

Schedule of General Overview and Scrutiny Committee recommendations made and action in response (May 2017 on)

Meeting	item	Recommendations	Action	Status
11 July 2017	Sustainable modes of travel to school strategy	That (a) the strategy should clearly link targets to the strategy’s aims and objectives and ensure that it showed how actions can deliver on those objectives;	Cabinet response 18 January 2018 The table setting out targets will be updated to demonstrate show the link to objectives. (Page 16)	To update
		(b) the wording in relation to the vacant seat payment scheme should be modified	The table setting out targets will be updated to demonstrate show the link to objectives. (Page 16)	
		(c) the strategy should contain a clear timetable for review of the strategy;	Timetable for review has been added. (Page 19)	
		(d) the executive should again be asked to request schools to update their school travel plans making clear to them the potential benefits to schools of doing so and drawing on the support of councillors who are school governors to encourage this work to take place;	In addition to officers promoting up to date travel plans and providing support directly to schools, local members will also be engaged to promote travel plans in their local communities. (Included in Action Plan at page 16)	
		(e) officers be requested to liaise with public health colleagues to	Liaison between officers has commenced with officers from public health and this is enabling	

		assist in the development of effective targets;	closer coordination between the SMOTS and public health objectives. (Included in the Action Plan at page 16)	
		(f) the executive be asked to ensure that relevant council held data is actively shared with schools to prompt them to share their own data for the SMOTS;	Any data relevant to the SMOTS will be made available to schools and will be used to help encourage schools to engage in travel planning.	
		g) the executive be requested to explore means of data collection for the SMOTS, to seek to secure more robust data to inform policy and assist in prioritising actions, with regard also being had to NHS data;	The SMOTS has been updated to include the most recent robust school travel data set (Page 9). The action plan addresses how we will explore additional data sources, including NHS data to assist with implementing the SMOTS (Page 16).	
		(h) accident information in the strategy and methods of data collection should be clarified;	Accident information is collected by the police using their own reporting system. The accident data is then passed over to the Department for Transport for release to the public. Detailed methodology on how this happens can be found on the Government's website on the link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259012/rrcgb-qualitystatement.pdf	
		(i) the executive be requested to seek support from local MPs to assist in resolving transport issues and that their attention	A letter has been drafted from Cabinet Member for Transport and Roads and from the Cabinet Member for Young People and Children's Wellbeing.	

		should be drawn to the value that Plasc surveys had previously been in assessing needs;		
		(J) the executive is requested to ensure that the SMOTS makes clear the evidence used to inform the strategy, the efforts made to secure evidence and any deficiencies in collecting evidence;	Amended within the strategy. (page 9)	
		(k) the executive be requested to ensure that the capacity and performance measures in the Sustrans contract are aligned to the strategy;	We will review the Sustrans contract to ensure the contract goals will be compatible with the SMOTS. (Included in the Action Plan at page 16)	
		(l) the executive is requested to ensure that an implementation plan translating strategy into action was developed to accompany the strategy;	An implementation plan will be developed for delivery to a pilot school by 2019. (Page 16)	
		(m) the Sustrans contract was part way through its duration yet the strategy had not been published. The relationship of that work to the strategy needed to be considered to ensure that that work contributed to the delivery of the strategy; and	The Sustrans delivery project was taken into account when developing the SMOTS.	

		(n) the Statutory Scrutiny Officer be informed of the annual review of the action plan and following consultation with the Chairman and Vice-Chairman consider whether there are any material matter requiring consideration by the Committee.		
	Herefordshire local flood risk management strategy	That (a) the strategy should recognise the importance of clear and effective communication of responsibilities in respect of all relevant parties;	Response considered by cabinet 28 September 2017 <i>a: Accepted – there is already a section on communication (7.2) which addresses this point</i>	
		(b) the executive be advised of the importance of preparing a joined up implementation plan;	<i>b Accepted – this will form part of the action plan.</i>	
		(c) careful consideration be given to how land use and management affect flood risk, ways of educating people on this point and developing mitigating measures;	C Accepted – this is already covered under section 10, particularly these summary actions: Work collaboratively through the Natural Flood Management Partnership for the River Lugg and Wye to deliver the Wye Nutrient Management Plan and influence land use and management practices to reduce the risk of flooding and deliver wider environmental benefits; and Work with landowners, communities, Town and Parish Councils, NFU, the Country Land and Business Association (CLA) and other similar organisations to promote changes in agricultural land management practices, which can reduce the impact of flooding and provide	

			opportunities to incorporate wider benefits.	
		(d) a public facing document be produced setting out what to do in the event of flooding and relevant legal remedies for those affected;	d Accepted – this will form part of the non-technical summary (easy reference guide summary document).	
		(e) BBLP be requested to seek information from lengthsman and local councillors on local conditions and identified flood risks as a matter of course; and	e Accepted – this will be captured within the 'Water on the Network' Annex of the Annual Plan.	
		(f) the Statutory Scrutiny Officer be informed of the annual review of the action plan and following consultation with the Chairman and Vice-Chairman consider whether there are any material matters requiring consideration by the Committee.		
21 August 2017	West Mercia Police and Crime Consultation on Fire Governance	RESOLVED: That a draft submission to cabinet be circulated to members of the committee for comment and the statutory scrutiny officer authorised to finalise the submission on the committee's behalf following consultation with the chairman and vice-chairman of the	Response submitted. Submission to PCC made by Executive opposing PCC proposal. Home Office approve PCC proposal 26 March 2018.	

		committee.		
11 September 2017	Travellers' Sites Development Plan Document	<p>RESOLVED:</p> <p>That (a) the executive be recommended to consider whether an additional temporary stopping place should be identified;</p>	<p>Cabinet Response 28 September 2017</p> <p>(a) The occurrences of unauthorised encampments across the county will continue to be monitored and this information will feed into future reviews of the GTAA and be a relevant factor in consideration of the need to review the DPD. The effectiveness of providing the temporary stopping place at Leominster will also be monitored.</p>	To update
		<p>(b) co-operative working with neighbouring authorities should be pursued;</p>	<p>(b) Agreed, local planning authorities are required to cooperate with neighbouring authorities, engage constructively, actively and on an ongoing basis with regard to relevant strategic matters under the Localism Act.</p>	
		<p>(c) clarity be provided on how the TSP would operate in practice, including protocols for the allocation of places on the site including the management of different families, so that there is a clear public understanding;</p>	<p>c) it would be beneficial to expand on the text in paragraph 4.20 – 4.25 to clarify the purpose and characteristics of this type of site. This will now refer to a management policy that will explain how the temporary stopping place will be managed by the Licensing, Traveller and Technical Support team. A management policy for the site will be produced in consultation with the Police to ensure that a fair, transparent and accountable method of allocating pitches on the temporary stopping place is set out. The lengths of stay for each encampment will be negotiated on a case by case basis but will not</p>	

			exceed 14 days.	
		(d) consideration be given to specifying when a review of the policy should be conducted;	<p>(d) Response – Agreed, it is recommended to strengthen section 7 to refer to a five yearly review of the accommodation requirements of travellers. It is also recommended to include reference to the monitoring of the effectiveness of the policies through the Annual Monitoring Report using the following indicator:</p> <ul style="list-style-type: none"> • The amount of new traveller pitch commitments and completions. <p>Finally it is recommended that the records of both unauthorised encampments and turnover of site kept by the council are reviewed to help monitor the effectiveness of the policies.</p>	
		e) dialogue continue with the Showmans' Guild to identify an appropriate site to meet their needs;	<p>e) Response – Agreed, officers will continue to engage with the Showmans Guild in order to help identify and bring forward sites to meet the identified requirement. The progression of the draft plan to adoption will not prevent such a site being brought forward during the plan's lifetime.</p>	
		f) the scope to acquire land for sites by Compulsory purchase order to increase the options and select sites in the most suitable locations be explored;	<p>f) Response - Legal advice has been sought on the suitability of this process in relation to this matter. CPO could be used in the context of gypsy and traveller sites and there are several acts which enable public bodies to compulsory purchase land for a particular purpose but they would have to justify and</p>	

			<p>demonstrate that the required criteria have been fulfilled. Before a CPO can be implemented, the acquiring authority will have to justify it to the Secretary of State and must be able to demonstrate (in respect of the CPO):</p> <ul style="list-style-type: none"> o that it is authorised by statute to purchase land compulsorily for a particular purpose and the CPO is necessary to achieve this purpose; o there is a compelling case in the public interest that sufficiently justifies interfering with the rights of those with an interest in the land affected; o the provisions of Article 1 (protection of property) of the First Protocol to the European Convention on Human Rights 1950 (and if a dwelling), Article 8 (protection of a person's home), should be taken into account <p>Therefore at this stage it is not recommended that the CPO process be pursued to identify land whilst there are options available to meet the requirement in the GTAA.</p>	
		<p>(g) site allocation policy on residential sites should be clear;</p>	<p>g) Response - Site allocation policy is not a matter for the DPD. There is an existing Gypsy and Traveller Site Allocation and Management Policy for Herefordshire 2015 which covers the existing residential sites managed by the council. However</p>	

			to aid a comprehensive picture to be provided, a document explaining the management and pitch allocation policy relating to the management of the Temporary stopping place will also be produced to accompany the DPD through the publication and examination processes.	
		(h) officers be requested to ensure that existing sites are appropriately managed and maintained and that appropriate resources are in place for both capital improvements and maintenance.	h) Response – the management of the sites and allocation of resources are not matters for the DPD. Revenue and capital requirements for existing or planned sites in the council’s ownership will be considered and prioritised through the council’s normal budget planning process, and sites will be managed in accordance with the relevant policies	
11 September 2017	Youth Justice Plan 2017-2018	RESOLVED: That (a) the Youth Justice Plan (at appendix A to the report) be endorsed and submitted to Cabinet for recommendation to full Council for approval; (b) the Cabinet Member (young people and children’s wellbeing) be asked: (i) to request the West Mercia Youth Justice Service Management Board to review the process for preparing the Youth Justice Plan in order to permit the scrutiny committee to comment on next year’s plan	Reported to Cabinet 28 September 2017 Response: Resolutions are for the cabinet member young people and children’s wellbeing to consider as the plan is developed for 2018/19	To update

		<p>at an earlier stage so that its comments can be taken into account in the plan's preparation;</p> <p>(ii) to request that an evaluation of informal disposals be included in next year's plan;</p> <p>(iii) to request that next year's plan be drafted so as to enable performance year on year to be compared;</p> <p>(iv) to request that mindful of the fact that the low numbers of offenders in Herefordshire can distort statistical comparison with other authorities information be presented within the Plan in a way that enables the circumstances of the Herefordshire cohort of offenders and performance of the service in addressing their needs to be assessed and compared year on year; and</p> <p>(c) a briefing note be requested setting out: how the statistics quoted at paragraph 2.4/2.6 of the draft plan compare in full with the 2016/17 plan; and also providing clarification on the operation of transition protocols and reassurance that there is a seamless and fully</p>		
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		effective transition from youth to adult services.		
13 November 2017	Construction and Facilities Management Services to Herefordshire Council	<p>RESOLVED:</p> <p>That (a) a further report/scoping statement be presented to the Committee to enable it to decide how it wishes to be involved in any further consideration of this matter and to what timetable and to include a review of matters of concern identified during the debate; and</p> <p>(b) officers be requested to be mindful of the importance of communicating any contractual changes to those potentially affected by them.</p>	<p>Cabinet Member decision to extend contracts – 7 February 2018.</p> <p>Awaited.</p>	To update
13 November 2017	Task and Finish Group Report: Devolution	<p>RESOLVED:</p> <p>That (a) the findings of the task and finish group report: devolution be approved for submission to the executive with the addition of reference to exploring the possibility of forming connections with non-contiguous areas with shared values and interests; and</p>	<p>Cabinet considered on 15 February 2018.</p> <p>Recommendations accepted.</p>	Completed

		(b) the Committee be advised of the executive's response.		
1 December 2017	Call-in of cabinet member decision in respect of charity shop waste disposal	<p>RESOLVED:</p> <p>(a) (i) there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account; and</p> <p>(ii) the decision is disproportionate to the desired outcome; and</p> <p>(b) the decision be referred back to the Cabinet Member – contracts and assets and he be asked to reconsider it, reviewing: - the reputational implications for the Council, - the charity shop waste disposal policy as set out at appendix 4 to the report prior to the policy being implemented, such review to include the cost of administering the proposed policy and its enforcement; and actively considering partnership working to minimise waste tonnage from charity shops, and with the request that he consider an exemption for</p>	<p>Cabinet Member Decision 5 February 2018.</p> <p>Original decision confirmed</p>	Completed

		local county based charities that help to fulfil the council's corporate objectives.		
13 December 2017	Setting the 2018/19 budget and updating the medium term financial strategy	RESOLVED: That (a) the budget papers should make more open and transparent use of the public consultation responses in the commentary;	Cabinet response 12 January 2018. http://councillors.herefordshire.gov.uk/mgAi.aspx?ID=48062#mgDocuments Consultees section of the report enhanced in response to this feedback	Completed
		b) a clearer narrative be provided on how the 3% uplift in the precept for adult social care is proposed to be used;	Paragraph 21 has been expanded to include this	
		(c) as part of the review of the constitution it be recommended that all three scrutiny committees are able to review the budgets of their directorates, with all recommendations being fed in to the General Scrutiny Committee before submission to Cabinet;	This has been referred to the audit and governance committee for their review	
		(d) that there be ongoing review of the deliverability of the looked after children budget, with reports provided every 2 months to the Children and Young People Scrutiny Committee accompanied by a profile of how savings are projected throughout the year with this information also to be made available to Group Leaders for their performance challenge meetings;	To be added into the committees work plan	
		(e) a clear breakdown of how income from car parking is being spent on transport services is shown in the budget papers for council together with a breakdown of the	Attached at appendix 7 to cabinet report	

		ECC 12 directorate efficiency savings.		
13 December 2017	Proposed 2018/19 capital bids and approval	RESOLVED: That it be recommended that the council makes funding available to enable the model farm development at Hildersley, Ross-on-Wye to proceed.	(Cabinet report 12 January 2018 para 27) A new line has been added to Appendix 1 for funding towards the development partnership activities with the detail of the activity to be provided as part of the approval to spend decision. In addition the committee asked for clarity on the proposal scores and funding, additional tables have been included in paragraphs 8 and 13 to provide this detail.	Completed
13 December 2017	Public Accountable body for NMiTE	RESOLVED: That (a) Council be recommended to put in place a robust and appropriate governance framework to supervise the discharge of its responsibility as the accountable body itself, or delegate this role to a Committee/Sub-Committee providing sufficient detail on the mechanism by which this role is to be discharged is provided to any such body to enable it to fulfil its role;	Responses submitted to Cabinet on 14 December 2017 http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?Cid=251&Mid=6424&Ver=4 a - This is a matter for full Council as it could entail a change to the constitution, a report will be prepared for the next council meeting.	To update
		(b) the wording of paragraph 23 in the report to the Committee mirrored at paragraph 23 of the report to Cabinet on 14 December 2017 in relation to risk management be reviewed and amended as appropriate; and	b- the risk identified is the ability for the Department of Education to require a clawback of funds. Such a provision has not currently been included in the revenue grant determination letter but provision is contained in relation to the capital grant. The circumstances where such clawback can be	

			required will need to be clarified with the Department and if there is any provision this will need to be reflected in the drawn down agreement with NMiTE to ensure that the council is able to clawback monies paid to NMiTE where ineligible funds have been released. Any risks in relation to clawback of the Local Enterprise Partnership funding for the project are mitigated through payment of grant being made against defrayed costs only and therefore ineligible expenditure will be discounted before any grant is released. The council should only be responsible for repayment where there is a failure as accountable body in making appropriate checks	
		(c) subject to the above, Cabinet be advised that the Committee supports the proposal that the council acts as accountable body for public funding to support establishment of a new university in Hereford, provided assurances are given that no costs will be incurred by the Council.	C - the chief finance officer will ensure that costs incurred in providing the accountable body role are recovered from the grant funding allocated to the project.	
29 January 2018	Herefordshire Council public Realm Service Report	RESOLVED: That (a) the Council as client and BBLP as contractor consider how communication with parishes and ward members can be improved without incurring		To update

		material cost;		
		(b) the Council as client and BBLP as contractor be requested that in presenting information on performance for publication actual numbers should be provided alongside the %ages in the report to provide improved public understanding of the amount of work being carried out and outcomes delivered, with consideration also being given to disaggregating the data to present it along urban and rural lines, again without incurring material cost;		
		(c) the executive be recommended to consider whether funding can be made available to support the lengthsman scheme;		
		(d) the executive be recommended to consider whether a discretionary fund can be established to which parishes with fewer resources available to them could apply to support part/match funding of schemes;		
		(e) the executive be recommended to continue to explore all external funding opportunities to support road maintenance;		
		(f) the executive be recommended to consider allocating 1% of the Council's core budget increase to highways maintenance to		

		continue the long term investment in the network;		
		g) the executive be recommended that sums secured from legal proceedings in relation to the Amey contract should be allocated for highways maintenance;		
		(h) the Council as client and BBLP as contractor be requested to ensure that parish councils are aware that salt deposits are available to be delivered to parishes if they apply;		
		(i) the Council as client and BBLP as contractor be requested to review the snow contractor system to ensure that operatives have appropriate equipment available to them;		
		(j) the executive be requested to review whether the claims management system in relation to damage to vehicles as a result of road defects is working fairly and appropriately;		
		(k) the executive be requested to give further consideration to how landowners can be encouraged to discharge their riparian responsibilities;		
		(l) the executive be requested to reappraise the classification of category 1 and 2 defects and whether the approach to the repair of potholes is satisfactory; and		

		(m) action to be taken on behalf to the Committee to engage with parish councils possibly through a spotlight review to provide the Committee with a representative picture of views across the county and demonstrate to parish councils that account is being taken of their views.		
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