

Chief Executive's Office

Chief Executive: N.M. Pringle

**To: All Members of Cabinet:
R.J. Phillips (Leader)
G.V. Hyde (Deputy Leader)
Mrs. L.O. Barnett
P.J. Edwards
Mrs. J.P. French
J.C. Mayson
D.W. Rule MBE
R.V. Stockton
D.B. Wilcox
R.M. Wilson**

Your Ref:

Our Ref: NMP/CD

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7th October, 2004

Dear Councillor,

**MEETING OF CABINET
THURSDAY, 14TH OCTOBER, 2004 AT 2.15 P.M.
COUNCIL CHAMBER, BROCKINGTON, 35 HAFOD ROAD, HEREFORD**

AGENDA (04/08)

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To receive any declarations of interest by members in respect of items on this agenda.

3. LOCAL PUBLIC SERVICE AGREEMENT UPDATE

To receive a report on the latest performance against the Local Public Service Agreement (LPSA) targets together with an update to the second round of LPSAs to be negotiated with Government. *(Pages 1 - 26)*

4. THE GOVERNMENT'S FIVE YEAR STRATEGY FOR CHILDREN AND LEARNERS

To consider the range of proposals made in the Five Year Strategy for Children and Learners published by the DfES in July 2004. *(Pages 27 - 34)*

5. THE HEREFORDSHIRE CODE OF PRACTICE FOR THE TEMPORARY AGRICULTURAL USE OF POLYTUNNELS

To consider the future of the voluntary Code of Practice to control the siting of polytunnels in Herefordshire. *(Pages 35 - 42)*

6. THE CHILDREN'S BILL

To address the Council's approach to the Children's Bill and specifically its approach to the appointment of a Cabinet Member with responsibility for Children's Services. *(Pages 43 - 50)*

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION:

That 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.

7. THE CHILDREN'S BILL

To address the Council's approach to the Children's Bill and specifically its approach to the appointment of a Director of Children's Services. *(Pages 51 - 52)*

This item discloses information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.

Yours sincerely,



**N.M. PRINGLE
CHIEF EXECUTIVE**

Copies to: Chairman of the Council
Chairman of Strategic Monitoring Committee
Vice-Chairman of Strategic Monitoring Committee
Chairmen of Scrutiny Committees
Group Leaders
Directors
County Secretary and Solicitor
County Treasurer

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of the Cabinet, of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50, for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

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- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this Agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning Mrs Christine Dyer on 01432 260222 or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

LOCAL PUBLIC SERVICE AGREEMENT UPDATE

PROGRAMME AREA RESPONSIBILITY: CORPORATE STRATEGY AND FINANCE

CABINET

14TH OCTOBER 2004

Wards Affected

County-wide.

Purpose

To receive a report on the latest performance against the Local Public Service Agreement (LPSA) targets together with an update to the second round of LPSAs to be negotiated with the Government.

Key Decision

This is not a Key Decision.

Recommendation

That the contents of the report be noted.

Reasons

Cabinet needs to regularly monitor the performance against the LPSA targets not least owing to the significant performance reward grant available for its achievement. Additionally, the Council, in association with its partners, will be negotiating its second Public Service Agreement over the next five months and Cabinet now need to be further informed and consulted on the options being proposed.

Considerations

1. This report is split into two parts, the first updating Cabinet on performance against the current LPSA and the second updating the progress made to negotiating the 2nd round of LPSA due to start next year.

Current LPSA - Performance Update

2. Cabinet last received a performance update against the individual PSA targets in March. Annex A contains the latest update and shows:
 - The direction of performance.
 - An assessment of the likelihood of achieving the final targets; and
 - Narrative supporting the progress of target achievement.
3. Performance Reward Grant is shared out equally amongst the sub-targets so if the

Further information on the subject of this report is available from
Andrew Tanner, Assistant County Treasurer on 0162

Council is failing on one sub target it will not jeopardise the success of others. It has not been possible to provide the overall GCSE and Key Stage 2 attainment results owing to the remarking of certain papers. An update should, however, be provided in December. The following assessment has been made of target achievement at 31st March 2005.

Targets which have already been met or partly met are:

Increasing electoral participation.

Implementing E Government.

Targets which are highly likely to be met include:

Avoiding harm for older people.

Deaths and injuries through accidental fire.

Reducing vehicle crime and road accidents.

Increasing participation in local decision-making.

Targets which at this time are unlikely to be met include:

Domestic Burglaries.

GCSE attainment for children leaving care.

Resettlement support for homeless households.

Performance Reward Grant

4. Each target within the LPSA has a Performance Reward Grant of £270,000 available. If all the component performance targets are met within a main target, then the whole £270,000 will be awarded and paid in the form of a one-off grant in two instalments in 2005/06 and 2006/07. Performance Reward Grant will also be paid if only part of the stretched target is met but is capped at 60%. There will be no Performance Reward Grant available, therefore, if less than 60% of the stretch has been reached at 31st March 2005. The stretch is the difference between the original performance targets before the LPSA and the negotiated stretched LPSA target. A *theoretical* example of how this would work in Target 1 on Independent Living for Older People is in Appendix 2:
5. Officers are unable to accurately forecast the level of Performance Reward Grant the Council is likely to be awarded at this point in time as there are several unknowns; in particular, the educational attainment results. However, a prudent estimate would be that the Council could expect to receive at least £1,500,000 based on the assessment of current performance.
6. It needs to be emphasised that the Performance Reward Grant is a one-off grant and not, therefore, suitable for the ongoing revenue funding of services. In this respect it is intended to roll forward the Performance Reward Grant into funding the next LPSA agreement which is the subject of the second part of this report.

PSA - 2nd Generation

7. The second LPSA will, like the current agreement, last for three years and commences on 1st April 2005. Cabinet members will have received the submission outlining the Council's approach to LPSA, 2 although officers are still waiting for the detailed feedback from government departments. Previous Cabinet reports have referred to the possibility of a more radical approach to LPSA 2 based on fewer and longer term targets. However, it is now becoming increasingly unlikely that these ideas can be developed.
8. It is not envisaged that overall the theme of the LPSA 2 submission will change significantly following the feedback from government. Improving the quality of life for an ageing population incorporates many of the Herefordshire Partnership's activities. The notable exception is pre-16 education which features heavily in the current LPSA and is an area where the Council generally performs well.
9. The priority areas within the overall theme still need to be developed with the key objective to establish required outcomes which, in turn, are supported by robust performance indicators. Officers will be subjecting all proposed performance outcomes to a rigorous risk assessment. This will include the probability of achieving stretched targets given the likely level of resources to be made available, together with the changes in service delivery proposed. A brief summary of the submission is attached at Appendix 3. An officer steering group has now been set up which includes senior officers from the Council and its partners. The broad timetable for the next submission to ODPM is as follows:

22nd October	Receive feedback from ODPM on priorities and related outcomes in August submission
5th November	Council to formally respond to this feedback and agree priorities
3rd December	Council to submit draft agreement
December onwards	Council to agree stretched targets in detailed negotiations with Government departments
April 2005	Start of second LPSA

10. Further reports will be taken into Cabinet as appropriate.
11. Members are reminded that a Pump Priming Grant of over £900,000 will be paid to the Council at the onset of the new agreement. Together with the roll-forward of the Performance Reward Grant from the current LPSA, a significant level of one-off funding will be available for securing major performance gains over the next three years. In this respect the work being carried out over the next few months with the Corporate Plan and associated consultation on informing priorities cannot be seen in isolation. Funding through the LPSA is likely to become increasingly important in achieving elements of the Council's key priorities.

Alternative Options

Not applicable.

Risk Management

Failure to reach the stretched targets will result in the loss of potentially significant Performance Reward Grant for the Council.

Consultees

None identified.

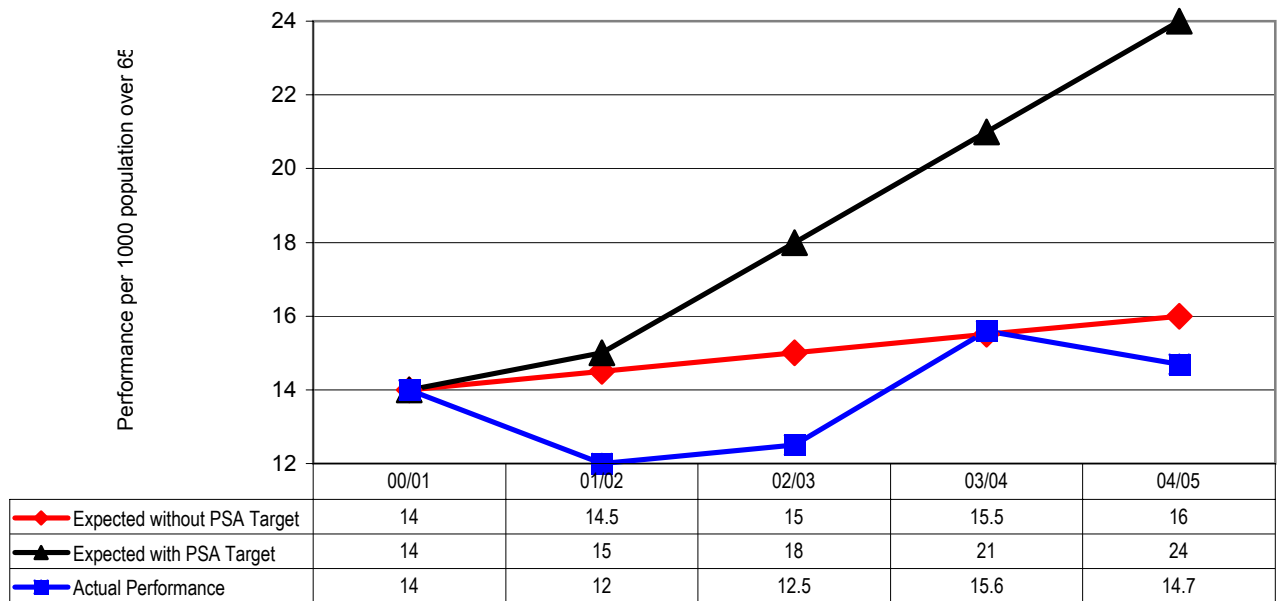
Background Papers

None identified.

Target 1

Enabling older people to live as independently as possible in the community - by providing community services.

Target 1.1 - PSS PAF Indicator B11
Intensive Home Care as a proportion of intensive home care and residential care

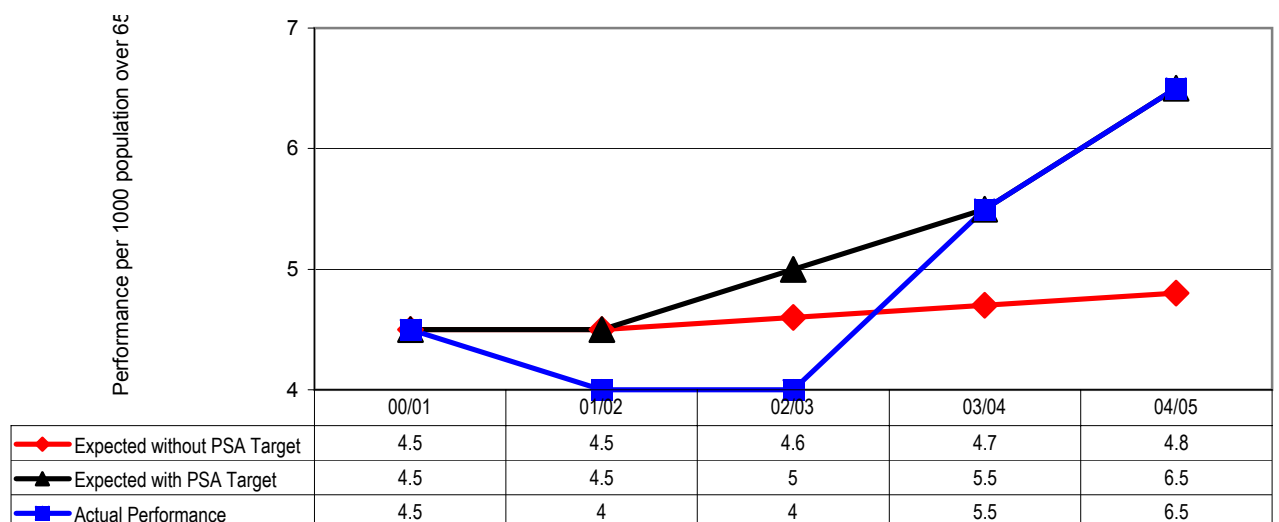


Report **Target 1.1** 😐

Feb-04 Progress is being made against this target by re-focusing in-house homecare to reablement and changes in contracting with the independent sector towards volume purchasing. This has diverted people from care homes and hospital to intensive home support.

Sep-04 **Progress predicted to meet target**

Target 1.2 - PSS PAF Indicator C28
Intensive Home Care



Report **Target 1.2** 😊

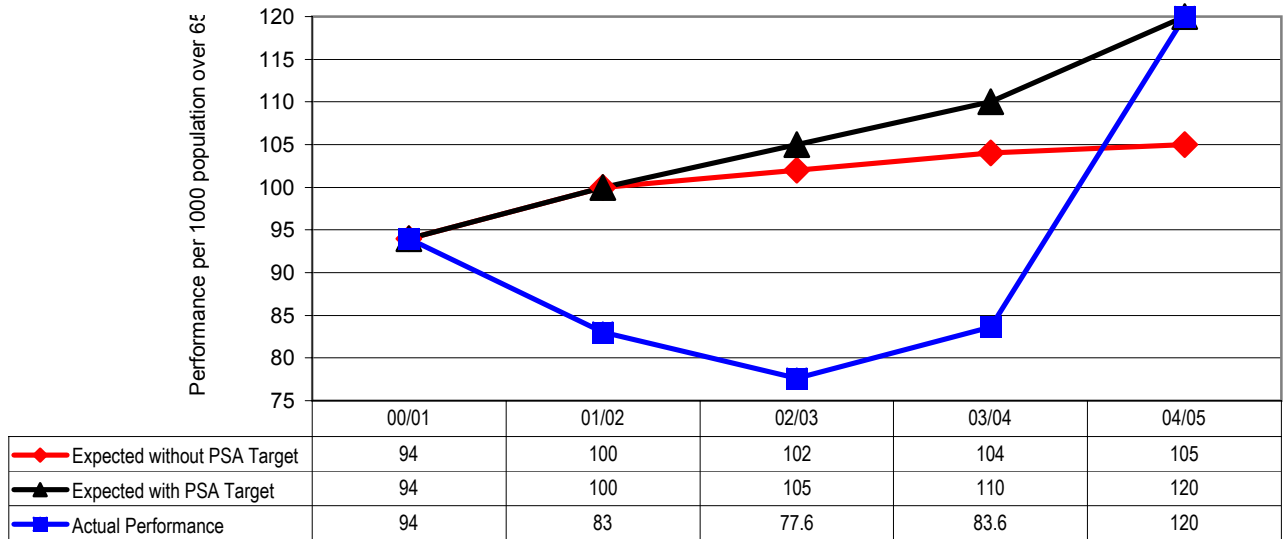
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Sep-04 **Progress predicted to meet target**

Target 1

Enabling older people to live as independently as possible in the community - by providing community services.

Target 1.3 - PSS PAF Indicator C32 Older People helped to live at home



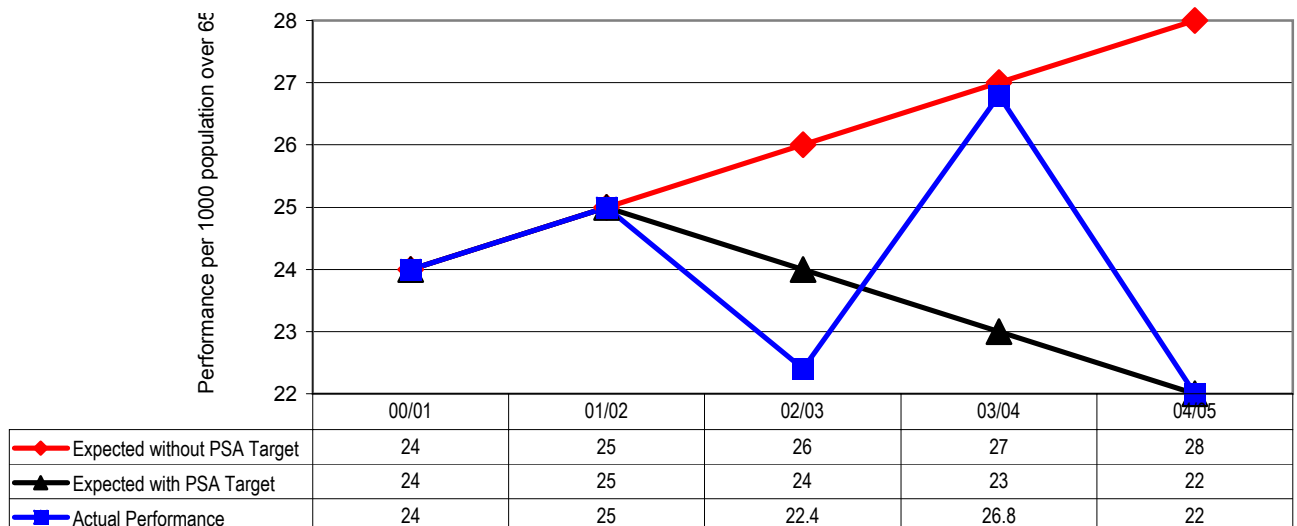
Report **Target 1.3**



Feb-04 Actual performance is below target at this time although a number of actions are actively being pursued including the piloting of the latest signposting/contact assessment form. The target is based around a partnership between Health; Social Care; Fire Service; Herefordshire Home Check and the Council's Welfare Rights Team through developing and improving the first level single assessment and benefits advice take up.

Sep-04 C32 base values has been revised because of changes by the Department of Health (DoH) in definitions - although representations have been made to take into account the DoH revisions it is understood the ODPM has not yet agreed to the changes.

Target 1.4 - PSS PAF Indicator C33 Avoidable harm for older people (falls and hypothermia)



Report **Target 1.4**

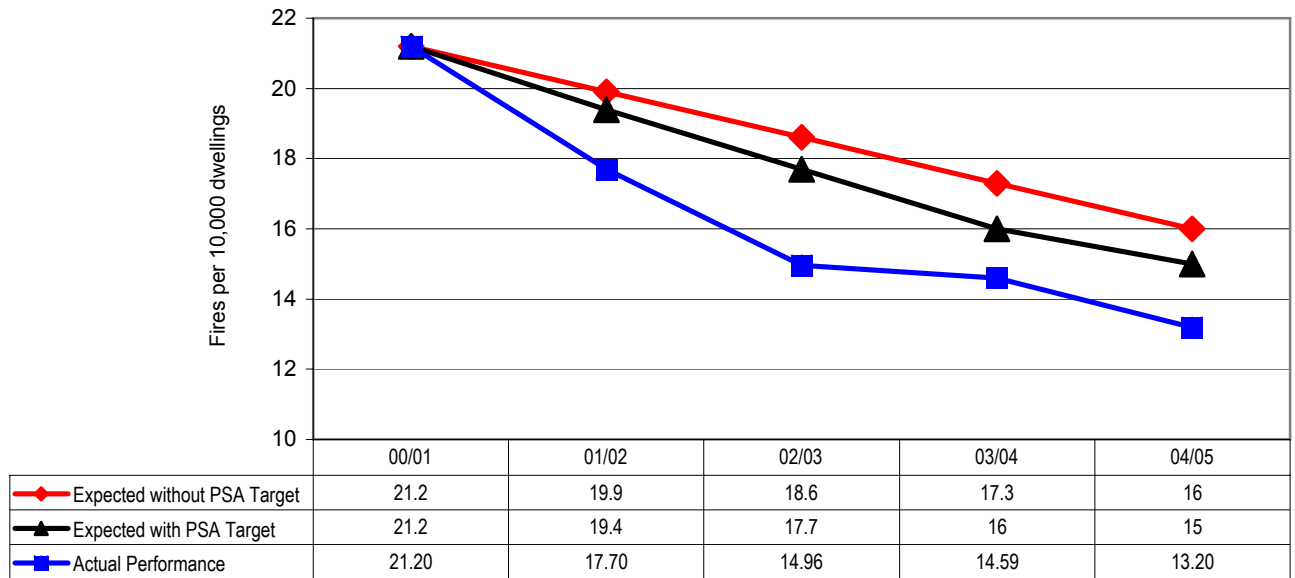


Feb-04 Performance on Track to meet targets

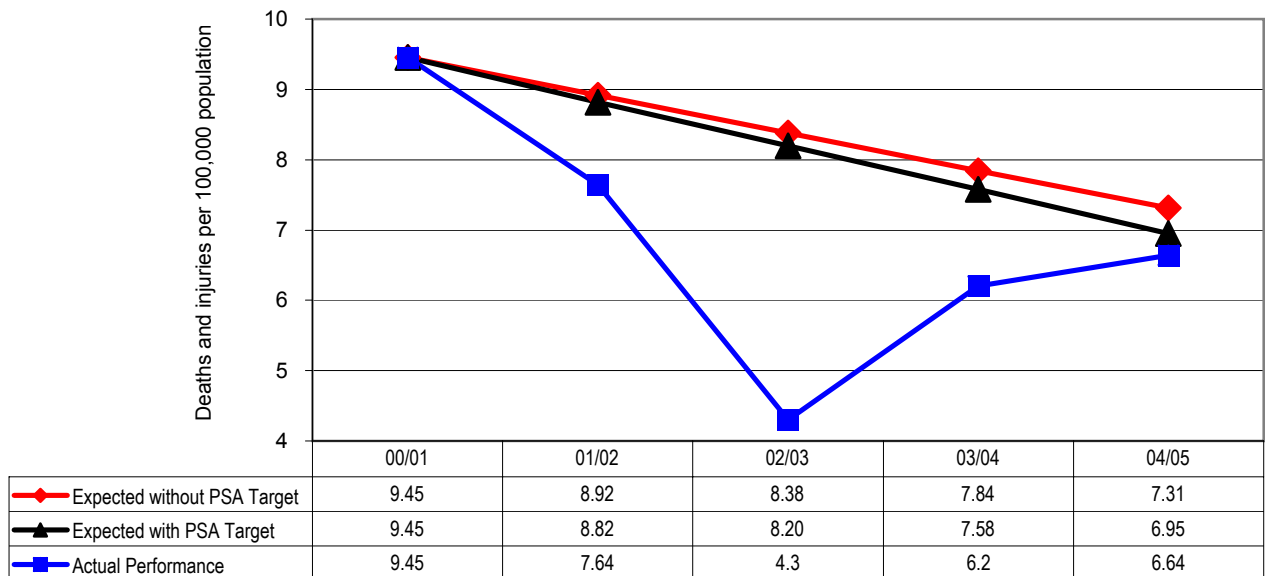
Sep-04 C33 as defined and published by the DoH applies to clients 75+ and not all older people as defined in the LPSA - this indicator is not measured by the Council but is reported by the acute sector of the NHS on a national basis. The figures included here are estimates based on figures obtained from the local Acute Trust. The indicator applies to any older person resident in Herefordshire presenting to any acute hospital in England

Target 2 Improving Fire Safety

**Target 2.1 - BVPI 142iii
Fires per 10,000 dwellings**



**Target 2.2 - BVPI 143i + 143ii
Deaths and injuries per 100,000 population**



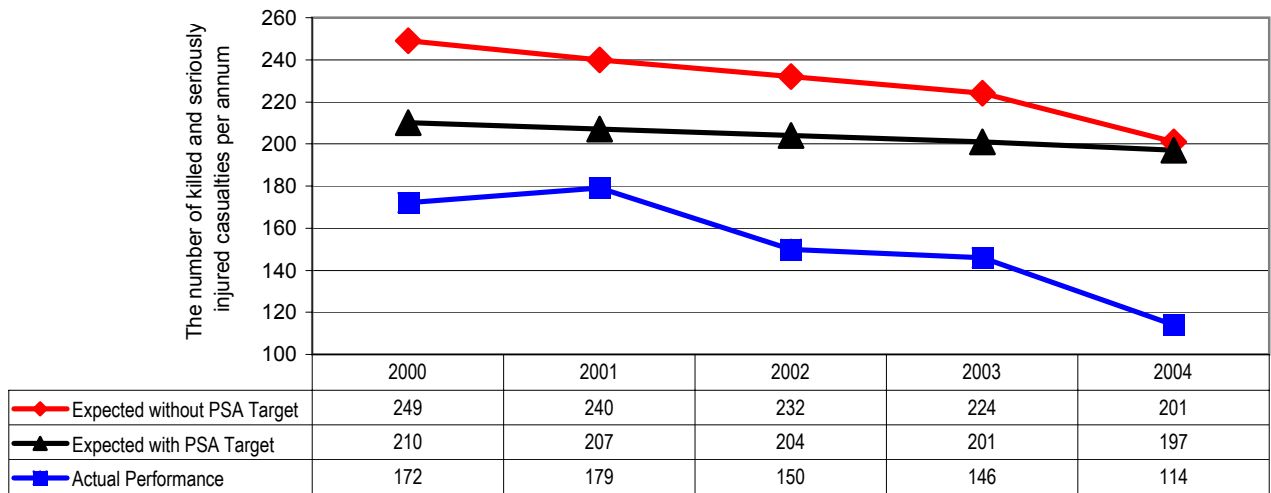
Report **Target 2.1 & 2.2** 😊

Feb-04 The Fire Authority continues to make excellent progress in reducing accidental dwelling fires and associated injuries through their frontline prevention initiatives such as Home Fire Safety Checks and the Schools Education Programme. It needs to be noted however that the LPSA performance is measured by performance in the final year solely and is therefore continues to be sensitive to major incidents.

Sep-04 **The Fire authority is now in the Second Quarter of the final year of the LPSA agreement (which ends in March 2005) It continues to deploy its now well-established education and prevention initiatives towards successful completion of the agreements and achievement of full LPSA targeted performance. A guideline projection drawn from the current First Quarter performance indicates that the final performance overall looks extremely encouraging. However as reported previously, successful performance in the agreements is based on the final year and they must therefore strive to maintain or even improve on the reductions in fires, deaths and injuries for the remaining period to the end of March**

Target 3
Improving Road Safety

Target 3.1 - STATS 19
The number of killed and seriously injured casualties per annum

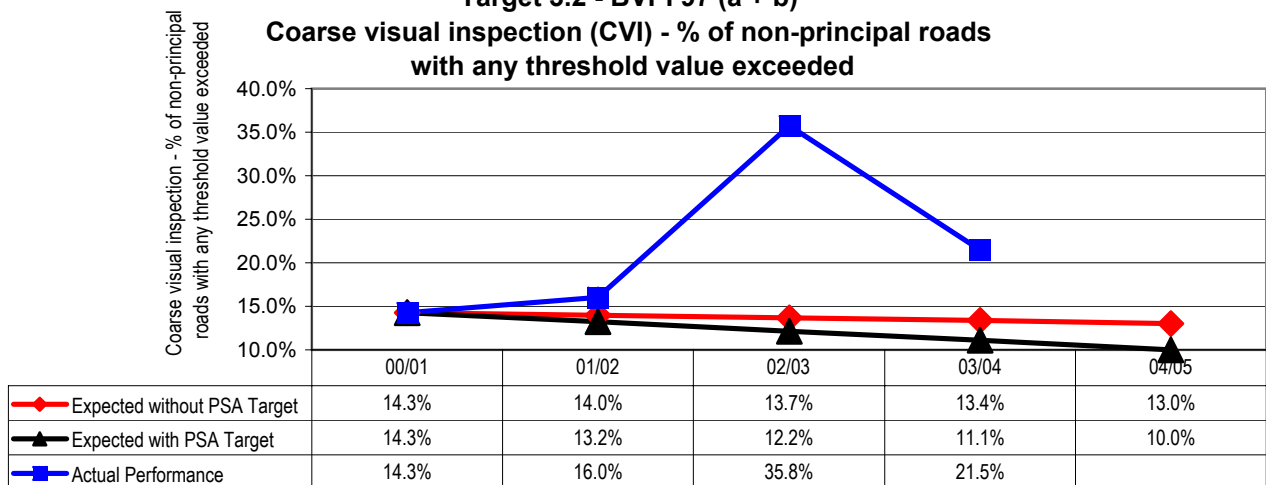


Report **Target 3.1** 😊😊

Feb-04 LPSA performance is measured in the last year so sensitivity to major accidents is still a factor despite a significant reduction in numbers of accidents. Figures for 2003 are now available and demonstrate yet further reductions.

Sep-04 **Figures for 2004 are extrapolated from the 66 Killed or Seriously Injured (KSI) as at the end of July. Such extrapolation remains very sensitive to subsequent major incidents.**

Target 3.2 - BVPI 97 (a + b)
Coarse visual inspection (CVI) - % of non-principal roads with any threshold value exceeded



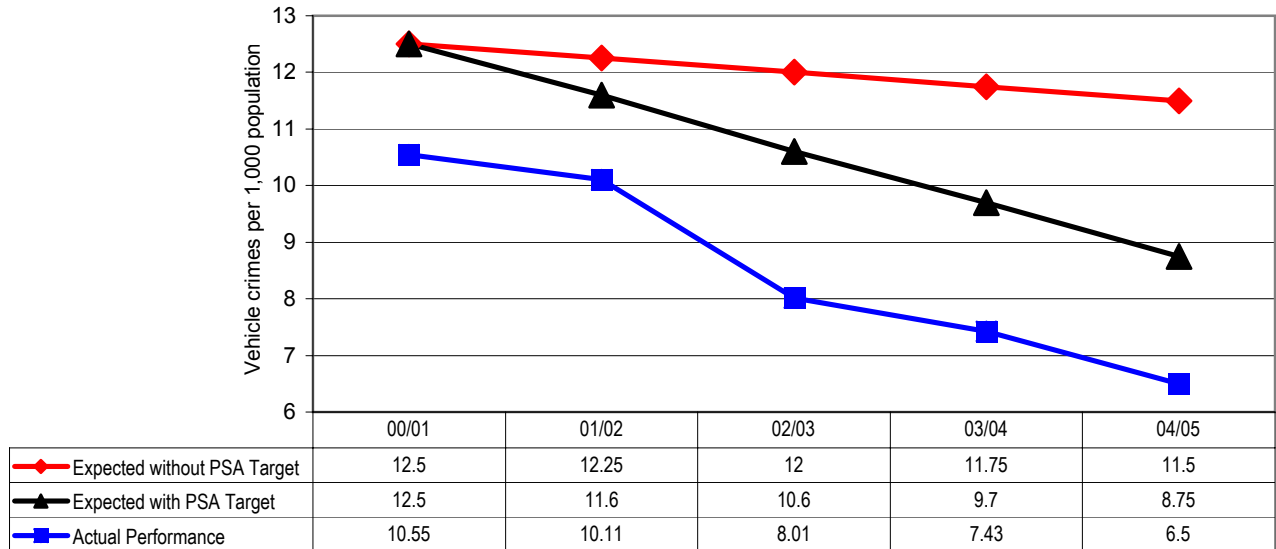
Report **Target 3.2** 😐

Feb-04 Previous years' figures do not provide a true comparison due to methodology changes. Recent data produced by CVI surveys demonstrate the importance of a targeted and successful maintenance programme this coming year in order to meet the LPSA target. The last CVI survey produced figures which we were surprised about and we have called in a second opinion for verification.

Sep-04 **Meeting the road condition target has been problematical because of changes introduced each year in the method of assessing condition data from Coarse Visual Inspection (CVI) surveys. The survey contractor will repeat the baseline survey of road condition, using the "rules and parameters" employed for that baseline data, covering the same roads covered by the baseline survey. It is possible that DfT will challenge these results on the basis that CVI surveys should be based on a random selection of roads. To cover for that risk, we intend to use the special LPSA survey to "recalibrate" our routine 2004 condition survey, which will cover a wider (and random) selection of non-principal roads across the county. This is a large piece of work and will be funded using our LPSA pump-priming grant. Although the subjective view remains that the condition of non-principal roads has improved in line with the LPSA target, there is not yet any appropriate data to support this view. Results of the surveys will be analysed between October and December 2004.**

Target 4
Reducing crime

Target 4.1
Vehicle crimes per 1,000 population

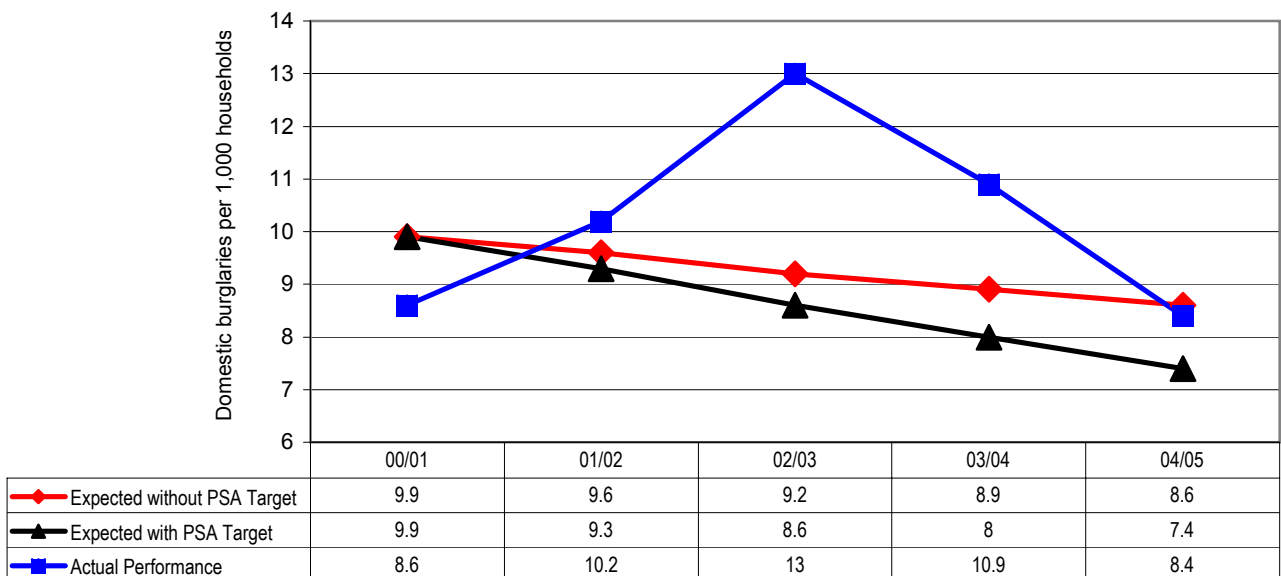


Report **Target 4.1** 😊😊

Feb-04 There continues to be a downward trend in vehicle crime as it is very difficult to break into modern cars and the LPSA target is very likely to be met.

Sep-04 There continues to be a downward trend in vehicle crime. The LPSA target is very likely to be met.

Target 4.2
Domestic burglaries per 1,000 households



Report **Target 4.2** 😞😞

Feb-04 It is highly unlikely the burglary target will be met as thieves turn their attentions away from vehicles to dwellings despite recent performance improvements. The introduction of the National Crime Recording Standards in 2001 has not helped the target v the inclusion of attempted burglaries within incident recording.

Sep-04 **Burglary of dwellings has continued to fall for the past two years and numbers are now back to those seen within 2000/01. Burglary dwelling has continued to be a priority for the Division over this time with dedicated officers dealing with every reported burglary.**

Target 4
Reducing crime

Target 4.3 - Youth Justice Board indicator
Percentage of young people (10-17) who offended in the last quarter of the year, who were re-offending



Report **Target 4.3** 😊

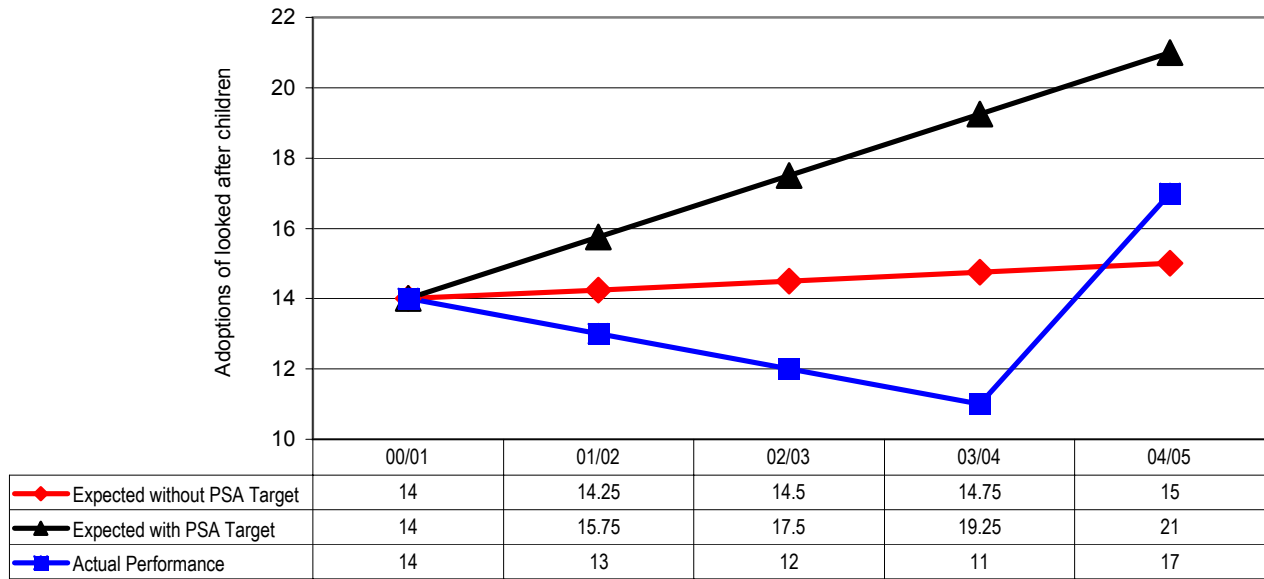
Feb-04 Performance continues to improve on reducing the rate of youth re-offending although the target is still sensitive to minor changes in trends. The 2003 figures are still provisional as final checks on Police National Computer records, for example, need to be carried out.

Sep-04 **These six month figures are estimates. No checks with police records have been done. The six month recidivism figures for young people who received final warnings and reprimands are high compared to the last full year. The figures for young people who received a community penalty are also high for six months. The outturn at the end of the year may not be as good as for the last cohort but we may achieve the 42.6% target**

Target 5

Improving the life chances for children in care by increasing the adoption rate

Target 5.1 - PSS PAF Indicator C23 Adoptions of looked after children



Report **Target 5.1**



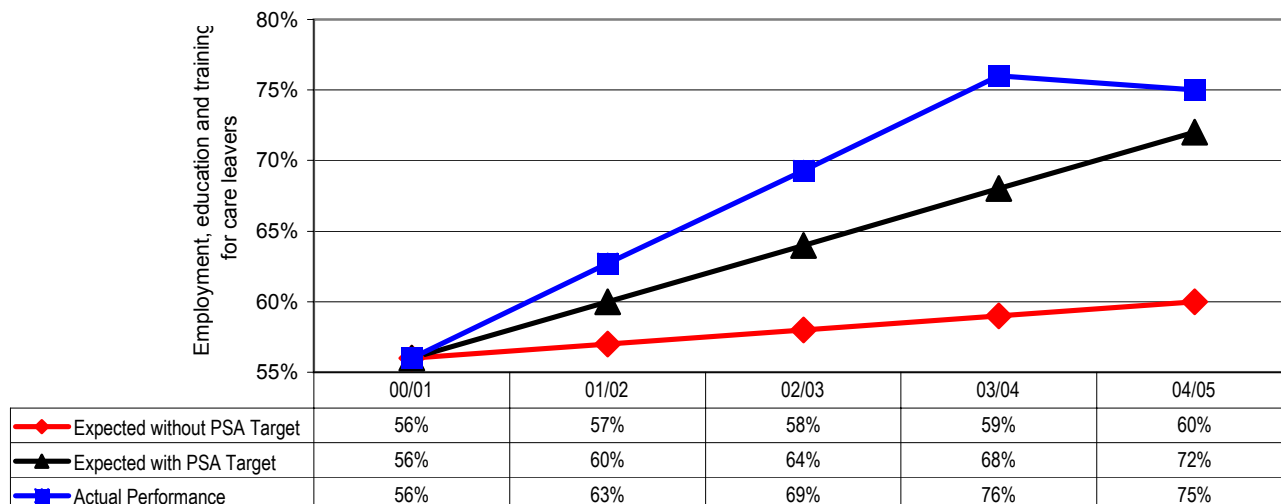
Feb-04 The last update highlighted the potential problem of the fixed numbers used in the LPSA target when those available for adoption have gone down. The pump priming grant is being used for pre and post adoptive support for potential adoptive parents.

Sep-04 **Performance against this target has improved markedly. 12 children have already been adopted in the first half of the current year, against 11 in the whole of 2003/4. We predict that a further 5 children will be adopted in the next six months, making 17 in total. The final figure is, to a considerable extent, in the hands of individual adopters who have to submit applications and indeed may be influenced by the local court timetables. The projected figure exceeds the government target (15) but remains short of the LPSA stretched target of 21. However, the improvement reflects continuing excellent efforts by staff in the face of the increasingly complex and demanding needs of the children placed for adoption.**

Target 6

Improving the life chances for children in care by improving their educational attainment

Target 6.1 - PSS PAF Indicator A4 Employment, education and training for care leavers



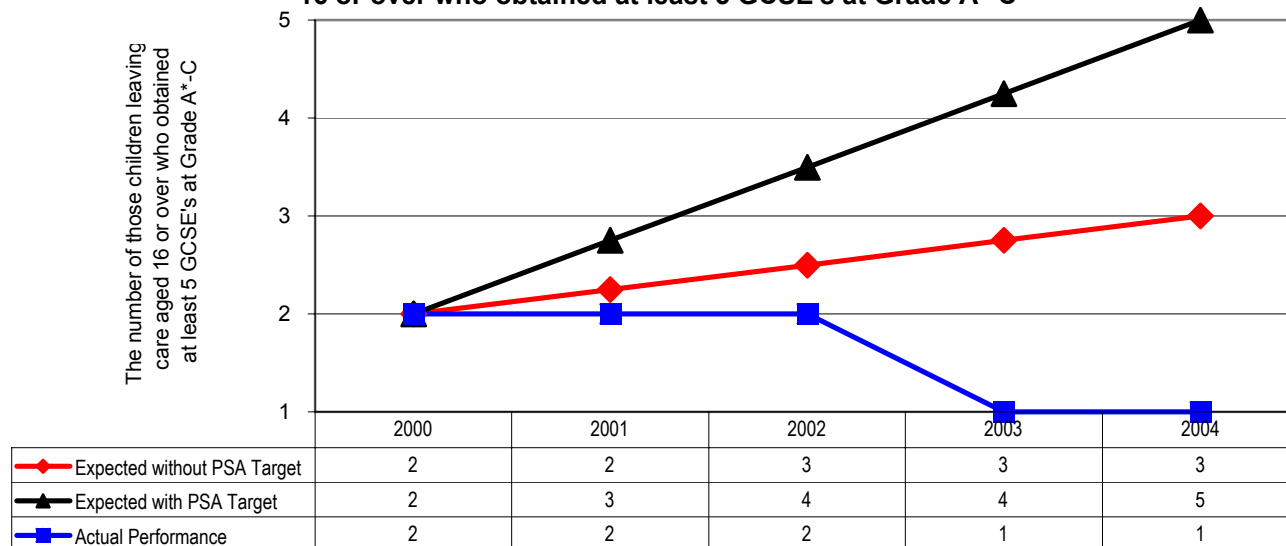
Report **Target 6.1**



Feb-04 Performance for 2003 is already above the final LPSA Target for 2004/05, however with a different cohort next year indications are at present that there is no guarantee that current performance can be maintained.

Sep-04 Performance remains sound with the predicted outcome for 2004/5 being 75%

Target 6.2 - Form OC1 The number of those children leaving care aged 16 or over who obtained at least 5 GCSE's at Grade A*-C



Report **Target 6.2**



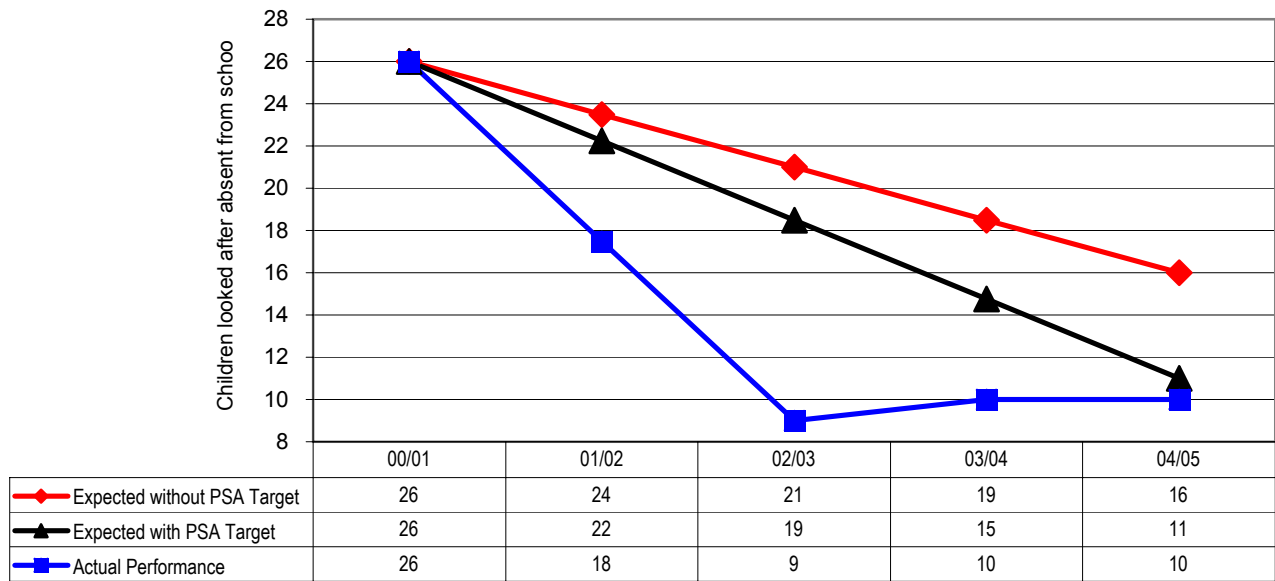
Feb-04 The target for March 2005 is 5 children leaving care to achieve 5 grades A-C at GCSE. This will be difficult to achieve in view of the uncertainty regarding this cohort. The methodology used in identifying the cohort has been challenged at the National Children's PAF indicator group to which we contribute. Only one student is expected to achieve the target (4%) as at March 2004. The Education Liaison team, partly responsible for this target, do not have influence over all the students as there is considerable movement in and out of the cohort. In 2003 a majority of the students had left school before the LPSA project work commenced.

Sep-04 The narrative and prediction remains as previously reported. Only one child is expected to achieve at this level. However, due in part to extra input as part of the LPSA project, a significant improvement is anticipated in those leaving care with at least one GCSE at grades A*-G (PAF A2).

Target 6

Improving the life chances for children in care by improving their educational attainment

Target 6.3 - PSS PAF Indicator C24
Children looked after absent from school



Report **Target 6.3**



Feb-04

Performance for 2003 is already above the final LPSA Target for 2004 and measures are in place to manage and improve that performance.

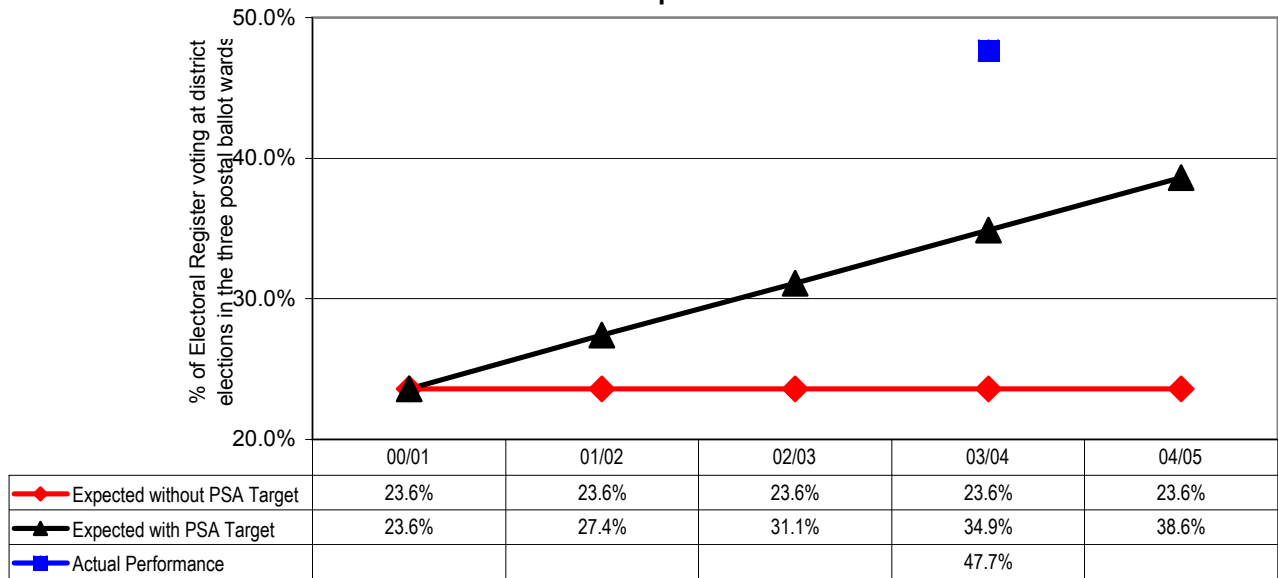
Sep-04

The figure for 2003/4 is 10 children, already well in advance of the LPSA target. The prediction for 2004/5 is that absences will remain stable at 10 (bearing in mind that this includes absence for any reason, including sickness and disability).

Target 7

Increasing participation in democracy & local decision making

Target 7.1 Belmont
% of Electoral Register voting at district elections in the three postal ballot wards

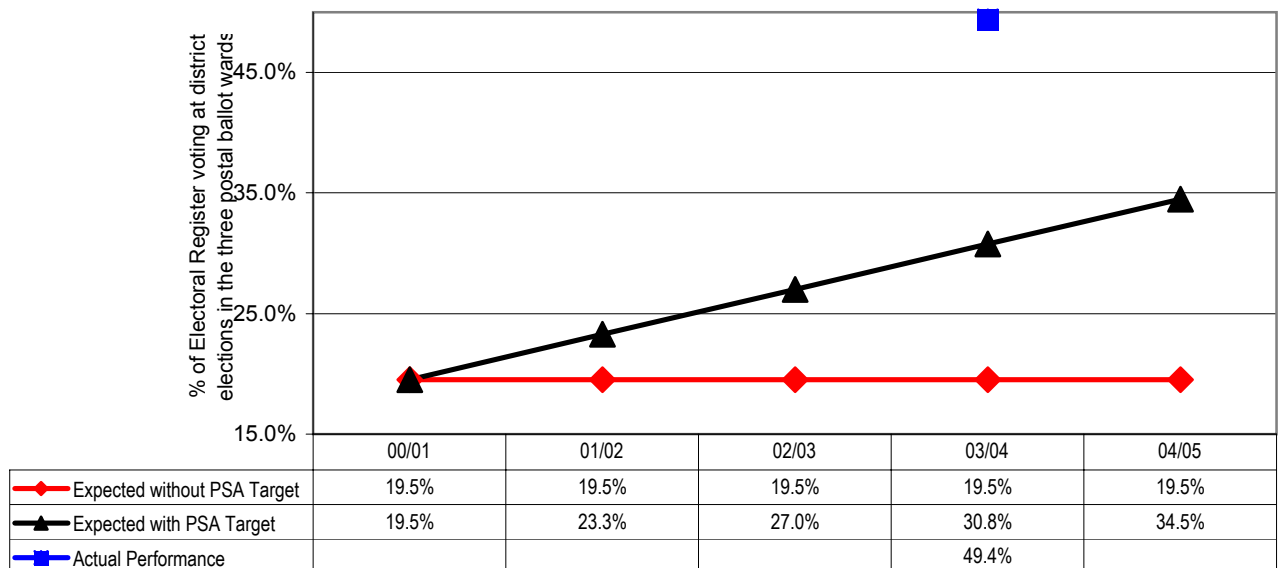


Report **Target 7.1 Belmont** 😊😊

Feb-04 The electoral turnout targets have been achieved.

Sep-04 **The electoral turnout targets have been achieved.**

Target 7.1 Holmer
% of Electoral Register voting at district elections in the three postal ballot wards



Report **Target 7.1 Holmer** 😊😊

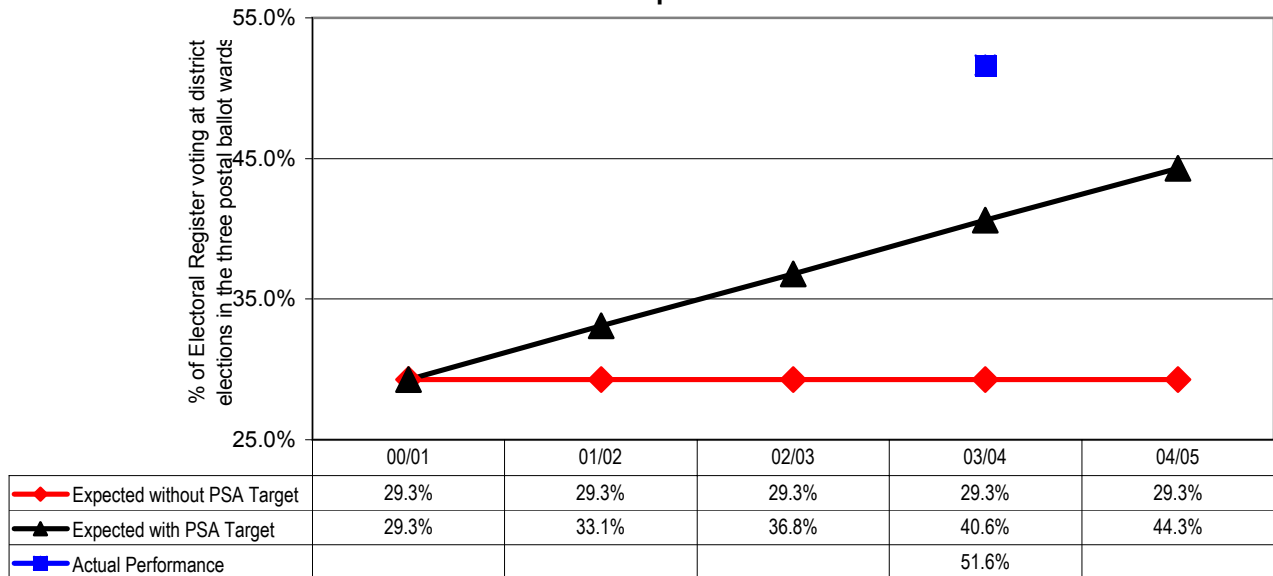
Feb-04 The electoral turnout targets have been achieved.

Sep-04 **The electoral turnout targets have been achieved.**

Target 7

Increasing participation in democracy & local decision making

Target 7.1 Ross
% of Electoral Register voting at district elections in the three postal ballot wards

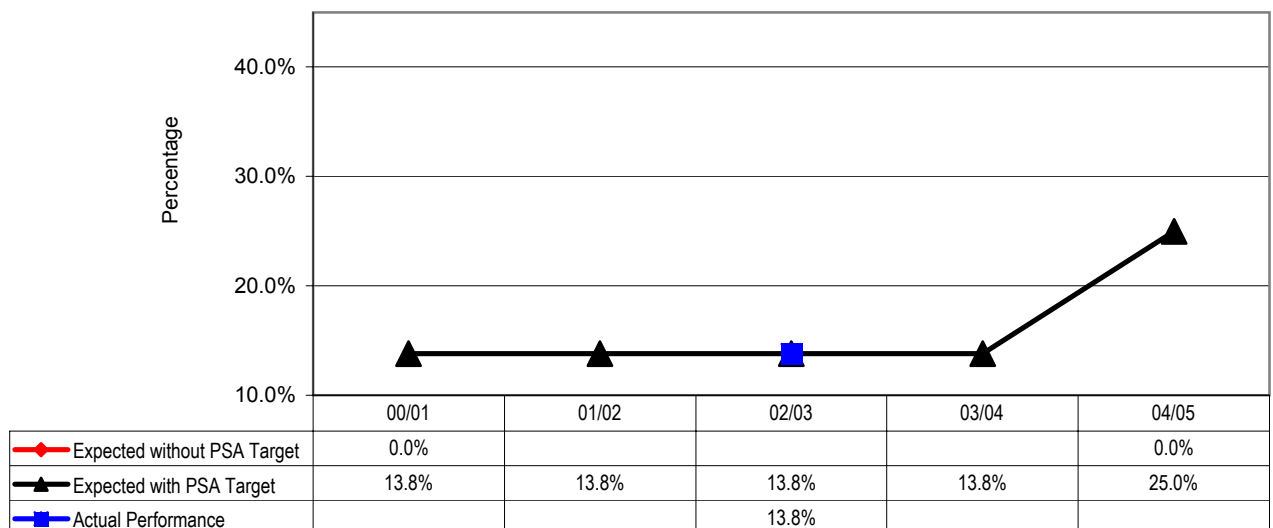


Report **Target 7.1 Ross** 😊😊

Feb-04 The electoral turnout targets have been achieved.

Sep-04 **The electoral turnout targets have been achieved.**

Target 7.2
% of young people (13-19) surveyed answering positively "Do you feel the Council does enough to give young people the opportunity to influence important decisions?"



Report **Target 7.2** 😐

Feb-04 Historical information is not available to show a trend here with only the target for 2004/05 being set. The LPSA stretch need to be at least 11 percentage points on the baseline survey which was carried out in 2002.

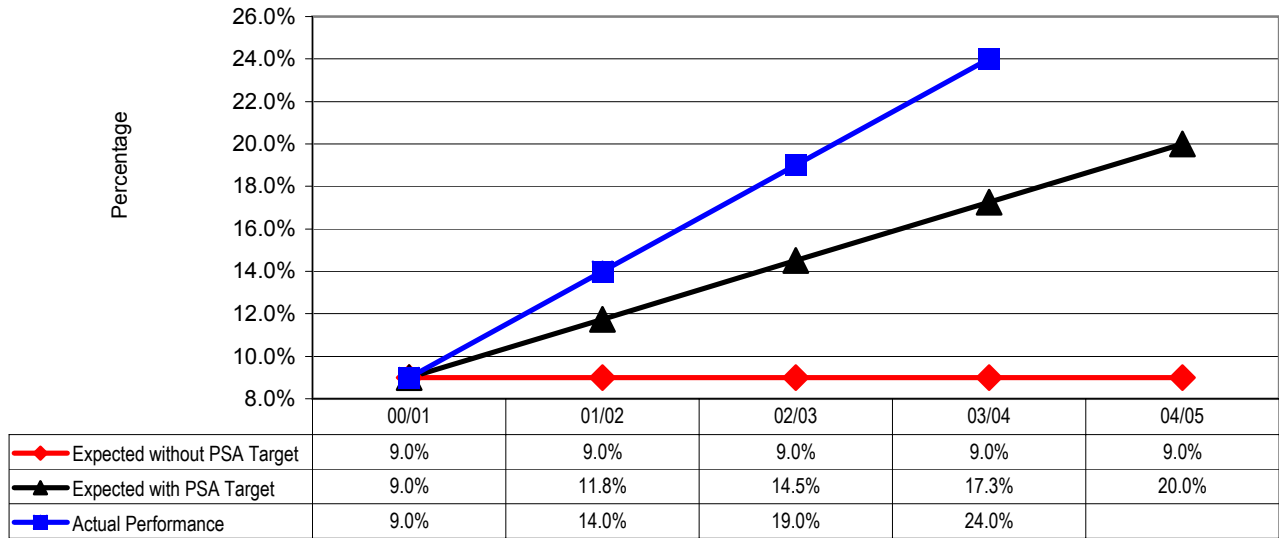
Sep-04 **The survey is currently being planned and will be carried out in the latter half of 2004/05**

Target 7

Increasing participation in democracy & local decision making

Target 7.3

% of Citizens Panel respondents answering positively to "Do you feel the Council does enough to give local people the opportunity to influence important decisions?"



Report **Target 7.3**



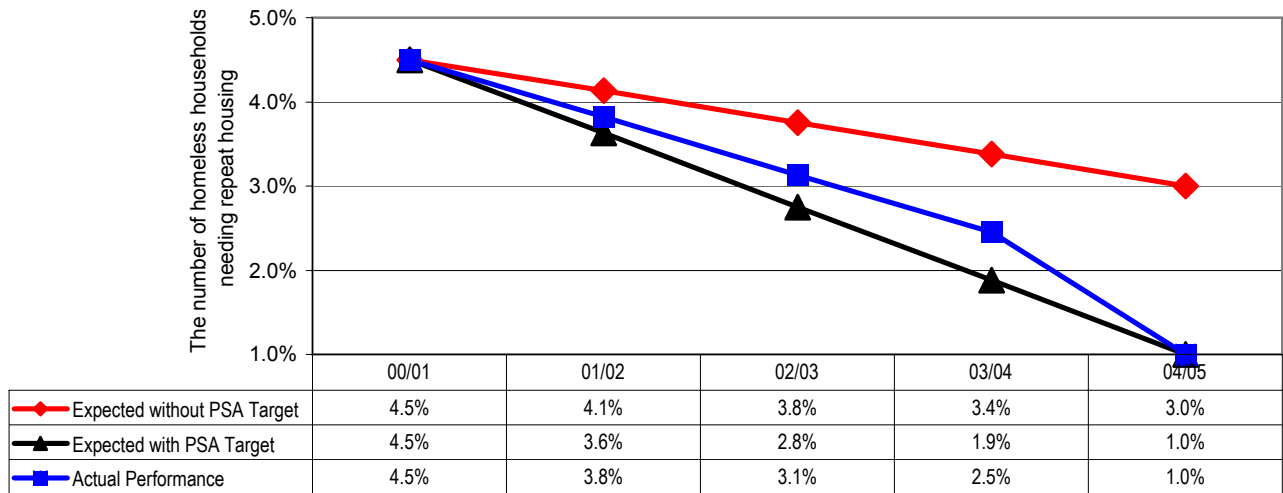
Feb-04 Performance trends for this consultation indicator suggest that we will comfortably achieve the target. Herefordshire Voice surveys are used for measuring performance.

Sep-04 The survey is currently being planned and will be carried out in the latter half of 2004/05

Target 8

Improving resettlement support to homeless households

Target 8
The number of homeless households needing repeat housing



Report **Target 8.1**



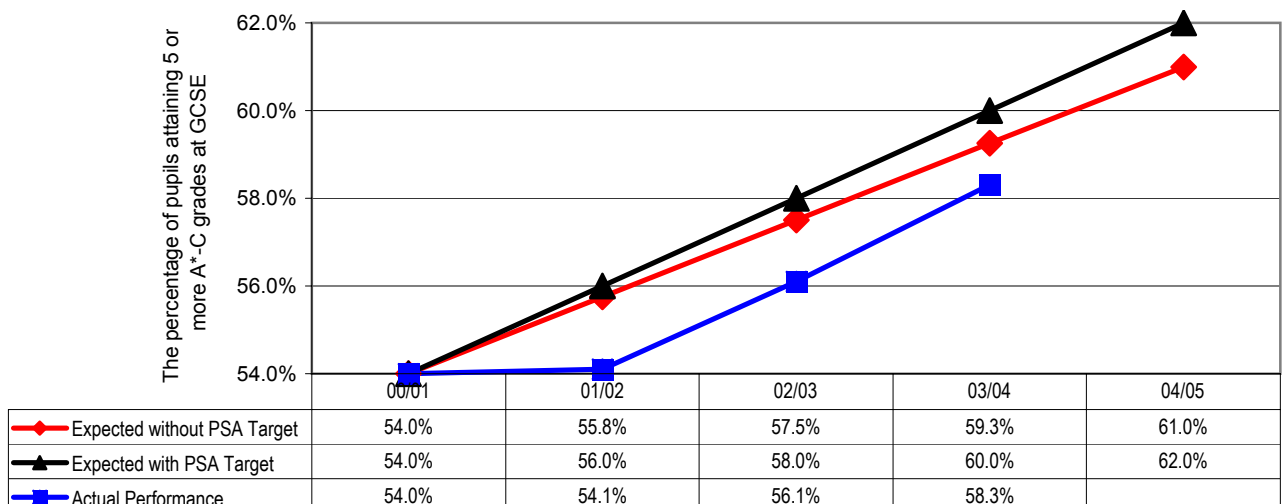
Feb-04 This target is unusual by the fact that it has a measurable output identified in the graph above which also has four conditions attached to it. There is a rigorous improvement plan in place to reach the resettlement target, however not only will this be difficult but also at least one of the conditions relating to satisfaction of service provided cannot in all reasonableness be achieved. There is also concern that the condition relating to non-use of B&B accommodation is unenforceable under the 2002 Homelessness Act.

Sep-04 **Officers have advised that Target 8 is unlikely to be met and that the Special Conditions relating to the LPSA Performance Grant are not being achieved.**

Target 9

Improving the attainment level of pupils in Hereford

Target 9.1
The percentage of pupils attaining 5 or more A*-C grades at GCSE



Report **Target 9.1**



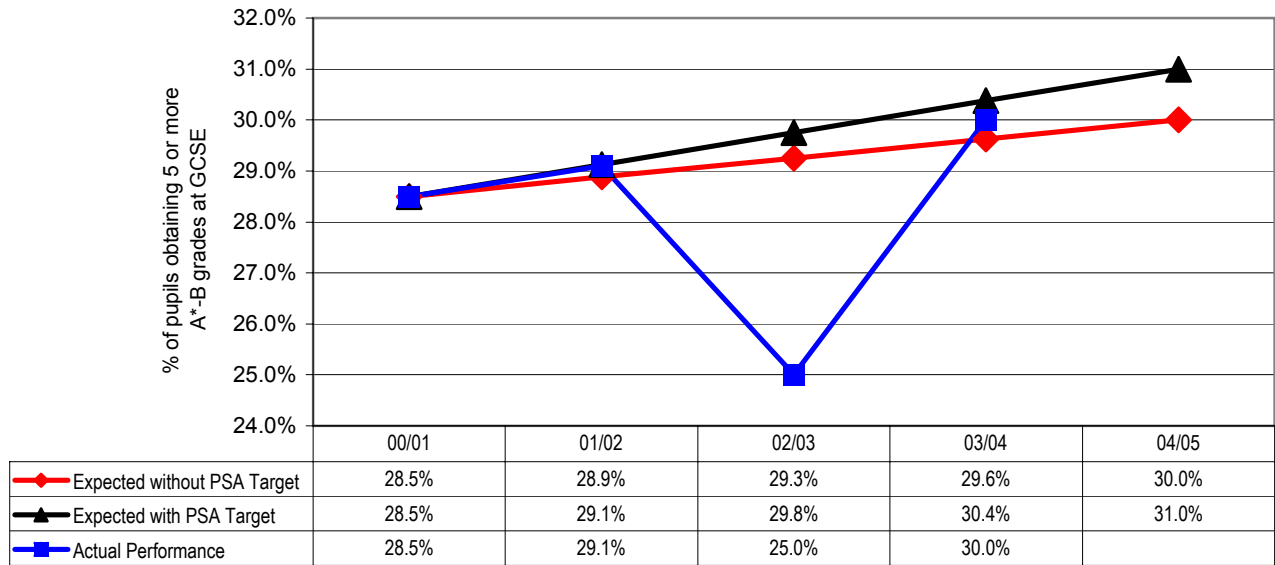
Feb-04 This target continues to be very challenging although performance continues to improve by around 2 percentage points e: year.

Sep-04 **GCSE results are currently being re-marked and are not available, further information has been promised by the DfES by the end of September but the inference is that this will not be the results themselves**

Target 10

Increasing the proportion of higher ability pupils obtaining 5 or more A*-B grades at GCSE

Target 10.1
% of pupils obtaining 5 or more A*-B grades at GCSE



Report **Target 10.1**



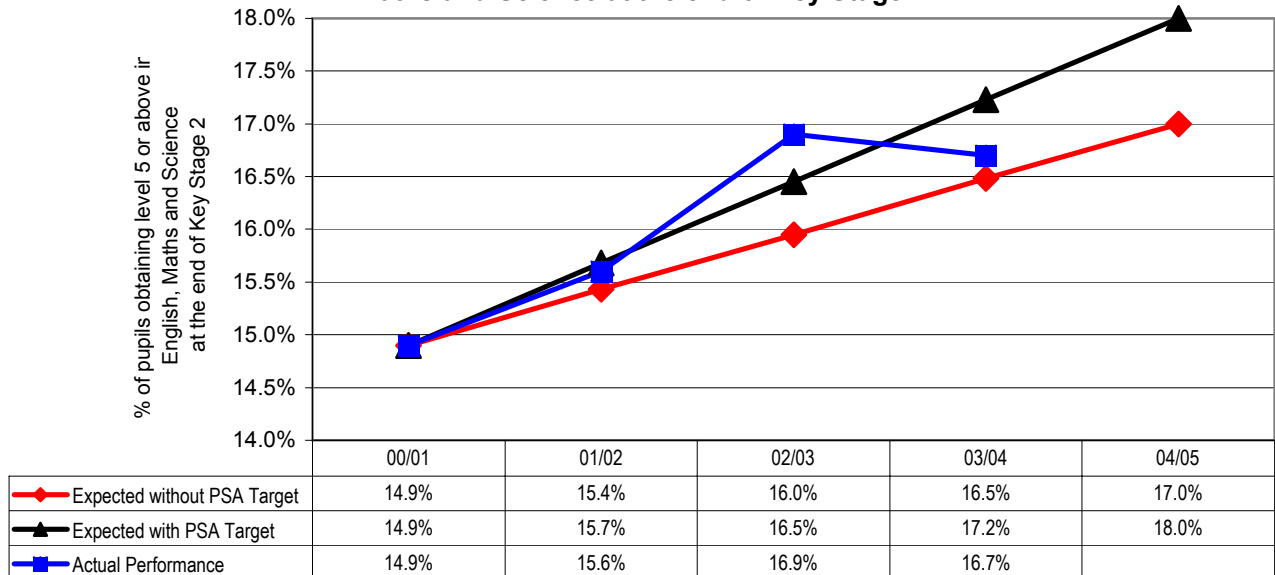
Feb-04

The cohort of students taking GCSE exams next year performed particularly well in KS2 and KS3 exams and expectations are that the PSA target will be met.

Sep-04

GCSE results are currently being re-marked and are not available, further information has been promised by the DfES by the end of September but the inference is that this will not be the results themselves

Target 10.2
% of pupils obtaining level 5 or above in English, Maths and Science at the end of Key Stage 2



Report **Target 10.2**



Feb-04

Expectations are improved by the cohort undertaking KS2 exams this year having performed well at KS1.

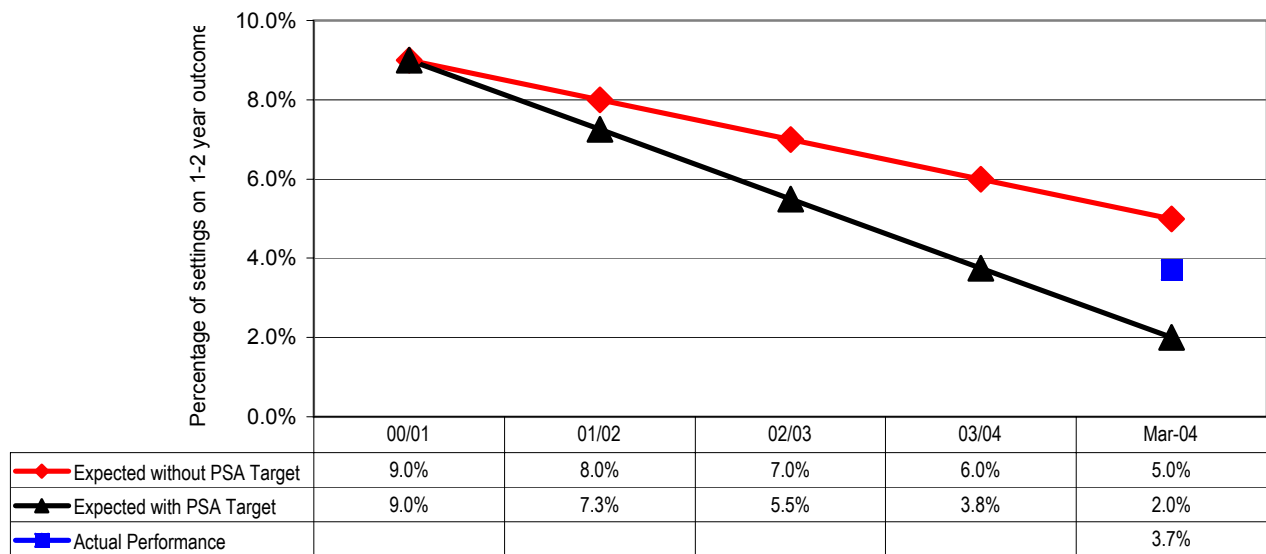
Sep-04

A significant number of schools have returned their results for re-marks, it is hoped that the validated information will be available by the 4th October.

Target 11

Improving the care and development of young children by enhancing the quality of education and care provision in all childcare and early years settings in the County

Target 11.1
Percentage of settings on 1-2 year outcome



Report **Target 11.1**



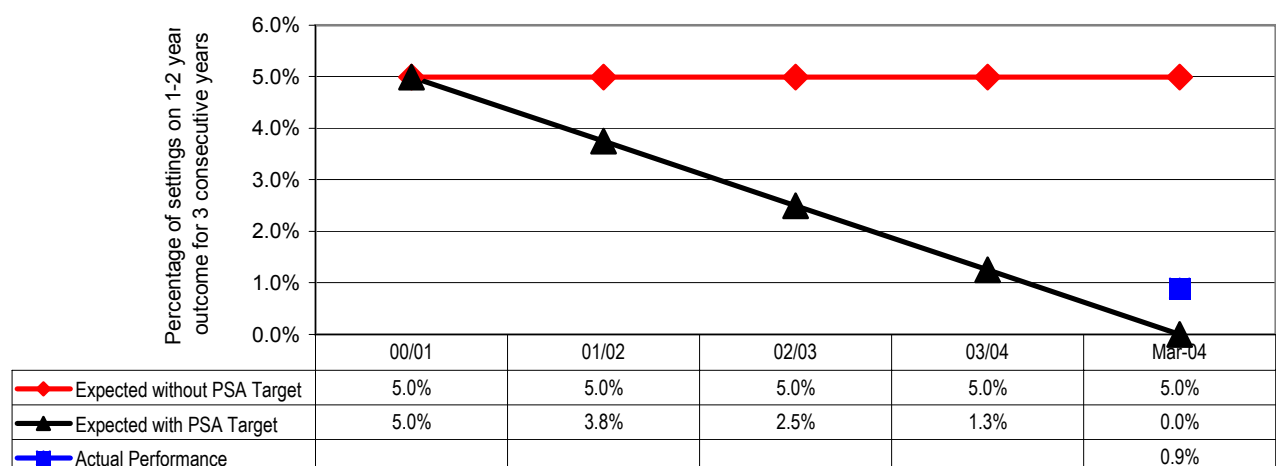
Feb-04

The current indications are that the first two sub-targets will be met, provided OFSTED carry out inspections of the groups in question in 2003/04, and no unexpected outcomes result.

Sep-04

Target set for March 2004 was 2% with actual performance being 3.7% (4/106). By achieving 3.7% of early years settings on a 1-2 year outcome we have been successful in exceeding the national 2004 target of 6% settings on 1-2 year outcome. Further progress in reaching the full extent of the stretched target was impeded by the staff turnover in pre-schools. During the period 2001-2004, three of the four settings that are currently on a 1-2 year outcome had new supervisors and staff prior to their Ofsted inspection. The Ofsted inspection itself has changed since the LPSA targets were set out and is more demanding than previously.

Target 11.2
Percentage of settings on 1-2 year outcome for 3 consecutive years



Report **Target 11.2**



Feb-04

This target is now more attainable as 3 of the relevant 8 settings have now closed.

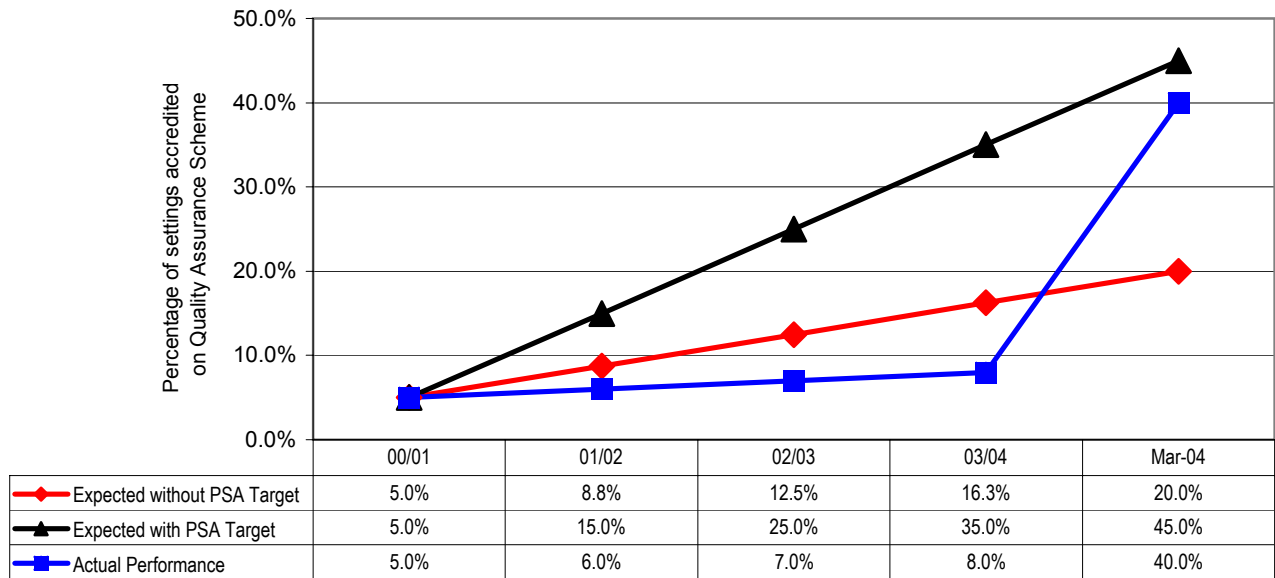
Sep-04

Target for March 2004 was 0% although actual performance was 0.9% (1/106). This amounts to only one setting. However each setting has only received one education inspection during the period 2001 – 2004 due to the changeover in national Ofsted arrangements so in fact no settings have had more than one 1-2 year outcome during the LPSA period. It is hoped that an early years advisory teacher will be appointed to work alongside weaker settings to give more sustained input.

Target 11

Improving the care and development of young children by enhancing the quality of education and care provision in all childcare and early years settings in the County

Target 11.3
Percentage of settings accredited on Quality Assurance Scheme



Report **Target 11.3**



Feb-04

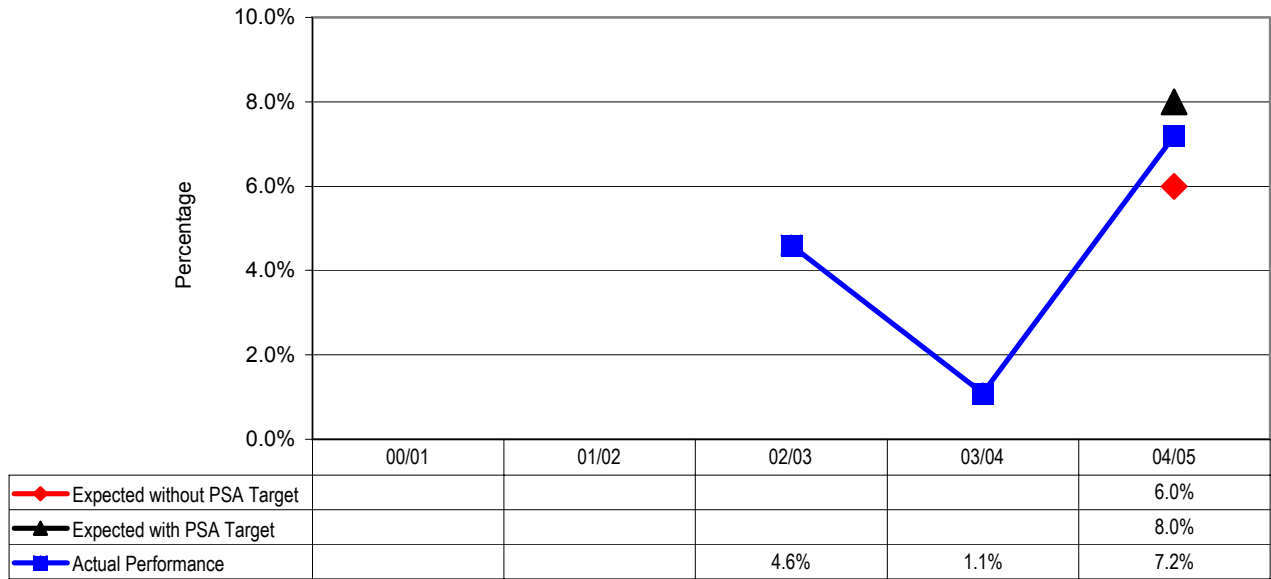
This target is much more challenging as Herefordshire started from a very low base. Although good progress has been made in generating interest in an accreditation scheme, achieving the target will depend on other settings expressing interest in the scheme, and the majority of the 191 registered childminders in the County being persuaded to join a childminders network or join the accreditation scheme. A further 12 settings have asked for information.

Sep-04

43 out of 106 settings have or achieved or are signed up to an endorsed quality assurance scheme. This equates to 40% of settings. This meets the Sure Start target. The initial take up was slow due to the delay in the Investors in Children accreditation process. Many settings were initially reluctant to sign up to a scheme until IiC status had been clarified. Growing Together Quality Assurance scheme and NCMA's Children Come First Network have now both achieved recognition through Investors in Children. Since this recognition 14 settings have attended full training for Growing Together and a further 26 attended an introductory session in September 2004. Since April 2004 the budget has increased and more mentors and assessors are being trained in order to speed up the process of accreditation.

Target 12
Improving cost effectiveness

Target 12.1
Increase in Council's Cost Effectiveness



Report **Target 12.1** ☹️

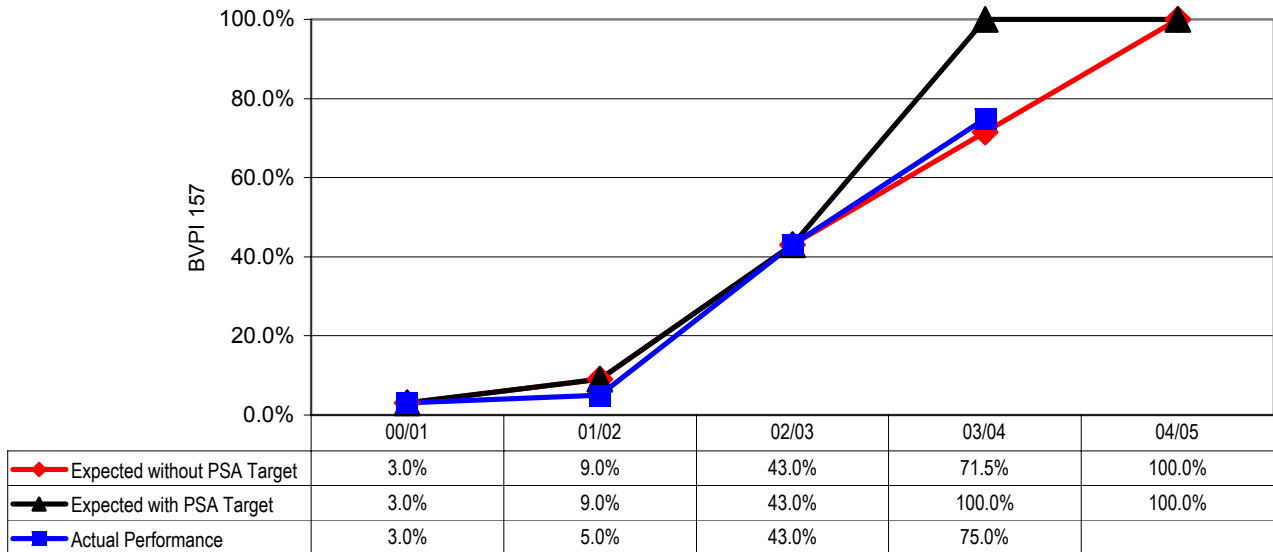
Feb-04 The cost effectiveness target is on track in terms of performance considerations but a true picture will not be possible until a revenue outturn position has been established for the current financial year. Performance gains for a set number of indicators are measured against the revenue expenditure of the Council which in turn is discounted by inflation factors to establish real term costs.

Sep-04 **The target is currently skewed by baseline data on highways maintenance. If this can be changed in agreement with the ODPM then the overall target in 2004/05 should be met.**

Target 13

Achieving 100% delivery of electronic government

Target 13.1
BVPI 157 - Achieving 100% delivery of electronic government



Report **Target 13.1**

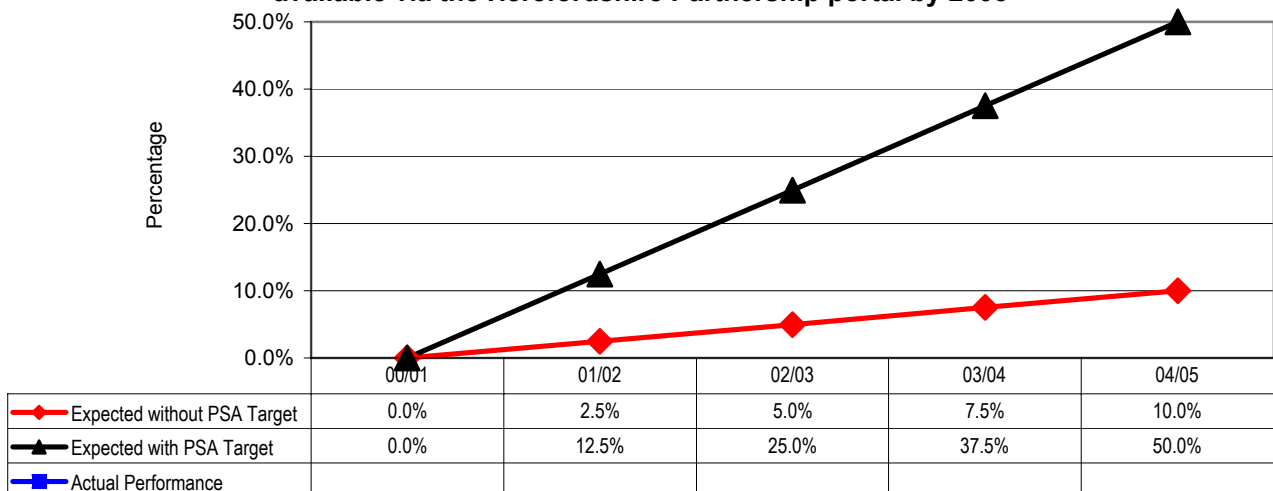


Feb-04 The Council is still confident that the target can be met at the end of March although much depends on the strict definition of the original agreement. Final confirmation is still being sought from the ODPM in this regard and is centred on whether we are assessed by the number of services which are e enabled rather than by transactions.

Sep-04 **The actual percentage of e enabled services for the end of March was 75%. This results in Performance Reward Grant of £67,500 to be paid.**

Target 13.2

% of Council services relating to Single Assessment, Supporting People and community legal services, delivered in partnership with county agencies and available via the Herefordshire Partnership portal by 2005



Report **Target 13.2**



Feb-04 A benchmarking exercise has yet to be carried out for 13.2 but we will achieve the 50% target for the PLEA (Public Legal Electronic Access) component of this target by March 2004.

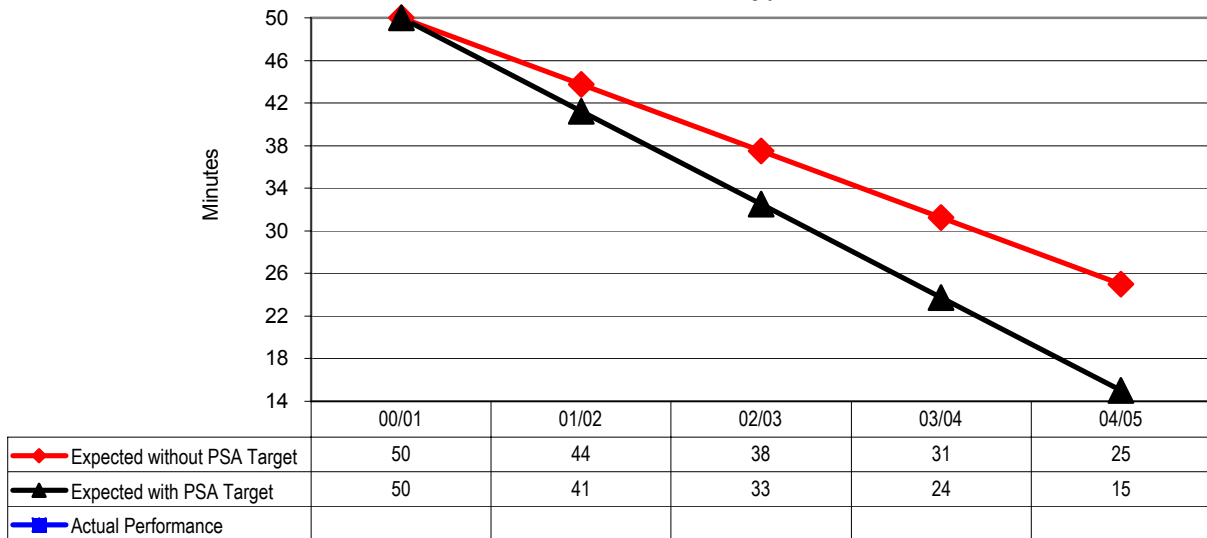
Sep-04 **Community Legal Service delivery will be on target as the Plea Project has developed a website that sits within the eGateway (Herefordshire Portal). This contains an eDirectory of Community Legal Service providers to Herefordshire from the not for profit, private and public sector and aims to include all services that have the CLS Quality Mark (it also includes non Quality Mark providers). Community Legal Services for these purposes is defined according to Legal Services Commission and Access to Justice Act 99**

Target 13

Achieving 100% delivery of electronic government

Target 13.3

The maximum travelling time for any Herefordshire resident to their nearest community access point (a public web access point provided by the Herefordshire Partnership).



Report **Target 13.3** ☹️

Feb-04 Figures for the community access points are not available at the time of reporting but will be formulated for the Cabinet meeting.

Sep-04 **Current performance is estimated to be on target at 24 minutes as mapping work carried out in 2003 indicated that more than 90% of the county was within 15 minutes drive time. Since that time one of the Community Access Points included (Lingen Resource Centre) no longer provides access due to withdrawal of Learn Direct funding. New mapping will be carried out to reflect this and the revised position reported next time**

APPENDIX 2

EXAMPLE OF HOW PERFORMANCE REWARD GRANT IS CALCULATED

Target 1	Enabling older people to live as independently as possible			
Sub Target	PRG Available	Final Performance against target	PRG Awarded	Total PRG gained as %age of PRG available
1.1	67,500	90%	60,750	
1.2	67,500	100%	67,500	
1.3	67,500	55%	0	
1.4	67,500	70%	47,250	
Totals	270,000		175,500	

APPENDIX 3

SECOND GENERATION LPSA - PROPOSED PRIORITIES AND OUTCOMES

Priority Element	Proposed Outcomes
Adult Learning and Skills	A more highly qualified and skilled population
Workforce Development	A more highly skilled workforce
A Dynamic Economy	A reduced gap between Herefordshire, the region and England in weekly earnings
Ability for Older People to Live Independently	More people helped to live at home and who find it easy to access appropriate local services
Active and Involved Communities	More people actively involved in community activity
Alcohol Related Crime and Disorder	Reduction in the number of alcohol related crime and disorder incidents
Tackling Anti Social Behaviour	Reduction in the number of public disorder incidents
Herefordshire's Transport	Increased walking, cycling and public transport use
Streetscene	Improved access to the countryside and use of footways
Waste Management	More bio-degradable waste being diverted from landfill

THE GOVERNMENT'S FIVE YEAR STRATEGY FOR CHILDREN AND LEARNERS

PROGRAMME AREA RESPONSIBILITY: EDUCATION

CABINET

14TH OCTOBER, 2004

Wards Affected

County-wide

Purpose

To consider the range of proposals made in the *Five Year Strategy for Children and Learners* published by the DfES in July 2004.

Key Decision

This is not a Key Decision

Recommendation

To consider the implications of the DfES Five Year Strategy for schools and local authorities, and to identify any implications for Herefordshire that might require further investigation or action in the coming period.

Reasons

The report is provided for initial consideration, though it may not be necessary to take immediate action.

Considerations

Overview

1. The Strategy Paper begins by reviewing the main strands of government policy since 1997, and highlights areas that it believes to have been particularly successful. The document then devotes an individual chapter to each of its main themes for Education, beginning with chapters on early years and primary education, and finishing with chapters on adult learning and higher education.
2. Each chapter of the Strategy reviews achievements since 1997, and outlines the government's intentions for the coming period. Individual proposals are sketched in briefly, with much of the detail left for further announcements. In a few cases, major policy papers are to be published in the autumn. Among the most important of these are –
 - *Every Child Matters: Change for Children* Programme which, among other matters, will go into more detail about 'Educare', a new term used by the DfES to describe the bringing together of nursery education and childcare into

Further information on the subject of this report is available from
Dr Eddie Oram, Director of Education on 01432 260801

a single integrated offer for pre-school children

- The Tomlinson Report on 14-19 Education and Training, which will look closely at the system of examinations and qualifications for the age group
 - The Green Paper on Youth, based on joint work between the Home Office and the Department of Health, Department for Culture, Media and Sport, the Social Exclusion Unit and the Prime Minister's Strategy Unit (Autumn 2004)
3. Although the Strategy document contains little that does not already exist or that has not already been signalled in previous announcements, it is none the less a significant statement of the government's medium and longer term intentions.
 4. Most noteworthy is the emphasis, which goes through many of the chapters, on the autonomy of individual schools. There is particular emphasis, in the chapter headed *Independent Specialist Schools*, on encouraging schools to take on greater levels of independence. The main vehicles for such autonomy are *foundation* schools, which currently largely comprise former grant maintained schools, and '*academies*', which are publicly funded schools outside the LEA system. Experience elsewhere (there are no foundation schools or academies in Herefordshire) suggest that such schools tend to engage less well with the inclusion and diversity agendas. It may be significant that *Every Child Matters*, which focuses on inclusion and diversity, is only a minor theme in the strategy document, except in the chapter on Early Years which is largely about the pre-school sector.
 5. Alongside the emphasis on school autonomy, there is corresponding emphasis on directing or limiting the role of local authorities. Two extracts from the text illustrate the intentions –

However, the government will not stand by and allow local authorities to sustain failure by refusing to engage with academies where they can meet parental demands for good school places. Where necessary we will use existing powers – and seek any additional powers necessary – to hold local authorities to their responsibilities. [Strategy document, Chapter 4, paragraph 37].

At all levels – under 5s, primary, secondary and post-16 – local authorities should recast themselves as the Commissioner and Quality Assurer of Educational Services, not the direct supplier, a role which enables them to promote the interests of parents and pupils far more confidently and powerfully than the old days of the Local Authority as direct manager of local schools and colleges. [Strategy document, Chapter 4, paragraph 48].

6. The proposals, outlined below, to limit local authority discretion on Education spending also indicate the approach clearly.
7. A summary of the Strategy has been produced by the Education Network. A copy of that summary is available on request.

Detailed implications of proposals for Herefordshire

8. There are several areas in which Herefordshire may be affected significantly by the policy intentions described in the Strategy.

Control of local authority spending on Education

9. Further controls are to be placed on local budgeting for Education. The two significant paragraphs are worth reproducing –

... The introduction of a dedicated school budget will have the same effect, ending the annual wrangle over the quantum of resources for schools between central and local government. With the funding for schools assured, local authorities can concentrate fully on their strategic and quality ensuring functions in education. It will also still be open to them to spend more on education locally than the national allocation, where they wish to do so in support of local schools and parents. [Strategy document, Chapter 4, part of paragraph 51.]

... No authority will receive less funding for education than its current level of spending, and we will seek to ensure that there are no adverse effects for the rest of local government. Funding will continue to be channelled through local authorities, though they will not be able to divert this spending for other purposes. Local authorities will deliver the national guarantee of extra funding to schools each year, but will retain an important and necessary role in reflecting local needs and circumstances. [Strategy document, Chapter 4, part of paragraph 13.]

10. It is clear that the proposals remove the last vestiges of local decision about minimum Education budget levels, though in practice very few authorities in recent years have felt able to use their existing powers to set Education budgets below the EFSS level. It is hard to see how such direct government control will not continue to affect the rest of local government adversely, especially given the scale of the promised future increases for schools.
11. A welcome change within the proposals is the intention to align school budgets with the school year. Since 1988, the DfES have steadily resisted that suggestion, which has been made frequently by schools and local authorities, and have previously allowed such an arrangement only with colleges and grant maintained schools when they were no longer funded through local authorities, and with DfES Standards Fund grants. The new approach, therefore, may reflect the greater degree of control that the government intends to have over local education spending.

School Budgets

12. The Strategy proposes that *we will provide guaranteed three-year budgets for every school, geared to pupil numbers, with every school also guaranteed a minimum per pupil increase every year* [Strategy, Chapter 4, paragraph 11].
13. Budgets would still be channelled through LEAs who would continue to decide the local budget formula and other matters in consultation with the Schools Forum. However, the proposed system of minimum percentage increases for every school would make it more difficult to adjust the local formula **weightings** as between different age groups and schools. Such adjustments have always been an important feature of local planning of formula funding. It would be more difficult, for example, to reduce the very large differential between the funding of primary and secondary education. It would also be more difficult to go forward with a proposal that Herefordshire has been looking at to relate the funding formula for primary schools more closely to class size requirements.

14. In advance of the more fundamental change from 2006, which would be subject to further consultation, the government have announced minimum requirements for 2005/2006. The government intends to set the Schools Formula Spending Share (SFSS) at a minimum level of 5.5%, with an average increase of around 7%. Within this total, the minimum per pupil increases for schools have been set at 4% for secondary and special schools, and (to allow for the greater impact of the teachers' workload agreement) at 5% for primary schools. The Secretary of State *will expect LEAs to passport the full SFSS increase through to their Schools Budget in 2005/06, unless there are wholly exceptional circumstances.* In addition, the Secretary of State has confirmed that the 4% increase will also apply to the government's direct funding of schools. Such direct funding includes –

(i) Standards Fund which comprises grants paid through LEAs for specified national initiatives.

(ii) School Standards Grant, which is in the form of general allocation to each school calculated on a simple national formula based on a flat rate per school and an amount per pupil, with a further £500 (5%) of further support for **very small** nursery and primary schools

(iii) the LSC funding rates for school sixth forms.

Early Years

15. Early Years provision has changed more radically in the last few years than any other area of education. The government, and its immediate predecessor, enhanced the priority for pre-school education and care, and Herefordshire has now established a substantial and generally high quality base involving in the main private and voluntary provision from which to deal with further proposals.

16. The particular proposal for a Children's Centre for all children in the 20% most deprived wards in England is a challenging one. However, the County is already well on the way towards it, with the many new developments in South Wye (Marlbrook, the Hundertons, and St. Martin's), and a Sure Start Programme in Leominster and Kington areas. At present these developments use specific Revenue and Capital grants but in future their costs will have to be met through normal annual budgets.

17. The County is well placed to develop new provision and respond to innovation through its well-established early years team, and through the co-ordinated Early Years Development and Childcare Partnership, which guides the development of provision across the County.

Primary and SEN Policies

18. The proposals in these areas are very close to existing working practice. Herefordshire is already well placed to respond effectively to further development of existing strategies because of the high quality and inclusive practice of Herefordshire schools (more than 80% categorised as 'good' or 'better' and none classed as unsatisfactory). The local inspection and advisory service, which includes many members with previous headship or other senior school experience, is also well organised, with reshaping taking place following the recent Best Value review. The service is well focused on the quality and standards agenda, in support of schools, who are developing good capacity for effective self-evaluation.

Secondary

19. The Strategy sets out a wide range of proposals for developing secondary schools. The main themes are changes in the secondary curriculum, and the opportunities for schools to become more autonomous.

Curriculum and Pastoral

20. The relevant Chapter focuses on changes that are mostly already in place or previously signalled. They include better arrangements for pupil progress from primary school to secondary school, including co-ordinated admission arrangements which Herefordshire introduced at the beginning of the current school year. There is a reiteration of the focus on curriculum strategy for the whole of Key Stage 3, with a promise to develop that further into a Strategy for the whole 11-16 age range. There are also reiterated declarations of support for programmes for “gifted and talented” students, for low achieving pupils from minority ethnic groups, and for pupils with SEN. There is also mention of the importance of ICT in developing personalised learning, and a focus too on wider curriculum opportunities for the older age groups (here there is some mention of the overlap with the 14-19 Review). The focus on improving pupil behaviour and attendance is also reiterated.
21. Herefordshire is well placed to deal with this broad agenda, which has been developing strongly over the last 5 years. The County is well placed partly because of the strength of its high schools, and the clear focus that the Inspection and Advisory Service has on this area of work. Members of the local team have current or recent experience as Ofsted inspectors, and are well qualified to assess school quality and identify local strategies for improving individual schools.

Foundation Schools

22. The Strategy states the government’s aim of allowing all secondary schools – other than those that are failing – to take on the powers of foundation schools and aided schools. Such schools together already comprise 1/3rd of the secondary schools in England. (In Herefordshire the proportion is lower – there are 2 voluntary aided high schools, no foundation schools, and 12 community schools). Foundation schools would own their own land and buildings, be the employer of their own staff, administer their own admission arrangements (within the rules of the National Code of Practice) and have the freedom to establish a charitable foundation or take on a faith sponsor. The Strategy document states that the procedure to acquire foundation status will become simpler, with a brief period of consultation, followed by a simple vote of the governing body. The proposal would be subject to further legislation which might be questioned closely. Transfers of ownerships of premises and transfers of staff to new employers are not matters that can normally be resolved without formality or reasonable periods of consultation.
23. Schools can already acquire foundation status after a period of public consultation on formal notices and following a vote of the governing body. Almost all current foundation schools nationally are former grant maintained schools whose position was altered by the Education Act 1998. To date, schools in Herefordshire have shown little interest in such an opportunity. Their main concern has been that the enhanced powers carry with them corresponding responsibilities which add to the complexity and workloads required of managers and governing bodies. Herefordshire schools have also valued the support received from the Local Authority.

24. It may be, therefore, that the position will not change significantly in Herefordshire, unless there are significant financial benefits from foundation status and/or schools judge that the support received from the Local Authority is of diminishing value. If there should be a trend towards schools adopting foundation status, it could make it more difficult to maintain the County's existing strength of social inclusion in school, notwithstanding the continuing responsibility of the Local Authority to co-ordinate admission arrangements. Although foundation schools would not be able to adopt selection by ability, they could alter admission policies – for example, in ways that would weaken the community basis underlying the County's current admissions priorities for community schools.

Academy Status

25. The Strategy sets a target for there to be 200 independently managed academies by 2010, compared with the current number of 12, and a further 5 by September 2004. Another 30 academies are stated to be *in progress*. Such schools would be created only in areas of low educational standards and social disadvantage. Academies would be all-ability schools with *a dedication to transforming educational standards, with the freedom to innovate as they wish within the law and requirements on admissions*.
26. The impact of such schools would necessarily be limited. In Herefordshire, for example, only the South Wye part of the County, with one high school, would fall within the current eligibility threshold of being in the top 20% of wards nationally with the highest levels of social deprivation.

Specialist Schools

27. The Strategy sets a target for 95% of all high schools nationally to become specialist schools by 2008. Such schools would teach the full National Curriculum, and have all the other features that high schools must have. However, they would also develop a *Centre of Excellence* in one area of the curriculum, and share the benefits of such expertise with a partner high school, the related primary schools and the local community. At the point at which specialist schools come up for *re-designation* at the end of 4 years, they would be able all to take on a second specialism for the following period, with additional funding to assist such development.
28. The 95% target is one that has a good chance of being realised. Within Herefordshire, 7 schools have already achieved specialist status, and 2 more are Beacon Schools, and all other high schools are working towards such status in the coming period. It is unlikely, however, that one of the stated benefits of specialist status – enhancement of local parental choice – would be achieved in Herefordshire, because of the County's size and widely scattered population. Specialist status does not of itself carry additional powers.

Foundation Partnerships

29. The Strategy refers briefly to the intention that *high performing specialist schools* should play a leading role in new foundation partnerships designed to develop curriculum and teaching training improvements in their locality. Such partnerships are already a feature of specialist schools, and there are some very good current examples within the County, including among primary schools.

Expansion of individual schools

30. The Strategy also reiterates existing arrangements under which *popular schools* will

be able to expand their intakes, subject to capital funding. 11-16 high schools are also able to make proposals to establish a school sixth form, or to enter into a partnership for the provision of some 16-19 Education with colleges and other providers of 16-19 Education.

31. It is possible that such opportunities will lead to some proposals being made by individual schools, though the County's schools generally have so far taken a cautious judgement of the practical benefits of expanding beyond their current intakes. Proposals for Post-16 Education would have to make sense in the Herefordshire context, and would require consultation with all relevant partners including the Learning and Skills Council for Hereford and Worcester through which the relevant capital and revenue support are currently channelled.

Building Schools for the Future

32. The Strategy restates the national commitment, under *Building Schools for the Future*, to replace or refurbish every secondary school by 2020. The Strategy states that, *later this year*, all LEAs will be informed about the phase they are likely to be in.

14-19 Education and Training

33. The Strategy document targets a number of further improvements, that build on existing elements and trends -
 - increasing the number of adults with a Level 2 qualification (i.e. GCSE or equivalent)
 - development of employer-based training pilots with colleges and training providers
 - at least 400 centres of vocational excellence nationally
 - establishment of a new quality improvement body
34. The Strategy highlights the Tomlinson Review on the shape of 14-19 Education and Training, and also promises a Green Paper on Youth for the autumn 2004. Specific targets for 2008 include raising the proportion of 16 year olds achieving 5 good GCSEs or equivalent to 60% (Herefordshire is already very close to that level), developing vocational education for 14-16 year olds and supporting young people leaving care.

Conclusion

35. The Strategy provides a significant statement of the government's intentions. Many of the proposals are ones on which there will be widespread support. Such proposals cover the programmes to improve further provision for early years, raise the standards achieved by schools and students, including the contribution to be made by specialist schools, and the major changes expected in the 14-19 curriculum.
36. The government's aspirations for a high proportion of schools to take on more autonomous forms of school organisation must be more uncertain. This is not the first time that government has attempted to achieve such outcomes by exhortation – the example, the earlier efforts to encourage schools to become grant-maintained, which had mixed results nationally. There is much evidence to suggest that schools

generally have reservations about taking on the heavier responsibilities that go with the offered forms of autonomy, preferring to concentrate their efforts on their central purpose for existence – the education and welfare of children and young people. Much will depend on how well local authorities continue to provide relevant support and credible professional leadership for the service within the new arrangements for Children's Services.

Alternative Options

There are no alternative options at this stage.

Risk Management

Not applicable at this stage.

Consultees

Not applicable at this stage.

Background Papers

None identified.

THE HEREFORDSHIRE CODE OF PRACTICE FOR THE TEMPORARY AGRICULTURAL USE OF POLYTUNNELS

PROGRAMME AREA RESPONSIBILITY: ENVIRONMENT

CABINET

14TH OCTOBER, 2004

Wards Affected

County-wide

Purpose

To consider the future of the voluntary Code of Practice to control the siting of polytunnels in Herefordshire.

Key Decision

This is a key decision because it is significant in terms of its effect on the communities or working in an area comprising one or more wards. It was included in the Forward Plan.

Recommendations

THAT Cabinet accepts the findings and recommendations of the Environment Scrutiny Committee review and agrees to adopt the revised Code of Practice set out at Appendix 1 with the addition of:

- (a) no return to the land which has been covered within two years.
- (b) the Code of Practice to be reviewed every two years or earlier if the legal position dictates.

Reasons

To agree to adopt a revised Code of Practice for the control of use of Poly tunnels within the County.

Background

1. The widespread use of polytunnels by soft fruit growers across the county in recent years prompted the Council to introduce a Code of Practice to regulate those structures which could not be regulated by statutory planning control. The early use of polytunnels clearly fell within agricultural permitted development rights or was obviously temporary in nature. Nevertheless the Code of Practice did not permit such structures where planning permission was required.
2. As this horticultural practice has developed the arguments for and against the need for planning permission have intensified. Until the matter is finally determined by government planning policy or a definitive court ruling, the Council has been advised that its proposal for adopting a Code of Practice represents an acceptable use of its

legal powers.

3. The Code of Practice is intended to introduce benefits to the residential neighbours of growers using polytunnels while offering to the growers an opportunity to participate in a regime of controls designed to protect both their own and wider community interests supporting this successful agricultural initiative.
4. A complaint was made to the Local Government Ombudsman about the Council's policy in relation to this matter and its alleged failure to take appropriate planning enforcement action. The Ombudsman is aware of the Council's review of the matter and has asked to be kept informed of its outcome.

Considerations

Scrutiny Review June 2004

5. On 6 February 2003, Cabinet agreed to adopt a Voluntary Code of Practice to Control the use of Poly tunnels. The policy provided for the operation of the Voluntary Code to be reviewed after 12 months. It was agreed that the Environment Scrutiny Committee be asked to undertake the review.
6. The Member Working Group, established to carry out the Review of the Voluntary Code of Practice, reported on 23 June 2004. The Report, which clearly sets out the process of investigation, the extent of public involvement and consideration of environmental and other effects, concluded with recommendations to amend the Code. Copies of the Review have been circulated to Cabinet Members.

Further Representation and ODPM Advice

7. Since 23 June 2004, the Council has received further representation on the scrutiny committee proposals and consulted the Deputy Prime Minister and First Secretary of State who is responsible for governing policy in relation to these matters.
8. The Office of the Deputy Prime Minister responded on 21 July 2004. This letter advised the proposed revisions to national planning policy PPG7 (now published as PPS7) would not contain advice on how policy would be delivered and that a consultation exercise on the General Permitted Development Order (GPDO) would be the subject of a public consultation exercise later this year.

Revisions to the Code

9. The Environment Scrutiny Committee have, in taking account of representations, recommended a number of changes to the existing code. For ease of comparison the Appendix has been marked up to clearly show the changes proposed. These include:
 - In paragraph 1 revision to the title of the code. Removal of the words "Spanish type" with the word "temporary" added and other minor wording changes.
 - Paragraph 2 places responsibility upon the grower to notify the relevant Parish Council(s), where more than one Parish Council is involved.
 - Within paragraph 3 the main change is to increase the distance of a polytunnel from a dwelling from 30m to 50m.

- Landscape mitigation measures are requested for sites adjacent to an AONB and encouragement is given to more modern plastic materials which cumulatively would have the effect of lessening the visual impact of polytunnels in and adjacent to an AONB.
 - For the first time a 2 year period is specified for the siting of polytunnels in a particular location. Members will note this is one point growers are unhappy about and who have suggested a longer period is necessary.
 - Lastly, in terms of the guidance note, the growers are requested to store unused polythene away from public view with all wastes removed and recycled.
10. Changes have been made to the Polytunnel Checklist to reflect the legal advice and the changes in the notes for guidance. The particular word 'voluntary' is removed from the opening statement. Additional information is requested in some of the boxes and written confirmation is requested that land has been cleared of polytunnels in accordance with the growers details. Finally, an additional box is added with respect to confidentiality.
 11. The 'Notice to Herefordshire Council' has been altered only in that a grower confirms the relevant Parish Council(s) have been notified.

Legal Implication

12. Counsel, Mr Timothy Jones, has been asked to advise the Council on the current policy as set out in the Code of Practice. He concludes:

"By far the most relevant authority is Skerritts of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions (No.2). The other authorities mentioned above are also relevant. It should be noted that Cardiff Rating Authority v Guest Keen Baldwin's Iron & Steel Co Ltd is not a binding authority in planning law. While appeal decisions will often be helpful in seeing how independent expert decision-makers, namely inspectors, have approached the issue, they are not authorities and should not be treated as such.

In itself the Council's current policy is acceptable provided it is recognised that as its first paragraph states, it does not apply where planning permission is required and that in practice it does not constitute the test for determining whether planning permission is required.

The checklist is clearly useful, but in my opinion could be improved by the addition of the following questions: (a) the maximum height of the polytunnels; and (b) whether and if so what services (e.g. water and electricity) are to be supplied to the tunnels. I have no suggested alterations to the policy. It might be of practical use to establish prima facie (but not absolute) thresholds, which would point to planning permission being required. If this is done, I would advise giving the greatest weight to size and duration of presence, while not falling into the trap of giving no weight to physical attachment and mobility."

13. Counsel's advice has been taken into account in drafting the Code recommended at Appendix 1. Separately the Council has reviewed all instances of polytunnel development that has been brought to its attention to decide in each case whether it is development that requires planning permission and if so what action should be taken.

Alternative Options

Alternative Option 1

As set out in the recommendation above, but the siting shall be restricted to 3 years with no return to the same land within 3 years.

Alternative Option 2

As set out in the recommendation above, but the period of no return to be the same on the growing period.

It is assumed in both these options, consistent with the code, that the polythene cover would not be in place for longer than 6 months in any year.

The first and second options arise from concerns expressed by growers and from some representations. The growers have made it clear they wish to use a site for longer than two years but also would prefer not to have any restriction on returning to the same field for further strawberry growing. The view from objectors is that the amount of time a particular field is used should be restricted with the return period being as long as possible.

Risk Management

In view of the legal uncertainty there will remain a risk of challenge. At this stage the Council is advised that the Code of Practice is lawful and represents a reasonable exercise of the Council's relevant powers and duties.

Consultees

Environment Scrutiny Committee

Mr M Don
Mr P Huyton
Mr E Kelly
Mrs S Kelly
Mr H Morgan
Mrs V Morgan
Mrs V O'Neil
Mrs D Penfold
Mr C Wooldridge
Mr A Davison
Mr E Drummond
Mr G Moor
Mr D Price
Mr A Snell
Mr S Stubbins
Mrs B Heavens
Mr Nash

Background Papers

Review of Voluntary Code of Practice to Control the Siting of Polytunnels in Herefordshire –
23 June 2004
Environment Scrutiny Committee Report – 23 June 2004

~~**VOLUNTARY CODE OF PRACTICE**~~
~~**TO CONTROL THE SITING OF POLYTUNNELS IN HEREFORDSHIRE**~~

THE HEREFORDSHIRE CODE OF PRACTICE FOR THE TEMPORARY
AGRICULTURAL USE OF POLYTUNNELS

1. Introduction

This Code of Practice is intended to apply to the use of ‘Spanish’ type temporary polytunnels ~~only~~ which consist of temporary metal frames, covered with polythene and where produce crops are grown in the existing soil. In addition, the Code of Practice is not intended to have effect where, in the opinion of Herefordshire Council as Local Planning Authority (LPA) on the facts available, that planning permission is required.

2. The Code of Practice

The code requires a grower to provide the LPA with information on a Polytunnel Checklist. This information will be used to determine if planning permission is required.

If ~~the criteria is met,~~ (planning permission is not required), the grower undertakes to provide notice to the Council confirming that notification has been given to the ~~parish~~ relevant Parish Council(s) and nearby neighbours of the intention to erect polytunnels.

3. Terms of the Code of Practice

- Siting of polytunnels will be ~~30~~ 50 metres from the nearest elevation of any dwelling subject to variation of that distance by agreement with that neighbour.
- Within an Area of Outstanding Natural Beauty, the grower will submit a landscape impact statement accompanied by ~~short-term~~ mitigation measures. This may include the use of less reflective coloured ground cover plastic and less luminent polythene (less reflective) on the polytunnels.
 - Outside an area of Outstanding Natural Beauty the grower is encouraged to use less reflective coloured ground cover plastic and less luminent polythene (less reflective) on the polytunnels and to make provision for screening where appropriate.
 - Siting of polytunnels shall be restricted to 2 years (being a complete season) subject to the polyethylene covering being removed from the frames for a minimum period of 6 months in any calendar year.
- ~~Polythene covering of the frames shall be restricted to a time period necessary to meet customer quality requirements subject to a maximum period of 6 months in any calendar year.~~
- Polytunnel framework shall be removed from the land in accordance with the statement on the Polytunnel Checklist.
- Notice will be given by the grower to the Council confirming written or verbal notice has been given to the Parish Council(s) and nearby neighbours.

Polytunnel users will use all reasonable endeavours to -

- Avoid disturbance to nearby residents at unsociable hours.
By best management practice avoid noise nuisance to nearby residents from unsecured polythene, pumps or other activity sources.
- Store unused polythene away from public view, waste polythene to be removed from the land and be recycled.

Compliance with the terms of this code will bring benefits to growers, residents who live near to polytunnel sites and Herefordshire Council, in terms of information and notice.

Herefordshire Council as Local Planning Authority will regard compliance with terms of the ~~Voluntary~~ Herefordshire Code of Practice as a material consideration when investigating any complaint or consideration as to the expediency of instigating enforcement action.

POLYTUNNEL CHECKLIST



The purpose of this checklist is to provide Planning Services with information on which to advise a grower on the need for planning permission. If it is clear from the information provided by the grower that planning permission is required the ~~voluntary~~ code of practice does not apply. A separate checklist form should be completed for each location where a grower wishes to erect polytunnels.

Name and address of applicant	Site of Polytunnel (if different)
Full name	Address
Address
.....
..... Postcode
Tel. No. Postcode

1. Approximate date erection of polytunnels commencing:	
2. Overall size of farm:	
3. Type of crop:	
4. Method of growing – in ground, grow bag on the ground or off-ground:	
5a). Area covered by polythene b) height of polytunnel c) method of irrigation d) any other services connected eg electricity.	a) _____ b) _____ c) _____ d) _____
6. Expected period of time polythene to be in position	
7a. Approximate date of removal of metal hoops, fixings and frames from land: 7b. <u>Written confirmation that land has been cleared shall be sent to Planning Services within one month of 7a.</u>	
8. Method of disposal of waste polythene:	
9. Location plan enclosed:	Yes / No
10. <u>Landscape impact statement – i.e. Within and adjacent to an AONB submission of a landscape impact statement to include a map showing where polytunnels can be viewed from and proposed mitigation measures. E.g. leaving hedges untrimmed, erecting grey/green mesh wind breaks, tree planting.</u>	Yes/No
<u>Do you wish the information provided to remain confidential</u>	Yes / No

Signed (Applicant/Agent)

Date

Notice may be sent to the Local Planning Authority by Fax: 01432 261970, or to: Planning Services, PO Box 230, Blueschool House, Blueschool Street, Hereford, HR1 2ZB.

THE CHILDREN'S BILL

PROGRAMME AREA RESPONSIBILITY: CORPORATE STRATEGY AND FINANCE, EDUCATION AND SOCIAL CARE AND STRATEGIC HOUSING

CABINET

14TH OCTOBER, 2004

Wards Affected

County-wide

Purpose

To address the Council's approach to the Children's Bill and specifically its approach to the appointment of a Cabinet Member with responsibility for Children's Services.

Key Decision

This is a Key Decision because it is significant in terms of its effect on communities living or working in an area comprising one or more wards. It was included in the forward plan.

Recommendation

- THAT**
- (i) Cabinet addresses the issue of the appointment of a Cabinet Member for Children's Services at its meeting on 21st October, 2004 when it has available the report of the Constitutional Review Working Group;**
 - (ii) Cabinet at that meeting gives consideration to the designation of an interim appointment pending the formal approval of the change to the Constitution by Council at the November Council meeting;**
 - (iii) Cabinet gives consideration to the two options before proceeding to the appointment of a Director of Children's Services:**
 - Option 1 - to proceed to an immediate appointment of Director of Children's Services.**
 - Option 2 - to proceed to the appointment of an interim Director of Children's Services, either**
 - (a) on the basis of a restricted advertisement to eligible internal candidates; or**
 - (b) on the basis of an external advertisement for an interim Director of Children's Services;**
 - (iv) the Chief Executive and Head of Human Resources be authorised to take the necessary steps to advise the Director of Education, the Director of Social Care and Strategic Housing and the Acting Director of Social Care and Strategic Housing of the potential impact of those changes on their existing contracts with the Council.**

Further information on the subject of this report is available from
N.M. Pringle, Chief Executive on (01432) 260044

Reasons

To establish the Council's initial response to the Children's Bill so that the Council is in a position to respond promptly upon the Bill receiving Royal Assent.

The Children's Bill

1. At the risk of over-simplifying the Children's Bill, it is in essence a piece of framework legislation which provides the basis for structural change. Sections 7 - 9 which include Section 7: Co-operation to Improve Well Being; Section 8: Arrangements to Safeguard and Promote Welfare; and Section 9: Information Databases, are designed to promote a different background against which councils will participate in the provision of services to children through existing public bodies.
2. There are extensive powers for the Secretary of State to issue guidance, the contents of which are currently undisclosed. It is known, however, that the guidance is in an advanced stage of drafting and there is much informed speculation as to the extent of that likely guidance.
3. There are also provisions in the Bill which reserve the right to specify appointed dates for a number of the provisions, in particular the appointment of a Director of Children's Services, a Director of Adult Services and a lead Member for Children's Services.
4. Local authorities that are Children's Services authorities for the purpose of the Bill (and Herefordshire Council is such an authority) are currently required to appoint a Chief Education Officer and a Director of Social Services. Those requirements are removed when authorities exercise their power under the Act to appoint a Director of Children's Services and a Director of Adult Services. The Bill makes it possible for local authorities to make these appointments and gives the Secretary of State a power to require them to do so by Order at such time as he thinks appropriate.
5. The County Secretary and Solicitor confirms that the Bill is constructed in such a way that the obligation to appoint a statutory Director of Education ceases once an appointment is made to the post of Director of Children's Services. The obligation to maintain the appointment of a Director of Social Services continues however until such time as an appointment is made to the post of Director of Adult Services. At the point when the appointment of a Director of Children's Services is made, the then Director of Social Services would cease to have responsibility for Social Services to young people.
6. The manner in which the Bill is constructed appears to prioritise the appointment of a Director of Children's Services over that of Director of Adult Services and that is reflected in the steps that a number of authorities have taken to appoint a Director of Children's Services in advance of the Bill receiving Royal Assent. Equally, some authorities have tackled the issues simultaneously, in some cases taking the opportunity to combine the management of Adult Services with other authority functions.
7. There appears to be no provision in the Bill to prevent the posts of Director of Children's Services and Director of Adult Services being combined and undertaken jointly but the whole tenor of the explanatory notes which accompany the Bill is predicated on the basis of those posts being maintained separately. There is the potential through the issue of guidance by the Secretary of State and the nomination by the Secretary of State of the appointed date to ensure that separate posts are

maintained from the appointed date.

Practical Considerations

8. What this section of the report seeks to do is to illustrate some of the considerations which need to be taken into account before looking at the options which might be available to the Council. The inherent dilemma posed by the Bill is that it is essentially about introducing a cultural change to the way in which the main publicly provided services through Education and Schools, Social Services, Health, the Youth Service, Connexions, etc. centre on the child rather than on organisations or institutions. The vast majority of professionals who operate in the field would subscribe to those principles.
9. The dilemma is that one of the imperatives for cultural change is leadership. It is difficult to provide that leadership without addressing some of the structural changes heralded in the Bill. There have been past indications of flexibility being included in the Bill (and/or guidance) to enable local discretion on the part of Social Services and Education authorities which are very different in their make up and the communities they serve. It is realistic now, however, to proceed on the principle that there will be little flexibility in relation to the appointment of a Director of Children's Services and Director of Adult Services.
10. Whilst both the Society of Education Officers and the Association of Directors of Social Services have recognised many of the strengths of the Bill, they have perhaps unsurprisingly expressed that support with slightly different emphases. Whilst many of the concerns they have respectively expressed have been legitimate, they have added to the complication of providing local leadership.
11. Against the background of the previous paragraph, it will be important to take account of the discipline of the individual chosen to take the Children's Services' portfolio and to ensure that in any further restructuring sufficient prominence is given to the discipline not represented by the qualifications of the appointed Director of Children's Services, i.e. if the Children's Services Director is a former Director of Education, it would be important in the ensuing structures to give appropriate support to the Social Services disciplines within Children's Services. Equally, if the individual appointed as Director of Children's Services was, say a former Director of Social Services, it would be important to give due prominence to the individual who will head up support to the Educational institutions, i.e. schools. Whilst it is important not to overplay the point, experience elsewhere to date has indicated that dealing with the anxieties of schools has been more problematic than dealing with the anxieties of those involved in children's social work services. This needs to be carefully considered in deciding how to proceed.
12. Section 16 of the Bill which deals with Joint Area Review is particularly important. Those clauses provide for a unified approach to the inspection of Children's Services in a local authority area. These contemplate reviews of all Children's Services provided in the area of each local authority in England, a process which is to be known as "Joint Area Review". The authority has had a number of inspections within Social Care in recent years: the Joint Review 2003; Supporting People 2003; Adoption 2004; Older People's Services 2004. There would, therefore, be no particular imperative for an inspection from the Social Care perspective, although it is important to note that the last inspection of Children's Services was 2001.
13. This needs to be contrasted, however, with the position in Education where there was an anticipated Ofsted of the local education authority in the current year. The

usual convention is to notify Ofsted inspections at least two terms in advance. No notification has been received to date. The consultation paper on Joint Area Reviews had indicated that it was unlikely that the Ofsted process would continue beyond April, 2005. There may be exceptions where authorities are experiencing particular difficulties but there is no indication of that experience in Herefordshire.

14. This position has now been further confirmed by receipt of the undated letter from the Audit Commission received here on 23rd September, 2004, a copy of which is attached as Appendix 1.
15. The importance of this point is that it makes it highly likely that this Council will be one of the early authorities to experience a Joint Area Review and new style corporate assessment. The importance of this slightly complex point is that any inspection team would examine carefully the authority's response to planning for the Children's Bill (Act) and to see how that had been reflected in practice at the time any inspection took place. It is fairly obvious that this would be a material consideration for any inspection team.
16. As reported to Cabinet in July, work has already commenced at a practical level on the practicalities of integration of some aspects of Children's Services currently carried out within Education and Social Care and Strategic Housing. Mrs. Ann Heath and Mr. Henry Lewis are currently leading this group with support from further representatives from the Youth Service, Education and Social Care and this report is written with the benefit of their initial advice.
17. The above points are not an exhaustive list of the considerations but it is intended to provide for Cabinet a broad framework of the pressures which exist.

The Way Forward

Appointment of Lead Member for Children's Services

18. It is important to address this issue as soon as possible and there is the potential to do so either in advance or alongside the proposals for the appointment of a Director of Children's Services. This will need some re-alignment of the current Cabinet portfolios but it would be possible to designate a Member to undertake that role in advance of formal amendment to the Constitution.
19. This matter has been raised within the Constitutional Review Working Group and their recommendation is due to be the subject of report to Cabinet on 21st October.

Appointment of Director of Children's Services

20. This has been seen by most authorities as a priority and a significant number of authorities have already advertised and/or made such appointments. The appointments have been made on a number of different bases depending on local circumstances but pending the passage of the Children's Bill have had to be made on the basis of continuing to fulfil the obligation to maintain the statutory posts of Director of Education and Director of Social Services although that has most frequently been achieved by co-designating the role of Director of Children's Services with one of those other statutory posts.

Director of Adult Services

21. There have so far been very few appointments to the post of Director of Adult Services although in a minority of examples it appears that Adult Services have been placed with a wider range of Adult and Community based services.

Way Forward - Options

22. There are numerous options but most are based on two possible themes.
23. A move to immediate permanent appointments - this would require the open advertisement of the new posts of Director of Children's Services and Director of Adult Services for one or other of those posts. There are issues that would have to be considered in relation to local succession. There are both advantages and disadvantages of proceeding in that way. The guidance and the appointed dates would be particularly important. It is anticipated that priority would be given to filling the position of Director of Children's Services but the Council would not be in a position to complete that exercise and to see the successful applicant take up the post until April/May next year at the earliest. That raises the question of whether that would provide sufficient time and stability to address the challenge of self-assessment and an early Joint Area Review/corporate assessment. There would also be further structural issues for the Council to address in considering an appointment to the Director of Adult Services.
24. The making of an interim appointment or appointments to cover the roles of Director of Children's Services and Director of Adult Services or both. It would be possible to go out to advertisement for an interim appointment on a national basis but that of course would negate some of the principal advantages of moving forward to an interim appointment. One of the main advantages of an interim appointment of Director of Children's Services is that it enables an immediate start to be made on the agenda with the successful appointee already understanding the local context. The length of the interim appointment is directly connected to the appointed date set by the Secretary of State but in going forward with an interim appointment, the Council would be able to review the position during the course of the appointment. There would be every advantage in seeking to use the maximum period afforded by the eventually appointed date. The initial indications were that that would be at some point during 2007 but there does now appear to be a prospect of that final date being extended to 2008. If the appointment of an interim is confined to existing eligible staff then that would involve consideration being given at the meeting to the position of particular employees and a summary of the position has been prepared which will be circulated as a separate confidential report.
25. The Chief Executive has asked that it be made clear that he believes that it will be necessary to consider with the individual appointed to any interim position the impact of any final recommendations in relation to Children's Services on the remaining senior management of the authority. That is likely to involve a wider review of the senior management structure. The timing of that would also have to be discussed.

Conclusion

26. This report has been considered in draft form by the Panel appointed by Cabinet to consider these issues. The Panel comprises the Leader of the Council, the Cabinet Member (Education) and the Cabinet Member (Social Care and Strategic Housing). Both options are before Cabinet for consideration but the Panel will offer its views on the two options at the meeting of Cabinet.

Alternative Options

As detailed in the report.

Risk Management

There is a reputational risk to the Council as well as a potential service risk if it does not address the challenge of the Children's Bill (Act) in a timely manner.

Consultees

As detailed in the report.

Background Papers

None identified.

Mr Neil Pringle
Chief Executive
Herefordshire Council
Brockington
35 Hafod Road
Hereford
HR1 1SH



Dear Colleague

Corporate Assessments and Joint Area Reviews

The purpose of this joint letter is to share with you our current thinking and intentions about the timing for corporate assessments and joint area reviews from 2005.

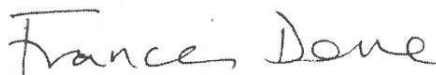
Ofsted, in its lead role for the joint area review programme, and the Audit Commission with its responsibility for corporate assessments are committed to ensure that we undertake our regulatory activities in a co-ordinated and proportionate fashion.

We have consulted on various timetable options and concluded that the best arrangement will be to seek to align the two processes as closely as possible, in most cases conducting these assessments simultaneously. We believe that an approach which has a shared self assessment process, a common spine of inspection and review activity and common timelines for reporting has most potential to work in the best interests of local government. We believe it will minimise duplication and reduce unnecessary burdens, as well as being more cost effective. It is likely that the first corporate assessment/joint area reviews will be in September 2005.

We are therefore jointly revisiting aspects of our draft assessment methodologies, working with our respective reference groups and partners in central and local government. We anticipate that we will be able to consult on the detail of our aligned approaches to assessment by the end of November. At the same time we hope to publish our assessment timetable for 2005/06 and the indicative programme for the following two years.

Inevitably, as the programme will need to be jointly agreed between the Audit Commission, Ofsted and CSCI, the proposed programme will differ from that previously proposed in our consultation paper "CPA 2005 – the way ahead" published in January 2004. I appreciate that this may cause concern to some authorities, but it is unavoidable if we are to deliver inspection proportionately and in co-ordination with other inspectorates. We hope through effective joint working to minimise the burden on local government of our inspection regimes.

Kind regards.



Frances Done – Managing Director, Local Government

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