

**MINUTES of the meeting of Cabinet held at The Hall, Shire Hall, St Peters Square, Hereford, HR1 2H on Thursday 18 December 2014 at 2.00 pm**

**Present:** Councillor PM Morgan (Vice Chairman)

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

**In attendance:** Councillors CNH Attwood, AR Chappell, EMK Chave, BA Durkin, PJ Edwards, J Hardwick, JA Hyde, TM James, RI Matthews, FM Norman, AJW Powers.

**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), Phil Davidson (Parsons Brinkerhoff), Gary Dymond (Parsons Brinkerhoff), 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 (Section 151 Officer), Natalia Silver (Head of Community and Customer Services), Marc Thomas (Parsons Brinkerhoff), Andy Williams (Balfour Beatty Living Places).

**46. APOLOGIES FOR ABSENCE**

Councillor AW Johnson.

**47. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**48. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 13 November 2014 be approved as a correct record and signed by the Chairman.

**49. CALL-IN OF THE CABINET DECISION ON THE SOUTH WYE TRANSPORT PACKAGE**

The Vice Chairman of the General Overview and Scrutiny Committee (GOSC) opened this item by explaining how the committee had spent approximately 5 hours looking in depth at the decision made by cabinet on 13 November 2014 and had resolved that the decision should be referred back to cabinet with the two recommendations in the report.

The Cabinet Member for Infrastructure advised the decision taken on the 13 November 2014 for the preferred route was key in providing infrastructure improvements. The call in from GOSC had allowed the decision to be looked at to ensure it was sound and well founded. Having listened to the arguments put forward and the responses from officers and consultants he was satisfied the decision was based on sound reasons and had been through a robust process. He reminded members that the funding for the project was in place.

The Assistant Director, Place Based Commissioning began his presentation by explaining the layout of the report and confirming that it was focussed on the two recommendations from GOSC.

A Group Leader wished to make a point of correction at this point as he alleged the wording of the first recommendation from GOSC was incorrect; the word actuality should have been accuracy. He questioned if this affected the content of the report.

The Assistant Director, Place Based Commissioning advised that both the accuracy and actuality of the cost modelling and scoring had been looked at and the changing of the word within the recommendation would not change the response given.

Gary Dymond from Parsons Brinkerhoff (PB) presented the response to the first of the GOSC recommendations. He confirmed that cost estimates had been consistently undertaken for all route options and were in line with industry practice and relevant guidance. A review of the approach had been done by Balfour Beatty and this had validated the results. He pointed out to members the details of the approach within the report.

Phil Davidson (PB) gave the response to the second of the GOSC recommendations. He advised that the inclusion of Grafton Wood on the Ancient Woodland Register does not change the mitigation measures they would have to put in place. He confirmed the exact nature of the mitigation being developed will be in the environmental statements produced as part of the planning process. He pointed out that similar mitigation would be required for all route options.

In reply to a Cabinet Members question, the Section 151 Officer confirmed that he was satisfied with the robustness of the response and recommended that Cabinet proceed with their decision. He confirmed he had spent time with the project team and had looked at the robustness, accuracy and risks of the project along with the consistency of the approach taken, from a financial perspective. He confirmed to cabinet that he has had experience of projects of this nature. Having gone through the figures in detail he was satisfied the information presented to cabinet was accurate and consistent.

A Cabinet Member questioned if the delay due to the call in would have any effect on the funding received. The Assistant Director, Place Based Commissioning advised that it had delayed the planning application by a month, but the timing was still within the tolerance levels for the funding and the project could still be delivered within the LEP funding timescales.

Concerning Grafton Wood, a Cabinet Member asked how many trees would need to be removed and replaced due to the scheme, and if the mitigation of the woodland was included in the estimated costs.

Phil Davidson (PB) advised that they estimate the loss of 15 trees for route SC2, and this would be similar for the other route options. The full details of this would be available once the mitigation had been fully designed but was likely to be of this magnitude. He confirmed that the compensation of loss of habitat is 2:1; therefore approximately 30 trees would be planted as a replacement habitat. The cost of the mitigation (approximately £20,000) was included as part of the scheme estimates.

A Cabinet Member asked for further details about how the sustainable element of the package will be developed. The Assistant Director, Place Based Commissioning advised that the delivery of a sustainable package is integral to the scheme, both for the benefits to the local community and as its delivery is a condition of the funding. The details of the package will be part of the evidence base to the planning application; however this is

likely to include cycle lanes, improved pedestrian crossings and extensions to 20mph zones. These plans would develop over time and would involve public consultation.

In reply to a Cabinet Member's question about if the cost modelling was to industry best practice, and if it was robust and tested, Andy Williams from Balfour Beatty (BBLP) confirmed that cost estimation had been undertaken in line with industry standard practise. He went on to advise that the data had been taken through an extra step and had been validated by Balfour Beatty Construction. He informed members that PB had undertaken geotechnical modelling work for each route, and this had been key in highlighting the differences in costs for each route.

A Group Leader questioned if the £1.5million difference in estimated cost between routes SC2 and SC8 was significant and if the reason that SC8 was not chosen was because further public consultation would be needed.

The Assistant Director, Place Based Commissioning advised that the reason SC8 was not the preferred route was a combination of the cost and the extra public consultation needed. He advised a difference of £1.5million pounds was considered significant.

Gary Dymond (PB) confirmed that the difference in the costs between the two routes did warrant the scoring difference between them. He advised there had been no bias towards the preferred route.

The Section 151 Officer confirmed that the estimated costs and the scores given were the basis of his challenge to PB. He was satisfied a consistent approach had been given and there would always be a difference between the costs of the two routes, with SC2 being cheaper.

Andy Williams (BBLP) confirmed both route options had been modelled and there was a significant difference in the earth works required. SC8 would always be more expensive than SC2 due to the relatively greater structures work and earthworks required.

A Group Leader questioned how the planning application could be made in January 2015 given the levels of work required to do this.

The Assistant Director, Place Based Commissioning advised that there was a considerable amount of work to be done, however the generic work that would be needed for all routes (within the study corridor), regardless of the preferred route, had already been carried out.

When asked by a Group Leader if the decision making process was correct for this decision, the Assistant Director, Governance, confirmed that it was lawful and that Cabinet were authorised to make Executive Decisions.

A Group Leader wished to voice their concerns about the reports and the schemes value for money. They pointed out that they feel a greater need is for an Eastern Bypass.

A Ward Member gave his support for the scheme, pointing out that Belmont has one of the highest rates of asthma in the country. However he wished to point out that route SC2A, which was to go under the railway line may lead to fewer local objections. He also commented on the need for a weight restriction order on Belmont Road.

Gary Dymond (PB) advised he has had consultations with Network Rail, who prefer the route to go over the railway line.

In answer to a Group Leader's question about if all areas of sustainable transport had been looked at prior to deciding to build a road, the Assistant Director, Place Based

Commissioning confirmed that investments had been made into sustainable transport plans. The assessment process was fully within Department for Transport guidance and the plan was not just for a road but a sustainable package of measures.

A Group Leader commented that he hoped the assurances given by officers and consultants were accurate.

A Group Leader read out a statement that he wished to be on record.

*If the original decision is to be ratified today it would go against the advice and concerns of the local MP Jesse Norman, members of the EZ Board and the ward member Cllr Sinclair-Knipe; it would not be supported by any housing allocation policies currently in the Core Strategy, it would not be supported by the policy implementation priorities in the council's own Local Transport Plan, and it would not be consistent with instruction and guidance from the Department for Transport and the Highways Agency. It is also apparent that councillors and the public may have been misled on the assertions and justifications made for the need for the SLR, in the absence of the Package Assembly Report which is yet to be written, the non-availability to the public of the South Wye Transport Package Strategic Outline Business Case, and within the wider context of the SWTP itself.*

*I and many others, evidently including the local MP, believe there is ample evidence in the inconsistencies and partiality in the reports informing this decision for the decision to be referred to the Secretary of State for call in to a Public Inquiry. It is not proper or right that such a major planning decision – one which has elicited 50 public questions, a Scrutiny Committee call-in, and so many continuing concerns about its evidence base and robustness – should be made by the council's own planning committee.*

*In my judgement a ratification of the decision now is likely to lead to a call for Judicial Review, in addition to a call for intervention by the Secretary of State. I urge the Cabinet to consider this, along with all the above, before moving to their decision today.*

*Cllr A Powers 18/12/14*

In reply the Assistant Director, Place Based Commissioning advised the evidence had been clearly presented; there is a robust case, which had been fully scrutinised. The Highways Agency has provided positive comments and the robust assessment and benefits of the scheme are laid out in the reports.

The Assistant Director, Governance, advised he was satisfied with the approach taken and it was, in his opinion, professionally and legally sound, and therefore robust.

The Cabinet Member for Infrastructure stated his disagreement with the Group Leaders statement. He advised that the discussions he has had with the Highways Agency and other bodies have been of a positive nature.

## **Resolved**

### **THAT:**

- (a) the responses to the resolutions of General Overview & Scrutiny Committee (2 December 2014) as set out in this report be noted and in light of those responses the following recommendations (previously agreed by cabinet) be reaffirmed;**
- (b) route SC2 is selected as the preferred route for the Southern Link Road (SLR);**

- (c) **authority is delegated to Assistant Director Place Based Commissioning to prepare and submit a planning application for a scheme along route SC2; and**
- (d) **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.**

## **50. BUDGET MONITORING REPORT - OCTOBER 2014**

The Section 151 Officer presented Cabinet with the Budget Monitoring Report giving an updated position on the projected outturn for 2014/15 as at the 31 October 2014.

It was confirmed that the budget was on target for this year and progress has been made on hitting targets for the next two financial years.

The Section 151 Officer pointed out the report is consistent with previous statements but additional items have been added in line with good practise.

The level of bad debts reported is comparable with previous years, and is within acceptable limits.

Details of savings schemes are shown in the new savings monitoring report. Thanks were given to the Audit and Governance Task Group who gave their comments about the report, which has been implemented following an external audit recommendation. The information within the report shows savings are being delivered in line with the decisions made by council in February 2014.

In answer to a Cabinet Members query about the risks surrounding the possible lowering of the cap on Council Tax increases and the settlement to local authorities from central government, the Section 151 Officer was confident that the cap would remain at 2%. As the budget has been set with a proposed increase of 1.9% no referendum on this matter would need to be held. Further information will be available in the coming days on the level of settlement that will be received but it is expected to be in line with previous assumptions on which the budget has been set.

## **Resolved**

### **THAT:**

- (a) **Cabinet notes the council is projected to spend within its budget for this financial year;**
- (b) **Cabinet notes the capital and treasury projected outturns;**
- (c) **The bad debt written off to date in 2014/15 be noted; and**
- (d) **Cabinet agrees the virement of 2014/15 revenue and capital budgets to meet in year pressures within council directorates; and**
- (e) **Cabinet notes the performance to achieve 2014/15 and future savings plans.**

**51. HEREFORDSHIRE NURSERY EDUCATION FUNDING POLICY (2, 3 & 4 YEAR OLDS)**

The Cabinet Member for Young People and Children's Wellbeing presented the report asking Cabinet to approve the Nursery Education Funding Policy. It is a statutory duty of the council to deliver nursery education for 2, 3 and 4 year olds and the policy sets out the criteria for this and brings together the processes required.

The Assistant Director, Commissioning and Education added that there are just under 10,000 0 – 5 year olds in the county. There is currently a good take up of nursery education for 3 and 4 year olds and a national expectation that there will be an increasing number of 2 year olds. The policy has been developed together with providers. The policy supports the Health and Wellbeing strategy around the Healthy Child Agenda.

A Cabinet Member welcomed the extra funding to areas of extra need.

**Resolved:**

**THAT: the Herefordshire Nursery Education Funding Policy (appendix 1) be approved.**

**52. ESTABLISHING A WELL BEING CENTRE IN KINGTON**

The Cabinet Member for Health and Wellbeing presented Cabinet with a report to seek approval to establish a well-being centre in Kington, based at the current library. This would be a new model of well-being centre for the town and surrounding rural areas bringing together health, social care and shared services into one building. If the centre is a success it is hoped the model could be rolled out to other areas, but modified to suit their needs.

The Head of Community and Customer Services went onto explain that Kington had two issues relating to this project, how to maintain the existing library and customer service site and the health prevention needs of the town. Work had been done together with the Town Council and it is hoped this project will kick start the further engagement with health providers, private and voluntary sector.

Further clarification was given on the calculations of the revenue funding figures.

Following a members concern about if the public understand the concept and name of the scheme and what it will mean for them, the Head of Community and Customer Services explained the name had not been yet decided upon.

The Director of Adults Wellbeing advised the community will have its part to play in the naming of the service and what they want from it. An example of a service that will be provided is a drop in social care clinics where potential service users and carers can get face to face, general advice, without being on a waiting list for assistance.

The Cabinet Member for Health and Wellbeing added that the publicity for the centre would be done once the project is approved.

**Resolved**

**THAT:**

- (a) **a wellbeing centre is established in Kington at the current customer services and library from a combination of funding from customer services and health prevention from April 2015; and**
- (b) **£78,000 capital funding is allocated to improve the facilities at the centre.**

### **53. EXTENDED NATIONAL TROUBLED FAMILIES PROGRAMME**

The Cabinet Member for Young People and Children's Wellbeing presented the item concerning the joining of the extended National Troubled Families Programme to run from 2015/16 to 2019/20.

He confirmed the council has been part of the scheme since 2012 and so far has helped 250 families. This has reduced crime and anti-social behaviour and improved school attendance and back to work rates for these families. Additional funding of £1.1million has been received, by the end of this financial year it is hoped 310 families would have been helped.

Due to the success of the scheme, the council has been asked to join the extended scheme for 5 years. This extends the reasons families can be assisted and it is hoped 1000 extra families can be helped over the lifetime of the initiative.

Concerning the identification of families the Assistant Director, Commissioning and Education confirmed that most of the extra families will already be known to the council and our partners such as the Police, Job Centre Plus and Housing. The figure of 1000 is an estimate based on known information and the widening criteria of the scheme.

The Assistant Director, Commissioning and Education clarified the use of figures in paragraph 6 of the report. The figures in brackets refer to national figures for the whole population.

It was also confirmed that locally the scheme is known as Families First, the name used in the report refers to the national scheme that it is part of.

The Assistant Director, Commissioning and Education confirmed payments are received from central government as a one off fee, and then payment by results.

Following a member's query about youth services the Assistant Director, Commissioning and Education confirmed the council does not directly fund universal youth services but does facilitate multi agency meetings and a support approach using the common assessment framework. Youth clubs and other opportunities are provided by schools, colleges, the voluntary, community and private sectors..

### **Resolved**

**THAT: the council, as lead partner, joins the extended national Troubled Families programme.**