

AGENDA

General Overview & Scrutiny Committee

Date: **Tuesday 16 July 2013**

Time: **2.00 pm**

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

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

For any further information please contact:

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If you would like help to understand this document or would like it in another format please contact Ben Baugh, Governance Services on 01432 261882 or e-mail bbaugh@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the General Overview & Scrutiny Committee

Membership

Chairman **Councillor A Seldon**
Vice-Chairman **Councillor EPJ Harvey**

Councillor EMK Chave
Councillor BA Durkin
Councillor DW Greenow
Councillor JW Hope MBE
Councillor RC Hunt
Councillor TM James
Councillor Brig P Jones CBE
Councillor RL Mayo
Councillor R Preece
Councillor GR Swinford
Councillor DB Wilcox

Voting Co-optees* **Mr P Burbidge**
Miss E Lowenstein
Mr T Plumer
(*on education matters) **Mr P Sell**

Roman Catholic Church
Secondary School Governor
Primary School Parent Governors
Church of England

AGENDA

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES (IF ANY)

To receive details of Members nominated to attend the meeting in place of a Member of the Committee.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the agenda.

4. MINUTES

To approve and sign the minutes of the meeting held on 18 June 2013.

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

To consider suggestions from members of the public on issues the Committee could scrutinise in the future.

(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.)

6. QUESTIONS FROM THE PUBLIC

To note questions received from the public and the items to which they relate.

*(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 **no later than two working days before the meeting** to the officer named on the cover of this agenda).*

7. TASK AND FINISH GROUP REPORT - COMMUNITY INFRASTRUCTURE LEVY (CIL)

To consider the further findings arising from the scrutiny Task and Finish Group - Community Infrastructure Levy (CIL) and to recommend the report to the Executive for consideration.

8. LOCAL DEVELOPMENT FRAMEWORK

The purpose of this item is for Committee Members to provide comments to the Chairman on the Local Development Framework, prior to its consideration at Council on 19 July 2013.

The related Cabinet papers of 4 July 2013 can be accessed via the following web address:

<http://councillors.herefordshire.gov.uk/ieListMeetings.aspx?CId=251&Year=0>

Pages

9 - 30

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9. COMMITTEE WORK PROGRAMME

To consider the Committee work programme.

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10. DATE OF NEXT MEETING

The next scheduled meeting is Tuesday 3 September 2013 at 5.00pm.

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.

(Please note that the Scrutiny Committee is not able to discuss questions relating to personal or confidential issues.)

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

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

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of General Overview & Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 18 June 2013 at 5.00 pm

Present: Councillor A Seldon (Chairman)
Councillor EPJ Harvey (Vice-Chairman)

Councillors: EMK Chave, DW Greenow, JW Hope MBE, RC Hunt, TM James, Brig P Jones CBE, RL Mayo, R Preece, GR Swinford and DB Wilcox

In attendance: Councillors WLS Bowen, RB Hamilton (Cabinet Member Environment, Planning and Housing), J Hardwick, MAF Hubbard, FM Norman, GJ Powell (Cabinet Member Health and Wellbeing) and AJW Powers

Officers: A Ashcroft (Assistant Director Economic, Environment and Cultural Services) B Baugh (Democratic Services Officer), Y Coleman (Planning Obligations Manager), G Dean (Scrutiny Officer), H Foster (Head of Corporate Finance), G Hughes (Director for Places and Communities), J Jones (Head of Governance and Monitoring Officer), D Powell (Chief Officer: Finance and Commercial), K Singleton (Team Leader Strategic Planning) and R Taylor (Head of Finance - People's Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Mr P Sell.

The Chairman introduced Mr Baugh, the new clerk to the Committee. The Chairman paid tribute to Mr James, the previous clerk, who had recently left the authority after 39 years of service in local government in Herefordshire. The Committee acknowledged Mr James' professionalism and wished him well for the future.

2. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes.

3. DECLARATIONS OF INTEREST

No declarations of interest were made.

4. MINUTES

The minutes of the meeting held on 13 May 2013 were received.

RESOLVED: That the minutes of the meeting held on 13 May 2013 be approved as a correct record and be signed by the Chairman.

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

The Chairman invited suggestions from members of the public in attendance at the meeting.

- Referencing the 'Open Book Review' report to Cabinet on Thursday 20 June 2013, Ms K Rogers suggested that the Committee look at the quality of services that, it had been

claimed, would benefit from the proposals. The Chairman said that the suggestion would be reviewed and a response provided.

- Referring to the Council's part in the ownership of Hereford Futures, Mrs E Morawiecka said that she had provided substantial documentation to the Council about errors that had been made in statutory and public documentation and suggested that these communications be circulated to the Committee. The Head of Governance and Monitoring Officer said that the Committee could request a report on this subject matter. The Chairman considered this to be an appropriate way forward.

6. QUESTIONS FROM THE PUBLIC (Pages 15 - 22)

Questions had been received in advance of the meeting on the following items:

Item 7, Local Development Framework: three questions from Mrs E Morawiecka, one question from Mrs J Morris, four questions from Ms V Wegg-Prosser, and two questions from Mr R Stow.

Item 8, Council Budget 2013/14 - Update: three questions from Mrs E Morawiecka and one question from Ms K Rogers.

The questions, together with written responses from officers, were circulated at the meeting and are appended to these minutes.

The Chairman thanked the members of the public for their questions and invited a supplementary question from each, it was not expected that answers would be provided at the meeting but written responses would be provided in due course.

Local Development Framework

- Mrs Morawiecka did not consider that a satisfactory response had been provided to her question 1 a), the question being 'As a result of the consultation on the draft Core Strategy and the responses received, has Herefordshire Council corrected any of the omissions identified in the Infrastructure Delivery Plan?' Mrs Morawiecka clarified that the omissions were detailed in the narrative above her question.
- Mrs Morris and Ms Wegg-Prosser were not present at the meeting.
- Mr Stow, also linking to question 1 a), re-iterated the key elements of his question (9) 'Why did the Council consult on the Core Strategy without providing evidence of the economic viability and deliverability of the necessary infrastructure, as required by NPPF (National Planning Policy Framework) paragraph 177?' and given the absence of timings.

Council Budget 2013/14 - Update

- Mrs Morawiecka noted that the response to question 11 referred to the 'Your Community, Your Say' consultation in 2012, rather than 2013, and questioned whether the authority was working a year behind on those consultations. In response, the Chief Officer: Finance & Commercial said that some of the consultation undertaken in 2013 had been taken into account but it would feature further when the authority looked at the next Medium Term Financial Strategy.
- In response to a further question from Mrs Morawiecka about the response to question 12, the Chief Officer: Finance and Commercial said that when presenting

information at budget setting the authority compared budget against budget not against actual expenditure, although this was available within the financial system.

- Ms. Rogers commented on Herefordshire's ageing population, the supplementing of underfunded care by family members, and the underfunding of adult social care locally and nationally. She asked whether Members and officers were aware of the impact that the proposed cut to baseline fees would have on families.

RESOLVED: That

- a) That the questions and responses circulated at the meeting be noted; and**
- b) Further written responses be provided in response to the supplementary questions following the meeting.**

7. LOCAL DEVELOPMENT FRAMEWORK

The Cabinet Member Environment, Housing and Planning (hereafter 'Cabinet Member' in these minutes), introduced the report and made the following comments:

1. Further to the report provided to the 11 February 2013 meeting, this report updated the Committee on the consultation process undertaken and representations received to the consultation on the Herefordshire Plan - Core Strategy (draft).
2. There had been a huge effort by the officer team to turn this information around, culminating in the publication of the survey of results. This comprised over 650 pages of reproduced comments, including both electronic submissions and transcribed free text submissions.
3. Councillors were thanked for their part in the process, particularly for engaging with people during the consultation and for their input post consultation.
4. Members of the public were thanked for getting involved in the consultation process and for their contributions.
5. There had been seven consultation stages undertaken since 2007 and feedback had been taken on board at each stage.

The Assistant Director Economic, Environment & Cultural Services (hereafter 'Assistant Director' in these minutes), made a number of points, including:

- i. The Core Strategy had been produced with environment and habitat information and the recently-completed consultation process was the last of the traditional open rounds of public consultation.
- ii. This report provided an early opportunity for Members to see the comments which would be considered in detail at Cabinet on 4 July 2013 and Council on 19 July 2013.
- iii. The importance of 'soundness' was emphasised as this underpinned the Plan and would be a key consideration for the independent Inspector. It was noted that the requirements for Development Plan Consultation were set out in Regulations 18 and 19 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2012.
- iv. Subject to Cabinet and Council approval, there would be formal publication of the Plan and representations invited for the Inspector to consider.

- v. The most recent elements of the consultation were set out in the report.
- vi. Pie-charts were provided in the report, based on statistics from the consultation.
- vii. There had been 1,428 responses to the survey and this was consistent with expectations for this stage of the Plan.

The Vice-Chairman suggested that, for the efficient transaction of business, discussion on the item be structured as follows: the report itself; consultation process; responses detailed in the report; summary; and recommendations.

The Vice-Chairman noted that the work programme for the Committee had anticipated responses to consultations on both the Core Strategy and the Community Infrastructure Levy (CIL) at this Committee meeting. Clarification was sought as to why this was not the case, alongside commentary on the implications of decoupling the Core Strategy from the CIL. In response, the Assistant Director advised that:

- a. The authority had a statutory responsibility to produce a Local Development Framework.
- b. The authority had an option whether or not to bring forward a CIL charging levy and had decided to do so.
- c. The industry model was that any CIL ran a number of months behind the Local Development Framework. It was reported that a levy mechanism could not be adopted without a Core Strategy in place.
- d. The processes had been conjoined for a period of months. There had been delays in the production of the Local Development Framework. Also, the Government had indicated that authorities would only be able pool monies from Section 106 schemes until 1 April 2014. However, recent guidance revised this date to 1 April 2015.
- e. It had been concluded that CIL should follow behind work on the Local Development Framework, thereby providing flexibility in terms of both workload and timetable.

The Cabinet Member said that the CIL consultation had been on a preliminary draft charging schedule and that in any event further consultation had always been intended.

The Report

Reference was made to the 11 February 2013 meeting of the Committee, where the Cabinet Member had 'offered the Committee the opportunity to receive a report on the response to the questionnaire and the executive's response to any issues raised' (minute 41 refers). The Vice-Chairman said that the absence of the executive's response made the work of the Committee difficult. The Cabinet Member acknowledged that an undertaking had been given but re-iterated the challenges of preparing information in the time available. He advised that meetings were being held with ward Councillors to discuss the feedback to the consultation. He considered that better outcomes could be achieved by being thorough and engaging with people.

The Chairman said that some Members had been concerned that the challenging timetable should not override the quality of reports and welcomed the comments of the Cabinet Member about engagement. Additionally, the Chairman sought assurance that the Council's consultants would be fully engaged with the Task and Finish Group on CIL.

The Consultation Process and Responses

During the discussion, the following principal points were made:

1. A Committee Member expressed concern that around 1,000 respondents had 'not answered' many of the key questions identified in the report. Noting that people from one area might not wish to express an opinion on another area, it was questioned how well community opinion was being reflected and how conclusions would be drawn from the data. A question was also asked about weighting, particularly how a body, such Hereford City Council, was treated in comparison to responses from individuals.

The Team Leader Strategic Planning advised that the tables and related pie-charts referred to the paper or online questionnaires. As some people did not tick all the boxes or had decided to engage in the consultation in some other way, it was recognised that the data had some limitations. The Draft Core Strategy Survey had to be looked at in full and the team was doing this. In terms of weighting, each response was treated as a single response in the data but the substance of representations was key to informing conclusions. He added that work was on-going to filter respondent information from a geographic perspective.

In response to further questions, the Assistant Director said that the information had been presented to the Committee at the earliest opportunity. He added that the team were busy analysing responses, further informed through the meetings with Councillors. The significance of the comments was emphasised and how these might affect the soundness of the Plan. The Cabinet Member reported that meetings with Councillors had focused heavily on the narrative.

2. A Committee Member noted that some respondents stated that they 'had no local knowledge of the local area' and was concerned that these had been counted. He considered that it should be clear where comments were coming from. The Chairman sought assurance that appropriate weighting was given to town and parish council comments.

The Cabinet Member re-iterated that numbers were less important than the meaningful content captured in the responses. He noted that Councillors were required to declare interests but other people did not have to identify their own interests to the Council, therefore the authority could only act on the information provided. He added that parish councils operated in different ways and some were more effective at interacting with their communities than others.

The Assistant Director summarised traditional responses under four types: those that had a fundamental view on the direction of the Plan; specialist comments on specific policies from particular groups, such as the Environment Agency and Natural England; local residents making comments on specific allocations; and specific comments from landowners or developers who wanted sites brought forward in the Plan. In terms of weighting, officers would analyse and consider whether anything in those comments could be incorporated into the Plan at this stage that would consolidate soundness. Any recommendations arising would be brought to Cabinet and Council for consideration. He added that town and parish council comments might include aspects of all four types identified above.

3. In response to a question from a Committee Member, the Team Leader Strategic Planning confirmed that information had been processed by the Research Team initially and subsequently forwarded to Planning Officers for detailed analysis.

4. In response to a question from a Committee Member, the Assistant Director advised that this was a refinement stage and it should not be expected that there would be very significant changes to the Plan. Nevertheless, there was the opportunity to do whatever was considered necessary to achieve soundness, potentially through modifications to technical policies and allocations. He added that any proposed major changes might require further consultation.
5. Some Committee Members said that it would be helpful if respondents were identified. The Cabinet Member said that the questionnaire stated that individuals' personal details would be protected, therefore a full list could not be provided. However, responses from statutory consultees and other bodies were identifiable.
6. Responding to questions from a Member in attendance, the Assistant Director said that comments made during the consultation, and in discussion with Councillors, were making a difference to outcomes.

In terms of the information to be presented to Cabinet and Council, The Team Leader Strategic Planning advised that a response would be made to each point raised during the consultation, with action points highlighting potential changes. The Assistant Director said that tracked changes to the Plan would also be available.

7. The Chairman noted that many respondents disagreed with the policies and questioned how the authority intended to address this and whether Neighbourhood Plans could restore public confidence.

The Assistant Director indicated that differences of opinion were not unexpected; comments from some respondents indicated that they objected to a particular proposal due to relatively minor concerns but were at ease with other elements; the authority had taken a national lead on Neighbourhood Plans; and Neighbourhood Plans had to be in general conformity to the Local Development Framework.

The Chairman questioned how the authority would respond to a Neighbourhood Plan if it was completely at odds to the Core Strategy. The Assistant Director advised that it would depend on the details and officers would provide advice to town and parish councils. However, in the extreme case suggested, Herefordshire Council could not allow such a Neighbourhood Plan to go forward without achieving general conformity with the Core Strategy.

The Cabinet Member said that Neighbourhood Plans had been strongly promoted and supported. However, Neighbourhood Plans could not be used simply to stop development. In response to a comment from a Committee Member, the Cabinet Member stressed that general conformity was a condition of Neighbourhood Plans.

The Chairman said that there should be some degree of flexibility within the Core Strategy to allow Neighbourhood Plans to be taken into account. The Assistant Director advised that: the system would provide flexibility for Neighbourhood Plans to work through the policies and proposals in the Local Development Framework; the Neighbourhood Planning Team had already worked with many rural parishes, indeed this had helped to inform the rural policies in the Local Development Framework itself; and the next phase would involve work with the town councils to assist them in bringing forward Neighbourhood Plans.

8. Another Member in attendance suggested that interest in Neighbourhood Plans might reflect a movement by communities to protect themselves from the Core Strategy. Questions were asked about: the strengths and weaknesses of the latest

consultation; whether the consultation had met equality and diversity requirements; and whether any aspects of the consultation process might have limited public engagement and/or the quality of the response.

The Cabinet Member disputed the assessment of the motivations of parish councils in terms of Neighbourhood Plans. He said that a recent event at the Town Hall had been well attended and feedback had been very positive; related information would be published. He added that no representative had implied that Neighbourhood Plans were being undertaken as a precautionary measure. He outlined the commitment and investment made by the Council in this area.

The Assistant Director identified the key strengths of the consultation process as: town and parish council events; business engagement; the youth event; and weekly briefing notes. Areas for potential improvement included: the form itself, which presented issues in terms of processing and the filtering of information; and, although it had been updated regularly, some people did not find the website to be as clear as they would have liked it to be.

The Assistant Director did not consider than any aspect of the design and implementation of the consultation disadvantaged any particular group. Furthermore, officers had made themselves as accessible as possible to engage with various groups.

9. Reference was made to the recommendations of the Overview and Scrutiny Committee meeting of 9 December 2011 (minute 45 refers) on the Local Development Framework Consultation Process. The Chairman said that whilst it could not be explored at this meeting, questions remained about progress with the broader implementation of a comprehensive communications plan and the use of social media to communicate with residents. The Cabinet Member acknowledged that more could be done and outlined his own experience of the benefits of using social media during the consultation to relay information and engage with residents.
10. Another Member in attendance commented that the Committee was restricted in terms of the recommendations that it could make to the Cabinet because of the lack of complete information. He asked for views on the relationship between the tight timescale and confidence in meeting the test of soundness.

The Assistant Director responded by advising that: the compressed timetable had limited the information that could be presented at this point; on balance, there was the capacity and the technical skills within the team to be able to conform to the timetable; the Plan had reached a very mature stage, with the focus now on consolidation; some eighteen months' ago, the timetable for the Plan had been amended in order to consolidate some of detailed and technical matters, principally around highways and water issues; and, whilst officers were confident about the process, ultimately it was for the Inspector to determine soundness.

The Chairman said that, if there were significant concerns expressed to this Committee after the presentation to Cabinet on 4 July 2013, further consideration might need to be given at the next Committee meeting.

The Cabinet Member said that he would not want to put anything forward which could not stand up to scrutiny. It was recognised that some people would wish to challenge the process and legitimately test the Plan. He stressed the significant amount of work that had been undertaken, and was on-going, to inform the reports to Cabinet and Council.

11. A Committee Member, returning to the issue of Neighbourhood Planning, said that: nobody should make assumptions about the motivations of parish councils; officers should be commended for their involvement in the Neighbourhood Plans; and there were positive conclusions to be drawn from parish council involvement. The assurances provided by the Cabinet Member and officers about the treatment of comments were welcomed. It was suggested that the report to Cabinet should not concentrate on pages of graphs but should rather reflect the content of comments and how these had influenced changes. It was noted that the issue of weighting had been now addressed as this had not been explicit in the Committee report. Although recognising the technical definition of 'background papers', he suggested that it would be helpful to the public to identify concisely where all of the different issues could be picked up, including the availability of printed documents.

Summary

The Vice-Chairman summarised a few points that had been made during the discussion, including:

- i. the tight timescale being worked to;
- ii. the significant number of comments received;
- iii. this had been the final stage of significant public consultation and the final opportunity for the Council to listen to feedback from communities;
- iv. whatever the reasons, there was significant enthusiasm across the county for Neighbourhood Planning; and
- v. the timetable had been kept to so far, although this might have resulted in other pressures in other parts of the system.

Recommendations

- a. The Vice-Chairman commented on: the value of Neighbourhood Planning and the localities structure; the need for flexibility to enable communities to address significant concerns that were still outstanding at a local level; and the opportunity to build positive relationships between the Council and local communities.

The Vice-Chairman proposed a recommendation that the Council use the asset of the Neighbourhood Planning teams to enable the detailed implementation of place shaping policies to be determined for City and market towns by Neighbourhood Planning teams where they exist and through dialogue with parish councils and community representatives where Neighbourhood Planning teams had not been initiated.

The Assistant Director advised that key elements of the Local Development Framework would be delivered through the Neighbourhood Plans. The Vice-Chairman felt that, where there was considerable community push back on strategic proposals, communities should be able to articulate what they wanted and there should be dialogue about how this might be delivered.

The Cabinet Member commented on a number of matters, including: the Core Strategy would be the overarching framework; Neighbourhood Plans, in general conformity, provided an opportunity for people to influence how things were delivered; this was an example where a project had been managed well and the timetable adhered to; there had been a proper process; an explanation had been provided about what was being done in response to the consultation; and meetings were on-going with Councillors in relation to their communities. He did not consider that the recommendation would add further value.

The Vice-Chairman said that lack of flexibility to allow communities to work through unpopular aspects of the strategic parts of the Plan could result in unnecessary conflict at examination.

Comments from Committee Members included:

- Some considered the wording of the recommendation to be convoluted.
- Dialogue should continue with town and parish councils about their concerns but it was questioned whether all areas of disagreement could be addressed through the Neighbourhood Planning system.
- There was broad support for Neighbourhood Plans within certain timescales but progress would be restricted by the availability of resources.
- The authority had to consider the demands of all communities.
- There would be difficulties in implementing the recommendation given the significant length of time required to develop Neighbourhood Plans.

The Cabinet Member advised that: the authority was still working through a process; meetings had been organised with ward Councillors; there were risks associated with not sticking to the timetable; there was a proper structure for Neighbourhood Planning, with town and parish councils encouraged to develop Neighbourhood Plans.

The recommendation was not seconded, therefore no vote could be taken.

- b. The Vice-Chairman noted that the Core Strategy and the CIL were now working to different timetables but issues remained with the Infrastructure Delivery Plan. The Vice-Chairman proposed a recommendation that the costs of the infrastructure projects listed in the Infrastructure Delivery Plan be completed for those projects that currently had no costings against them.

A Committee Member said that the logic of the recommendation was understood but, as the Plan would cover a twenty-year period and the infrastructure requirements would evolve, the costs would inevitably change. The Vice-Chairman advised that there were gaps in the programme at present and infrastructure requirements and costs needed to be understood to the best of current knowledge. The Chairman commented on the importance of viability, as advanced in the National Planning Policy Framework.

The Assistant Director said that there was to be a further meeting of the Task and Finish Group on CIL the following week. It was re-iterated that the initial round of consultation on the CIL was on a preliminary draft and further consultations would be forthcoming. Work would continue and the CIL would eventually be subject to independent inspection. He added that the CIL was part but not the whole of the viability debate and there were other forms of public and private funding.

In response to a question from the Chairman, the Assistant Director said that it was not anticipated that viability issues would be a factor that would cause the Plan to be found unsound and that work would continue on refining the evidence base.

A vote in support of the recommendation was defeated.

- c. The Vice-Chairman sought clarification about the timing of the pre-submission consultation that was required under Regulation 19, as she was concerned that this should not coincide with holiday periods. The Assistant Director advised that,

subject to consideration by Cabinet and Council, it was anticipated that this would be undertaken during September or October 2013. The Cabinet Member commented that the authority was very mindful of holiday periods. With this assurance, no recommendation was made.

- d. The Chairman, noting comments made by a Committee Member earlier in the meeting, put forward the recommendation that: in the report to Cabinet, emphasis be given to the content of the written submissions and how these had influenced changes rather than to the graphic representations of the responses.
- e. In response to comments from Committee Members about the potential release of information about respondents, the Team Leader Strategic Planning reminded the Committee of the Data Protection assurance given in the questionnaire. However, a Committee Member suggested that a list could still be provided of Elected Member, organisational and professional respondents. The Cabinet Member said that the authority would publish what could be published within the limits of Data Protection requirements.
- f. A Committee Member questioned whether a further recommendation could be that 'town and parish councils play a key role in the consultation on the Core Strategy'. The Assistant Director clarified that the next stage was governed by Regulation 19 and this was not consultation in the traditional sense but would involve the publication of the Plan, notification through the press and to various bodies, with an opportunity for people to make additional comments or formal objections and to be passed to the Inspector for consideration.

The recommendation identified at paragraph d. above was agreed unanimously.

RESOLVED: It be recommended that, in the report to Cabinet, emphasis be given to the content of the written submissions and how these had influenced changes rather than to the graphic representations of the responses.

[Note: At 7.35pm, the Committee took a short break. Some Committee Members suggested that the remainder of the business be adjourned to another date. However, considering the level of public and officer attendance throughout the meeting, the Chairman concluded that the meeting should proceed as planned.]

8. COUNCIL BUDGET 2013/14 - UPDATE

The Committee received a presentation on the latest position concerning the Council Budget 2013/14; the presentation had been circulated in advance of the meeting and published as a supplement to the agenda on the Council's website.

The Chief Officer: Finance & Commercial made the following principal points:

1. There had been no change in the Council's net budget of £150.296 million.
2. The Chief Executive had conducted a review of all service delivery plans.
3. It had been identified that a service specific grant of £3.8 million had remained in the budget as an income line, despite it being included in the direct grant from government.
4. The Council's Internal Auditors, KPMG, had undertaken a review of the net budget position and had concluded:

- the treatment of the £3.8 million grant had no impact on the overall net budget agreed by Council in February;
 - greater level of detail in budget papers to Cabinet and Council may have helped identify duplication;
 - high level of control of 2013/14 People's Service budget evident;
 - formal sign-off of Hoople budget information required;
 - lack of stability in senior management in Social Care may have had a historic impact on financial control; and
 - Council took timely action to resolve issue and give assurance that budget soundly based.
5. Although there had been more detail than in previous years, the duplication of the grant had not been obvious because grant income information had been presented as an overall total in the budget information.
 6. It was accepted that there was a need for greater clarity in the working relationship between Hoople financial services and the Council's retained finance function.
 7. It was noted that senior management turnover in Social Care had reduced levels of corporate knowledge.

A Committee Member said that assurances had been provided about Social Care in the past but the departure of key staff could undermine stability very quickly; it was suggested that some of the issues might have arisen from changes to statutory posts under the previous government. He added that recruitment difficulties could be compounded by the outcome of the recent Ofsted inspection. The Chairman noted that stability was a key issue going forward.

The Head of Finance - People's Services continued the presentation, key points included:

- i. The review of the service delivery plans had identified a net gap of £7.4 million in People's Services. Work had been undertaken to mitigate risks and identify additional savings, with People's Services recovering internally all except £2.8 million of the budget pressure.
- ii. Attention was drawn to the Directorate Budget Control Totals slide which showed movements, including the transfer of Environmental Health and Trading Standards service from the People's Directorate to the Places and Communities Directorate, and revised budget for each Directorate.
- iii. An overview was provided of the chronology of the Adult Social Care budget. It was reported that the Adult Social Care budget presented in February 2013 was based upon September 2012 client activity and expected growth but there was significant volatility due to client numbers (in excess of 2,500). The Root and Branch report to Cabinet on 5 February 2013 summarised unfinished Root and Branch work and service transformation plans. The further development of these plans formed the basis of the 'zero based budget' and detailed savings plans.
- iv. The key features of the zero based budget approach included: reflecting changes in client numbers to update accuracy of detailed client budgets; service assumption that improvements in processes / controls would deliver zero net growth in client numbers in 2013/14; and reviewing all contracts, especially those due to end in March 2013 which could be stopped.

- v. Detailed savings plans were worked up in line with Assistant Director plans and themes for savings, including: cost reductions / terminations; service redesign; demand reductions; cost of care reductions; and income generation.
- vi. With the identified £3.8 million grant error and consideration given to the potential risks around delivery of some savings, a cautious view was taken of the savings achievable, resulting in the £7.4 million pressure.
- vii. Cabinet and Council considered a report on Service Budget Reductions and Future Financial Planning on 16 and 24 May 2013 respectively.
- viii. It was reported that monthly financial control meetings chaired by the Chief Officer: Finance and Commercial were being held for all Directorates.

In response to a question from the Chairman, the Committee was advised that the Assistant Director - People's Services was in place until the end of the financial year. It was recognised that the retention of expertise was essential to ensure the completion of the transformation programme and the Management Team were actively considering recruitment and retention policies within current financial constraints. The Chief Officer: Finance & Commercial noted: the consequences of cutting too deeply in terms of the impact on senior management capacity; the reliance on interim positions; and the need for a discussion about the level of capacity required to deliver change. The Head of Finance - People's Services said that there had been internal redeployment of resources to help support the business change programme.

Officers responded to questions from Committee Members, some of the main points included:

- a. Council Tax accounted for approximately 24% of the total Council gross budget of £334 million which included Dedicated Schools Grant, but was approximately 50% of the net budget requirement of £150 million.
- b. It was re-iterated that, when setting the budget, the authority compared budget against budget not against actual expenditure, as only the projected not actual outturn would be available. Nevertheless, it was recognised that the level of information presented in budget papers should be reviewed.
- c. It was confirmed that the former Cabinet Member Health and Wellbeing had been involved at all stages of the chronology of the Adult Social Care budget.
- d. Further explanation was provided of the compensatory savings achieved in People's Services, with the remaining gap being funded through savings in other directorates.

A Committee Member commented that: staff turnover needed to be addressed, particularly to maintain continuity for safeguarding; many social workers felt undervalued; some former employees had cited problems with Frameworki as a reason for leaving; there was a need to monitor the level of interim appointments; and substantial costs could be incurred through in-contract negotiations and terminations. In response, the Head of Finance - People's Services advised that progress had been made in resolving a number of issues with Frameworki and discussions with providers had focused on contracts due to end in March 2013.

In response to questions from the Vice-Chairman, the Chief Officer: Finance and Commercial said that: the treatment of the £3.8 million grant had no impact on the Council's net budget; on the basis of information he was presented with at the time, he would have signed off the budget as Section 151 Officer again; with perfect knowledge, if

the grant error been identified in January 2013, the authority would have needed to make further savings or possibly increase Council Tax, although the latter would have been unlikely as this would have triggered a referendum; the reviews that had been undertaken and the zero based budget approach had identified the pressures earlier than might have been the case under normal budget monitoring.

In response to further questions, the Head of Finance - People's Services provided further clarification on the treatment of cross cutting savings, reconciliation of the savings schemes, and the zero based budget approach. The Chief Officer: Finance and Commercial said that the savings schemes for each directorate were projected not final, as in some cases decisions had to be made by officers, or by Cabinet or Cabinet Member where policy changes were required.

The Vice-Chairman questioned whether contingency had been made for 'known unknowns'. The Chief Officer: Finance and Commercial outlined the general position with Council's reserves. The Head of Finance - People's Services advised that there had been a small amount of contingency to facilitate some activities without creating pressures elsewhere but this had been reduced recently. The importance of the zero based budget approach and improvements to forecasting were noted. The Vice-Chairman expressed concern that the need to find savings to respond to urgent situations could impact on levels of care for existing service users. The Chief Officer: Finance and Commercial said that as the year developed other savings may be required.

The Chairman noted that there were vulnerabilities resulting from the budget pressures and would need to be monitored.

RESOLVED: That the report be noted.

9. COMMITTEE WORK PROGRAMME

The Chairman commented on the recent publication of the 'Understanding Herefordshire 2013' report which would inform the future development of the Work Programme.

A Committee Member said that some of the terminology used in Council documents was unclear and it was suggested that a briefing paper be prepared to explain the nature of core, critical, discretionary, essential and statutory services.

The Vice-Chairman said that a report arising from the work of the Task and Finish Group on the Community Infrastructure Levy would need to be added to the Work Programme.

A Member in attendance suggested that the Committee could review the executive responses to the Local Development Framework report following Cabinet on 4 July and in advance of Council on 19 July 2013. The Chairman said that consideration would need to be given to the value that could be added, as there would be no clear purpose if Members were broadly satisfied with the adequacy of the data presented. The Vice-Chairman reminded the Committee of the undertaking given by the Cabinet Member at the 11 February 2013 meeting to provide the 'executive's response to any issues raised'.

10. DATE OF NEXT MEETING

The meeting of General Overview & Scrutiny Committee scheduled for Monday 8 July 2013 was subsequently changed to Tuesday 16 July 2013 at 2.00 pm in the Council Chamber, Brockington, 35 Hafod Road, Hereford.

The meeting ended at 8.50 pm

CHAIRMAN

QUESTIONS FROM THE PUBLIC

Agenda item 6 invited the public to submit questions for consideration at the meeting so long as the question is directly related to an item listed on the agenda. The following questions have been received and responses provided by officers.

AGENDA ITEM 7 - LOCAL DEVELOPMENT FRAMEWORK

Following questions received from Mrs E Morawiecka

Answers provided by Andrew Ashcroft, Assistant Director Economic, Environment & Cultural Services

Question 1: The draft Core Strategy states on page 235 “Local authorities should have clear evidence about planned infrastructure, its cost, timing and other likely sources of funding to underpin their development strategies. This will be provided through an Infrastructure Delivery Plan (IDP) which will sit alongside the Core Strategy”. The IDP presented as background evidence for the consultation on the draft Core Strategy omitted many cost figures; had no schedule of timings of delivery and did not identify likely sources of funding, where shortfalls were indicated. No infrastructure was included in the IDP to underpin the housing growth planned for rural areas in the draft Core Strategy.

- a) As a result of the consultation on the draft Core Strategy and the responses received, has Herefordshire Council corrected any of the omissions identified in the Infrastructure Delivery Plan?
- b) Has Herefordshire Council now calculated the total amount of Community Infrastructure Levy (CIL) required over the plan period to fund the shortfall on infrastructure projects identified, so that the final Core Strategy will be both “sound” and “economically viable”?

Answer 1: a) *The report to Cabinet on 4 July and Council on 20 July 2013 will identify the consultation responses received to policy ID.1 Infrastructure Delivery and whether any amendments are needed to the policy in the Infrastructure Delivery Plan.*

- b) *The Community Infrastructure Levy will not specifically fund a shortfall on the delivery of infrastructure projects. It will however be used to bridge a funding gap. The Council will continue to be reliant on public and private funding to deliver infrastructure.*

Question 2: In the letter to parish councils dated 11th April 2013, from Cllr Russell B Hamilton and Cllr A Seldon, on the consultation on the Community Infrastructure Levy (CIL) which ran alongside the consultation on the Core Strategy, the letter states “We would like you to know that the Overview and Scrutiny Task & Finish Group chaired by Cllr Harvey and her group is performing a valuable role as part of the democratic process and that all of the recommendations contained in its interim report in December 2012 were accepted by the Cabinet member (Cllr Russell B Hamilton). This included a further piece of work that is

now in the final stages of being completed by the Task & Finish Group. The outcome of which will be considered by the main Overview & Scrutiny committee and Cabinet member in May along with feedback from the consultation”.

- a) Where is the feedback from the CIL consultation (which ran alongside the draft Core Strategy consultation) to be found?
- b) When is the feedback on the CIL consultation due to be considered by the Overview & Scrutiny committee and Cabinet member, as proposed in the joint letter?

Answer 2:

- a) *The CIL consultation responses have not been published.*

During the consultation on the CIL preliminary draft schedule and following the closure of the consultation on 22 April 2013, the Government published new documents in relation to CIL. In detail these are the Growth and Infrastructure Bill, new statutory guidance on CIL, reforms around the delivery of affordable housing and a consultation on further reforms to the Community Infrastructure Levy. These documents relate directly to the CIL. The Council will need to consider these documents in progressing with the CIL.

In addition, the General Overview & Scrutiny CIL Task & Finish group will be meeting with the Council’s consultant who undertook the work to produce the preliminary draft charging schedule. Their work will constitute a response to the consultation.

- b) *There will be a three to six month lag between progress on the Core Strategy and the CIL.*

Question 3:

The Local Transport Plan (2013/14-2014/15) Consultation Report was part of the evidence base for the draft Core Strategy consultation. The Transport Consultation report showed that public transport was viewed as “most important” by the majority of respondents (35%) and was consistent with previous transport consultations. Furthermore, the transport consultation stated at para 3.1 “Generally respondents welcomed the change in emphasis towards walking, cycling and public transport. However, a number of respondents felt that our approach to this consultation was limited and were frustrated by the exclusion of certain schemes. This principally related to the Hereford Relief Road and the Aylestone Hill to Edgar Street Link Road”.

- a) Are the draft Core Strategy consultation responses consistent with the responses of the previous Local Transport Plan consultations?
- b) Will the Core Strategy be amended to take into account the rejection of expensive new road schemes, in preference for improving existing road infrastructure and promoting more sustainable modes of transport, as previously requested by local residents?

Answer 3:

- a) *The Herefordshire Local Plan – Core Strategy and the Local Transport Plan consultation are not comparable. The Core Strategy covers a 20 year plan period from 2011 to 2031, incorporating a relief road with sustainable transport measures, including walking, cycling and public transport. The Local Transport Plan covers a two year period from 2012 to 2015 and incorporated short term schemes.*

- b) *The evidence underpinning the Herefordshire Local Plan – Core Strategy 2011 – 2031 demonstrates the need for a relief road in conjunction with sustainable modes of transport.*

Following question received from Mrs J Morris

Answers provided by Andrew Ashcroft, Assistant Director Economic, Environment & Cultural Services

- Question 4:**
- a) Can you please tell me how has this latest consultation succeeded in reaching Herefordshire Council's identified target audience compared to previous consultations? By 'target audience' I am referring to this vast array:- staff, older people, people with learning difficulties, stakeholders, disabled people, voluntary groups/organisations, community groups/organisations, neighbouring authorities, service users, young people, women, men, businesses, councillors/MPs/MEPs, all residents, black and minority ethnic people, gay, lesbian, bisexual and transgendered people, expert stakeholders, general public, parent, carers and guardians, internet users, students, children, Faith groups, Central Government, BME - including gypsies and travellers, and Equalities (other than BME above).
- b) In view of the way in which this consultation required people to respond via electronic media, can you please clarify how had this improved Herefordshire Council's response rates from in particular -the elderly, people with learning difficulties, disabled people, children and all those on lower incomes or who live in isolated rural areas where there is little or no broadband provision?

- Answer 4:**
- a) *The latest consultation used a range of methods to reach the target audience. These are set out at paragraph 10.14 of the report on the Local Development Framework process to the General Overview and Scrutiny Committee.*
- b) *The consultation did not 'require' people to respond via electronic media. There were three ways to comment on the Core Strategy as set out in the questionnaire (online, hard copy or by letter). This flexibility is reflected both in the number of comments received and their range, type and source.*

Following question received from Ms. V. Wegg-Prosser

Answers provided by Andrew Ashcroft, Assistant Director Economic, Environment & Cultural Services

- Question 5:** Ref 10.13 of the LDF Report to be tabled: In view of the fact that it appears that only the online responses to the recent survey on the draft Local Plan have been made available in advance of this meeting (except by inspection by Councillors in the Members' Room, presumably on the day of the meeting), how can the Committee be assured that their comments on the draft Local Plan survey responses will be comprehensive and meaningful in the hopes of taking the draft Local Plan forward as a Plan that will pass the test of soundness at Examination in Public?

Answer 5: Full responses to the questionnaire, which includes both electronic and written, were made available on the Council website on 6 June 2013.

Question 6: The deadline for publication of the draft Local Plan with regard to its presentation to Council on 19th July is 21st June, three days away from now. What do the Committee propose to do if this deadline is not met?

Answer 6: The publication of the agenda for Council is 11 July 2013. At this stage there is no suggestion that this timetable will not be achieved.

Question 7: Reference the Infrastructure Delivery Plan and the CIL Charging Schedule survey, could the Committee please advise when further information about this will be published?

Answer 7: The Infrastructure Delivery Plan is a 'living' document and will be updated on an on-going basis.

During the consultation on the CIL preliminary draft schedule and following the closure of the consultation on 22 April 2013, the Government published new documents in relation to CIL. In summary these are the Growth and Infrastructure Bill, statutory guidance on CIL, delivery of affordable housing and a consultation on further reforms to the Community Infrastructure Levy. The Council will need to consider these documents in progressing with the CIL.

In addition, the General Overview & Scrutiny CIL Task & Finish group will be meeting with the Council's consultant who undertook the work to produce the preliminary draft charging schedule. Their work will constitute a response to the consultation.

There will be a three to six month lag between progress on the Core Strategy and the CIL.

Question 8: Now that S.106 draft agreements are making reference to supporting community services such as libraries and playing space in some detail (see, for example, that attached to Planning Application S 123592/O), what assurances can the Committee seek that (a) the potential revenue from such levies will be spent as designated despite impending cuts to these services? and (b) that these levies will continue to be chargeable even if the CIL Charging Schedule fails to meet its deadline for implementation, April 1st 2014, after the adoption of the Local Plan?

Answer 8: Section 106 agreements have consistently made reference to the delivery of community infrastructure, including libraries and open space in accordance with the Council's Supplementary Planning Document on Planning Obligations. The monies have to be spent on the infrastructure identified in the individual section 106 agreements.

The Government has announced further reforms to the CIL which proposes an extension to the implementation of CIL from 1 April 2014 to 1 April 2015. Section 106 agreements will continue to operate up to that point.

Following questions received from Mr. R. Stow

Answers provided by Andrew Ashcroft, Assistant Director Economic, Environment & Cultural Services

Question 9: Viability and deliverability of infrastructure

The Council's Questionnaire stated that the Core Strategy "...also identifies what services, facilities and infrastructure are needed, and when and how these will be achieved". One of the consultation's key documents was the "Infrastructure Delivery Plan"(IDP), and its project schedule called Appendix 1.

Many of the infrastructure projects in Appendix 1 were uncosted and unfunded. In particular, the two major road projects of the ESG Link Road and the Western Relief Road showed "funding gaps" of £21m and £115m respectively.

Why did the Council consult on the Core Strategy without providing evidence of the economic viability and deliverability of the necessary infrastructure, as required by NPPF paragraph 177?

Answer 9: The Council employed 3 Dragons consultants to produce evidence with regards to viability. This evidence can be found on the Council website at <https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-plan-evidence-base/>

The Infrastructure Delivery Plan is a living document and will be updated as information is available. Work on viability will continue with the Council's consultants. Funding opportunities will continue to be explored for the delivery of the strategic infrastructure and in parallel with the eventual submission for independent examination.

Question 10: Community Infrastructure Levy (CIL) Budget to 2031

The Community Infrastructure Levy (CIL) will be a critical source of infrastructure funding.

A CIL Budget would be a financial plan showing the forecast receipts from CIL each year, matched against spending of those receipts each year on the specific infrastructure projects in Appendix 1. This would show how CIL receipts actually contribute to the timely delivery of the Infrastructure Development Plan over the period to 2031.

Why did the Council consult on CIL without providing a CIL Budget to 2031? Does the Council know how much revenue the CIL will deliver each year? And within each year, what specific infrastructure projects will the CIL be spent on?

Answer 10: The Council is in the first stages of producing a Community Infrastructure Levy Charging Schedule. The Council has only consulted on a preliminary draft charging schedule at this stage. In due course, and in accordance with the regulations, the Council will need to produce a CIL 123 list that identifies what CIL monies will be used to fund. Once CIL is adopted the Council will need to publish an annual report identifying how CIL monies have been used to assist in funding specific projects.

AGENDA ITEM 8 – COUNCIL BUDGET 2013/14

Following questions received from Mrs E Morawiecka

Answers provided by David Powell, Chief Officer: Finance and Commercial

Question 11: Regarding the Budget 2013/14 and both Council leaders this year requesting better ideas on how to manage the local public finances, how have the responses from the “Your Community, Your Say” budget consultation held in January 2013, been incorporated into the Herefordshire Council budget revisions?

Answer 11: “Your Community, Your Say” consultations held in 2012 were considered as part of priority setting and the budget. The budget revisions were made with an awareness of the results of last year’s consultation.

Question 12: Where can members of the public find the detailed budget for 2013/14 by department and a comparison against actual expenditure for 2012/13?

Answer 12: The budget by service was included in Appendix C of the February budget report and showed a comparison against the 2012/13 budget. The council tax leaflet also includes information and is available on-line.

Question 13: Could the chief finance officer confirm that the capital reserve now includes a full provision for the £500,000 due to be repaid to Stanhope, in accordance with the contractual changes agreed on the Old Livestock Market?

Answer 13: Answer: We have set aside the £500k as a creditor (so netted down the capital receipt in the cap receipt reserve)

Following question received from Ms K Rogers

Answer provided by Kathy McAteer, Social Care Lead for Open Book Review

Question 14: The NATIONAL report from Wilkins Kennedy Accountants have confirmed that there was a 12% increase in care homes "going bust" the firm directly blames local authority fees for the closures. The result 67 Care homes closures in 2012 compared to 28 in 2008. Michelle Mitchelle from age uk has advised people who are choosing care homes to always ask for details about the number of local authority clients as the more local authority funded clients the more likely a closure will happen. In light of these facts are members still in favour of the proposed cuts and quality reduction in services?

Answer 14: The new fees are a fair price and cover the cost of providing the care. Some home owners will have a fee increase. Those who have a fee reduction will have a lower profit margin that at present. However, this needs to be seen in the context that Hereford are currently paying significantly more for services than other LAs and will continue to pay more for

nursing home care than benchmarked authorities. The Open Book Review methodology ensures that there is a clear understanding of the actual costs of providing the care and as such there should be no risk of homes going out of business. This should not reduce quality and the new contract will align cost to quality."

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|-------------------------|---|
| MEETING: | GENERAL OVERVIEW AND SCRUTINY COMMITTEE |
| MEETING DATE: | 16 JULY 2013 |
| TITLE OF REPORT: | TASK AND FINISH GROUP REPORT – COMMUNITY INFRASTRUCTURE LEVY (CIL) |
| REPORT BY: | TASK AND FINISH GROUP |

1. Classification

Open

2. Key Decision

This is not an executive decision.

3. Wards Affected

County-wide

4. Purpose

To consider the further findings arising from the scrutiny Task and Finish Group - Community Infrastructure Levy (CIL) and to recommend the report to the Executive for consideration.

5. Recommendation(s)

THAT:

- (a) **The Committee considers the further report of the Task and Finish Group - Community Infrastructure Levy (CIL), in particular its recommendations, and determines whether it wishes to agree the findings for submission to the Executive; and**
- (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.**

6. Alternative Options

- 6.1 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 approved.

7. Reasons for Recommendations

- 7.1 This Committee commissioned a Task and Finish Group to look at the preparation of a Community Infrastructure Levy (CIL) charging schedule for Herefordshire.

- 7.2 The initial findings of the Task and Finish Group were presented to this Committee in December 2012 and then submitted to the Executive for consideration. The Executive response was presented to this Committee on 4 March 2013.
- 7.3 This report sets out the further work by the Task and Finish Group in considering outstanding matters from the initial review.

8. Key Considerations

- 8.1 Cabinet on 28 July 2011 considered the Economic Development Strategy, Local Development Framework (LDF) and the Local Transport Plan 3 (LTP3). Arising out of that debate Cabinet invited the Overview and Scrutiny Committee to inform the preparation of a Community Infrastructure Levy charging schedule for Herefordshire.
- 8.2 The Overview and Scrutiny Committee commissioned a Task and Finish Group to undertake a review. The review was undertaken within the limitations of having to meet a deadline for a report to be submitted to the Executive by December 2012. The initial findings and recommendations were reported to this Committee for its consideration prior to being referred to the Council's Executive for consideration and approval.
- 8.3 In February 2013 the Task and Finish Group reconvened to return to the work outstanding from the earlier review.
- 8.4 The Group has not yet been provided with details of responses to the Council's consultation document on CIL.
- 8.5 Shortly after the end of the Council's consultation, government had undertaken a further consultation on proposed amendment to CIL. The outcomes of this are awaited.
- 8.6 As confirmed to the Committee on 18 June 2013, the authority has decided that CIL should follow behind work on the Local Development Framework.
- 8.7 In view of the matters outstanding, the Task and Finish Group intends to reconvene in September 2013.
- 8.8 The interim findings are set out in the attached report by the Task and Finish Group.

9. Community Impact

- 9.1 If the Committee agree with the findings of the Task and Finish Group, the report will need to be considered by the Executive and, depending on their decision, community impact will need to be assessed.

10. Equality and Human Rights

- 10.1 If the Committee agree with the findings of the Task and Finish Group, the report will need to be considered by the Executive and, depending on their decision, equality and human rights issues will need to be assessed.

11. Financial Implications

- 11.1 If the Committee agree with the findings of the Task and Finish Group, the report will need to be considered by the Executive and, depending on their decision, the financial implications of any of the recommendations will need to be assessed.

12. Legal Implications

- 12.1 If the Committee agree with the findings of the Task and Finish Group, the report will need to be considered by the Executive and, depending on their decision, the legal implications of implementing any of the recommendations will need to be assessed.

13. Risk Management

- 13.1 If the Committee agree with the findings of the Task and Finish Group, the report will need to be considered by the Executive and, depending on their decision, the risk management implications of implementing any of the recommendations will need to be assessed.

14. Consultees

- 14.1 As part of the review, interviews were held with following Councillors (titles are correct at the time of interview): AW Johnson (Cabinet Member - Financial Management); GJ Powell (Cabinet Member - Education and Infrastructure); RB Hamilton (Cabinet Member - Environment, Housing and Planning). The Task and Finish Group also heard from officers and L Cousins, Three Dragons Ltd.

15. Appendices

- 15.1 Appendix 1 - Task and Finish Review Group Report - Community Infrastructure Levy (CIL).

16. Background Papers

- 16.1 None identified.

Task & Finish Group Report

Community Infrastructure Levy
(CIL)

For consideration by the

General Overview & Scrutiny Committee

16th July 2013



Task & Finish Group Report Community Infrastructure Levy (CIL)

Executive Summary

Community Infrastructure Levy (CIL) is a new local government tax on development which aims to provide a revenue stream for local authorities and parishes which recognises the community stakeholding in the increase in value landowners derive from the grant of planning permission.

Careful consideration is required in setting the initial charge rates to balance policies supporting sustainable development with the economic realities of viable development - particularly while we remain in an economic downturn.

Herefordshire now plans to implement CIL in the autumn of 2014 and it is with this relatively short deadline in mind that this Task & Finish Group makes comment in this report on the progress being made in developing the county's policy on CIL.

During this year significant progress has indeed been made on this matter, with further guidance being received from the Council's consultants and a public consultation taking place on preliminary draft changes over the spring. Officers and the Cabinet Member are to be congratulated on delivering this in parallel with the onerous task of completing the final phases of the Core Strategy's evolution and submission to Council for approval.

The themes of viability, sustainability and deliverability remain central to the successful adoption of both the Core Strategy and CIL. Additionally these two mainstays of local planning policy remain inextricably entwined since CIL also provides a significant proportion of the funding critical to the delivery of county and local infrastructure projects.

This report addresses outstanding recommendations from our initial report on CIL of December 2012. It also comments upon the viability modelling undertaken in support of both the Core Strategy and the implementation CIL; upon the public consultation on preliminary draft charges for CIL; and upon recently released government guidance on the subject.

Throughout, we have referred to National Planning Policy Framework guidance and advice on best practice provided to DCLG. As the result of our investigations we recommend: additional modelling to address significant gaps; clarification of the Council's assumptions and approach to the policy to ensure consistency and compliance with guidance; review of certain aspects of the evidence base for CIL to confirm robustness; additional modelling/assessment to inform action; and further assurance on certain aspects of preparation for the implementation of the new charge to deliver resilience.

As a result of a delay in the analysis of the responses received to the spring consultation on CIL, this TFG will reconvene in the autumn to continue this policy-shaping piece of scrutiny work.

We submit the detail of our findings and recommendations contained in this report to General Overview & Scrutiny Committee for its consideration.

1 Background

- 1.1 The initial report of the CIL Task & Finish Group (TFG) was presented to General Overview & Scrutiny Committee on 10th December 2012 (the December Review report is available via the Council's web site)¹. The Executive response was reported to the General Overview & Scrutiny Committee on 4th March 2013 (also available via the Council's web site)². The Committee noted that the Cabinet Member (Environment, Housing & Planning) had accepted all the recommendations of the review and this has since been confirmed in a letter, from the Cabinet Member, to all parish councils, dated 11th April 2013.
- 1.2 The recommendations from the earlier report are as follows:
1. that a differential rates approach, in terms of both areas and zoning within areas, be taken to setting CIL in Herefordshire.
 2. that this Task & Finish Group be recommissioned early in 2013 to review the available documentation, engage with stakeholders on the proposed charging schedule and make recommendations. **[Outstanding]**
 3. that the guidelines set out in the Income & Charging Review be applied to the application of CIL rates.
 4. it is important to include all types of development in the CIL charging framework – although some categories may be given a £Nil rate in a particular charging timeframe.
 5. that this Task & Finish Group be re-commissioned early in 2013 to review the available documentation, and to engage with local stakeholders on the options for phasing of CIL payments before making further recommendations. **[Outstanding]**
 6. that a Locality-based approach to managing both the encouragement of development and the implementation and ownership of infrastructure projects - including those designated as 'strategic' at county level, is recommended for Herefordshire.
 7. to ensure that the implementation of CIL encourages and supports the Council's targets for affordable and social housing and advances the standards of building sustainability of the county's housing stock.
 8. that a special development category be included in the CIL rate recognising high energy efficient, lifetime sustainable developments.
 9. that a communication plan and workshops be instigated in advance of the implementation date to ensure that clear advice is available to both the development industry and the general public.
 10. that the question of how the cost of infrastructure projects are budgeted for and managed be investigated in more detail when the Task & Finish Group is recommissioned. **[Outstanding]**

¹ General Overview & Scrutiny Committee 10 December 2012
<http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=809&MId=4675&Ver=4>

² General Overview & Scrutiny Committee 4 March 2013
<http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=809&MId=4646&Ver=4>

- 1.3 **Outstanding Recommendations:** These will be picked-up where they fit in the body of this report.

Recommendation 2: that this Task & Finish Group be recommissioned early in 2013 to review the available documentation, engage with stakeholders on the proposed charging schedule and make recommendations. Para: 3.3

Recommendation 5: that this Task & Finish Group be re-commissioned early in 2013 to review the available documentation, and to engage with local stakeholders on the options for phasing of CIL payments before making further recommendations. Para: 3.5.

Recommendation 10: that the question of how the cost of infrastructure projects are budgeted for and managed be investigated in more detail when the Task & Finish Group is recommissioned. Para: 2.8.6

- 1.4 Further information concerning the history, scope, work undertaken during the initial review, the documents received and the findings were all reported in the published report (the December Review Report) in the agenda for the Committee on 4 March¹.
- 1.5 The recommissioned Task & Finish Group comprised Councillors: EPJ Harvey (Chair); B Durkin, J Hardwick; MAF Hubbard; GR Swinford. The Group were supported by Mr A Ashcroft, Assistant Director Economic, Environment & Cultural Services (Lead Officer); Mrs Y Coleman, Planning Obligations Manager; Mr P James, Democratic Services Officer; and latterly Mr A Tector, Head of Special Projects. We thank these officers for their assistance.
- 1.6 The TFG was reconvened on 6th February 2013 to return to and complete the work outstanding from the December 2012 CIL report, and to make any further recommendations where necessary regarding the implementation of CIL in Herefordshire.
- 1.7 During the period in which the TFG has been sitting the authority has undertaken public consultations covering both the draft Core Strategy/Local Plan and the preliminary draft charging schedule for CIL. These consultations ran in parallel from 4th March to 22nd April 2013.
- 1.8 During the course of the review, the TFG has posed a series of questions to Three Dragons, the authority's retained consultants, who have been providing specialist support on housing market assessment and viability testing since 2010. Responses were received on 24th June 2013. The TFG also met with Three Dragons' consultant, Lin Cousins on 27th June, to follow up of the responses to our questions and to discuss the draft of this report, produced in April. The questions and answers and the notes of the meeting held on 27th June will be circulated to Members shortly [to follow].
- 1.9 Three Dragons have considerable experience and national presence in the area of CIL implementation and viability assessment. They have played an instrumental part in the development of a guidance and best practice report to DCLG, by the Local Housing Delivery Group chaired by Sir John Harman, which was entitled: Viability Testing Local Plans – advice for planning practitioners³. As part of its guidance to DCLG the Local Housing Delivery Group provides 7 key principles associated with

³ Viability Testing Local Plans – advice for planning practitioners
http://www.nhbc.co.uk/NewsandComment/Documents/filedownload.47339_en.pdf

assessing the viability of local plans. These principles are as follows – with their key themes highlighted for this report:

1. It is critical that consideration is given to the **cumulative impact of the plan policies**, rather than treating policies in isolation or overlooking the potential impact of policies on the delivery of planned development.
2. Planning authorities will often need to **strike a balance between the policy requirements necessary to provide for sustainable development and the realities of economic viability**. There should be both clear local justification for the adoption of local standards and policies, and reasonable returns for landowners and developers. Making an informed and explicit choice about the risks to delivery is a key outcome of the assessment of Local Plan viability.
3. This **local choice should be supported by a collaborative approach that is taken throughout the policy making process**. The advice and input of local partners, particularly those with knowledge of the local market and development economics, and those who will be involved in delivering the plan, should be sought at each stage. This should avoid making poorly founded assumptions that can lead to plans being contested. It will also improve understanding of the need for the proposed policies and standards among those seeking to bring forward development in the area. The best plans are also regularly reviewed to test the policies adopted to ensure the plan remains viable and deliverable.
4. Viability assessments of Local Plans should therefore be seen as **part of the wider collaborative approach to planning** and a tool that can assist with the development of plan policies, rather than a separate exercise.
5. The approach to **assessing plan viability should recognise that it can only provide high level assurance** that the policies within the plan are set in a way that is compatible with the likely economic viability. It cannot guarantee that every development in the plan period will be viable, only that the plan policies will be viable for the sufficient number of sites upon which the plan relies in order to fulfil its objectively assessed needs.
6. The **assessment process should be iterative**. Draft policies can be tested based on the assumptions agreed with local partners, and in turn those assumptions may need to be revised if the assessment suggests too much development is unviable. This dynamic process is in contrast to the consideration of viability during development management, when policy is already set.
7. This approach does make viability assessment more challenging, particularly when considering the potential viability of plan policies over the whole plan period and across the different sub-markets of the plan area. However, a **demonstration of viability across time and local geography will be of much more value to local decision making** and will help develop a local shared understanding of deliverability.

- 1.10 We have used these principles and the guidance underpinning them as a framework for the investigations we have carried out throughout this scrutiny activity.
- 1.11 **NOTE:** The analysis of the comments received during the public consultation on CIL has not been undertaken yet, so the comments made in this report, while not forming a formal scrutiny response to the consultation, are intended to sit alongside the consultation responses. This TFG will reconvene in September 2013 to review the consultation results and to make further recommendations to the CIL rates ahead of any reports coming to Cabinet in October/November 2013.
- 1.12 The following sections of this report are organised to capture our recommendations associated with the key building blocks of evidence or activity associated with the development of policy on the implementation of CIL in Herefordshire.

2 The Economic Viability Assessment 2013 (EVA-2013)⁴

- 2.1 This document comprises the viability assessment for the whole Core Strategy, and summarises the evidence for the development of a Community Infrastructure Charging Schedule. The report was received in its latest draft form in February 2013, was compiled by Three Dragons in support to Planning Officers, and formed part of the evidence base for the Core Strategy and CIL public consultations.
- 2.2 DCLG guidance states that *“it is important to note that the role of an assessment is to help inform the decisions made by locally elected members when preparing and adopting a Local Plan.”*
- 2.3 To further set the importance of this document in context, the National Planning Policy Framework (NPPF) states:

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

“Local planning authorities... should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards. In order to be appropriate, the cumulative impact of these standards and policies should not put implementation of the plan at serious risk, and should facilitate development throughout the economic cycle. Evidence supporting the assessment should be proportionate, using only appropriate available evidence.” NPPF paras 173-4

⁴ Draft Economic Viability Assessment (Feb 2013)

https://www.herefordshire.gov.uk/media/5688108/economic_viability_assessment_2013_draft_report_draft_hcc_final_13_02_16_lc.pdf

- 2.4 **Cumulative Impact of Policies [key principle 1]:** This TFG has reviewed the current EVA and discussed its contents with officers and Three Dragons. It is clear that there has been a change in the approach taken to modelling viability compared with that used for the previous document EVA-2011⁵. EVA-2013 has not undertaken an assessment of the total likely cumulative impact of policies upon development in Herefordshire, because a decision has been taken not to include the full cost of the infrastructure required in the Local Plan. No explanation has been provided for this change in approach. To take only a portion of the full infrastructure costs into account when undertaking the viability modelling of the whole Core Strategy/Local Plan is contrary to guidance (NPPF paragraphs quoted above and viability testing key principle 1, para 1.9) and should be corrected.
- 2.5 In advising this TFG, Lin Cousins of Three Dragons commented that “*Infrastructure issues need to be examined in considerable detail alongside their relationship to CIL and Section 106 payments*”. It is crucial that the authority has the required evidence to be assured that the Local Plan is viable, sustainable and deliverable. Without the evidence that the cumulative impact of all policy costs has been modelled it is not possible to be assured that the CIL rates proposed are achievable whilst delivering competitive returns for developers, without them jeopardising the delivery of local infrastructure and/or affordable housing targets.
- 2.5.1 **Recommendation:** That
- a. modelling of the cumulative effect of plan policies, to include full costs of all infrastructure mentioned in the Core Strategy policies, be undertaken as a matter of urgency; and
 - b. the results from this modelling be used to inform the setting of draft CIL rates throughout Herefordshire and to assess the viability of the Core Strategy/Local Plan ahead of examination in public.
- 2.6 **Sustainable Development & Realistic Economic Viability [key principle 2]:** The TFG remains concerned that the requirement for a balance between policy and reality has not yet been achieved. The Group accepts that the approach to modelling near-term (1-5yrs) development costs adopted by Three Dragons aligns with guidance, i.e. working on the basis of current costs and values. However, we remain concerned:
- i) That material discrepancies remain between the house and land values used in the modelling and those currently representative of prices being paid on the ground.
 - ii) That the Zone 4 housing market sub area proposed for a single CIL residential housebuilding rate of £140/m² is too large to represent a homogeneous market.
 - iii) That the precise positioning of housing market sub area boundaries needs review to avoid transitioning at locations where developer activity might reasonably be expected.
- 2.6.1 We recognise that there has been a significant amount of work undertaken to acquire a sound evidence base upon which to make these assumptions, but consider that

⁵ Economic Viability Assessment Final Report June 2011
https://www.herefordshire.gov.uk/media/5299382/Economic_Viability_Assessment_June_2011.pdf

concerns expressed within particular geographies and by particular stakeholders warrant further investigation.

- 2.6.2 **Recommendation:** That 1-2-1 meetings with stakeholders, or stakeholder group meetings within Localities, are held to gather further information about house/benchmark land values to inform revisions to rates, areas and boundaries.
- 2.6.3 Additionally, not all strategic housing sites have been modelled with appropriate assumed land values: e.g. the viaduct site in Ledbury has been assessed as having a value which is a multiplier over its current agricultural use (£300k/gross ha), but since 2001 it has been designated as employment land. Therefore it already has a higher value than normal agricultural land and this should be reflected in the modelling assumptions.
- 2.6.4 **Recommendation:** That the benchmark land values ascribed to strategic sites are checked for correctness and new modelling take place for any strategic housing development which has been inappropriately classified according to its land type.
- 2.7 **Modelling assumptions [key principle 3]:** Not all of the modelling assumptions used throughout the latest EVA have been clearly stated in the document, e.g. those for large scale sites - net developable area, and opening-up costs. These assumptions have also changed compared to those in EVA-2011 which were identified at the time as being aligned with guidance. The reasons for these changes are not adequately explained.
- 2.7.1 No mention is made of the change in the method for handling S106/developer funded infrastructure from EVA-2011 to EVA-2013, as previously mentioned.
- 2.7.2 EVA-2013 state in para 1.18: “[*The modelling*] assumes that some types of infrastructure (such as education) which are currently delivered through s106 agreements will be paid for with CIL monies (and be included in the Council’s Regulation 123 list)”.
- 2.7.3 Cross referencing the infrastructure list in the IDP appendix, none of the new schools and school extensions listed in the plan are proposed to be funded by CIL. All are shown as developer funded. This creates uncertainty regarding where the funding source for the required education infrastructure.
- 2.7.4 **Recommendation:** That all modelling assumptions should be discussed collaboratively with stakeholders; cross referenced with documents in the Core Strategy/Local Plan evidence base for consistency; and clearly stated/explained in EVA-2013 with respect to wider benchmarks, guidance, previous studies and best practice.
- 2.8 **Testing Over Time and Across Geographies [key principle 7]:** Guidance recommends viability modelling of the Local Plan across time and local geography. EVA-2013 has not modelled viability across time, although it has recognised and taken account of the geographical variation of house and land prices.
- 2.8.1 It is disappointing to note that the TFG’s recommendation 1 from our December report has not been fully adopted, in that there was no zoning within CIL rate areas to create variation between town, village and rural CIL rates and thereby smooth the rate transitions at area boundaries. The comments and recommendations already made in section 2.6 also relate to improvements in the assessment of the geographical variations across the county.

- 2.8.2 In our earlier report we requested that the infrastructure projects in the IDP be organised by geography (which they have been) and phased according to the expected housing delivery trajectory in the Core Strategy/Local Plan (which currently they are not). Phasing over time would enable the investment profiles for CIL and developer funding to be better understood and would enable some time based viability modelling to be undertaken for the whole plan.
- 2.8.3 We consider that such time-based modelling would be of assistance in planning the approach to utilising CIL revenue in the broader financial management framework of the Council as a whole and would identify where CIL might assist with the funding of the infrastructure investments which should be implemented in advance of the development they support.
- 2.8.4 **Recommendation:** That, ahead of examination in public:
- a. the fully costed infrastructure projects in the IDP are phased to match with the development delivery trajectory in the core strategy; and
 - b. time-based viability modelling of the whole plan be undertaken.
- 2.8.5 During our review, the Group met with the Chief Officer Financial & Commercial (COFC) to discuss whether the existing finance system was able to account at a Locality level for CIL monies as previously recommended. He confirmed that CIL income could be pooled for significant periods of time and could be used to pay interest on borrowing for capital projects. COFC also confirmed that mechanisms exist to hold and manage monies at a Locality level and that the finance systems have the capacity also to apportion costs of county wide projects at a Locality level according to a variety of different criteria, e.g. population, household numbers, etc.
- 2.8.6 **NOTE:** This discharges the outstanding recommendation 10 from our December report and supports the adoption of the Group's previous recommendation 6 – by confirming that accounting for the bulk of the CIL money at locality level is feasible further supporting statements from Cabinet Member – Environment, Housing & Planning to all parish councils.

3 Preliminary Draft Charging Schedule

- 3.1 In July 2012 Cabinet requested that the final phases of the development of the Core Strategy/Local Plan and the policy development work to implement CIL in Herefordshire should run together. This TFG has been working throughout the autumn of 2012 and into 2013 to the joint timetable laid down by the administration for these two activities.
- 3.2 This current phase of the TFG work programme was initiated to review the evidence base for CIL provided by the EVA-2013 and to address as part of that the outstanding recommendations relating to the preliminary draft charging schedule and approaches to payment phasing.
- 3.3 **Charging Schedule:** Although the Group was provided with an early draft of the Council's consultation document on CIL⁶ which contained some information about proposed charges for non-residential types of development informed by section 5 of the draft EVA-2013, the full final draft Economic Viability Assessment (EVA) was not made available to the Group ahead of the recommended preliminary draft charging

⁶ Community Infrastructure Levy Preliminary Draft Charging Schedule Consultation Document
<http://consult.herefordshire.gov.uk/gf2.ti/f/18338/200037.1/pdf/-/Preliminary%20draft%20charging%20schedule%20March%202013.pdf>

schedule being submitted to Cabinet for approval and release to public consultation. Therefore the outstanding Recommendation 2 could not be completed by the Group.

3.3.1 The Group was not permitted to engage with stakeholder parish councils during the period of the public consultation on CIL.

3.4 The Group made a number of suggestions regarding these preliminary draft non-residential rates, some of which made their way into the final document, e.g.

- i) making a distinction between town centre and out-of-centre comparison retail
- ii) creating separate rates for large/small convenience retail developments.

3.5 **Payment Phasing:** The EVA produced in 2011⁵ (section 5, page 35 onwards) notes the extreme sensitivity of the viability modelling to payment phasing. At that time, the viability modelling undertaken considered a number of different discounted cash flow models which indicated that the deferment of payments for a number of years was necessary for a number of strategic housing sites to ensure that the developments were financially viable.

3.5.1 EVA-2013 (Table 4.3, page 29) has modelled development sensitivity to payment phasing, but this has been undertaken using the land value, net developable area and opening-up cost assumptions about which we have already raised concerns elsewhere in this report. It may be that revisiting these modelling assumptions will then change the criteria used in the sensitivity testing of CIL payment phasing.

3.5.2 **Recommendation:** That

- a. the reasons for the revised modelling assumptions for net developable area and opening-up costs compared to EVA-2011 are clearly explained, and
- b. assurance be provided that there is no detrimental impact on the viability and deliverability of all aspects of developments by the recommendation that the phasing of CIL payments is not now necessary.

[Acknowledging that there is some delayed payment effect created by the current government proposals to link payment of CIL to the resolution of reserved planning matters (see paragraph 5)].

3.5.3 The Group made some suggestions regarding changes to the gradation of the proposed phasing criteria when the CIL consultation report was still in its draft form, although these suggestions were not incorporated in the document released for public consultation, we restate them here for further consideration:

The phasing criteria determining the instalment schedule for CIL payment in the CIL consultation report do not appear to be sufficiently wide to differentiate between more than the very smallest of developments, e.g.: in Zone 4: Ledbury-Ross-Northern Rural area, where a CIL rate of £140/m² is proposed, then £40k (the highest value instalment profile) would be raised on a development of just 4 average sized houses – i.e. less than the minimum number considered for a designated development plot in the Strategic Housing Land Availability Assessment (SHLAA).

3.5.4 **Recommendation:** That the gradation of the payment phasing criteria should be reviewed to provide flexibility when tested for large, small and staged developments.

3.5.5 It is disappointing that the provisional draft rates consulted upon did not include special rates for self-build and high energy efficient build projects, as suggested in

recommendations 7 & 8 of our December report. However, it is gratifying to see that the latest national consultation on CIL does recommend such allowances (See paragraph 5).

- 3.5.6 Further to our earlier recommendation 8 we note the evidence provided by the 2013 Understanding Herefordshire Report on the proportion of households in Herefordshire already suffering from fuel poverty currently assessed as standing at ~25%. We would like to recommend that the administration consider treating high energy efficiency developments (to PassivHaus standards) as being equivalent to infrastructure developments. In that their development does not create the additional burden upon the county's utility infrastructure which normal housing development generates. Such developments also have significantly reduced lifetime running costs for their inhabitants, which is of importance in a county recognised as having a working population operating well below average national wage levels.
- 3.5.7 This contribution towards reducing the county's infrastructure loading could be recognised in applying a £negative CIL to these properties – i.e. making a per m² payment from the CIL fund to the developer for each house built to these standards. NOTE: This would not preclude the application of S106 agreements to address the need for local infrastructure.
- 3.5.8 **Recommendation:** That the Executive consider setting a £Negative CIL rate for developments delivered to PassivHaus standards to recognise their contribution towards reducing the strain on strategic infrastructure.

4 CIL Public Consultation

- 4.1.1 Although this report does not comprise a formal response from scrutiny to the Council's public consultation on CIL, the TFG has a number of comments regarding the detail of the consultation undertaken between 4th March and 22nd April 2013.
- 4.1.2 The consultation elicited approximately 500 responses from across Herefordshire and was probably assisted in achieving this level of returns by the parallel and related consultation on the Core Strategy/Local Plan itself. The consultation document was very much simpler than that for the Core Strategy. The webpage and the document contained hyperlinks to local evidence and national policy on CIL and were clearly written and well laid out.
- 4.1.3 Similar to the Core Strategy/Local Plan, the CIL consultation was undertaken mainly online. Given the nature of the stakeholder group for this consultation, the TFG considers that an online approach was an effective method of engagement.
- 4.1.4 Although the TFG has concerns regarding the evidence and assumptions underpinning the rates and housing market areas consulted upon, we are broadly content with the consultation process itself. However we do make the following minor comments:
- i) no CIL rate was set for the 'Superstore' category of combined convenience and comparison stores, despite this having been modelled in EVA-2013.
 - ii) the size of the store in this category is described as 'Large' in question 9 of the recent consultation while in EVA-2013 a convenience store of ~300m² is described as 'small' – with large stores defined as <2,500m² and superstores as >2,500m². We question whether the definition of a 'large' store in Herefordshire should start at 280m².

4.1.5 **Recommendation:** That

- a. a 'Superstore' rate of CIL be proposed for the next round of consultation; and
- b. question 9 of the CIL consultation be reviewed for correctness.

4.1.6 According to the original timetable, the TFG were expecting the analysed results from the consultation to be ready in time for this report to comment on them. However, it is presently anticipated that the results will be ready during September/October. Consequently this TFG will reconvene in the autumn to consider these results along with the draft charging schedule proposed for final consultation, ahead of these reports coming to Cabinet.

5 **New Guidance**

5.1.1 On 26th April 2013, immediately following the closure of the consultations on the Core Strategy/Local Plan and CIL, government published a number of further guidance notes relating to planning matters and CIL. These will need to be taken into consideration in taking the work on CIL forward. These documents can be found at:

<https://www.gov.uk/government/publications/section-106-affordable-housing-requirements-review-and-appeal>

<http://www.legislation.gov.uk/ukpga/2013/27/contents/enacted>

<https://www.gov.uk/government/publications/community-infrastructure-levy>

5.1.2 At this time, government also initiated a national consultation on revisions to the existing legislation relating to CIL. This document can be found at: <https://www.gov.uk/government/consultations/community-infrastructure-levy-further-reforms>. The consultation closed on 23 May 2013 and the outcomes have not been published. It is likely that the outcomes will influence the work going forward on CIL

5.1.3 Presently officers have not had sufficient time to evaluate fully the impact of these policy changes and a more detailed summary will be provided when this TFG reconvenes in September 2013.

5.1.4 It is clear that a number of these policy changes involve additional work for the Council in administering CIL policy and that some of the changes actively encourage developers to break their developments into small schemes or many phases. Since the present management charge for CIL is a proportion of the total money charged, this does not have the capacity to reflect the additional workload created by managing many small schemes.

5.1.5 Additionally a number of the changes to the planning system require rapid response by planners to particular types of application and/or amendments to permissions - with penalties imposed if these response timescales are not met.

5.1.6 This Group seeks assurance that the Council has the manpower, tools, and mechanisms to identify, prioritise and process this increasingly complex workload.

5.1.7 Alongside these proposed revisions government gave permission for S106 payments to be pooled for a further 12 months, out to April 2015. This has resulted in the administration proposing to decouple the development of policy on CIL from the final phases of the implementation in the Core Strategy/Local Plan with the intention to slip the implementation of CIL to autumn 2014.

- 5.1.8 However, DCLG guidance and the NPPF state that “*wherever practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. Because a local authority’s CIL will be one of the policy costs on development*”.
- 5.1.9 **Recommendation:** That following submission of the Core Strategy/Local Plan to full Council in July 2013, priority is given to bringing the CIL and Core Strategy back in alignment (in line with guidance) and that this be achieved ahead of the Core Strategy being submitted to examination in public.
- 5.1.10 Legislation was enacted in April 2013 to cap the amount of CIL funding to be returned to parishes in possession of a parish/town plan. The impact of this amendment to the proposals for distribution of a ‘meaningful proportion’ of the CIL revenue generated in a parish is still being evaluated by officers but this Group recommends that guidance on the matter is issued to parishes by the end of August.
- 5.1.11 **Recommendation:** That officers assess the impact of CIL capping for councils holding a parish plan and provide guidance to all parishes by the end of August 2013.

6 Future Work Programme

- 6.1 The revised timetable for the implementation of CIL is dependent on the publication of the outcomes of the latest government reforms to CIL. This will inform the work required in the next stage of the process and will also influence the next stage of viability modelling.
- 6.2 At this stage we anticipate further modelling work will need to take place in support of a final set of draft CIL rates for the county. Getting these rates correct at the outset is critically important, ensuring that development continues to come forward alongside delivering the planned proportions of affordable housing and required local infrastructure.
- 6.3 Given this, we strongly recommend that further thought is given to the matter of transitioning from the current system of S106 agreements to CIL + S106. With CIL now planned for introduction in autumn 2014, it is likely that the current poor economic conditions will remain in effect. It is in no-one’s interest to have the introduction of CIL result in the trading away of affordable housing quotas and local infrastructure projects to bring forward viable developments while land prices are adjusting to the introduction of this new ‘development tax’.
- 6.4 The TFG recommends that a transition plan be devised involving the introduction of a lower set of initial CIL rates than are indicated as viable by the revised modelling.
- 6.5 We also recommend that Three Dragons are requested to provide advice on the kind of monitoring indicators that could be used to review market behaviour post-implementation, and to suggest the thresholds for these indicators which could be used to trigger an early rate review.
- 6.6 **Recommendation:** That
- a. a set of transition CIL rates be initially introduced which are significantly lower than those modelled as viable, to assist with immediate market land price adjustment and to encourage development to come forward following the introduction of CIL; and
 - b. consultants provide advice on monitoring indicators and trigger thresholds for future rate review.

6.7 The Council currently works with a Principal Surveyor at the District Valuation Office to independently assess planning applications where viability assessments are submitted. The cost of this is borne by the developer as it is in their interest to have an independent assessment of their viability assessment to secure planning permission, or not, where a case of viability is not proven. Presently this approach is planned to continue and is incorporated into the explanatory text of the Local Plan - Core Strategy Infrastructure Delivery policy, where it states:

“The council accepts that there are may be occasions where development proposals are unable to meet all the relevant policy requirements and still remain viable, where the council is satisfied that an otherwise desirable development cannot be fully compliant and remain viable, a reduced package of planning obligations may be recommended.

In order to enable the council to assess the viability of a proposal, the applicant will be required to provide any necessary cost and income figures to the council and pay the council’s full costs in appointing an independent assessment of the viability proposal.

In all cases, the council requires viability to be undertaken using a residual land value approach. This means that the starting point for a viability assessment is to be the existing use value (i.e. what the site is worth in its current condition for the use that it has planning consent for). Viability claims based on an over inflated price that has been paid for a site will not be accepted.”

6.8 Whatever the rates eventually adopted, the introduction of CIL will require that the authority is capable of undertaking very robust pre- and post-application negotiations regarding viability. The TFG seeks assurance that the approach to future negotiations is informed by detailed knowledge of market/industry economics and detailed financial modelling of the specific developments.

6.9 We remain concerned that taking existing use values as the starting point for negotiations does not sufficiently take into account the considerable number of sites which are already clearly identified for development in the plan, and worry that this approach will lead to significantly reduced affordable housing and local infrastructure if the viability modelling is not sufficiently robust and informed to push back hard on the developers' argument.

6.10 **Recommendation:** That

- a. The Executive provides information and assurance to the reconvened Task & Finish Group to demonstrate that the DVO approach comprises detailed and continually updated market and economic information on whole development costs sufficient to ensure the robust defence of local infrastructure and affordable housing targets; and
- b. this is demonstrated to the Group's satisfaction ahead of the Core Strategy being submitted to examination in public.

7 Summary of Recommendations

1. That

- a. modelling of the cumulative effect of plan policies, to include full costs of all infrastructure mentioned in the Core Strategy policies, be undertaken as a matter of urgency; and
- b. the results from this modelling be used to inform the setting of draft CIL rates throughout Herefordshire and to assess the viability of the Core Strategy/Local Plan ahead of examination in public.

[para. 2.5.1]

2. That 1-2-1 meetings with stakeholders, or stakeholder group meetings within Localities, are held to gather further information about house/benchmark land values to inform revisions to rates, areas and boundaries.

[para. 2.6.2]

3. That the benchmark land values ascribed to strategic sites are checked for correctness and new modelling take place for any strategic housing development which has been inappropriately classified according to its land type.

[para. 2.6.4]

4. That all modelling assumptions should be discussed collaboratively with stakeholders; cross referenced with documents in the Core Strategy/Local Plan evidence base for consistency; and clearly stated/explained in EVA-2013 with respect to wider benchmarks, guidance, previous studies and best practice.

[para. 2.7.4]

5. That, ahead of examination in public:

- a. the fully costed infrastructure projects in the IDP are phased to match with the development delivery trajectory in the core strategy; and
- b. time-based viability modelling of the whole plan be undertaken.

[para. 2.8.4]

6. That:

- a. the reasons for the revised modelling assumptions for net developable area and opening-up costs compared to EVA-2011 are clearly explained, and
- b. assurance be provided that there is no detrimental impact on the viability and deliverability of all aspects of developments by the recommendation that the phasing of CIL payments is not now necessary.

[para. 3.5.2]

7. That the gradation of the payment phasing criteria should be reviewed to provide flexibility when tested for large, small and staged developments.

[para. 3.5.4]

8. That the Executive consider setting a £Negative CIL rate for developments delivered to PassivHaus standards to recognise their contribution towards reducing the strain on strategic infrastructure.

[para. 3.5.8]

9. That

- a. a 'Superstore' rate of CIL be proposed for the next round of consultation; and
- b. question 9 of the CIL consultation be reviewed for correctness.

[para. 4.1.5]

10. That following submission of the Core Strategy/Local Plan to full Council in July 2013, priority is given to bringing the CIL and Core Strategy back in alignment (in line with guidance) and that this be achieved ahead of the Core Strategy being submitted to examination in public.

[para. 5.1.9]

11. That officers assess the impact of CIL capping for councils holding a parish plan and provide guidance to all parishes by the end of August 2013.

[para. 5.1.11]

12. That

- a. a set of transition CIL rates be initially introduced which are significantly lower than those modelled as viable, to assist with immediate market land price adjustment and to encourage development to come forward following the introduction of CIL; and
- b. consultants provide advice on monitoring indicators and trigger thresholds for future rate review.

[para. 6.6]

13. That

- a. The Executive provides information and assurance to the reconvened Task & Finish Group to demonstrate that the DVO approach comprises detailed and continually updated market and economic information on whole development costs sufficient to ensure the robust defence of local infrastructure and affordable housing targets; and
- b. this is demonstrated to the Group's satisfaction ahead of the Core Strategy being submitted to examination in public.

[para. 6.10]

GENERAL OVERVIEW AND SCRUTINY COMMITTEE**ITEMS IDENTIFIED FOR INCLUSION IN THE WORK PROGRAMME****DRAFT WORK PROGRAMME**

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|---|--|
| Tuesday 3 September 2013 at 5.00pm | |
| Waste Contract update | To receive an update on the Waste Contract prior to consideration by Cabinet |
| Monday 7 October 2013 at 10.00am | |
| Root and Branch Reviews - Update | To receive an update and consider progress as it relates to this Committee. |
| Task & Finish – Income & Charging - Projected additional Income | O&SC 19 March 2012 added to the T&F Report that a report be made in Oct 2013 setting out how much of the projected additional income had been achieved and reviewing the intended and unintended consequences of new/additional charges. |
| Monday 11 November 2013 at 10.00am | |
| | |
| Monday 9 December 2013 at 10.00am | |
| School Examination Performance | To consider the examination performance in Herefordshire Schools. |

The following issues have been identified for consideration but not scheduled:

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|--|
| Corporate Delivery Plan & Performance Monitoring |
| Performance Report on Hoople |
| Performance Report on Waste Management |
| Broadband |
| Document control and information including the website; |
| CIL |
| Financial Inclusion Strategy |
| Budget Monitoring |
| Response to the Francis enquiry (joint Committee with Health scrutiny) |

Previously the agenda included a schedule of suggestions for scrutiny made by the public. As the majority of those suggestions related to the Local Transport Plan and/or Local Development Framework the issues raised have been logged and will be raised when the subject comes before the Committee.

| REVIEWS IDENTIFIED FOR FEASIBILITY STUDY | |
|---|---|
| Proposed Review | Status |
| Free Schools | The Chairman has requested information concerning free schools and will decide whether a review is required. The Chairman continues to monitor the situation. |
| Legal Services | Feasibility Study complete. Scoping to be confirmed. 25.3.13 Chairman, Vice-Chairman and Cllr Brig P Jones CBE met with Corporate Statutory Services Manager and officers to discuss possible issues for a review. Having discussed concerns and heard how the Legal Service is now on a more business footing and that measures are now in place to monitor budgets and cases it has been decided not to undertake a Task & Finish Review. The Committee on 8 April requested that a similar follow up meeting be held in 3 months to ensure that progress was being made. |
| Governance & Management of Joint Ventures/Partnering Arrangements – | Feasibility Study complete. Scoping to be confirmed The Scrutiny Officer is in discussion with relevant officers regarding a future substantial item for Committee regarding the commissioning of services. 13 May 2013 – the Chairman reported that he was considering a possible all member seminar on the issue. |
| Accommodation Strategy | Feasibility Study complete. Scoping to be confirmed. |
| Financial Support to the Arts | The Chairman suggested this review at the Committee on 10 December 2012. Scoping of the review is at very early stages. The Chairman and Cllr Swinford are considering the scope for a possible review prior to seeking information from the Cultural Services Manager. The Scrutiny Officer is working up a scoping statement for consideration. |
| Review the Council's Communication Policy | This review was suggested at the Committee on 10 December 2012. 13 May 2013 – The Chairman is considering a number of potential themes for including in a possible review of the policy. |

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|--|--|
| <p>Monitoring the Council's 'Public Services Vision'</p> | <p>This review was suggested at the Committee on 10 December 2012. This relates to the vision contained in the Corporate Plan 2013/15 reported to Council 23 November 2012.</p> <p>The Committee on 10 December decided to undertake a further short review to investigate a number of concerns arising from the update.</p> <p>The Chairman of the Committee has sought further information on the Proactis system which was identified at the December meeting as being of concern and he will then decide whether the concerns are still warranted or whether to reform the T&F Group.</p> <p>14 February 2013 - The Chairman together with Cllr Atkinson and Cllr GA Powell met with the Head of Commercial Services on 14 February. While they were disappointed that the recommendations arising from the review had not been progressed they appreciated the current problems in attracting staff to key posts in the Commercial Services Team. Having been appraised of the position concerning Proactis System the current concerns were allayed. Members will receive a further update in 3 months' time.</p> <p>Arising out of the meeting the Chairman has requested background information on how the Council is attracting personnel to key posts needed to drive forward the Council's savings and improvements across the Council.</p> |
| <p>Council's IT Strategy and Systems</p> | <p>Item identified at 1 February 2013. Initial feasibility work underway.</p> <p>The Scrutiny Officer is liaising with senior officers to undertake further work on the feasibility study.</p> |
| <p>Digital Strategy</p> | <p>Following initial discussions with key officers the Vice-Chairman and the Scrutiny Officer are considering a range of options for undertaking a review. A draft scoping statement for a review is currently being developed.</p> |

| REVIEWS IN PROGRESS | | |
|---|---|--|
| Review | Meetings | Comment |
| Community Infrastructure Levy – draft policy for Herefordshire (Part 2) | - | The report of the T&F Group was considered by the Committee on 10 December and forwarded to the Executive for consideration. Arising from that review it was acknowledged that further work was needed. The Group will be recommissioned to undertake that work. |
| | 6/2/13 | The T&F Group met on 6 February to receive an update and consider the further work needed to fulfil its terms of reference. |
| | 18/3/13 | Discussion held with relevant Cabinet Members. Consideration now being given to possible findings from the review. |
| | 22/5/13 | The Chairman of the Review met with the Director for Places and Communities and the Assistant Director Economic, Environment & Cultural Services to discuss a revised timetable for the review and resources. |
| | 25/6/13 | The T&F Group met to consider recent government guidance, the timetable, the draft report and the responses of Three Dragons to questions asked by the Group. |
| | 27/6/13 | The T&F Group met with Lin Cousins of Three Dragons. |
| | 16/7/13 | Further report to be considered by General Overview & Scrutiny Committee. |
| REVIEWS COMPLETED AND AWAITING RESPONSE FROM THE EXECUTIVE | | |
| Review | Comment | |
| Housing Allocation Policy Task & Finish Group Report | The findings from the review were agreed at the Scrutiny Committee on 13 May 2013 and have been passed to the Executive for their response and action plan. The Executive response will be circulated to Committee Members shortly. | |
| REVIEWS COMPLETED AND SUBJECT TO MONITORING OF THE EXECUTIVE ACTION PLAN | | |
| Review | Comment | |
| | None currently in this section. | |

Executive Rolling Programme: July 2013

| Final Decision Maker | Meeting / Decision Date | Issue Type: <ul style="list-style-type: none"> • KEY • Budget & Policy Framework Item (B&PF) • Non Key | Report Title | Purpose | Directorate and Lead Officer |
|----------------------------------|-------------------------|--|--|--|--|
| Cabinet Member – CS&F | 12/7/13 | Non Key | Halo Prudential Borrowing for Purchase of Air Handling Units for Ledbury Swimming Pool | To approve the allocation of Capital Expenditure funded by prudential borrowing for the purchase of Air Handling Units for Ledbury Swimming Pool | Places and Communities / Mick Ligema |
| COUNCIL (EXTRA-ORDINARY MEETING) | 19/7/13 | B&PF same as KD requires 28 day notice | Local Development Framework core strategy | To consider the revised LDF for adoption by Council | Places & Communities Andrew Ashcroft |
| COUNCIL | 19/7/13 | N/A | Hereford and Worcester Fire and Rescue Authority Report | | |
| COUNCIL | 19/7/13 | N/A | Leader's Report | To receive the Leader's report, which provides an overview of the Executive's activity since the last COUNCIL meeting. | |
| COUNCIL | 19/7/13 | N/A | Audit and Governance Committee Report including Standards Panel Report | To receive a report on standards case (Cllr Glenda Powell) | Corporate Services |
| COUNCIL | 19/7/13 | N/A | Electoral Review of Herefordshire | To receive a report on the Boundary Commission's final recommendations of the Electoral Review of Herefordshire | Corporate Services |
| COUNCIL | 19/07/13 | N/A | Appointment of Returning Officer & Electoral Registration Officer | | Corporate Services John Jones |
| COUNCIL | 19/7/13 | Non-key | Appointment of independent persons to the council's standards panel | To recommend the appointment of two independent persons to the standards panel | Corporate Services/John Jones |
| CABINET Portfolio – C&A | 25/7/13 | Non Key | Integrated Corporate Performance Report Q1 | | Corporate Services |
| CABINET Portfolio – CS&F | 25/7/13 | Non Key | Budget Monitoring Report | To report the financial position for both Revenue and Capital. | Corporate Services / David Powell |
| CABINET Portfolio - H&WB | 25/7/13 | KEY | Next Stage Integration – Wye Valley | To approve the Adult Social Care (ASC) Next Stage Integration Project Organisational Change Model Specifically the <ul style="list-style-type: none"> • Proposed operational model and organisational structure for those functions currently part of the Wye Valley s75 and subsequent headcount (full time equivalent (fte)) impact • Future commissioning arrangements for the Learning Disability Community Service • Financial implications for the 2013/14 & 2014/15 ASC Revenue Budget | People's Services / Helen Coombes |
| CABINET Portfolio – C&A | 25/7/13 | KEY | Herefordshire County Network Renewal (PSN) | To outline options for Network renewal including Public Sector Network Options. To request authority to the AD with the delegated function for ICT to approve West Midlands PSN Option | Corporate Services / Jenny Lewis / Dominic Latham |
| CABINET Portfolio – H&T | 25/7/13 | KEY | Major Investment in Highway Infrastructure Assets | To decide on: the strategic option for additional investment in improvement in road conditions and to delegate the approval of the detailed case for such investment to officers, in line with the key strategic parameters set. | Places & Communities / Head of Highways & Community Services |
| CABINET | 25/07/13 | B&PF *decision of Council – September requires 28 day notice | Youth Justice Plan | To approve the Youth Justice Plan as attached as an Appendix be endorsed for approval by Council. | People's Services /Jo Davidson |
| Cabinet Member - CS | 25/7/13 | Non Key | Charging Proposals for School Transport | To recommend to Cabinet parents or carers of post 16 children with special educational needs (SEN) pay the same contribution as other parents for discretionary transport. | People's Services / Jenni Hicks |
| Cabinet Member - | 25/7/13 | Non Key | Amending entitlement for free mainstream education transport | To recommend to Cabinet Member that the education mainstream transport policy be amended so eligibility applies to nearest school only rather than nearest and catchment school. | People's Services / Andrew Blackman |
| Cabinet Member – E&C | 25/07/13 | Non Key | Amendments to CCTV provision to achieve financial savings | To outline the options for a future model of CCTV in the context of reduced funding | Places & Community / Shane Hancock |

HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE ITEMS – JULY 2013

| MEETING/ BRIEFING DATE | ITEM | PURPOSE | O&S PRE-DECISION PRIOR TO: A&G Committee Cabinet Council | Meeting Date |
|------------------------|--|--|---|--------------|
| 11 July 2013 | Recovery Plan for Children Safeguarding | To receive a progress report on the Action Plan. | | |
| 11 July 2013 | Strategic Plan for Delivering Adult Services | To consider a quarterly report containing a schedule of performance reports outlining the savings that are being achieved through the Strategic Plan. (July12) | | |
| 11 July 2013 | Health Watch | To receive a progress report on Health Watch | | |
| 11 July 2013 | Work Programme | To consider the Committees Work Programme | | |

Executive Rolling Programme: **August 2013**

| Final Decision Maker | Meeting / Decision Date | Issue Type: • KEY • Budget & Policy Framework Item (B&PF) • Non Key | Report Title | Purpose | Directorate and Lead Officer |
|---------------------------------|-------------------------|--|-----------------------------------|--|---|
| Audit & Governance Committee | 6/8/13 | N/A | | | |
| Cabinet Member – Portfolio EH&P | 8/8/13 | Non Key | Community Protection Team Savings | To consider savings options in respect of the Community Protection Team and agree an option for implementation | Places & Communities / Richard Gabb / Shane Hancock |

Executive Rolling Programme: **September 2013**

| Final Decision Maker | Meeting / Decision Date | Issue Type: • KEY • Budget & Policy Framework Item (B&PF) • Non Key | Report Title | Purpose | Directorate and Lead Officer |
|---|-------------------------|--|--|--|--|
| Audit & Governance Committee | 13/9/13 | N/A | Counter-fraud and Corruption Policies – Biennial Review | | Corporate Services / David Powell |
| Audit & Governance Committee | 13/9/13 | N/A | Whistle Blowing Policy – Biennial Review | | Corporate Services / David Powell |
| CABINET Portfolio - MC | 9/9/13 TBC | KEY | Waste Contract | | Places & Communities / Andy Tector |
| Cabinet Member – Portfolio MC | 11/9/13 | Non Key | Countryside Services Review | To consider opportunities to generate income and deliver efficiency savings to ensure the future sustainability of countryside services. | Places & Communities / Steve Burgess |
| Officer Decision - Places & Communities | 11/9/13 | Non Key | Replacement of annual bedding with sustainable perennial planting within Council controlled beds | To agree to changes to the regime for formal planning to achieve year on year savings whilst maintaining amenity for local communities | Places & Communities / Steve Burgess |
| Cabinet Member – Portfolio H&T | 12/9/13 | Non Key | Resident Parking Scheme Review | To seek approval for the introduction of a revised resident parking scheme policy and approval for the new charges for permits | Places & Communities / Richard Gabb / David Hepworth |
| CABINET Portfolio – CS&F | 19/09/13 | Non Key | Budget Monitoring Report | To report the financial position for both Revenue and Capital. | Corporate Services / David Powell |
| CABINET Portfolio – H&WB | 19/09/13 | Non Key | Local Account | To approve the Local Account relating to Adult Social Care Performance. | People's Services / Peter Sowerby |
| CABINET Portfolio - CS | 19/09/13 | KEY | Post 16 Learners with Learning Difficulties & Disabilities (LLDD) Review | | People's Services |
| CABINET Portfolios – C&A | 19/09/13 (TBC) | KEY | Buttermarket Refurbishment | To establish if and how the Council wishes to fund the refurbishment of the Buttermarket and to clearly set out the options available in managing the delivery of the project should it progress | Places and Communities / Chris Jenner |

| Final Decision Maker | Meeting / Decision Date | Issue Type: • KEY • Budget & Policy Framework Item (B&PF) • Non Key | Report Title | Purpose | Directorate and Lead Officer |
|---|-------------------------|--|---|---|---|
| CABINET Portfolio – E&C | 19/09/13 | • KEY • Budget & Policy Framework Item (B&PF) • Non Key | Cultural, Libraries and Customer Services Savings | To determine the package of measures required to achieve proposed in-year savings | Places and Communities / Andrew Ashcroft / Natalia Silver |
| Officer Decision - Places & Communities | 22/09/13 | Non Key | Car Park, Station Approach, Hereford (225) | To seek the approval of the Director, Places and Communities to commission the necessary groundworks and initiate the necessary processes (statutory advertising) to provide a charged for car park at Station Approach, Hereford (the site of the old Rockfield DIY store) | Places and Communities |
| COUNCIL | 27/09/13 | B&PF *decision of Council – September requires 28 day notice | Youth Justice Plan | To approve the Youth Justice Plan as attached as an Appendix be endorsed for approval by Council. | People's/Jo Davidson |

GENERAL OVERVIEW AND SCRUTINY COMMITTEE ITEMS – SEPTEMBER 2013

| MEETING/ BRIEFNG DATE | ITEM | PURPOSE | O&SC PRE-DECISION PRIOR TO: A&G Committee Cabinet Council | Meeting Date |
|-----------------------|-----------------------|--|--|--------------|
| 3 September 2013 | Waste Contract update | To receive an update on the Waste Contract prior to consideration by Cabinet | | |

HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE ITEMS – SEPTEMBER 2013

| MEETING/ BRIEFNG DATE | ITEM | PURPOSE | O&SC PRE-DECISION PRIOR TO: A&G Committee Cabinet Council | Meeting Date |
|-----------------------|---|--|--|--------------|
| 12 September 2013 | Recovery Plan for Children Safeguarding | To receive a progress report on the Action Plan. | | |
| 12 September 2013 | Work Programme | To consider the Committees Work Programme | | |

Executive Rolling Programme: October 2013

| Final Decision Maker | Meeting / Decision Date | Issue Type: • KEY • Budget & Policy Framework Item (B&PF) • Non Key | Report Title | Purpose | Directorate and Lead Officer |
|----------------------------------|-------------------------|--|---|--|--|
| Audit & Governance Committee | 15/10/13 | N/A | | | |
| CABINET Portfolio – CS&F | 17/10/13 | Non Key | Budget Monitoring Report | To report the financial position for both Revenue and Capital. | Corporate Services / David Powell |
| Cabinet Member – Portfolio H & T | 30/10/13 | • KEY • Impact on several wards | Increasing Income from Parking – On Street Charging In Hereford | To agree to the introduction of on street parking charges in Hereford central area | Places and Communities / Steve Burgess |

GENERAL OVERVIEW AND SCRUTINY COMMITTEE ITEMS – OCTOBER 2013

| MEETING/ BRIEFNG DATE | ITEM | PURPOSE | O&SC PRE-DECISION PRIOR TO: A&G Committee Cabinet Council | Meeting Date |
|-----------------------|------|---------|--|--------------|
| | | | | |

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|----------------|---|---|--|
| 7 October 2013 | Root and Branch Reviews - Update | To receive an update and consider progress as it relates to this Committee. | |
| 7 October 2013 | Task and Finish Group – Income and Charging - Projected additional income | Overview and Scrutiny Committee 19 March 2012 added to the Task and Finish Report that a report be made 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. | |

| HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE ITEMS – OCTOBER 2013 | | | |
|--|--|--|--|
| MEETING/ BRIEFNG DATE | ITEM | PURPOSE | O&SC PRE-DECISION PRIOR TO: A&G Committee Cabinet Council |
| 11 October 2013 | Recovery Plan for Children Safeguarding | To receive a progress report on the Action Plan. | |
| 11 October 2013 | Strategic Plan for Delivering Adult Services | To consider a quarterly report containing a schedule of performance reports outlining the savings that are being achieved through the Strategic Plan. (July12) | |
| 11 October 2013 | Work Programme | To consider the Committees Work Programme | |