

MINUTES of the meeting of CABINET held at THE COUNCIL CHAMBER, BROCKINGTON, 35 HAFOD ROAD, HEREFORD on Thursday, 22 January 2009 at 2.00 p.m.

Present: Councillor RJ Phillips (Chairman)
Councillor (Vice Chairman)

Councillors: LO Barnett, AJM Blackshaw, JP French, JA Hyde, PD Price and DB Wilcox

In attendance: Councillors PJ Edwards, TM James, RI Matthews, SJ Robertson, WLS Bowen and AT Oliver

75. APOLOGIES FOR ABSENCE

Apologies were received from Councillor H Bramer, Cabinet Member Resources and Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

Apologies were also received from Councillor ACR Chappell Labour Group Leader and Councillor GFM Dawe, Alliance Group Leader.

76. DECLARATIONS OF INTEREST

There were no declarations of interest made.

77. MINUTES

RESOLVED: That the Minutes of the meetings held on 20 November and 18 December 2008 be approved as a correct record and signed by the Chairman subject to deletion of the following typographical error on page 7 (20 November 2008 minutes) 'delete - Cabinet Member for Corporate Strategy and Finance'.

78. SCRUTINY REVIEW OF DAY SERVICES FOR OLDER PEOPLE

Prior to the formal consideration of the report, the Leader advised Cabinet that the Interim Director Adult Social Care, Eleanor Brazil was attending her last Cabinet prior to her departure from the authority on 27 January 2009. He placed on record his thanks for the considerable work which had been undertaken during her time with Herefordshire Council. The Cabinet Member Social Care and Adults echoed these sentiments.

The report was introduced by the Cabinet Member Social Care and Adults who commended the work undertaken by a Scrutiny Review Group, under the chairmanship of Councillor Bowen. The Cabinet Member stated that the review group had done a thorough job and had outlined clear recommendations for action. In acknowledging that the formal process of the Cabinet receiving the report's recommendations had not been fully adhered to, the Cabinet Member stated that work had progressed in line with the action plan in order that better quality day services were being delivered.

The Interim Director Adult Social Care, in response to a question regarding the level of predicted rise in the number of older people, stated that the figures were based on information gained through the census and a comprehensive Needs Analysis undertaken during 2007 which informed the prediction of service needs for the next 20 years. These services would need to address a predicted marked rise in the 85+ year olds group and in dementia sufferers. The Leader stated the predicted rise would equate to an additional 20% with more intensive and costly care required to support the needs of the older community.

Following comments from the Chairman of Strategic Monitoring Committee it was confirmed that it was deemed best practice for the Executive to receive scrutiny reports within two months of the report's receipt by the Cabinet Member.

The Cabinet Member Social Care and Adults and supporting officers were complimented for taking on board the recommendations of the scrutiny review and for implementing changes in a timely manner, however Members requested clarity on the recommendations and accompanying action plan for consideration at a future Cabinet meeting.

The Chairman of the Review Group commended the report for approbation and thanked officers and service users for their input into what was a complex and difficult area; he was further complemented on the production of a well researched report.

The Cabinet Member Economic Development and Community Services stated that service configuration of specific day care centres would be the subject of a report to a future meeting of Cabinet, following consultation with staff and service users, this was welcomed by Members in attendance as an opportunity to consider the benefits of the cost effectiveness of localised facilities. A report on day care contracts was proposed for consideration by Cabinet during May 2009.

The Leader thanked the Members of the Scrutiny Review Group and stated that whilst consideration of the modernisation agenda of any service provision was difficult, current care provision could not be sustained to support the predicted increase in the levels of need.

RESOLVED That:

The proposed response to the recommendations arising from the Scrutiny Review be approved in principle.

Cabinet also agreed that the recommendations and action plan be rewritten (and clarified) and resubmitted for formal approval.

79. AMEY SERVICE DELIVERY REVIEW

The Chairman reminded Members that Cabinet had authorised the commencement of negotiations with Amey at its meeting in September 2008. The report for consideration sought agreement to conclude the service delivery review, which, following negotiations had secured commitment from Amey to key principles which would achieve the objectives of a minimum of £1million savings per annum and improved service delivery.

The Director for Environment and Culture outlined the key principles which defined the future basis on which service delivery would be carried out and the means by which performance and value for money of those services would be assessed and managed. The Director emphasised the focus on outcomes, as opposed to outputs, and stated that there would be an important shift from an operational focus of service

delivery to supporting the wider community and the broader Community Strategy. The high degree of uncertainty suffered by current staff affected by the review was acknowledged and it was stated that subject to the Cabinet's agreement of the report's recommendations, the staff in the scope of the review would be given formal notification of a potential TUPE transfer.

The inclusion of the reference of 'Improved direct local engagement with ward members and parish councils by Amey staff to ensure clear, direct points of contact' was welcomed by the Chairman of SMC and it was further hoped that this principle would reduce the level of double working which currently occurred. The Director assured Members that there was a clear role for Amey in contributing to key performance indicators including those relating to sustainability and social factors. It was acknowledged that it was necessary to ensure that value was added in the delivery of services and that importance was placed on working closely with voluntary groups, parish councils, and other organisations for the benefit of the people of Herefordshire.

In response to a question relating to the Council's representative on the Strategic Partnership Board (as outlined in section 4.4, page 17), the Leader advised Members that the representative would be determined by the Leader.

The Acting Director of Resources, responding to a question seeking clarification on the methodology used to demonstrate savings, advised Members that he had recently met with the relevant Directors from Amey to ensure and verify the methodology used to define savings in the contract negotiations and that such savings were being tracked and demonstrated. Members were advised that a methodology to capture and track non-cashable savings would also be established.

Responding to a question on the share value of Amey Wye Valley, the Director of Environment and Culture stated that, in order to demonstrate due diligence, independent advice was being sought as to the current share price valuation, although it was expected that the sum would not be significant.

The Cabinet Member Highways and Transportation stated that whilst the service delivery review was a good move in the right direction it was important to ensure that appropriate challenge was made, and assurance sought, on securing the principles outlined in the report. It was stated that the authority did not aggregate responsibility for the service delivery and that the establishment of a Client Team would provide a robust mechanism by which service provision could be assessed. In commending the report to Cabinet, the Cabinet Member Highways and Transportation advised the meeting that the new arrangements would provide decent return on investment and would ensure efficiencies; it was also reported that no compulsory redundancies were expected as vacancies due to natural wastage had to date been filled by agency staff.

In responding to a question from a Member in Attendance regarding the value for money and cost effectiveness of contracts, the Acting Head of Highways stated that monitoring was a key role for the Client Team. Members were informed that there would be an open book accounting process which would provide the Client Team with the opportunity to assess contract prices, additionally the Client Team would undertake sampling on schemes and would also consider prices against comparable marketplace benchmarking information.

Members thanked the Director of Environment and Culture and his team for their efforts in undertaking the service delivery review.

RESOLVED that:

- (a) The principles set out in the report be agreed.**
- (b) The detailed negotiations that follow from the principles in the report be concluded under the authority of the Chief Executive.**
- (c) The staff in the scope of the review (as identified in the report) be given formal notification of a potential TUPE transfer.**

80. HEREFORDSHIRE PARTNERSHIP GOVERNANCE REVIEW

Following the introduction of the report by the Leader, the Acting Partnership Manager presented the outcomes of the Herefordshire Partnership Governance Review and outlined the impact of the new structure on performance management and achievement of outcomes for the local community.

Whilst acknowledging the new structures proposed, Members requested that a review of the effectiveness of the governance structure be carried out within two years to ensure that the objectives were being achieved.

Responding to a question from a Member in Attendance, which sought assurance that existing budgetary commitments (eg rural bus subsidy) would be honoured by Herefordshire Partnership in overseeing the delivery of the 'central pot' of Area Based Gant (ABG), the Leader stated that the establishment of an ABG has raised the expectations of many people, however it was stated that Partners needed to recognise that much of the 'central pot' did not consist of new monies. An acknowledgement was required by all Partners of the consequences of diverting current 'specific budgets' to other areas of activity.

The Acting Director of Resources stated that the ABG would contain a significant amount of money, however the Council could not ignore known committed expenditure. The allocation of the ABG would need to align with the authority's strategic direction and must be realistic.

The Chairman of SMC commented that the Herefordshire Partnership was widely applauded and would be at the forefront of aligning monies, however he expressed concern regarding, the limited involvement of elected Members, the apparent lack of checks and balances regarding the Partnership, and highlighted that the sole reference to scrutiny within the report was that of self scrutiny. He also expressed the view that a statement on the development of a Member Reference Group (page 32) should be highlighted earlier in the report. The question was posed as to how elected members would input into the future of the Herefordshire Partnership Board?

In response, the Leader informed Members that a review of the governance structures of Herefordshire Partnership was required to better reflect the current Local Strategic Partnership (LSP) arrangements. It was recognised that the responsibility for commissioning and delivering activities through the ABG and the overall control of monies could be seen as a political issue, as could the budget held by the NHS which had little democratic accountability to the people of Herefordshire. However, the Leader stated that elected members should be seen as accountable in ensuring that the ABG was being delivered appropriately to their communities. Responding to the issue of scrutiny, the Leader reminded Members that the LSP and other partners were open to scrutiny as guardians of the public spend and that the scrutiny process was an avenue open to ensure that such bodies were open to constructive challenge.

The Chief Executive commented that; the Policy and Development Delivery Groups would be established from existing groups, most of which currently had Member involvement; the Partnership arrangements were open to scrutiny from the Council's scrutiny process; the local authority was the accountable body for Herefordshire Partnership and therefore formally accountable for the delivery of the ABG, the organisation therefore had a clear responsibility to ensure the governance arrangements for the Partnership were effective. The new arrangements provided clarity that the Leader of the Council was Chair of the Partnership Board, however this did not preclude other members from the authority being Board representatives.

The Cabinet Member Social Care Adults commented that whilst the new structures of governance were welcomed, there had been a perception of the Partnership being a 'talking shop', and assurance was sought that action would be taken to ensure positive results for the benefit of the community at large. This sentiment was echoed by a Member in attendance who stated that public perception was important and that currently no positive outcome could be discerned from the body as the benefits delivered by Herefordshire Partnership did not seem to be widely communicated. It was suggested that a report be presented annually to Council to outline the positive outcomes of the Herefordshire Partnership.

The Leader stated that several benefits had come out of work undertaken by the Herefordshire Partnership Board, not least ensuring a joint clear understanding of the impact of the current economic climate for the county and by bringing on board additional Partners such as Job Centre Plus to ensure a holistic approach in tackling the challenges. Other benefits of the Partnership have been to provide advice and support to businesses and to amend priorities and steer funding where appropriate.

The Chief Executive reminded Members that the Herefordshire Partnership was itself made up of a number of partnerships which included the Children's Trust and Crime and Disorder Partnership, and that there was tangible evidence of these partnership's achievements. It was emphasised that a constant reminder was required to ensure the delivery of real outcomes with a focus on macro issues eg economy, skills, and not about the management of complicated governance structures and co-ordination issues.

Responding to a question, the Leader stated that meetings of the Herefordshire Partnership Board were not held in public, but that consideration would be given by which Members were appropriately informed of issues addressed. It was stated that a seminar would be held to inform Members of the impact to the county of the economic climate. It was stated that Government Office for the West Midlands (GOWM) would maintain a watching brief over the LSP delivery.

RESOLVED that

- (a) **The outcomes of the review and the new governance structure be noted**
- (b) **A review of the governance structure be carried out in two years; and**
- (c) **Cabinet be provided with clarity on Herefordshire Partnership Board membership.**

81. OFSTED APA OUTCOMES FOR CHILDREN'S SERVICES 2008

The Cabinet Member Children's Service introduced the report on the outcomes of the recent 2008 Annual Performance Assessment (APA) inspection of Children's Services and informed Cabinet that good progress had been made since the last

APA. The Cabinet Member stated that it was encouraging to note that it had been assessed that the Council's capacity to improve its services for Children and Young People was good.

In presenting the report to Cabinet, the Director for Children's Services informed Members that the APA results demonstrated that the authority had built on its past experiences which included progressing out of Government Office intervention in the Autumn 2007. The Director echoed the Cabinet Member's sentiments that it was pleasing to note that the service had capacity to improve and that it had been acknowledged that the Directorate was making stepped progress.

Members' attention was drawn to the five outcomes in the report which also reflected the work of other partner organisations. It was recognised that whilst progress had been achieved, it was important not to be complacent and that continued improvement would be sought in working with partners across all outcomes, with a particular focus around safeguarding. The Director advised Members of the introduction of new systems that had been put in place following a miscalculation (relating to a family of three children) which resulted in a substantial negative impact on the authority's performance in relation to the Child Protection Register. It was recognised that safeguarding currently had a national profile, however the Director sought to assure Members that regardless of the national profile, safeguarding was of high importance to the authority and that working practices and systems were being assessed to ensure their robustness; safeguarding was everyone's responsibility. The investment and introduction of the Framework IT system which monitored and supported the process of casework had provided the added benefit of maintaining and motivating social workers, however it was acknowledged that whilst the authority was actively working towards meeting the target for the recruitment of social workers this was a known area of national shortage.

The Chief Executive, in responding to a question posed by a Member in attendance, stated that no authority could give categorical assurance that a tragedy such as had been recently related in the national press would not occur in their area, however it was incumbent on the authority to ensure that systems and processes worked together with good staff to support all children who have Child Protection Plans and to ensure that they had access to a range of services.

Responding to a comment relating to the recruitment of social workers the Leader reminded Members that the authority had been innovative in their method of recruitment, however, he stated that the adverse publicity relating to the role of social workers may have an impact on what was an already acknowledged shortage. It was emphasised that whilst it was important to retain a sense of balance on such issues, it was essential that vigilance be maintained and that social workers continue to be supported and encouraged in their role. The importance of the Criminal Records Bureau checks was also highlighted.

The Director of Children's Services, responding to a query from a Member in attendance, stated that social workers were encouraged to seek a second opinion if they deemed it necessary. Colleagues were encouraged to foster a transparent approach to their work which was further supported by training opportunities.

The Cabinet Member Children's Services reminded Cabinet that all councillors were Corporate Parents and had specific responsibilities to fulfil within that role.

The Chairman of SMC welcomed the vast improvements highlighted within the APA, however he drew Members' attention to the fact that the attendance of looked after children was weaker than in similar councils and that there were high levels of dissatisfaction amongst young people with the range of local activities and places for

them to go.

The Leader expressed sadness that the bureaucratic processes aligned to volunteering was a factor in the decline of the number of individuals willingly giving their time to support activities attended by young people.

In responding to a question posed regarding a written plan for youth, the Director of Children Services stated that the expectations placed on the Youth Service provision had changed and a dialogue on next steps was being progressed. Members were advised that the Government agenda had moved dramatically from universal availability, to that of a more targeted, interventionist approach focussing on needy children. It was acknowledged that whilst the Youth Service budget was relatively small, it had been historically underspent, due in most part to establishment costs. The Cabinet was also reminded of the extended schools initiative where a variety of services and support were delivered locally.

In supporting the important focus of the authority in safeguarding and the role of social workers in particular, a Member in attendance emphasised the need to ensure that the fundamental systems and processes were in place and that they were robust.

The Cabinet Member for Corporate, Customer Services and Human Resources praised the work of the Directorate but drew attention to the fact that not all Members, herself included, considered themselves to be Corporate Parents as they were not fully aware of the responsibilities which accompanied such an important role. Training was required to clarify the role of Councillors in their role as Corporate Parents. In addition, the Cabinet was advised that it was important to engage in constructive and meaningful dialogue with schools, which did not, under the provisions of the Act, have to be represented on the Children's Trust; such dialogue was especially important with the development of the locality teams. The Cabinet Member commented that the extended schools initiative may not be delivering services and support consistently across the county and suggested that this disparity be looked into. In reflecting on the review of the Youth Service, the view was expressed that as the service was cross-cutting in its nature that Directors, through the Joint Management Team, be tasked to consider some blue sky thinking on the issue.

Responding to comments raised, the Director advised Members that within Herefordshire, schools were proactively involved with the Children's Trust and that safeguarding was high on the agenda. Cabinet was advised that historically funding to support the extended schools initiative came from the Department for Children, Families and Schools and that once delegated to schools funding had been spent in differing ways. The Director took on board the specific comments relating to the disparity of service provision under the extended schools initiative.

The Chairman of Children's Services Scrutiny Committee commended the APA report and the work done to achieve such improvements. It was emphasised that safeguarding was the responsibility of all and that there was a need to ensure that regular monitoring and evaluation took place. The Chairman advised Cabinet that during a recent conference on Adult and Children's Services, recruitment and retention of social workers was a recurring concern expressed by delegates. The approach fostered by the authority, working with the University of Worcester, to develop potential social workers was commended and expressed the need to encourage potential interest in the profession. Members were informed that the Directorate's performance indicators were regularly monitored and that a seminar for all Members would be co-ordinated in the future. In relation to the youth service, the Member stated that she and the Committee would await with interest the changes

proposed.

RESOLVED that:

- (a) **Cabinet note the content of the report and commend staff and partners on the progress made this year.**
- (b) **Cabinet note the areas for improvement for the coming year – particularly safeguarding – in preparation for the forthcoming anticipated CAA inspection in 2009.**

82. COUNCIL EMPLOYEE OPINION SURVEY 2008

The Cabinet Member Corporate, Customer Services and Human Resources presented the report on the results of the Council's eighth Employee Opinion Survey 2008 and highlighted that 50% of employees had submitted a response to the survey. Whilst this response was higher than the average response rate for local government, the Cabinet Member stated that an increase in the percentage of employees responding to future surveys would be welcomed. In drawing Members attention to paragraph 5 of the report which highlighted a 6% rise in the level of disagreement that action would be taken in light of the survey feedback, the Cabinet Member stated that assurance would be required that action would be taken in light of survey results. The work undertaken by the Resources Directorate and West Mercia Supplies were highlighted as good practice. The Cabinet Member emphasised the need for the Staff Review and Development (SRD) process to be a positive one which produced targeted outcomes and expressed disappointment by the deterioration in the statement that 'the SRD was a worthwhile discussion' (page 57).

The Assistant Chief Executive Human Resources and Organisational Development (HR & OD) stated that there were a number of very positive results in the survey but that it was necessary for demonstrable action to be taken to address concerns raised in the survey and that corporate, directorate and service action plans would be developed to tackle concerns. These action plans would be communicated widely to staff. In relation to the SRD documentation, it was reported that this would be redrafted to make it easier for all to use. Directorates were accountable for the completion rates of SRDs within each of their service areas.

Responding to a question raised by a Member in Attendance about whether the deterioration in some statements indicated a level of dissatisfaction within the authority, the Assistant Chief Executive HR & OD stated that with the amount of organisational change experienced by staff it was inevitable for fluctuation to exist in results from year to year, however an Action Learning Group would be looking to identify any lessons that can be learnt from handling organisational change so that the organisation can continue to improve. In highlighting areas of strength, the Assistant Chief Executive HR & OD stated that the Council compared well in statements relating to, communications and organisation; equality and treatment; bullying and harassment; health and safety.

A Member in attendance observed the low survey responses from the Children's Services and Adult Social Care Directorates and asked whether there was a particular reason for the low rate from staff in these two front line services. In response the Assistant Chief Executive HR & OD advised Members that she was not aware of specific issues but would seek feedback from the relevant Directorates.

RESOLVED that:

The decisions of the Joint Management Team of 1 December 2008 regarding the Council Employee Opinion Survey be noted and that a report be provided to Cabinet in April 2009.

It was noted that the Joint Management Team (JMT) agreed for the first time the key corporate themes for action should be captured and addressed in the action plan of the organisational development strategy for 2009/10.

The JMT also approved the model adopted by the Resources Directorate for communications and action planning resulting from Employee Opinion Survey feedback, for implementation by all Directorates.

JMT advised Directorates of the need to take action to address employee feedback in those areas showing significant deterioration in responses from the 2007 survey.

83. LOCAL DEVELOPMENT SCHEME

Cabinet considered a report which sought their approval for the revised Local Development Scheme (LDS).

The Planning Policy Manager (PPM) advised Members that the report outlined the need for the Council's LDS, a statutory requirement of the Planning and Compulsory Act 2004, to be up to date and stated that it was a requirement placed on local planning authorities to publish a statement of how their forward planning work would be organised over a three year period. Members were referred to a diagram on page 93 of the report which illustrated (in the form of shaded boxes) those development plan documents for which approval was sought and their relationship with the wider Local Development Framework and associated publications. In referring to the diagram, the Planning Policy Manager advised Members that the Community Infrastructure Levy was awaiting secondary legislation and once this had been determined, the issue would be the subject of a report to Cabinet at a later date.

Responding to a question raised by a Member in Attendance regarding parish councils being consulted at an early stage in the process, the Planning Policy Manager stated that a consultation document had been widely circulated and commented upon.

Members were advised that the Community Plan would be informed by the LDS process and that the evidence base used reflected information contained within existing resources and technical studies.

In response to a Member in attendance, the PPM stated that it was acknowledged that the economic climate was challenging, however it was necessary to have a robust strategy in place to ensure that planning remained proactive in enabling the required infrastructure and housing.

The Leader reminded Members that Herefordshire was a priority area for funding to be allocated to the county from the Homes and Communities Agency. The report being considered sought to confirm a body of work which had been progressed for some time, reflecting the extension of the UDP. The Leader stated it was important to get the vision right for Hereford City as this area had a significant impact on the economic, health and educational hinterland.

The PPM, responding to a question regarding housing standards stated that one of the supplementary planning documents would specify design standards, however this was not before Cabinet for decision at this meeting.

RESOLVED that:

The revised Local Development Scheme be approved and have effect from 28 February 2009.

84. HEREFORDSHIRE AND WORCESTERSHIRE WASTE ARRANGEMENTS

Cabinet discussed the Herefordshire and Worcestershire Waste Arrangements report and agreed the recommendations.

The meeting ended at 4.00 p.m.

CHAIRMAN