlined in the report and that this included with the Highways Agency, Natural England, English Heritage, the County Ecologist, and the Utility companies.

A Group Leader asked for further clarification concerning route SC2 going through ancient woodland at Grafton Wood, when other routes were discounted because of them going through ancient woodland.

Phil Davidson (PB) repeated his earlier comments about the relative ecological importance of Grafton Wood compared with the other woodlands and the mitigation process used whereby it is preferred to avoid ancient woodland but not always possible to do so. He quoted the National Planning Policy Framework which says a scheme should avoid ancient woodland wherever possible, unless the need for and the benefits of a scheme outweigh its loss.

A Group Leader raised concerns about the consultation process carried out, stating that English Heritage and Sustrans had not been consulted, and queried if the consultation carried out could withstand a Judicial Review.

Ben Pritchard (PB) confirmed that independent legal advice had been sought to confirm if the non-statutory consultation was robust. This had confirmed that it had been robust. He confirmed they are also actively engaged with statutory consultees and dialogue would continue through the statutory planning process.

A Group Leader asked if value for money will be gained from the project if the road does not go to the east of the city.

The Assistant Director, Place Based Commissioning stated that the southern link road is a standalone scheme but benefits include enabling further development at the Enterprise Zone. There would also be benefits arising from environmental improvements along the Belmont Road.

Ben Pritchard (PB) advised a package of measures, including the southern link road, are needed to unlock the Enterprise Zone. Routes in the south wye area are currently congested and difficult to use for walking and cycling and alternative, smaller roads, are not made for high volumes of traffic. The road alone is not sufficient to address all of the problems in the study area but will bring benefits when combined as part of a package of measures, including sustainable transport improvements.

A Group Leader raised further concerns about the loss of ancient woodland, reminding members that once lost, it cannot be replaced. Concern was also raised about the justification for a southern relief road when new roads can lead to increased traffic, drawing in traffic from other areas and other means of reducing traffic, such as walking and cycling should be examined instead.

The Assistant Director, Place Based Commissioning gave details of the sustainable transport projects that have been put into place, including the 'Choose how you Move' campaign and the Connect2 bridge. Whilst more could be done to improve sustainable transport facilities, the council has made significant investments in this regard over recent years. He confirmed the South Wye Transport Package includes a range of sustainable transport measures and is part of the council's strategy to do more to promote public transport, cycling and walking in the south wye area. It was noted that the specific sustainable transport measures will be finalised once a route had been confirmed.

The Cabinet Member for Infrastructure pointed out the continuing improvements to the A465 in Wales and how the South Wye Transport Package will continue these improvements into Herefordshire and the Enterprise Zone.

A Ward Member gave details of the current problems experienced in Belmont due to the traffic congestion. Although supportive of the scheme queries were raised concerning the proposed route going over the railway line rather than under and the increased noise this may cause to people living in the south west area of the city.

The Chairman advised that the ward member would be written to in order to answer the specific queries about the railway line and the traffic congestion in his ward.

A Ward Member questioned if the southern route is needed as he felt there is more pressing need for further river crossings.

A Ward Member gave support for the need of a southern link road, but voiced concerns about the process that had been followed concerning the route passing through Grafton Wood and the consultations that had been undertaken with English Heritage. The question was raised again about if the work done so far was robust enough to withstand a public enquiry.

Ben Pritchard (PB) confirmed that independent legal advice had confirmed the consultation work carried out was sufficient and robust.

A Ward Member spoke to give support to the proposal in order to improve access to the Enterprise Zone and improve employment prospects.

A Group Leader questioned if the preferred route could be amended, by taking elements from another route option, to take it away from Grafton Wood.

Ben Pritchard (PB) advised the design could not be able to be amended in such a way whilst still meeting the objectives of the scheme. In order to achieve such a change, it would not be possible to continue to comply with Highways Agency requirements and design standards appropriate for the route.

In summing up the discussions the Chairman stated that the decision at this meeting was to approve a preferred route. The decision would then enable a planning application to be submitted and this would provide the formal opportunity for issues to be raised and considered and looked as part of that process.



## **Resolved**

### **THAT:**

- (a) route SC2 is selected as the preferred route for the Southern Link Road (SLR)**
- (b) authority is delegated to Assistant Director Place Based Commissioning to prepare and submit a planning application for a scheme along route SC2.**
- (c) subject to planning consent being obtained authority is delegated to the Assistant Director Place Based Commissioning to continue detailed design of the scheme and develop proposals for land acquisition. A further report will be prepared for cabinet outlining land and property acquisition plans and draft orders in due course.**

#### **44. LOCAL COUNCIL TAX SUPPORT SCHEME 2015-2016 EFFECT ON PARISH PRECEPTS**

The Chief Financial Officer asked Cabinet to recommend to Council that the estimated council tax support scheme funding of £289k is passed onto parishes in 2015/16 as was done in 2014/15.

Since council tax benefit was abolished and replaced with the local council tax support scheme the allocated funding from central government has been included in the general revenue grant. For 2014/15 this was estimated to be £289k for parish and town councils.

Herefordshire Council has previously passed this funding onto the parish and town councils. If this was not done they would have to increase their precept by, on average 10%, or reduce their spending.

Figures were given showing the percentage differences for all parishes in the county based on the numbers of people claiming local council tax support in that parish.

## **Resolved**

### **THAT:**

- (a) The cabinet recommends to Council that estimated council tax reduction support scheme grant funding of £289k is passed onto parishes in 2015/16 (as it was in 2014/15).**

#### **45. PROPOSED CAPITAL PROGRAMME 2015/16 TO 2017/18**

The Chief Financial Officer presented a report giving details of proposed additions to the capital investment programme for 2015/16 to 2017/18.

The report had already been seen by the General Overview and Scrutiny Committee who had requested it be updated to show the schemes that are funded externally and

those which are funded partly or wholly by the Council and also to show the updated levels of debt.

It was pointed out that £47m of the capital schemes will be funded externally.

Included in the items added to the capital programme are the South Wye Transport Package and the purchase of the Three Elms Trading Estate. There is the potential for Colwall Church of England Primary School to need a replacement building; further reports will come to Cabinet if this is the case.

In reply to a members question the Director for Economy, Communities and Corporate gave details of the reasons for the expenditure for the Yazor Brook Flood Alleviation Scheme. He confirmed construction of the Energy from Waste plant had begun and was on budget. He also confirmed the works were needed on the Town Hall to avoid any further deterioration of the building.

## **Resolved**

### **THAT:**

- (a) The additional capital schemes as detailed in appendix 1 of this report are recommended to Council for inclusion in the 2015/16 capital programme.**

The meeting ended at 4.50 pm

**CHAIRMAN**