

Supplement to the agenda for

Cabinet

Thursday 15 December 2022

2.30 pm

**Herefordshire Council Offices, Plough Lane, Hereford, HR4
0LE**

	Pages
3. MINUTES	3 - 12

Herefordshire Council

Minutes of the meeting of Cabinet held at The Committee Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 24 November 2022 at 2.30 pm

Cabinet Members Physically Present and voting:	Councillor David Hitchiner, Leader of the Council (Chairperson) Councillors Ellie Chowns, Pauline Crockett, Gemma Davies, John Harrington, Diana Toynbee and Ange Tyler
Cabinet Members in remote attendance	Councillor Liz Harvey, Deputy Leader of the Council (Vice-Chairperson) <i>Cabinet members attending the meeting remotely, e.g. through video conferencing facilities, may not vote on any decisions taken.</i>

Cabinet support members in attendance	Councillors John Hardwick
Group leaders / representatives in attendance	Councillors Peter Jinman, Jonathan Lester, Bob Matthews and Toni Fagan
Scrutiny chairpersons in attendance	Councillors Elissa Swinglehurst, Jonathan Lester and Phillip Howells
Officers in attendance:	Chief Executive, Director of Resources and Assurance, Director of Public Health, Corporate Director - Children & Young People, Corporate Director - Economy and Environment and Head of Legal Services

165. APOLOGIES FOR ABSENCE

There were no apologies from members of the cabinet.

166. DECLARATIONS OF INTEREST

None.

167. MINUTES

Resolved: That the minutes of the meeting held on 27 October 2022 be approved as a correct record and signed by the Chairperson.

168. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 8)

Questions received and responses given are attached as appendix 1 to the minutes.

169. QUESTIONS FROM COUNCILLORS (Pages 9 - 10)

Questions received and responses given are attached as appendix 2 to the minutes.

170. REPORTS FROM SCRUTINY COMMITTEES

The chairperson of the Health, Care and Wellbeing Scrutiny Committee presented the recommendations of the committee following its recent consideration of obesity in Herefordshire. The committee made 15 recommendations to Cabinet.

It was resolved:

- a) That the recommendations on Obesity in Herefordshire made by the Health, Care and Wellbeing Scrutiny Committee at its meeting on the 23rd September 2022 be noted; and
- b) That an Executive Response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.

171. CHILDREN'S IMPROVEMENT PLAN TRANSFORMATION FUNDING - TRANCHE TWO

The cabinet member children and families introduced the report and thanked colleagues for their support concerning the improvement journey for children's services. The corporate director children and young people explained the purpose of the additional resource requested and the impact of the first tranche of the funding.

In discussion of the report it was noted that:

- The children's commissioner would make recommendations shortly;
- Officers were confident that the improvement in case rates and other measures represented genuine change and that the actions taken early in 2022 were now starting to take effect;
- It was important that the council explained the changes and improvements to children and young people, this was an area that had been poor in the past and work was ongoing to develop channels of communication.

Group leaders gave the views of and raised queries for their groups. Progress was generally welcomed and in response to points raised it was noted that:

- The improvement plan would be fully scrutinised by the children and young people scrutiny committee;
- All elements of the budget setting would be closely examined;
- The children's commissioner is expected to complete her report in December, all councillors would be briefed early in the New Year;
- The additional management capacity had improved regularity and quality of supervision, care would be taken not to disproportionately remove that support in the future;
- Learning reviews took place when complaints were received to ensure managers understood where things had gone wrong;
- Numbers of children in the care of the council were expected to reduce as permanent arrangements were put in place for current cases;
- The numbers of children coming in to care had already reduced and more resources should be able to be put into early help in future to further reduce numbers.

It was resolved that:

- a) Cabinet authorise the drawdown of tranche two funding as per the cabinet decision in March 2022 up to the value of £6.49m which is being funded from the Financial Resilience Reserve;
- b) Cabinet receive this report on progress of the children's transformation journey as requested in the March 2022 cabinet upon drawing tranche two funding;
- c) Cabinet authorise delegation to the Corporate Director for Children and Young People in consultation with the Cabinet Member for Children's and Family Services, and Young People's Attainment; the Cabinet Member for Finance, Corporate Services and Planning; and the council's Director for

Resources and Assurance to take all operational decisions relating to the further £6.49m of funding available;

- d) Cabinet receive a further update on the precise allocation of tranche 2 funding in the new year of 2023 which will reflect up-to-date priorities and focus in light of the Ofsted Improvement Action Plan currently in development and also the recommendations of the Commissioner for Children’s Services, expected to be submitted to the Secretary of State in December.**

172. THE FUTURE USE AND REFURBISHMENT OF SHIREHALL

The cabinet member commissioning, procurement and assets introduced the report. She explained that her preference was to invest in and celebrate the council’s civic buildings and that options for a civic hub at the Shirehall had been explored. However it would irresponsible to take the decision to press ahead without careful consideration of the financial position of the council.

Cabinet members discussed the report and noted the building was of significant local importance. The costs to refurbish the building are considerable and the council had other priorities such as the investment in children’s services. It was proposed and seconded that option 3 in the report be approved, placing the report on hold to allow the council to take stock and have clarity on the financial situation.

Group leaders gave the views and queries from their groups. There was general support for retaining the building and concern that delays might cause the building to deteriorate further. The financial constraints were recognised and in response to queries it was confirmed that external sources of funding would be pursued in the interim.

It was resolved that:

- a) Cabinet agree to place the report on hold to allow further investigations on potential future uses of the building linked to the outcome of the Corporate Asset Review and the outcome of the planned asset transfer of the Town Hall;**
- b) Delegated authority is given to the Director Resources and Assurance following consultation with the Cabinet Member for Commissioning, Procurement and Assets to take all operational decisions necessary to implement this recommendation;**
- c) The staff car park (M-F) at the Shirehall be reviewed to consider if it can be made available for public pay and display parking for seven days per week until a formal decision on the future of the site can be made;**
- d) Delegated authority is given to the Director Economy & Environment following consultation with the Cabinet Member Infrastructure and Transport to take operational decisions necessary to alter the parking order at Shirehall temporarily.**

173. RURAL ENGLAND PROSPERITY FUND

The cabinet member environment and economy introduced the report. Cabinet members welcomed the funding but noted it was less than the county had typically received under European funding programmes which this was intended to replace. It was hoped that further funding would be made available in the future.

Group leaders gave the views and queries of their groups. The funding was welcomed but there was disappointment at the level of funding offered. The needs of rural areas and businesses were highlighted.

It was resolved that:

- a) **Cabinet approve the submission of the Herefordshire Rural England Prosperity Fund Addendum to government, in order to secure up to £1,705,669 of funding for the county;**
- b) **Authority to make any final technical amendments to the Addendum submission is delegated to the Corporate Director for Economy and Environment following consultation with the Cabinet Member for Economy and Environment;**
- c) **Should the Addendum be approved, the Council agrees to be the accountable body for the implementation of the RPF allocation and the resulting projects; and**
- d) **Authority is delegated to the Chief Executive Officer and the Section 151 Officer to formally submit the bids by the 30 November 2022 deadline.**

174. QUARTER 2 BUDGET AND PERFORMANCE

The cabinet member finance, corporate services and planning introduced the report and highlighted that:

- The current forecast was for a net overspend of £8.7m after the use of reserves and actions to redress overspends;
- Provision of children's social care continued to experienced increased demand and work continued to reduce placement costs;
- Delivery of the capital programme had been impacted by covid and increased costs;
- More than 90% of planned savings have been delivered or are on track;
- More than 80% of performance targets have been delivered or are on track;
- Costs in children's services presented a serious risk for the council and the use of reserves to manage this was not a sustainable position.

Cabinet members highlighted key developments within their portfolio areas.

Group leaders gave the views and queries of their groups. The challenging financial situation was noted and in response to queries it was confirmed that recovery programmes were in place. The council was seeking to close the gap as much as possible however inflationary pressures were significant and there was no additional funding for councils from the government.

It was resolved that:

- a) **Cabinet, having reviewed performance and financial forecast for year 2022/23, as set out in the appendices A-E, had not identified any additional actions to be considered to achieve future improvements.**

The meeting ended at 4.55 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 24 NOVEMBER 2022**Question 1**

From: Mr C Wood, Hereford
To: Cabinet Member, Infrastructure & Transport

Please can the cabinet member confirm if the countywide pavement review has been completed and what work has been undertaken as a result of this.

Response

Our service provider, BBLP, have undertaken a review of the highway network and have identified an additional 10 sites on the network where work is required to improve local access arrangements for residents using wheelchairs, mobility scooters or pushchairs. The two sites originally identified, Harrow Road and Plough Lane are both now accessible to all. We are planning to deliver 5 of the remaining sites in this financial year and, subject to budget availability, will programme the rest for early 23/24

We are conscious that this will not solve all issues across the network, our focus is to ensure that our city, town and village centres are fully accessible so that a wider portion of the population can benefit from our work. We welcome approaches from individuals or groups should they have routes that fall outside of the centres highlighted above.

Supplementary question

To ensure that the disabled community are aware of what changes have been made to the pavement network in Herefordshire, can Herefordshire council release details of what work has been completed on their website and social media platforms so it can be accessed by everyone who may require it.

Response

The cabinet member confirmed that works would be appropriately signposted once completed.

Question 2

From: Mr A Thomas, Lugwardine
To: Cabinet Member, Commissioning, Procurement and Assets

Is the inspection and maintenance of the counties historic buildings the responsibility of the council, if not who is responsible for their upkeep?

Response

Thank you for your question. The Council is not responsible for the inspection or maintenance of Listed Buildings except where there may be a breach of the regulations. Owners are able to carry out repairs to historic buildings that are statutory listed on a like for like basis without requiring Listed Building Consent. It is a criminal offence to carryout unauthorised works to a Listed Building and where the Council are informed of such works it will investigate and take the appropriate action. The following pages on the council's website will enable you to view the heritage buildings and its owners: [Listed and historic buildings – Herefordshire Council](#)

Question 3

From: HH Judge Daniel Pearce-Higgins

To: Cabinet Member, Commissioning, Procurement and Assets

From 2004 to December 2019, I was a Circuit Judge on the Midland Circuit sitting frequently in Hereford Shirehall, Court 1. Since 2016 I have been the Honorary Recorder for the City of Hereford.

In 2017 we celebrated the bicentenary of the opening of the Shirehall. The building (and Court 1 in particular) is a significant connection with Hereford's history and could make an important part in its future if repaired. I support the argument put forward in paragraphs 28 and 29 of the report.

If the Council wishes Hereford, and the County, to be seen as a viable and independent authority how can that be done without the benefit of the facilities, (in particular a historic Crown Court) that a restored Shirehall would provide and the dignity and status that would accompany it?

Response

Thank you for the comment and your continued commitment to maintaining a full crown court presence in Herefordshire. I agree entirely that in the interests of residents of the county that this is essential. The Council fully supports working with partners to promote good quality and effective services for our local residents and businesses. Recent events at Shirehall were unforeseen and unexpected and we appreciate the understanding of His Majesty's Courts & Tribunal Service (HMC&TS) in this matter. We are working hard with HMC&TS to offer a temporary solution so that a courts service will continue until a long-term plan for Shirehall is determined.

Supplementary question

Why delay?

It is been two and half years since the damage was done.

There is no alternative long-term solution to the provision of a Crown Court, other than restoration of the Shirehall.

The greater the delay the greater the cost.

Response

The cabinet member referred to the report on the agenda for the meeting, which set out the reasons why a delay was being considered. The support for retention of a Crown Court was welcomed.

Question 4

From: Ms Reid, Hereford

To: Cabinet Member, Children and Families

There is high rate* of Children Looked After in Herefordshire; forecast overspend of £5.2 million. The average cost of each CLA is about £40,000 each year. The rate* of care proceedings is high and expensive. Support is relatively inexpensive and inadequate. For example, Ofsted criticised the "response to pre-birth children and babies" in effect the inadequate support of perinatal women. About 50% more babies are put into care than expected*.

In my opinion, the transformation funding report does not at pace address these matters (eg Paragraph 11). Therefore, would the Cabinet recommend at pace:

- Using Family Group Conferences by teams than ECHo
- Increased investment in family support
- Implementation of a policy to reduce the CLA (eg by reunification)
- Reducing care proceedings?

* compared to statistical neighbours

Response

As you correctly identify, there has for a number of years been a relatively high rate of children looked after in Herefordshire and safely reducing the rate is a matter that the Director and his team have been focused on throughout the year.

It should be noted that Herefordshire has a proud history of supporting asylum seekers and refugees and the cohort of children looked after in Herefordshire includes 19 (5%) who came to us as unaccompanied asylum seeking children.

The rate at which children become looked after has been reducing throughout this year (following a rise last year) attributed to improved practice and increased management oversight and there is now increased focus on supporting those children for whom there is a plan to return to their families to be reunited within an appropriate and reasonable timescale, and without un-necessary delay.

Whilst the transformation funding report does not include this level of detail, I can confirm that the Director and his team are already developing plans to develop and extend the use of Family Group Conferencing in the New Year and are engaged with the community and voluntary sectors to explore options to increase the availability of early help and family support. A strategy for reducing the numbers of children looked after, including an extended Edge of Care resource (to both reduce the number of children coming into our care and increase the numbers of children reunited with their families where it is safe and appropriate to do so) is also already in development, and as the Cabinet Member I support this important work.

Supplementary question

Advise the Quarter 1 “Working Budget” and “Outturn” for 2022-23 for the directorate for:

- Children Looked After*
- Support for families*
- Care proceedings*

Itemised if possible

Response

The cabinet member confirmed that a written response would be provided following the meeting.

COUNCILLOR QUESTIONS TO CABINET – 24 NOVEMBER 2022

Question 1

From: Councillor Shaw, Bromyard Bringsty ward

To: Cabinet Member, commissioning, procurement and assets

Can the Cabinet member responsible confirm the amount of arrears currently owed to the Council for rent and service charges for current and previous tenants of the Maylord Shopping Centre?

Response

Thank you Cllr Shaw for your question. As you are aware Hoople now manage the operation on behalf of the Council. A large proportion of the debt that accrued during the Covid pandemic was prior to Hoople's management period and as such we have separated out these figures. During the Covid period new legislation was introduced by the Government that limited the council's ability to enforce financial liabilities, including rent and service charges. We now have the power to enforce these arrears and have been successful in reaching settlement with most tenants. The remaining amount of historic/covid debt mainly falls to only three tenants as We are focussing our efforts on these three companies and would be happy to provide an update once they are concluded. The information we have from Hoople Ltd who manage the centre is as follows:

Rent Debt = £35,392.29

Service Charge Debt = £56,404.91

Covid/Historic Debt = £197,415.97

Total = £289,213.17

Supplementary question

The Council has made, and plans to make, significant investments in the infrastructure of the centre and yet three years on we have yet to see the business plan for the return on the initial investment. With such a lamentable level of increasing debt, now more than double that in 2020 and adding to the Council's perilous revenue position, would the Cabinet member not agree that the Council is ill suited as an operator of a retail shopping centre, and that any new administration would be advised to get it onto the market as one of its earliest priorities next year?

Response

The cabinet member responded that the level of debt was not increasing. Since the transfer of the management of the centre to Hoople, rent debt had been reduced. The centre was purchased as it presented an opportunity for development of this city centre site, which now included plans for a new library and adult community Hub alongside retail and charitable premises. Events hosted at the centre increased footfall in the city centre and brought life back to this part of the city. The cabinet member encouraged the next administration to continue to manage the asset locally.

