

AGENDA

General Overview & Scrutiny Committee

Date: **Tuesday 19 January 2016**

Time: **10.00 am**

Place: **Council Chamber, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX**

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

For any further information please contact:

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Agenda for the Meeting of the General Overview & Scrutiny Committee

Membership

Chairman **Councillor WLS Bowen**
Vice-Chairman **Councillor CA Gandy**

Councillor JM Bartlett
Councillor MJK Cooper
Councillor J Hardwick
Councillor DG Harlow
Councillor EPJ Harvey
Councillor JF Johnson
Councillor AJW Powers
Councillor NE Shaw
Councillor EJ Swinglehurst
Councillor A Warmington
Councillor SD Williams

Co-optees
(education items)

Mr P Burbidge
Mrs A Fisher

Mr RJ Fuller

Mr P Sell

Roman Catholic Church
Parent Governor Representative: Primary
Schools
Parent Governor Representative:
Secondary Schools
Church of England

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES</p> <p>To receive details of members nominated to attend the meeting in place of a member of the committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by members.</p>	
4.	<p>MINUTES</p> <p>To receive the minutes of the meeting held on 17 November 2015.</p>	7 - 14
5.	<p>SUGGESTIONS FROM THE PUBLIC</p> <p>To consider suggestions from the public on issues the committee could scrutinise in the future.</p> <p>Further correspondence has been received from Mr McKay and this is attached for consideration by the committee.</p> <p>(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.)</p>	15 - 18
6.	<p>QUESTIONS FROM THE PUBLIC</p> <p>To note questions received from the public and the items to which they relate.</p> <p>(Questions are welcomed for consideration at a scrutiny committee meeting subject to the question being directly relevant to an item listed on the agenda below. If you have a question you would like to ask then please submit it no later than 4.00 PM on Thursday 14 January 2016 to sam.tweedale@herefordshire.gov.uk)</p>	
7.	<p>UPDATE ON HOME TO SCHOOL TRANSPORT PROVISION</p> <p>To receive an update on the impact of the revised education transport policy which became effective from September 2015.</p>	19 - 34
8.	<p>LOCAL TRANSPORT PLAN</p> <p>To seek the views of the general overview and scrutiny committee on the council's local transport plan (2016-2031) in order to inform cabinet's recommendation to Council.</p>	35 - 38
9.	<p>WORK PROGRAMME AND TASK AND FINISH GROUPS</p> <p>To consider the committee's work programme and to approve task and finish group scoping statements.</p>	39 - 46

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of General Overview & Scrutiny Committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Tuesday 17 November 2015 at 11.35 am

Present: Councillor WLS Bowen (Chairman)

Councillors: JM Bartlett, J Hardwick, DG Harlow, EPJ Harvey, EL Holton, JF Johnson, AJW Powers, NE Shaw, EJ Swinglehurst, A Warmington and SD Williams

In attendance: PA Andrews, H Bramer (Cabinet member contracts and infrastructure), JLV Kenyon, PM Morgan (Deputy Leader of the Council and Cabinet member health and wellbeing), PD Newman OBE, GJ Powell (Cabinet member economy and corporate services), PD Price (Cabinet member infrastructure) and P Rone (Cabinet member transport and roads)

Officers: Chris Baird (Assistant director commissioning and education), Richard Ball (Assistant director commissioning), Ben Baugh (Democratic services officer), Jo Davidson (Director of children's wellbeing), Sukhdev Dosanjh (Assistant director commissioning), Geoff Hughes (Director of economy, communities and corporate), Paul Meredith (Assistant director safeguarding and early help), Peter Robinson (Director of resources), Josie Rushgrove (Head of corporate finance), Prof Rod Thomson (Director of public health) and Claire Ward (Deputy solicitor to the council people and regulatory)

41. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor CA Gandy. Apologies had also been received from the Leader of the Council, Councillor AW Johnson.

42. NAMED SUBSTITUTES

Councillor EL Holton substituted for Councillor CA Gandy.

43. DECLARATIONS OF INTEREST

No declarations of interest were made.

44. MINUTES

The minutes of the previous meeting were received.

RESOLVED: That the minutes of the meeting held on 27 October 2015 be approved as a correct record.

45. CORPORATE PLAN 2016-20

The corporate plan key priorities had been identified in the 'Financial planning assumptions 16/17 - 19/20' presentation and an overview of the report had been provided at the Health and social care overview and scrutiny committee held earlier in the morning.

RESOLVED: That the draft corporate plan 2016-20 be noted.

46. BUDGET AND MEDIUM TERM FINANCIAL STRATEGY (MTFS) - DRAFT PRIOR TO FUNDING ANNOUNCEMENT

The Director of resources and Head of corporate finance had given a presentation for all scrutiny members on 'Financial planning assumptions 16/17 – 19/20' at the Health and social care overview and scrutiny committee held earlier in the morning.

The Director of resources, responding to questions raised at the earlier meeting but relevant to the remit of this committee, made the following points:

- i. The level of response to the 'Priorities and budget consultation 2016-20' was gratifying, particularly in comparison to previous years.
- ii. There were risks within the budget but it had been reviewed and re-profiled in line with the MTFS. Whilst it was difficult to predict the pressures on demand led services, especially in children's safeguarding, it was considered that the budget was deliverable, supported by contingency and reserves.
- iii. It was not considered appropriate to consider the question of a referendum on raising council tax above 1.9% in advance of the publication of the Comprehensive spending review (CSR) on 25 November 2015. Nevertheless, the following observations were made: the recent consultation might not be fully representative of the overall population and how they might vote in a referendum; a referendum would be costly in terms of both running the process and in rebilling council tax (as a referendum would not be held until May 2016); it was for members to determine the level of the budget and to consider the savings proposals; there had not been a successful referendum on increasing council tax to date; a significant proportion of budget expenditure related to adults' wellbeing and children's safeguarding and it was questionable whether voters in general would support higher levels of taxation to protect services for a relatively small percentage of the population.

The Deputy Leader said that the consultation was important but was only one part of the information used in terms of setting the budget. It was considered that there would be financial risks associated with a referendum and the authority needed to be mindful of the implications of further increases for low wage earners.

A committee member made a number of comments, including:

- a. The consultation had seen a tenfold increase in the number of responses and 61% supported a council tax increase above 2% to protect services and defer savings.
- b. It was felt that the administration should trust residents and honour its pledge to work as one council, adding that a significant number of respondents to the consultation were aware of the context of the council's financial position and the potential implications for further service cuts in the future.
- c. It was recognised that there were financial costs associated with a referendum but reference was made to expenditure of over £1 million on consultants for one infrastructure project which was not yet ready for consideration by the Planning Committee. The member said that it should be considered a 'spend to save referendum' and would provide an opportunity for councillors to engage with the electorate in all wards about the services they wanted to be protected.

In response, the Deputy Leader said that the Cabinet had thought long and hard about the question of increasing council tax above 1.9% since the cap had been introduced

and did not take the decision lightly. The Deputy Leader commented that savings of £49m of savings had been achieved in four years and the authority had delivered better outcomes in many areas, especially in children's and adults' services.

The Cabinet member economy and corporate services commented on the potential for the devolution of services to city, town and parish councils. He noted that the residents of Hereford might have a different perspective about local services compared to people in the market towns and some services could be supported through local council precepts, rather than increasing general levels of council tax.

A committee member commented on a number of matters, the key points included:

1. A referendum would have benefits, whatever the outcome, as it would: provide an opportunity to engage with public and explain the issues to a wider audience; if an increase above 2% was supported, additional income could be built into the base budget and support the MTFS; if an increase was not supported, then the authority would have a mandate to undertake the cuts considered necessary.
2. It was acknowledged that town and parish councils could deliver more at a local level and not just statutory services which benefited a limited number of people but also non-statutory services that the majority of residents valued and made Herefordshire a special place to live and work.
3. The authority had commissioned a study in 2011 about opportunities to increase income streams and, whilst some - such as on-street parking charges in Hereford - were now coming forward, there was a need to maximise income from chargeable services to offset some of the cuts that might otherwise have to be made.
4. The committee member said that she was seriously concerned that the committee was being presented with a budget that balanced at face value but which might not be deliverable, especially in terms of the rate of change within services.

A committee member commented that: the local government elections in May 2015 had demonstrated trust in the existing administration which had been returned; the costs of a referendum would come from revenue costs, therefore additional savings would have to be identified to support this; and the level of capping would not be certain until the CSR was released, so the matter would be best left for full Council to debate in a reasoned and balanced way.

Another committee member said that: proportionally, more people voted for other political parties in the local government elections; work should be undertaken on a potential referendum as part of ongoing budget planning; there was some inconsistency in encouraging local councils to raise precepts whilst considering taking funding away; and a positive outcome to a referendum could create a fund to empower and protect the services that people needed and wanted.

The Cabinet member economy and corporate services said that a further increase in council tax of 1% would equate to around £0.8m, less the costs of the referendum. In view of the different needs in different areas, he considered that local councils might be better placed to make the case for increased precepts to deliver specific services and outcomes at a local level.

A committee member commented that: some members placed emphasis on the level of support for a council tax increase above 2% but, in view of the vote at the last meeting on the review of county farms, overlooked the 37% of respondents that ranked 'selling our smallholdings estate' as their first or second preference to generate income; he considered that local councils could deliver more at a local level to meet the needs of

constituents; and the authority would continue to explore opportunities to raise income, including building infrastructure and engaging with businesses to create more jobs and economic growth.

Another committee member said that many parishes were increasing precepts to deliver services at a local level but this had to be seen to be fair; adding that it would be inequitable if similar services in other areas continued to be delivered by Herefordshire Council. The committee member welcomed the increased level of response to the consultation and, noting that more people supported increased car parking charges but not the reduction of customer services and libraries, suggested that a clear link should be made between increased charges and the protection of certain core and local services.

A committee member commented that some services would be difficult to deliver at a local level, especially by local councils that had not been involved in service provision previously and given that central support was being reduced. Therefore, there was a need for an appropriate transition which was funded properly.

In response to an earlier comment, the Director of resources advised the committee that the authority was mindful of the need for income generation, with reference made to increased parking charges and crematorium fees, and to make services more self-sustaining going forward.

A committee member said that some parish councils were struggling to retain parish clerks and parish councillors and this trend could be exacerbated by increased pressures and lack of capacity as a consequence of the devolution of services. Another committee member thought that a higher degree of responsibility and engagement might encourage more local people to become involved.

A committee member said that many people were not aware of the links between county farms and the rural economy, whereas the benefits of libraries to a community were more deeply embedded in public consciousness. Therefore, there needed to be more reflection about the meanings of the statements, questions and responses. Another committee member considered that the consultation had been flawed to an extent, as the capital appreciation of the smallholdings estate had not been taken into account.

In response to a question from a committee member, the Director of economy, communities and corporate advised that the authority had contingency and reserves to balance any in year pressures. The committee member expressed concern about the degree to which the directorate had been expected to deliver unscheduled in year savings to balance the accounts in previous years and questioned whether the corporate reserves were sufficient to cover the inherent risks in the budget. The Director of resources recognised that there were risks associated with demand led services and unplanned pressures and said that a general fund reserve balance above the minimum requirement, a mitigation reserve of £4.5m, and an annual contingency budget of £0.7m had been set aside to manage these risks. He added that the authority had to be reasonable when setting budgets.

The Deputy Leader said that the authority had a clear view about the pressures on savings targets and directorates would look to achieve their delivery plans within their own budgets. She also gave an overview of the monitoring undertaken in adults' wellbeing and invited members to examine delivery plans and see what progress was being made.

A committee member, referring to paragraph 28 of the report (page 33 of the agenda), noted that it was estimated that savings of 16% would be needed in schools and questioned to what extent the schools capital investment strategy could support schools

to enable them to achieve savings. The Director of children's wellbeing explained that, whilst the government had stated that they would give cash protection to schools based on pupil numbers, the pressures of pay-awards, national insurance and pension increases, and living wage implementation would have to be met within schools' cash-limited budgets. It was reported that advice was being provided to schools about the scale of pressures in the next few years and a range of prudent steps had been suggested that could help schools to meet the challenges; a copy of the letter would be made available to committee members. The schools' capital investment strategy would be submitted for decision in coming months and, in conjunction with the Herefordshire Schools' Forum, schools were being encouraged to work in partnership and explore how costs could be shared between schools, including shared leadership and specialist support provision.

The Chairman commented that the current funding formula did not seem equitable for some schools in the county. The Director of children's wellbeing said that it was a national formula and the council was part of the f40 group of the lowest funded education authorities in England which had successfully lobbied for additional funding and reforms. The committee was also advised that the authority was one of the highest delegators of funding to schools, holding relatively little back centrally, but in contrast spent higher levels on safeguarding services.

The committee member considered that the authority could be doing more in terms of making good use of the links between education and safeguarding services to work more preventatively and undertake early intervention in developing situations in children's lives and within families, thereby offsetting potential costs in the longer term. The Director for children's wellbeing concurred and said that priority was focussed on early help.

In response to questions, the Director of resources provided an overview of the Local Government Pension Scheme and the pension deficit on Herefordshire's fund. It was noted that the last triennial review of the pension fund had been undertaken at the end of 2012/13 and was to be revalued at the end of 2015/16. Whilst there had been significant variations in the estimated deficit in the intervening period, it was anticipated that the agreed repayment of £7m per annum over 21 years would be sufficient to meet the present value of obligations; however, further assessments would be made by the fund's actuaries based on factors such as life expectancy and returns on investments. It was recognised that more detail could be provided in the MTFS.

A committee member, referring to pages 67 and 68 of the agenda, requested that the terminology be reviewed as he considered that reference should be made to 'investments' rather than 'subsidies' in relation to cultural services, as they had a role in economic development and the local economy, particularly as external support for such projects was often dependent on the degree to which local authorities also contributed.

In response to questions from a committee member, the Director of resources said that further details were awaited about government plans to allow local authorities to retain revenue from business rates, therefore it was difficult to make assumptions around this. He also provided an overview of business rate income position in relation to the Hereford enterprise zone and the capital infrastructure investments already made and planned in order to facilitate the further development of the zone. It was requested that a further note of clarification be circulated with the minutes, this is provided below:

The Hereford enterprise zone retains all growth in business rate income from 13/14. The use of this growth is allocated by the Marches local enterprise partnership (LEP) who have agreed that this funding will be used to fund the costs incurred in investing and running the zone. This is anticipated to use the

whole value of the growth until 2025. From 16/17 £100k of business rate growth has been allocated by the LEP to fund the running costs of the LEP.

Clarification was sought on paragraph 4.4.16 of the report, page 54 of the agenda, in relation to borrowing requirement that had not been secured to date. The Head of corporate finance explained that the forecast was for interest rates to stay low for the foreseeable future, meaning that short term debt accrued less interest than long term debt at this time, but the position was being continually monitored.

It was moved and seconded that a recommendation be put forward to Cabinet that consideration be given to the merits of a rise in council tax of more than 1.9%. The motion received an equal number of votes and the Chairman used his casting vote in favour of the motion.

RESOLVED: That it be recommended to Cabinet that consideration be given to the merits of a rise in council tax of more than the 1.9% cap, with consideration given to the best mechanism for advancing this should Council agree to this measure reflecting the wishes of the significant response to the priorities and budget consultation, particularly in relation to retention of specific non-statutory services.

47. PROPOSED CAPITAL PROGRAMME 2016-17

The Director of resources presented the proposed capital programme for 2016/17, noting that the programme had a key role in supporting the council's ambitions to drive economic growth in the county and deliver more jobs and homes. Attention was drawn to the schemes identified on page 101 of the agenda.

Responses were provided to a number of questions from committee members, the principal points included:

- i. The 'capital strategy group', referred to in paragraph 5, page 100 of the agenda, consisted of senior representatives from each directorate and was chaired by the Director of resources. Responding to further questions about accountability, the Cabinet member economy and corporate services and the Cabinet member infrastructure commented on their involvement in a range of activities and discussions about individual projects and considered it appropriate for an officer group to assess capital proposals for subsequent consideration by the executive.
- ii. The Assistant director commissioning clarified that the 'Hereford city centre transport package' brought together the Hereford city link road and the range of complementary transport and public realm measures within one line in the schemes identified on page 101. A committee member asked for consistency in how schemes were described and accounted for. In response to a further question, the Head of corporate finance advised that the description given on page 106, that 'LEP grant funded investment increasing the net social value of housing and external impact of housing development resulting in a net regeneration benefit of £82m', had been taken from the business case but would be updated in the next iteration of the document. The Chairman suggested that future reports would benefit from expanded explanatory notes.
- iii. The Director of resources advised that all projects included an element of contingency, with further 1% contingency across the programme. Reference was made to the £2m identified for 'Emergency property estate enhancement works' which reflected the age of buildings on the estate and the backlog of maintenance.

A committee member noted that numerous schemes had been identified as 'invest to save' initiatives and suggested that the committee would benefit from visibility of those elements of the capital programme which had been delivered and to be assured that savings and returns on investments were being achieved. The Director of resources referred to the examples including the purchase of green bins for recyclable waste and the capital investment in Halo Leisure run facilities across the county. The Deputy Leader said that Cabinet already received performance reports. In order to be as accessible to members as possible, the Chairman requested that a briefing note be prepared and circulated on this matter annually.

RESOLVED: That the capital programme be noted and the comments of the committee be forwarded to Cabinet.

48. DATE OF NEXT MEETING

The Chairman reminded members that an additional meeting was being arranged for December 2015 [Note: this meeting was subsequently withdrawn, the next scheduled meeting being 19 January 2016].

The meeting ended at 1.35 pm

CHAIRMAN



21 December 2015

For the attention of Mr Ben Baugh

Dear Sir

Suggestion for Scrutiny by GO&SC

May I please suggest that the registration of our unadopted roads on the Street Works Register be subject of scrutiny, initially by requesting that a Briefing Note be raised that addresses this issue.

Section 53 of the 1991 NRSWA requires that a Street Works Register be raised, and section 4(5) of the 2007 Regulations stipulates that the highway authority is responsible for self-registering all highways, including those for which it is not the street authority, that it is aware of, which could be expected to include those in regular public use, leading to public places and/or public paths mentioned on the written statements as being road to which path connects.

This register is now viewable online at <https://www.herefordshire.gov.uk/beta/highways-maps> and it may be observed that these are not yet registered.

Since my previous suggestions regarding this have resulted in well written briefing notes being raised but not addressing this aspect, may I put forward Rockfield Road, Hereford as my example, it being a road that connects to public footways leading to other local roads, provided with public street lights, that our highway authority must be aware of ,but which is not shown on the Street Works Register ?



The Briefing Notes raised would suggest that parishes ought make application to register roads such as these as paths on Definitive Map, to protect rights of use from extinguishment in 2026, which surely would lead to a chaotic costly situation, when they could simply be self-registered as an unadopted road which is a highway for which highway authority is not the street authority.

Further information is available at <http://www.hrmg.talktalk.net/content/Unadopted%20roads.html> and <http://www.hrmg.talktalk.net/content/Not%20accepted%20roads.html> and it may be advisable to raise an Evidence Base such as that available at <http://www.hrmg.talktalk.net/content/Herefordshire.html> spelling out what highway records have been raised, and hence what remain to be raised, as a basis from which to undertake this responsibility.

Yours sincerely

Peter McKay

Other examples :





These lead to public footpaths

To

Herefordshire Council
Plough Lane
Hereford
HR4 0LE



7 January 2016

For the attention of Mr Ben Baugh

Dear Sir

Suggestion for Scrutiny by GO&SC

Further to my letter of 21 December may I draw attention to the written reply to my supplementary question raised at Full Council meeting on 18 December, namely that *“There is no specific project or planned work-stream to record additional highways of which the authority is aware but for which it is not the street authority. Should members of the public identify such routes they may submit an application, either for a definitive map modification order or one under the council’s highways records protocol, supported by suitable and sufficient evidence. All properly made applications will be prioritised and actioned accordingly. The “responsibility” set out in 4(5) of The Street Works (Registers, Notices, Directions and Designations) (England) Regulations 2007 is a continuous and on-going function and as such there is no date for its completion.”*

I consider this approach to warrant scrutiny, it adopting the highest cost with maximum use of resources approach to registering our highways of which the authority is aware but for which it is not the street authority, i.e., our unadopted roads, whereas self registering them supported by an evidence base setting out past actions and decisions as set out at <http://www.hrmg.talktalk.net/content/LSG.html> could be expected to be far more cost effective.

Do we really expect Hereford City Council to have to raise a highway record protocol supported by suitable and sufficient evidence to get Rockfield Road and others registered ? And if HC does not plan to do this by a set date, we could surely expect parishes and others to submit applications for them in a haphazard manner ?

Yours sincerely

Peter McKay

To

Herefordshire Council
Plough Lane
Hereford
HR4 0LE



Meeting:	General overview and scrutiny committee
Meeting date:	19 January 2016
Title of report:	Update on home to school transport provision
Report by:	Assistant director education and commissioning

Classification

Open – Report and Appendix 2

Exempt – Appendix 1 is exempt by virtue of paragraph 2 “Information which is likely to reveal the identity of an individual” of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A Local Government Act 1972, as amended.

Key Decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To receive an update on the impact of the revised education transport policy which became effective from September 2015.

Recommendation(s)

THAT:

- (a) the impacts outlined within the report are considered and determine whether any further actions be recommended to the executive.

Alternative options

- 1 The committee could recommend that further investigation be undertaken to assess the impact on parents and communities. The information contained in this report suggests that this is not required and if undertaken would require a diversion of resources from other activities at a time of significant resource and financial challenge.

Further information on the subject of this report is available from
Andrew Blackman, admissions and transport policy manager on Tel (01432) 260927

Reasons for recommendations

- 2 To monitor the impacts of the implementation of the transport policy changes.

Key considerations

- 1 In common with a number of other local authorities, Herefordshire council has moved to a position of meeting statutory minimum policy requirements, unless there are clear reason not to. This is to meet the significant reductions in local authority finance. On 19 December 2013 cabinet agreed a revised home to school transport policy; having regard to the subsequent recommendations of the general overview and scrutiny committee. In March 2014, cabinet decided the implementation date for the policy changes would be amended to September 2015.
- 2 The key changes to the revised policy were that free transport will only be provided to the nearest school, subject to the statutory walking distance criteria and with an exception provided in relation to those pupils whose nearest school was in Wales who would be offered free transport to their nearest Herefordshire School. Post 16 special educational needs (SEN) students now have to pay a contribution towards the provision of transport assistance.
- 3 The modelling of the cost of any transport policy is complex. Many factors need to be considered including parental choice, parents moving into and out of Herefordshire, and the tendering of routes. Currently approximately 50% of parents across Herefordshire do not send their child to the nearest school. If more parents choose to send their child to the nearest school the council would have to provide more transport. Similarly if fewer parents choose to send their child to the nearest school, the council would have to pay less. All of this was fully assessed in the original cabinet decision and scrutiny.
- 4 The impacts of the revised policy are outlined in appendix 1 (exempt). The key statistics lifted from the appendix are:
 - a. In September 2014 there were 1,646 transfers to secondary school and in September 2015 there were 1,667. Of these in 2014, a total of 402 were entitled to free transport and in 2015 there was a total of 359 – therefore the number of year 7 eligible mainstream pupils in receipt of free transport has reduced by 43 when compared to the previous year (September 2014). It is not yet possible to analyse the impact, if any, upon eligible reception class pupils as not all children have yet either taken up their place at school or applied for free transport (most parents will take their reception aged child to/from school until they are settled).
 - b. The number of mainstream pupils paying for a vacant seat has increased by 96 generating additional annual income (a net cost saving) of £71K. Of these, 83 were additional year 7 and 13 were additional reception pupils.
 - c. 28 Post 16 SEN students are now paying a contribution, which is generating additional annual income (a net cost saving) of £21K. The overall number of Post 16 and Post 19 SEN students accessing transport has not changed year on year. A total of £541K of bursary funding has been available to further education providers across Herefordshire to allocate to their students.
 - d. The number of pupils qualifying for free transport to a school in another local

Further information on the subject of this report is available from
Andrew Blackman, admissions and transport policy manager on Tel (01432) 260927

council area has increased by five from 19 in September 2014 to 24 in September 2015 (Tenbury Academy has seen an increase of 11, whilst other local council schools have seen a reduction). In both years the number of pupils qualifying for free transport was 50% of those being offered a place at a school in another local council area. Therefore 50% of parents have chosen to make their own arrangements to a school of their “choice”. Based on the parental preferences received for 2016/17, then 23 out of 48 first preference requests for an out of county school/academy will be eligible for free transport i.e. less than 50% of the preferences received.

- e. A number of secondary schools (Bishop’s, John Kyrle, John Masefield, Weobley and Wigmore) might have expected to receive fewer preferences for their schools as a direct consequence of the change in education transport policy. However, four out of the five offered more places (before any statutory appeals) and one (Wigmore) made the same number of offers. There is no evidence of any negative impact on other schools.
- f. A total of 172 mainstream pupils who would have been entitled under the previous policy are not entitled to free transport under the revised policy. 34 appeals against the outcome of the revised education transport policy have been received. All but two have been refused. An analysis of the appeals is shown in appendix 1. The number of appeals (20% of potential total) is in line with the response expected from the change in policy. The majority were submitted because the catchment school was not the nearest and/or an older sibling was entitled but not the younger sibling. The issue concerning the sibling connection will reduce as each year passes.
- g. A petition from a campaign group called “Keep Our Kids in Herefordshire” was received on Friday 18 December 2015. The petition contains 502 signatures. The petition asks that Herefordshire Council “amend its new policy, ending free transport to schools outside the county and reinstate the free service to Herefordshire schools for eligible children”. A response to the petition from the relevant cabinet member will be sent w/c 11 January 2016.

Community impact

- 5 The change in implementation date for the agreed policy changes has provided additional planning time for young people, parents/carers, schools and transport providers to prepare for the changes, whilst still ensuring that the council continues to direct its resources at the agreed corporate priorities.

Equality duty

- 6 Public sector equality duty (PSED) implications of the policy changes were explored when Cabinet took the decision in December 2013 (see appendix 2); the changes to the timing of the implementation, with the slower phasing, further mitigated some of the impacts and allowed parents and schools to consider options. To date we have received no information to suggest that there are either any unintended consequences or this has had a more negative and therefore inequitable impact upon certain families/geographies.

Financial implications

- 7 There are no direct financial implications arising from this report.

Further information on the subject of this report is available from
Andrew Blackman, admissions and transport policy manager on Tel (01432) 260927

- 8 In line with our original planning it is anticipated that annual net cost savings of £71K (as a result of increased income) will occur in the 2015/16 academic year as a result of changing the mainstream education transport entitlement. Which will equate to a potential annual saving of £355K at the end of the 5 year roll out period. However, this excludes any cost savings yet to be generated by route reviews as a result of reduced patronage on certain education transport contract routes. This work has yet to be undertaken by the integrated passenger transport team. It is anticipated these reviews will take place during the next spring term (January 2016 onwards) and lead to further significant savings.

Legal implications

- 9 The council is required under section 508B of the Education Act 1996 (“the Act”) to make and provide free of charge, such home to school travel arrangements as they consider necessary having regard for the Department for Education statutory Home to School Travel and Transport Guidance, 2014.

Risk management

- 10 The delayed implementation date and phasing has mitigated the risks identified by allowing parents and schools additional planning time and the rolling out of various alternative transport options. In addition there have been no further risks identified.

Consultees

- 11 There have been ongoing discussions with group leaders and schools regarding the change in the education transport policy. Communications have been issued to all schools and elected members.

Appendices

Appendix 1 - policy change impact analysis (exempt)

Appendix 2 - Equality Impact Assessment: Home to school/college transport

Background papers

- None identified.

Document is Restricted

Equality Impact Assessment

Home to school/college transport

Introduction

Herefordshire home to school/transport policy sets out what the Council is to provide, and make arrangements for, regarding transport for children and young people attending schools and colleges.

The policy sets out the circumstances where the Local Authority must make transport arrangement due to legislation and what is provided additionally by the Council as a result of local determination. The policy applies to children of statutory school age and young people between 16 and 19 years of age attending further education courses. The policy considers children and young people:

- of different ages;
- with identified learning difficulties and disabilities;
- who are from low income families;
- with different religion or belief.

The approximate number of children and young people using Council co-ordinated transport are given in the table below:

	Number
Children aged 5-16 attending mainstream school	3,600
Children with special educational needs attending mainstream and special school	230
Children attending schools on the grounds of religion and belief	130
16-19 years olds	1,100
16-19 year olds with SEN	110

The overall school population is 21,400.

The overall cost of transport provision is circa £3.7m. The costs are £4.8m and through charging for non-entitled transport there is an income £1.1m. The charges do not cover the average costs of transporting the non-entitled children and young people.

The proposed policy changes

- 1) To provide free home to school transport for children aged 5-16 years to their nearest school in England rather than their nearest and catchment.

- 2) To withdraw the subsidy for transport to 16-19 year olds with SEN and introduce the same charge as for non SEN 16-19 year olds.
- 3) Reduce the level of subsidy for those travelling on Council coordinated transport.

Numbers affected

The number affected by change to nearest school only is approximately 800 (500 at secondary and 300 at primary).

The number of 16-19 year olds with SEN who would be charged under the revised is 110.

Consultation

During May and June 2013 Council officers discussed the proposed changes with elected members and asked interested and affected parties to respond through the web site. There was subsequently 6 weeks of formal consultation between the 9th September and the 18th October. Respondents were asked:

- and what mitigation could be put in place for either group.
- what other savings might be made as an alternative;
- whether there were other ways of reducing the impact on young people with SEN or from rural communities;

Details of the proposals and information in the form of a frequently asked question (FAQ) response sheet were circulated. Head teachers, governors and parent groups were advised of the desire to get a wide range of responses. Affected and interested parties were asked to express their views and consider the implications. The responses to the consultations were collated and considered in officer groups and by cabinet member for Children's Services.

Impact

Changes to nearest, rather than nearest and catchment, may mean that children from rural communities may not receive free transport to the school they are at now or would have chosen to go to. This is not considered to specifically disadvantage any children or parents with protected characteristics.

Changes to charging for students with SEN may adversely affect children and young people with disabilities. It may be that students feel they cannot attend a particular provision due to the cost.

Assessment of Impact

There were no credible alternatives identified through consultation as to how to realise the savings the proposals bring.

Other Local Authorities already have such policies about nearest school and charging for post 16 SEN students. Where authorities have introduced these policies there was no discernible change in numbers attending provision.

While the charge to SEN students does have the potential to impact on a group with protected characteristics the introduction of charging is considered reasonable because:

There are grant schemes funded by the Education Funding Agency available through further education training providers or on an individual basis.

Mitigation

1. If it is decided to introduce these changes, 3 months' notice will be given to parents to give time to secure an approach to payment.
2. The local authority and further education providers will support parents with information and guidance in making grant applications for financial assistance.
3. The local authority will make available easy ways for parents to pay the charges with weekly and monthly schemes.
4. The policy change will be monitored and reviewed in terms of the impact on a monthly basis.



Meeting:	General overview and scrutiny committee
Meeting date:	19 January 2016
Title of report:	Local transport plan
Report by:	Head of transportation and access

Classification

Open

Key decision

This is not an executive decision

Wards affected

Countywide

Purpose

To seek the views of the general overview and scrutiny committee on the council's local transport plan (2016-2031) in order to inform cabinet's recommendation to Council.

Recommendation(s)

THAT:

- (a) **The committee provides comments on the draft local transport plan (2016-2031).**

Alternative options

- 1 Under the requirements of the Transport Act 2000, as amended, the council is required to maintain an adopted local transport plan (LTP). The committee may choose to recommend alternative priorities or proposals but in doing so any alternatives should be informed by the evidence base available and the prevailing financial and policy context.

Reasons for recommendations

- 2 The LTP forms part of the council's budget and policy framework. The council's budget and policy framework rules require that cabinet have regard to the views of overview and scrutiny in developing their recommendations to Council on budget and policy framework items.

Key considerations

- 3 The draft LTP covers the period from 2016 to 2031. It comprises a strategy and a policy document both of which are currently subject to final consultation prior to consideration by cabinet on 11 February 2016 and Council on 4 March 2016. The draft plan documents can be accessed at:

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-transport-plan-2016-2031>

- 4 Following the adoption of the Herefordshire local plan core strategy 2011 – 2031 by Council in October 2015, it is appropriate to update the local transport plan. The LTP sets out the long term transport strategy for the county to achieve transport objectives and support the delivery of the core strategy. The LTP is guided by the vision for:

A transport network that supports growth enabling the provision of new jobs and houses, whilst providing the conditions for safe and active travel

...and five key objectives:

- Enabling economic growth
- Providing a good quality transport network for all users
- Promoting healthy lifestyles
- Making journeys easier and safer
- Ensuring rural access

- 5 The LTP is a countywide policy document. Included within the plan are specific proposals for Hereford to meet the transport needs recognising that the city will be the main focus for housing and employment growth. The strategies for the market towns and rural areas focus on relevant issues in these areas where maintaining access and the safety of the network play a more significant role. In addition to setting the long term policy for transport improvements in the county, the LTP will guide the prioritisation of available capital funding for transport investment, revenue spending on routine maintenance and passenger transport services, and will support bids for any additional funds for transport projects.

- 6 The strategy is informed by an extensive evidence base much of which was developed in support of the core strategy. Key elements of the evidence base comprise:

- transport modelling which has identified major transport infrastructure and sustainable package measures to support growth proposals
- passenger transport review which has confirmed priorities for public transport services
- parking studies which have assessed public car parking capacity, distribution and charging proposals
- rail studies which have identified strategic priorities for future investment and access and integration opportunities
- transport asset management planning which informs our approach to prioritising investment in the overall highway asset and will be used to achieve better value for money
- accident investigation and analysis which will target our approach to continuing the long term trends in reducing the most serious road traffic casualties
- Understanding Herefordshire in particular the outcomes of the Joint Strategic Needs Assessment.

- 7 Whilst the new LTP continues many of the approaches contained in the current LTP

including support for sustainable transport, a significant area of change is the inclusion of schemes and packages required to support long term growth proposals adopted in the core strategy. This includes the Hereford Relief Road and transport package which will be critical to supporting the county's longer term housing and employment needs. The new LTP also develops the approach to transport asset management which will be important in guiding longer term investment in the maintenance of the transport network across the county.

Community impact

- 8 The LTP sets out how we propose to enable economic development, reduce environmental impacts and improve health in line with key elements of the corporate plan. The LTP also contains schemes and projects to reduce road traffic casualties, encourage active travel and maintain rural access which support the aims of the health and wellbeing strategy.

Equality duty

- 9 Increasing equality of opportunity and increasing access underpin the draft LTP. Individual elements within the LTP delivery programmes will be subject to equality impact assessment as an integral part of their planning and implementation.

Financial implications

- 10 There are no direct financial implications arising from this report. The LTP, once adopted, will help inform the allocation of available resources to deliver our strategic priorities.

Legal implications

- 11 The council is responsible for producing and maintaining an up to date LTP, and may replace it as it thinks fit. This is a statutory responsibility under the provisions of section 108 Transport Act 2000, as amended.
- 12 The LTP is required to set out the council's overarching strategy for transport across the county, setting out policies for the promotion and encouragement of safe, integrated, efficient and economic transport and to carry out its functions so as to implement those policies.
- 13 A duty to consult may arise at common law or by statute. In this case, under the provisions of the said section 108, in reviewing its LTP, the council must consult such persons as it thinks appropriate, including rail and bus operators, and any relevant transport user groups. There are no minimum time limits given for such consultation but such period should be reasonable. In a recent 2014 supreme court case of *Moseley v Haringey LBC*, it was decided that a five week consultation period was not unreasonable for a council tax reduction scheme and that any alternative options should be briefly mentioned where relevant, but only where this is necessary in order for the consultees to express meaningful views on the proposals.

Risk management

- 14 There is a risk that the LTP can become out of date. We have a duty to review the LTP from time to time which ensures that the strategy remains relevant, supports the

council's priorities and is subject to public consultation. The updating of the LTP as set out in this report will ensure that the council's transport strategy is up to date and reflects current priorities, will meet future needs and forms a sound basis for longer term financial investment. The council will need to review the frequency for updating this plan but it is envisaged that an update would take place by 2021.

- 15 There is a risk that the LTP programme needs to be amended after adoption. The programme for delivering the LTP is updated each year through the Annual Plan and significant capital schemes set out in the LTP are also prioritised through the medium term financial strategy. This provides regular governance review and opportunity to manage risks around investment and delivery against council priorities. Delivery against the LTPs longer term outcomes is managed through the public realm contract and key outcomes are included within corporate performance reporting ensuring that risks to the delivery of outcomes are identified and managed on a continuous basis.

Consultees

- 16 The draft LTP 2016-31 (strategy and policy documents) was published on the council's website 26 November 2015 and a survey has been included to coordinate feedback. The consultation will run until 29 January 2016. Consultation feedback will be analysed to inform finalisation and consideration by cabinet on 11 February prior to seeking council approval for adoption on 4 March 2016. An interim analysis of the consultation feedback will be provide to the committee members with an interim report of consultation by Friday 15 January, and in advance of the meeting.
- 17 Part of our programme to assist with finalising the draft LTP included a workshop session open to all members, 8 September 2015. This workshop was developed in consultation with the chair of this committee, who co-hosted the event with the cabinet members for infrastructure and transport and roads. The workshop comprised specific sessions on the draft LTP parking proposals, asset management and passenger transport. Surveys and discussion sessions captured member views on the LTP covering the LTP objectives, priorities for spending across programme areas, asset management priorities, public transport and support for active travel. The workshop provided valuable feedback on a range of issues and members confirmed the following priorities which have assisted in drafting of the LTP:
- economic growth was regarded as the greatest priority
 - endorsement of a balanced approach to LTP capital spending across road maintenance, active modes, public transport and road safety
 - support for the principle of prioritisation a core bus network
 - support for the introduction of on street parking charges in Hereford

Appendices

None – An interim LTP 2016-31 consultation report will be circulated 15 January 2016

Background papers

None identified



Meeting:	General overview and scrutiny committee
Meeting date:	19 January 2016
Title of report:	Draft work programme and task and finish groups
Report by:	Governance services

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To consider the committee's work programme and related scrutiny activities.

Recommendation

That

- (a) **the draft work programme (Appendix 1) be noted, subject to any amendments the committee wishes to make; and**
- (b) **a task and finish group on community infrastructure levy be established to undertake the work outlined in the draft scoping statement (Appendix 2) and the membership be confirmed.**

Alternative options

- 1 It is for the committee to determine its work programme to reflect the priorities facing Herefordshire. The committee needs to be selective and ensure that the work programme is focused, realistic and deliverable within existing resources.

Reasons for recommendations

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

Key considerations

Draft work programme

- 3 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.
- 4 Should committee members become aware of issues please discuss the matter with the Chairman and the statutory scrutiny officer.
- 5 A revised work programme is appended (Appendix 1). The work programme will remain under continuous review during the year.
- 6 Revisions to the work programme include:
 - A further phase of the Community Infrastructure Levy task and finish group is to be commissioned. A seminar open to all members has been scheduled for 26 February 2016. A meeting of the task and finish group will follow the seminar.
 - The Chairman has requested a report on Gypsy and Traveller site provision within the authority for a future meeting.
 - Further to the members' seminar on 1 December 2015, a briefing note will be circulated to members regarding digital issues.

Task and finish groups

- 7 Following discussions between the Chairman of the committee, the chairman of previous phases (Councillor Harvey) and officers, it is proposed that a further community infrastructure levy (CIL) task and finish group be commissioned. A draft scoping statement is attached for consideration by the committee (Appendix 2; any further revisions will be circulated ahead of the meeting). The purpose of this task and finish group is "to assist in the formulation of the Community Infrastructure Levy (CIL) policy and rates".
- 8 The committee is also asked to identify the membership of this task and finish group.
- 9 Details of the previous phases of the CIL task and finish group are available below:
 - i. The first group report was received on 10 December 2012:
<http://councillors.herefordshire.gov.uk/mgAi.aspx?ID=29289>
 - ii. The Executive response to the first report was received on 4 March 2013:
<http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=809&MID=4646>
 - iii. The second group report was received on 16 July 2013:
<http://councillors.herefordshire.gov.uk/ieIssueDetails.aspx?IId=50004190&Opt=3>
 - iv. The Executive response to the second report was received on 11 November 2013: <http://councillors.herefordshire.gov.uk/mgAi.aspx?ID=32209>

Executive responses

- 10 On 3 December 2015 Cabinet considered the future of the council smallholdings estate (county farms) and agreed an executive response to the committee's recommendations. Please see this response from the executive below:
<http://councillors.herefordshire.gov.uk/ieIssueDetails.aspx?IId=50011721&Opt=3>.

Forward plan

- 11 Committee members are reminded that the current Forward plan is available through the Councillors' handbook intranet site.

Community impact

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

Equality duty

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

Financial implications

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

Legal implications

- 15 The council is required to deliver an overview and scrutiny function.

Risk management

- 16 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.

Consultees

- 17 The Chairman and Statutory scrutiny officer meet on a regular basis to review the work programme.

Appendices

Appendix 1 Draft work programme

Appendix 2 Draft scoping statement for CIL task and finish group

Background papers

None identified.

General Overview and Scrutiny Committee: Draft Work Programme 2015/16

Agenda items

Tuesday 8 March 2016 at 10.00 am	
Marches Local Enterprise Partnership	To receive an update on the work of the Local Enterprise Partnership.
School examination performance	To consider school performance for summer 2015.

Tuesday 10 May 2016 at 10.00 am	
Edgar Street Athletic Ground	Review of options for the longer term arrangements for the ground.
Property update	To receive an update report on property matters.

Issues for possible future scrutiny activity

Topic	Status:
Gypsy and traveller site allocation and management policy	The Chairman has requested that a report be prepared for a future meeting of the committee.
Football provision	Scrutiny activity will be considered following the receipt of the report on Edgar Street Athletic Ground in May 2016.
Racecourse	Scrutiny activity will be considered following the Property update in May 2016.

Briefing Notes

The following topics shall be dealt with via briefing notes:	Status:
Update on Balfour Beatty Living Places	This update will be included as part of an annual update to committee members.
Digital strategy	Further to the seminar on 1 December 2015, a briefing note will be prepared to enable the committee to assess whether to progress any scrutiny activity in the near future.

Seminars / workshops

Topic	Status:
Community infrastructure levy	A session is being arranged for all members on 26 February 2016.

Task and Finish Groups

Topic	Status:
Community infrastructure levy	Immediately following the seminar on 26 February there will be a meeting of the task and finish group.

Herefordshire Council

Overview and Scrutiny Committee

Title of review	Community Infrastructure Levy
Scope	
Reason for enquiry	To assist in the formulation of the Community Infrastructure Levy (CIL) policy and rates.
Links to the corporate plan	The review contributes to the objective's contained in the Herefordshire corporate plan and the delivery of the Local Development Framework Core Strategy including: <ul style="list-style-type: none"> Supporting delivery of Growth objectives
Summary of the review and terms of reference	Review the proposed CIL charging schedule prior to wider public consultation. To be assured that the proposed final schedule and approach to implementation meets community needs and does not impact negatively on the delivery of the objectives of the Core Strategy.
What will NOT be included	<ul style="list-style-type: none"> Consideration of the viability/impact of specific sites in isolation Allocation policy for distribution of CIL income
Potential outcomes	To <ul style="list-style-type: none"> Provide reassurance to the Council that the CIL Draft Charging Schedule is sound prior to consultation and that the final schedule and its implementation meet community needs and enable the delivery of Core Strategy objectives.
Key Questions	To <ul style="list-style-type: none"> Has the methodology used for setting the CIL charging rates been sufficiently informed by appropriate evidence? What are the overarching and local area effect of these rates on the viability of development in different parts of the County? How have we evidenced that the methodology for applying/exempting CIL to particular types of development is clear, equitable and fit for purpose? How are we assured that the methodology for applying different CIL rates in different parts of the County is appropriate How are we assured of the positive impact of CIL on Core Strategy objectives and on community needs more locally to the developments.
Cabinet Member	CLlr Price (Cabinet Member Infrastructure)
Key stakeholders /	<ul style="list-style-type: none"> HC Service Areas

Consultees	<ul style="list-style-type: none"> • Ward Members • Development Industry / land owners.
Potential witnesses	<ul style="list-style-type: none"> • Retained consultants (Three Dragons).
Research Required	Review the market analysis undertaken by Three Dragons. Understand latest changes in legislation impacting on CIL. Consider emerging best practice and lessons learned in other authorities
Potential Visits	N/A
Publicity Requirements	Publication of the Review and its recommendations
Outline Timetable (following decision by the Overview & Scrutiny Committee to commission the Review)	
<i>Activity</i>	<i>Timescale</i>
Confirm approach, Terms of Reference, programme of consultation/research/provisional witnesses/meeting dates	19 th January 2016
Briefing from Three Dragons	26 th February 2016
T&FG confirm PDCS is sound for stage 1 public consultation	w/c 29 th February 2016
Cabinet Member approves stage 1 public consultation	w/c 7 th March 2016
T&FG support Lead Officer during consultation stage	14 th March 2016 to 18 th April 2016
Lead Officer agrees DCS	w/c 2 nd May 2016
Present final report to Overview & Scrutiny Committee (GOSC)	10 th May 2016
GOSC present recommendation to Cabinet	10 th May 2016
Cabinet response/decision	12 th May 2016
DCS approved by Council for consultation and Examination	20 th May 2016

Group Members	
Chair	CLlr EPJ Harvey
Support Members	TBC
Lead Officer	Richard Gabb
Support Officers	Peter Clasby