

Supplement to the agenda for

Cabinet

Thursday 16 May 2024

2.30 pm

**Herefordshire Council Offices, Plough Lane, Hereford, HR4
OLE**

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Herefordshire Council

Minutes of the meeting of Cabinet held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 25 April 2024 at 2.30 pm

Cabinet Members Physically Present and voting:

**Councillor Jonathan Lester, Leader of the Council (Chairperson)
Councillor Elissa Swinglehurst, Deputy Leader of the Council (Vice-Chairperson)**

Councillors Graham Biggs, Harry Bramer, Barry Durkin, Carole Gandy, Philip Price and Pete Stoddart

Cabinet Members in remote attendance

Cabinet members attending the meeting remotely, e.g. through video conferencing facilities, may not vote on any decisions taken.

Cabinet support members in attendance

Councillors Dan Hurcomb

Group leaders / representatives in attendance

Councillors Liz Harvey, Ellie Chowns, Terry James and Bob Matthews

Scrutiny chairpersons in attendance

Officers in attendance:

Paul Walker, Andrew Lovegrove, Ross Cook, Claire Porter, Mark Averill, Alex Deans and Samantha Walmsley (Secretary)

111. APOLOGIES FOR ABSENCE
Apologies were received from Councillor Powell.

112. DECLARATIONS OF INTEREST
There were no declarations of interest made.

113. HOW TO SUBMIT QUESTIONS

114. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 6)
Questions received and responses given are attached as appendix 1 to the minutes.

115. QUESTIONS FROM COUNCILLORS (Pages 7 - 8)
Questions received and responses given are attached as appendix 2 to the minutes.

116. PUBLIC REALM SERVICES
For this item Cabinet resolved that:

That under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

3. Information relating to the financial or business affairs of any particular person.

PUBLIC REALM SERVICES

The Cabinet considered the Public Realm Services report, full details of which appeared before the members and group leaders in their agenda packs.

The Cabinet member for Community Services and Assets introduced the report. The contract was awarded in 2013 and delivered highways, traffic management, public rights of way, parks and open spaces, street cleaning and street lighting. The contract model was heavily outsourced with the Council retaining a small client and contract management function. Public rights of way and traffic management services were brought back in house in 2021.

The contract term is until 31 August 2026. An enhanced contract management team was introduced to improve control and performance of the contractor but despite improvement in recent years a further review concluded that the current contract model will not deliver the services to the Council's current requirements. The prospect of modifying the contract with BBLP was assessed to establish new processes and procedures that became known as the Future Operating Model (FOM). However legal advice concluded that the degree of contract modification required to instigate the FOM would not be permitted under procurement regulations.

Therefore it has been agreed with BBLP that the contract will not be extended and will end 31 May 2026 and the Cabinet member supported the recommendation for the Council to serve the two year no fault termination notice effective from 31 May 2024. A further report would be brought back to Cabinet in June 2024 regarding the future operating services. Noted that both parties are committed to working together for the remaining term of the contract to ensure a smooth transition to the new arrangements from 1 June 2026.

Cabinet member for Finance and Corporate services commented that in paragraph 28, the proposed additional funding for the project costs is fully funded and costed from the ear marked reserves balance.

Group leaders gave the view of their groups. The leader for the Green party thanked Cabinet for confirming they will amend the wording relating to the consultation with them and confirmed they were happy for this matter not to be called in at this point. Noted that this matter will be looked at in detail and scrutinise all the steps going forward. It was confirmed that Independents for Herefordshire supported this decision, its reasons and why it was being held in closed session. It was requested that the timeline doesn't slip when the next report comes forward in June and there be a continued focus to progress matters through to 2026 when the contract ends. It was commented that there is still a lot work to be done for the Council to become a good customer and how the contract operating model will function. Noted that the change in the balance of work in house will require upskilling and bringing in people with the right skills. True Independents supported the recommendation as they noted there had been long term dissatisfaction with the performance of the contractor. It was queried what other companies are available that can provide this service. The Liberal Democrats supported the recommendation and requested that the Council do things differently to avoid a repeat of previous poor performance. They requested for a local input into the contract going forward.

In response to comments and questions from group leaders it was confirmed that this matter will be scrutinised and the Council will benefit from it being scrutinised. The group leaders were thanked for their support and it was confirmed that market engagement has commenced as part of the procurement process and Cabinet are confident there will be significant interest in the contract but at this stage no formal approaches have been made. It was noted that the current contract hasn't worked

because the terms of the contract have not clearly identified what the Council expected to be delivered. However it was noted that now is the time to put forward what are the Council's expectations for the new contract and requested input from everyone.

It was reiterated that the item remains confidential until there is a press release on Monday 29 April.

It was unanimously resolved that:

- a) Cabinet agree to the termination of current Public Realm Service Contract with Balfour Beatty Living Places (BBLP) bringing the contract to an end on or before 31st May 2026;**
- b) Cabinet delegates authority to the Corporate Director of Economy & Environment**
 - i. to serve the 2 year no-fault written notice on Balfour Beatty Living Places to bring the contract to an end at the end of the notice period; and**
 - ii. To agree a different termination date of the contract if both the Council and BBLP are in agreement.**
- c) Cabinet agrees that this decision will be published as an open decision and made public by the Corporate Director of Economy & Environment within 14 days of the notice being sent to BBLP.**

The meeting ended at 3.01 pm

Chairperson

PUBLIC QUESTIONS TO CABINET –25 April 2024

No public questions were received.

COUNCILLOR QUESTIONS TO CABINET – 25 April 2024

Question 1:

To: Councillor Gandy, Adults, Health and Wellbeing

1. Cllr Ben Proctor – Hereford, member for College ward

The council offers a triage phone line for those seeking housing support between Monday to Friday 10 am – 4 pm. Calls to this line are frequently not answered. How does the Cabinet assure itself that this service is adequately resourced to meet demand. What information is collected on call volumes, call patterns, failure demand, rework and latent demand for this service?

Answer:

I would like to thank Cllr Proctor for his question which has drawn attention to an area that we have significant concerns about.

The phone line for individuals is fundamental for our service delivery, but it currently lacks a filtering system. Unfortunately, the current setup does not allow us to track call volumes, patterns, failure demand, rework, or latent demand for our service. However, the team are working closely with Hoople as they are now in the process of migrating the Housing Solutions hunt group to MS365 which will provide auto attendant i.e. press 1 for Housing Solutions / press 2 for temporary accommodation etc. this will mean that the service offer will be greatly improved for the customer and partners. This process should be completed within a couple of weeks.

Question 2:

To: Councillor Swinglehurst, Environment

2. Cllr Liz Harvey – Ledbury, member for Ledbury North ward

The Planning Enforcement Policy was last updated in December 2017. Parish Councillors in my Ward are very unhappy with enforcement of planning in the County. Anecdotally I hear that many Ward Councillors have similar concerns. Breaches of conditions and consents are on the rise and the number of retrospective planning applications that are raised to seek consent for works which would likely not have been approved if sought in advance is worrying.

This council is the Local Planning Authority. Residents and business need to be seeking permission, rather than retrospective forgiveness. I fear that Herefordshire is turning into the Wild West.

When is the much-promised update of the Enforcement Policy going to be completed?

Answer:

We recognise and agree that the Enforcement Plan needs to be reviewed and updated, in particular to reflect the very recent changes government has introduced through the Levelling Up and Regeneration Act. New powers such as listed building stop notices commence from the 25th April 2024.

In the meantime we do maintain an effective enforcement strategy. There are currently 418 open cases, 1,047 have been closed in the last 2 years. We are taking a proactive approach in seeking to take action where historic buildings that are in disrepair are having a significant negative impact on local communities.

The revised Enforcement Local Plan will be considered by the Planning Improvement Board. Performance will be reported to the Planning and Regulatory Committee.

Supplementary question:

I thank the Cabinet member for the response that I received to my written question. However it didn't actually answer the question and I know that's not the way you want questions dealt with Leader. So my question is, in October last year Group Leaders were given an update on the progress being made in delivering the transformation plan for the planning service where we were assured that the preparation and implementation of a local enforcement plan was priority. My question asked specifically when this planned date would be completed and Cabinet member, although your answer dances daintily around the subject it does actually fail to address the specific question that I asked. So I ask again, when is the much promised update to the enforcement policy going to be completed?

Supplementary question response:

Thank you Councillor Harvey. What I am going to say, is that it will be in draft by July, end of July, hopefully adopted by the Autumn. I think for October. Because of the consultation process, there are too many other processes between getting a draft out and getting to adoption that I don't want to have to be too definite about that date. As so as I can be more definite about that date I will be.

Question 3:**To: Councillor Price, transport and infrastructure****3. Cllr David Hitchiner, member for Stoney ward**

I asked Cabinet a number of questions at the last Cabinet meeting relating to the information provided concerning the New Road Strategy, including issues regarding significant changes that will be necessary to the existing planning permission for the Southern Link Road, now that it is proposed to be the first phase of a preferred Western Bypass, and the effect of the proposals on traffic in my Ward. I have repeated these in emails. When am I likely to receive replies to these questions?

Answer:

Thank you for your question. We are working with WSP to obtain all the information needed to fully respond to the issues you have raised and once we receive it we will review and provide as full a response as possible. We would then like to meet with Cllr Hitchiner to discuss and follow this meeting with written answers to the original questions.