

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)	Completed
		(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)	Completed
		(c) the strategy should contain a clear timetable for review of the strategy;	Timetable for review has been added. (Page 19)	Completed
		(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)	Completed
		(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	Completed

		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.	Completed
		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).	Completed
		(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	Completed
		(i) the executive be requested to seek support from local MPs to assist in resolving transport issues and that their attention	A letter was sent by Cabinet Member for Transport and Roads and from the Cabinet Member for Young People and Children's Wellbeing.and reply received.	Completed

		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)	Completed
		(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) Sustrans contract was reviewed and found to be compatible with the SMOTS.	Completed
		(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) This is being developed in line with schools and a letter is being drafted to members to request support to promote the message to schools.	
		(m) the Sustrans contract was part way through its duration yet the	The Sustrans delivery project was taken into account when developing the SMOTS.	Completed

		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		
		(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.	The annual review is being finalised with a copy made available to the Statutory Scrutiny Officer upon finalising.	
	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>	Completed
		(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>	Completed
		(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	Completed

			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).	Completed
		(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.	Completed
		(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.	Action plan received and to be considered.	
21 August 2017	West Mercia Police and	RESOLVED: That a draft submission to cabinet be circulated to members of the committee for	Response submitted. Submission to PCC made by Executive opposing PCC proposal.	Completed

	Crime Consultation on Fire Governance	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 committee.	Home Office approve PCC proposal 26 March 2018.	
11 September 2017	Travellers' Sites Development Plan Document	RESOLVED: That (a) the executive be recommended to consider whether an additional temporary stopping place should be identified;	Cabinet Response 28 September 2017 (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.	Completed
		(b) co-operative working with neighbouring authorities should be pursued;	(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.	Completed
		(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;	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	Completed

			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 exceed 14 days.	
		(d) consideration be given to specifying when a review of the policy should be conducted;	(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: <ul style="list-style-type: none"> • The amount of new traveller pitch commitments and completions. 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.	Completed
		e) dialogue continue with the Showmans' Guild to identify an appropriate site to meet their needs;	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.	Completed
		f) the scope to acquire land for sites by	f) Response - Legal advice has been sought on the suitability of this process in	Completed

		<p>Compulsory purchase order to increase the options and select sites in the most suitable locations be explored;</p>	<p>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 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>	
--	--	--	---	--

		(g) site allocation policy on residential sites should be clear;	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 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 though the publication and examination processes.	Completed
		(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	Completed
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	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 (Annual report now made to Children and Young People’s Scrutiny Committee – see 17/9/2018)	Completed

		<p>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 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</p>		
--	--	--	--	--

		<p>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 effective transition from youth to adult services.</p>		
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 decision 12 April 2018: Contract agreed for one year from 1 September 2018 to 31 August 2019.</p> <p>Proposed to delete from work programme (2 July and 8 October 2018)</p>	Completed
13 November 2017	Task and Finish Group Report:	<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</p>	<p>Cabinet considered on 15 February 2018.</p> <p>Recommendations accepted.</p>	Completed

	Devolution	<p>of reference to exploring the possibility of forming connections with non-contiguous areas with shared values and interests; and</p> <p>(b) the Committee be advised of the executive's response.</p>		
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;</p>	<p>Cabinet Member Decision 5 February 2018.</p> <p>Original decision confirmed</p>	Completed

		and actively considering partnership working to minimise waste tonnage from charity shops, and with the request that he consider an exemption for 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	Completed
		(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	Completed
		(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	To be added into the committees work plan	Completed

		also to be made available to Group Leaders for their performance challenge meetings;		
		(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 ECC 12 directorate efficiency savings.	Attached at appendix 7 to cabinet report	Completed
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 Concluded that the functions of the Audit and Governance Committee already covered assurance. Report to be made to Audit and Governance Committee in July 2018. Annual report to A&G on discharge of accountable body role expected.	Completed
		(b) the wording of paragraph 23 in the report to the Committee	b- the risk identified is the ability for the Department of Education to require a	ongoing

		<p>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</p>	<p>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</p>	
		<p>(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.</p>	<p>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.</p>	Completed
29 January	Herefordshi	RESOLVED:	Additional communications resources have been	Completed

2018	re Council public Realm Service Report	That (a) the Council as client and BBLP as contractor consider how communication with parishes and ward members can be improved without incurring material cost;	employed by BBLP and HC to improve communications with all stakeholders.	.
		(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;	Strategic and operational performance indicators are under review to ensure that they continue to present the outcomes being achieved through the Public Realm services contract and reflect the change in investment made by the council through that contract.	Completed
		(c) the executive be recommended to consider whether funding can be made available to support the lengthsman scheme;	Under consideration in line with changes in the funding environment, results will be captured in the coming year's Annual Plan.	ongoing
		(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;	Under consideration in line with changes in the funding environment, results will be captured in the coming year's Annual Plan.	ongoing

		(e) the executive be recommended to continue to explore all external funding opportunities to support road maintenance;	No further Highway maintenance bid opportunities have materialised from DfT yet. Background work on bid content is underway. Evidence is being prepared for the Transport Select Committee's inquiry into the funding for and governance of Local Road maintenance.	ongoing
		(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;	Under consideration	ongoing
		g) the executive be recommended that sums secured from legal proceedings in relation to the Amey contract should be allocated for highways maintenance;	To be considered in the forthcoming Capital Programme allocations	Ongoing
		(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;	Pre-season communications are underway.	Completed
		(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;	The winter service plan and associated operational arrangements have been the subject of review.	Completed
		(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	To be progressed	Ongoing

		appropriately;		
		(k) the executive be requested to give further consideration to how landowners can be encouraged to discharge their riparian responsibilities;	Work on this has been initiated	ongoing
		(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	This is the subject of detailed consideration in the review of the Highway Maintenance Plan.	ongoing
		(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.	Task and finish review has been planned and information sought from parish councils.	ongoing
9 April 2018	Future delivery of museum, library and archive services	RESOLVED: That (a) the case for bringing the first floor room in Hereford library into use should be set out in more detail for cabinet to consider, including an assessment of community benefit;	Response in Cabinet report 28 June 2018 Agreed. Appendix 3 includes business case profile with community benefit and options.	Completed
		b) cabinet is requested to ensure that whilst recognising the need for services to be sustainable any proposals should aim to preserve and/or enhance quality of services and provide for their development;	Agreed. Included in recommendation to retain service standards for any contracted service and short-term savings have minimum impact on quality of service.	Completed
		(c) the resource implications of the report to cabinet should be expanded and clarified in relation to the impact of charitable relief;	Agreed and additional information included in the resources section:	Completed

		(d) the option of not outsourcing the services should be fully explored in the cabinet report;	Agreed. The alternative options to recommendations included in the report, also refer to appendix 2 for profile of services	Completed
		(e) the different nature of the three services should be fully recognised and taken into account in considering future options in whatever process is pursued	Agreed.	Completed
		(f) the legal implications section of the report should be reviewed to ensure it fully reflects provisions relating to archives;	Agreed and additional information included in the legal section.	Completed
		(g) income generation opportunities should be explored including charges for those using archive services and the scope for shared use of council buildings with commercial and charitable operations;	Agreed and reflected in the recommendations.	Completed
		(h) the opportunity to secure income from those storing records at HARC but not making them available for public use be explored; and	Agreed. Reflected in the recommendation in first making records available to the public and charging as an option.	Completed
		(i) the breakdown of the various usage figures in the report should be revisited and clarified for cabinet.	Agreed. See appendix 2 for full range of usage figures.	Completed
2 July 2018	Work Programme	Various Actions relating to work programme agreed		Completed

18 July 2018	Hereford Transport Package	That (a) the executive be recommended: I. that Natural England and Highways England are requested that they make a consultation response on the route selection, if they wish;	Cabinet response 27 July: Accepted. Both Natural England and Highways England were invited to provide a response to the consultation and sent reminders of the opportunity to do so. We will continue to engage with both organisations and ask that they provide a response during the phase three consultation.	Completed
		II. the landlord and the operators of Hereford Community Farm be asked if they would be prepared to write a statement as to the impact of the preferred route on the deliverability of their service;	Accepted. This will be done as part of the phase three consultation and any submission will inform the equality impact assessment.	Completed
		III. presentations delivered to the scrutiny committee be made publicly available with the cabinet member papers; and	Completed	Completed
		IV. it be ensured that all reports presented to cabinet are formally signed off by BBLP, to provide assurance;	Completed	completed
		(b) the executive be advised that the committee feels able to support the proposed red route based on the current evidence presented, subject to the above recommendations;	Reported to Cabinet 27 July 2018.	ongoing

		(c) a high level members briefing seminar for all members on understanding the process of delivering a new road scheme be provided, from which councillors can disseminate that understanding to members of the public and the information be placed on the council website;		
		(d) detailed proposals on the active travel measures come back to the committee for their own scrutiny once a decision on a preferred route has been taken, with identification of those active travel measures that can go ahead regardless of delivery of the by-pass at the appropriate time;	Reflected in Work programme	ongoing
		(e) detailed proposals on the biodiversity measures come back to this committee for their own scrutiny once a decision on a preferred route has been taken with a detailed design at an appropriate time; and	Reflected in Work programme	ongoing
		(f) a range of discretionary powers to compensate households impacted by the proposed route are considered and options are presented back to this committee at the appropriate time.	Reflected in work programme	ongoing