

# AGENDA

## Overview and Scrutiny Committee

Date: **Friday 13 April 2012**

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Time: **10.00 am**

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

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

**Paul James, Democratic Services**

Tel: 01432 260239

Email: [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk)

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# Agenda for the Meeting of the Overview and Scrutiny Committee

## Membership

**Chairman**  
**Vice-Chairman**

**Councillor A Seldon**  
**Councillor JW Millar**

**Councillor AM Atkinson**  
**Councillor PL Bettington**  
**Councillor WLS Bowen**  
**Councillor MJK Cooper**  
**Councillor PGH Cutter**  
**Councillor EPJ Harvey**  
**Councillor MAF Hubbard**  
**Councillor RC Hunt**  
**Councillor TM James**  
**Councillor Brig P Jones CBE**  
**Councillor JLV Kenyon**  
**Councillor R Preece**  
**Councillor SJ Robertson**  
**Councillor P Rone**  
**Councillor PJ Watts**

**Non Voting. For  
Education  
matters only**

**Mr P Burbidge – Roman Catholic Church**  
**Miss E Lowenstein – Secondary School Parent Governor**  
**Mr T Plumer – Primary School Parent Governor**  
**Mr P Sell – Church of England**

## GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

### What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

### What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

### What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

### What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

## AGENDA

		Pages
1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the Minutes of the meetings held on 5 March and 19 March 2012.</p>	1 - 12
5.	<p><b>SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY</b></p> <p>To consider suggestions from members of the public on issues the Committee could scrutinise in the future.</p> <p><i>(There will be no discussion of the issue at the time when the matter is raised. Consideration will be given to whether it should form part of the Committee's work programme when compared with other competing priorities.)</i></p>	
6.	<p><b>QUESTIONS FROM THE PUBLIC</b></p> <p>To note questions received from the public and the items to which they relate.</p> <p><i>(Questions are welcomed for consideration at a Scrutiny Committee meeting so long as the question is directly related to an item listed on the agenda. If you have a question you would like to ask then please submit it <b>no later than two working days before the meeting</b> to the Committee Officer. This will help to ensure that an answer can be provided at the meeting).</i></p>	
7.	<p><b>TASK &amp; FINISH REVIEW - PLANNING SYSTEM REVIEW - DEVELOPMENT CONTROL AND THE OPERATION OF THE CONSTITUTION</b></p> <p>To consider the findings arising from the Task &amp; Finish Group – Planning System Review – Development Control and the Operation of the Constitution and to recommend the report to the Executive for consideration.</p>	13 - 38
8.	<p><b>WORK PROGRAMME</b></p> <p>To consider the Committee's work programme.</p>	39 - 62
9.	<p><b>URGENT AGENDA ITEMS</b></p> <p>In accordance with the Constitution at 4.2.6.1 the Chairman of the meeting may consider that for reasons of special circumstances, an item should be</p>	

considered at the meeting as a matter of urgency.

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## **PUBLIC INFORMATION**

### **Public Involvement at Scrutiny Committee Meetings**

You can contact Councillors and Officers at any time about Scrutiny Committee matters and issues which you would like the Scrutiny Committee to investigate.

There are also two other ways in which you can directly contribute at Herefordshire Council's Scrutiny Committee meetings.

#### **1. Identifying Areas for Scrutiny**

At the meeting the Chairman will ask the members of the public present if they have any issues which they would like the Scrutiny Committee to investigate, however, there will be no discussion of the issue at the time when the matter is raised. Councillors will research the issue and consider whether it should form part of the Committee's work programme when compared with other competing priorities.

#### **2. Questions from Members of the Public for Consideration at Scrutiny Committee Meetings and Participation at Meetings**

You can submit a question for consideration at a Scrutiny Committee meeting so long as the question you are asking is directly related to an item listed on the agenda. If you have a question you would like to ask then please submit it **no later than two working days before the meeting** to the Committee Officer. This will help to ensure that an answer can be provided at the meeting. Contact details for the Committee Officer can be found on the front page of this agenda.

Generally, members of the public will also be able to contribute to the discussion at the meeting. This will be at the Chairman's discretion.

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- 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.
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- 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.

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## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Overview and Scrutiny Committee held at Council Chamber - Brockington on Monday 5 March 2012 at 10.00 am**

**Present:** Councillor A Seldon (Chairman)  
Councillor JW Millar (Vice Chairman)

Councillors: AM Atkinson, PL Bettington, WLS Bowen, MJK Cooper, EPJ Harvey, MAF Hubbard, RC Hunt, TM James, Brig P Jones CBE, JLV Kenyon, R Preece, SJ Robertson, P Rone and PJ Watts

**In attendance:** Councillors RB Hamilton and RJ Phillips  
**Officers present:** S Aitken, J Jones, D Penrose and D Taylor

**7. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Cutter.

**8. NAMED SUBSTITUTES (IF ANY)**

None.

**9. DECLARATIONS OF INTEREST**

Councillors RC Hunt and P Jones as Trustees and Directors of Leominster Tourist Association.

**10. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY**

None.

**11. QUESTIONS FROM THE PUBLIC**

None.

**12. WEST MIDLANDS AMBULANCE SERVICE NHS TRUST**

The Committee received a presentation from Mr P Murtagh, Commissioning Director West Midlands Ambulance Service. The presentation is attached as Appendix 1. During the presentation, he highlighted the following areas:

- That there was a transformational strategy in place to move from functioning as a traditional ambulance service to becoming an integrated healthcare provider.
- That the Service was the only Ambulance Service to have achieved all its operational performance indicators in 2010-11. This was challenging in rural areas of Herefordshire.
- That the Quality and Risk Profile was improving on a monthly basis.

- That the move to Foundation status was entering its final phase, and the Trust should become a Foundation Trust by the end of the July 2012. The change would mean greater involvement from the public and accountability for the Trust. There were 8,500 public members, from which 15 Members of the 29 Council of Governors were elected.
- The Make Ready system was in place, with large hubs which serviced local ambulance crews. Herefordshire was one of the first counties to open a hub, a system that maximised the time paramedics could be on the road by providing them with operational ready ambulances.

In the ensuing discussion, the following points were raised:

- That there was concern over the timing of the consultation that had been issued regarding the operational change to the service and the subsequent closure of ambulance stations. The consultation had been issued over the Council's purdah period during the elections in 2011, and no response had been possible.
- That the work that was being undertaken by the Service was designed to free up resources by improving clinical performance and efficiency. The Make Ready Hubs would allow clinical staff more time with patients. He said that the greater clarity would be provided by including local ambulance stations on the map in the presentation. The Hubs would only have ambulances in them at night, because operational crews would be spread across the County during the day.
- That whilst there had been a drop in performance against targets in July and August 2011, this was as a result of a number of staff undergoing advanced paramedic training. At the lowest point, the Service had still attained 84.62% of its targets. Following the training, the Bromyard community paramedic scheme had hit 100% of its target (to reach all cases within 8 minutes) in September. This scheme had proved to be invaluable, and would be rolled out across the County from April. The Chairman commented that whilst this was a welcomed scheme, he did not want to see the County's resources stretched with an emphasis on achieving targets in urban areas.
- Herefordshire would not be marginalised, and the service would still be a local one throughout the County. It was important that a rural presence should be maintained, and there were staff within the call centres who were dedicated to specific local areas within the area covered by the centre. In reply to a specific question from a Member, he said that there was both a local and regional Gold Command structure.
- Mr N Henry (General Manager, West Mercia Ambulance Service) undertook to provide the Committee with data on the number of Community First Responders that there were in the County. Whilst it was relatively simple to become a First Responder, it was much harder to gain experience in the role, as there were few callouts in rural areas.
- It was noted that 94% of ambulances in Herefordshire carried paramedics.
- That whilst the Make Ready system was based on a South Staffordshire model which had not achieved its targets for a year, performance in South Staffordshire would have been significantly lower without the system in place.

- That the NHS Pathway model had gone live in June last year, and there had been a steady rise in calls that were able to channel patients through alternative care pathways than the acute hospital. The Vice Chairman asked that statistical evidence that demonstrated the improvements should be provided to the Committee.
- That the correct drugs were available on ambulances to treat conditions such as cardiac thrombosis.
- A Member pointed out that whilst 1 in 4 ambulances were not attaining the target of reaching the patient in eight minutes, there was apparently no measure to indicate how long these calls were taking. He asked whether there was an analysis of those calls where the target was not hit, and where in the County this was most likely to occur. Mr Murtagh said that the Community Response Manager was looking at this area.
- That whilst there was no representation from Herefordshire on the proposed Members Council for the Foundation Trust, the Trust had worked with the Local Government Association in order to agree the existing representation.

The Chairman thanked Mr Murtagh for his presentation.

**Recommendation:**

**That**

- a) representations should be made at the highest level that there should be a Governor on the West Mercia Ambulance Service Foundation Trust Members Council from Herefordshire Public Services; and**
- b) that a Task & Finish Group under the Vice Chairman, (Health & Wellbeing) would be established to discuss the concerns raised about delivery targets, Make Ready, and Pathways in respect of which further information had been requested.**

**13. NHS WEST MERCIA CLUSTER**

The Committee received a presentation from Mr Eamonn Kelly, Chief Executive of the NHS West Mercia PCT Cluster. The presentation is attached as Appendix 2. During the presentation, Mr Kelly highlighted the following areas:

- The national quality priorities for 2012/13. These included a general message concerning the needs to address the shortfalls in dealing with older people, and the pivotal role of carers. There was also an emphasis on the military and veterans' health.
- There were a number of national clinical outcomes against which there were quality measures. In the past there had been different standards for rural communities for measures such as ambulance response times, but these were now all of a single standard. The area of quality of life for those with long term conditions would continue to grow and managing this area would be a huge challenge; there were presently 145 different significant illnesses in this category.
- Key challenges for Herefordshire included meeting targets for C Difficile and A&E admissions. Wye Valley Trust was confident that both of these could be met in the coming year.

- That the reform of the commissioning system to complete the transition to the new architecture would be radical. Across West Mercia there would be six Clinical Commissioning Groups under one Commissioning Support Organisation. This was considered to be the most effective model. The West Midlands would be one of the local parts of the single National Commissioning Board. Principle responsibility for public health would fall to the Local Authority.
- This would be a challenging time for staff, 45% of which would be employed by the Clinical Commissioning Group and the Clinical Support Organisation, 20% from the National Commissioning Board, 17% from the local authority, which left 18% to be determined. There were a number of schemes running to offer support, such as regular briefings, surveys and Q&A sessions.
- The QIPP (Quality, Innovation, Productivity and Prevention) plans would present a huge challenge for West Mercia, which would have to save £377m over 4 years.

In the ensuing discussion, the following points were raised:

- That the Wye Valley Trust would provide integrated provider services, and the organisational model was currently being reviewed. The single management authority for the PCT would no longer exist after the abolition of the PCT. The Clinical Commissioning Group (CCG) would take its place with the Local Authority and would commission services from Hoople Ltd and Herefordshire Public Services (HPS)
- That the CQC would be responsible for regulating all healthcare providers; they were currently responsible for all community health care providers. The first responsibility for assessing providers would be to get the appropriate combination of PCT, CCG and Local Authority clinicians under the aegis of the Joint Commissioning, Public Health and the Health and Wellbeing Board.

In answer to a question, Mr Kelly said that whilst the changes were complex and appeared fragmented, there would be a net reduction of £1.7bn in national staffing costs. The intention was that there should be greater clarity and accountability locally as providers and commissioners worked in an integrated fashion with the Health and Wellbeing Boards providing an overview of the system and acting as a lynch pin. In answer to a further question, he went on to say that whilst alcohol consumption was not a national quality measure, it would be in Herefordshire.

The Deputy Chief Executive said that the work of the Health & Wellbeing Board was fundamental to the effective operation of local relationships within the County. The Council was working with Mr Kelly and his team in order to minimise uncertainty during this transition period.

In reply to a further question, Mr Kelly agreed that the most formidable challenge would be to avoid staff losing heart during this process, not least as a result of the necessary 4% year on year efficiency savings, especially in the Wye Valley Trust. Restructuring would reduce costs in the wider organisation.

In reply to a question concerning the ability to mitigate risk, Mr Kelly said that the PCT was no longer a robust organisation and that whilst the cluster was not an ideal replacement, it was the best option for West Mercia. It would be run in a shadow form within the PCT umbrella, until the latter was abolished. The biggest risk would be attempting to return to the original system, whilst bringing forward the implementation date would be the best option.

Whilst there was a certain amount of opposition within the NHS as a whole, there was an appetite amongst GPs in the County to embrace the CCG. Real administrative improvements were being seen in the use of resources by GPs. They were seeking to rebuild the relationships with colleagues in hospitals. These relationships had broken down, but now there was a greater degree of communication.

**RESOLVED: That the Committee would regularly monitor the activities of the Health and Wellbeing Board.**

**14. TASK AND FINISH REVIEW: TOURIST AND TEMPORARY EVENT SIGNAGE REVIEW**

The Task & Finish Review Report: Tourist and Temporary Event Signage was deferred to the meeting to be held on the 19 March 2012.

The meeting ended at 1.10 pm

**CHAIRMAN**



**MINUTES of the meeting of Overview and Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday 19 March 2012 at 10.00 am**

**Present:** Councillor A Seldon (Chairman)  
Councillor JW Millar (Vice Chairman)

Councillors: AM Atkinson, PL Bettington, WLS Bowen, MJK Cooper, EPJ Harvey, MAF Hubbard, RC Hunt, TM James, Brig P Jones CBE, JLV Kenyon, JW Millar, R Preece, SJ Robertson and PJ Watts

**In attendance:** Councillors: AJM Blackshaw, RB Hamilton, JG Jarvis, PM Morgan, GJ Powell and PD Price

**Officers in attendance** J Jones, Head of Governance, Deputy Monitoring Officer/DRO; D Powell, Chief Officer Finance & Commercial; R Hemblade, Parks Countryside & Leisure Development Manager; N Bridges, Sustainable Communities Manager;

**15. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor PG Cutter; Councillor P Rone and Mr P Burbidge.

**16. NAMED SUBSTITUTES (IF ANY)**

There were no named substitutes.

**17. DECLARATIONS OF INTEREST**

**7. TASK AND FINISH REVIEW - TOURIST AND TEMPORARY EVENT SIGNAGE REVIEW.**

Councillor Brig P Jones CBE, Personal, By virtue of being a Trustee/Director of Leominster Tourist Association..

**8. HEREFORDSHIRE COMMUNITY SAFETY PARTNERSHIP.**

Councillor WLS Bowen, Personal, By virtue of being the Council's representative on the West Mercia Police Authority.

**11. TASK AND FINISH REVIEW - INCOME AND CHARGING.**

Councillor SJ Robertson, Personal, By virtue of a family connection to a car parking business..

**18. MINUTES**

**RESOLVED:**

- a) that the Minutes of the meeting held on 17 February , 2012 be confirmed as a correct record and signed by the Chairman; and
- b) that the Minutes of the meeting held on 21 February, 2012 be confirmed as a correct record and signed by the Chairman, subject to the word "public" in the penultimate line on page 3 of the Minutes being amended to read "private".

**19. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY**

A Councillor referred to a specific incident relating to a patient being discharged from hospital.

It was noted that it had been agreed to establish a Task and Finish Group to enquire into rehabilitation services for trauma and stroke services, and agreed that the Group would also seek clarification on arrangements for discharges from hospital.

It was also noted that a letter had been received regarding the Three Counties Cancer Network and this would be discussed with the Network lead before deciding whether any further investigation was necessary.

**20. QUESTIONS FROM THE PUBLIC**

Mrs M Morawiecka asked at the meeting why the European Procurement Rules did not appear have been applied to funding allocated to Hereford Futures Ltd.

The Chairman responded that a written reply would be given.

**21. TASK AND FINISH REVIEW - TOURIST AND TEMPORARY EVENT SIGNAGE REVIEW**

Councillor Brig P Jones CBE, declared a Personal interest by virtue of being a Trustee/Director of Leominster Tourist Association.

The Committee considered the findings arising from the Task and Finish Group –Tourist and Temporary Event Signage Review and whether to recommend the report to the Executive for consideration.

Councillor R Preece, Chairman of the Group, introduced the report.

In discussion the following principal points were made:

- It was noted that the report supported the use of symbols on signs and it was agreed to check whether there was a village hall symbol.
- The recommendation stressing the importance of the prompt removal of signs once they were no longer required was welcomed.

It was questioned why the report was recommending further review of various aspects rather than itself having reviewed the issues and proposed new policy solutions in accordance with the original scoping of the project.

The Leader of the Council commented that the operation of the Task and Finish Groups needed to be reviewed in the light of the first round of reviews to reappraise their role in policy development.

It was generally recognised that Members needed to be equipped with the necessary skills to carry out their role and that there was a consistency of approach to the policy development role. This was something that would be discussed further at the Committee's forthcoming workshop.

It was suggested that there needed to be some flexibility in the management of signage especially given the current economic climate. The scope to charge for a licence to display signs and an appropriate enforcement regime needed to be considered.

**RESOLVED: That**



- a) **The Committee agreed the findings and recommendations contained in report of the Task & Finish Group – Tourist and Temporary Event Signage Review and forward the report to the Executive for consideration;**
- b) **The Executive’s response to the Review including an action plan be reported to the first available meeting of the Committee after the Executive has approved its response.**

## **22. HEREFORDSHIRE COMMUNITY SAFETY PARTNERSHIP**

Councillor WLS Bowen, declared a Personal interest by virtue of being the Council's representative on the West Mercia Police Authority.

The Committee received an update on the current priorities and issues for the Herefordshire Community Safety Partnership (HCSP) formerly known as Safer Herefordshire and considered the refreshed Herefordshire Community Safety Strategy 2011 – 2014.

Superintendent Charles Hill introduced the item, as Vice-Chair of the Herefordshire Partnership Executive Group which has taken on the role and function of the Community Safety Partnership for Herefordshire.

He advised the Committee that the Community Safety Strategy had three priorities for 2012/13: Integrated Offender Management, Alcohol Harm Reduction and Empowered Localities. The Partnership would also be developing an education package to inform young people on issues such as alcohol and drug misuse, road safety which can impact on their quality of life and long-term health and well-being.

He also emphasised that Herefordshire was essentially a very safe county in which to live and work and this was the message he urged ward members to give to their communities.

He emphasised that as with other areas within the public sector, funding both for the Community Safety Partnership and individual partners was reducing significantly and that there was therefore a need to work together to maximise impact. He also made reference to the Police and Crime Commissioner who would be elected in November 2012 and the need for the Community Safety Partnership to work closely with the Commissioner in the future to ensure that the community safety issues across Herefordshire were understood and addressed. Liz Smith, Head of Service in Herefordshire for the West Mercia Probation Trust, advised the meeting that Prolific and other Priority Offenders were being targeted and that there was very effective partnership working especially between the police and probation to tackle this issue.

Issues raised by councillors included the rise in rural crime, particularly the theft of metal and scrap, concerns about unlicensed taxis, anti-social behaviour, especially linked to alcohol misuse, as well as speeding through rural areas, cold calling, concerns on the pricing of alcohol and the need for supermarkets to be more responsible about the sale of alcohol and the need to get reassurance messages out into communities.

In answer to issues raised, Superintendent Hill advised that the Police had instigated Operation Ignite to tackle rural crime. He asked elected members to advise local businesses and residents to use products such as SmartWater to forensically mark property and valuables. He spoke of the partnership work taking place to address alcohol misuse with licencing officers and licensees. He suggested that an approach to take in high crime areas, such as South Wye and parts of Leominster would be to set up multi-agency teams targeted on the most vulnerable, often with complex issues. He agreed to take back the request for community speedwatches as a way of empowering communities to address speeding.

There was support for the work of the Community Support Officers (CSOs) across Herefordshire. Superintendent Hill advised that the budget for CSOs would be held by the Police and Crime Commissioner (PCC). The Committee agreed that it would be important for the PCC to know the strength of support for the continued level of CSOs across the County.

There was also recognition at the meeting of the importance of an overall alcohol strategy which looked at both crime and health issues. The Committee agreed to consider how this could be included in its work with the Health and Wellbeing Board.

**RESOLVED: That**

- a) **The Committee noted the content of the report;**
- b) **The Committee noted the refreshed Herefordshire Community Safety Strategy 2011 – 2014; and**
- c) **The Committee would consider how to include community safety into its Committee work programme at their forthcoming workshop.**

**23. TASK AND FINISH REVIEW - ADULT SAFEGUARDING**

The Committee considered the findings arising from the Task and Finish Group – Adult Safeguarding and whether to recommend the report to the Executive for consideration.

The Chairman of the Review Group presented the report. He highlighted the review's focus on assurance processes, the key interface with the police, the role of the Care Quality Commission and, with a growing elderly population, the need to ensure that the relevant services were appropriately resourced.

In discussion the following principal points were made:

- There was a need to ensure that the review's findings were subsequently considered alongside the findings of the ongoing review of Safeguarding Children to establish whether there were any common areas of concern that needed to be addressed. It was welcomed that no specific concerns had been identified in the adult safeguarding review that needed to be investigated by the Safeguarding Children Review.
- There was support for the finding that the Committee needed to carry out a further review of access to GP Services in particular the out of hours service.

It was proposed that recommendation 2 should be expanded to make clear that appropriate, clearly defined authority should be granted to any co-located team to enable it to take action. It was noted that if physical co-location proved not to be possible every effort should be made to promote integrated working and team building.

A discussion took place on the role of the Care Quality Commission with regard to adult safeguarding.

**RESOLVED: That**

- a) **recommendation 2 contained in the Task & Finish report be expanded to make it clear that appropriate, clearly defined authority should be granted to any co-located team to enable it to take action.**
- b) **the Chairman of the Committee be authorised to finalise the report for submission to Cabinet in consultation with the relevant Vice-Chairman of the Committee to take account of comments made by the Committee and any proofreading corrections needed;**

- c) subject to a) and b) above the Committee agreed the findings and recommendations contained in report of the Task & Finish Group – Adult Safeguarding and forward the report to the Executive for consideration;
- d) The Executive’s response to the Review including an action plan be reported to the first available meeting of the Committee after the Executive has approved its response.

**24. TASK AND FINISH REVIEW - COUNCIL PROCUREMENT AND LOCAL EMPLOYMENT**

The Committee considered the findings rising from the Task and Finish Group –Council Procurement and Local Employment and whether to recommend the report to the Executive for consideration.

The Chairman of the Task & Finish Group presented the report and highlighted various elements which had led to the recommendations.

A Member sought clarification on the composition of the Team undertaking the negotiations on the Amey contract. The Deputy Chief Executive commented that the Team was being led by him and the Director for People’s Services. The Team had an understanding of the relevant services covered by the Contract but was sufficiently removed from service delivery to provide independent challenge. The involvement of the Council’s auditors KPMG provided a level of external challenge

**RESOLVED: That**

- a) **The following recommendations be added to the report:**
  - I. **The Council reviews the benefits of joint venture companies to see if they are distorting the market and consequently did not represent value for money**
  - II. **The potential for the Council’s buying power to drive down costs be explored**
- b) **the Chairman of the Committee be authorised to finalise the report for submission to Cabinet in consultation with the relevant Vice-Chairman of the Committee to take account of comments made by the Committee and any proofreading corrections**
- c) **subject to a) and b) above the Committee agreed the findings and recommendations contained in report of the Task & Finish Group – Council Procurement and Local Employment and forward the report to the Executive for consideration;**
- d) **The Executive’s response to the Review including an action plan be reported to the first available meeting of the Committee after the Executive has approved its response.**

**25. TASK AND FINISH REVIEW - INCOME AND CHARGING**

Councillor SJ Robertson declared a Personal interest by virtue of a family connection to a car parking business.

The Committee considered the findings rising from the Task and Finish Group –Council Procurement and Local Employment and whether to recommend the report to the Executive for consideration.

Councillor EPJ Harvey, Chairman of the Group, introduced the report. She noted that following approval of the original scope of the review the Commercial Board had separately commissioned PriceWaterhouse Coopers to review the Council’s income management. This had overlapped with the remit of the Group and it had refocused its work accordingly as described in the report.

She highlighted:

- The implications of the charging principles adopted by Cabinet in June 2011, with a move to cost recovery for services.
- The importance of improving the transparency for charging with a clearer understanding of what was chargeable and what was not.
- The need to make clear what services were subsidised, why and to what extent and, align subsidies to the Council's policies in an equitable way.
- The need to explain to the public the rationale for charging.
- The importance of providing the necessary infrastructure to allow income to be collected efficiently and economically.
- The additional recommendation at page 164 of the report that a report be made to the Overview and Scrutiny Committee in October 2013, setting out how much of the projected additional income had been achieved and reviewing the intended and unintended consequences of new/additional charges.

In the course of discussion the following principal points were made:

- That a number of issues were associated with introducing charges that would require careful consideration including: the implications of means testing, the risk of unintended consequences, already experienced with car parking charges.
- That outsourcing of services also required careful consideration.
- That if charges were introduced where, by paying more, someone received a better service, as in the case of recent changes to planning charges, it was essential that the charging structure was publicised effectively.
- In terms of car parking charges a Member suggested that consideration should be given to charging for concessionary parking disks for the over 65s rather than removing the concession. It was also important that the current concession to Councillors ended and they contributed to the cost of parking when on official business and that staff should also be charged for parking.
- That the effect of the introduction of the recent car parking charges demonstrated the importance of consulting Ward Members and keeping them informed.

**RESOLVED: That**

- a) the Chairman of the Committee be authorised to finalise the report for submission to Cabinet in consultation with the relevant Vice-Chairman of the Committee to take account of comments made by the Committee and any proofreading corrections;**
- b) subject to a) above the Committee agreed the findings and recommendations contained in report of the Task & Finish Group – Income and Charging and forward the report to the Executive for consideration;**
- c) The Executive's response to the Review including an action plan be reported to the first available meeting of the Committee after the Executive has approved its response.**
- d) that a report be made to the Overview and Scrutiny Committee in October 2013, setting out how much of the projected additional income had been achieved and reviewing the intended and unintended consequences of new/additional charges.**

## **26. WORK PROGRAMME**

The Committee considered its work programme and noted that the programme would be discussed further at the Committee's forthcoming workshop.

The meeting ended at 1.10 pm

**CHAIRMAN**

<b>MEETING:</b>	<b>OVERVIEW &amp; SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>13 APRIL 2012</b>
<b>TITLE OF REPORT:</b>	<b>TASK &amp; FINISH GROUP REPORT – PLANNING SYSTEM REVIEW- DEVELOPMENT CONTROL AND THE OPERATION OF THE CONSTITUTION’</b>
<b>REPORT BY:</b>	<b>Task &amp; Finish Review Group</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To consider the findings arising from the Task & Finish Group – ‘Planning System Review-Development Control and the Operation of the Constitution’ and to recommend the report to the Executive for consideration.

### **Recommendation(s)**

**THAT:**

- (a) **the Committee considers the report of the Task & Finish Group – Planning System Review - Development Control and the Operation of the Constitution’, in particular its recommendations, and determines whether it wishes to agree the findings for submission to the Executive and Audit and Governance Committee;**
- (b) **Subject to the Review being approved, the Executive’s response to the Review including an action plan be reported to the first available meeting of the Committee after the Executive has approved its response.**

### **Key Points Summary**

- A scrutiny Task & Finish Review has been undertaken into the Council’s Planning System Review- Development Control and the Operation of the Constitution’.
- The findings and recommendations of the Task & Finish Review Group are contained in the attached report. The principal recommendations concern: clarifying the system of redirection to Planning Committee; improved levels of training; improving the flow of planning information to Members and the public; ensuring sound decision making at Planning Committee; ensuring that Town & Parish Councils are clear about their part in the consultation process; possible

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Further information on the subject of this report is available from: Mr A Ashcroft (01432 383098)  
(Lead Officer for the Review) Mr K Bishop, Development Manager Northern Localities (Planning). (01432 260756) or P James, Democratic Services Officer (01432) 260460

retrospective planning application fees; and implications from the Localism Act.

## **Alternative Options**

- 1 The Committee can agree, not agree or can vary the recommendations. If the Committee agree with the findings and recommendations from the review, the attached report will be submitted to the Executive for consideration. It will be for the Executive to decide whether some, all or none of the recommendations are to be referred to the Audit and Governance Committee for recommendation to Council.

## **Reasons for Recommendations**

- 2 This Committee commissioned a Task & Finish Group to look at Planning System Review- Development Control and the Operation of the Constitution'. The Task & Finish Group has completed its task and its report is required to be submitted to this committee for approval. The recommendations also set out how the report should be progressed in accordance with the Council's Constitution, if approved by the Committee.

## **Introduction and Background**

- 3 The Overview & Scrutiny Committee commissioned a Task & Finish Group to undertake a Planning System Review- Development Control and the Operation of the Constitution'. The Review has been undertaken and the resultant findings and recommendations are to be reported back to Committee for its consideration prior to being referred to the Council's Executive for consideration.
- 4 In January 2010 Herefordshire Council implemented new constitutional provisions for planning (development control). Overview and Scrutiny Committee in July 2011 considered that it was timely for a scrutiny review to explore the effectiveness of the constitutional changes and to make recommendations with regard to any future modifications and/or amendments.

## **Key Considerations**

- 5 The Council's constitution is a living document and is under constant review. Following substantial changes to how the planning function is governed the Overview and Scrutiny Committee considered it timely to review how the new governance arrangements were operating.
- 6 The Task & Finish Group considered a range of information put before it (see appendix 2,3, and 4 in the attached report) and invited colleague Members to complete a questionnaire covering the key questions from the scoping statement (see appendix 1 in the attached report).
- 7 The Task & Finish Group conclude that:
  - All Members of the Council and Members of Town and Parish Councils would benefit from being kept up to date on a range of planning procedures or issues, particularly in relation to the implications of the Localism Act;
  - Greater clarity could be brought to the planning redirection system by specifying that the Chairman of Planning Committee makes the final decision on whether a planning application is redirected to Planning Committee.
  - If Planning Committee are minded to vote against officer recommendations then

this should be supported by sound planning terms as this would: give greater clarity to the reasoning for the decision, be presented in a professional manner, and help maintain the Councils reputation.

- Ensuring that relevant Council Member(s) receive timely information on planning issues in their ward;
- Ensuring that Town & Parish Councils are clear and proactive about their part in planning consultation;
- If the Council becomes responsible for setting the level of planning fees then, in relation to retrospective planning applications, a balance needs to be struck between the level of fee set for persistent offenders and those making a genuine mistake;

## **Community Impact**

- 8 The findings and recommendations from the review are in accordance with the Herefordshire Community Strategy in that it: relates to the themes of promoting self-reliant local communities and the long term outcome of enhanced local democracy and community engagement and the theme of commissioning the right services and the long term outcome of streamlined working practices.

## **Equality and Human Rights**

- 9 If the Committee agree with the findings of the Group the report will need to be considered by the Executive, Audit and Governance Committee and Council and, depending on their decision, any resultant suggested revisions to the Constitution will need to be assessed against the Equality Analysis and be reported to Cabinet, Audit and Governance Committee and Council.

## **Financial Implications**

- 10 None as a result of this report. If the Committee, the Executive, and Audit and Governance Committee agree with the findings of the Group, which would then have to be considered by Council, then any expenditure would need to be met from within existing budgets.

## **Legal Implications**

11. The Constitution reflects the statutory requirements and guidance. If the Committee, the Executive and Audit and Governance Committee agree with the findings of the Group, which would then have to be considered by Council, legal input will be given to the resultant revised constitution.

## **Risk Management**

12. There are no risk management issues other than the need to ensure legal compliance.

## **Consultees**

- 13 As part of the Review a questionnaire was issued to all 58 Members of the Council. Input has been received from Mr A Ashcroft Assistant Director Economic, Environment and Cultural Services, and Mr K Bishop, Development Manager Northern Localities (Planning).

## **Appendices**

- 14 Task & Finish Review Group Report – Planning System Review- Development Control and the Operation of the Constitution' (Appendix 1).

## **Background Papers**

- Revised Chief Executive's Scheme of Delegation; Development Management Statistics; Table of Planning Applications received; Statistics on the number of planning applications; Results of the questionnaire to Members; Local results from the Planning Advisory Service (PAS) national questionnaire.;



# **Task & Finish Group Report**

**Planning System Review –  
Development Control and the  
Operation of the Constitution**

**For consideration by the Overview &  
Scrutiny Committee – April 2012**





**Task and Finish Group Report  
Planning System Review – Development Control  
and the Operation of the Constitution**

**Background**

1. In January 2010 Herefordshire Council implemented new constitutional provisions for planning (development control). Overview and Scrutiny Committee in July 2011 considered that it was timely for a scrutiny review to explore the effectiveness of the constitutional changes and to make recommendations with regard to any future modifications and/or amendments. The review would also include the way planning applications are dealt with by Herefordshire Council from the registration of the application to the final decision. It therefore commissioned a Task and Finish Group to undertake a 'Planning System Review- Development Control and the Operation of the Constitution', and agreed a scoping statement for that review. The agreed terms of reference of the task and finish group were:
  - To explore member understanding of and engagement in the arrangements introduced in January 2010
  - To examine and ensure that all planning criteria are robust and will inspire public confidence in the council operating an efficient, timely, fair, robust, open and transparent system of determination based on good practice and effective decision making.
  - To examine effectiveness and performance of the Planning Committee arrangements since January 2010
2. The full Scoping Statement for the review is set out in Appendix 1
3. This report addresses the 5 key questions from the scoping statement including commentary based on the responses to the member questionnaire; comments upon a number of other planning related issues identified during the review and sets out a number of recommendations
4. The Task and Finish Group have not looked at:
  - The determination of individual planning applications;
  - the working relationships between individual officers and individual members; and
  - The working relationships between ward members and parish councils.
5. The Task and Finish Group comprised of Councillors: PJ Watts (Chairman); KS Guthrie; J Hardwick; R C Hunt; Brig. P Jones CBE; MD Lloyd-Hayes and were supported by: Mr A Ashcroft - Assistant Director, Economic, Environment & Cultural Services(Lead Support Officer); Mr K Bishop - Development Manager Northern Localities (Planning), (Support Officer); Mr P James (Democratic Services Officer).

6. Prior to the start of the review the Group were provided with a background information pack (see Appendix 2) and this has been supplemented by a number of further documents. Between July 2011 and March 2012 the group carried out research; convened meetings and interviews and undertook a 'walk through of the planning system' to gather as much background information and seek as many views as was required to make recommendations. The information gathering process also included a questionnaire to fellow members and was based on the 5 key questions in the scoping statement. The Group were disappointed with the low level of response from members considering that planning is a vital part of their ward work. The results of the questionnaire and comments received can be forwarded to the Cabinet Member if requested.

### **The 5 Key Questions**

#### ***Question 1 Have there been any changes to the working relationship generally between officers and members?***

##### **Member Questionnaire**

7. Responses to the question were: 5 Very Good; 17 Good; 0 No Change; 0 Poor; 0 Very Poor. Comments were positive but suggested there was still room for improvement.

##### **General**

8. While the officer/member working relationship under the previous arrangements for planning was considered to be good the current constitution has provided an extra stimulus to further improve that relationship and put in place some additional formality to govern the exchange of information.
9. A degree of concern has been raised that when case officers inform the ward member(s) that an application had been received the case officer didn't always provide an initial indication including (under delegated powers) of whether the case officer was minded to recommend that the application be approved or rejected. This made it difficult for the ward member(s) to judge whether the degree of local opinion was being taken into account and whether to seek to invoke provisions in the constitution for the redirection of an application to Planning Committee. The Group have been informed that since commencing the review this aspect has been addressed with enhanced officer training.
10. On receipt of a major, strategic or controversial planning application the case officer will brief the ward member(s) for the ward concerned. If deemed appropriate the ward member(s) of adjacent wards will then be briefed. It has been identified that benefit could be gained in briefing both at the same time.

##### **Recommendation 1**

**The Monitoring Officer be requested to prepare a report to the Audit and Governance Committee to prepare proposals to amend the Constitution to reflect that, on receipt of a major, strategic or controversial planning**

**application, benefit could be gained from briefing both the Ward Member(s), and where appropriate adjacent Ward Members, at the same time.**

***Question 2 How can the Council improve the way the public understands the Planning system in Herefordshire Council***

**Member Questionnaire**

11. A range of comments were received mainly suggesting greater clarity or more explanation concerning the processes involved was needed.

**General**

12. The Group received a draft of a flow chart illustrating the process and considered that a simplified version (Appendix 3) would help the public in understanding how the planning application system worked. The chart could also indicate what level of involvement Town & Parish Councils have in the consideration of applications.
13. Previously the Council's website provided access to planning policy documents and sign posted users to the UK Planning website for details on planning applications. The UK Planning website provided limited information and was outside the Council's control.
14. With the introduction of the long awaited in-house scanning of planning documents, and their uploading to the Herefordshire Council Website, the Group have been informed that a greater range of information will now be available. The new system will ensure that a wide range of information concerning an application can be down-loaded to the individual planning file and that a comprehensive web-based file is then available to all users. During the latter period of undertaking the review the new planning web pages have become operational.
15. The Group appreciate that in addition to planning applications the planning system involves a wealth of plans; strategies, policy documents consultation documents etc. many of which can be confusing to the general public. The Group consider that any information, including planning information, must be presented clearly with minimal use of acronyms. It should also be structured so that planning information can be navigated in an intuitive way from the home page.
16. Consideration should be given to publicising the various aspects of the planning service for example an article in Herefordshire Matters.
17. Elected Members, whether Herefordshire or Town & Parish Councillors, are in the community talking to their constituents and attending meetings and, as mentioned elsewhere in this report, it is important that they are adequately trained and understand their role in the system so that a clear message is conveyed to the public.

### **Recommendation 2**

**That the Council's planning website be designed to provide the maximum clarity and ease of use.**

### **Recommendation 3**

**Opportunities should be taken to explain to the public in plain English about the range of services offered by the Planning Service and how the public can interact with the Service.**

### **Recommendation 4**

**The Group consider that all councillors should attend training with regards to the use of the planning web site, where it will be used "live" for demonstration purposes.**

***Question 3 How have requests for redirection of application to Committee been handled, and what are the areas of tension?***

### **Member Questionnaire**

18. The comments received seem to indicate a general acceptance of the redirection system, however, further training on the detail of the system would be appreciated. Questions were raised regarding where the 'final decision' to redirect rests and the timeliness of dialogue between the case officer and ward member(s) concerning applications.

### **The Constitution**

19. In accordance with the Constitution (para 4.8.4) many planning applications are delegated to the Chief Executive and determined by planning officers acting under the Chief Executive's Scheme of Delegation. Paragraph 4.8.4.2 of the constitution provides that Ward Member(s) may choose to ask that sensitive or controversial applications be 'redirected' for a decision by the Planning Committee. Redirection will generally be justified when set against para 4.8.4.5 of the constitution which principally related to:

- Unusual or sensitive planning issues;
- Unusually high level of public interest
- Significant change in planning policy

20. The Group consider that the criteria 'Significant change in planning policy' must also include any reference's, to the LDF, Town and Parish Plans and Neighbourhood Plans – emerging from the Localism Act 2011

21. The procedure for redirection is set out at 4.8.9 of the constitution

### **Statistics**

22. The Group have been provided with statistics for the 2011 calendar year to 29 November indicating that 32 applications for redirection had been received. Of those 20 had been accepted and 12 had been declined. While this was far fewer than the previous year's total of 40, it was thought that the

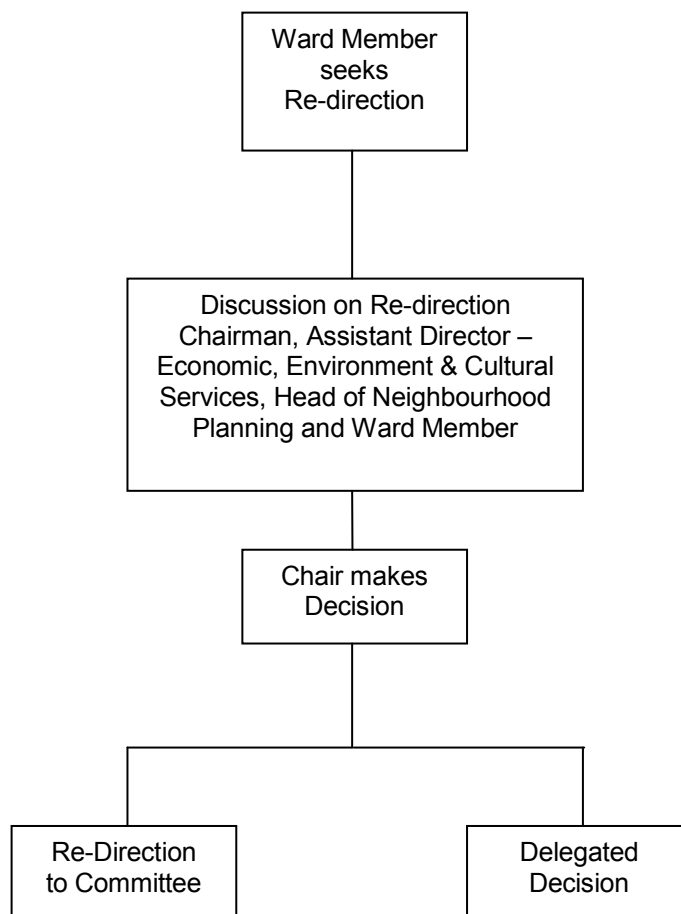
quality of the application for redirection had been higher as Members had become more familiar with the redirection process.

**General**

23. The Group have considered the current wording in the constitution; how the system has improved and how this relates to the range of comments received from Members. Under the current Constitution the final decision to redirect an application to the Planning Committee is made by the Assistant Director Economic, Environment and Cultural Services.

24. The Group are of the opinion that a request for redirection should continue to be submitted to the case officer, that request should then be discussed between the Chairman and the Assistant Director Economic, Environment and Cultural Services or the Head of Neighbourhood Planning. The Chairman and or officers will then discuss the matter with the Ward Member. The final decision whether to redirect should then be made by the Chairman of the Planning Committee acting apolitically, as this would reflect the democratic process.

25. New Proposal



### **Multi-member Wards**

26. On occasions Councillors representing multi-member wards may have a differing view over an application. If one member in a multi-member ward requests a redirection then the application for redirection is processed in accordance with the redirection process. The Group agreed that members, whether in multi-member wards or with adjacent ward members, need to apolitically work together to ensure that contentious issues are discussed and a possible compromise is identified. The Group agreed that this is easier to discuss at a meeting with the Case Officer than by correspondence.

### **Recommendation 5**

**The Monitoring Officer be requested to prepare a report to the Audit and Governance Committee to prepare proposals to amend the Constitution to reflect that the Chairman of Planning Committee, or in his absence the Vice-Chairman, makes the final decision on whether a planning application is redirected to Planning Committee.**

### **Recommendation 6**

**The Planning Guidance to officers be amended to reflect that where the Case Officer is aware of differing views between the local Ward Member(s) concerning a particular application, then all appropriate ward members be invited to discuss those views with the Chairman and Case Officer in an apolitical manner with a view to reaching a consensus.**

***Question 4 Are there ways of raising the profile of ward members in relation to planning matters?***

### **Member Questionnaire**

27. A number of comments suggest including ward member details in the letter to the applicant.

### **General**

28. The Group noted that the profile of the Ward Member must evolve as the implications of 'Localities Working' become clearer. Individual Members need to ensure that they keep up to date on planning procedures to ensure that they are able to convey accurate details to their ward constituents. Ultimately it is up to the individual Member how their public profile is portrayed.

***Question 5 How effective is the Council in communicating Planning Procedures to the public?***

### **Member Questionnaire**

29. Responses to the question were: 0 Very Good; 7 Good; 13 Poor; 1 Very Poor; 2 unable to comment. A range of comments were received mostly suggesting there was still room for improvement.



## **General**

30. The Group agreed with the results of the member questionnaire. It was appreciated that many members of the public probably only get involved in the planning process when they submit a planning application of their own or wish to object to or support an application. It is therefore essential that the information they receive is clear and easily accessible. The new planning website should make information on planning applications and strategic documents more accessible.
31. During the course of the review the Group were made aware that the Planning Advisory Service (PAS) were undertaking a national customer satisfaction survey. At a local level this involved PAS sending over 600 postcard questionnaires to local planning applicants and planning agents. The Group considered that the results would provide an independent opinion of the service. The Planning Advisory Service has recently released their report and the local results have been presented to the Group. (Appendix 4) The Group noted that Herefordshire was above average in all 6 of the questions and are of the opinion that Herefordshire's results were favourable when compared against its benchmarking group.

## **Recommendation 7**

**That consideration be given to enhancing the direct link from the home page of the Council's website to the planning application web pages.**

## **Member questionnaire issues not covered above**

32. In the questionnaire Herefordshire Members were also asked 'how would you rate your level of understanding of arrangements for dealing with planning applications and engagement in the planning procedure?'
33. Responses to the question were: 8 Very Good; 10 Good; 5 not so good; 0 not at all good; 0 unable to comment. Comments seem in the main to be that Members feel that there is a good level of understanding of the subject but refresher training, principally on practical rather than theoretical matters, would be appreciated particularly for those members not on the Planning Committee.
34. Members were also asked 'overall what do you think of the current arrangements for dealing with planning applications?'
35. Responses to the question were: 5 Very Satisfied; 10 Satisfied; 8 Slightly dissatisfied 0 Very dissatisfied. A range of comments were received relating to the redirection system; the part played by Town & Parish Councils in the planning system; decisions made under delegated powers and a lack of individual ward based knowledge on the Planning Committee.
36. Many of the key issues identified in response to the above two questions are considered elsewhere in this report.

### **Other Issues Considered**

37. During the course of the review the following issues have also been considered:

#### **Decisions against officer Recommendation**

38. The Group considered instances when the Planning Committee had decided applications against the officer recommendation. It was agreed that while this was perfectly permissible it could be very confusing for members of the public particularly when unsubstantiated by valid planning grounds.

39. The Group consider that it should be perfectly feasible for any member, or members, who may be minded to vote or speak against officer recommendation, to consult with the case officer prior to the meeting to discuss and formulate, if possible, a case for challenging the officers that was supported by valid planning grounds. In Committee the member, or members, would then consider the case and if still minded to vote against the recommendation they could then present their reasoned case, which may then form the basis of any recommendation. The Group consider that introducing this practice would ensure that any decision against recommendation would: give greater clarity to the reasoning for the decision, be presented in a professional manner, and help maintain the Councils reputation.

#### **Recommendation 8**

**The Monitoring Officer be requested to prepare a report to the Audit and Governance Committee to prepare proposals to amend the Constitution to reflect that a member(s) who may be so minded to vote against an officer recommendation must wherever possible consult with the Development Manager prior to the Planning Committee to prepare a written response using sound planning terms for submission at the Planning Committee. Therefore 4.8.2.10 must be deleted from the constitution.**

#### **Herefordshire Council Member Training**

40. Following the local Council elections in May 2011 training on planning issues was offered to Herefordshire members. The Group considered that training was essential as it:

- Assists the local member in their ward work;
- Ensures that the local member can confidently and authoritatively contribute to Town or Parish Council meetings or other public meetings;
- Enables the member to act as a substitute for a member on the planning committee
- portrays a professional image to the public and upholds the reputation of the Council

41. Having considered the results and comments arising from the member questionnaire the Group are very conscious that all members of Herefordshire Council need to keep up to date with planning issues.

42. The Group also urge that training be given on how to access and use the new web based planning information system.
43. The Group considered occasions when a Herefordshire Councillor may also be a Town or Parish Councillor (dual hatted) and concluded that clarification of the separate roles should be included in any general planning training sessions.

#### **Recommendation 9**

**All Members of the Council to be given refresher training on the planning system, particularly in the areas of: accessing and using the new planning website; pre-determination, clarification of the dual hatted role of some members, and the redirection process.**

#### **Town & Parish Council Training**

44. The Group appreciated that a degree of training on planning issues had been provided to Town & Parish Councillors by Herefordshire Association of Local Councils (HALC) and that the Planning Service had responded to invitations from individual Town or Parish Council's to give presentations on planning issues and process. However, the Group were also aware that there was still a degree of confusion or frustration within some Town & Parish Councils over their role in the process; what was expected of them and why Herefordshire Council didn't always appear to take account of their input.
45. The Group are aware that further changes to the planning system will arise from the Localism Act and the Community Infrastructure Levy and this will provide an opportunity for further professional training to be given to members of Town & Parish Councils. The Group have been informed that a degree of training in these areas had commenced.
46. The Group also considered it appropriate that a short planning guidance note be provided to the Clerks and Planning Committee chairs of Town & Parish Councils to be used as a reminder of their Councils role in the process and the aspects they are invited to comment on.
47. In common with the Herefordshire members, the Group also urge that training be given to Town & Parish Councils on how to access and use the new web based planning information system.

#### **Recommendation 10**

**In view of the enhanced responsibilities arising from the Localism Act Town & Parish Councils should take the opportunity to provide further training for their members on the planning system including guidance on using the new planning website.**

## **Recommendation 11**

**That a short planning guidance note be provided to Clerks and Planning Committee Chairs of Town & Parish Council's for use as a reminder of their Council's role in the planning process and the aspects they are invited to comment on when relevant committee's are in session.**

### **Charging for pre-application advice**

48. The Group briefly questioned the introduction of charging for pre-application advice, as set out in the 'Pre-Planning Application Advice Service Guidance Note' and available from the Council's web site. The Group noted that charging had been agreed by Cabinet on 30 June 2011 (report on Income Proposals & Charging Proposals) and was in line with the majority of other authorities. The Group have been informed that since the introduction of the charges there had been a reduction in the number of abortive enquiries and this had made it possible to ensure an increased level of service/guidance to genuine applicants. The charging of a fee had now been accepted and the service was being used by local agents who generally appreciated the quality of the advice. Customers appreciated that pre-application advice could pre-empt, in a cost effective way, any major problems when submitting their application. In addition the fee was also providing an income stream to support work which previously had been free.

### **Retrospective Planning Applications**

49. The issue of retrospective applications can create a high degree of public unrest as it is seen as flouting the planning procedures. The Group noted that for a variety of reasons, whether intentionally or by accident, some development works were commenced before a planning application had been submitted or granted. This in itself is not a criminal act, however, Herefordshire Council in common with other authorities have been lobbying government to reverse this to make enforcement action easier to undertake. The Group have been informed of the procedures in place concerning retrospective applications and advised that in many cases officers in the planning service may already be investigating such cases and that enforcement action was taken where appropriate.

50. The Group noted that the level of planning fees was set nationally but that the Council were proactively lobbying for fees to be set at a local level. In relation to retrospective application fees the Group appreciated that there was a difference between persistent offenders i.e. those that deliberately went ahead with development knowingly they should have applied for permission, and those making a genuine mistake and the Group considered that this should be kept in mind should the level of planning fees be set locally.

### **Recommendation 12**

**Should Herefordshire Council be in a position to set the level of planning fees then a degree of flexibility should be built into the fee structure to penalise retrospective applications but acknowledge that genuine mistakes are sometimes made.**

### **Planning Enforcement Issues**

51. The Group discussed a number of issues relating to planning enforcement and noted that Herefordshire Council follows government guidance contained in Planning Policy Guidance 18 (PPG18). Some authorities take a differing view to its interpretation – more relaxed or more extreme – which may then relate to the level of resources that authority devoted to enforcement activity.
52. The Group considered whether the public and Town & Parish Councils understood the enforcement process and timescales. The Group were aware that in many instances the public perception was that enforcement action either wasn't being undertaken or that it was exceedingly slow. The Group fully appreciated that enforcement wasn't as clear-cut as the public may think. The Council's Enforcement Team had to collect evidence and build a legal case to support any action and due to the complexity of the statutory process some cases could take years to conclude. In some instances enforcement action had commenced and a new planning application had been submitted thereby putting the enforcement on hold until the new application had been determined. The Group appreciated that while there was no legal requirement for the Council to undertake planning enforcement, the Enforcement Team were operating within the resources available and therefore prioritising cases accordingly.
53. Ward Councillors should receive timely notification of enforcement cases in their ward, however, the Group suggest that this isn't always the case and this may need to be included in the revised Planning Enforcement Policy.
54. The Group agreed that further training was needed, for both Herefordshire and Town & Parish members, on how the Planning Enforcement Policy (currently being updated) was applied and what 'tools' were available in the 'enforcement tool kit' to tackle problem cases.

### **Recommendation 13**

**Planning Enforcement Officers must ensure that Ward Members receive regular updates throughout the course of an enforcement investigation or action associated with their ward.**

### **Recommendation 14**

**In addition to the training set out at recommendations 9 & 10, Herefordshire members and Town & Parish Council members should also receive training on the Planning Enforcement Policy.**

## **The Localism Act**

55. During the course of the review the Localism Act has reached the statute book. While some parts have been enacted other parts have not and guidance is awaited. The Act contains provisions on a wide range of services delivered by local authorities, or in which councils might have an interest. Planning, housing, and governance are all covered. The Group are aware that the implications for the planning service and governance have still to be assessed and plans made for their implementation. The Group hope that any areas of the Act open to local interpretation will be guided by the recommendations in this report.

### **Recommendation 15**

**That the implementation of provisions in the Localism Act, open to local interpretation and covered by this report, be guided by the recommendations in this report.**

### **Recommendation 16**

**The Group recommends that all Councillors attend a planning seminar on how the planning and governance implications of the Localism Act are likely to impact on their work as Herefordshire Councillors and as Ward Members.**

## **The Council Constitution**

56. The Group have made a number of recommendations which when accepted will necessitate amendments including deletions e.g. 4.8.2.10, to the various parts of the Council's Constitution to ensure the document as a whole is consistent.

<b>TITLE OF REVIEW:</b>	<b>Planning System Review – Development Control and the Operation of the Constitution</b>
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## **SCOPING**

### **Reason for Enquiry**

To explore the effectiveness of the new Constitutional provisions for Planning (development control) matters introduced in January 2010 and to make recommendations with regard to future modifications and/or amendments, to also include the way planning applications are dealt with by Herefordshire Council from registration to the final decision

### **Links to the Community Strategy**

The review contributes to the following objectives contained in the Herefordshire Community Strategy, including the Council's Corporate Plan and other key plans or strategies:

This review relates to the themes of promoting self-reliant local communities and the long term outcome of enhanced local democracy and community engagement and the theme of commissioning the right services and the long term outcome of streamlined working practices.

### **Summary of Review and Terms of Reference**

#### **Summary**

The review is to consider the effectiveness of the operation of the Constitution in relation to development control matters since January 2010

#### Terms of Reference

- To explore member understanding of and engagement in the arrangements introduced in January 2010
- To examine and ensure that all planning criteria are robust and will inspire public confidence in the council operating an efficient, timely, fair, robust, open and transparent system of determination based on good practice and effective decision making.
- To examine the effectiveness and performance of the Planning Committee arrangements since January 2010.

### **What will NOT be included**

- The determination of individual planning applications.
- The working relationships between individual officers and individual members.
- The working relationships between ward members and parish councils.

**Potential outcomes**

To

- Identify areas where the 2010 changes are yet to be fully embedded.
- Propose detailed modifications/amendments to improve or streamline working arrangements of planning applications by the planning committee.

**Key questions**

To

- Have there been any changes to the working relationship generally between officers and members?
- How can the Council improve the way the public understands the Planning system in Herefordshire Council
- How have requests for redirection of application to Committee been handled, and what are the areas of tension?
- Are there ways of raising the profile of ward members in relation to planning matters.
- How effective is the Council in communicating Planning Procedures to the public.

**Cabinet Member (s)**

Councillor DB Wilcox

**Key Stakeholders/Consultees**

- Chairman/Vice Chairman of the Planning Committee (past and present).
- All Ward members.
- Development Manager/Area Team Leaders.
- Public

**Potential Witnesses**

- Chairmen of Planning Committee (past and present).
- Ward Members who have been successful or unsuccessful in requests for redirection of planning applications.

**Research Required**

Sample feedback from members.

Number of applications reported to Committee/length of meeting.

Number of requests for redirection (by month/ward etc.)

Webcasts

**Potential Visits**

To

- High merit in visiting a similar authority with a similar system in operation.



<b>Publicity Requirements</b>	
Launch of Review	
During Review	
Publication of the Review and its recommendations	
Herefordshire Matters	
<b>Timetable</b>	
<i>Activity</i>	<i>Timescale</i>
Collect current available data for circulation to Group prior to first meeting of the Group.	By Mid August
Confirm approach, programme of consultation/research/provisional witnesses/meeting dates.	First meeting of the Review Group. By End August??
Collect outstanding data	By mid September
Analysis of data	By mid to end September
Final confirmation of interviews of witnesses	By End August
Carry out programme of interviews	By end September
Agree programme of site visits	n/a
Undertake site visits as appropriate	n/a
Present interim report to relevant scrutiny \Committee, if appropriate.	TBC
Final analysis of data and witness evidence	By end November 2012
Prepare options/recommendations	December 2012
Present Final report to Relevant Scrutiny Committee	16 January 2012
Present options/recommendations to Cabinet (or Cabinet member (s))	17 January 2012
Cabinet/Cabinet Member (s) response (within two months of receipt of Group's report)	By Mid March 2012
Consideration of Executive's Response by the Overview and Scrutiny Committee	As soon as possible after the response is received.
Monitoring of Implementation of agreed recommendations ( within six months of Executive's response)	September 2012

<b>Members</b>	<b>Support Officers</b>
<b>Councillors: (Chairman of Review Group)</b> Councillor P Watts	<b>Lead Support Officer</b> (Independent of the Service being Reviewed) Andrew Ashcroft - Assistant Director Economic, Environment & Cultural Services
Councillor K Guthrie Councillor J Hardwick Councillor RC Hunt Councillor Brig P Jones CBE Councillor MD Lloyd-Hayes Councillor GA Powell	<b>Democratic Services Representative(s)</b> Paul James
	<b>Other support Officers</b> Kevin Bishop – Development Manager Northern Localities (Planning),
<b>Additional members of the Review Group</b>	--

**Documents in the initial pack or received during the review.**

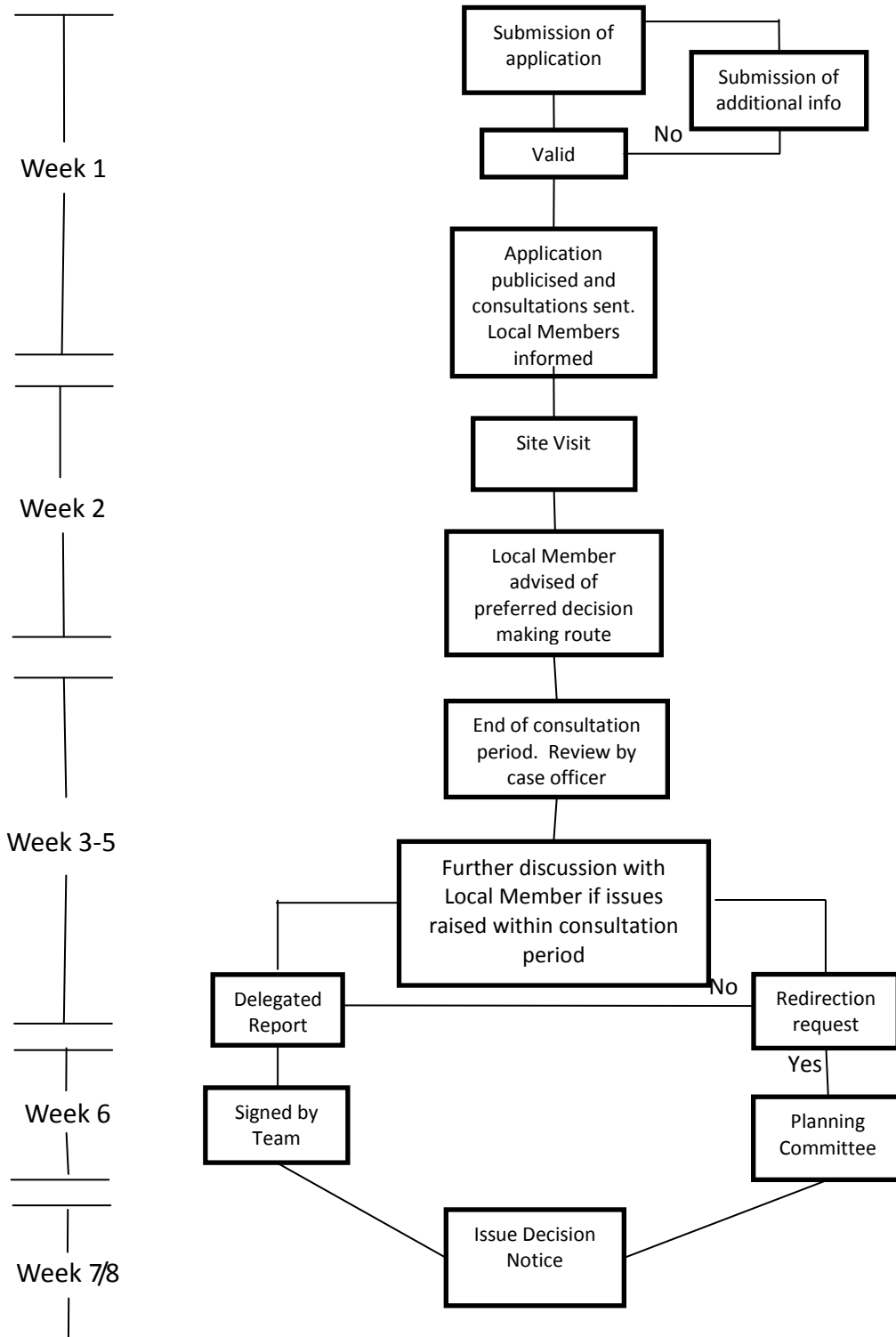
**Initial Pack**

1. The New Planning System
2. Revised Chief Executive's Scheme of Delegation
3. Development Management Statistics
4. Table of Planning Applications received
5. Flow chart identifying Decision Making Process
6. Registration Process
7. Web site information
8. Guide to Making Representations on Planning Applications
9. Public Speaking at Planning Committee

**During the Review**

10. Extract from Council Constitution Function Scheme concerning determining applications;
11. Statistics on the number of planning applications.
12. Pre-Planning Application Advice Service Guidance Note.
13. Results of the questionnaire to Members.
14. Local results from the Planning Advisory Service (PAS) national questionnaire.

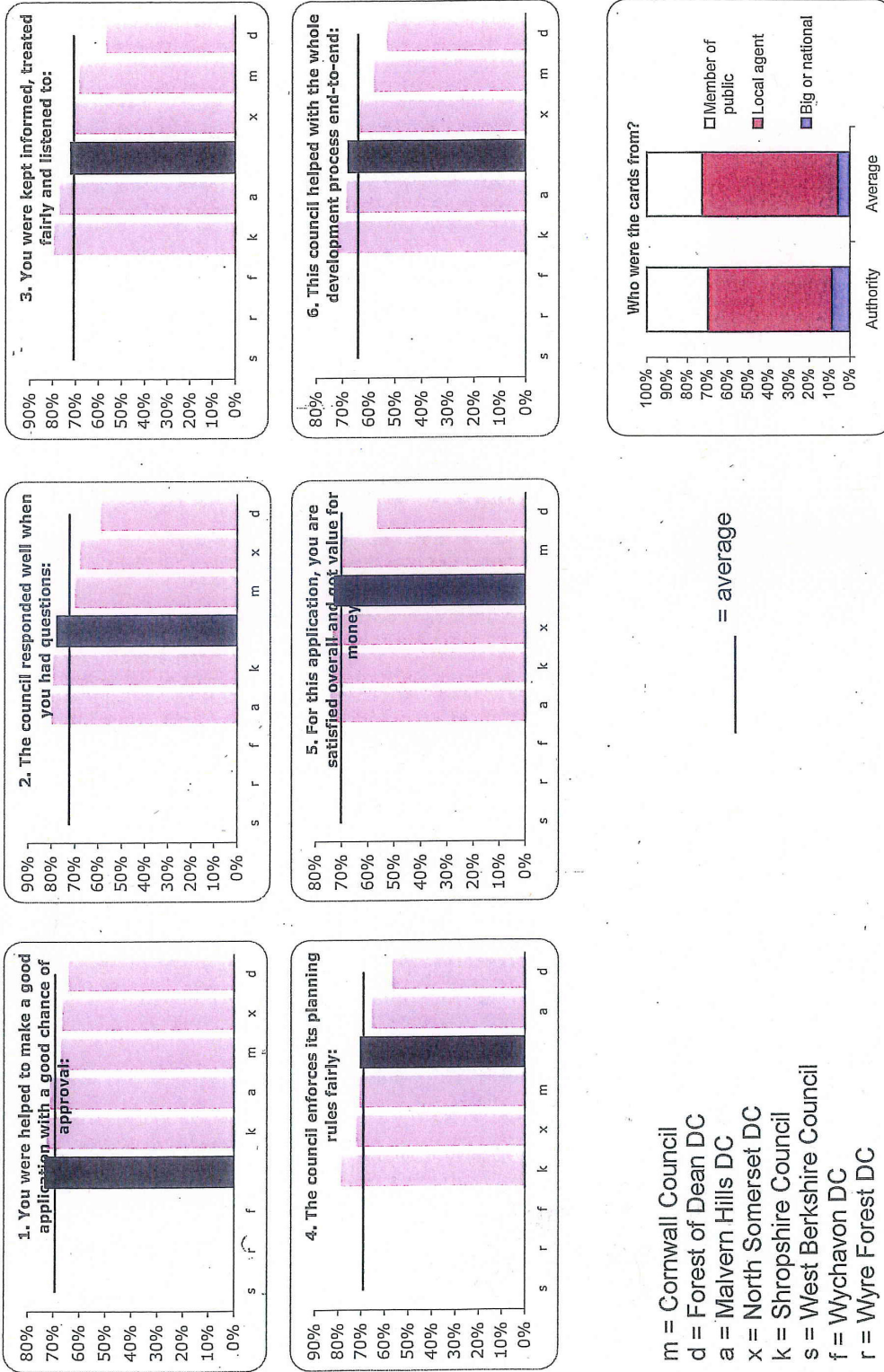
# Processing of Planning Application



Extract from Planning Advisory Service Customer Satisfaction Report

**CUSTOMER SATISFACTION - Comparison of Post-Card Scores.**

Respondents with refused applications have been removed from the calculation of averages, as they had a disproportionate effect on scores. So, the calculation of satisfaction is only based on permitted applications.



05/12/2011

PAS3



<b>MEETING:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>13 APRIL 2012</b>
<b>TITLE OF REPORT:</b>	<b>OVERVIEW AND SCRUTINY WORK PROGRAMME</b>
<b>REPORT BY:</b>	<b>ASSISTANT DIRECTOR – LAW, GOVERNANCE AND RESILIENCE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To consider the Committee's work programme.

### **Recommendation(s)**

**THAT: the work programme as appended be noted, subject to any comments the Committee wishes to make.**

### **Key Points Summary**

- The Committee is asked to note its work programme and to note progress on the scrutiny reviews approved by the Committee in July.

### **Alternative Options**

- 1 It is for the Committee to determine its work programme as it sees fit to reflect the priorities facing Herefordshire. Any number of subjects could be included in the work programme. However, the Committee does need to be selective and ensure that the work programme is focused on the key issues, realistic and deliverable within the existing resources available.

### **Reasons for Recommendations**

- 2 The Committee needs to develop a manageable work programme to ensure that scrutiny is focused, effective and produces clear outcomes.

### **Introduction and Background**

- 3 An outline work programme only is appended for this meeting. This is because it is proposed to hold an away day on 27 April to review the programme. The appendix also contains a chart showing progress to date on the six scrutiny reviews commissioned by the Committee in July. The only Task and Finish Group currently at work is the 'Safeguarding arrangements for

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Further information on the subject of this report is available from  
Tim Brown, Committee Manager (Scrutiny) on (01432) 260239

Children' as further investigation is underway. The findings from the Task & Finish review Planning System Review – Development Control and the Operation of the Constitution appeared earlier in this agenda.

- 4 Following consideration at the last meeting the reports from the following reviews have been scheduled for Cabinet consideration:
  - Council Procurement Policy and Local Business and Local Employment
  - Income and Charging
  - Safeguarding Adults
  - Tourist Signing (Brown Signs)
5. The new Herefordshire Public Services Rolling Programme is also appended.

### **Community Impact**

6. The topics selected for scrutiny should have regard to what matters to the County's residents.

### **Financial Implications**

- 7 The costs of the work of the Scrutiny Committee will have to be met within existing resources. It should be noted the costs of running scrutiny will be subject to an assessment to support appropriate processes.

### **Legal Implications**

- 8 The Council is required to deliver an Overview and Scrutiny function.

### **Risk Management**

- 9 There is a reputational risk to the Council if the Overview and Scrutiny function does not operate effectively. The arrangements for the development of the work programme should help to mitigate this risk.

### **Consultees**

- 10 Following initial consultation on topics for scrutiny with Directors and Members of the Cabinet. all Members of the Council were invited to suggest items for scrutiny.

### **Appendices**

- 11 Overview and Scrutiny Committee outline Work Programme  
Herefordshire Public Services Rolling Programme

### **Background Papers**

- None identified.



**INDEX TO OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME**

**(Please note this is an outline programme showing items currently listed and how they might potentially fit into the calendar of OSC meetings)**

The following issues identified for consideration by the Committee in January have not yet been included: ICT Strategy, Performance Reports on Amey, Hoople and Waste Management, Legal Services Improvement Plan Monitoring, Operation of Hereford Futures.

The following issues also appear on the work programme but have not been scheduled: The Population, Management and Communication of the Forward Plan; accommodation programme, Children's health and wellbeing (a focus on Childhood obesity), community infrastructure levy, Tourism and the use of the River Wye, broadband, affordable housing, access to health; park and ride, variable speed limits within small distances,

Further proposals have been received from three of the Vice-Chairmen and are not included pending discussion at the proposed away day.

The Chairman and Vice-Chairmen met on 26 March 2012 and in addition to the above items registered the following subjects for consideration at the away day: GP Out of Hours Service; Cycle Routes; Pothole repairs; Governance of Health Watch; CCG; Health & Wellbeing Board – governance and operation; Improving shop fronts in Market Towns; Democratic Process and public engagement; Document control and information including the website; Locality Working.

<b>23 APRIL 2012 – 10 AM</b>	
Education in Herefordshire	To consider the implications of national policy changes for the Herefordshire Learning Community. In particular to consider the changes as a result of the Academies Act and associated legislation and national changes, as well as the guiding vision and principles being developed for Herefordshire. (To be scoped)
National Health Policies	To ensure members of the Committee are up to date with the latest national initiatives and their implications.
Discussion with Wye Valley NHS Trust	
WYE Valley NHS Trust	To consider a report of a Task and Finish Group on the issues raised at the OSC meeting on 18 January
Discussion with Clinical Commissioning Group	
Development of Waste Facility	To consider the proposed development of a waste facility in Worcestershire under the Joint Waste Disposal Contract and express views to Cabinet in advance of Cabinet consideration.

Report of Task and Finish Group – Safeguarding Arrangements for Children	
Report of Task and Finish Group – Planning System Review	
<b>MAY 12</b>	
Amey Contract	
Report of Task and Finish Group on West Midlands Ambulance Service Trust	
Discussion with 2gether NHS Trust	To discuss current issues.
Discussion with a Specialist commissioning Team	To discuss current issues.
Local Development Framework	To give consideration to an analysis of responses to the latest round of consultation and the proposals in the LDF before consideration by Cabinet and Council.
Local Transport Plan	To review proposals in the Local Transport Plan in advance of their consideration by Cabinet.
Executive Responses to Task and Finish Reviews	
<b>JUNE 12</b>	
Discussion with West Midlands Ambulance NHS Trust	To discuss current Issues
Discussion with NHS West Mercia Cluster	To discuss current issues.
Executive Responses to Task and Finish Reviews	
<b>JULY 12</b>	
Discussion with Wye Valley	

NHS Trust	
Discussion with Clinical Commissioning Group	
<b>SEPTEMBER 12</b>	
Discussion with 2gether NHS Trust	To discuss current issues.
Discussion with a Specialist commissioning Team	To discuss current issues.
Discussion with West Midlands Ambulance NHS Trust	To discuss current issues.
Discussion with NHS West Mercia Cluster	To discuss current issues.
<b>OCTOBER 12</b>	
Discussion with Wye Valley NHS Trust	
Discussion with Clinical Commissioning Group	
<b>NOVEMBER 12</b>	
Budget And Emerging Options 2013/14	
<b>DECEMBER 12</b>	
Discussion with 2gether NHS Trust	To discuss current issues.
Discussion with a Specialist commissioning Team	To discuss current issues.
Discussion with West Midlands Ambulance NHS Trust	To discuss current issues.
Discussion with NHS West Mercia Cluster	To discuss current issues.
<b>JANUARY 2013</b>	

Medium Term Fanatical Strategy	
Discussion with Wye Valley NHS Trust	
Discussion with Clinical Commissioning Group	
<b>FEBRUARY 2013</b>	
<b>MARCH 2013</b>	
Discussion with 2gether NHS Trust	To discuss current issues.
Discussion with a Specialist commissioning Team	To discuss current issues.
Discussion with West Midlands Ambulance NHS Trust	To discuss current issues.
Discussion with NHS West Mercia Cluster	To discuss current issues.
<b>APRIL 2013</b>	
Discussion with Wye Valley NHS Trust	
Discussion with Clinical Commissioning Group	
<b>MAY 2013</b>	

HPS Rolling Programme

MEETING / BRIEFING DATE	CONSULT:	REPORT TITLE	PURPOSE	FINAL DECISION MAKER	DIRECTOR / LEAD OFFICER
Cabinet Council Committee Cabinet Member Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHS Brd O&S Cttee Planning Cttee Regulatory Cttee SMT				
HPSLT Leaders Briefing					
<b>ALLOCATED ITEMS</b>					
Cabinet 05/04/12 LB 23/02/12		ICPR	To provide Cabinet with an overview of performance against the Joint Corporate Plan 2011-14	Cabinet	DCE / Jenny Lewis
Cabinet 29/03/12 HPSLT 20/03/12		Forward Plan update	To provide quarterly update on the Forward Plan	Cabinet	DCE
Cabinet 29/03/12		Budget Monitoring Report 2011/12	To receive the budget monitoring report.	Cabinet	DCE/ CO F&C
Cabinet 05/04/12 HPSLT 11/10/11 Plan. 01/02/12 Reg.	Public Planning Cttee Regulatory Cttee O&S Cttee?	Single Enforcement Policy	To introduce a new single enforcement policy to replace various area specific policies.	Cabinet	Corporate Services / AD LG&R / Paul Nicholas
Cabinet 05/04/12 HPSLT 18/10/11 & 03/01/12 & 06/03/12 & 13/03/12 LB 10/11/11		Corporate Delivery Plan	For Cabinet to approve the 2012/13 Corporate Delivery Plan.	Cabinet	DCE/Jenny Lewis
Cabinet 05/04/12 HPSLT 21/02/12		Shared Services Update		Cabinet	CO F&C

MEETING / BRIEFING DATE	CONSULT:	REPORT TITLE	PURPOSE	FINAL DECISION MAKER	DIRECTOR / LEAD OFFICER
Cabinet Council Committee Cabinet Member Briefing HPSLT Leaders Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHSH Brd O&S Cttee Planning Cttee Regulatory Cttee SMT				
LB 08/03/12 PCT Board March 2012					
Cabinet 05/04/12 HPSLT 28/02/12 CMB 01/03/12 LB 08/03/12		<b>New item added 12/03/12</b> Compulsory Purchase Order Overross Farm	To seek Cabinet approval to resolve to CPO for the property known as 2 Overross Farmhouse, 26 Overross Farm, Ledbury Road, Ross-on-Wye, under powers contained un Section 17 (1) (b) of the Housing Act 1985 as amended, and the Acquisition of Land Act 1981 and all other enabling powers for housing purposes.	Cabinet	DforP&C/Jane Thomas
Cabinet 05/04/12 HPSLT (Standing item): 13/03/12; 03 & 17/04/12; 01 & 15/05/12; 12 & 19/06/12; 03/07; 10/07; 17/07 & 24/07/12 04/0912 LB 15/03/12		Root and Branch Review Report		Cabinet	DCE
Cabinet 05/04/12		<b>New item added 12/03/12</b> Stanhope Agreement	To seek cabinet approval for the signing of : 1 a Deed of Variation (of the Development Agreement) between HC, Hfd Futures and Stanhope Plc. 2 a Deed of Novation between HC, Hfd Futures, Stanhope Plc and British Land Plc. 3 an Option Agreement between HC and British Land. Cabinet approval of these Agreements, which will vary some of the terms contained in the 2009 Development Agreement, will	Cabinet key decision	DforP&C Andrew Ashcroft

MEETING / BRIEFING DATE	CONSULT:	REPORT TITLE	PURPOSE	FINAL DECISION MAKER	DIRECTOR / LEAD OFFICER
Cabinet Council Committee Cabinet Member Briefing HPSLT Leaders Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHSH Brd O&S Cttee Planning Cttee Regulatory Cttee SMT		enable Stanhope Plc to secure funding to deliver the Retail Quarter (Old Livestock Market) redevelopment from British Land Plc, one of the UK's largest property companies and the benefit of their long term approach and influential relationship with retailers.		
Cabinet Member 06/04/12 CMB 29/03/12		<b>New item added 26/03/12</b> Neighbourhood Planning Governance Procedure		Cabinet Member Non-key decision	DforP&C
Cabinet Member 05/04/12		Dedicated Schools Grant 2012/13	For the Cabinet Member to approve the school budgets for 2012/13. This is an annual non key Cabinet Member decision. Decision delayed by 2 weeks because at Schools Forum on 24 February, they requested further information re the Schools Budgets which will delay the Cabinet Member Decision. (C.Marshall 29 Feb)	Cabinet Member decision	DforPS / Malcolm Green
<b>Cabinet 16/04/12</b> HPSLT 28/02/12 LB 29/03/12	O&S Cttee 19/03/12	Herefordshire Community Safety Strategy (changed from Community Safety & Drugs Partnership)		<b>B&amp;PF Council 20/07/12</b>	DforP&C / Richard Gabb
Cabinet 16/04/12 HPSLT 18/10/11 LB 27/10/11 & 22/03/12		Older People's Strategy – renamed Vision for Adults in Herefordshire – renamed on 6 March - <b>Strategic Delivery Plan for Adults</b> (moved to April to carry out consultation).	The vision for Adults in Herefordshire will be significant in informing future service planning across the county, giving a clear message to citizens, staff and stakeholders of the way in which we the council wish to work with residents of Herefordshire, particularly vulnerable adults. Cabinet is asked to approve the vision. <b>This has been removed from the Forward Plan as it is an important decision but not a key decision.</b>	Cabinet	DforPS

MEETING / BRIEFING DATE	CONSULT:	REPORT TITLE	PURPOSE	FINAL DECISION MAKER	DIRECTOR / LEAD OFFICER
Cabinet Council Committee Cabinet Member Briefing HPSLT Leaders Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHSH Brd O&S Cttee Planning Cttee Regulatory Cttee SMT				
Cabinet 16/04/12 HPSLT 06/03/12 LB 08/03/12		Herefordshire & Shropshire Joint Housing Strategy	To agree a joint housing strategy with Shropshire	Cabinet	DforP&C/ Richard Gabb
Cabinet 16/04/12 HPSLT 06/12/11 LB 22/12/11	HPEG 09/02/12	Armed Forces Community Covenant	For cabinet to approve an armed forces community covenant pledge and action plan for the county.	Cabinet	DforP&C/ Richard Gabb
Cabinet 16/04/12 LB 15/03/12		Fees & Charging Progress Report <i>(moved to later meeting date in April due to large agenda for 5 April)</i>	To bring Cabinet up to date on current position on the review of fees and charges being delivered by Price Waterhouse Cooper (PwC). The report also provides a summary of the progress for income areas as well as the links to the Overview and Scrutiny Committee task group.	Cabinet	Chief Officer – Finance & Commercial
Cabinet Member 19/04/12		<b>New item added 23/03/12</b> Proposed admission arrangements for schools	To seek approval on the proposed admission arrangements for 2013/2014.	Cabinet Member key	DforPS
<b>CABINET 10/05/12</b> HPSLT 06/03/12 LB 19/04/12	O&S Cttee April '12	Vision for Education - renamed <b>Guiding Principles for the Herefordshire Learning Community</b> <i>(the decision date has moved to April as currently carrying out consultation)</i>	To agree the guiding principles for a council perspective to agree the steps to turn guiding principles into action. <b>*This has been removed from the Forward Plan as it is an important decision but not a key decision.</b> <b>**This item has been moved to 10 May Cabinet due to the late completion of consultation with the Schools' Strategic Planning Group.</b>	Cabinet	DforP&S
Cabinet Member 24/05/12 HPSLT 17/04/12	n/a	<i>Procurement of services to support the delivery of Herefordshire's Adult</i>	To seek approval to commit funding over £500k in the procurement of services for Adults in line with the Service Plan and based on an evaluation of current contracts, equality	Key Decision Cabinet Member	DforPS / Chris Baird / Interim Programme



MEETING / BRIEFING DATE	CONSULT:	REPORT TITLE	PURPOSE	FINAL DECISION MAKER	DIRECTOR / LEAD OFFICER
Cabinet Council Committee Cabinet Member Briefing HPSLT Leaders Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHSH Brd O&S Cttee Planning Cttee Regulatory Cttee SMT	Services The date of decision has been revised from February to March to allow for the tendering process to be completed	impact assessments and information from the Joint Strategic Needs Assessment. Decision planned for 15/03/12, but delayed due to complexity of contracts (C. Marshall 15/02/12)	24/05/12	Director, Adult Social Care
Cabinet Member Date of decision to be agreed HPSLT 01/05/12 LD 10/05/12		<b>New item added 23/03/12</b> Local Authority Governor Appointments	Review of the existing procedure for the appointment of Local Authority Governors and to seek approval on the proposed changes recommended following the review.	Cabinet Member Non-key decision	DforPS
<b>ANNUAL COUNCIL 25/05/12</b>		Appointments to Committees (possible changes)		Council	
HPSLT 24/01/12 LB 26/01/12	A&G cttee 09//03/12	Report on amendments to the constitution.	To review the current list of budget and policy framework items in the Council's constitution.	Council	DCE / AD LG&R
Annual Council 25/05/12		Annual Leader's report		Council	
Annual Council 25/05/12		Police and Crime panel (generic report to all authorities)	Report on the composition of a Police and Crime Panel. (A view needs to be taken on whether report goes straight to Council or through Cabinet first).	Council	DCE / AD LG&R
Annual Council 25/05/12		Annual report O&S Cttee		Council	
Annual Council 25/05/12		Annual report Planning Cttee		Council	
Annual Council 25/05/12		Annual report A&G Cttee		Council	

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MEETING / BRIEFING DATE	CONSULT:	REPORT TITLE	PURPOSE	FINAL DECISION MAKER	DIRECTOR / LEAD OFFICER
Cabinet Council Committee Cabinet Member Briefing HPSLT Leaders Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHSH Brd O&S Cttee Planning Cttee Regulatory Cttee SMT				
Annual Council 25/05/12		Annual report Standards Cttee – the future of Standards Committee	Provisionally to include Standards Committee Working Group report on revised Code of Conduct. To be confirmed.	Council	
Annual Council 25/05/12		Annual report Regulatory Cttee		Council	
Annual Council 25/05/12		West Mercia Police Report		Council	
Annual Council 25/05/12		H&W Fire and Rescue Authority		Council	
Annual Council 25/05/12		Adoption of the Rifles	Presentation of a certificate to be made on the adoption of the Rifles as the county regiment.	Council	
CABINET 14/06/12 HPSLT 01/05/12 LB 17/05/12		Local Transport Plan		B&PF Council 20/07/12	DforP&C / Steve Burgess
Cabinet 14/06/12		Forward Plan update	To provide quarterly update on the Forward Plan	Cabinet	DCE
Cabinet 14/06/12 HPSLT 01/05/12 LB 03/05/12 & LB 31/05/12	OSC - 29/05/12 LDF Grp May	Local Development Framework	To consider a submission draft version of the Core Strategy.	B&PF Council 20/07/12	DforP&C / Dave Nicholson
Cabinet 14/06/12 HPSLT 15/05/12 CMB 17/05/12 LB 17/05/12		Yes We Can Plan - Refresh		B&PF Council 20/07/12	DforPS / Philippa Granthier
Cabinet 14/06/12 HPSLT 15/05/12 LB 17/05/12	Public consultation to be carried	Children's Centre Review	The report will detail the results of a consultation on the future model for children centre delivery in Herefordshire. The options being consulted on are:	Cabinet Key Decision	DforPS/Tina McGrath

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Cabinet Council Committee Cabinet Member Briefing HPSLT Leaders Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHSH Brd O&S Cttee Planning Cttee Regulatory Cttee SMT				
	out January to March 2012		<p>1. Local authority continues to run children centre delivery directly, through a strategic delivery model;</p> <p>2. A mixture of commissioned and directly delivered services</p> <p>3. Children centre delivery is fully commissioned</p> <p>4. A social enterprise model of delivery.</p> <p>Cabinet will be asked to agree the preferred model. Decision will have significant effect on one or more wards.</p>		
Cabinet 14/06/12 LB 31/05/12		Integrated Needs Assessment (formerly JSNA)			DCE/Madelaine Spinks
Cabinet 14/06/12 HPS LT 15/05/12 CMB 17/05/12 LB 17/05/12		Youth Services Review	Follow on from the report that went to Cabinet on 15 December to review the outcomes of the consultation.	Key Decision Cabinet	DforPS / Tim Fewell
Cabinet 14/06/12 HPSLT 03/04/12 LB 26/04/12		<b>New item added 12/03/12</b> CPO Link Road		Cabinet Key Decision	DforP&C / Richard Ball
Cabinet 14/06/12 CM 10/05/12 HPSLT 15/05/12 LB 17/05/12		<b>New item added 22/03/12</b> <b>Future of the Youth Offending Service</b>	To consider whether to move from a joint Hfdshire/Wcstshire YOS to a West Mercia Yos; and to consider whether it should continue to be hosted by a local authority - Worcestershire hosts it currently - or whether another organisation such as a Probation Trust should provide. If the WM YOS doesn't come into being, HC would have to run its own as it is a statutory function of a local authority to have a YOS.	Cabinet	DforPS / Debbie Macmillan
<b>COUNCIL July</b>		Local Transport Plan		<b>B&amp;PF -</b>	DforP&C/ Steve

MEETING / BRIEFING DATE	CONSULT:	REPORT TITLE	PURPOSE	FINAL DECISION MAKER	DIRECTOR / LEAD OFFICER
Cabinet Council Committee Cabinet Member Briefing HPSLT Leaders Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHS Brd O&S Cttee Planning Cttee Regulatory Cttee SMT				
12 CABINET 14/06/12 HPSLT 01/05/12 LB 17/05/12				Council	Burgess
Council July		Local Development Framework	To consider a submission draft version of the Core Strategy.	B&PF	DforP&C/Dave Nicholson
Council July		Local Government Boundary Review	To receive a report in response to the Local Government Boundary Review		Head of Governance
Council July Cabinet 14/06/12 HPSLT 15/05/12 CMB 17/05/12 LB 17/05/12		Yes We Can Plan - refresh		B&PF	DforPS / Philippa Granthier
Council July Cabinet 19/04/12 HPSLT 28/02/12 LB March?	O&S cttee 19/03/12	Herefordshire Community Safety Strategy (changed from Community Safety & Drugs Partnership)		B&PF	DforP&C Richard Gabb
CABINET 12/07/12 HPSLT 11/10/11		Future direction of Public Health	Public Health Transformation Plan	Cabinet key decision	DofPH / Alan Holmes
CABINET 13/09/12 HPSLT 13/03/12 LB 15/03/12		Joint Corporate Plan <i>(This has been moved to September Cabinet and November Council to fit in</i>	For Cabinet to commend the Joint Corporate Plan (JCP) to Council. The JCP is one of a suite of plans and strategies that form the Council's Budget & Policy Framework. It incorporates the vision and the priorities for the HPS partnership and outlines a number of outcomes to be pursued to realise those	B&PF Council November '12	DCE/Jenny Lewis

MEETING / BRIEFING DATE	CONSULT:	REPORT TITLE	PURPOSE	FINAL DECISION MAKER	DIRECTOR / LEAD OFFICER
Cabinet Council Committee Cabinet Member Briefing HPSLT Leaders Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHS Brd O&S Cttee Planning Cttee Regulatory Cttee SMT		priorities. It is supported by a delivery plan which provides the milestones and targets against which performance is reported. To provide quarterly update on the Forward Plan		
Cabinet Sept '12		<i>with the budget process.</i> ) Forward Plan update		Cabinet	DCE
Cabinet Sep '12					
CABINET Oct. '12		Public Health Annual Report	To receive the annual Public Health report	Cabinet	DofPH
CABINET Nov '12					
COUNCIL Nov '12		Joint Corporate Plan <i>(This has been moved to September Cabinet and November Council to fit in with the budget process.)</i>	For Cabinet to commend the Joint Corporate Plan (JCP) to Council. The JCP is one of a suite of plans and strategies that form the Council's Budget & Policy Framework. It incorporates the vision and the priorities for the HPS partnership and outlines a number of outcomes to be pursued to realise those priorities. It is supported by a delivery plan which provides the milestones and targets against which performance is reported.	B&PF	DCE/Jenny Lewis
<b>OVERVIEW AND SCRUTINY ITEMS</b>					
19/03/12		Tourist and Temporary Event Signage Review	To consider the findings arising from the task and finish group review.		
19/03/12		Herefordshire Community Safety Partnership	To update the Cttee on the current priorities and issues for the Hfdshire Community Safety Partnership formally known as		

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Cabinet Council Committee Cabinet Member Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHS Brd O&S Cttee Planning Cttee Regulatory Cttee SMT				
19/03/12		Adult Safeguarding	Safer Hfdshire. To consider the findings arising from the task and finish group review.		
19/03/12		Council Procurement and local employment	To consider the findings arising from the task and finish group review.		
19/03/12		Income and Charging	To consider the findings arising from the task and finish group review.		
March/ April		Wye Valley NHS Trust Stroke Services/Trauma Care	To follow up on issues raised in the Cttees meeting with the Trust in January 2012.		
April/May 2012		Safeguarding arrangements for children	To receive the report of the task and finish group		
May 2012		Planning system review	To receive the report of the task and finish group		
<b>UNALLOCATED ITEMS</b>					
<b>MOST RECENT UNALLOCATED ITEMS</b>					
COUNCIL May 2012 (poss Cabinet?)		Police and Crime Panel for West Mercia	To approve the composition of a Police and Crime Panel for West Mercia, appointments to it and the Panel's Constitution.		
LB 15/03/12		Independent Remuneration Panel	To review the Membership of the IRP		
Cabinet		Hereford Futures Future of the Youth	For Cabinet to decide whether or not Herefordshire runs its	Cabinet	

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HPSLT 15/05/12 LB 17/05/12		Offending Service (YOS) (At this stage, we are not sure whether it will be a key or important decision but it is something we believe Cabinet would want to decide.)	own YOS or whether the county becomes part of a West Mercia YOS.		
HPSLT LB		Small Schools update	C. Marshall added 29 Feb. Reports will go to HPSLT and LB; she will advise dates		
HPSLT 03/04/12 LB 26/04/12		Recycling 'Bring' sites			
		HALO funding agreement		Cabinet Member	DforP&C Andrew Ashcroft Mick Ligema
		Approval of Winter Service Plan	To approve the plan	CM or officer decision	DforP&C/ Head of H&CS
HPSLT 03/04/12 LB 26/04/12		Black refuse sacks			
Cabinet		Butter Market		Cabinet	DforP&C / Dave Nicholson
Cabinet Member November		Tenancy Strategy		Cabinet Member	DforP&C / Richard Gabb
Cabinet December		Allocations Policy		Cabinet	DforP&C / Richard Gabb
Council		Changes to Members' Register of Interest (Localism)			Head of Governance

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Cabinet Council Committee Cabinet Member Briefing HPSLT Leaders Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHS Brd O&S Cttee Planning Cttee Regulatory Cttee SMT				
Council		Act) Health & Wellbeing Board Report	To report to Council on changes in legislation in		DCE
HPSLT LB CMB		Blue badges	To agree an increase in the charge for blue badges to a maximum of £10.00		
HPSLT 21/02/12 & 03/04/12		Accommodation Strategy			DCE/DP
Cabinet HPSLT 28/02/12 LB 08/03/12		Ross Locality Plan			DforP&C
CMB early March '12 HPSLT 03/04/12 LB 26/04/12		Public Conveniences		Key Decision Cabinet Member ?	
HPSLT 06/03/12		OSC T&F Income			
HPSLT 06/03/12 & 12/06/12		Public Health Transition Plan			
Cabinet ? HPSLT 06/03/12 LB 22/03/12		Housing for Older People	Housing and support needs for older people		
HPSLT 06/03/12 LB 22/03/12	H&WB Brd – March '12	Vision for Health & Wellbeing strategy			DforPS
HPSLT 20/03/12		Performance Focus	Performance Report (HR element to include EOC result);		DCE



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Cabinet Council Committee Cabinet Member Briefing HPSLT Leaders Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHS Brd O&S Cttee Planning Cttee Regulatory Cttee SMT		Forward Plan; SMT Work Plan progress. Parliamentary Boundary response		
HPSLT 17/04/12 & 24/07/12 & 23/10/12		Safeguarding Quarterly Report (inc Annual Report)			
Cabinet 10/05/12? HPSLT 17/04/12 LB 26/04/12		Broadband Contract			DforP&C / Natalia Silver
Cabinet LB 10/05/12		Future of Aney Strategic Partnership			DforP&C / Richard Ball
HPSLT 15/05/12		<i>Understanding Herefordshire</i> (IEB)			DCE/JD
HPSLT 12/06/12		Looked After Children Outcomes/Corporate Parenting update			DforPS
HPSLT 03/04/12 & 19/06/12 LB 19/04/12 & 05/07/12		Local Accounts			
HPSLT 19/06/12 LB 28/06/12		DPH Annual report			

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Cabinet Council Committee Cabinet Member Briefing HPSLT Leaders Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHS Brd O&S Cttee Planning Cttee Regulatory Cttee SMT				
HPSLT 02/10/12		Public Health Transition Plan (Implementation Plan)			
LB 15/11/12		Annual Safeguarding Report (Children)			DforPS
HPSLT 08/01/13		Public Health Transition Plan (Progress)			
Council		Review of Polling Places, Districts and Stations		Council	John Jones
Cabinet Dec '12		Forward Plan update	To provide quarterly update on the Forward Plan	Cabinet	DCE
Cabinet or CM Between Sept-Dec 12		Home based care and support programme		Cabinet Member?	DforPS / Gurdev Singh
Expires 31 May 2013		HC/Microsoft Licence Agreement		Key Decision - Cabinet Member	ICT
Cabinet 2011 Council 2011		Cultural Strategy	GH has requested this strategy is no longer classed as a B&PF item. GH to speak with MO.	B&PF	DforP&C
2012 / 2013		Sustainable Communities Strategy	Review of strategy to be carried out during 2012. Current strategy remains in place until review is completed. Agreed at July HP exec grp meeting.	B&PF	DCE

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Cabinet Council Committee Cabinet Member Briefing	A&G Cttee Clinical Comm Grp H&WB Brd HPEG NHS Brd O&S Cttee Planning Cttee Regulatory Cttee SMT	PCT new board structure Hfd United FC lease	Surrender of existing lease & re-grant of a single lease.	Cabinet	DCE DforP&C/ David P /Ian Higgs
		S 75 Agreements – Ongoing Provision of Adult Safeguard Learning			DforPS D for P&C
		Comms Report/Management Update			DCE & D of CS/Richard B-P
		Employment Model ToFR Land Charges High Court Challenge			DCE/Jenny L AD-L.G&R
Cabinet Member		Dedicated Schools Grant 2013/14	For the Cabinet Member to approve the school budgets for 2012/13. This is <b>an annual</b> non key Cabinet Member decision.	Cabinet Member decision	DforPS / Malcolm Green
Council		Pay Policy Statement	Pay Policy Statement. <b>Annual</b> Council decision		DCE/John Gorman

Colour code:

	Cabinet meeting
	Council meeting

	Cabinet Member decision
	Key decision

Progress on Current Reviews

<b>Review</b>	<b>Meetings</b>	<b>Comment</b>
Council Procurement Policy and Local Business and Local Employment		Review concluded. Findings reported to Overview & Scrutiny Committee on 19 March 2012. Report now scheduled for consideration by Cabinet.
Income and Charging		Review concluded. Findings reported to Overview & Scrutiny Committee on 19 March 2012. Report now scheduled for consideration by Cabinet.
Planning System Review – Development Control and the operation of the Constitution	22/9/11	Background documentation has been prepared, circulated to the Group and discussed.
	10/10/11	Arrangements made for visit to Planning Department to walk through the planning process.
	18/10/11	Further meeting held to discuss further issues contained in the scoping statement. Arrangements are being made for the Group to visit another planning authority. Results from the government's Planning Advisory Service questionnaire of services users is awaited. Initial drafting of the final report has commenced.
	14/11/11	Planning Advisory Services questionnaire results received and considered. Commenced final drafting of findings from the review.
	12/3/12	Review concluded and report contained in agenda for consideration by Overview & Scrutiny Committee on 13 April.
	13/4/12	Review concluded. Findings reported to Overview & Scrutiny Committee on 19 March 2012. Report now scheduled for consideration by Cabinet.
Safeguarding Adults		Background documentation has been prepared and circulated to the Group. Interviews held with Police and Heads of Service. Next meeting is to consider arrangements for looked after children.
Safeguarding arrangements for Children	25/8	Background documentation has been prepared and circulated to the Group.
	15/9	Interviews held with Police and Heads of Service.
	14/10	Next meeting is to consider arrangements for looked after children.

Review	Meetings	Comment
Tourist Signing (Brown Signs)	22/11	Review Group will meet with Foster Carers in Moor House
	8/12	Meeting with young people in care at Centre 18
	13/01/12	Meeting to discuss initial draft report.
		Meeting with teachers being arranged to get teachers viewpoint.
	30/3/12	Further work identified and interviews being arranged.
		Review concluded. Findings reported to Overview & Scrutiny Committee on 19 March 2012. Report now scheduled for consideration by Cabinet.