

**Members' questions at Council – 17 July 2015**

**Question from Councillor A Seldon**

**Petty Bridge realignment**

Question 1

About nine years ago, a LPG tanker overturned at Petty Bridge on the A44 approach to Bromyard. Examining the cause of the accident led to schemes to realign the road to the bridge. These schemes have never been implemented and now seem to have disappeared. What has happened to them?

**Answer from Councillor P Rone cabinet member transport & roads**

Answer to question 1

Prior to 2002, the site was identified as an accident cluster site (that being where three personal injury accidents occurred over the previous five year period). Improved signage and minor works to improve visibility were therefore carried out to address this known problem. Monitoring showed a reduction in the number of accidents in subsequent years which indicated that these works had been successful and this location is not currently an accident cluster site.

Funding for improvement schemes across the county is carefully prioritised taking into account current personal injury accident records across the county; in light of this there are currently no plans for an improvement scheme at this location. Should there be a change in the safety record of the site this position would of course be reviewed.

**Supplementary Question**

I understand the road marking on the bridge is to be redone shortly. A number of improvement schemes had previously been identified. Will the Cabinet Member delay the remarking to allow those schemes previously identified to be reviewed and implemented/

**Answer by Councillor Rone**

I will provide a written answer.

**Written Answer**

There are no planned bridge works affecting the carriageway at Petty Bridge and any bridge work to be done will be below the road from the river. There are no resurfacing, surface dressing or lining works in the current programme to be completed for this site either.

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**Question from Councillor A Seldon**

**Pavement sweeping in Bromyard**

Question 2

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Despite the best efforts of our locality steward, there has been no regular pavement sweeping in Bromyard this year. Why? When will the regular service be resumed?

### **Answer from Councillor P Rone cabinet member transport & roads**

Answer to question 2

It is not the current practice to sweep at regular defined intervals. Pavement sweeping in market towns is carried out on a reactive basis when the need is identified through the regular inspections by the locality stewards. It is open to town councils to fund additional provision, which has already happened elsewhere in the county.

### **Supplementary Question**

A small sweeping machine was regularly used until last year. The Town Council received no notification that the service would cease. The locality steward also seems not to have been informed. Would it not have been best practice to inform the community that the service will now be provided on a reactive basis?

### **Answer by Councillor Rone**

There appears to have been a breakdown in communication. Street cleaning is now a reactive service. It is open to councils to consider supplementing the service themselves as Leominster Town Council has already done. I will seek clarification and inform you and the locality steward of the outcome.

### **Written Answer**

During the consultation and presentation to Members and Parish Councils regarding the Annual Plan for this current year, Balfour Beatty Living Partnership (BBLP) explained that there were further reductions necessary for street cleansing delivery and that some areas of the service were changing to a reactive basis with specific/ad hoc cleaning requests prioritised together with the regular cleaning delivered. Regular briefings are held by BBLP with Members and Parish Clerks and Chairmen and these provide a regular opportunity to always ask for further detail and raise questions regarding service. Whilst resources are limited, if matters are not being resolved satisfactorily by a locality steward, Members and Parishes this can be raised with the BBLP Locality Manager.

Pavement sweeping is not included routinely in the current Annual Plan.

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### **Question from Councillor C Chappell**

#### **No. 1 Ledbury Road**

Question 3

No1 Ledbury Road, which is run by the Wye Valley NHS Trust, but is mainly funded by social services, and which has offered respite to many families with children with

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special needs is to close in March 2016. I am not aware that this has been discussed by the Health and Social Care Scrutiny Committee. What discussion has the cabinet member had to look at alternative ways to help the Wye Valley Trust keep this valuable facility open?

Some parents have been told that the alternatives to this provision are;

1. Foster Parents. Still to be recruited and cannot possibly have the necessary skills needed.
2. A Buddy scheme, but children with autism, for example, do not take well to outsiders telling them what to do.
3. Direct Payments. What expertise is there in the community which parents can buy which is as good as or better than present?

Does the Cabinet member believe that these are adequate alternatives to the expertise provided by a dedicated staff at No1 Ledbury Road?

Can he explain to Council what financial savings will be made, and can he tell us what he believes will be the personal cost to the children and families affected?

### **Answer from Councillor J Lester cabinet member young people and children's wellbeing**

Answer to question 3

Councillor Chappell may recall that Cabinet, at its meeting on 21 November 2013, agreed a new prospectus based approach to the commissioning of short breaks and respite services for children with disabilities (see web page at the following link: <http://cabinet decision short breaks>).

This approach supports the council and Clinical Commissioning Group's (CCG's) shared vision for children and young people with disabilities, which is: *that they are healthy, safe and achieve well; and that they go on to lead happy and fulfilled lives with choice and control.*

Herefordshire was unusual in not having had a range of short breaks available and this decision sought to address this. Following this decision the council and the CCG have worked closely over the past two years to develop a range of services to provide "short breaks" for children and young people with disabilities, and their families. This includes enabling families to have support in local family based settings, which is something that families told us they wanted when we worked with them to develop services.

No 1 Ledbury Rd, a facility owned and managed by Wye Valley NHS Trust, has been providing institutional overnight respite care and has been mainly funded by the CCG. This is an historic position, though the CCG is not funded to provide such short breaks. Wye Valley NHS Trust, has recently given notice that the facility will not be available from April 2016 onwards. The council will derive no financial savings from this change. The prospectus approach agreed by Cabinet, ensures there will be a number of alternatives to this specific institutional overnight care, including overnight foster care which is being developed to begin from January 2016 onwards.

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I am concerned to hear from some parents who say that they have not been consulted on these latest developments and I am looking into this. I will also meet with the CCG and Wye Valley NHS Trust to review the arrangements being put in place. I understand the concerns being expressed and I can assure councillors that the council will fulfil its statutory duties to meet the needs of the most vulnerable.

The Herefordshire local offer provides information for young people and families on special educational needs and disabilities. This also includes information on the range of services, including the voluntary and community sectors, early years, education, care and health and is available for information at the following web link: <https://www.herefordshire.gov.uk/education-and-learning/local-offer>

### Supplementary Question

I thank the Cabinet Member for meeting the parents this morning prior to the meeting. Can I ask that he comes to speak to parents in a more formal setting? Can he tell me what briefings have been held with Occupational Therapy and Housing Associations with regard to adapting homes of foster parents? Many of these children will require wheelchair access, widened internal doors, wet rooms, ceiling hoists etc. What is the expected cost and what safeguarding plans for everyone involved will be put in place?

### Answer by Councillor Lester

I am happy to meet parents. However, I wish to meet the Clinical Commissioning Group and Wye Valley NHS Trust first before holding that meeting. We are seeking to provide short breaks in a more flexible way. The important thing is to provide a tailored care package that meets the need of the family and child.

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### Question from Councillor C Chappell

#### Mandatory training (members)

Question 4

Councillors' allowances are there to support loss of wages, the use of private telephones and other incidental expenses. Many councillors work 30 hours a week or more for their constituents and the county.

No councillor is opposed to undertake the mandatory 'Safeguarding' training or 'Planning' training for those on the planning committee, but what was the thinking behind the Independent Remuneration Committee's recommendation that all councillors should undertake a wholesale training programme and lose £1000 of their allowances if they failed to complete?

What allowance has been made, under the Disability Act, for those councillors with visual impairment?

### Answer from Councillor B Wilcox chairman of the council

Answer to question 4

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Public expectations of office holders are rightly high. All members, on election, sign a declaration of acceptance of office and undertake to fulfil the duties of that office to the best of their judgement and ability; training is provided to support members to meet that commitment and remain within the law when fulfilling their many and varied duties.

The independent remuneration panel were requested to consider how allowances could be structured to incentivise take up of training considered key to this aim. This request arose following concerns about poor member attendance at training and development sessions being raised by members themselves.

Allowances are not being lost or withheld; rather in accordance with the recommendations of the independent remuneration panel approved by this Council at its meeting in May, there are two levels of basic allowance and members will qualify for the higher rate for the whole year if they have completed the seven training elements identified in the Council report within a three month period. Other training and development opportunities will continue to be made available to members on an ongoing basis but will not impact on the basic allowance rate paid.

I understand that, in compliance with legislative requirements, if reasonable adjustments are required as a result of a disability these will be made.

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### Question from Councillor C Chappell

#### Mandatory training (employees)

Question 5

At the top of the training module it says it is for of employees. I understand that some councillors have been told that we too are employees of the council! To avoid any accusation of discrimination, can the head of paid service assure Council that ALL the council's employees have undertaken the training and if not will lose the same proportion of their salary as councillors will lose their attendance allowance?

#### Answer from Alistair Neill head of paid service

Answer to question 5

Elected members hold office and are not employees of the council; some training materials may be applicable to both and it is regrettable if this has led to a perception that members are employees. I am not aware of advice being given to members that they are employees but will of course correct any such misunderstanding should that be the case.

All employees of the council are required to undertake mandatory training relevant to their role. Managers actively monitor individuals' completion of mandatory training and failure to complete would be addressed through the regular performance and development reviews. In addition management board review overall performance in this area.

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Training is provided to ensure that employees are best equipped to do the job required of them safely and to the best of their ability; the primary incentive is that individuals feel confident that they have the right tools at their disposal.

As the Chairman notes in his response to Councillor Chappell's previous question, the suggestion for there to be an incentive applied to encourage member training (which cannot be addressed through performance management as elected members are not employees) came from members themselves who had expressed concern at the low levels of uptake of training and development opportunities.

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### Question from Councillor L Tawn

#### Fire damaged building in High Town

Question 6

Please could the cabinet member provide an update on the fire damaged buildings in High Town, including the sites future and current ownership?

#### Answer from Councillor P Price cabinet member infrastructure

Answer to question 6

In October 2014, it became clear that market forces were not going to resolve the problem of the fire damaged 16-18 High Town properties in Hereford. On my request, planning officers therefore served a Town and Country Planning Act notice on the then owners of the property (Omaha Properties Ltd) requiring them to either rebuild the properties or, if unable to do so, to internally stabilise the buildings with secure boarding around the site with a pictorial representation of the rebuilt properties on this boarding. The notice required compliance by 20 February 2015.

At that time the council were informed that the owners had gone into liquidation and the receivers, Deloitte, have subsequently advised they are unable to enact a satisfactory resolution.

The only improvement effected since the expiry of the notice has been the recladding of the existing scaffold to a height of 4.8m. The council made no objection to a local artist painting a mural of the First World War on this, as it arguably bettered the plain hoarding.

The fire-damaged buildings continue to give great cause for concern. Options for accelerating the improvement, including some interest expressed by a charity, are currently being finalised and I expect to take a cabinet member decision on those options in the second half of August, and will consult with the ward member before doing so.

#### Supplementary Question

I am pleased to hear that options for accelerating the improvement are imminent and I look forward to being consulted prior to a decision. In the light of the overwhelming

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public interest in the future of this key location in our historic core could this not be brought to this chamber for debate?

**Answer by Councillor Price**

This is a very difficult issue to resolve and there may well not be a solution for a considerable time. We are looking at what we can do to enable a developer to restore the property to life subject to the agreement of the receivers.

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**Question from Councillor M Lloyd-Hayes**

**No.1 Ledbury Road**

Question 7

Who decided that the respite care/short breaks provision at No 1 Ledbury Road would not be available after March 2016?

**Answer from Councillor J Lester cabinet member young people and children's wellbeing**

Answer to question 7

I refer Cllr Lloyd-Hayes to the answer given to member question 3 above.

**Supplementary Question**

Provision of respite care for a constituent's family ends at the end of July. This is a statutory service. What reassurance can be given to that family that they will receive an appropriate service?

**Answer by Councillor Lester**

I will request information on the particular case. The council remains responsible for ensuring an appropriate service is provided to that family and I give that reassurance.

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**Question from Councillor A Powers**

**First bus services**

Question 8

Can the cabinet member please explain how bus services in the city and the county will be affected by the decision of First Midland to withdraw its services in September?

**Answer from Councillor P Rone cabinet member transport and roads**

Answer to question 8

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I am pleased to confirm that services should not be adversely affected. The council has received confirmation that **all** of the services currently operated by First Midland have been registered for continuation after First's withdrawal after 5 September. Services have been registered by local bus operators Yeomans Canyon Travel and DRM Bus.

### Supplementary Question

What effects have the Council's various past decisions to reduce or withdraw subsidies to bus companies had on the viability of operators running a successful service? How can we be assured that Yeoman's and DRM will not go the same way as First midland? And does this not confirm that Herefordshire is better off contracting to local operators and businesses rather than nationals or multi-nationals.

### Answer by Councillor Rone

There are benefits in working with local companies. Local providers responded swiftly to First Midland's decision and all of the services First Midland provided are to be continued. Local providers know the local circumstances and as they are owner managed are better placed to make sound business decisions.

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### Question from Councillor R Matthews

#### Broadband

##### Question 9

I understand that the faster broadband scheme may not be met as BT struggles with rural connections, and that they are unlikely to meet targets as set out in the delivery contract. If BT should fail to achieve the agreed targets, it is liable to contractual fault. If that is the case, what is the likely outcome, and most importantly, could it possibly result in further expenditure by this council?

### Answer from Councillor G Powell cabinet member economy and corporate services

#### Answer to question 9

55% of premises in Herefordshire now have access to fibre broadband from a position of no fibre coverage in 2012. The Fastershire project, delivering faster broadband to Herefordshire and Gloucestershire, runs until December 2016 by which time around 90% of premises in the county should have access to a fibre broadband service.

The Fastershire project in Herefordshire is divided into seven milestone areas and constructed in a way that means BT have to deliver fibre to both easy and difficult to reach areas at the same time. In some of the early milestone areas BT have struggled to enable the hard to reach rural areas within the contractual timescale due to the need to deploy more "fibre to the premise" technology than anticipated. If BT fail to meet the target completion date for each milestone they are in contractual default, however rather than jeopardise the whole project BT have been given



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additional time to complete certain milestone areas (cabinet member decisions of 20 March and 6 May 2015).

The agreement to extend the milestone completion dates avoids contractual default but does not mean that the council will incur additional expenditure.

Herefordshire Council has been allocated additional government funding under the superfast extension programme, which is designed to enable fibre broadband to reach more rural premises. The Herefordshire broadband strategy that was agreed in June 2014 outlines how the additional funding will be used. The cabinet member decision of 12 June 2015 outlines how the project is working with BT to determine whether there is opportunity to extend the current programme whilst pursuing additional open procurement to test value for money and understand whether emerging technologies would meet the needs of rural areas more cost effectively.

### Supplementary Question

What is the timescale for the next step?

### Answer by Councillor Powell

We have a joint contract with Gloucestershire County Council that is the second largest contract in the Country.

In terms of commercial delivery to Ledbury, Leominster and Hereford out of 40,000 potential users 34,000 now have access to a fibre broadband service. The council continues to urge BT to complete this work. Published documentation including the Broadband strategy sets out the council's plans.

The council has asked BT to model the cost of completing 100% access to a fibre broadband service across the County. The findings are expected by the end of July.

There are now a number of suppliers in addition to BT and it might be possible to draw up tender documents by November with a procurement exercise in the first quarter of 2016 with the aim of achieving broadband provision across the County by 2018.

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### Question from Councillor E Harvey

#### Waste management

Question 10

During 2013 & 2014 I raised concerns regarding material weaknesses and errors in the technical advice, failures to follow DEFRA guidelines and shortcomings in the financial modelling all informing the largest investment decision this council has ever made. To borrow £40m towards the £160m cost of a waste incinerator to be built at Hartlebury jointly with Worcestershire Council.

Throughout this time I was told repeatedly by officers and by councillors that I was wrong.

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Yesterday Audit and Governance Committee discussed a report from the external auditors which concluded that on all these points of concern I was correct.

Whilst time remained to address the shortcomings, was the repeated rebuttal of my concerns a deliberate strategy to ensure the decision to invest went ahead irrespective of whether or not it delivered value for money for Herefordshire? Or were the officers and members involved not sufficiently expert to understand the substance and seriousness of the concerns that I raised? Or are the external auditors' judgements also to be dismissed as 'wrong' by this administration?

### **Answer from Councillor H Bramer cabinet member contracts and assets**

Answer to question 10

The report by Grant Thornton, the council's external auditors, into an objection made to the council's 2013/14 accounts, rejected the objection, did not identify any remedial action the council should take, and concluded:

"In particular the Council:

- sought and obtained appropriate expert advice regarding the technology to deal with residual waste;
- obtained projected waste flow information from its advisers
- secured relevant financial information from appropriate experts and from the Council's officers regarding the costs of the project and financing criteria;
- received detailed legal advice on its proposed course of action;
- determined appropriate criteria in regard to VFM, covering both quantitative and qualitative measures, and considered these criteria carefully in reaching its decision."

Like Councillor Harvey I would not wish in any way to suggest that the external auditor's judgements are 'wrong'; I would however disagree with Councillor Harvey's interpretation of the findings.

By investing in this technology the council will make significant savings over the lifetime of the plant when compared with other waste management solutions such as continuing to landfill municipal waste.

### **Supplementary Question**

Given the learning we have received as regards local service providers in public services and the acknowledged early and expensive PFI in which we are entangled please may we be assured of the Cabinet Member's willingness to remain alert and open minded to the possibility that local solutions to municipal waste disposal will present themselves and offer actual value for money in Herefordshire in time for the termination of the PFI in 2023.

### **Answer by Councillor Bramer**

It was not possible to envisage what the situation might be in 10 years' time. The external auditors' report considered the concerns that had been raised about the

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scheme and supports the council's current approach. I therefore consider the matter closed.

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### Question from Councillor E Harvey

#### Cabinet member skills

Question 11

How are we to be assured that all cabinet members possess the qualifications and experience necessary to fit them for their responsibilities?

### Answer from Councillor A Johnson leader of the council

Answer to question 11

I recall that Councillor Kenyon asked a very similar question of my predecessor and my answer is broadly the same.

Councillor Harvey will be very well aware that there isn't a person specification setting out necessary qualifications for holding office as a councillor let alone taking on any of the special responsibilities such as cabinet member or chairman of a committee. Once elected, members draw on their experience and will continue to develop their knowledge and skills to enable them to be effective whether in representing their constituents, or fulfilling any of a wide range of member roles within the council.

Cabinet members have a wide range of backgrounds, skills and experience that encompass the private sector, self-employment, and the public sector; as well as a wealth of voluntary activity. This experience is underpinned by an absolute commitment to the future of this county and the people within it.

Performance assessment of all councillors of course takes place every four years in the polling booths.

### Supplementary Question

I hope Cabinet members will avail themselves of the knowledge and expertise held by the 53 members of this Council. Whilst elections will take place in 4 years' time performance can also be assessed at by elections if they arise.

### Answer by the Leader of the Council

I welcome advice and this can be conveyed through Group Leaders.

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**Question from Councillor C Chappell**

**Brownfield development**

Question 12

Now that the Conservative government has announced developers can must build on 'Brown field' sites, will the Cabinet Member instruct officers to do an audit of all the county's brown field sites?

Independent councillors are concerned about the loss of high quality agricultural land for development. It may be that the total area of 'Brown Field' sites exceeds the acreage of green field sites in the county. If this is the case then sensitive proposed development sites may be retained for agricultural use.

**Answer from Councillor P Price cabinet member infrastructure**

Answer to question 12

The government's announcement regarding proposed new planning laws have yet to be passed by parliament.

The Herefordshire Strategic Housing Land Availability Assessment, published on the council's website, already identifies brownfield and greenfield sites within the county. We await the full detail of the proposed legislation and, once available, will review its impacts.

Supplementary Question

In view of proposals for housing development coming forward will the Cabinet Member be holding discussions with developers to encourage the use of brownfield sites?

Answer by Councillor Price

We will be talking to developers about using brownfield sites rather than grade 1 agricultural land. However, we can't compel a developer to do so and they will want to develop what land they own.