

# AGENDA

## General Overview & Scrutiny Committee

Date: **Monday 11 November 2013**

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Time: **10.00 am**

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

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

For any further information please contact:

**Ben Baugh, Governance Services**

Tel: 01432 261882

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

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If you would like help to understand this document, or would like it in another format please call Ben Baugh, Governance Services on 01432 261882 or e-mail [bbaugh@herefordshire.gov.uk](mailto: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**

**Co-optees\***  
(\*education items only)

**Mr P Burbidge**  
**Vacancy**  
**Mr T Plumer**  
**Mr P Sell**

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

## AGENDA

		Pages
1.	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p><b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members.</p>	
4.	<p><b>MINUTES</b></p> <p>To approve and sign the minutes of the meeting held on 3 September 2013.</p>	9 - 20
5.	<p><b>SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY</b></p> <p>To consider suggestions from members of the public on issues the Committee could scrutinise in the future.</p> <p><i>(There will be no discussion of the issue at the time when the matter is raised. Consideration will be given to whether it should form part of the Committee's work programme when compared with other competing priorities.)</i></p>	
6.	<p><b>QUESTIONS FROM THE PUBLIC</b></p> <p>To note questions received from the public and the items to which they relate.</p> <p><i>(Questions are welcomed for consideration at a Scrutiny Committee meeting so long as the question is directly related to an item listed on the agenda. If you have a question you would like to ask then please submit it <b>no later than two working days before the meeting</b> to the officer named on the cover of this agenda).</i></p>	
7.	<p><b>DRAFT WORK PROGRAMME</b></p> <p>To consider the Committee's work programme.</p>	21 - 36
8.	<p><b>FREEDOM OF INFORMATION AND ARM'S LENGTH COMPANIES - AN UPDATE</b></p> <p>To update the Committee on the freedom of information report presented on 4 March 2013.</p>	37 - 40
9.	<p><b>EXECUTIVE RESPONSE TO THE TASK AND FINISH GROUP REPORT ON COMMUNITY INFRASTRUCTURE LEVY (CIL)</b></p> <p>To report the Executive's response and action plan in respect of the report of the Task and Finish Group on Community Infrastructure Levy.</p>	41 - 58
10.	<p><b>FUTURE BUDGET STRATEGY</b></p> <p>To receive a presentation from the Section 151 Officer.</p>	
11.	<p><b>DATE OF NEXT MEETING</b></p> <p>The next scheduled meeting is <b>Monday, 6 January 2014 at 10.00am.</b></p>	



# 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.)

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of 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

**MINUTES of the meeting of General Overview & Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday 3 September 2013 at 5.00 pm**

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

**Councillors:** EMK Chave, BA Durkin, DW Greenow, JW Hope MBE, Brig P Jones CBE, RL Mayo, R Preece, P Rone and GR Swinford

**In attendance:** Councillors WLS Bowen, H Bramer (Cabinet Member Major Contracts), J Hardwick, AW Johnson, MD Lloyd-Hayes, FM Norman and AJW Powers

**Officers:** B Baugh (Democratic Services Officer), G Dean (Scrutiny Officer), G Hughes (Director for Environment, Communities and Corporate), W Norman (Solicitor to the Council), D Powell (Chief Officer Finance and Commercial), J Rushgrove (Accountant - Capital and VAT Services), A Tector (Head of Special Projects), K Vigus (Waste Disposal Team Leader), and R Wood (Head of Environment and Waste Services).

**21. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors TM James and DB Wilcox. Apologies for absence had also been received from Mr P Sell.

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

Councillor P Rone substituted for Councillor DB Wilcox.

**23. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**24. MINUTES**

The minutes of the last meeting were received.

**RESOLVED:** That the minutes of the meeting held on 16 July 2013 be approved as a correct record and be signed by the Chairman.

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

It was reported that Mrs E Morawiecka had submitted two further questions about questions originally asked at the 4 July 2012 meeting of the Overview and Scrutiny Committee, principally relating to Destination Hereford. Responses to the questions had been provided by the Head of Transportation and Access and were circulated at the meeting; see the document appended to these minutes. The Committee was advised that Mrs Morawiecka had suggested that Destination Hereford should feature as part of the work programme.

The Chairman invited suggestions from members of the public in attendance at the meeting. Mrs Morawiecka made a number of comments, including:

- at the 18 June 2013 meeting of the Committee, the Monitoring Officer had agreed to provide a report on Hereford Futures, specifically in relation to queries she had raised about possible inaccuracies and inconsistencies in public information in relation to the company;
- concern was expressed about the period of time that had elapsed since she had first raised the issues and the fact that she had not had a response from the Monitoring Officer or the Chief Executive in recent months;
- it was claimed that the Committee had been misled about certain information relating to Hereford Futures;
- the matter should come back to the Committee and to the Audit and Governance Committee; and
- the issues should be viewed in the wider context of other contracts and joint ventures the Council was involved with which may involve liabilities, such as pensions, even though the Council might not be receiving sets of accounts.

The Chairman said that the matters raised would be queried with the relevant officers.

## **26. QUESTIONS FROM THE PUBLIC**

No questions had been received in relation to items on the agenda for this meeting.

## **27. WASTE MANAGEMENT CONTRACT**

The Director for Environment, Communities and Corporate introduced the report, with the following comments: it had been anticipated that a detailed report on the options in terms of delivering an Energy from Waste (EfW) facility would have been presented to the Cabinets of Herefordshire Council and Worcestershire County Council during September 2013; this timetable had subsequently slipped, with the Cabinets now due to meet on 4 October 2013; and there might be an opportunity for Committee Members to look at the detailed Cabinet report once published.

The Head of Special Projects provided an overview of the current position, the principal points included:

1. Cabinet, on 13 December 2012, had agreed to find alternative methods of finance for the EfW plant proposal.
2. Herefordshire and Worcestershire were in the process of negotiating with Mercia Waste Management (MWM) and the Cabinet report would be brought forward with a number of options.
3. The councils were in conversation with central government, particularly DEFRA, and clarifications had been sought on a number of issues.
4. There was more work to be done in response to DEFRA and there was sensitivity analysis being undertaken on the options on behalf of the two partner authorities. Additionally, Herefordshire Council had engaged KPMG to provide independent advice on value for money of the options for Herefordshire alone.
5. Referring to an example in Wakefield, it was commented that the timescale for the delivery of this project was not unusual.

6. It was reported that MWM had been granted planning permission for an EfW facility at Hartlebury in 2012. Following this, MWM had undertaken competitive tendering to secure an engineering, procurement and construction (EPC) contract for the plant and had identified a preferred contractor. In parallel, the councils were in negotiation with MWM on the terms of the variation to the Integrated Waste Management Contract.
7. Going forward, work would be finalised on the options with due diligence undertaken by financial, legal and technical advisors. The options would be presented to Cabinet with an assessment of the ability to meet the parameters identified in the 13 December 2012 report.
8. It was intended that the Cabinet report would be available during the week commencing 23 September 2013. On 4 October 2013, a joint presentation would be made in Worcester to both Cabinets, with the opportunity for Cabinet Members to question the advisors; this session would be open to the public but would not include public participation. Herefordshire Council's Cabinet would return to Hereford, with each authority making its own decision independently and concurrently during that afternoon; the KPMG report would inform Herefordshire's deliberations.
9. Subject to approval of the variation by the Cabinet, it was anticipated that financial close would be at the end of the calendar year.

The Head of Special Projects advised that work was still being undertaken on the figures associated with the options but he did report that the termination of the contract would result in the loss of PFI credits worth £1.4 million per annum to Herefordshire Council. In terms of the remaining life of the contract, there could be a potential loss of £55 million to the two authorities. Additionally, the contractual position on termination would require the capital balances of MWM to be paid off. The Cabinet report would provide detailed consideration of the financial implications. In response to a question from the Chairman, the Head of Special Projects advised that there were contractor, council and no fault clauses within the contract.

The Chairman invited representatives of the Herefordshire and Worcestershire Action Group (HWAG) to give a presentation to the Committee; the speakers were Jane Green, Louise Brookes, Paul Mitchell, Peter Townley, and Rob Wilden. Some of the issues raised are summarised below.

- a. Consideration should be given to higher levels of recycling, including food waste collections.
- b. Concerns were expressed about the viability and affordability of the EfW plant, especially given the financial constraints for the councils. It was difficult to assess value for money and to compare alternatives without the costs being made public. Nevertheless, information from other schemes, government and industry sources indicated that there were cheaper solutions that were also better for the environment.
- c. The waste market had developed in recent years and could provide a wide range of solutions, including recycling and incineration.
- d. Reference was made to a report from the Local Government Association, *Wealth from Waste* (June 2013), which advised local authorities to consider waste as a valuable commodity and stated that 'Every other method of waste disposal creates a net cost, whilst dry recycling, after collection costs, can offer a net income because the product has a market value'.

- e. HWAG estimated the costs per tonne associated with the EfW to be around £130, whereas recycling could generate income.
- f. The longer term risks and liabilities associated with the EfW were questioned.
- g. Current reuse and recycling was around 40%, whereas Wales and Scotland had targets of 70%.
- h. The EfW scheme was based on 68% organic waste and this could be treated at a third of the cost of burning it.
- i. Waste treatment costs could be cheaper when tendered out on the open waste market.
- j. The councils should investigate mechanisms to review the PFI contract, particularly given that it was due to finish in 2023.
- k. The councils were currently paying expensive recycling and composting supplements and it was questioned whether the loss of PFI credits was a significant issue given the potential savings that could be made.
- l. A study by Wychavon District Council found that some of the highest recycling councils had some of the cheapest costs, as those councils were paid for their recycling.
- m. Anaerobic digestion was estimated to cost around £40 per tonne and there was capacity available.
- n. Contamination at the Hartlebury site could add to construction costs.
- o. Carbon emissions from the EfW could have financial implications under any future carbon taxes.
- p. It was felt that decisions had not been based on value for money and insufficient consideration had been given to the alternatives, with no grading of the options against the waste hierarchy.
- q. Attention was drawn to the principles of the Joint Municipal Waste Management Strategy. It was noted that the household recycling rate had increased from around 25% to 40% since 2005.
- r. HWAG estimated future residual waste as being less than 200,000 tonnes per annum and the separation of organic waste could remove up to 90,000 tonnes from the residual waste stream. Additionally, commercial and industrial waste was going down, with recycling rates going up, and exports of EfW waste increasing.
- s. HWAG provided projections of increasing Unitary Payment, cumulative costs, and costs per tonne.
- t. Herefordshire received no income from recycling, whereas other authorities were getting costs back.
- u. Although there was no minimum tonnage with the current contract, the baseline payment was banded, with less waste resulting in higher costs per tonne.

- v. An example was provided of the options scoring criteria used by Entec, supported by analyses of costs, and it was questioned why the two authorities had not used a similar approach.
- w. The EfW would generate hazardous waste and increase carbon emissions, with the net Global Warming Potential CO2 equivalent of 126,000 tonnes per year.
- x. Attention was drawn to a statement in the *Government Review of Waste Policy in England 2011* that 'We are aiming to get the most energy out of the residual waste, rather than to get the most waste into energy recovery'.
- y. The suitability of the ERM report, *Residual Options Appraisal July 2009*, to reach conclusions was questioned as the report itself stated that 'These options are not intended to be prescriptive, and are not directly related to any site specific proposal. The purpose of this report therefore is not to identify 'the best option' ...'. Additionally, the appraisal assessed each of the options against fourteen criteria which were not weighted; cost was one category and it was not felt that all relevant costs and benefits had been considered.
- z. Jesse Norman MP had commented that, as an early contract, the PFI was likely to be a costly one.
- aa. Referring to the briefing note provided in the supplement to the agenda, it was commented that a graph showing Herefordshire Waste Performance 1999 to 2013 was misleading.
- bb. It was commented that the heat generated by the EfW plant could not be used given its location and questions remained about how the electricity would be used.
- cc. Copies of the presentation and supporting materials had been prepared for Committee Members and would be distributed after the meeting.

The Chairman thanked the representatives of HWAG for their presentation and anticipated that some of the points would be picked up by the KPMG report or in subsequent discussions.

In response to a question from the Vice-Chairman about matters that HWAG would wish to see covered or clarified in the Cabinet report, it was commented that the authorities had not looked at all the options available, consequently it was questioned how value for money could be determined. Concerns were also expressed about inflexibility, particularly given the revolution that was occurring in waste processing, and about the risks associated with changing legislation, including the implications of the Waste Framework Directive.

The Chairman invited Dr. David Slater to address the Committee. Dr. Slater made a number of comments, including:

- i. Dr. Slater's background was as a chemical engineer and he had held positions as Chief Inspector of Her Majesty's Inspectorate of Pollution and Director of Environmental Protection at the Environment Agency. He was currently associated with Sustainable Energy Enterprises Ltd. A presentation had been prepared but Dr. Slater decided to highlight key points instead.
- ii. He said that the Council needed sympathy because of the nature of the contract, the difficult economic climate and the major challenges it faced. He commented that it was easy to adopt a negative mind-set and perceive waste as a problem but

he urged the authority to consider other options and the concept of 'wealth from waste'.

- iii. Sustainable Energy Enterprises Ltd proposed to build a biomass plant at the Rotherwas Enterprise Zone (EZ). He emphasised that this was a commercial proposition with technology supplier options and offers of funding.
- iv. Incinerators were considered to be out of date and not the best available technology, they were expensive to run and there was already over capacity. Recycling was to be encouraged but it was not a long-term solution for all waste streams. Anaerobic digestion and composting also had advantages but something had to be done with the digested end product. The EZ proposal would use pyrolysis and gasification technology to produce electricity for the grid and provide district heating.
- v. It was suggested that the authority should view waste as a valuable resource and, as such, should consider the best ways to use it for the benefit of taxpayers.

In response to questions from Members of the Committee, Dr. Slater advised that:

- Copies of the presentation would be made available.
- The current proposal was to take biomass from the area within 30 miles of Rotherwas but it was a modular plan that could be extended. He anticipated that it would take around two years to become operational.
- The proposal would not cost the Council anything; a gate fee for the waste would be applied, as was currently the case for landfill.
- It was explained that incinerators produced a wide range of pollutants, as high temperatures were generated very quickly but there was also rapid cooling, whereas controlled pyrolysis produced less emissions.

Councillors in attendance made a number of points, including:

1. Comments about 'wealth from waste' were welcomed and this concept should be explored further.
2. With reference to the statement in the report that 'At this stage because the full costings of the options to be presented to the two Cabinets has not been completed it is not yet possible to provide definitive view of the financial implications.', it was commented that the absence of details would make it difficult for the authority to make an informed choice. It was also commented that there were alternatives that needed to be assessed, including Dr. Slater's proposal.
3. It was noted that the Council was new in 1998 and it was commented that mistakes might have been made with some early PFI contracts.
4. It was suggested that, given the scale of the project and the associated costs, Full Council should be given an opportunity to debate the options.
5. The authority should be aiming for a zero waste policy but at the same time should recognise that some waste had considerable value, which the County was not currently benefitting from.
6. Flexibility within the existing contract was questioned. Reference made to a proposal to set up an anaerobic digestion facility in Leominster to take food waste,

where advice had been received that this would not be possible due to the terms of the contract.

In response to point 4., the Chairman said that an all Members' seminar could be arranged on the subject or a further meeting of this Committee held prior to Cabinet to make further recommendations.

In response to point 6., the Head of Special Projects said that he was not aware of the details of the example quoted but he did comment that the EnviroAbility project in Ross-on-Wye had been accommodated with the full knowledge and agreement of the contractors. The Chairman suggested that the Head of Special Projects meet with the Councillor after the meeting. He felt that there should be flexibility within both the waste collection and waste disposal contracts.

In response to questions from Committee Members:

- a. The Head of Special Projects clarified that paragraph 8.1 of the briefing note should refer to current performance being around 60% landfilled and 40% recycled.
- b. The Chairman advised that the Waste Management Contract was a Cabinet decision under the Council's Constitution and the Committee could not insist that it went to Full Council, although this would be a preferable route for a number of Members; it was noted that any changes to the budget would be a matter for Full Council.
- c. The Cabinet Member Major Contracts said that he was still awaiting various pieces of information and he had been advised that the details would be made available for the Cabinet meeting on 4 October 2013. The Chairman added that the Cabinet agenda would need to be published by 27 September 2013 and he was concerned that Cabinet should have enough time to consider all of the information.
- d. The Head of Special Projects outlined the position with anaerobic digestion in the original contract.
- e. The Chairman expressed concern about inflexibility to alter arrangements as time went forward and felt that it would be unacceptable for there to be penalties for not producing enough waste to fuel the EfW.
- f. The Head of Special Projects clarified that the contract was signed in 1998, for a 25-year term ending in December 2023. There was the potential to extend this by another 5 years but, at this stage, there was no proposal to turn it into a 30-year term.

The Vice-Chairman noted that it would be expensive to terminate the contract now and re-contract but there would also be 'balloon payment' costs if the contract continued to 2023. Therefore, it was questioned how the Executive was judging the merits of the potential penalty costs. The Head of Special Projects advised that the Cabinet report would need to identify some clear options about how matters would be dealt with up to and beyond 2023. In response to other questions from the Vice-Chairman, the Head of Special Projects advised that:

- i. Although the headline figure had always been recycling, the Waste Strategy also emphasised waste minimisation and the authorities had been successful at minimising waste in comparison to the rest of the West Midlands. He added that the free collection of garden waste by other authorities could artificially distort

recycling figures, therefore tonnage differences and waste minimisation were also important measures of effectiveness.

- ii. The waste was owned by MWM once it was received at their premises.
- iii. Currently, Herefordshire Council did not receive anything through the net excess profit share scheme, as this had been constructed to commence once there was an EfW plant. It was commented that an interim arrangement was currently under discussion.
- iv. The energy from the EfW plant would go into the grid, via a sub-station, and would result in an income stream. If the power exceeded what was in the financial model, the authorities would get a share of the net excess profits.
- v. MWM and its sub-contractors would build the EfW plant on land leased from Worcestershire and the plant would go back to the authorities upon termination.
- vi. Issues around water supply for the EfW had been covered in the planning application and subsequent Planning Inquiry.
- vii. KPMG would provide an assessment of the options available to Herefordshire. It was noted that the KPMG team were specialists with experience in the waste sector.

Points made by Members of the Committee and Councillors in attendance included:

- Concerns were expressed about the financial implications of carbon tax and the possibility that the incineration of certain types of waste might not be permitted in the near future.
- It was felt that an assurance was needed about how lessons learned from PFI contracts were going to be applied in the future.
- It was commented that there was an urgent need for the full modelling of a wider range of options, including an analysis of the financial implications of terminating the contract and the potential benefits of alternative solutions.
- An assurance was sought that full consideration would be given to all the options before any reports were presented to, and decisions made by, Cabinet.
- It was felt that a further meeting was needed in order to receive explanations of contract permutations and possibilities and a proper evaluation of the alternatives.
- It was commented that the biomass plant proposal was a potential 'gift horse for Herefordshire', with the possibility of generating 13 Mw electricity and heat for Rotherwas with comparatively low transport costs; with the use of the railway line, waste could also be imported.
- It was suggested that this was an important decision and should be debated and made by all Councillors, not just the Cabinet.

The Committee discussed and agreed the recommendations detailed in the resolution below.

Further points made included: the Head of Special Projects clarified that MWM was an independent company, of which FCC was a shareholder; a Committee Member commented on the need to simplify contracts to ensure that they were monitored and



controlled; and a Committee Member requested that Dr. Slater's presentation be circulated to all Councillors.

The Chairman thanked the representatives of HWAG, Dr. Slater, and Members for their interesting contributions.

**RESOLVED: That**

1. To enable Committee Members to explore the full implications of the report before it is considered by Cabinet, a meeting be convened during the week of the Cabinet meeting, to be open to all Members of the Council.
2. The authority should not perceive waste as a problem but should see it as an asset and should seek to maximise the return from that asset, rather than disposing of it in landfill.
3. The KPMG report on value for money for Herefordshire needs to be made available as soon as possible and Cabinet must have sufficient time to consider the implications.
4. The alternative disposal of the County's green and biodegradable waste, both currently produced and future potential, be considered alongside the flexibility of the current contract to allow alternative handling of this waste stream should other schemes allow.
5. The Cabinet report includes information on projected waste production, informed by housing growth and future recycling rates.
6. The Cabinet report contains clear comment on the benefits and disadvantages relating to the coordination of the re-contracting of waste collection and waste disposal contracts.
7. The Cabinet report explains the relationships between the various companies involved.
8. Assurance be sought from Cabinet that all the evidence that has been presented to the Committee, including possible alternative solutions, is given full and proper consideration as part of the process leading to the Cabinet report.
9. The Cabinet report clearly identifies the potential termination costs of the contract under different scenarios; including 'no fault', 'council fault' and 'contractor fault'.
10. The Cabinet report addresses the matters recorded in the Cabinet minutes of 13 December 2012, particularly that 'In response to a question by the Chairman of the General Overview and Scrutiny Committee with regards to the breakdown of scores and ranking as outlined on page 43 of the report, Cabinet was advised that these would be provided when Cabinet comes to make its final decision' (minute 53, To Consider Future Options for Waste Contract, refers).

**28. COMMITTEE WORK PROGRAMME**

The Chairman noted the need to populate the work programme and suggested the following:

- A short-term Task and Finish Group on the Cultural Services review, to include museums and libraries.
- A longer-term Task and Finish Group on the future of Planning Services; it was noted that restructuring of the service was currently being consulted upon.
- There was work to be finalised on Frameworki and Agresso, with more research to be undertaken on the role of Hoople.

A Committee Member suggested that the Committee consider new organisational priorities.

In response to a question, the Chairman advised that the dedicated Scrutiny Officer role had been retained but Governance Services had made reductions in the numbers of Democratic Services Officers, therefore the frequency of meetings might not be sustainable going forward and the Committee needed to be focused. It was noted that General Overview and Scrutiny Committee meetings would become bi-monthly, alternating with the Health and Social Care Overview and Scrutiny Committee.

The Vice-Chairman reported that a draft scoping statement had been prepared, and would be circulated shortly, for the Task and Finish Group on the Digital Strategy; this would include consideration of technology solutions to offset the impacts of cuts to services and to enable people to access the Council in new ways. Expressions of interest in serving on the group were sought from Members.

The Vice-Chairman also reported that the Assistant Director Economic, Environment and Cultural Services was preparing a timetable for the next phase of work in relation to the Task and Finish Group on the Community Infrastructure Levy.

A Committee Member suggested that consideration be given to the governance and management of joint ventures and partnership arrangements, particularly given earlier comments about Hereford Futures and recent issues with the Marches LEP.

The Committee also discussed whether work should be undertaken in respect of public conveniences but, on balance, it was concluded that enough had been added to the work programme.

The Chairman reminded Committee Members that a scrutiny training event was to be held on Monday 16 September 2013.

The meeting ended at 7.00 pm

**CHAIRMAN**

**QUESTIONS FROM THE PUBLIC**

Agenda item 6 invited the public to submit questions for consideration at the meeting. The following questions have been received and responses provided by officers.

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**Further to questions asked at the July 2012 Overview and Scrutiny Meeting, the following questions have been received from Mrs E Morawiecka**

***Answers provided by Steve Burgess, Head of Transportation and Access***

**Question 1:** In my first question I refer to the fact that the Destination Hereford bid clearly states that "Political engagement will be delivered through weekly briefings to the Cabinet Member for Highways and Transportation and briefings to the Council's Environment Scrutiny Committee". I highlighted this matter back in September 2011 and repeated it in July 2012. Could you please advise me as to when these briefings have taken place for the members of the GOSC please?

**Answer 1:** *The Destination Hereford programme has progressed with political engagement throughout. The programme covers a range of schemes and initiatives including contribution to the Connect 2 cycle scheme to Rotherwas and each of these has provided different opportunities to engage with members and the wider public.*

**Question 2:** I ask because I note that the money for cycling is no longer being spent on Broad Street as per the Destination Hereford plan and I wondered how this money is now scheduled to be spent and who has agreed any changes to this plan and how this was agreed with central government?

**Answer 2:** *The decision to stop development on the Broad Street followed consultation with local stakeholders which raised concerns about the scale of investment in a public realm scheme which would have limited transport benefits for the wider community. The decision to revise the programme and focus on cycle network development and sustainable transport improvements across Hereford was agreed by the Cabinet Member and discussed directly with the Department for Transport.*



<b>MEETING:</b>	<b>GENERAL OVERVIEW AND SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>11 NOVEMBER 2013</b>
<b>TITLE OF REPORT:</b>	<b>DRAFT WORK PROGRAMME</b>
<b>REPORT BY:</b>	<b>HEAD OF GOVERNANCE</b>

## 1. Classification

Open.

## 2. Key Decision

This is not a key decision.

## 3. Wards Affected

County-wide.

## 4. Purpose

To consider the Committee's work programme.

## 5. Recommendation

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

## 6. Alternative Options

- 6.1 It is for the Committee to determine its work programme as it sees fit to reflect the priorities facing Herefordshire. The Committee needs to be selective and ensure that the work programme is focused, realistic and deliverable within the existing resources available.

## 7. Reasons for Recommendations

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

## 8. Key Considerations

- 8.1 An outline work programme is appended for this meeting. This is because the programme is under continuous review.
- 8.2 The work programme needs to focus on the key issues of concern and be manageable allowing for urgent items or matters that have been called-in.

8.3 Should Committee Members become aware of issues please discuss the matter with the Chairman, Vice-Chairman and the Scrutiny Officer.

## **9. Community Impact**

9.1 The topics selected for scrutiny should have regard to what matters to residents.

## **10. Equality and Human Rights**

10.1 The topics selected need to have regard for equality and human rights issues.

## **11. Financial Implications**

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

## **12. Legal Implications**

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

## **13. Risk Management**

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

## **14. Consultees**

14.1 The Chairman and Vice-Chairman meet on a regular basis to consider the programme.

## **15. Appendices**

15.1 Appendix A - Draft Work Programme  
Appendix B - Task and Finish Reviews - Progress Report  
Appendix C - Executive Rolling Programme (as at the time of going to print).

## **16. Background Papers**

16.1 None identified.

## GENERAL OVERVIEW AND SCRUTINY COMMITTEE

**DRAFT WORK PROGRAMME**

<b>Monday 11 November 2013 at 10.00am</b>	
Budget Monitoring Update	To receive a presentation from S151 officer on the budget.
Freedom of Information and Arms Length Companies - An Update	To receive a report on an allegation that the members of General Scrutiny were misled by the original report on 4 March 2013.
<b>Monday 6 January 2014 at 10.00am</b>	
Fire Service Consultation	To receive the Task and Finish Group responses to the fire service consultation and to approve those recommendations for submission to the fire service.
<b>Monday 10 February 2013 at 10.00am</b>	
Budget	<ul style="list-style-type: none"> <li>• To receive the recommendations of the Task and Finish Group on the 2014/2015 budget</li> <li>• To receive and comment on the 2014/15 budget.</li> </ul>

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

Performance Report on Hoople
Document Control and Information Including the Website
Financial Inclusion Strategy
Budget Monitoring
Response to the Francis enquiry (Jointly with Health Scrutiny)
School Examination Performance

The following topics shall be dealt with via briefing notes:

Performance Report on Waste Management
Special Educational Needs Transport Arrangements



## Task and Finish Reviews - Progress Report

## General Overview &amp; Scrutiny Committee

<b>REVIEWS IDENTIFIED FOR FEASIBILITY STUDY</b>	
<b>Proposed Review</b>	<b>Status</b>
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. Meeting to be arranged for January 2014 for follow up.
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. New accommodation strategy to be implemented so will be dealt with at this opportunity.
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.
Monitoring the Council's 'Public Services Vision'	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>Council Procurement Policy and Local Business and Local Employment (Further Review)</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&amp;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>Waste Collection</p>	<p>To investigate the permit scheme 6 months after implementation. Initial meeting held and scrutiny officer is working on the scoping statement. Group to commence work in February 2014.</p>

<p><b>REVIEWS IN PROGRESS</b></p>	
<p><b>Review</b></p>	<p><b>Comment</b></p>
<p>Community Infrastructure Levy - draft policy for Herefordshire</p>	<p>The report of the T&amp;F Group was considered by the Committee on 10 December 2012 and forwarded to the Executive for consideration. Arising from that review it was acknowledged that further work was needed.</p> <p>A report detailing the findings of the T&amp;F Group since February 2013 was considered and approved by the General Overview &amp; Scrutiny Committee on 16 July 2013. The Executive have published their response to this report.</p> <p>Officers are currently formulating the timescale and it is anticipated that the T&amp;G Group will reconvene in late 2013.</p>

Cultural Services	<p>The Chairman suggested this review at the Committee on 10 December 2012. Scoping of the review is at very early stages.</p> <p>The Chairman and Cllr Swinford are considering the scope for a possible review prior to seeking information from the Cultural Services Manager.</p> <p>The Scrutiny Officer is working up a scoping statement for consideration.</p> <p>Task and finish group is currently underway. Report to be completed by end of November 2013.</p>
Council's IT Strategy and Systems / Digital Strategy	<p>Item identified at 1 February 2013. Initial feasibility work underway. First meeting of group on 14 November.</p>
Fire Service Consultation	<p>On 18 October 2013 Council meeting, a notice of motion was passed that general overview and scrutiny were to lead the review onto the public consultation of the restructure of Hereford and Worcester Fire Authority. In light of this the Chairman has requested that a task and finish group shall meet in November - December 2013 to investigate the proposals and form recommendations. Results of this review shall then be heard at the 6 January 2014 General Overview and Scrutiny meeting.</p>



Executive Rolling Programme: **November 2013**

## Executive Decisions to be taken – November 2013

<b>DECISION MAKER CABINET</b>			
Meeting / Decision Date (on or after)	Issue Type	Purpose & Report Title	Portfolio Holder
21/11/13	Non Key	Integrated Corporate Performance Report Q2	Corporate Services – Councillor PM Morgan
21/11/13	Non Key	Budget Monitoring Report	Corporate Strategy & Finance – Councillor AW Johnson, Leader of the Council
21/11/13	<b>KEY</b>	<i>To report the financial position for both Revenue and Capital.</i> Children with Disabilities: Short Breaks and Respite Service Provision	Young People & Children's Wellbeing – Councillor J Millar
21/11/13	<b>KEY</b>	<i>To approve funding commitment over £500,000 to new contracts</i> Halo Leisure Prudential Borrowing Programme	Contracts & Assets – Councillor H Bramer
		<i>To support Halo Prudential Borrowing for investment programme at Hereford Leisure Centre, Hereford Leisure Pool, Leominster Leisure Centre, Ledbury Swimming Pool, Ross-on-Wye Swimming Pool and Photo-voltaic investment. To approve in principle the allocation of capital expenditure funded by prudential borrowing for a capital investment and improvement programme at leisure facilities managed by Halo Leisure.</i>	<a href="mailto:pgranthier@herefordshire.gov.uk">pgranthier@herefordshire.gov.uk</a> Economy, Communities & Corporate / Mick Ligema <a href="mailto:mligema@herefordshire.gov.uk">mligema@herefordshire.gov.uk</a>

<b>DECISION MAKER CABINET MEMBER CONTRACTS &amp; ASSETS COUNCILLOR H BRAMER</b>			
Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
<b>DECISION MAKER CABINET MEMBER CORPORATE SERVICES COUNCILLOR PM MORGAN</b>			
Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
<b>DECISION MAKER CABINET MEMBER CORPORATE STRATEGY &amp; FINANCE: COUNCILLOR AW JOHNSON, LEADER OF THE COUNCIL</b>			
Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
TBC	Non Key	Retail Impact Study Notice of Motion Response <i>To consider and formally respond to the resolution agreed under the Notice of Motion on 20 July 2012 by Cllr MAF Hubbard and Cllr RJ Matthews.</i>	Economy, Communities & Corporate / Nadine Kinsey
TBC	Non key	Mary Portas Study Notice of Motion Response <i>To consider and formally respond to the actions submitted in the Notice of Motion on 20<sup>th</sup> July by Cllrs E Harvey, AM Atkinson, MAF Hubbard, JLV Kenyon and FM Norman.</i>	Economy, Communities & Corporate / Nadine Kinsey

**DECISION MAKER  
CABINET MEMBER HEALTH & WELLBEING  
COUNCILLOR GJ POWELL**

Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
<b>DECISION MAKER CABINET MEMBER INFRASTRUCTURE COUNCILLOR PD PRICE</b>			
Decision Date (on or after) TBC	Issue Type <b>KEY</b>	Purpose & Report Title Increasing income from parking – On Street Charging in Hereford	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker Economy, Communities & Corporate / Steve Burgess <a href="mailto:sburgess@herefordshire.gov.uk">sburgess@herefordshire.gov.uk</a>
TBC	<b>KEY</b>	Managed and Secure Printing for Multi-Functional Devices (Printers) <i>To obtain approval for new contractual arrangements for the supply of Multi-Functional Devices (Printers)</i>	Economy, Communities and Corporate / Wayne Welsby <a href="http://www.welsby@herefordshire.gov.uk">www.welsby@herefordshire.gov.uk</a>
TBC	Non key	Local Development Scheme – Annual Review <i>To seek approval the annual review of the Local Development Scheme, September 2013 prior to its submission to the Secretary of State.</i>	Economy, Communities and Corporate

**DECISION MAKER  
CABINET MEMBER YOUNG PEOPLE & CHILDREN'S WELLBEING:  
COUNCILLOR JW MILLAR**

Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker

**Other Meetings – November 2013**

<b>AUDIT &amp; GOVERNANCE COMMITTEE</b>			
Meeting Date	Purpose & Report Title	Portfolio Holder	Directorate, Lead Officer & Contact information
26 Nov 13 Non key	Standards Panel Report To make recommendations to the A & G Committee in respect of complaints against two members, which have been considered by the standards panel		Economy, Communities and Corporate
26 Nov 13 Non key	Standards Panel Report To make recommendations to the A & G Committee for reviewing the current system of dealing with code of conduct complaints made against councillors		Economy, Communities and Corporate
26/11/13	Biannual forecasts of revenue and capital outturn	N/A	Corporate Services / Peter Robinson
TBC	Whistle Blowing Policy – Biennial Review	Corporate Strategy & Finance/Leader – Councillor AW Johnson	Economy, Communities & Corporate /
TBC	Counter-fraud and Corruption Policies – Biennial Review	Corporate Strategy & Finance/Leader – Councillor AW Johnson	Economy, Communities & Corporate /

## Scrutiny Work Programmes – November 2013

GENERAL OVERVIEW AND SCRUTINY COMMITTEE ITEMS – NOVEMBER 2013			O&SC PRE-DECISION PRIOR TO:	
MEETING/ BRIEFNG DATE	ITEM	PURPOSE	A&G Committee Cabinet Council	Meeting Date
11 November 2013	Budget Monitoring Update	To receive a presentation from s151 Officer on the Budget To receive a report on an allegation that the members of General Scrutiny were misled by the original report on 4 March		
11 November 2013	Freedom of Information and Arms Length Companies – an update			

HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE ITEMS – NOVEMBER 2013			O&SC PRE-DECISION PRIOR TO:	
MEETING/ BRIEFNG DATE	ITEM	PURPOSE	A&G Committee Cabinet Council	Meeting Date
7 November 2013	Recovery Plan for Children Safeguarding	To receive a progress report on the Action Plan To consider the Committee's Work Programme		
7 November 2013	Work Programme			

## Executive Decisions to be taken – December 2013

<b>DECISION MAKER CABINET</b>			
Meeting / Decision Date (on or after)	Issue Type	Purpose & Report Title	Portfolio Holder
12/12/13 (deferred from 4/10/13)	<b>KEY</b>	Waste Management Contract  To consider concluding a variation to the waste management contract with Mercia Waste to enable the construction of an Energy from Waste Plant at Hartlebury and other ancillary matters.	Contracts & Assets – Councillor H Bramer  <a href="mailto:aet@herefordshire.gov.uk">aet@herefordshire.gov.uk</a>
<b>DECISION MAKER CABINET</b>			
Meeting / Decision Date (on or after)	Issue Type	Purpose & Report Title	Portfolio Holder
19/12/13	<b>KEY</b>	Open Book Review of Residential and Nursing Home Fees for Older People	Young People & Children's Wellbeing – Councillor JW Millar  <a href="mailto:helen.coombes@herefordshire.gov.uk">helen.coombes@herefordshire.gov.uk</a>
19/12/13	Non Key	Budget Monitoring Report  To report the financial position for both Revenue and Capital.	Corporate Strategy & Finance – Councillor AW Johnson, Leader of the Council  <a href="mailto:Peter.Robinson@herefordshire.gov.uk">Peter.Robinson@herefordshire.gov.uk</a>
19/12/13	Non Key	Herefordshire Council Safeguarding Arrangements for Children: Nine Month Review Report for Department for Education  To inform members on the progress of improvement planning in children's safeguarding resulting from the self-evaluation undertaken and reported to the Department of Education in July, 2013 in relation to the Herefordshire Safeguarding and Protecting Children Improvement Plan.	Young People & Children's Wellbeing – Councillor J Millar  <a href="mailto:julie.rzezniczek@herefordshire.gov.uk">julie.rzezniczek@herefordshire.gov.uk</a>
19/12/13	<b>KEY</b>	Adults Wellbeing Transformation Programme 2014/15  To gain approval from Cabinet for the Adults Wellbeing transformation programme, its scope of work and its structure	Adults' Wellbeing / Helen Coombes  <a href="mailto:helen.coombes@herefordshire.gov.uk">helen.coombes@herefordshire.gov.uk</a>
19/12/13	B&PF	Council Tax Discount Scheme and NNDR Discretionary Relief To agree revisions to the current schemes.	Peter Robinson – Chief Officer Finance

**DECISION MAKER CABINET MEMBER CONTRACTS & ASSETS COUNCILLOR H BRAMER**

Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
12/12/13	<b>KEY</b>	Countryside Service Review  To agree proposals to generate income and move towards a financially sustainable service.	Economy, Communities and Corporate / Steve Burgess  <a href="mailto:sburgess@herefordshire.gov.uk">sburgess@herefordshire.gov.uk</a>
12/12/13	<b>KEY</b>	Withdrawal of Arts Commissioning Grants  To consider the withdrawal of Commissioning Grants for arts organisations	Economy, Communities and Corporate / Mick Ligema
12/12/13	<b>KEY</b>	Funding for Lady Hawkins and Wigmore Leisure Centres  To consider the withdrawal of funding for Lady Hawkins and Wigmore Leisure Centres	Economy, Communities and Corporate / Mick Ligema
13/12/13	<b>KEY</b>	Future Trust Arrangements for Museum Services  To consider the proposal for moving Museum Services into Trust status	Economy, Communities and Corporate / Mick Ligema



13/12/13	<b>KEY</b>	Closure of public facing Museum Services <i>To consider further service reductions for the public facing Museums Service</i>	Economy, Communities and Corporate / Mick Ligema / Elizabeth Semper O'Keefe
<b>DECISION MAKER</b>			
<b>CABINET MEMBER CORPORATE SERVICES</b>			
<b>COUNCILLOR PM MORGAN</b>			
Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
<b>DECISION MAKER</b>			
<b>CABINET MEMBER CORPORATE STRATEGY &amp; FINANCE:</b>			
<b>COUNCILLOR AW JOHNSON, LEADER OF THE COUNCIL</b>			
Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
<b>DECISION MAKER</b>			
<b>CABINET MEMBER HEALTH &amp; WELLBEING</b>			
<b>COUNCILLOR GJ POWELL</b>			
Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
<b>DECISION MAKER</b>			
<b>CABINET MEMBER INFRASTRUCTURE</b>			
<b>COUNCILLOR PD PRICE</b>			
Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
6/12/13	Non Key	Development Management – Review of charging for pre-application advice <i>To review the operation of the system for the charging of pre-application planning advice including the level of charges</i>	Economy, Communities and Corporate / Marc Willimont
<b>DECISION MAKER</b>			
<b>CABINET MEMBER YOUNG PEOPLE &amp; CHILDREN'S WELLBEING:</b>			
<b>COUNCILLOR JW MILLAR</b>			
Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker

### Scrutiny Work Programmes – December 2013

GENERAL OVERVIEW AND SCRUTINY COMMITTEE ITEMS – DECEMBER 2013			
MEETING/ BRIEFNG DATE	ITEM	PURPOSE	O&SC PRE-DECISION PRIOR TO: A&G Committee Cabinet Council
9 December 2013	Financial Inclusion	To consider how payday loans and changes to the council tax regime are affecting financial inclusion. To include an update on Moneybox Credit Union.	Meeting Date
9 December 2013	School Examination Performance	To consider the examination performance in Herefordshire Schools.	
9 December 2013	Task and Finish Review	To consider the findings and recommendations from the task and finish group review into cultural services.	

HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE ITEMS – DECEMBER 2013			O&SC PRE-DECISION PRIOR TO:	
MEETING/ BRIEFING DATE	ITEM	PURPOSE	A&G Committee Cabinet Council	Meeting Date
6 December 2013	Work Programme	To consider the Committee's Work Programme		

Executive Rolling Programme: January 2014

Executive Decisions to be taken – January 2014

DECISION MAKER CABINET				
Meeting / Decision Date (on or after)	Issue Type	Purpose & Report Title	Portfolio Holder	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
23/1/14		Budget proposals		

DECISION MAKER CABINET MEMBER CONTRACTS & ASSETS COUNCILLOR H BRAMER				
Decision Date (on or after)	Issue Type	Purpose & Report Title		Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker

DECISION MAKER CABINET MEMBER CORPORATE SERVICES COUNCILLOR PM MORGAN				
Decision Date (on or after)	Issue Type	Purpose & Report Title		Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker

DECISION MAKER CABINET MEMBER CORPORATE STRATEGY & FINANCE: COUNCILLOR AW JOHNSON, LEADER OF THE COUNCIL				
Decision Date (on or after)	Issue Type	Purpose & Report Title		Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
On or after 6 January 2014	KEY	Revision to the Current Council Tax Reduction Scheme Provides an update on the current CTRS and recommends further changes to the current Scheme that will achieve additional revenue for the Council		Peter Robinson – Chief Officer Finance

DECISION MAKER CABINET MEMBER HEALTH & WELLBEING COUNCILLOR GJ POWELL				
Decision Date (on or after)	Issue Type	Purpose & Report Title		Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
TBC	Non Key	Preventing Homelessness Strategy 2013-2016		Economy, Communities & Corporate / Richard Gabb <a href="mailto:rgabb@herefordshire.gov.uk">rgabb@herefordshire.gov.uk</a>

**DECISION MAKER  
CABINET MEMBER INFRASTRUCTURE  
COUNCILLOR PD PRICE**

Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
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**DECISION MAKER  
CABINET MEMBER YOUNG PEOPLE & CHILDREN'S WELLBEING:  
COUNCILLOR JW MILLAR**

Decision Date (on or after)	Issue Type	Purpose & Report Title	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
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**Other Meetings**

Meeting / Decision Date (on or after)	Issue Type	Purpose & Report Title	Portfolio Holder	Directorate, Lead Officer & Contact information for documents/report to be submitted to Decision Maker
17/01/14	BPF	Revision to the Current Council Tax Reduction Scheme Provides an update on the current CTRS and recommends further changes to the current Scheme that will achieve additional revenue for the Council		Peter Robinson – Chief Officer Finance
17/01/14	BPF	Council Tax Discount Scheme and NDR Discretionary Relief To agree revisions to the current schemes.		Peter Robinson – Chief Officer Finance
17/01/14	Non Key	Leader's Report To receive the Leader's report, which provides an overview of the Executive's activity since the last Council meeting.	Corporate Strategy & Finance/Leader – Councillor AW Johnson	Economy, Communities & Corporate / Annie Brookes <a href="mailto:ab1@herefordshire.gov.uk">ab1@herefordshire.gov.uk</a>
17/01/14	B&PF	Review of Gambling Act Policy To consider implementing new policy		Economy, Communities & Corporate / Claire Corfield <a href="mailto:clcorfield@herefordshire.gov.uk">clcorfield@herefordshire.gov.uk</a>
17/01/14	N/A	Review of Licensing Act Policy To consider implementing new policy		Economy, Communities & Corporate / Claire Corfield <a href="mailto:clcorfield@herefordshire.gov.uk">clcorfield@herefordshire.gov.uk</a>
17/01/14	N/A	Introduction of a Sex Establishment Policy To consider implementing new policy		Economy, Communities & Corporate / Claire Corfield <a href="mailto:clcorfield@herefordshire.gov.uk">clcorfield@herefordshire.gov.uk</a>
17/01/14	N/A	Review of Gypsy and Traveller Policy To consider implementing new policy		Economy, Communities & Corporate / Claire Corfield <a href="mailto:clcorfield@herefordshire.gov.uk">clcorfield@herefordshire.gov.uk</a>
17/01/14	N/A	Waste Contract	Contracts & Assets – Councillor H Bramer	Economy, Communities & Corporate / Andy Tector <a href="mailto:aet@herefordshire.gov.uk">aet@herefordshire.gov.uk</a>
17/01/14	Non Key	Appointments to Council Committees	Corporate Services – Councillor PM Morgan	Economy, Communities & Corporate / John Jones <a href="mailto:jjones4@herefordshire.gov.uk">jjones4@herefordshire.gov.uk</a>
17/01/14	N/A	Designation and appointment of Monitoring Officer, and Returning Officer		Deputy Monitoring Officer – Annie Brookes <a href="mailto:ab1@herefordshire.gov.uk">ab1@herefordshire.gov.uk</a>

Other Meetings – January 2014

<b>AUDIT &amp; GOVERNANCE COMMITTEE</b>		
Meeting Date	Purpose & Report Title	Portfolio Holder
14/1/14		Directorate, Lead Officer & Contact information

Scrutiny Work Programmes – January 2014

<b>GENERAL OVERVIEW AND SCRUTINY COMMITTEE ITEMS – JANUARY 2014</b>		
MEETING/ BRIEFNG DATE	ITEM	PURPOSE
6 January 2014	Fire Service Consultation	To receive the task and finish group responses to the fire service consultation and to approve those recommendations for submission to the fire service.
		<b>O&amp;SC PRE-DECISION PRIOR TO:</b> A&G Committee Cabinet Council
		Meeting Date

<b>HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE ITEMS – JANUARY 2014</b>		
MEETING/ BRIEFNG DATE	ITEM	PURPOSE
17 January 2014		
		<b>O&amp;SC PRE-DECISION PRIOR TO:</b> A&G Committee Cabinet Council
		Meeting Date

<b>MEETING:</b>	<b>GENERAL OVERVIEW AND SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>11 NOVEMBER 2013</b>
<b>TITLE OF REPORT:</b>	<b>FREEDOM OF INFORMATION AND ARM'S LENGTH COMPANIES - AN UPDATE</b>
<b>REPORT BY:</b>	<b>HEAD OF GOVERNANCE</b>

### 1. Classification

Open.

### 2. Key Decision

This is not an executive decision.

### 3. Wards Affected

County-wide.

### 4. Purpose

To update the Committee on the freedom of information report presented on 4 March 2013.

### 5. Recommendation

**THAT:**

**(a) The Committee notes the report.**

### 6. Reason for Report

- 6.1 An allegation was made at General Overview and Scrutiny Committee on 3 September 2013 that the Committee had been misled in connection with the report 'Freedom of Information and Arm's Length Companies'. The allegation states that the Committee were given misleading information about the governance of Hereford Futures and how the Freedom of Information Act 2000 applies to such companies.

### 7. Key Considerations

- 7.1 As a direct result from a complaint received from a member of public into this allegation, the matter was referred to the Solicitor to the Council. The substance of his response to the complainant was as follows (references to the name of the complainant have been anonymised):

"I have read the report entitled 'Freedom of Information and Arm's Length Companies' ('the Report') which was considered by the General Overview and Scrutiny Committee ('GOSC') on 4 March 2013. The Report was written by Geoff Hardy, a solicitor and the council's former Governance Services Manager. In addition, I have read the questions and the published answers contained in the Supplement to the Agenda for the GOSC meeting on 4 March 2013. Lastly, I have also undertaken a company search for Hereford Futures Limited. I am satisfied that the Report, and particularly paragraphs 9.9 and 10.4, presents an accurate statement of the relevant law on Freedom of Information as applicable to Hereford Futures Limited.

It seems to me that the essence of the complaint centres on the answer given by Mr Jones to his/her Question 1 ('Question 1') to the GOSC on 4 March 2013. That question and answer exchange are set out below.

*Question 1. AS Hereford Futures Ltd has no shareholders, but is wholly funded by Herefordshire Council, could the situation regarding FOI and private companies limited by guarantee please be clarified?*

*Answer. For the purposes of the Freedom of Information Act, Hereford Futures is not wholly owned by Herefordshire Council, it is owned by the directors and Herefordshire Council has only a minority interest. Hereford Futures has a number of public and private funding sources, and for these reason (sic) does not come under the terms of Section 3 or Section 6 of the Freedom of Information Act. Hereford Futures does not hold information on behalf of Herefordshire Council, it holds information as a company in its own right. With reference to the point raised in question one: "As Hereford Futures Ltd has no shareholders, but is wholly funded by Herefordshire Council." I am informed that "Hereford Futures is not wholly owned by Herefordshire Council, it is owned by the directors and Herefordshire Council has only a minority interest. Hereford Futures has a number of public and private funding sources, and for these reason (sic) does not come under the terms of Section 3 or Section 6 of the Freedom of Information Act." "...could the situation regarding FOI and private companies limited by guarantee please be clarified" I consider that Geoff's report more than adequately sets out how FOI works in relation to information held by companies for and on behalf of a public authority (9.4, 9.5, 9.6, 9.7, 9.8,9.9, 9.11, 10.3 and 10.4)". As detailed in para 10.4 if Hereford Futures holds information commissioned by the Council, or relating to a council core function which it carries out on the council's behalf this may fall under the remit of FOI, however information relating to the general running of Hereford Futures is unlikely to fall under the remit of FOI.*

In my opinion the answer to question 1 was correct in its fundamental point: that Hereford Futures Limited is neither 'a public authority' (for the purposes of section 3 of the Freedom of Information Act 2000 ('the FOI Act')) nor 'a publicly owned company' (for the purposes of section 6 of the FOI Act). However, the language used by Mr Jones (who is not a lawyer) in his answer to Question 1 could have been more precise.

Hereford Futures Limited is a company limited by guarantee. As such, the company has no shares and is not 'owned' by any shareholders. In a company limited by guarantee the members of the company (not the directors) guarantee to contribute to the company's assets in the event that it is wound up. This guarantee is limited to a specified sum, frequently only £1, as is the case with Hereford Futures Limited.

The company search I have undertaken suggests that the only members of Hereford Futures Limited are the original members; two companies used by Bevan Brittan, solicitors, for the purpose of forming 'shelf' companies for use by their clients. Of the 13 directors of the company, only two may be nominated by the council: the Leader and the Chief Executive. As such, I consider it incorrect to

say that the council, or the directors, 'own the company.'

The Directors' Reports and Financial Statements do not purport to list all sources of income for Hereford Futures Limited. What they do record are 'Related Party Transactions' (i.e. where there is a connection between the company (or its directors) and a donor or contractor). The Financial Statement for the year ending March 2011 discloses a grant of £163,426 from Advantage West Midlands as a related party transaction. This is clear evidence that Hereford Futures received funding from at least one non-council source, but it does not prove that this was the only non-council source of income. However, my understanding of section 6 of the FOI Act is that the key question to consider is whether a company is owned by a public authority, not whether it receives some or all of its funding from a local authority.

My conclusion is that the advice given by Mr Jones to GOSC on 4 March 2013 in relation to X's Question 1 was correct in substance, but inaccurate in detail. I am very strongly of the opinion that it was not intended to mislead the committee."

- 7.2 The Solicitor to the Council then went on to consider that the delay in the council responding to the complainant was unacceptable and apologised for this. He also provided the complainant with the necessary information if they wished to complain further.

## **8. Community Impact**

- 8.1 The report to General Overview and Scrutiny Committee on 4 March 2013 identified the community impact implications.

## **9. Equality and Human Rights**

- 9.1 The report to General Overview and Scrutiny Committee on 4 March 2013 identified the equality and human rights implications.

## **10. Financial Implications**

- 10.1 The report to General Overview and Scrutiny Committee on 4 March 2013 identified the financial implications.

## **11. Legal Implications**

- 11.1 The report to General Overview and Scrutiny Committee on 4 March 2013 identified the legal implications.

## **12. Risk Management**

- 12.1 The report to General Overview and Scrutiny Committee on 4 March 2013 identified the risk management issues.

## **13. Consultees**

- 13.1 None.

## **14. Appendices**

14.1 Link to the report 'Freedom of Information and Arm's Length Companies':

<http://councillors.herefordshire.gov.uk/documents/s50011755/FOI%20and%20Arms%20Length%20Companies%204%20March%2013.pdf>

## **15. Background Papers**

15.1 None identified.



<b>MEETING:</b>	<b>GENERAL OVERVIEW AND SCRUTINY COMMITTEE</b>
<b>DATE:</b>	<b>11 NOVEMBER 2013</b>
<b>TITLE OF REPORT:</b>	<b>EXECUTIVE RESPONSE TO THE TASK AND FINISH GROUP REPORT ON COMMUNITY INFRASTRUCTURE LEVY (CIL)</b>
<b>REPORT BY:</b>	<b>HEAD OF GOVERNANCE</b>

### 1. Classification

Open.

### 2. Key Decision

This is not a key decision.

### 3. Wards Affected

County-wide.

### 4. Purpose

To report the Executive's response and action plan in respect of the second phase report of the Task and Finish Group on Community Infrastructure Levy.

### 5. Recommendations

**THAT:**

- (a) **The Committee notes the Executive response and contents of the action; and**
- (b) **The Committee notes that the Task and Finish Group is due to resume work on the next phase in the near future.**

### 6. Alternative Options

6.1 None.

### 7. Reasons for Recommendations

7.1 To ensure that the Committee is aware of the Executive's response to the Task and Finish Group report and to comply with the Council's Constitution (4.5.13.3).

## **8. Key Considerations**

- 8.1 Overview and Scrutiny Committee commissioned a Task and Finish Group on Community Infrastructure Levy (CIL). An initial report was considered by the General Overview and Scrutiny Committee on 10 December 2012, with the Executive response reported on 4 March 2013. A report on the second phase was considered by the Committee on 16 July 2013 and subsequently forwarded to the Executive. The Group's report is available here:

<http://councillors.herefordshire.gov.uk/documents/s50014802/2013-14.EHP.004%20CIL%20A1%20Task%20%20Finish%20Group%2030Sept13.pdf>

- 8.2 The Cabinet Member Environment, Housing and Planning considered the report and agreed a response on 30 September 2013. The decision notice, related Cabinet Member report, and the Executive Action Plan are appended for the Committee's information.
- 8.3 A timetable for the next phase of work by the Task and Finish Group is being developed by the Assistant Director Economic, Environment and Cultural Services.

## **9. Community Impact**

- 9.1 Any community impact has been set out in the Cabinet Member report.

## **10. Equality and Human Rights**

- 10.1 Any equality and human rights implications are set out in the Cabinet Member report.

## **11. Financial Implications**

- 11.1 Any financial implications are set out in the Cabinet Member report.

## **12. Legal Implications**

- 12.1 Any legal implications are set out in the Cabinet Member report.

## **13. Risk Management**

- 13.1 Any risk implications are set out in the Cabinet Member report.

## **14. Consultees**

- 14.1 None. This is an information report to the Committee in accordance with the Constitution.

## **15. Appendices**

Appendix 1 - Cabinet Member Decision Notice dated 30 September 2013.  
Appendix 2 - Report to the Cabinet Member Environment, Housing and Planning.  
Appendix 3 - The Executive Response Action Plan.

## **16. Background Papers**

- 16.1 None identified.

HEREFORDSHIRE COUNCIL

Reference No: 2013-2014.EH&amp;P.004

**WRITTEN STATEMENT OF A NON-KEY DECISION  
CABINET MEMBER ENVIRONMENT, HOUSING & PLANNING**

<b>ITEM:</b>	<b>COMMUNITY INFRASTRUCTURE LEVY (CIL) TASK AND FINISH GROUP REPORT</b>
Date of Decision:	Monday 30 September 2013
Exempt:	No
Confidential	No
Urgency/Special Urgency: (As defined in Constitution)	No
Purpose:	To make an executive response to the second phase of the work of the CIL Task and Finish Group.
<b>Decision:</b>	<b>THAT:</b> <b>(a) The schedule of responses set out in Appendix 2 to the Report be approved.</b>
Reasons for the Decision:	The recommendations set out a detailed executive response to the work of the Task and Finish Group.  The recommendations set out a package of measures that seek to respond positively and productively both to the findings of the Task and Finish Group and to the roll-out of this important agenda in this County.
Options Considered:	By definition there are a wide variety of responses to the various recommendations.  The package of responses are considered to be the most appropriate given the policy and legislative background to the implementation of CIL.
Conflict of Interest <input type="checkbox"/> (See below)	
Date the decision is due to take effect:	5 October 2013

**COUNCILLOR RB HAMILTON:**..... Date: Monday 30 September 2013  
**CABINET MEMBER ENVIRONMENT, HOUSING & PLANNING**

▪ a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;

And

▪ in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.

<b>To be completed by officer:</b>	
Date consent received from Chairman of the General Overview and Scrutiny Committee:	No response received
Subject to Call-in:	This Decision was not called in
Was the decision modified?	No
If yes Cabinet Member (.....) decision reference:	N/A
If no any comment(s) to be noted	N/A
Date original decision took effect:	7 October 2013



<b>DECISION MAKER:</b>	<b>CABINET MEMBER(S): COUNCILLOR RUSSELL B HAMILTON</b>
<b>DECISION DATE:</b>	<b>30 SEPTEMBER 2013</b>
<b>TITLE OF REPORT:</b>	<b>COMMUNITY INFRASTRUCTURE LEVY (CIL) TASK &amp; FINISH GROUP REPORT</b>
<b>SCRUTINY COMMITTEE FINAL CALL-IN DATE:</b>	<b>4 OCTOBER 2013</b>
<b>DATE DECISION MAY BE IMPLEMENTED:</b>	<b>7 OCTOBER 2013</b>
<b>REPORT BY:</b>	<b>DIRECTOR – ECONOMIC, ENVIRONMENT &amp; CULTURAL SERVICES</b>

## 1. Classification

Open

## 2. Key Decision

This is not a key decision

## 3. Wards Affected

County-wide

## 4. Purpose

To make an executive response to the second phase of the work of the CIL Task and Finish Group.

## 5. Recommendation(s)

**THAT:**

- (a) the schedule of responses set out in Appendix 2 be approved.

## 6. Alternative Options

6.1 By definition there are a wide variety of responses to the various recommendations.

6.2 The package of responses are considered to be the most appropriate given the policy and legislative background to the implementation of CIL.

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Further information on the subject of this Report is available from  
Yvonne Coleman, Planning Obligations Manager on Tel (01432) 383083

## **7. Reasons for Recommendations**

- 7.1 The recommendations set out a detailed executive response to the work of the Task and Finish Group.
- 7.2 The recommendations set out a package of measures that seek to respond positively and productively both to the findings of the Task and Finish Group and to the roll-out of this important agenda in this County.

## **8. Key Considerations**

- 8.1 The CIL is a new planning charge, introduced by the Planning Act 2008. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. Development may be liable for a charge under the CIL if a local planning authority has chosen to set a charge in its area.
- 8.2 As explained in the submitted report in Appendix A the Council's CIL Task and Finish Group met between January and June 2013 as part of its second phase of work.
- 8.3 The Council carried out a consultation process on a preliminary draft CIL charging levy in Spring 2013.
- 8.4 The CIL process overlaps with the roll-out and approval of the Local Development Framework Core Strategy. That document was approved at Council on 19 July 2013.

## **9. Community Impact**

- 9.1 The implementation of the CIL agenda in the County has the potential to have significant community impact. In particular the CIL will assist in providing finance for the delivery of key projects contained in the Infrastructure Delivery Plan.

## **10. Equality and Human Rights**

- 10.1 There are no direct implications at this stage.
- 10.2 This report is focused on providing a direct response to recommendations made by the Task and Finish Group.

## **11. Financial Implications**

- 11.1 None at this stage.

## **12. Legal Implications**

- 12.1 None at this stage.

### **13. Risk Management**

13.1 None at this stage.

13.2 A programme of work is already scheduled before a CIL is approved/implemented.

### **14. Consultees**

14.1 Not applicable at this stage.

14.2 Appendix 1 sets out those bodies consulted as part of the work of the CIL Task and Finish Group.

### **15. Appendices**

15.1 Appendix 1 – CIL Task and Finish Group Report

Appendix 2 – Executive Responses

### **16. Background Papers**

16.1 None identified.





**RESPONSE TO TASK AND FINISH GROUP ON COMMUNITY INFRASTRUCTURE LEVY**

<b>Recommendation R1a</b>	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			
<b>Recommendation R1b</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.			
<b>Cabinet Response</b>	Accepted. This will form part of the on-going work to be carried out by the Three Dragons on behalf of the Council.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
On-going CIL modelling work	Yvonne Coleman/Retained consultants	Nov 2013	CIL model in accordance with CLG guidance	
<b>Recommendation R2</b>	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.			
<b>Cabinet Response</b>	Accepted. This will form part of the on-going work to be carried out by the Three Dragons on behalf of the Council.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Second round of meetings with stakeholders	Yvonne Coleman	Nov 2013	Industry engagement with CIL work in County	

**RESPONSE TO TASK AND FINISH GROUP ON COMMUNITY INFRASTRUCTURE LEVY**

<b>Recommendation R3</b>	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.			
<b>Cabinet Response</b>	Partly accepted. This will form part of the on-going work to be carried out by the Three Dragons on behalf of the Council.			
<b>Action</b>	On-going CIL modelling work	Yvonne Coleman/Retained consultants	Nov 2013	Target/Success Criteria CIL model in accordance with CLG guidance
<b>Recommendation R4</b>	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.			
<b>Cabinet Response</b>	Partly accepted. All modelling assumptions were shared and discussed with key stakeholders at two industry workshops and subsequent follow up discussions with industry practitioners. Therefore, much of this work has already been completed by the Three Dragons. Further discussions of this type will take place in the next phases of work.			

**RESPONSE TO TASK AND FINISH GROUP ON COMMUNITY INFRASTRUCTURE LEVY**

<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Second round of meetings with stakeholders	Yvonne Coleman	Nov 2013	Industry engagement with CIL work in County	
<b>Recommendation R5a and b</b>	That, ahead of examination in public:			
	<ul style="list-style-type: none"> <li>a. the fully costed infrastructure projects in the IDP are phased to match with the development delivery trajectory in the core strategy; and</li> <li>b. time-based viability modelling of the whole plan be undertaken.</li> </ul>			
<b>Cabinet Response</b>	Partly accepted. Consideration will be given to phasing the infrastructure projects in the IDP with the development trajectory in the Core Strategy. The phasing will also however, be potentially influenced by the development of the Core Strategy evidence base in relation to traffic modelling and the Nutrient Management Plan.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Refinement of IDP	Yvonne Coleman	Dec 2013	N/A	

**RESPONSE TO TASK AND FINISH GROUP ON COMMUNITY INFRASTRUCTURE LEVY**

<p><b>Recommendation R6a and b</b></p>	<p>That:</p> <ul style="list-style-type: none"> <li>a. the reasons for the revised modelling assumptions for net developable area and opening-up costs compared to EVA-2011 are clearly explained, and</li> <li>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.</li> </ul>												
<p><b>Cabinet Response</b></p>	<ul style="list-style-type: none"> <li>a. This will form part of the ongoing work to be carried out by the Three Dragons on behalf of the Council.</li> <li>b. The Council currently provides for the phased payment of section 106 contributions to assist the viability and deliverability of development sites. The Council will continue this practice through the CIL and implement a phasing policy as permitted by the regulations.</li> </ul>												
<p><b>Action</b></p> <p>On-going CIL modelling work</p>	<table border="1"> <thead> <tr> <th data-bbox="1015 1429 1174 1787">Owner</th> <th data-bbox="1015 1160 1174 1429">By When</th> <th data-bbox="1015 607 1174 1160">Target/Success Criteria</th> <th data-bbox="1015 181 1174 607">Progress</th> </tr> </thead> <tbody> <tr> <td data-bbox="1015 1160 1174 1429">Yvonne Coleman/Retained consultants</td> <td data-bbox="1015 987 1174 1160">Nov 2013</td> <td data-bbox="1015 607 1174 1160">CIL model in accordance with CLG guidance</td> <td data-bbox="1015 181 1174 607"></td> </tr> <tr> <td data-bbox="1174 1160 1248 1429"></td> <td data-bbox="1174 987 1248 1160"></td> <td data-bbox="1174 607 1248 1160"></td> <td data-bbox="1174 181 1248 607"></td> </tr> </tbody> </table>	Owner	By When	Target/Success Criteria	Progress	Yvonne Coleman/Retained consultants	Nov 2013	CIL model in accordance with CLG guidance					
Owner	By When	Target/Success Criteria	Progress										
Yvonne Coleman/Retained consultants	Nov 2013	CIL model in accordance with CLG guidance											

**RESPONSE TO TASK AND FINISH GROUP ON COMMUNITY INFRASTRUCTURE LEVY**

<b>Recommendation R7</b>	That the gradation of the payment phasing criteria should be reviewed to provide flexibility when tested for large, small and staged developments.			
<b>Cabinet Response</b>	This will form part of the on-going work to be carried out by the Three Dragons on behalf of the Council.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
On-going CIL modelling work	Yvonne Coleman/Retained consultants	Nov 2013	CIL model in accordance with CLG guidance	
<b>Recommendation R8</b>	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.			
<b>Cabinet Response</b>	Not agreed. There is no legislative basis to pay developers (i.e. a negative CIL) to pursue particular types of development. In any event no budget exists for this purpose. The Council will consider setting a nil CIL rate for Passivhaus standards but this will have to be on an evidence basis rather than a policy approach as required by the legislation.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Detailed work on the setting of a nil CIL rate from Passivhaus standards	Yvonne Coleman	Dec 2013		

**RESPONSE TO TASK AND FINISH GROUP ON COMMUNITY INFRASTRUCTURE LEVY**

<p><b>Recommendation R9a and b</b></p>	<p>That</p> <p>a. a 'Superstore' rate of CIL be proposed for the next round of consultation; and</p> <p>b. question 9 of the CIL consultation be reviewed for correctness.</p>
<p><b>Cabinet Response</b></p>	<p>Partly accepted.</p> <p>9a. The Three Dragons will be asked to assess this recommendation.</p> <p>9b. This matter is historic. The comments of the T&amp;F Group will be taken into account in formulating further consultation exercises.</p>
<p><b>Action</b></p>	<p><b>Owner</b></p> <p><b>By When</b></p> <p><b>Target/Success Criteria</b></p> <p><b>Progress</b></p>
<p>9a. On-going CIL modelling work</p>	<p>Yvonne Coleman/Retained consultants</p> <p>Nov 2013</p> <p>CIL model in accordance with CLG guidance</p>
<p>9b. None</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>
<p><b>Recommendation R10</b></p>	<p>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.</p>
<p><b>Cabinet Response</b></p>	<p>This recommendation is partly agreed. Work continues on setting the CIL in the County. The timetable for both the LDF and the associated CIL work is currently being updated based on the progress of various items of technical work. At this stage however it is planned that the two areas of work would come together early in 2014 and be examined at the same time.</p>

**RESPONSE TO TASK AND FINISH GROUP ON COMMUNITY INFRASTRUCTURE LEVY**

<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Publication of revised LDF/CIL timetable	Andrew Ashcroft/Yvonne Coleman	Oct 2013		
<b>Recommendation R11</b>	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.			
<b>Cabinet Response</b>	Partly agreed. Advice has already been provided to town and parish councils. An updated guidance note will be circulated as part of the next consultation exercise.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Production of updated CIL guidance note to Town/Parish Councils	Andrew Ashcroft/Yvonne Coleman	Oct 2013		
<b>Recommendation R12a and b</b>	That <ul style="list-style-type: none"> <li>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</li> <li>b. consultants provide advice on monitoring indicators and trigger thresholds for future rate review.</li> </ul>			
<b>Cabinet Response</b>	Not agreed. By definition CIL rates will be introduced in a fashion/scale so as not to prevent development coming forward. In any event CIL rates are subject to review.			

**RESPONSE TO TASK AND FINISH GROUP ON COMMUNITY INFRASTRUCTURE LEVY**

<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
None				
<b>Recommendation R13a and b</b>				
			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.	
<b>Cabinet Response</b>				
			a. Agreed. The DVO operates on a contractual basis and therefore reassurance can be obtained from them that they use up to date market and economic information to ensure the robust defence of local infrastructure and affordable housing targets.	
			b. Not agreed. It will be a matter of Executive judgement when and in what format the Core Strategy is submitted for examination, and based on the recent debate at Council (July 2013).	
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>



**RESPONSE TO TASK AND FINISH GROUP ON COMMUNITY INFRASTRUCTURE LEVY**

13a. On-going CIL modelling work	Yvonne Coleman/Retained consultants	Nov 2013	CIL model in accordance with CLG guidance	
13b. None	N/A	N/A	N/A	

