

## **Members' questions at Council – 3 March 2017**

### **Question from Councillor Chris Chappell**

#### **Question 1**

##### **Robert Owen Academy**

The Robert Owen 'Free' school has received negative reviews from Ofsted in all areas. Educationalists across the county, questioned why it was allowed to open in the first place. While no blame can be placed on the council for its failures, we do have a duty of care to the students at the school.

Can the cabinet member for children's services confirm:

- a) whether he shares the concerns of many about the Robert Owen 'Free' school, and if he does, to who has he expressed them; and
- b) what safeguarding plans are in place to protect the students, and how can he be sure that their future educational and social needs are met?

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

There is much to be proud of in our county schools' performance.

However, the educational outcomes at the Robert Owen Academy have been of concern to the council for the past two years. In addition, the Education Funding Agency has issued a financial warning notice to the school, and the recent Ofsted report is a matter of significant concern.

Whilst it is the regional schools commissioner who is responsible for taking action where academies and free schools are underperforming and for intervening in academies where governance is inadequate, the council has overall responsibility for ensuring that outcomes are good.

I can confirm therefore that the officers of the council have escalated our concerns to both the trustees of the school and the regional schools commissioner, prior to and subsequent to the Ofsted report. We will continue to seek assurance from the bodies concerned about their plans for improvement. Whatever the outcome, the council will be focussing on ensuring the best outcomes for the young people.

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### **Question from Councillor Chris Chappell**

#### **Question 2**

##### **Member and officer relationships**

There is concern across the political groups, that councillors are being isolated from officers. A recent letter to councillors telling us how and when to access officers at the Plough Lane offices, was at best unfortunate, and could be seen as being disrespectful to councillors.

Will the leader meet with councillors, outside of group leader's meetings, to hear councillors concerns, and put our minds at rest that back bench councillors concerns are being heard?

##### **Answer from Councillor Tony Johnson, cabinet member corporate strategy and finance**

Mutual respect between members and employees should be a cornerstone to the way in which this council works. I understand that, following the adoption by full Council of a revised constitution, the remaining codes are being refreshed. This refresh is being led by the governance improvement member working group, reporting to the audit and governance committee who expect to make their recommendation to the annual meeting of Council in May.

## **Members' questions at Council – 3 March 2017**

This work includes reviewing the effectiveness of the existing codes on member and officer relationships and use of council resources by members to ensure that we can all operate effectively in our respective roles, and that in doing so we uphold both the council's own values and the principles of public life. Rather than arrange a meeting outside of this established process, I would encourage any member with views on this matter to contact their own group representative on the working group to enable those views to be taken into consideration.

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### **Question from Councillor Bob Matthews**

#### **Question 3**

##### **Accommodation contracts**

I have been informed by officers that extensive and expensive work is taking place to accommodate council staff members at Elgar House, Holmer Road and Blueschool House, Coningsby Street, Hereford. Can it be confirmed that these jobs were advertised for tenders to be submitted, and if not then why not?

##### **Answer from Councillor Harry Bramer, cabinet member contracts and assets**

Councillor Matthews may wish to refer to the cabinet member decisions taken on 2 June 2016 (regarding Blueschool House) and 7 July 2016 (regarding Elgar House), both of which will have been circulated to members as well as having been published on the council's website. These reports provide information about the costs of the works and the method of procurement for a contractor to complete those works. In both cases the lead contractor was procured, in accordance with the council's contract procedure rules, via a framework agreement in order to secure best value for money.

The council requires contractors to demonstrate wider social value, part of which includes benefit to the local economy. In relation to the Elgar House project 52% of the labour and 61% of the total small and medium enterprise (SME) spend was within ten miles of the site. Whilst work continues at the Blueschool House site, indications based on packages of work already let, are that 62% of the labour and 86% of SME spend will be within ten miles of the site.

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### **Question from Councillor Anthony Powers**

#### **Question 4**

##### **Authority monitoring reports**

The most recent authority monitoring report, on the extent to which the council's planning policies are being achieved, is for 2013-14. These annual reports are a mandatory legal requirement, reinforced by the council's own commitment to produce monitoring of the delivery and supply of housing as per Policy SS3 of the Core Strategy. Why is this statutory requirement not being met, and when will the long-overdue reports for 2014-15 and 2015-16 be published?

##### **Answer from Councillor Philip Price, cabinet member infrastructure**

The national change from annual to authority monitoring reports was intended to ensure that data is published when available rather than in a single 'set piece' report. To that end key elements of the 2016 data (the five year housing land supply and neighbourhood plan monitoring data) is already available on the website.

Following the council's new website going live this week, we aim to publish before Easter the remaining elements, collated on a single webpage to provide ease of reference. The additional information will include an outline of the programme for preparation of the remaining development plan documents, an update on the implementation of a range of core strategy policies, and data regarding section 106 agreement contributions from developers.

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### **Supplementary question**

To quote from the summary of relevant legislation on the DCLG website: "local planning authorities must publish information at least annually that shows how the implementation of policies in the local plan is progressing."

Will the Cabinet member acknowledge that obligation, and now commit the council to publish monitoring reports "at least annually"?

### **Answer from Councillor Philip Price, cabinet member infrastructure**

Up to date monitoring reports will be on the website by Easter. It is not a requirement to produce these as a whole provided they are updated annually.

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### **Question from Councillor Anthony Powers**

#### **Question 5**

#### **Smallholdings disposal**

Following an EIR from the National Farmers Union, and on demand from the Information Commissioner's Office, the council has finally made public a substantially less redacted version of the 2014 Fisher German report it commissioned on disposal options for the farms estate. There is now clear evidence that the report's recommendation to the executive - that only a portion of the estate should be sold - was concealed from councillors, the scrutiny committee and its confidential Task and Finish group, the farm tenants and the public, on the spurious grounds of commercial confidentiality. In view of such deplorable behaviour who was responsible for the decision to withhold the Fisher German recommendation, and what confidence can members and the public have in the transparency and legitimacy of any of the executive's decision-making?

### **Answer from Councillor Harry Bramer, cabinet member contracts and assets**

General overview and scrutiny committee, as part of its policy development work on this matter during the summer of 2015 asked for sight of the draft report, which had not been considered by the executive at that time. Redactions were undertaken then having regard to legal advice.

Members and the public can continue to have confidence in the transparency and legitimacy of the executive's decision-making because, as was made clear to both the scrutiny committee and cabinet at the time of taking their decision in December 2015, the report referred to was a draft of a report from a review commissioned in early 2014 from Fisher German which was not pursued and was not taken into account by cabinet when they took the decision some 18 months later. As council priorities in light of changing economic conditions, were evolving rapidly at the time, the review and its report were never completed, therefore it would not have been appropriate to take account of an unverified draft report. The monitoring officer confirmed at the December 2015 cabinet meeting that this report had not been taken account of, and there was therefore no requirement to publish.

In accordance with the principles of good decision-making all information which was taken into account by the cabinet was made public at the time the decision was taken – and this continues to be the case.

### **Supplementary question**

Councillor Bramer continues to assert that the Fisher German report was an incomplete draft. The authors of the report have denied that assertion.

## **Members' questions at Council – 3 March 2017**

Isn't the truth that your paid £12,000 of tax payers' money for this report, didn't like that it told you, and went to enormous - and unlawful - lengths to bury it from the sight of councillors, the General Overview and Scrutiny Committee, the committee's confidential task and finish group, the tenant farmers and the public?

### **Answer from Councillor Harry Bramer, cabinet member contracts and assets**

No.

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### **Question from Councillor Sebastian Bowen**

#### **Question 6**

##### **Building maintenance**

Can the cabinet member confirm whether the balance of responsibilities between external contractors and in-house staff re building maintenance is the most cost effective, speedily responsive and efficient in its effects?

### **Answer from Councillor Harry Bramer, cabinet member contracts and assets**

The council has outsourced building services since before 2003. The cost effectiveness of these arrangements have been reviewed periodically, the most recent fundamental review having been undertaken in 2012/13 as part of the then root and branch review programme, and which determined to continue outsourcing.

The current contract is scheduled to end in March 2018 and work is underway to prepare for recommissioning; cost effectiveness and balance of responsibilities will form part of those preparations. In considering such changes, necessary qualifications to meet health and safety and insurance requirements; job evaluation of any employee taking on additional responsibilities; and TUPE considerations would be taken into account when assessing continued cost effectiveness.

### **Supplementary question**

I ask that when the contract is reviewed can we ensure that our own staff are permitted to carry out tasks for which they are best trained and capable rather than using outside contractors who tend to be far more expensive, don't know the intricacies of our buildings and are rarely as quickly at the scene as they should be? And can councillors have an input into this review?

### **Answer from Councillor Harry Bramer, cabinet member contracts and assets**

Please refer to the written answer. Work is underway to review the contract.