

**SUPPLEMENT TO THE AGENDA FOR**

# **Cabinet**

**Thursday 25 July 2013**

**2.00 pm**

**The Council Chamber, Brockington, 35 Hafod Road, Hereford**

**3. MINUTES**

**Pages**

**3 - 14**



HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Cabinet held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Thursday 20 June 2013 at 2.00 pm**

**Present:** Councillor PD Price (Deputy Leader in the Chair)

**Councillors:** H Bramer, RB Hamilton, JW Millar, PM Morgan, RJ Phillips, GJ Powell, PD Price and PA Andrews

**In attendance:** Councillors EPJ Harvey, JLV Kenyon, MD Lloyd-Hayes and AJW Powers

**5. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors AW Johnson and TA James.

**6. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**7. OPEN BOOK REVIEW OF RESIDENTIAL AND NURSING HOME FEES FOR OLDER PEOPLE**

The Cabinet Member Corporate Strategy and Finance presented a report about the Open Book Review, which proposed changes to the weekly fees paid in relation to nursing and residential care homes for older people. The report made proposals for 2013/14, and also indicated how fees would change over the following three years, up to the next scheduled full review in 2016/17. He highlighted the following points in relation to the report:

- The Open Book Review demonstrated that the Council had been paying more on average for residential and nursing care than its comparable authorities. He advised that the review had looked at the actual costs of providing care in Herefordshire and the Council was now at a point where it could propose a Maximum Usual Price (MUP) as a preferred option for further consultation with providers.
- He emphasised the importance of being clear to clients and providers about how the pricing would be structured, and who would be paying for what elements of care, including what items would be deemed as “additional” or “top-ups”.
- He reported that there would be a transition period leading up to any new rates taking effect from 1 January 2014, and that discussions with providers would continue about pricing and the format of contracts.

The Solicitor of the Council tabled amended recommendations to the report, which made clear that what was being recommended was the approval of a preferred option as the basis for further consultation with providers, and that this consultation would inform the final decision on the MUP. Members accepted the amended recommendations.

The Assistant Director Peoples’ Services thanked the providers for their co-operation throughout the comprehensive consultation process, and added that the amended recommendations enabled a further period of consultation with the providers. She confirmed that the proposals ensured that the Council would continue to meet its statutory obligations, and that all who needed care would receive it equitably and reasonably.

During the ensuing discussion, members made the following points:

- Those who were most vulnerable would be the Council's priority, and measures would be put in place to protect them and provide the appropriate level of care.
- The involvement of the Health and Wellbeing Overview and Scrutiny Committee was welcomed, and Cabinet encouraged other members also to engage in the process.
- A wider discussion with the community was also necessary, for example the voluntary sector, to offer greater choice and flexibility to clients.
- Concern was expressed that certain aspects of the review lacked sufficient detail, and the chairman of the Health and Wellbeing Overview and Scrutiny Committee felt that there was potential merit in calling in any decisions made on the basis of the recommendations before Cabinet. Members requested that instead of instigating the call-in procedure, which would potentially disengage the service providers, the Overview and Scrutiny Committee be enabled to work on an integrated approach with Cabinet, so that the review and consultation process could continue.
- Assurance was given that there would be sufficient time to enable the review to be fully inclusive and take account of the needs of local residents.

**RESOLVED: that**

- (a) the Open Book Review approach that has been used, including evaluation of the alternative options and methodology for evolving the Herefordshire model be noted;**
- (b) the proposed Maximum Usual Price (MUP) (as set out in paragraph 11.2, Table 1 of the report), for older people's residential and nursing care purchased by the council be approved as the preferred option for further consultation with providers, and the involvement of the Health and Wellbeing Overview and Scrutiny Committee; and**
- (c) delegated authority be given to the Director for People's Services, in consultation with the Cabinet Member Health & Wellbeing, having due regard to the outcome of the further consultation, to finalise the MUP and undertake a formal procurement exercise. This procurement exercise shall include the introduction of a new outcome based contract and framework approach, and an annual indexing process, with a view to implementation of this MUP, effective from January 1st 2014, and a further review scheduled for 2017.**

**8. CORPORATE PLANNING AND PERFORMANCE REPORT**

Cabinet reviewed the evidence base which formed the corporate planning and performance report, and members were advised of proposals for the future review and development of the corporate plan, and the focus for future performance reporting. The evidence base comprised "Understanding Herefordshire 2013" – an overall assessment of the health and wellbeing needs of Herefordshire's population, the corporate performance report 2013/13, and the budget outturn report for 2012/13. In its current format, the corporate plan would ensure that future decisions on service priorities, planning and commissioning, took full account of the evidence available.

The Cabinet Member Corporate commented that the evidence base provided was an important tool for re-shaping the organisation and engaging both the whole Council and the public, adding that the report highlighted the importance of improving customer contact across the system. She commended the work undertaken to relocate the majority of Council employees to the Plough Lane site, which would create efficiencies and generate longer-term savings through reduced accommodation costs.

During the ensuing discussion, the following principal points were made:

- Understanding Herefordshire 2013 was the result of thorough research, and provided an invaluable basis for decision-making and crucial guidance for the role of overview and scrutiny in the future.
- The importance of using the evidence correctly was emphasised, particularly in relation to risk management.
- The report highlighted the significant role undertaken by local carers, and it was suggested that Understanding Herefordshire 2013 could be used to target an adequate level of resourcing and support for this group.
- With reference to recommendation (f) in the covering report, members would need to work together to determine the future role of the Council, taking account of proposed cuts.
- The Chief Officer Finance and Commercial drew Cabinet's attention to paragraph 8.1 on page 183 of the agenda, and also page 187 of the agenda (Final Outturn Report 2012/13), which indicated that the revenue overspend was approximately £2.3 million, compared to an anticipated overspend of £3.5 million as of February 2013. The overall position in 2012/13 was more secure than forecast. He highlighted areas where savings had been made, and commented on the benchmarking graph on -page 207 of the agenda, which indicated that the Council was earning an above average return with a lower than average level of risk.
- Performance was intrinsically linked to the Council's financial position. The Chief Officer Finance and Commercial said that he would improve the presentation of the accounts so that the financial position was as clear as possible. The current set of accounts showed both the before and after position relating to a series of necessary end-of-year adjustments, and the presentation would benefit from an additional column to show expenditure.
- In response to a question, the Assistant Director People Policy and Partnerships commented that the use of agency staff could be viewed as positive, and was an active choice in some service areas because it enabled the Council to backfill staff turnover. The use of agency staff was particularly helpful during the Council's re-design phase because it was a method of reducing the headcount, thereby limiting further the number of compulsory redundancies.

**RESOLVED: that**

- (a) the evidence base (consisting of Understanding Herefordshire, the corporate performance report for 2012/13 and the budget outturn report for 2012/13) be noted, and used to inform future planning, commissioning and decision making;**
- (b) suggestions for recommendations arising from the 2013 Understanding Herefordshire be discussed by senior management, all Councillors, the Health and Wellbeing Board and the Herefordshire Partnership Executive Group;**
- (c) the final outturn for 2012/13 be noted;**
- (d) the movements to new reserves outlined in paragraph 8.7 of the report at Appendix C of the report be approved;**
- (e) the Treasury Management out-turn report be recommended to Council for approval; and**

- (f) the annual review of the corporate plan be deferred to enable completion of the ongoing work to determine the future role of the council.

## 9. HOUSING ALLOCATION POLICY FOR HEREFORDSHIRE

The Assistant Director Homes and Community Services presented his report in respect of the proposed housing allocation policy for Herefordshire, which would come into force in April 2014, and which detailed the procedures that were to be followed, and determined the priorities for allocating housing. The policy's main aim was to ensure that the Council and its Home Point partners made the best use of their scarce affordable housing provision, and contributed towards sustaining communities. He gave an overview of the main allocation criteria set out in the policy, and the legislation supporting it. In response to a question, he confirmed that budgetary provision, including ICT costs, was in place for the work associated with the policy implementation.

Members raised the following points in discussion:

- The proposed policy met the statutory requirements and aimed to help those who were most vulnerable and in need. It provided an open and transparent mechanism for allocating housing, and gave clear expectations to the public.
- Cabinet accepted the views of the overview and scrutiny committees, who had emphasised the need for flexibility to respond to changing future needs.
- It was noted that the Council would support housing associations that chose to limit the duration of tenancies, to enable families to move into other forms of accommodation when their resources increased. Although the local authority had an ability to encourage this practice, it was not mandatory on the part of the housing associations.

**RESOLVED: that**

- (a) the revised Housing Allocation Policy for Herefordshire be noted and approved;
- (b) the implementation of the revised policy on 1st April 2014, be noted and agreed;
- (c) that decisions on minor amendments to the policy associated with implementation through the Home Point system, be delegated to the Cabinet Member for Planning Environment and Housing to approve; and
- (d) the Cabinet Member for Planning Environment and Housing be given delegated authority to agree amendments to the current allocation policy taking into account the publication of new statutory guidance relating to migrants to the UK.

## 10. EXECUTIVE ROLLING PROGRAMME

Cabinet reviewed the executive rolling programme and approved it in its current form without amendment. Members agreed to continue to review the programme on a quarterly basis, and to refer any items as deemed necessary to the relevant overview and scrutiny committee to consider, so that their views were able to inform future decision-making.

**RESOLVED: that**

- (a) the reviewed Executive Rolling Programme be approved;**
- (b) consideration be given to identifying any elements for referral to the relevant Overview and Scrutiny Committee; and**
- (c) the Executive Rolling Programme be scheduled for future review by Cabinet on a quarterly basis.**

The meeting ended at 4.09 pm

**CHAIRMAN**





**MINUTES of the meeting of Cabinet held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Thursday 4 July 2013 at 2.00 pm**

**Present:** Councillor PD Price (Deputy Leader in the Chair)

**Councillors:** H Bramer, RB Hamilton, JW Millar, PM Morgan, RJ Phillips and GJ Powell

**In attendance:** Councillors PA Andrews, EMK Chave, EPJ Harvey, C Nicholls, AJW Powers and SJ Robertson

**11. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor AW Johnson, WLS Bowen, and the Chief Executive.

**12. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**13. MINUTES**

It was noted that the minutes of the Cabinet meeting held on 20 June 2013, which were listed as "to follow" for this agenda, would now be considered at the Cabinet meeting programmed for 25 July 2013.

**RESOLVED:** That the minutes of the meeting held on 5 June 2013 be approved as a correct record and signed by the Chairman.

**14. LOCAL DEVELOPMENT FRAMEWORK**

The Cabinet Member Environment, Housing and Planning presented the draft Herefordshire Local Plan – Core Strategy 2011 – 2031 ("the Plan") for pre-submission publication, in accordance with regulation 19 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012 (as amended) prior to its consideration at full Council on 19 July 2013.

He also reported that the Plan would be referred to Council with a recommendation that, following the completion of the pre-submission publication period and consideration of duly made representations, it be submitted to the Secretary of State for independent testing in accordance with section 20(3) of the Planning and Compulsory Purchase Act 2004 and regulation 22 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012.

In addition, he made the following points:

- The Plan had taken account of the views of all those who responded to the consultation, although due to its breadth of subject matter and its complexity, it had not been possible to reflect all opinions expressed. It was important to note, however, that all views had helped to test and shape the thinking behind the current draft. He expressed his thanks to the

public, members and officers who had taken part in the consultation and preparation process.

- He expressed a view that the Plan, along with the new cattle market, the redevelopment of the old market site, the development of an urban village and the enterprise zone, were all essential for the economic, social and environmental wellbeing of the Herefordshire, and were to be viewed as a whole, rather than as a series of individual plans. He said that the Plan fully supported the Localism Act and created opportunities for communities to take greater control of their local area.
- He cited the extensive research and seven public consultations that had been undertaken prior to the current Plan being produced, as a sound basis for the proposals contained in the Plan, and he reminded members that, once agreed, the Plan would be subject to review throughout its life. He said that the recently published "Understanding Herefordshire 2013: An integrated needs assessment" was further evidence that the Plan needed to be taken forward, along with a demonstrable housing shortage and comparatively low economic output and wage levels.
- The Plan recognised the value and importance of environment, buildings, landscape, towns, villages and the rural way of life, and was reinforced by the commitment that the Council had made to Neighbourhood Planning. He felt that this combination offered the best opportunity for communities to shape their own development within the overarching strategic direction provided by the Local Plan - Core Strategy.

The Assistant Director Economic, Environment & Cultural Services tabled an additional schedule of amendments to the Plan, which had arisen as a result of further briefings with local ward members after the agenda had been published, and were to be included with the rest of the tracked changes in the document. He also made the following additional comments:

- The consultation responses referred to in Paragraph 8.5 were in accordance with the Council's Statement of Community Involvement, and had been fully analysed and actioned as necessary. He said that they had resulted in positive changes to the Plan, and they illustrated the effectiveness of the process.
- He emphasised that the Plan met the four key tests of soundness for adoption, as illustrated in Paragraph 8.3 of the covering report.
- He reported that the all relevant agencies had now reached a clear consensus on how to safeguard the water quality of Herefordshire's main rivers – including addressing longstanding issues relating to phosphates - and were working closely together to ensure compliance with the Habitat Regulations (Paragraphs 8.10 - 8.12 of the covering report refer).
- The Highways Agency was continuing to conduct the necessary detailed modelling work with the Council, in order to make progress with the transport model for Herefordshire (Paragraph 8.13 of the covering report refers). In relation to issues of noise and light, Hereford City was designated as an air quality management area, and there was evidence to support the likelihood that the proposed relief road would alleviate some of the problems of this nature.

The Solicitor to the Council drew Cabinet's attention to some minor technical changes to the recommendations which were tabled and accepted at the meeting.

The Group Leader of It's Our County made the following points, and asked for a formal response to them before Council on 19 July 2013:

- In relation to Recommendation (a) of the covering report, he said the it should be made clear that the recommendation was for Cabinet to approve the responses made by the Council, to representations made by the public in response to the Plan.
- Referring to recommendation (c) of the covering report, he said that, in its present form, the recommendation did not allow for the possibility that technical amendments to the Plan and supporting documents could have implications for the overall strategy. He expressed an opinion that there could be no certainty about any ramifications for the overall strategy, requiring major changes, if the technical work was still ongoing. He added that if there was certainty, recommendation (c) could be merged with recommendation (e).
- He sought clarification on the procedure for relinquishing delegated powers.
- With reference to recommendation (d) of the covering report, he said that it made no reference to the consideration of any responses made by the public at the Plan's pre-submission publication stage.
- Paragraph 8.3: He asked whether the Cabinet was confident that the Plan had met all of the key tests.
- Paragraph 8.5: He asked what criteria had been used to determine whether action was required as a result of a representation, and who and who had provided these criteria.
- Paragraph 8.6 – 8.9: He formally requested a summary, which would be made available to all councillors before Council on 19 July 2013, of (a) the reasons for making the changes that had been illustrated in the document, and also (b) the Council's reasons for not making any changes, where none had been made. The summary should relate clearly to the list of key issues arising from representations as set out in Paragraph 8.6, and should include an analysis of the number of representations which raised concerns about the soundness of the Plan, with the reasons given for those concerns.
- Paragraph 8.9: He requested an explanation of why ongoing work had not been completed, and why there was a recommendation to proceed to the pre-submission publication of the Plan while the work was outstanding.
- Paragraph 8.12: He sought assurance that the pre-submission publication would not go out for consultation before the Nutrient Management Plan had been delivered, and could be referenced as a completed part of the evidence base for the Plan.
- Paragraph 8.14: He felt that the CIL viability assessment report had not undertaken an assessment of the Plan's viability as a whole, and had only dealt with the viability of housing. He added that this brought into jeopardy the soundness of the core strategy, and that the Plan had still not been fully costed for the benefit of the public, with an explanation of how it would be funded.
- Paragraph 9.1: He was of the opinion that the public consultation responses had been ignored, and that community impact had not ben accurately assessed.
- Paragraph 11.2: He referred to three distinct budgetary pressures created by the Plan, and asked for further information, and of these, he requested a description of - and further detail on - "potential updates to elements of the evidence base" and "work to progress more detailed documents, which form elements of the County's planning framework", particularly given the ongoing technical work referred to in

recommendation (c) of the covering report. In addition, he requested an explanation of the relevance of “an examination in public into the soundness of the plan”, in relation to the other budgetary pressures identified, and a projected cost for each of the three elements.

- Paragraph 13.1: He asked for information on (1) any delays, and their causes, in relation to the production of the Plan, (2) evidence of where this had happened in Herefordshire, or in any other similar authority which did not have an overarching strategy, (3) the date that the Unitary Development Plan should have been adopted and the actual date of adoption, with an explanation for the reasons for the delay, and the effect that this had on the delivery of housing in Herefordshire.
- He was of the view that the Plan still had several weaknesses which would have serious ramifications for soundness, namely (1) the treatment of representations, which demonstrated that it could not yet be deemed the preferred option, (2) a lack of evidence to support the Western Relief Road, (3) a lack of evidence to demonstrate the deliverability and viability of the Plan.

The Assistant Director Economic, Environment & Cultural Services advised that the formal inspection of the Plan would seek evidence that information was being gathered as the Plan developed. This evidence may confirm the Plan, but would not necessarily change the fundamental nature of it. He said that the key issues which might have caused the Plan to be unsound had been addressed, and although it was not possible to give a definitive answer on the soundness of the Plan, it was ultimately for the Inspector to determine via a high level of assessment. If deemed necessary the Inspector would ask the Council to carry out any further work that was required ahead of demonstrating soundness.

The Chairman of the General Overview and Scrutiny Committee commented that his Committee had hoped for greater flexibility in the Plan than had been afforded previously in the UDP, and that the Plan appeared to lack a clear mechanism for communities to feed into the Plan, as they changed over time.

Cabinet members made the following additional points:

- The Plan was considered essential as a way of securing future business opportunities and employment in Herefordshire. Once the document was finalised it would be used to attract funding for business support. This in turn would help to stabilise the situation with schools and housing in Herefordshire.
- The Plan would continue to evolve over time as Neighbourhood Plans were produced, and these would underpin the core strategy. It was the result of a strong and robust consultation process, and had an extensive evidence base to support it.

**RESOLVED: that**

- (a) Cabinet notes the representations made and approves the responses to the Herefordshire Local Plan – Core Strategy 2011 – 2031 (draft) consultation undertaken from 4 March to 22 April 2013 <https://beta.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/psp>;**

- (b) Cabinet recommends the Herefordshire Local Plan – Core Strategy 2011 – 2031 (draft) <https://beta.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/psp> to Council for approval as the preferred strategic planning document for Herefordshire for pre-submission consultation, subject to the inclusion of the changes as set out in the schedule of amendments circulated at the meeting (*attached*);
- (c) Council be asked to delegate authority to the Assistant Director Economic, Environment and Cultural Services, in consultation with the Cabinet Member Environment, Housing and Planning, in the event that technical and typographical amendments are required to the Herefordshire Local Plan Core Strategy 2011 – 2031 and supporting documents, resulting from the completion of ongoing technical work;
- (d) Cabinet recommends to Council that, following the completion of the pre-submission publication of the Herefordshire Local Plan – Core Strategy 2011 – 2031 and its supporting documents, the documents be submitted to the Secretary of State for an Examination in Public;
- (e) Council be asked to delegate authority to the Assistant Director Economic, Environment and Cultural Services, in consultation with the Cabinet Member Environment, Housing and Planning, to make any minor textual, typographical or graphical amendments that do not affect the overall strategy of the Plan, prior to the submission to the Secretary of State.

*(Note: the resolutions were proposed by Councillor RB Hamilton, and seconded by Councillor GJ Powell)*

The meeting ended at 3.04 pm

**CHAIRMAN**

