

AGENDA

Cabinet

Date: **Thursday 3 November 2016**

Time: **2.00 pm**

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

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

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If you would like help to understand this document, or would like it in another format, please call Sarah Smith on (01432) 260176 or e-mail sarah.smith1@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of Cabinet

Membership

Chairman **Councillor AW Johnson**
Vice-Chairman **Councillor PM Morgan**

Councillor H Bramer
Councillor DG Harlow
Councillor JG Lester
Councillor PD Price
Councillor P Rone

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence.</p>	
2.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
3.	<p>MINUTES (TO FOLLOW)</p> <p>To approve and sign the minutes of the meeting held on 20 October 2016.</p>	
4.	<p>REDESIGN AND COMMISSIONING OF HOME CARE AND REABLEMENT SERVICES</p> <p>To agree the redesign and procurement of a home care service to be known as Help to Live at Home.</p>	7 - 66
5.	<p>STATEMENT OF COMMUNITY INVOLVEMENT - ADOPTION</p> <p>To recommend to council the adoption of the Herefordshire Council statement of community involvement.</p>	67 - 154
6.	<p>VARIATION TO THE LARGE SCALE VOLUNTARY TRANSFER AGREEMENT (LSVT) WITH HEREFORDSHIRE HOUSING LTD</p> <p>To approve the variation of the LSVT with Herefordshire Housing Limited to waive the council's right to clawback on property disposals to 2020 so as to enable increased housing development consistent with the council's strategic priorities.</p>	155 - 166
7.	<p>REVISED GOVERNANCE ARRANGEMENTS FOR WEST MERCIA ENERGY</p> <p>To approve the revised joint agreement following consultation with Shropshire Council, the Borough of Telford and Wrekin and Worcestershire County Council.</p>	167 - 188
8.	<p>END OF SEPTEMBER CORPORATE BUDGET AND PERFORMANCE REPORT</p> <p>To invite cabinet members to consider performance for the first six months of 2016/17 and the projected budget outturn for the year.</p>	189 - 218

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Meeting:	Cabinet
Meeting date:	3 November 2016
Title of report:	Redesign and commissioning of home care services
Report by:	Cabinet member health and wellbeing

Classification

Open

Key decision

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates.

And

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the county.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

Countywide

Purpose

To agree the redesign and procurement of a home care service to be known as Help to Live at Home.

Recommendation(s)

THAT:

- (a) a redesigned model of home care as set out within the Vision and Delivery Document in appendix one is adopted;**
- (b) procurement of approved providers be undertaken with a recommended hourly rate as set out within the legal and financial implications sections;**
- (c) approval of the detailed service specification for the redesigned service and the final decision to approve acceptance of providers meeting the qualification criteria onto the framework in each zone, be delegated to the director for adults and wellbeing for the total contract period of five years;**
- (d) the director for adults and wellbeing be authorised to extend the existing contractual arrangements, if required and within existing budgetary provision for up to a 9 month period, until 31 March 2018.**

Alternative options

- 1 To continue with the current model of service and contractual arrangements. This option is not recommended as the contracts cease on 30 June 2017. Furthermore, there are service delivery issues that need to be resolved and a new approach is required to ensure people can access an appropriate level of support in a timely manner in order to meet their outcomes.
- 2 To procure the home care service without a competitive tender process. This option is not recommended as the nature and scale of the proposed service and its financial value indicate that this is subject to the 'light touch' procurement regime. These and the council's own contract procedure rules suggest that a competitive tender process is appropriate. Soft market testing and a consultation exercise indicate that a number of provider organisations would be interested in tendering for this service. This would also ensure that the best value for money is achieved.
- 3 To adopt an alternative model of service based on different geographical zoning. This option is not recommended as the proposed zones have been developed through a robust and prolonged period of engagement with providers and has been designed based on the informative feedback received from the market.

Reasons for recommendations

- 4 The current contractual framework arrangements for the delivery of home care services cease on 30 June 2017. The current framework includes home care, supported living and skills for daily living, both home care and skills for daily living are included within the service redesign, however supported living will be separate and will be extended in line with the recommendation above.
- 5 The redesign of the service is required to address the drivers for change (appendix one, section 3). These are:

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Amy Pitt, Joint commissioning better care fund manager on Tel (01432) 383458

- to redesign and recommission home care in order to enable people to be independent in their own homes for as long as possible, whilst ensuring the care they receive is timely and appropriate and meets their needs and thereby preventing, reducing or delaying the need for more intensive services.
 - approaches to the delivery of care and support are based on the adult and wellbeing blueprint and aims to embed an enablement ethos, whilst utilising support from communities.
 - to enable the council to manage the increasing demand for formal care and support.
- 6 The indicative revenue budget for directly commissioned home care services for 2017/18 is £9m for approximately 900 service users at any one time. The nature and scale of the proposed service and the financial value of the contract(s) indicate that it is subject to public sector procurement rules. However, it is also subject to the 'light touch' procurement regime which does not require the council to strictly follow one of the procurement procedures set out in the Public Contracts Regulations 2015. The council has flexibility in designing its own procurement procedures, as long as they meet EC Treaty requirements (e.g. fairness, transparency, equal treatment etc.).
- 7 Delegated authority is sought in order to facilitate a timely procurement and mobilisation process and therefore achieve the envisaged start date for the new service of July 2017.
- 8 Extension to the existing contractual arrangements may be required to enable a seamless mobilisation given the large number of service users. Experience suggests that a 'big bang' transition is likely to carry significant risk and so a more phased process over time is expected to be preferable.

The transition will be complex due to:

- the significant reduction in service providers from those currently contracted across the county (move to zones);
- the potential requirement for extra capacity to undertake any necessary reviews; and
- supporting service users and the implementation of system changes to accommodate different pricing bands within zones.

The extension will be dependent on the outcome of the procurement process.

Key considerations

- 9 The current service model and contractual arrangements were established prior to the implementation of the Care Act 2014. This legislation provides the framework that puts people in control of their care and provides a mechanism through which the quality of support provision will be improved. The remodelled service is predicated on the prevention and wellbeing principles that underpin the Care Act.
- 10 Herefordshire Council's corporate plan has four priorities, one of which is the improvement of the health and wellbeing of people in Herefordshire: *Enable residents to live safe, healthy and independent lives*. Herefordshire Council will be proactive in

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helping and encouraging people to live healthier lifestyles and developing resources that offer more choice and control in remaining independent, therefore reducing or delaying the need for formal social care.

- 11 A whole systems approach to transformation within adults and wellbeing is being taken, within which commissioning and delivery of services are the key change drivers in Herefordshire. This approach connects individuals with family, friends and community support networks so they can live independently and prevent or postpone the need for funded care and support services. The models incorporated in the recommended model of care and in the underpinning Vision and Delivery Document appended to this report (appendix one, strategic section), recognise the need to empower people to feel able to find help, access it and use it to improve their health, wellbeing and general lives. Services and support in the community will be the first option for people and active market development by the council and its partners is key to supporting and developing this approach.
- 12 Critical to the delivery of this approach will be the extent to which the outcomes for service users can be identified and their achievement measured. In constructing the tender a revised approach to the delivery of outcomes has been developed which recognises that it is not only a contracted service provider that will deliver outcomes, but all those involved in fulfilling the required outcomes for any individual. Consequently, a Comprehensive Outcomes Approach (appendix one, Figure 1.2) has been developed and linked to the tender requirements so that appointed providers can both assess and be assessed in respect of their contribution to delivering outcomes for individuals. The approach recognises that the individual themselves, their carers or support network, their community and a service provider may all be involved in delivering identified outcomes.
- 13 In September 2013, approval was granted for arrangements and plans to be put in place for ensuring service users, carers and providers participated in securing new contracts for the provision of home and community support within Herefordshire. The council reconfigured home care services in order to ensure that a number of service providers had the opportunity to deliver services throughout the county. On 14 April 2014 approval was given to award contracts for service provision through the home and community support framework that gave flexibility for providers to develop an area of operation in which to establish operational and financial viability. This also allowed an increased choice for service users.
- 14 The resulting framework contract has been in place for 3 years and expires on 30 June 2017. It is a generic framework with 39 providers that support adults with learning disabilities and/or autism, mental health, older people and people with physical disabilities. However, currently only around 20 of these providers are actually delivering services.
- 15 In many cases, service providers have focussed on defined areas of operations, particularly around the city and the market towns where there is a density of care packages which are more practical and viable to deliver. This has created a situation where there may be a delay in placing rural care packages and providers are subsequently handing back care packages when they decide that the delivery is not viable for operational and financial reasons.
- 16 These risks to service delivery will be mitigated as part of the review of the service, through the recommendation to develop a viable zonal arrangement where lead providers take on a responsibility for ensuring a service is delivered to all service

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users with a need within their area of responsibility. This has the benefit of reducing the number of providers that the council has a commissioning relationship with thus promoting more strategic relationships. Service users will still have a choice of which provider to use through either accepting one of the council's commissioned providers or taking a direct payment should they wish to use an alternative provider. This approach has been supported by both service providers and service users through the consultation exercise.

- 17 An ongoing engagement process with both service users and providers has been undertaken over the last 12 months. This has been underpinned by a specific and targeted consultation (via a questionnaire exercise over a recent 12 week period). The responses have been used to inform the proposals for the new Help to Live at Home care service. Further details can be found under the consultees section later in this report.
- 18 The service is required for adults in Herefordshire where a social care assessment has identified that they meet the eligibility criteria of the Care Act and need care and/or support to meet their personal care, wellbeing and daily living requirements.
- 19 There are around 1,500 clients a year, approximately 900 at any one time. Two-thirds of users are aged 65 or over; of which the largest proportion (two-fifths) are aged over 85. The total hours provided on a weekly basis has fallen by 6% in 2015/16.
- 20 Around 40% (332 people) of people currently in receipt of home care were also in receipt on 1 April 2014, indicating a service user turnover of around 30% per year. 59% of those clients who have been receiving home care since April 2014 are currently receiving the same number of hours of care as they did two years ago; just over a quarter (27%) are receiving more hours (particularly the over 75s); and 14% are receiving fewer hours.
- 21 The proposal is to recommission the home care services that will be delivered in accordance with the requirements of the Care Act relevant to older people and adults with disabilities, and management of long term health conditions. This includes mental health conditions that may affect older people, especially dementia, depression and anxiety.
- 22 The Needs Based Delivery Model (appendix one, Figure 2.1) demonstrates three distinct components required for the effective delivery of homecare. It is a model based on the assessed needs of individuals rather than the diagnosis. The complexity of the needs will be determined at the point of assessment.
- 23 This approach takes account of the requirements for individuals whose needs can be identified as 'complex' and those with a specific therapeutic reablement need, as well as those who can be best supported through a 'standard' package of care delivered with an enablement approach to maximise independence.
- 24 The service will be delivered in line with the service users' individual assessed needs and focus on achieving a reduction in the need for formal care and support based on an enabling approach and utilising appropriate community support. Full details of the model are within the strategic case of the document in appendix one.
- 25 The mobilisation process will, of course, need to be carefully managed for the impact on service users. It is almost inevitable that the current contracts will have to be

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temporarily extended to facilitate this, as the shift in service and provider configuration will be significant and will need to be phased. The transition will be complex and must be handled sensitively, dealing with the concerns that people might have about whether they wish to change their current service provider and how this will be facilitated. There is a cohort of approximately 900 people at any one time, some of which will need input from the operational teams which will have an impact on capacity.

- 26 The complex care provision will be a separate 'lot' and will include packages of care of 24 hours. The 'lot' will be split between the north and south of the county to provide two geographical zones.
- 27 The 'regular' care provision will be five separate 'lots', splitting the county into five zones:
- Kington/Leominster.
 - Bromyard & City.
 - Ledbury.
 - Ross & City.
 - Golden Valley.

Full details of the lot approach as well as the proposed procurement strategy and timeframes are contained in the Vision and Delivery Document (appendix one).

- 28 The purpose of the zoning approach is to offer service providers operational and financial viability by focusing on a certain geographical area of the county and therefore minimising the risk of handbacks of packages of care. The zonal approach will also provide consistency of delivery for the service users (see further information on the zonal approach in the document within appendix one).
- 29 The council will work in conjunction with service providers regarding workforce development; historically recruitment and retention has been an issue for the market and is key to delivering an effective home care service.
- 30 The key elements of the new model are:
- Prevent, reduce or delay the demand for home care services.
 - Delivering services with an enabling ethos – doing things with people, rather than for them, to enable people to live independently in their own homes for as long as possible.
 - Enhancing the quality of life for people with care and support needs.
 - Introducing a strength/asset based approach to assessment and support planning.
 - Identifying how people can be assisted to help themselves and what their family/friends/neighbours and the wider community can do to help them live the lives they want.
 - Working with providers to reduce people's reliance on formal care by working in partnership with the voluntary sector and the wider community.
 - A phased shift from the time and task approach to a focus on delivering

outcomes for service users through the contractual term.

- Equitable service provision throughout the county.
- Development of the skills of the workforce.

Community impact

- 31 The Care Act articulates the principles of wellbeing and prevention, and the recognition that an individual, their family, and/or carer must be enabled to make decisions regarding their care. These principles inform the council's delivery of social care services.
- 32 The council, service providers and the wider network of formal and informal care provision will work together in supporting service users to achieve their outcomes, this will include managing their expectations of what the service, and the provider can offer.
- 33 Service providers will be expected to develop and maintain effective partnerships at strategic and operational levels with the voluntary sector and wider community to enable the inclusion and participation of service users and avoid duplication of service provision. Other key aspects of the service will be the use of universal and community services and developing capacity in neighbourhoods to enable them to support vulnerable people in their local communities.
- 34 In Herefordshire we are building an asset based approach, linking to existing local community provision, encouraging the development of innovation and the release of additional capacity, not just of those entitled to support, but also of other individuals and organisations to provide support. The ongoing collaborative approaches, undertaken with Health partners and other key stakeholders support and underpin this work.
- 35 Herefordshire has an older population than in other parts of England and Wales, with people aged 65 and over constituting 23% of the county's population (42,000 people). The number of people aged 85+ in the county has increased by 43% (from 4,000 to 5,700) since 2001.
- 36 In 2014/15, 1,428 people in Herefordshire had a diagnosis of dementia (GP Quality Outcomes Framework data, March 2015).
- 37 In April 2014 the number of people with a learning disability receiving a service commissioned by the council was 594. Of these 528 were aged 18-64 years.
- 38 Over half of all residents (98,700) live in areas classified as rural, with two in five (78,900) living in the most rural village and dispersed areas. 60% of people aged 65+ live in rural Herefordshire, more likely in villages, hamlets and isolated dwellings. 54% of people aged 85+ live in rural areas, more likely in rural towns.

Equality duty

- 39 The council is committed to equality and diversity using the Public Sector Equality Duty (Equality Act 2010) to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

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- 40 The equality duty covers the following nine groups with protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The decision does not discontinue any service and has no detrimental impact to eligible service users.
- 41 The remodelled service is not intended to have any negative impacts; however, the following should be considered and will be regularly monitored:
 - Providers working closely with service users to develop informal care and support networks.
 - The competitive tender is likely to result in a reduction in the number of contracted service providers. This may result in a change in service provider, however the revised model is intended to improve capacity and transition arrangements will be established between the providers to ensure continuity of service provision.
 - The reduction may restrict the availability of female/male care workers in the short-term, however the revised service structure will support business viability.
- 42 Overall the service impact on the nine characteristics has been assessed as low; six of the characteristics will have a neutral impact and three will have a positive impact from the changes to the service.
- 43 For full details of the Equality Impact Assessment please refer to appendix two.

Financial implications

- 44 In common with councils across the country, Herefordshire Council is facing significant financial challenges as central government strives to balance its budget. Herefordshire Council are at the 6 year point of a 10 year ‘austerity period’ during which the council will face increasing demands on the services it provides whilst simultaneously making savings totalling £87 million. This means that the council needs to significantly change how it operates and the services it runs to focus on greatest need.
- 45 The council spends approximately £9m per annum on directly commissioned home care services.
- 46 The current home care provision has three set rates; one for urban, one for rural care packages, with the rural packages being paid at a premium to cover extra staff travelling costs where service users live more than 4 miles outside Hereford or one of the other market towns and one for 24 hour packages and sleep in nights.

Urban	Rural	24 Hour / Sleep-ins
£14.76	£15.76	£11.48

- 47 Following consultation with providers and other stakeholders an affordability analysis was prepared by the finance team to assess the maximum affordable hourly rate that the council could offer, whilst remaining within expected budgetary constraints taking into account expected demographic growth, national living wage increases and savings assumptions that are already built into the Medium Term Financial Strategy (MTFS). Proposed hourly rates have been calculated using a locally developed model which includes the UK Home Care Association (UKHCA) recommended rate

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calculation criteria but adjusted for local factors; this figure is £15.80 per hour (£12.80 for 24 hour packages and sleep-ins). Summary affordability analysis and rate calculations are shown in appendix 3.

- 48 It is proposed the new Help to Live at Home service will be tendered in lots based on splitting the county into zones. This will result in the introduction of a new commissioned framework and actual expenditure against this framework will be driven by operational assessments of unmet individual service user eligible needs.
- 49 The advantage of this approach is that providers will be largely guaranteed a sustainable volume of work, contract management relationships and processes can be improved and hourly rates can be standardised.
- 50 In order to facilitate a seamless transition from providers on the current framework to the successful Help to Live at Home providers, the current framework agreement may require an extension period of up to 9 months. There will be no direct financial implications associated with this extension and all expenditure associated with this can be managed within existing budgets.

Legal implications

- 51 Given the services are within the 'light touch' regime for procurement purposes, the council is not obliged to conduct a formal tender process. It simply must conduct a procedure that meets EC Treaty principles (e.g. fairness, equal treatment, transparency), and it must meet some basic publication requirements. This gives the council considerable flexibility in the procurement model it chooses, the model and timescales are within appendix one, procurement strategy.
- 52 For example, the council could operate an 'any qualified provider' approved list, in which providers (who meet the council's minimum requirements at the time) apply to join the list. The chance to join the list would open at regular intervals (e.g. the list opens say, every 6 months) for new providers, or providers whose applications were previously unsuccessful.
- 53 The benefit of this approach is that providers are competing against the council's standard for council business (and not against each other). The risk of a challenge for unsuccessful applicants in an approved list is much reduced. They simply reapply in 6 months – a legal challenge would not be worthwhile. With the framework arrangements proposed here, an unsuccessful bidder would have to wait 5 years for another opportunity for council business. This increases the stakes and therefore an appetite for challenge.
- 54 There is legal uncertainty whether a 5-year framework is permitted under the light touch regime. Non-light touch procurements are subject to a 4 year maximum. It is unclear (as a result of the new 2015 regulations) whether this maximum (or some other maximum) applies to light touch procurements. There is a risk that this procurement could be challenged on the grounds that a 5-year framework is too long. To manage this risk, it has been recommended that we make this 5-year period prominent in the tender documents. If a bidder wishes to challenge on the issue, it must do so promptly (i.e. the bidder cannot wait until the results are announced). Given any challenge would come early in the exercise (and not after award decisions), the council would then need to decide whether or not to defend the challenge or shorten the length of the framework.
- 55 There are Care Act implications for this procurement, particularly in relation to service

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user choice. The attachment to this report indicates this has been appropriately recognised.

- 56 These frameworks (and the procurement process generally) are expected to significantly reduce the number of providers with whom the council has a contract. This would seem to encourage some formal or informal consolidation in the provider market. The council will need to be open to dealing with lead/subcontractor and consortia provider models.
- 57 Officers are expected to work closely with Legal Services to minimise the risk of a challenge with this process.

Risk management

- 58 A number of risks have been identified and included in the Vision and Delivery Document (appendix one), as follows:
- The risk of a Judicial Review (JR) on this service is reasonably high due to the nature and scale of the service. As part of the previous competitive tender process a small proportion of the market did commence a JR however this was defended. The current provision and tender process is being mitigated via thorough consultation with the market and service users with transparent and open dialogues.
 - Insufficient provider interest in the commercial model which could result in reduced number of providers and a price increase.
 - Discontinuity of existing service provision for the service user which may result in a change in provider delivering the service.
 - Experience of providers and delivery approaches adequate to deliver across the different elements to the pathways.
 - Disruption to critical care and support services as a result of changes required in mobilisation for the service users, providers and local authority.
 - Increased number of direct payments resulting in a reduction of hours available in each zone making the proposed delivery model unsustainable.
 - Implications of TUPE and adequate levels of care and support staff available to deliver the services.
- 59 Through the course of the procurement and mobilisation process these factors will be monitored and addressed where appropriate.
- 60 A formal Quality Assurance Framework has been implemented and this will ensure robust contract monitoring from commencement of the service. The Quality Assurance Framework sets out the approach that Herefordshire Council will take to ensure local care and support services provide what citizens need. It can be seen as a set of processes which are put in place with one goal; to deliver high quality care and support services in Herefordshire.

- 61 The project has had robust project management processes and support which has included a risk register that is monitored on a weekly basis. The risks are then monitored through the directorate risk register.

Consultees

- 62 Extensive stakeholder consultation has been undertaken countywide over the last 12 months to ensure the review of the home care service is well informed, robust, and can successfully be delivered. Sessions have been positively attended and participants have actively engaged in discussions to express their thoughts and views about the current service and how it can be delivered in the future. Consultation and engagement has taken numerous forms including:
- Introductory/briefing sessions.
 - Engagement sessions.
 - Programme/project engagement.
 - Stakeholder project group meetings.
 - Dedicated service user/carer sessions.
 - Service provider forums.
 - Service provider 121s.
 - Networking events.
 - Adult and wellbeing directorate staff forums.
- 63 A questionnaire exercise was conducted with service users from the 6 June - 28 August 2016 (12 weeks); a questionnaire was sent to everyone in receipt of home care and was made available on-line. Consultation events were held where people could come and share their views and a dedicated phone line was made available for people to discuss the questionnaire or obtain help with completing it. A total of 233 questionnaire responses were received and the consultation report is available in appendix one.
- 64 Engagement with service providers commenced in February 2016 through stakeholder groups, forums, face to face and individual meetings and a questionnaire consultation exercise was conducted from the 22 June - 28 August 2016 (10 weeks). To launch and support this a number of consultation events were held, as well as individual discussions with commissioners to support the on-line consultation questionnaire; 34 meetings were held over the consultation period and 17 responses to the questionnaires were received (the consultation report is available in appendix one). The response from service providers has been very positive and both providers who currently deliver services and new providers interested in working in Herefordshire have and continue to participate.
- 65 A Stakeholder Group that includes social care staff, health colleagues, Healthwatch, as well as third sector providers has been involved in the review of the service and has informed the service redesign throughout the process.
- 66 The feedback and information gathered through the consultation period has influenced the recommended options within the Vision and Delivery Document (appendix one). A detailed report on the service user consultation (appendix one) showed that 83% agree with the council's proposal for approved providers chosen by the local authority to deliver the services on their behalf or alternatively receive a direct payment, which supports the recommendation for a reduced number of providers across the county and there is support for the re-ablement ethos, to enable individuals to be as independent as possible.

Further information on the subject of this report is available from
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Appendices

- Appendix 1 - Vision and Delivery Document
- Appendix 2 - Equality Impact Assessment
- Appendix 3 - Summary Affordability and Rate Analysis

Background papers

- None

Vision and Delivery Document (Cabinet Report Appendix 1)

Contents

Introduction	2
1. Strategic Case	4
2. Economic Case	10
3. Commercial Case	22
4. Financial Case	27
5. Management Case	28

List of Tables, Figures and Maps

Tables

4.1: Urban and Rural Home Care Set Rates	8
12.1 Data for 'D' Pathway Zones	17
12.2 Data for 'O' Pathway Zones	19
13.1: Procurement Strategy Timeline	23
28.1: Key Risks	32

Figures

1.1: The Adult and Wellbeing Blueprint	4
1.2: Comprehensive Outcomes Approach	5
2.1: Needs Based Delivery Model	6
16.1: Meeting Service Outcomes	25
23.1: Seven Step Methodology for Commissioning	28
23.2: Project Governance Structure	29
26.1: Quality Assurance Framework	31

Maps

12.1: Zones for 'D' Pathway	18
12.2: Zones for 'O' Pathway	20

Vision and Delivery Document (Cabinet Report Appendix 1)

Introduction

This document has been produced to explain and validate the basis upon which this Council will purchase the service generically described as Home Care and which, in Herefordshire, is redefined as Help to Live at Home.

The document outlines the approaches, delivery models, methodology and proposals for the redesign of the home care service – Help to Live at Home. The approach supports the Adult and Wellbeing Blueprint and aims to embed an enablement ethos to promote individuals independence whilst utilising support from the communities.

It is constructed against the framework of HM Treasury’s Five Case Model as a framework for “thinking” in terms of how interventions can be best delivered. In this sense, it is just as relevant to the development of policies, strategies and specific programmes or projects since is designed to address three basic questions:

- Where are we now?
- Where do we want to be?
- How are we going to get there?

The five cases are:

Strategic Case	Sets out a compelling case for change that provides holistic fit with other parts of the organisation and public sector.
Economic Case	Incorporates details which demonstrate that the proposal represents best public value.
Commercial Case	Establishes that the proposed arrangements are attractive to the market place, can be procured and are commercially viable.
Financial Case	Confirms that the proposed spend is affordable.
Management Case	Supports the proposal by establishing that, what is required from all parties is achievable.

MTFS Savings	Profile £,000					
Benefit Name	2016/17	2017/18	2018/19	2019/20	2020/21	Total
There are no defined Medium Term Financial Strategy (MTFS) savings identified as a consequence of this project	-	-	-	-	-	-
Totals	-	-	-	-	-	-

What needs to happen to enable the change?			
Start Date	November 2015	End Date	March 2018
Action	Date Due	Owner	
Structured project governance and management arrangements established.	April 2016	Business Improvement & Transformation	
Comprehensive consultation with Users, Carers and Providers undertaken.	28 th August	Engagement Lead/ Commissioning	
Service requirements and configuration options generated and analysed.	31 st August	Commissioning	
Preferred options identified and endorsed through governance structure.	9 th September	Business Improvement & Transformation	
Recommendations prepared and presented through Council governance.	3 rd November	Commissioning	
Council governance to approve/ sign off award of contract.	22 nd February to 8 th March 2017	Commissioning	
Underpinning administrative systems adapted to meet new service configuration.	31 st May 2017	Business Improvement & Transformation	
Tender process executed to agreed timescales.	1 st July 2017	Procurement	
Legal formalities completed and effective transition to appointed Providers.	From 1 st July 2017	Legal Services/ Commissioning	

Strategic Case

Strategic Context

1 Organisational overview

Herefordshire Council's corporate plan has four priorities one of which is the improvement of the health and wellbeing of people in Herefordshire:

Enable residents to live safe, healthy and independent lives

Herefordshire Council will be proactive in helping and encouraging people to live healthier lifestyles and developing resources that offer more choice and control in remaining independent, therefore reducing or delaying the need for formal social care.

The Personalisation agenda that came out of 'Our Health Our Care Our Say' (2006) supports this priority and emphasises the importance of the delivery of individualised services that puts service user's choice and control at the centre.

A whole systems approach to transformation within adults and wellbeing is being taken, within which commissioning and delivery of services are the key change drivers in Herefordshire. This approach, based on the Adult and Wellbeing Blueprint (Figure 1.1), connects individuals with family, friends and community support networks so people can live independently and prevent or postpone the need for funded care and support services.

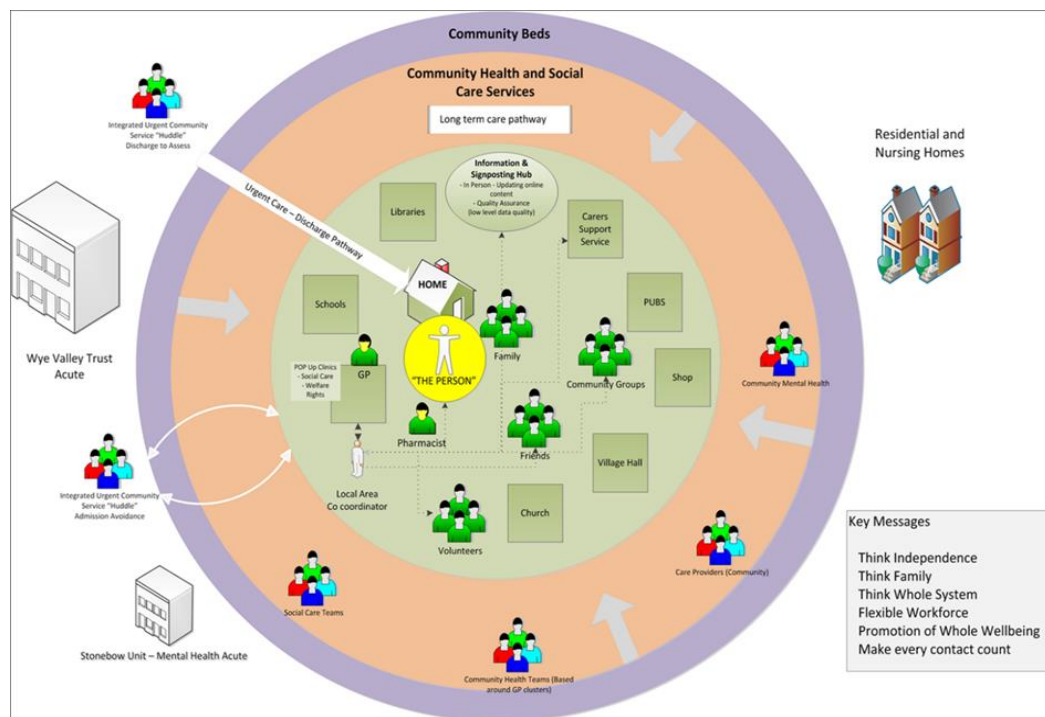


Figure 1.1 – The Adult and Wellbeing Blueprint

Our approach is to be proactive in helping and encouraging people to live healthier lifestyles and developing resources that offer more choice and control in remaining independent, therefore reducing or delaying the need for formal social care.

Critical to the delivery of this approach will be the extent to which the outcomes for Service Users can be identified and their achievement measured. In constructing the tender a revised

approach to the delivery of outcomes has been developed which recognises that it is not only a contracted service provider that will deliver outcomes, but all those involved in fulfilling the required outcomes for any individual. Consequently, a Comprehensive Outcomes Approach (Figure 1.2) has been developed and linked to the tender requirements so that appointed providers can both assess and be assessed in respect of their contribution to delivering outcomes for individuals. The approach recognises that the individual themselves, their carers or support network, their community and a service provider may all be involved in delivering identified outcomes.

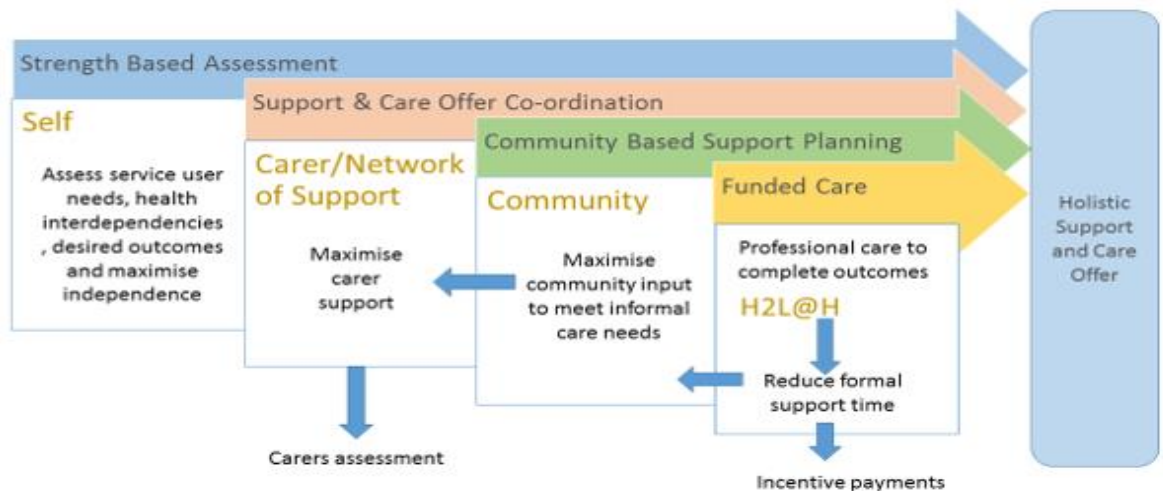


Figure 1.2 – Comprehensive Outcomes Approach

A support and care offer service, which focuses on whole system outcomes, is currently under development as part of wider system and pathway development work. The support and care offer service will replace the current brokerage service and will assist adult social care to develop and deliver holistic packages for eligible service users by: focusing on service user’s individual strengths and abilities; building upon support available from family and carers; utilising support from within communities; and where deficits in provision remain, commissioning formal care from the professional care market.

The Blueprint recognises the need to empower people to feel able to find help, access it and use it to improve their health, wellbeing and general lives. Services in the community will be the first option for people, and market development is key to supporting and developing this approach.

In common with local authorities across the country, Herefordshire Council is facing significant financial challenges as central government strives to balance its budget. We are at the six year point of a ten year ‘austerity period’ during which the council will face increasing demands on the services it provides whilst simultaneously making savings totalling £87 million. This means that the council needs to significantly change how it operates and the services it runs to focus on the greatest need.

2 Current business strategies

The Care Act 2014 offers councils the opportunity to transform their relationship with local people and local partners. The National Collaborative for Integrated Care states the needs for major change that will deliver better co-ordinated services around preventing and meeting needs and make a clear shift towards prevention, early intervention and independent living.

Integrated personal commissioning of health and social care envisage a “greatly expanded role” for non –traditional providers which should include asset based community developments.

In Herefordshire we are building an asset based approach, linking to existing local community provision, encouraging the development of innovation and the release of additional capacity, not just of those entitled to support, but also of other individuals and organisations to provide support. The ongoing collaborative approaches undertaken with Health partners and other key stakeholders supports and underpins this work.

Herefordshire Council’s vision is to have innovative, high quality home care services that promote individual wellbeing, independence and ensure a good quality of life.

The Needs Based Delivery Model below demonstrates the three distinct components required for the effective delivery of homecare – Help to Live at Home. It is a needs based model which is based on the assessed needs of individuals rather than the diagnosis. The complexity of the needs will be determined at the point of assessment.

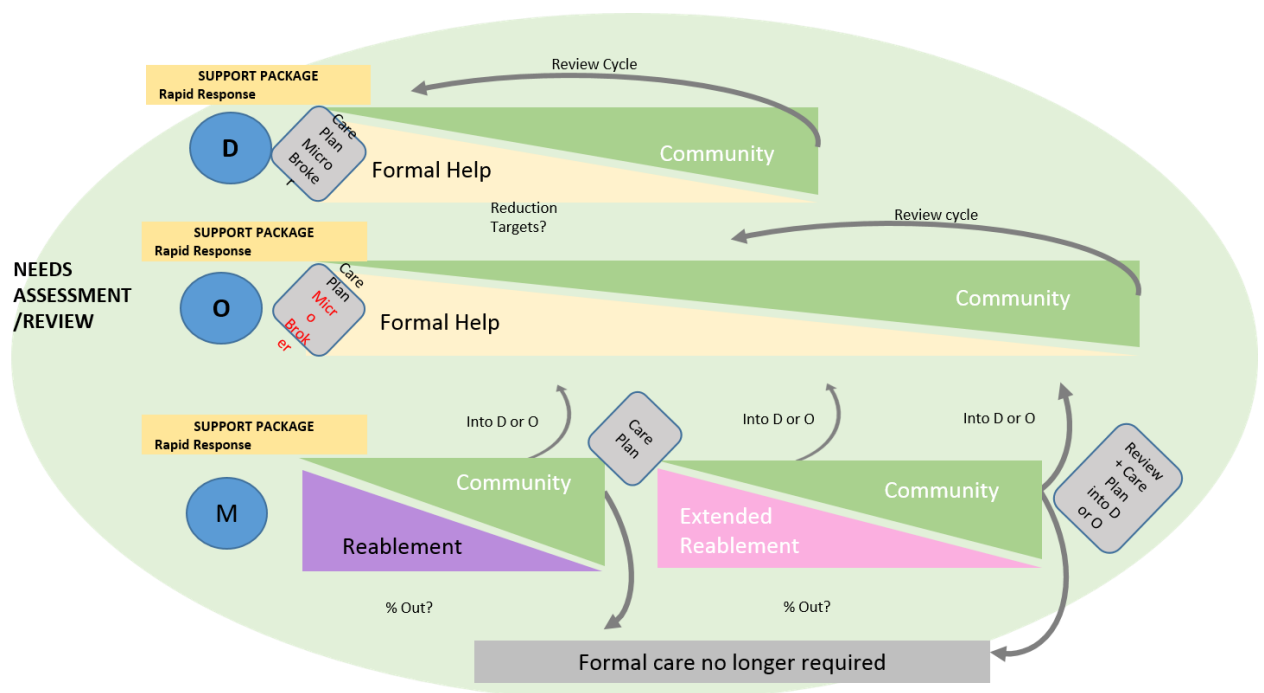


Figure 2.1 – Needs Based Delivery Model

This approach takes account of the requirements for individuals whose needs can be identified as complex and those with a specific therapeutic reablement need, as well as those who can be best supported through a ‘standard’ package of care delivered with an enablement approach to maximise independence.

Options have been developed, for each element, to ensure that a comprehensive solution can be provided for all potential Service Users. (See Economic Case – Section 10).

The service will be delivered in line with the service users' individual assessed needs and focus on achieving a reduction in the need for formal care and support based on an enabling approach and utilising appropriate community support.

The case for change

3 Project/service objectives

To redesign and commission a Help to live @home service by creating a delivery model that enables people to access an appropriate level of support in a timely manner in order to meet outcomes.

The key principles of the new service will be:

- To support and facilitate individuals to become independent of the formal care system where appropriate;
- To prevent, reduce or delay the need for additional formal care and support;
- To provide flexible, personalised services that support independence and enhance wellbeing;
- To enable people to remain in their own homes for as long as they wish;
- To identify people's strengths and the personal and community resources available to meet their needs; and
- To support and enable people to achieve the outcomes that are important to them.

Full details will be incorporated into the specification.

Drivers for change

The current local circumstances give rise to the following key drivers:

- Approaches to the delivery of care and support are based on the Adult and Wellbeing Blueprint ensuring best practice and a person centred focus.
- Personalised care focused on outcomes rather than just time and task.
- Establishing and maintaining consistent quality of service.
- Increasing levels of demand.
- Acuteness, level and duration of care packages.
- The increasing complexity of care needs.
- Improving the effectiveness of the reablement function.
- Recruitment/retention difficulties in social care and the need for improved market stability and sustainability.
- Improving market capacity to meet needs in a timely manner and address 'difficult to serve' areas, caused by our rural geography (resulting in care packages not being picked up).
- Eliminating the 'hand back' of packages by providers.
- The need for greater integration with Health and local communities.
- Current and future financial challenges.

4 Existing arrangements

The current commissioning arrangement in Herefordshire for home care is a countywide framework provision.

The framework contract has been in place for three years and expires in June 2017. It is a generic framework with 39 providers that supports adults with learning disabilities and/or autism, mental health, older people and people with physical disabilities. On occasions where a care package cannot be picked up by one of the contracted providers, care packages are purchased on a spot arrangement.

Over the contract period Ezitracker has been implemented to monitor the hours delivered to individuals.

Pricing

The current home care provision has two set rates; one for urban and one for rural care packages, with the rural packages being paid at a premium to cover extra staff travelling costs.

Urban	Rural
£14.76	£15.76
24 Hour Sleep In Rate - £ 11.48	
The rural rate is paid for packages of care provided in areas that are outside a four mile radius from the city of Hereford or county market towns.	

Table 4.1 – Urban and Rural Home Care Set Rates

The council spends approx. £9M p/a on directly commissioned home care services.

5 Business needs - current and future

Herefordshire Profile

- Herefordshire has an older age population than in other parts of England and Wales, with people aged 65 and over constituting 23% of the county's population (42,000 people).
- The number of people aged 85+ in the county has increased by 43% (from 4,000 to 5,700) since 2001.
- In 2014/15, 1,428 people in Herefordshire had a diagnosis of dementia (GP Quality Outcomes Framework data, March 2015).
- In April 2014 the number of people with a learning disability receiving a service commissioned by the council was 594.
- Of these 528 were aged 18-64 years. Over half of all residents (98,700) live in areas classified as rural, with two in five (78,900) living in the most rural village and dispersed areas. 60% of people aged 65+ live in rural Herefordshire, more likely in villages, hamlets and isolated dwellings. 54% of people aged 85+ live in rural areas, more likely in rural towns.

Home Care Profile

- There are approximately 1500 clients a year; approximately 900 current at any one time.
- Two-thirds of users are aged 65 or over; of which the largest proportion (two-fifths) are aged over 85.
- Total hours provided on a weekly basis has fallen by six per cent in 2015/16.

	<ul style="list-style-type: none"> • Around 40% (332 people) of people currently in receipt of home care were also in receipt on 1/4/14. • 59% of clients who have been receiving Home Care since April 2014 are currently receiving the same number of hours of care as they did two years ago; just over a quarter (27%) are receiving more hours (particularly the over 75s); and 14% are receiving fewer hours. <p>(Information is drawn from the Councils Joint Strategic Needs Assessment, 2016 Report available on request).</p>
6	Project scope
	<p>The scope of the project is to recommission the home care services that will be delivered in accordance with the requirements of the Care Act relevant to older people and adults with disabilities, and management of long term health conditions. This includes mental health conditions that may affect older people, especially dementia, depression and anxiety.</p> <p>The project will not encompass Direct Payment packages of service, supported living, privately funded home care arrangements, packages of care located outside the county boundary of Herefordshire or therapeutic reablement services (which will be addressed through joint, integrated, pathway working).</p>
7	Benefits and risks
	<p><u>Benefits</u></p> <ul style="list-style-type: none"> • Improving outcomes for people receiving the services. • Enabling people to live independently in their own homes. • Enhancing the quality of life of people with care and support needs. • Preventing reducing or delaying the demand for home care services. • Timely discharge from hospitals. • Introducing an outcomes based approach through the contractual term. • Providing personalised high quality care and support. • Making sure there is equitable service provision throughout the county. • Working collaboratively with providers. • Developing the attitude, values and skills of the workforce. • Developing a service that is attractive to people with direct payments and self-funders who purchase their own care and support. <p><u>Risks</u></p> <ul style="list-style-type: none"> • Insufficient provider interest in the commercial model which could result in reduced number of providers and a price increase. • Continuity of service provision for the service user which may result in a change in provider delivering the service. • Experience of providers and delivery approaches adequate to deliver across the different elements to the pathways. • Effective mobilisation for the service users, providers and local authority. • Increased number of direct payments resulting in unsustainable delivery model. • Implications of TUPE and adequate levels of care and support staff available to deliver the services.

8	Constraints and dependencies
	<p><u>Constraints</u></p> <p>The continuing downward pressure on the availability of public sector finance together with the ever growing upward pressures of demand for public services will continue to further increase the need to make better use of the resources available: the challenge has never been greater.</p> <p>It must also explore every opportunity for delivering essential services in the most efficient and cost effective way.</p> <p><u>Dependencies</u></p> <p>To ensure delivery this service will still need to be underpinned by robust and effective assessment and care management arrangements, supported by other and complimentary services such as Telecare, Integrated Community Equipment Services, and Home Improvement services.</p> <p>To ensure delivery of the model, of which this service will provide an essential component, a significant improvement in the alignment with and growth of community capacity is essential. Contingent upon the configuration of the reablement pathway, far stronger and robustly managed partnership working will also be required.</p> <p>It is key the project aligns with the programme of system wide cultural change being undertaken and implemented across Adults and Wellbeing.</p>

Economic Case

9	Critical success factors (CSFs)																		
	<p>The CSFs have been developed through consideration of the factors above and will be used to evaluate the long list options detailed below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Quality</td> <td>Services must be delivered in a high quality, safe and effective manner in an environment that provides a positive service user experience ensuring compliance with all relevant policies and procedures.</td> </tr> <tr> <td>Timely</td> <td>Ensure timely provision of care services.</td> </tr> <tr> <td>Access</td> <td>The services must be delivered consistently across the whole county</td> </tr> <tr> <td>Manage Demand</td> <td>Current and future demand must be managed at the assessment “front door” – divert people from the formal care system, prevent, reduce and delay the need for more support.</td> </tr> <tr> <td>Person Centered</td> <td>Services must be person centered and should be sufficiently flexible to meet individual needs.</td> </tr> <tr> <td>Integration</td> <td>Providers will be expected to integrate with, and positively contribute to, the local community including the development of a close working relationship with other stakeholders.</td> </tr> <tr> <td>Demonstrate value for money</td> <td>The commissioned service model must be affordable, provide value for money and be delivered within available budget.</td> </tr> <tr> <td>Development</td> <td>To deliver continuous improvement by devising and implementing better and innovative ways of doing things.</td> </tr> <tr> <td>Viability</td> <td>Ensure operational and financial viability for providers, support recruitment and staff retention and contribute to a vibrant market.</td> </tr> </table>	Quality	Services must be delivered in a high quality, safe and effective manner in an environment that provides a positive service user experience ensuring compliance with all relevant policies and procedures.	Timely	Ensure timely provision of care services.	Access	The services must be delivered consistently across the whole county	Manage Demand	Current and future demand must be managed at the assessment “front door” – divert people from the formal care system, prevent, reduce and delay the need for more support.	Person Centered	Services must be person centered and should be sufficiently flexible to meet individual needs.	Integration	Providers will be expected to integrate with, and positively contribute to, the local community including the development of a close working relationship with other stakeholders.	Demonstrate value for money	The commissioned service model must be affordable, provide value for money and be delivered within available budget.	Development	To deliver continuous improvement by devising and implementing better and innovative ways of doing things.	Viability	Ensure operational and financial viability for providers, support recruitment and staff retention and contribute to a vibrant market.
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10 Options considered/ developed for consultation

A variety of options have been generated and evaluated for consideration both internally and for discussion with external stakeholders.

Option	Advantages	Disadvantages	Meets drivers for change	Recommended
1. To divide the county into zones as per map - option A	<ul style="list-style-type: none"> Financial and operational sustainability for the provider. Co-ordination and consistency of approach. A guarantee of service delivery as providers will be obliged to accept all packages in the zone. Provider develops local knowledge. Provider develops working links with the voluntary sector and wider community. Reduces the transaction costs of contracting with less providers than the current framework. 	<ul style="list-style-type: none"> Differing levels of business viability across the market – zones may not support Restricts economies of scale Larger organisations may not bid for council funded packages if zones are too small. Some zones could be more viable than others. Potential to lose market place diversity and service user choice. 	<ul style="list-style-type: none"> Some. 	Take forward to consultation.
2. To divide the county into zones as per map option B	<ul style="list-style-type: none"> As above. 	<ul style="list-style-type: none"> As above. 	<ul style="list-style-type: none"> As above. 	Take forward to consultation.

	<p>3. To divide the county into zones as per map option C</p>	<ul style="list-style-type: none"> As above. A super urban zone promotes a more cost effective delivery model. 	<ul style="list-style-type: none"> As above. 	<ul style="list-style-type: none"> As above. 	<p>Take forward to consultation.</p>
	<p>4. Service providers can deliver services across a whole county zone under a procurement or extending the current arrangement 'as is' or extend existing agreements</p>	<ul style="list-style-type: none"> Flexibility for service providers to operate in a number of areas around the county. Resource requirement minimised for re commissioning process. No disruption for service user. 	<ul style="list-style-type: none"> Providers may choose to cherry pick 'better' areas of work resulting in packages not being picked up or handbacks. Packages not being fulfilled. Experience the same issues and concerns as the status quo – no scope for improvements. Unable to address off contract spending. 	<ul style="list-style-type: none"> None. 	<p>Not supported.</p>
	<p>5. One provider per zone with a framework of providers to support.</p>	<ul style="list-style-type: none"> Ease of relationship with a single provider. The security of a framework to support the lead provider. Closer strategic links to local authority. 	<ul style="list-style-type: none"> Reduces market diversity and service user choice. Supply risks of a single provider. TUPE - providers may retain staff; lead provider may find it difficult to recruit. 	<ul style="list-style-type: none"> Some. 	<p>Not supported.</p>
	<p>6. Two providers per zone</p>	<ul style="list-style-type: none"> Reduced supply risk of a sole provider. Promotion of partnership working. 	<ul style="list-style-type: none"> Potentially greater risks around service transition. Robust methodology needed for care package allocation. 	<ul style="list-style-type: none"> Some. 	<p>Take forward to consultation.</p>

Help to Live at Home

NS

	<p>7. Three providers per zone</p>	<ul style="list-style-type: none"> As above. Greater choice for service user. 	<ul style="list-style-type: none"> As above. 	<ul style="list-style-type: none"> As above. 	<p>Take forward to consultation.</p>
	<p>8. Clients with more complex needs ('D' pathway), defined by level of individual care, are incorporated into each zone as per the potential options 1-3</p>	<ul style="list-style-type: none"> Increased skills of providers would reduce the need for service users to switch provider if their needs became complex. Business development opportunity for provider. 	<ul style="list-style-type: none"> Some providers may not have the skills to deliver both 'D' and 'O' pathways. Negatively affect delivery of 'D' or 'O' due to lack of specialism Packages are not fulfilled. 	<ul style="list-style-type: none"> Some. 	<p>Take forward to consultation.</p>
	<p>9. Clients with more complex needs, defined by level of individual care, are separated from 'standard care' and delivered across the county as a whole or within zones as a separate service</p>	<ul style="list-style-type: none"> Support a structure where more specialised providers can create a viable business from complex care packages A more skilled workforce can be developed around complex care 	<ul style="list-style-type: none"> May limit choice in a market where only a limited number of providers deliver complex care Insufficient level of demand for ongoing packages of complex care. 	<ul style="list-style-type: none"> Some 	<p>Take forward to consultation</p>
	<p>10. Include clients that require a higher level of regular intensity/flexibility or two carer provision, or more than 28 hours of care per week in the 'D' pathway</p>	<ul style="list-style-type: none"> Support a structure where more specialised providers can create a viable business from complex care packages. 	<ul style="list-style-type: none"> Potentially make zoning of standard care less viable Lack of individually person centred focus of service user. 	<ul style="list-style-type: none"> Some 	<p>Take forward to consultation</p>

Help to Live at Home

	<p>11. Include clients that require a higher level of regular intensity/flexibility or two carer provision or more than 28 hours of care per week in the 'O' pathway.</p>	<ul style="list-style-type: none"> • Support a structure where more specialised providers can create a viable business from complex care packages • Packages are more likely to be stable with a more specialised provider. 	<ul style="list-style-type: none"> • Lack of individually person centred focus of service user • Complex needs may not be met 	<ul style="list-style-type: none"> • As above 	<p>Take forward to consultation</p>
	<p>12. Services for service users with 'D' pathway are delivered in house</p>	<ul style="list-style-type: none"> • Better control and development of service 	<ul style="list-style-type: none"> • Financially unsustainable 	<ul style="list-style-type: none"> • n/a 	<p>Not supported</p>
<p>8</p>	<p>13. The reablement service 'M' pathway is delivered across zonal approach</p>	<ul style="list-style-type: none"> • Financial and operational sustainability for the provider. • Provider develops local knowledge. • Provider develops working links with wider community. 	<ul style="list-style-type: none"> • Lack of quality consistency in delivery • Market is not mature enough to deliver. 	<ul style="list-style-type: none"> • Some 	<p>Take forward to consultation</p>
	<p>14. The reablement service is delivered across a single county zone.</p>	<ul style="list-style-type: none"> • Consistency of delivery 	<ul style="list-style-type: none"> • Supply issues of travel time and meeting need of the whole county including associated cost implications. 	<ul style="list-style-type: none"> • Some 	<p>Take forward to consultation</p>
	<p>15. Develop an in-house reablement function within Herefordshire Council</p>	<ul style="list-style-type: none"> • Better control and development of service 	<ul style="list-style-type: none"> • Financially unsustainable 	<ul style="list-style-type: none"> • Some 	<p>Not supported</p>
	<p>16. Reablement is delivered by an external provider</p>	<ul style="list-style-type: none"> • Financially viable 	<ul style="list-style-type: none"> • Adequate skills set of provider market. 	<ul style="list-style-type: none"> • Some 	<p>Take forward to consultation</p>

Help to Live at Home



	17. Extend existing reablement contract	<ul style="list-style-type: none"> Reduced internal resource for 	<ul style="list-style-type: none"> Existing delivery issues will remain Lack of scope for service improvement. 	<ul style="list-style-type: none"> n/a 	Not supported
	18. Investigate alternative method of delivering a reablement service with Health partners	<ul style="list-style-type: none"> Meet long term integration objectives Support pathway development 	<ul style="list-style-type: none"> Unknown in terms of readiness of system Risk of provision for service users 	<ul style="list-style-type: none"> Some 	Take forward to consultation

11 Summary of consultation

Extensive stakeholder consultation has been undertaken countywide over the last 12 months to ensure that the review of the home care service is well informed, robust, and can successfully be delivered. Sessions have been positively attended and participants have actively engaged in discussions, to express their thoughts and views about the current service and how it can be delivered in the future. Consultation and engagement has taken numerous forms including:

- Introductory/briefing sessions;
- Engagement sessions;
- Programme/project engagement;
- Stakeholder project group meetings;
- Dedicated service user/carer sessions;
- Service provider forums;
- Service provider 1-2-1s;
- Networking events; and
- Adult and wellbeing directorate staff forums.

Service User Consultation

There were 233 service user questionnaires received, a 27% response rate. The responses showed the following:

60% of responders who are funded by the council receive personal care services and 32% receive help with preparing meals.

16% of responders who are funded by the council receive help with shopping.

47% have had minor adaptations funded by the council.

83% agree with the council's proposal for approved providers chosen by the local authority to deliver the services on their behalf or alternatively receive a direct payment.

There is general support for the re-ablement ethos – 15 people added that people's limitations need to be recognised and 7 people commented that you need skilled people to help to achieve this.

88% of people agreed that priority had to be given to those in greatest need.

64% responses from females.

73% responses from those currently funded by HC (10% from those not funded).

23% responses from carers.

7% from member of general public.

70% responses from 65+.

Full detailed analysis of the Service User Consultation is available on request.

Service Provider Consultation

A questionnaire was uploaded onto the service provider webpage on the council's website and a series of market 121s were undertaken with service providers.

A summary of consultation outcomes and recommendations are detailed in Section 12.

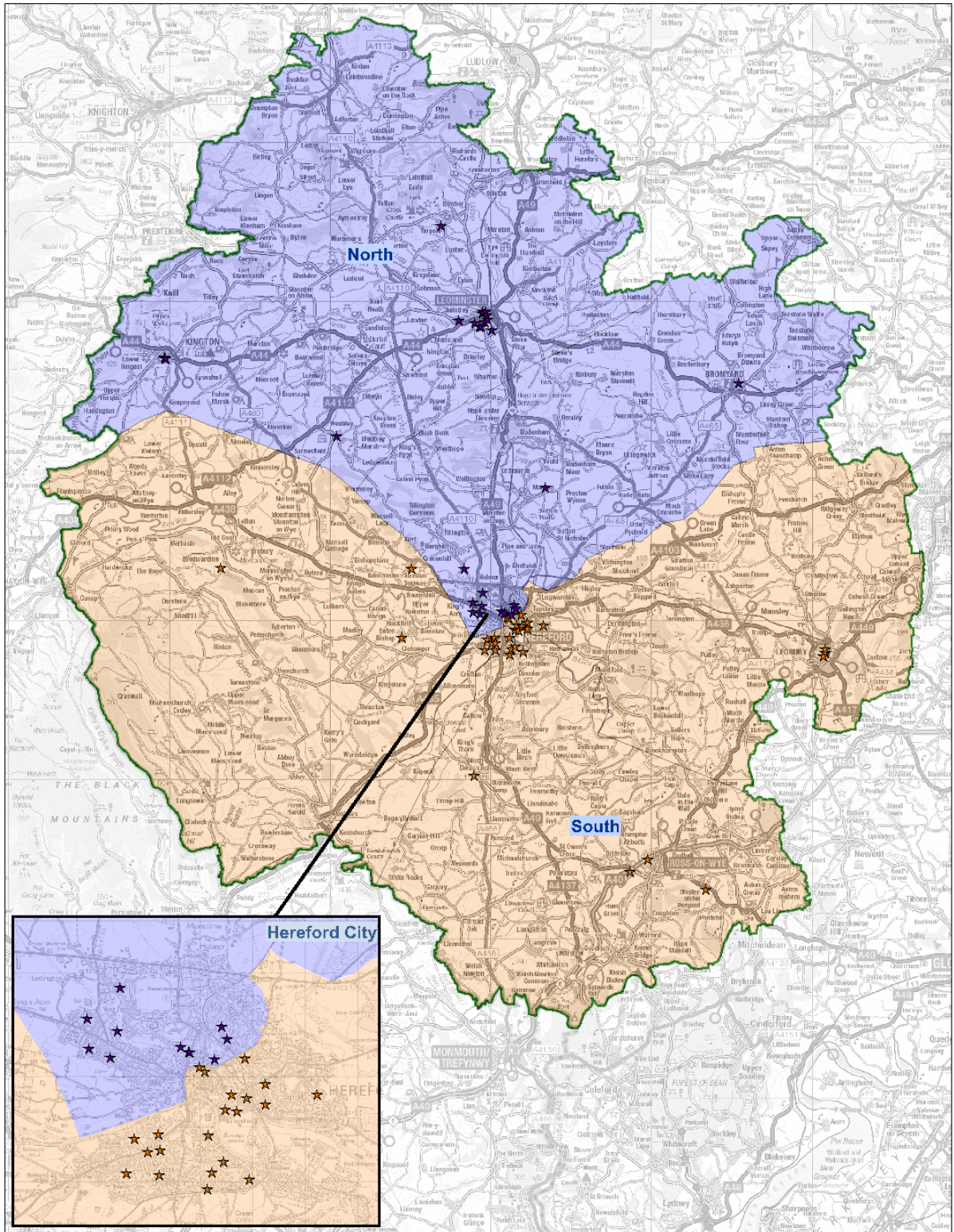
Full detailed analysis of the Service Provider Consultation is available on request.

12	The Preferred Option - Generated as a consequence of consultation		
	Key Area	Consultation Outcomes	Recommendations
	'D' Pathway	<ul style="list-style-type: none"> - Market feedback predominantly advised that this care should be a separate lot. - Furthermore, this approach will allow for a more flexible and equitable market approach to the tender process, in that providers who provide both types of service may bid for both and those who specialise may bid for the lot that best suits them. 	<ul style="list-style-type: none"> - The 'D' pathway service is re commissioned as a standalone 'lot' under the tender process. - Inclusion of 28 hour+ packages are assessed on an individual basis and determined to be 'D' or 'O' case by case. - This service will be split over a north/south basis looking at broadly equitable hours per lot. - There will be a minimum of 1 provider per lot.

36

Zone	Clients	Forecast Actual Hours		Indicative Costs 17/18 (£)	Blended Rate (£) 70% @ 12.80 30% @ 15.80
		Weekly	Annual		
Complex A & B	29	1,355	70,460	956,302	13.70
Complex C, D, E	29	975	50,700	694,590	13.70
TOTALS	58	2,330	121,160	1,659,892	

Table 12.1 – Data for 'D' Pathway Zones



Help to Live at Home: zones for 'D' pathway with current level of service provision (August 2016)

0 3 6Km Scale: 1:210,000

Herefordshire Council
Strategic Intelligence Team
Plough Lane
Hereford, HR4 0LE
E-mail: researchteam@herefordshire.gov.uk

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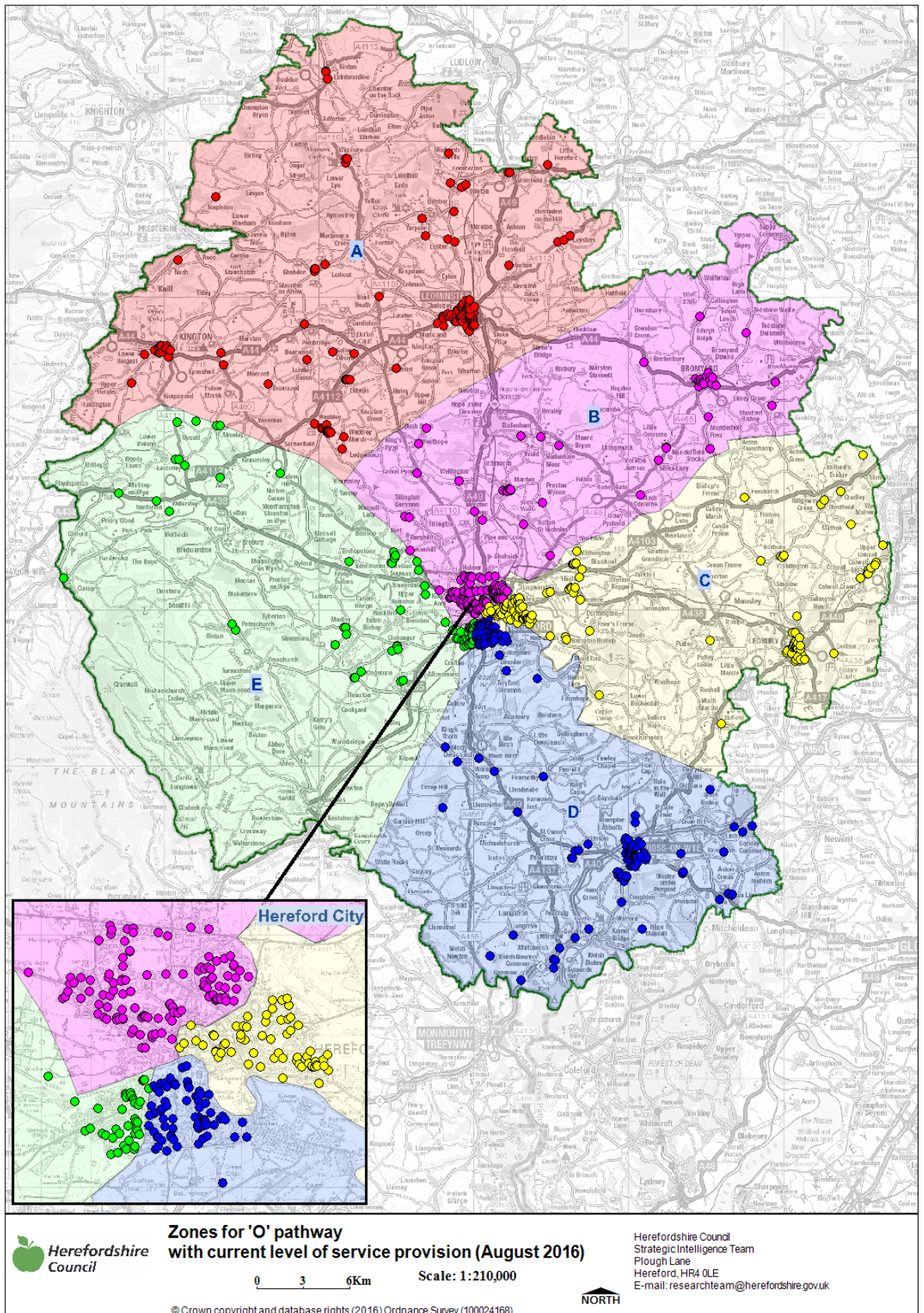
Map 12.1 – Zones for 'D' Pathway

Key Area	Consultation Outcomes	Recommendations
Zones/ 'O' Pathway	<p>Whilst the market did not advise of a preferred map option or optimum number of zones, key feedback included :</p> <ul style="list-style-type: none"> - The majority supported a zonal model for the delivery of the 'O' pathway. - Business viability for providers ranged from 700 – 2000+ hours per week. - A key risk around zoning is the lack of recognition for protecting diversity of supply market and promoting maximum choice available. - We need to understand the current picture, along with strengths and weaknesses across the county. - Support for between 1 and 3 providers per lot. 	<ul style="list-style-type: none"> - Refined zonal option looking at 5 zones for 'O' delivery across Herefordshire – see Map 12.2. - Recognise the need for modified approaches in zones to overcome local issues.

Zone	Clients	Forecast Actual Hours (Rounded)		Indicative Costs 17/18 (£)	Rate (£)
		Weekly	Annual		
Zone A	161	1,682	87,452	1,381,734	15.80
Zone B	178	2,174	113,046	1,786,126	15.80
Zone C	152	1,696	88,169	1,393,072	15.80
Zone D	191	2,352	122,327	1,932,765	15.80
Zone E	86	1,295	67,359	1,064,268	15.80
TOTALS	768	9,199	478,348	7,557,964	

Table 12.2 – Data for 'O' Pathway Zones

(n.b. In line with the MTFS it is expected that there will be a 5% reduction in the number of hours by 2017/18)



Map 12.2 – Zones for 'O' Pathway

Help to Live at Home



Key Area	Consultation Outcomes	Recommendations
'M' Pathway	<ul style="list-style-type: none"> - Reablement to be included in the system for intermediate care provision. - There will be 3 core areas within the pathway: <ol style="list-style-type: none"> 1. Bed Based Care – RAAC and community beds; 2. Community Health – delivering healthcare and therapy at home; and 3. Social Care Enablement – maintaining and extending independence through care at home. 	<ul style="list-style-type: none"> - Redesign of reablement through the Herefordshire Health and Social Care system. - Physical and Mental Health interventions and therapy provided by Health. - Enablement to develop confidence and practical skills to carry out essential daily activities of independent daily living provided by Social Care.

Commercial Case

13

Procurement Strategy

The tender will be let under OJEU “Light Touch” Arrangements. This requires a contract notice at the start and an award notice at the end, following a demonstrably fair and transparent process.

It is proposed to tender a Framework Agreement for a 5 year period. The framework agreement itself has no break clause – it doesn’t need one as the break clause lies in the individual packages – the Council can terminate early without cause with 28 days’ notice (or less if the service user has died).

The providers only have limited break clauses for individual packages (if they demonstrate they can’t work with a particular service user for good reason). Providers can’t terminate individual packages or their obligations to accept packages (and there will be some) just because they feel like it.

The Framework will be lotted to geographical areas as defined through the consultation process and will also allow for the separation of complex cases (the previously identified ‘D’ Pathway), from mainstream provision (the ‘O’ Pathway). The numbers of successful bidders will need to be defined in the tender documents and, if different numbers of providers are to be identified in different zones, a clear rationale/justification will be required to avoid potential challenge.

Recognition will have to be made in the tender documents of the impact of any significant shift to Direct Payments in any zone, since it will not be possible to guarantee the total number of hours or service users across the zones.

Pricing requirements will be consistent with the approach set out in the Financial Case section of this document (page 28).

The tender will be advertised for approximately 6 weeks (minimum OJEU is 30 days).

Providers will be offered a group question and answer session approximately 2 to 3 weeks into the tender to enable them to clarify any issues and be absolutely certain of the council’s approach and requirements.

A 10 day standstill period will be implemented after the intention to award letters are generated. This is proposed as good practice even though it is not necessary under OJEU Light touch regulations.

Price will be evaluated on a pass/fail criteria, with the quality assessment holding 100% weighting which will be scored using predefined evaluation criteria.

The procurement strategy will be executed against the timetable set out in Table 13.1.

Activity/Stage	Target Date
OJEU PIN Published	19/02/2016
How to Tender presentation for providers (at provider forum)	19/10/2016
ITT drafted/assembled	By 26/10/2016
OJEU Contract Notice published (Light Touch)	09/11/2016
ITT published (6 weeks at tender)	14/11/2016 – 09/01/2017
Provider Tender Q&A Clarifications Meeting (mid tender and notes published on the portal)	07/12/2016
Tender Closure	09/01/2017
Tender evaluation	10/01/17 to 13/02/17
Contract award evaluation panel's recommendation finalised	21/02/2017
Intention to award letters issued (Noting that subject to contract and our decision governance process)	09/03/2017
Standstill period	09/03/2017- 19/03/2017
Contract award	March 2017
OJEU Contract Award Notice published	April 2017
Implementation	From July 2017
Contract commencement	From July 2017

Table 13.1 – Procurement Strategy Timeline.

The full procurement strategy is available on request.

14	Service Requirements
	<p>The competitive tender process will require providers to evidence key areas that will ensure implementation and development of the service during the life of the contract. This will be tested through a range of mechanisms and will need to demonstrate the following:</p> <ul style="list-style-type: none"> • Service delivery – look at testing through case studies. • Mobilisation. • Technical ability including delivery of outcomes. • Community development.

	<p>Innovation would run through all the elements on the previous page.</p> <p>The following areas for ongoing continuous improvement will be:</p> <ul style="list-style-type: none"> • Flexibility of delivery – weekly budget of hour’s system impacts (EMS, finance, customer charging). • Role of Provider in assessment – plan for piloting of trusted assessor role. • Frequency of package reviews – 78 over 28 hour packages to take pre February 2017.
15	<p>Charging Mechanism</p> <p>This will be developed and covered in the terms and conditions that will be finalised post October 2016.</p>
16	<p>Key Contractual Arrangements</p> <p>The specific mechanisms for linking an individual’s outcomes to service delivery is illustrated in Figure 16.1.</p> <p>This contract will require providers to demonstrate they are achieving service specific outcomes via reporting, meeting of KPIs and compliance with the Council’s Quality Assurance Framework.</p> <p>This will give assurance providers are successfully fulfilling their element of the system wide Comprehensive Outcomes Approach and in turn completing their role of delivering service user outcomes.</p>

Figure 16.1 – Meeting Service Outcomes



Incentivisation

Incentivisation will be developed within this Framework Agreement and linked to achieving the appropriate targets of demand management and reduction of care packages stated in the terms and conditions.

Providers will be expected to achieve a minimum of 5% reduction per annum with incentive payments being made against any reduction over this level. Furthermore, incentive payments will be subject to successful delivery of all KPIs. Initial assessment for payment will be made by April 2018.

Incentivisation will support the development of partnership working between the council and providers allowing a trusted assessor model to be built.

17	<p>Personnel (TUPE) Implications</p> <p>It is the opinion of the Council that TUPE will not apply to this framework contract. However, it is anticipated that TUPE may apply to individual package transfers. These will be considered in the detailed implementation phase on a case by case basis.</p> <p>At the time of implementation, data will be gathered using the standard workforce template and collated for inclusion in the implementation arrangements.</p> <p>A copy of the template is available on request.</p>
18	<p>ITT Documentation</p> <p>This will include:</p> <ul style="list-style-type: none">• PQQ or Qualification Envelope (if applicable).• Instructions to tenderers.• Finalised Lotting structure.• Specification including KPIs.• Quality Assessment.• Commercial Schedule.• Terms and Conditions.• TUPE information (Labour data). <p>These documents finalised by October 2016.</p>

Financial Case							
19	<p>Revenue Requirements</p> <p>The indicative revenue budget for directly commissioned home care services for 2017/18 is £9,094,000.</p> <p>This is based on the existing budget for 2016/17, adjusted to take account of expected changes in the number of hours commissioned and increases in the National Living Wage, both of which are included within the council's medium term financial strategy.</p>						
20	<p>Impact on Prices</p> <p>Financial modelling has been carried out to assess whether the floor and ceiling rates should be included within the tender documentation in relation to this service.</p> <p>After consideration of the market impact a fixed rate is proposed at £15.80 per hour (pro rata for shorter visits) and £12.80 per hour for all 24 hour packages and sleep-in nights. The option of floor rates has been discarded.</p> <p>Bidders will be expected to tender at this rate in the geographic zones as illustrated in Maps 12.1 and 12 .2.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Band</th> <th style="text-align: center;">Hourly rate</th> <th style="text-align: center;">Hourly rate (24hr / sleep-ins)</th> </tr> </thead> <tbody> <tr> <td>Fixed Rate</td> <td style="text-align: center;">£15.80</td> <td style="text-align: center;">£12.80</td> </tr> </tbody> </table>	Band	Hourly rate	Hourly rate (24hr / sleep-ins)	Fixed Rate	£15.80	£12.80
Band	Hourly rate	Hourly rate (24hr / sleep-ins)					
Fixed Rate	£15.80	£12.80					
21	<p>Impact on Client Contributions</p> <p>Client contributions are currently calculated using the council's standard hourly rate for provision of home care in urban areas i.e. £14.76 per hour.</p> <p>Future client contributions will be based on the actual cost of care i.e. £15.80 or £12.80 per hour. The result of this is that the council will be able to recover full cost of care from service users who are assessed as being able to contribute towards the cost of their own care</p>						
22	<p>Overall Funding and Affordability</p> <p>The rates outlined in Section 20 are the maximum rates that will be affordable within the indicative budget that is expected to be available for directly commissioned home care services for 2017/18.</p>						

Management Case

23

Programme and Project Management Methodology and Structure

The project has been established under structured, pre-existing, project management arrangements established within Adults and Wellbeing (under the management of the Department's Business Improvement & Transformation Team) and is set in the context of an objective decision making methodology for commissioning, as shown in Figure 23.1.

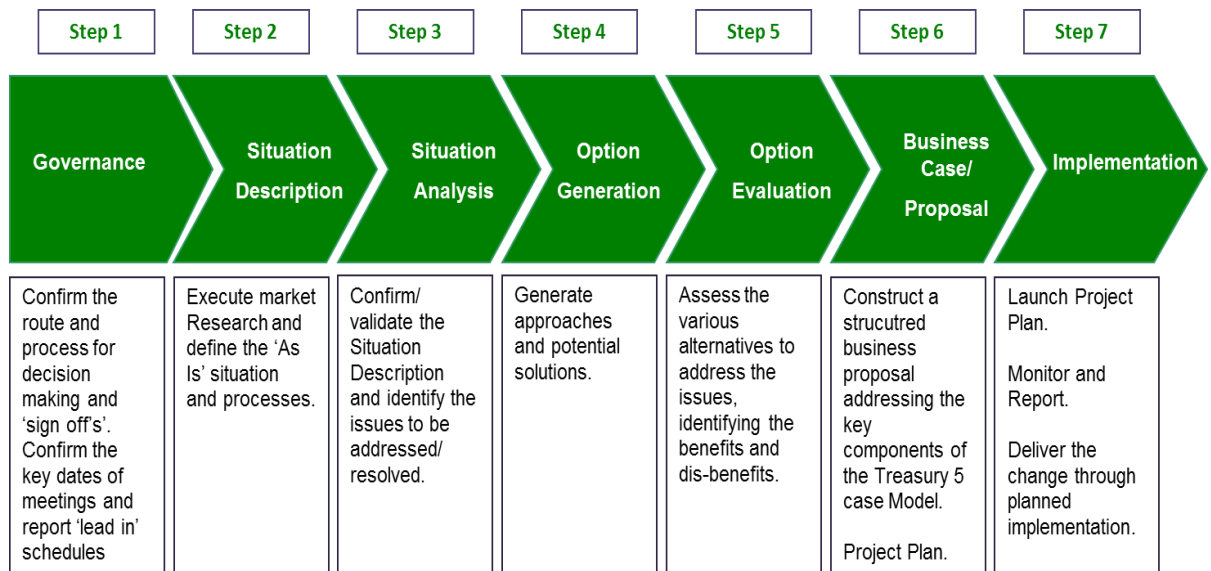


Figure 23.1 – Seven Step Methodology for Commissioning

Having established appropriate governance arrangements, exercises were undertaken to identify the key issues, the drivers for change and the impact of them; the effect of the issues and problems they are causing; and the desired outcomes/benefits for the project. From this exercise the objectives, which define the scope of the project, were validated. This work included input from a variety of sources and is underpinned by extensive engagement and formal consultation with:

- Key Internal Stakeholders within HCC;
- Service Users and Carers;
- External stakeholders from partner organisations; and
- Providers.

Robust governance arrangements have been in place since the project was originally launched, but these have been adapted as information and circumstances have evolved. The present governance arrangements are set out in Figure 23.2.



Figure 23.2 – Project Governance Structure.

Given the scale of the project and its impact both in the community and upon the organisation, the Project Board comprises of the AWB Senior Management Team together with the appropriate Commissioning Lead and Project and Programme staff.

A core team was also established to deliver the project and is supported by the Project Delivery Group. This group has nominated ‘Delivery Leads’ responsible for the output of staff under them to complete activities set out in the Project Plan. Each key business contributor has a representative on the group:-

- Commissioning.
- Operations.
- Finance/ Business Cases.
- Engagement/ Communications Advice.
- Performance/ Systems.
- Contract Management.
- Project and Programme Management.

The construction of this underpinning Vision and Delivery Document has been the principal focus of the Delivery Group.

The Stakeholder Group whose remit is consultative and advisory have a structured review timetable to consider the following areas, which are critical to the success of the project:-

- Reablement/ Complex definitions.
- Zoning/ Outcomes.
- Commercial Model / Make or Buy.
- Specification and KPI's.
- Mobilisation principles.

This schedule aligns with the Project Plan.

Those responsible for delivery have a dedicated SharePoint site to share and develop documents across the team.

24	<p>Programme and Project Management Plans</p> <p>Delivery of the project is overseen through the governance arrangements set out in Figure 23.2 and is underpinned by detailed project planning, both at overall project and process/ product level for some components (e.g. procurement). The project's Delivery Group monitor progress via the Project Plan in detail and the Board receives reports on the plan at summary level. All documents, including the plan are held on the dedicated SharePoint site to enable shared access and visibility.</p> <p>The latest version of the Project Plan is available on request. It is, however, a 'living' document and is regularly updated.</p>
25	<p>Use of Specialist Advisers</p> <p>A significant proportion of the work has been undertaken by Herefordshire Council's own staff, partners and other key stakeholders. However, it has been necessary to bolster the Council's resource in two specific areas:</p> <ul style="list-style-type: none"> • Commercial Approach/ Development – External consultants (Attain) have been identified and appointed. • Programme Management – an existing Interim Programme Manager, already engaged by the Council, has been allocated to support the delivery of the project.
26	<p>Change and Contract Management Arrangements</p> <p>For some time Adult and Wellbeing Contract Management staff have been developing and implementing revised approaches to ensure the delivery of quality services. A formal Quality Assurance Framework has been constructed and this will be the principal tool deployed to ensure robust contract monitoring for this service from its commencement.</p>

A New Approach to Quality Assurance in Herefordshire

What are the main principles supporting the Quality Assurance Framework?

- Care and support is centred on the individual's needs
- Inclusive process, enabling and supportive of Providers
- Intelligent and proportional in response action
- Positively engaged in by all Stakeholders
- Promotes partnership working and information sharing
- Builds on relationships

How will good quality in services be determined?

- Quality Standards are set and communicated well with all stakeholders
- Quality Standards provide a benchmark for people's expectations of care and support [outcomes based]
- Underpinned by current regulation and legislation
- All stakeholders work collaboratively and actively engage in partnerships
- Stakeholders share information and support transparency

Quality Assurance Framework

Herefordshire Quality Assurance Framework sets out an approach that will ensure local care and support services provide what individual adults need. It is a set of processes which are put in place with one goal: To deliver high quality care and support services in Herefordshire.

What are the key aims of the new Quality Standards?

- Delivering care that is person-centred, supporting a person's independence and whole well-being
- Delivering support that enables people to maintain personal choice about everyday life
- Delivering care that reflects safe, effective practise and maintains quality as a high priority
- Delivering care through well-maintained professional partnerships supported by good leadership

What are the key outcomes for people who use services?

- I am treated with dignity and respect, I can talk to staff, and my care is delivered how I want it
- I have choice and control in all aspects of my everyday life, with access to information and advice when I want it
- I feel safe, secure and comfortable, living in a clean environment with a good atmosphere
- I feel confident that the staff who support and care for me are well trained and know how to give me the best care possible

Who will be involved with the QAF?

All Stakeholders – Quality is Everyone's Business!

Figure 26.1 – Quality Assurance Framework

The Quality Assurance Framework sets out the approach that Herefordshire Council will take to ensure local care and support services provide what individual citizens need. It can be seen as a set of processes which are put in place with one goal; to deliver high quality care and support services in Herefordshire.

An overview and full details of the framework are available on the Council's website.

27

Benefits Realisation

The projects identified benefits are set out in Section 7 of this document. Whilst a number may be seen as intangible, there are a significant number which can be clearly monitored and reported on as the contract is implemented and embedded. Appropriate and proportionate measures are in the process of being developed and incorporated to contract documentation and/ or the evaluation tools which will determine the recommendations to award.

Additionally, measures will also be established to test and review Provider's contribution to the outcomes identified by the implementation of the Comprehensive Outcomes Approach and also to the Department's financial savings targets, which are underpinned by the planned approach to incentivisation.

28	Risk Management					
A Risk Log has been prepared under the standard project management arrangements for the Department. The key risks are set out in the table below:						
Risk Reference Number	Project Area	Risk Description	Risk Rating			Mitigation / Action Plan / Current status
			Likelihood (Probability)	Consequence (Severity)	Risk Score	
Systems						
R006	Overall	Uncertainty as to implication for charging clients for care due to unconfirmed models of care, eg incentives, differing rates etc	3	3	9	As soon as model is confirmed engagement with financial assessment team.
R007	Overall	Inaccurate information for service users, locations and hours would leave the council at risk of specifying a service which doesn't meet the real needs.	3	3	9	Ongoing data cleansing, refresh of data in August to ensure that data and resultant zones remain relatively consistent.
Transition/Mobilisation						
R008	Overall	Full implications of mobilisation not yet known.	3	4	12	Mobilisation work stream to commence. Need to ensure a balanced approach.
R009	Overall	Full implications of mobilisation for service provider not yet known which may have an impact on service user and their safety.	3	4	12	Raised throughout consultation and addressed in tender pack as part of quality evaluation.
Consultation/Market						
R010	Overall	Lack of "buy in" /support from service providers re zoning/financial options meaning proposed model is not viable.	3	3	9	1-2-1s and consultation events with service providers, ongoing communications.
Finance						
R014	Overall	Affordable ceiling hourly rate is not enough for bidders.	3	4	12	Fully consider using UKHCA model, account for actual travel times.
Service/Service User						
R018	Overall	Reduction of directly commissioned service through the take-up of DPs meaning zone model is not sustainable for service providers.	3	3	9	Allowing for a percentage drop out of commissioned services as part of the modelling.
R020	Overall	Community stream not available or developed for July 17	3	4	12	Understood that this is developmental, buy in of successful providers to adopt new approach and work in partnership with council.
R021	Overall	Clarity required re all existing service models included in the HACS framework ensuring no services are left uncommission. Any identified services may need to be recommissioned.	3	3	9	Check existing HACS framework and service models currently covered by it.
<p>Table 28.1 – Key Risks</p> <p>The full Risk Register is available on request.</p> <p>It should, however, be noted that this log relates only to the delivery of the project and not to the ongoing delivery of the service itself. Ongoing risk management arrangements will be as set out in the Quality Assurance Framework arrangements in Section 26.</p>						
29	Monitoring During Implementation (Proportionate)					
Within the Project Plan specific work streams have been identified to ensure the transition from the existing arrangements to those which will be established as a consequence of the project.						
Separate transition/ implementation and system change plans will be developed under the project and monitored in accordance with the existing governance arrangements. It is not possible to develop the specific plans until greater clarity about the scale of transition required by the tender and the implications of the revised specification can be fully assessed.						
30	Post Implementation Evaluation Arrangements					
Please refer to Section 26, Quality Assurance Framework.						

31	<p data-bbox="277 239 638 275">Contingency Arrangements</p> <p data-bbox="277 275 1372 311">The impact and changes in the service delivery may require contingency provisions:</p> <ul data-bbox="327 344 1484 654" style="list-style-type: none"><li data-bbox="327 344 1436 414">• The existing framework and contractual arrangements can be extended to ensure continuity of service provision for service users.<li data-bbox="327 414 1404 483">• Local authority officers will continue to engage and work closely to develop and support the market.<li data-bbox="327 483 1340 553">• Alternative commissioned provisions will be reviewed and presented at the appropriate time to ensure a flexible approach if needed.<li data-bbox="327 553 1484 654">• An increase in the hourly rate could support the viability and interest from the market, which although would add pressures on the budget, would increase sustainability for providers.
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Equality Analysis (EIA) Form (Appendix 2)

A) Description

Name of service, function, policy (or other) being assessed

Help to Live at Home - A remodelled home care service to replace the current service known as Home and Community Support (HACS).

Directorate or organisation responsible (and service, if it is a policy)

Adults & Wellbeing

Date of assessment

2 September 2016

Names and job titles of people carrying out the assessment

Ian Gardner - Commissioning Officer

Accountable person

Martin Samuels – Director, Adults & Wellbeing

What are the aims or main purpose of the service, function or policy? What does it provide and how does it provide it?

The primary purposes of the Help to Live at Home Service is to enable vulnerable / disabled people to be as independent as possible and enjoy the best quality of life through the provision of effective person-centred home care.

The current home care service HACS includes the provision of personal care regulated by the Care Quality Commission (CQC). Assistance is also provided with activities of daily living such as meal preparation, dealing with correspondence and non-professional care and support such as shopping, cleaning and transport.

The service presently supports around 1,500 service users per year and approximately 900 people at any one time. People using the service include older people, people with long term health conditions, people with a learning disability and people with mental health problems including dementia.

Analysis of the 872 service users receiving the service at 1 April 2016 identified that 72% of service users were over 65 and of those 41% were over 85 years of age. The percentage of females receiving the service was 64%.

Of those in receipt,* 61% required personal care support. Physical support with access and mobility was required by *20% of service users (*some service users require both). People who needed support due to a learning disability equated to 12% and those with a mental health problem 3%.

Eligibility for the service is determined by application of the Care Act criteria. A financial assessment is also conducted and those who have capital above the threshold are provided with information, advice and assistance to arrange the required services.

People entitled to financial support from the council can take a direct payment, a sum of money with which to purchase support to meet the eligible unmet needs identified in their support plan. Alternatively, they can request that the council arranges the service on their behalf via the commissioned home care service (HACS).

The current commissioned home care services are delivered via a closed framework arrangement. There are 39 providers on the framework; however currently only around 20 of these providers are consistently delivering care services. The Framework ceases on 30 June 2017.

However, there are a number of challenges with the current arrangement, these include:

- Difficulties placing packages particularly in rural areas including the Golden Valley and Bromyard and the surrounding area.
- The associated reliance on spot purchasing packages from non-Framework providers.
- The number of packages handed back by service providers due to operational issues and financial viability.
- Restricted choice of provider for service users.
- Inconsistent quality of provision.

In order to address these issues the service will be structured on geographical zones. This will ensure providers a volume of business and assist their operational and financial viability. The associated efficiencies and economies of scale will aid the council to meet the increased demand for care services within the budget available.

The Help to Live at Home Service is predicated on the prevention and wellbeing principles that underpin the Care Act. The service will provide professional home care to people who need care and support to enable them to achieve their outcomes of maintaining independence and living in their own homes.

The model of service delivery will also evolve over time from the current “time and task” approach to delivering outcomes for service users. There will be a different approach to social care assessments with consideration given to what people can do for themselves with the support from informal carers, friends and neighbours. The use of community resources and the services provided by the voluntary sector will also be considered.

Location or any other relevant information

The service will be countywide.

List any key policies or procedures to be reviewed as part of this assessment.

Who is intended to benefit from the service, function or policy?

People who need care and support and meet the eligibility criteria as defined in the Care Act.
Informal carers
People who fund their own care.

Who are the stakeholders? What is their interest?

Service users
Informal carers
Service Providers
Service Providers employees
Community & voluntary sector organisations
Health & Social Care Practitioners
Elected members

B) Partnerships and Procurement

If you contract out services or work in partnership with other organisations, Herefordshire Council remains responsible for ensuring that the quality of provision/ delivery meets the requirements of the Equality Act 2010, i.e.

- **Eliminates unlawful discrimination, harassment and victimisation**
- **Advances equality of opportunity between different groups**
- **Fosters good relations between different groups**

What information do you give to the partner/contractor in order to ensure that they meet the requirements of the Act? What information do you monitor from the partner/contractor in order to ensure that they meet the requirements of the Act?

Herefordshire Council expects all contracted providers to comply with the Equality Act 2010 and have their own Equality policies available.
The equalities considerations will be an integral part of the tender evaluation process and service providers will be evaluated on their cultural and disability awareness.
During the first two years of the contract the service will be monitored on a six monthly basis to ensure that the required outcomes are delivered and the equality considerations are observed.

Are there any concerns at this stage that indicate the possibility of inequalities/negative impacts? For example: complaints, comments, research, and outcomes of a scrutiny review. Please describe:

Negative impacts.

The remodelled service is not intended to have any negative impacts; however, the following should be considered and will be regularly monitored during the first two years of the contract.

The primary aims of the new service are to promote service users wellbeing, enable them to maintain their independence and prevent, reduce or delay the need for more intensive care and support. These aims will be achieved by making greater use of the service user's strengths, informal care and community resources. Providers will be required to work with service users to develop informal care and support networks and to reduce their reliance on formal support where appropriate. Provider's performance in this activity will be closely monitored to ensure service user's eligible unmet needs are met and their outcomes achieved.

The competitive tender is likely to result in a reduction in the number of contracted service providers. This may require service users to change service provider if they want the council to continue to arrange care services on their behalf.

However, the revised model of service delivery is intended to improve capacity and continuity of provision. Furthermore, service users will have the opportunity to exercise individual choice by opting for a direct payment and arranging care with their preferred service provider. Timely and detailed assessments and reviews will be undertaken prior to any transfer of provision. All service users will be consulted at an early stage and their needs will be reviewed. Transition arrangements will be established between the provider organisations in order to ensure that any disruption is kept to a minimum.

There are areas in the County, mainly rural, where it is currently difficult to arrange or maintain continuity of service provision. The new service zone structure is intended to address this by improving provider's financial and operational viability.

A reduction in the number of providers may restrict the availability of female/male care workers in specific geographic areas in the short-term. However, the revised service structure will ensure financial and operational viability for providers who will be contractually required to maintain continuity of provision reflective of service user preferences.

There is the potential for the introduction of the Help to Live at Home Service to impact on the wider care market. If providers unsuccessful in the tender exit the market this may impact on those who purchase their own care from the organisations affected. In these circumstances the Council has a duty to provide information, advice and assistance to people who self-fund care services.

C) Information

What information (monitoring or consultation data) have you got and what is it telling you?

Service User Questionnaires

Summary of key responses			
52% are aged over 75	64% were female	75% were in receipt of council funded services	17% of respondents stated that they felt they were treated differently because of who they are
Key findings			
83% agreed with the proposal for approved providers	87% agreed that priority should be given to those in greatest need	88% agreed that the new service should to have an enabling approach	Personal care , preparing meals and managing medication were identified as the most important activities

Of the 211 responses to the question, 36 respondents (17%) indicated that they were treated differently because of who they are. The people who provided associated comments referred to the negative attitudes of the wider community in respect of their age and/or disability.

However, none stated that they were treated differently by the organisations or workers providing their care and support services.

A full report of the service user consultation findings is available on request.

An analysis of complaints received by the Council regarding home care during the preceding 12 months confirmed that none suggested a breach of the Equalities Act 2010.

A review of the situations where providers have discontinued provision “handed back” packages of care, identified that these are for operational reasons and there is no indication these arise as a result of any equalities considerations.

Service provider’s contract monitoring and Quality & Review Reports do not indicate non-compliance with the Equalities Act 2010.

Council Case Management System

The table below summarises the equalities data recorded on the Mosaic Case Management System for the 872 service users in receipt of home care services as at 1 April 2016.

Age		Gender	
Under 65 years old	236	Female	563
65-74 years old	101	Male	309
75 - 84 years old	174		
85- 94 years old	300		
95+	61		
Ethnicity		Nationality	
White British	860	British	403
		Not recorded	461
Marital Status		Religion	
Married	194	Christian	173
Single	110	Roman Catholic	13
Widowed	201	Other	11
Separated / divorced	52	No religion	18
Not recorded	315	Not recorded	657
Primary Reason for Support			
Personal care	529		
Access mobility	171		
Memory / cognition	21		
Learning disability	104		
Mental health	29		
Sensory support	18		

D) Assessment/Analysis

Describe your key findings (e.g. negative, positive or neutral impacts - actual or potential). Also your assessment of risk.

Strand/community	Impact
Race	<p>The 2011 census identified that 6.3% of residents of Herefordshire were not white British.</p> <p>Of the 872 service users in receipt of home care services as at 1 April 2016, 860 classified themselves as white British.</p> <p>The percentage of 6.3% would indicate that 55 not white British people would be in receipt of a service rather than 12 people identified in the analysis.</p> <p>This may be accounted for by the fact that many of the not white British people may be of working age.</p> <p>Recent migrants and people for who English is not their first language may encounter barriers accessing home care services. However, Herefordshire has an easy accessible translation/interpreter service.</p> <p>Therefore, the impact of the changes to the home care service is assessed as neutral.</p>
Disability	<p>In the 2011 census 18.7 % of people said they had some form of limiting, long term health problem or disability.</p> <p>Of the 872 service users in receipt of home care services as at 1 April 2016:</p> <p>61% required physical personal care support. 20% need physical support with access and mobility. 12% required support due to a learning disability. 3% required support due to a mental health problem. 2% required support due to a sensory impairment.</p> <p>The key aims of the remodeled provision include delivering services that focus on enabling and supporting greater independence and improved quality of life irrespective of the person's disability. Service users will also benefit from consistent, responsive quality provision and better targeting of financial resources to those in greatest need.</p> <p>As a result of the reduction in contracted providers it may be necessary for service users to transfer to an alternative provider if they want the council to continue to arrange their provision of care.</p> <p>However, service users can take a Direct Payment in order to purchase care services from the provider of their choice.</p> <p>Therefore, the impact of the changes to the home care service is assessed as positive.</p>

<p>Age</p>	<p>Analysis of the 872 service users receiving the service at 1 April 2016 identified that 72% of service users were over 65 and of those 41% were over 85 years of age.</p> <p>Older age service users may be adversely affected if there is a change in the provider of their care service. National research indicates continuity of care is important to service users and this may cause anxiety and stress. Isolated older service users without support networks (e.g. family, friends) may be particularly vulnerable.</p> <p>One of the key aims of the remodeled provision is that service users will benefit from consistent, responsive quality provision. Furthermore, all current and future adult social care service users will benefit from better targeting of financial resources to those in greatest need.</p> <p>As a result of the reduction in contracted providers it may be necessary for service users to transfer to an alternative provider if they want the council to continue to arrange the provision of care.</p> <p>However, service users can take a Direct Payment in order to purchase care services from the provider of their choice.</p> <p>Therefore, the impact of the changes to the home care service is assessed as positive.</p>
<p>Sex</p>	<p>Both locally and nationally, women generally constitute a greater proportion of the older age population. It is estimated that around two thirds of all service users are female.</p> <p>Of the 872 service users in receipt of home care services as at 1 April 2016, 563 were female (64%) and 309 male. This is broadly reflective of the population as a whole and the cohort of people who receive adult social care services.</p> <p>The majority of staff delivering care and support are also female. According to the 2011 Census (table DC6110 for ref), 80% of people working in the 'human health and social care' industry in Herefordshire are females, compared to 47% of the total workforce across all industries.</p> <p>It is envisaged that the level of service capacity will continue at current levels. Although as a result of the reduction in contracted providers it may be necessary for service users to transfer to an alternative provider if they want the council to continue to arrange their provision of care.</p> <p>However, service users can take a Direct Payment in order to purchase care services from the provider of their choice.</p> <p>Therefore, the impact of the changes to the home care service is assessed as positive.</p>

<p>Faith/religion</p>	<p>The 2011 census identified that 67.8% of residents in Herefordshire identified themselves as Christian. 23% of people said they had no religion.</p> <p>However, the religion of service users is not currently routinely collected by the Council's adult social care assessors.</p> <p>Of the 872 people in receipt of a service no religion was recorded in 657 cases. Where religion was recorded the largest group was Christian/Roman Catholic (186).</p> <p>The impact of the changes to the home care service is assessed as neutral.</p> <p>However, this will be monitored over the contractual term to ensure compliance with the Equality Act and that service users are treated with dignity and respect.</p>										
<p>Marriage/civil partnership</p>	<p>This information is not currently consistently collected by the Council's adult social care assessors.</p> <table data-bbox="598 873 965 1041"> <tr> <td>Married</td> <td>194</td> </tr> <tr> <td>single</td> <td>110</td> </tr> <tr> <td>Widowed</td> <td>201</td> </tr> <tr> <td>Separated / divorced</td> <td>52</td> </tr> <tr> <td>Not recorded</td> <td>291</td> </tr> </table> <p>The impact of the changes to the home care service is assessed as neutral.</p> <p>However, this will be monitored over the contractual term to ensure compliance with the Equality Act and that service users are treated with dignity and respect.</p>	Married	194	single	110	Widowed	201	Separated / divorced	52	Not recorded	291
Married	194										
single	110										
Widowed	201										
Separated / divorced	52										
Not recorded	291										
<p>Gender reassignment</p>	<p>There is no official estimate of the number of transsexual people either locally or nationally.</p> <p>This information is not currently routinely collected by the Council's adult social care assessors. The impact of the changes to the home care service is assessed as neutral.</p> <p>However, this will be monitored over the contractual term to ensure compliance with the Equality Act and that service users are treated with dignity and respect.</p>										

Sexual orientation	<p>There are no single, reliable estimates of sexual orientation in the UK. However, in a quality of life survey undertaken in 2008, 1.1% of respondents identified as Lesbian, Gay or Bisexual. A national survey indicated 1.5% which would equate to 2,100 people in Herefordshire.</p> <p>This information is not currently routinely collected by the Council's adult social care assessors.</p> <p>The impact of the changes to the home care services is assessed as neutral.</p> <p>However, this will be monitored over the contractual term to ensure compliance with the Equality Act and that service users are treated with dignity and respect.</p>
Pregnant women & women on maternity leave	<p>The age profile of service users receiving home care is older women. Of the 563 female service users in receipt of home care as at 1 April 2016, only 28 women were under 44 years of age (6%).</p> <p>As the vast majority of births are to women aged 15 – 44, the impact of the changes to the provision of home care services is assessed as neutral.</p> <p>However, this will be monitored over the contractual term to ensure compliance with the Equality Act and that service users are treated with dignity and respect.</p>

E) Consultation

Did you carry out any consultation?

Yes No

Who was consulted?

The Big Conversation

Summer – November 2015

Series of meetings, events for general public addressing the future of social care in Herefordshire

Help to Live at Home Project

Stakeholder Engagement

Introductory/briefing sessions	
18 November 2015	Promoting Independence Event
04 December 2015	Making It Real Board Briefing Session
Engagement sessions countywide	
04 December 2015	Hereford
10 December 2015	Leominster
15 December 2015	Cleghonger
16 December 2015	Ross on Wye

Programme/Project engagement	
04 February 2016	Promoting Independence Engagement Workshop
17 March 2016	Redefining Social Care Event
Stakeholder Project Group Meetings	
21 January 2016 18 February 2016 28 April 2016 22 June 2016 21 July 2016	
Dedicated Service User/ Carer Sessions	
16 February 2016	Event facilitated by Hereford Disability United
April 2016	One to one meetings with users of the reablement service
Service Provider	
June – August 2016	34 individual meetings between providers and commissioners
20 April 2016 03 August 2016	Home Care Provider Forum
Networking Events	
10 May 2016 13 July 2016	
Adults and wellbeing directorate staff	
20 April 2016	Adults & Wellbeing Forum
Formal Consultation 6 June to 28 August 2016	
Service User Questionnaire and telephone help / advice line	
872 questionnaires were issued to people in receipt of home care services. 233 responses received.	
A summary of the findings are provided in Section C (pages 4/5).	
Service User Drop In Sessions	
04 July 2016	Ledbury
07 July 2016	Leominster
12 July 2016	Hereford
14 July 2016	Ross on Wye
Service Provider Questionnaire	
Responses received – 17.	
Individual meetings between current and prospective providers and commissioners – 34.	

Describe other research, studies or information used to assist with the assessment and your key findings.

Reports from the MOSAIC case management system.
2011 Census table DC6110.
Herefordshire Facts and Figures website.
Help to Live at Home Service User Survey.
Horizon Scanning – discussions and site visits to Local Authorities.

Do you use diversity monitoring categories? Yes No

(if No you should use this as an action as we are required by law to monitor diversity categories)

If yes, which categories?

- Age
- Disability
- Gender Reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Race
- Religion & Belief
- Sex
- Sexual Orientation

What do you do with the diversity monitoring data you gather? Is this information published? And if so, where?

Monitoring data will be collated as part of routine contract management.

F) Conclusions

	Action/objective/target OR justification	Resources required	Timescale	I/R/S/J
a)	Ensure that adult social care assessors routinely record diversity monitoring indicators and protocols.	Staff time, internal and partners	Prior to the commencement of contract 1 July 2017	I
b)	Review feedback from complaints, handbacks etc. during contractual period to see if there is a disproportionate impact on those that share a protected characteristic.	Staff time, internal	From the commencement of contract 1 July 2017	I

- (I)** *Taking immediate effect.*
- (R)** *Recommended to Council/Directors through a Committee or other Report*.*
- (S)** *Added to the Service Plan.*
- (J)** *To be brought to the attention of the Equality Manager.*

Summary Affordability and Rate Analysis (Appendix 3)

Cost Model - Homecare 2017/18				
Cost element	Based on		£	Remarks
Hourly rate	Minimum wage		7.65	Assumed increase from £7.20 to £7.65 in line with national living wage
Between Clients	7.5 mins per client		0.96	7.5 minutes allowed between clients per hour - furthermore EMS is set up to allow a tolerance of -7 and +8 minutes, for example a 1 hour call could be completed in 53 minutes and the provider and carer are paid for 1 hour.
NI		9.50%	0.94	percentages used for comparison based on UKHCA model
Holiday pay		12.08%	1.07	percentages used for comparison based on UKHCA model
Training		1.50%	0.13	percentages used for comparison based on UKHCA model
Pension		3.00%	0.26	percentages used for comparison based on UKHCA model
Sub Total			11.01	
Mileage	3 miles @ £0.35	0.35	1.05	miles. This is an average mileage allowance which will vary for individual carers
Total costs before overheads			12.06	
Contribution to overheads & profit			3.74	
Commissioner rate per hour			15.80	
Gross Profit		24%	3.74	Suggested contribution for contribution to gross profit between 22% and 30%

Cost Model - Homecare - Sleep-ins & 24 hour packages 2017/18				
Cost element	Based on		£	Remarks
Hourly rate	Minimum wage		7.65	Assumed increase from £7.20 to £7.65 in line with NLW
NI		9.5%	0.84	percentages used for comparison based on UKHCA model
Holiday pay		12.08%	0.95	percentages used for comparison based on UKHCA model
Training		1.5%	0.12	percentages used for comparison based on UKHCA model
Pension		3%	0.23	percentages used for comparison based on UKHCA model
Sub Total			9.79	
Total costs before overheads			9.79	
Contribution to overheads & profit			3.01	
Commissioner rate (24 hour packages and sleep in rates)			12.80	
Gross Profit		24%	3.01	

AFFORDABILITY ANALYSIS FOR COMPARISON (ON THE BASIS OF THE FIGURES ABOVE)							
Cost Element	Hrs as Above	Assumed MTFS reduction in Hrs @ 5%	Estimated No. of Hrs	New Rates	Annual Cost	H2L@H Budget	
Complex	121,160		121,160	£ 13.70	£ 1,659,892		
Non Complex	478,352	23,918	454,434	£ 15.80	£ 7,180,064		
	599,512	23,918	575,594		£ 8,839,956		
2016/17 Budget							£ 8,794,000
2017/18 NLW/ Demographic pressures growth							£ 300,000
2017/18 Indicative Budget							£ 9,094,000
Contingency							£ 254,044



Meeting:	Cabinet
Meeting date:	3 November 2016
Title of report:	Statement of community involvement consultation, communications and programme to adoption
Report by:	Cabinet member infrastructure

Classification

Open

Key decision

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the county. Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Wards affected

Countywide

Purpose

To recommend to council the adoption of the Herefordshire Council statement of community involvement the SCI Full and Summary version.

Recommendation

THAT:

- (a) **the revised Herefordshire Council statement of community involvement at appendix 1a & 1b, be recommended to Council for adoption**

Alternative options

- 1 Preparation and adoption of the statement of community involvement is a statutory requirement. The continued use of the existing statement of community involvement is an alternative option. However, this is not recommended as it does not give due

Further information on the subject of this report is available from
 Susi Gilson, local and neighbourhood planning community engagement officer
 on Tel (01432) 383357

consideration to principal use of online communication whenever practical, contains information which is now obsolete and does not provide information on neighbourhood development planning, community right to build and neighbourhood development orders.

Reasons for recommendations

- 2 To ensure the council adheres to the National Planning Policy Framework and local development scheme and the requirement to review the statement of community involvement as and when the need is identified.
- 3 The statement of community involvement forms part of the local plan framework and as such is a budget and policy framework item. Recommendation from the cabinet to adopt the redrafted document is sought before going to full Council.

Key considerations

- 4 It is a requirement of the Planning and Compulsory Purchase Act 2004 that as part of the local development framework a statement of community involvement is prepared which sets out the council's policy in respect of consultation on planning matters. The revised statement of community involvement would replace the current document adopted in March 2007. Extensive review of the planning process leading to the publication of the Localism Act in 2011 and National Planning Policy Framework in 2012 means there is now far greater emphasis on early engagement with all potentially affected parties.
- 5 Over the last eight years, use of online technology as a communication and information tool has increased extensively. It is accepted that more traditional 'offline' modes of communication, such as letters via post and hard copies of documents are still necessary; however, these can now be used to a much lesser degree. The draft of the new statement of community involvement reflects this culture shift.
- 6 The basis of the Localism Act is to devolve power from central government. It gives communities the opportunity to take responsibility for the shaping of development in their area, within the parameters of the core strategy.
- 7 Along with the new legislation came the introduction of neighbourhood planning, subject to majority support in a referendum and working in tandem with the strategic policies within the Herefordshire local plan – core strategy.
- 8 Each neighbourhood development plan establishes general planning policy for sustainable growth and use of land within a defined area.
- 9 Communities are also given the opportunity to manage development without the need to go through the conventional planning application process, in the form of a neighbourhood development order or community right to build. However, proposals will still need to meet certain criteria and overwhelming community support must be demonstrated before any work can go ahead.
- 10 The revised statement of community involvement details the various ways in which people are able to be involved in the planning process and the commitment the council has to ensure there is ample opportunity to do so.

Further information on the subject of this report is available from
Susie Gilson, local and neighbourhood planning community engagement officer
on Tel (01432) 383357

- 11 Public consultation on the new statement of community involvement has been conducted on-line including email correspondence to specified consultees and the local development framework database to publicise the consultation. It included an on-line questionnaire using the questions set out in appendix 4.
- 12 The consultation was also publicised through the local media, council social media pages and website. A report has been produced setting out the results of the consultation in appendix 5 and the conclusions that can be drawn from it in appendix 2.
- 13 Following consideration by general overview and scrutiny committee, further amendments (as detailed in appendix 3) have been made in order to improve clarity on certain aspects and provide additional guidance where it was thought to be required.

Community impact

- 14 The council's code of corporate governance includes a commitment to encourage public participation in local government and the adoption of a revised statement of community involvement supports this commitment. The statement of community involvement identifies those groups considered to be more of a challenge to engage with and sets out suggested methods to achieve greatest participation.
- 15 Established organisations representing these groups provide a vital communication network for the council to utilise. Many of the organisations listed in the original document, produced in 2007, no longer exist, hence the revised statement of community involvement replaces those with current information.

Equality duty

- 16 In order to ensure that due regard for equality and diversity is met, the following measure will be taken:
 - The document is available in alternative formats
 - A number of changes have been made to the document in light of the consultation including the removal of acronyms and the use of plain English.
 - A Summary will be made available to ensure that the information is accessible. See appendix 1b.

Financial implications

- 17 There are no financial implications arising directly as a result of this decision.
- 18 Emphasis on utilising online communication as much as possible means potential cost efficiencies if the revised document is adopted.

Legal implications

- 19 Adoption of the revised document fulfils the statutory requirement for the council to maintain an up to date statement of community involvement, detailing its commitment to engage with the public during preparation of planning documents. This is in accordance with Planning and Compulsory Purchase Act 2004.

Further information on the subject of this report is available from
Susi Gilson, local and neighbourhood planning community engagement officer
on Tel (01432) 383357

Risk management

- 20 By consulting on and adopting the revised document, the council will avoid breaching its statutory duty to maintain a statement of community involvement.

Consultees

- 21 It was considered by GOSC on Monday 5 Sept and Appendix 3 sets out the changes suggested by the committee with a proposed response.
- 22 In addition public consultation was undertaken between 10 February and 23 March 2016 upon the draft document in accordance with the requirements set out in the existing SCI. The summary of these representations and response is set out in appendix 5 & 2.

Appendices

Appendix 1a - Draft Statement of Community Involvement including proposed changes following public consultation and General Overview and Scrutiny.

Appendix 1b – Summarised version of redrafted Statement of Community Involvement

Appendix 2 – List of initial proposed changes to original draft following public consultation

Appendix 3 – List of changes proposed at General Overview and Scrutiny Committee

Appendix 4 – Consultation questions

Appendix 5 – Summary of consultation responses

Background papers

- None identified.

Contents

Document summary

1. Summary of planning documents
2. Role and purpose of the Statement of Community Involvement
3. When can you get involved?
4. Who will be involved in the consultation?
5. Community Profile
6. Diversity of interests and those at risk of exclusion
7. Herefordshire's approach to community involvement
8. Community Involvement Methods and Techniques
9. Herefordshire's consultation standards for Development Plan Documents and Supplementary Planning Documents
10. Community Involvement in the planning application process
11. Neighbourhood Development Planning
12. Monitoring and reviewing

Appendices

Document Summary

Revisions of the planning process, since the Planning and Compulsory Purchase Act 2004, have resulted in a more user-friendly, streamlined mechanism with which to bring plans to fruition. In March 2012, the National Planning Policy Framework (NPPF) was published and set out the Government's planning policies for England and how they were expected to be applied.

The NPPF replaced over a thousand pages of policy with a much more succinct and uncomplicated structure to follow.

Publication of the NPPF, along with the publication of the Localism Act 2011, means that emphasis is now firmly placed on early engagement and collaboration with neighbourhoods, local organisations and businesses, making planning inclusive of people and communities who want to be involved and a dispersal of power from central Government to local authorities.

Every Council in the country is now creating a countywide planning strategy, known as a Local Plan. As a cornerstone of planning and future development, Herefordshire's Local Plan (formally the Local Development Framework) fits consistently with the principles and policies set out in the NPPF. The Local Plan is there to deliver sustainable development that reflects the vision and aspirations of local communities.

The Local Plan sets out the strategic priorities for Herefordshire, taking measured consideration of the impact on every aspect of social, economic and environmental matters through progress and change.

Following extensive research and public consultation, as well as intensive examination by an independent inspector, the Local Plan provides the basis for all future planning within the County until 2031.

As part of the make-up of the Local Plan, a Local Development Scheme (LDS) has been devised in order to set a timetable for production of a series of accompanying documents, known as Local Development Documents (LDDs). A comprehensive list of the different types of documents produced is provided in section 1 of this document.

This Statement of Community Involvement (SCI) is one of the Local Development Documents, and sets out how the Council will engage with the community in respect of planning matters.

A vital part of the Statement of Community Involvement is to identify those groups most at risk of exclusion and to identify how the Council will approach this potential challenge. Section 6 has more details about this. Section 8 gives more information about the selection of general methods and techniques the Council use to engage with people.

In order to fulfil the pledge to award more power to local communities, the NPPF has introduced Neighbourhood Planning. Creating a Neighbourhood Development Plan gives communities the opportunity to shape and direct sustainable development within their area. Section 11 gives more information about this.

The overall ethos behind the SCI is that local planning authorities should be informative and receptive to views right from the earliest stages and throughout the planning process, to give everyone the opportunity to contribute.

The aim of this is to ensure that the outcome reflects a collective vision and a set of agreed priorities for the ongoing development of Herefordshire.

1. Summary of Planning Documents

1.1 Local Development Document (LDD)

These comprise of: Statement of Community Involvement, Development Plan Documents and Supplementary Planning Documents. Definitions of these documents are provided below.

1.2 Local Development Scheme (LDS)

This is a list of what documents will be included in the Local Plan and timetable for their production. The Local Development Scheme for Herefordshire can be found on the Council's website. The scheme is regularly reviewed. The Local Development Scheme can be found on the Council's website at:
www.herefordshire.gov.uk/local-plan

1.3 Statement of Community Involvement (SCI)

This sets out how and when the local community can become involved in the preparation of the Local Development Documents and in the consideration of planning applications. The Council must comply with its adopted Statement of Community Involvement when preparing its Local Development Documents and this compliance will be tested when these are independently examined. The Statement of Community Involvement can be found on the Council's website at:
www.herefordshire.gov.uk/local-plan

1.4 Development Plan Documents (DPD)

Development Plan Documents will have the status as part of the development plan for the area. They must be subject to sustainability appraisal and community involvement during their preparation and can only be adopted after independent examination resulting in recommendations which are binding on the Council.

1.5 DPDs will include the following:

- The Core Strategy, which sets out the long term vision for the area and the policies required to deliver that vision.
- Development Plan policies, based on topics such as housing, employment, and retail and will guide development in the County.
- Site specific allocations of land for individual uses e.g. housing, employment
- A Proposals Map illustrating the spatial extent of the policies
- Action Area Plans for key areas of change.

1.6 Supplementary Planning Documents (SPD)

These documents are optional and may cover a range of issues, both theme based and site specific which provide additional detail to the policies in the development plan document. They are subject to sustainability appraisal and community involvement and do not require independent examination.

1.7 Neighbourhood Development Plans (NDP)

These are also optional and give every parish community the opportunity to shape the way their area develops within the guidelines of the Local Plan. Guidance on how to formulate a Neighbourhood Development Plan and details of the help that is available can be found on the website at:
www.herefordshire.gov.uk/neighbourhood-planning

1.8 Sustainability Appraisals (SA)

Sustainability Appraisals are to form an assessment of the social, economic and environmental impacts of the policies and proposals contained within the Local Plan. All Local Development Documents are subject to a Sustainability Appraisal to assess the contribution the document or policy makes in achieving sustainable development in terms of social, economic and environmental factors.

1.9 Annual Monitoring Report (AMR)

The Council are required to produce an Annual Monitoring Report. This report will consider the effectiveness of the policies within the Local Plan and identify what needs to be reviewed/prepared in the future. The Annual Monitoring Report also sets out the Council's performance in achieving the key milestones set in the Local Development Scheme.

1.10 Planning Applications

The National Planning Policy Framework (NPPF) encourages pre-application discussions. In order for the planning process to work as efficiently and fairly as possible, every effort will be made to ensure that all valid planning applications are available for public viewing at the earliest convenience, giving the opportunity to all interested parties to have their say before the final decision is made.

2. Role and purpose of the Statement of Community Involvement

2.1 A key element of the planning process is to ensure more effective community involvement in the planning process, particularly in the early stages of plan preparation. The Council fully embraces the Government's objectives for improving community involvement in the planning system and has embodied in its Statement of Community Involvement ways in which the Council will seek the views of the community and build on existing consultation mechanisms to continue to make community involvement more effective.

2.2 In complementing the above, the Statement of Community Involvement seeks to explain the Council's policy for actively engaging the local community and stakeholders throughout the preparation, alteration and continuing review of planning documents and in the consideration of planning applications.

2.3 The planning system through its Statement of Community Involvement looks to overcome the traditional reactive way people have previously become involved in the planning process by recognising that people who are likely to be affected by new developments should be encouraged to participate more directly in the preparation of the documents which will form this framework and in the processing of planning applications. For plan documents this will help strengthen the evidence base of Local Development Documents as well as encourage a sense of local ownership and commitment to plan policies and their delivery. For both plan documents and planning applications this front loading approach should help to resolve conflicts and reach a consensus on essential issues in the early stages of the process, thereby reducing the time taken by examinations and revisions in the later stages.

2.4 A statement of community involvement is required under Section 18 of the Planning and Compulsory Purchase Act 2004 as amended by the Planning Act 2008, Localism Act 2011, The Town and Country Planning (Local Planning) (England) Regulations 2012 and is informed by the National Planning Policy Framework 2012.

2.5 **The role and purpose of this Statement of Community Involvement is to:**

- Identify who will be consulted on plan documents and planning applications and when they will be actively involved in plan making and in reaching decisions on planning applications.
- Set out transparent, accessible and meaningful approaches to community involvement in plan preparation and decision making on planning applications.
- Encourage early involvement in decision making between the community, interest groups and stakeholders. This can help to resolve any initial conflicts and can generate a sense of ownership.
- Recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas.
- Explain how the results of the consultations will be fed into preparation of Local Development Documents and how those involved will be kept informed.
- Set out standards for the Council to achieve and explain how the process will be resourced and managed and how the planning process will be coordinated with other community involvement and consultation initiatives undertaken by the Council.
- Ensure that the Council complies with the adopted Statement of Community Involvement when preparing its Local Development Documents and compliance be kept under review and revised where necessary.

2.6 Statutory consultation requirements are set by the Government in the Town and Country Planning (Local Development) (England) Regulations 2012. This statement demonstrates how these will be met.

2.7 Development Plan Documents will be formally examined by independent inspectors from the Government's Planning Inspectorates team. It is no longer a requirement for Statement of Community Involvement to be independently examined.

3. When can you get involved?

- 3.1 People can participate in all aspects of the planning process, including the preparation and examination of Development Plan Documents and Supplementary Planning Documents and in the consideration of planning applications. Section 11 will have more information on how Communities can come together and play a big part in how the area around them develops in the future by writing their own Neighbourhood Development Plan.

4. Who will be involved in the consultation?

- 4.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out those bodies that the Council must consult with when preparing plan documents and planning applications.
- 4.2 The main groups to be targeted are Central, Regional, Local Government organisations, statutory bodies, community, voluntary, resident and interested groups, members of the public, Parish/Town Councils, local businesses and developers/agents. Information with regard to specific consultees can be found in appendix 2 of this document.
- 4.3 The preparation of Local Development Documents will be more relevant to some groups than others. The list will therefore be used as a guide to identifying the types of groups to involve and consult with. The groups and organisations will change over time and the planning consultation database will be reviewed regularly to maintain an up to date and relevant list of groups and organisations to consult.

5. Community Profile

- 5.1 Any meaningful and practical programme of community engagement must have regard to the physical characteristics of the County and the dispersed nature of settlements and communities. Community profiling is a useful tool in understanding the composition of the County.
- 5.2 Herefordshire is a large, predominately rural, landlocked county situated in the south western corner of the West Midlands region, on the border with Wales. It has a close relationship with neighbouring Shropshire and Worcestershire and there are a range of interactions taking place which cross Herefordshire's boundaries in all directions, including service provision, transport links and commuting patterns.
- 5.3 At the county's heart is the city of Hereford which is the main centre for civil and ecclesiastical administration, health, education and leisure facilities, shopping and employment. The five market towns of Bromyard, Kington, Ledbury, Leominster and Ross-on-Wye, surround the city with still almost medieval regularity. Outside of these urban areas, nucleated villages and smaller settlements, farms and other isolated properties characterise much of Herefordshire.
- 5.4 According to the latest official estimate, Herefordshire's resident population is 187,200. The projected estimate by 2031 is 205,400.

- 5.5 Being sparsely distributed, Herefordshire has the fourth lowest overall population density in England (ninth in England and Wales). Just under a third of Herefordshire residents live in Hereford, with about a fifth in the five market towns and nearly half in the surrounding rural areas. Despite other counties having a lower overall population density, Herefordshire has the greater proportion of its population living in 'very sparse' areas (25%).
- 5.6 This scattered population presents many challenges, both for residents in terms of dependence on the private car, increased household costs, access to services, often poor or no broadband access and social isolation, as well as for the delivery of services, particularly to community members already experiencing disadvantage.
- 5.7 Like the national population structure, Herefordshire's population is ageing with one in five people aged 65 or over (compared to one in six nationally). There is a much older age structure in Herefordshire compared to England and Wales, with higher proportions of residents in all age groups from 45-49 upwards and less in the middle aged groups. Both national and local forecasts predict a further rise in the proportion of older people.

6. Diversity of interests and those at risk of exclusion

- 6.1 As a result of previous experiences in engaging with different groups on planning matters, it is understood that no single method of communication is adequate when trying to ensure effective and fully inclusive consultation.
- 6.2 Different ways of communication will suit different people. Using organisations that are there to provide a support network to specific groups of people is also important. With the use of good communication, everyone can find the information they need and will know how to get involved if they choose to. It is important when contact is made that the council invite feedback on what has been the most convenient and successful method of communication for the recipient.

Suggested pro-active approaches are set out in the following table.

Groups at risk of exclusion	Approach
Minority Ethnic Groups	Utilise links with the Council's Equality, Sustainable Communities Team, Integration & Partnership Team and social media.
Travellers/Gypsies	Utilise links with the Herefordshire G & T strategy group, social media, specific publications and national organisations/bodies supporting this specific group.
Disabled People including those with numeracy, literacy disabilities	Utilise links with the Council's Community Involvement Coordinator, organisations/bodies supporting this specific group, local Access groups and social media.
Older people	Make contact with network groups supporting the elderly and social media.

Children and young people	Work with the Children's Wellbeing Directorate & Participation Officer, British Youth Council (BYC), School Councils, and Youth Clubs and social media.
Those following different religions or with certain beliefs	Utilise links with the Council's Equality, Integration & Partnership Team, Sustainable Communities Team and social media
Young single parents	Local community centres, post-natal groups, online forums and social media.
Homeless	Herefordshire Council Homelessness and Housing Advice Team.
People located in dispersed rural areas.	Council website, community forums and groups, Parish Councillor and staff and social media.
Adults with Learning difficulties	Liaison with the Council's Adult Social Care team, organisations/bodies providing specific support for this group, social media.
Those who are too busy to respond	Endeavour to ascertain the most convenient means of communication for future involvement, social media.

* Other organisations representing these groups are included in the consultee list maintained by the planning office.

In all future engagement and consultations, the council will pay regard to broader policies, including: Human Rights Act 1998, Freedom of Information Act 2000, Data Protection Act 1998, Equality Act 2010, Disability Discrimination Act 2005 and Race Relations Act 2000.

- 6.3 It is important to recognise that well established local partnerships and communication networks representing many key organisations and groups exist and operate effectively within the County. To make good use of resources the Council will seek to engage with these partnerships and utilise these communication networks whenever it is possible and appropriate to do so.

7. Herefordshire's approach to community involvement

- 7.1 In producing its Statement of Community Involvement, the Council seeks to promote effective community involvement in the planning system. The Council corporately has a strong commitment to community engagement and has adopted the following objectives through its Strategy for Community Involvement:

- Purpose should be clear

- Consultation should be well planned, timely and inclusive
- Methods should be appropriate and well-managed
- Relevant documentation should be accessible to all, so opinion is fully informed
- Decisions should be based on all relevant evidence
- Results should be acknowledged and fully considered
- Accessible feedback should be given
- Effectiveness should be evaluated
- Opportunity should be given to public wherever possible to register ongoing interest

7.2 In following these principles the consultation approach developed within this Statement of Community Involvement will reflect local circumstances, be deliverable building on existing practice, be meaningful and easy to understand and capable of being resourced and managed effectively.

8. Community involvement methods and techniques

8.1 Section 5 identifies the key characteristics of the County. The dispersed population spread over a wide rural area raises particular problems in devising the most appropriate means of consultation to be used. There may also be problems in identifying representative groups to be consulted on behalf of ethnic minority or socially excluded groups, where fairly small numbers of people are involved. As and when it is deemed necessary by the Council, in order to widen the involvement of the community and especially those at risk of exclusion, a broader range of engagements methods will be used. In preparing this Statement of Community Involvement and in developing the approach, it is necessary to give consideration as to how the authority informs, involves, consults and provides feedback.

8.2 To engage effectively over a range of planning documents the Council will use a combination of consultation methods appropriate to the policy area being prepared and its stage of preparation. The table of engagement methods sets out a range of formal and informal community involvement methods and techniques which will be selected from depending on what is thought to be most appropriate. This is based on the Regulations, advantages and disadvantages of different methods, local circumstances, previous experiences, feedback from the Statement of Community Involvement questionnaires and the resources available to manage the community involvement process.

8.3 There is no significance in the order of the various methods and it is not anticipated that every one of these methods need be used. However, electronic communication will be considered as the principle means wherever possible due to its invaluable potential to circulate large amounts of information to the widest range of the Herefordshire audience. This is especially important, given the county's rural nature; therefore those who may have difficulty accessing information at key sites such as libraries can still take part in the consulting process. It should be noted however that there are parishes with far less access to information; therefore information centres and libraries across the county and well as major county publications and parish council staff will be required to make material available and keep the public informed.

8.4 Table of engagement methods

Method	Main Considerations
Council web site	Information can be provided quickly and efficiently and accessed by the public from their own home or office at a time which is convenient to them. This can overcome the problems of trying to consult over dispersed rural communities. However, access to the internet is not universal and therefore may disadvantage certain groups. The Council has web access at all Customer Service Centres and libraries and will continue to consider ways in which access to web based information can be improved. Web pages should be user friendly. Use is likely to continue to increase.
Email	Information and responses can be provided quickly and efficiently. Increased use of this means of communication is sought with Town and Parish Councils, specified consultees and all other parties will be communicated in this way wherever possible. Every effort will be made to gather and maintain email addresses, unless an individual specifies otherwise.
Social media	Use of sites such as Facebook and Twitter keep users informed with regular updates for low cost. Likely to be utilized as a means of keeping people informed, rather than a formal part of consultation. Still many people not using these mediums. Therefore, where appropriate, pages should be referred to on literature & website to raise awareness.
Formal advertisements in local press	Statutory requirements to publish notices advertising certain planning applications
Press releases	It is cost effective in terms of bringing local issues into the broader local arena. Releases will be sent out to all major county publications. Items may only be reported if they are considered newsworthy by the newspaper editors, therefore publication is not guaranteed.

<p>Consultation documents available for sale, CD or inspection at Council offices, by post and on the web</p>	<p>Traditional means of consultation and the information supplied can be in detail. Information needs to be in plain English with simplified formats. Due to limitations for people with mobility or sight disabilities and where English is not a language that is understood, modified versions need to be made available at no extra cost to the individual.</p>
<p>Leaflet, newsletters and brochures</p>	<p>Can publicise and explain in simple language and invite comment. The Parish newsletters are a good communication link and should be utilised where appropriate. Newsletters can be sent to all residents; however, may be viewed as junk mail and disregarded. Can be expensive to distribute.</p>
<p>Formal written letter</p>	<p>Letters will be sent when there is no other means of communication or a person has requested to be written to by post specifically. High postage and administration costs.</p>
<p>Public Exhibitions/Public meetings/presentations</p>	<p>Can be used to circulate information, seek views and endorse proposals. Gives residents some flexibility in deciding when to visit and can encourage feedback. Takes planning issues to the people and provides an opportunity for people to discuss local issues directly with planning officers in an environment which local people will be familiar and therefore comfortable with. However, people attending may not be representative of the whole community and there is no guarantee of turn out. High staff and material costs. Countywide consultations require extensive coverage and numbers of events. Displaying information in local shops where people frequent should be considered as an alternative, where appropriate.</p>
<p>Notices displayed on a site</p>	<p>Direct and local notification of proposals to those around a site and in local area, however notices can be vandalised or removed before the end of consultation period.</p>

Through partnership organisations and focus groups, existing forums/panels	Useful for topic based discussions and to find out what specific groups feel. Provides opportunity to discuss issues in depth and to have ongoing dialogue. However high direct costs of facilitating. Important to build on existing networks rather than reinvent with new ones.
Councilor networks	Councillors play a very important role in terms of community engagement. They are a recognised point of contact for the local community to go to with regard to Council matters. It is vital to ensure that Councillors are kept well briefed.
One to one meetings and briefings	Useful for seeking views from targeted groups/individuals however they are time consuming and require costly staff resource.
Parish and Town Council networks	If Town and Parish Councils are effectively involved with consultation exercises they can provide an invaluable contact with local communities. Many have developed their own websites and social media pages and should be used as a platform to provide information relevant to parish residents. There is also opportunity to assist in the preparation and distribution of consultation material e.g. on town, parish and village notice boards and other locations deemed appropriate.
Questionnaire/surveys	Enables quantifiable information to be collected. Questionnaires need to be well designed. There is no guarantee of response rate. Likely to be time consuming and costly.
Workshops	Organised discussion based event to present and gather information. Can be targeted at key stakeholders. Requires skilled facilitators to ensure objectives are achieved. Requires costly staff resource.

8.5 Resourcing and managing the process

In preparing this approach to community consultation and to ensure that it is deliverable, consideration has to be given to the resources available to manage the process. Officer time is a key resource issue. Electronic communication will be utilised whenever possible, including regular updates on the council website, and social media. A balance has to be struck between consultation and the various production and management issues associated with the range of Local Development Documents that are to be prepared.

- 8.6 The budget for Local Plan – Core Strategy preparation will meet the costs of the legal requirements for community involvement in plan making. The Council's Local Development Scheme sets out a phased programme for the preparation of Local Development Documents, ensuring that consultation activities are staggered and that the Statement of Community Involvement's requirements can be met without undue pressure on resources. Resources for the Local Plan are assessed through the Council's budget review process, which will include consultation requirements. Where possible, consultations will be coordinated with other departments, external stakeholders and local communities to lever in more resources.
- 8.7 In addition as a Local Development Document is being prepared particular issues may arise which may require additional community involvement work and the approach needs to be sufficiently flexible to enable this to be incorporated in the Local Development Document preparation process. An issue that needs serious thought is the possible limitations on the ability of the community to fully engage in the consultation process.
- 8.8 **Role of elected members**
Herefordshire Council has 53 councillors who are elected to represent the constituents of 53 wards. They have an important role to play in the community involvement process by keeping their local communities informed, representing their views and encouraging and assisting them to engage in the future planning and development of their area.
- 8.9 It is vital that all elected members are involved in the Local Plan preparation process to provide ownership, leadership and commitment to future implementation. Where appropriate and depending on the issue in question, arrangements will be made with Councillors to involve them in emerging policy work. This approach will be additional to the Council's established procedures for decision making.

9. Herefordshire's consultation standards for Development Plan Documents and Supplementary Planning Documents

- 9.1 The minimum legal requirements for consultation and public participation for the Local Plan are set down in formal regulations, Town and Country Planning (Local Planning) (England) Regulations 2012. Specified bodies must be consulted if the Council considers that the body may be affected by what is proposed. In addition to the formal bodies, it is the intention of the Council to involve the community at an early stage in the preparation of Local Development Documents. This is essential to work towards the key objectives of openness and consensus and resolving conflicts.

9.2 Development Plan Documents (DPDs)

Development Plan Documents are produced in order to set out the local authority's policies and proposals for development and use of land and buildings in the area. Development Plan Documents are subject to mandatory public consultation in order to prepare preferred options, as well as independent examination. Examples of Development Plan Documents include Core Strategy and Neighbourhood Development Plans.

DPD stage: Initial technical consultation – establish evidence base and prepare issues and options – Regulation 18
(Statutory 6 week consultation period)

9.3 Herefordshire Council will:

- Email prior notification to all consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, that issues and options documents are to be published for consultation and are available for inspection. This will give people time to prepare in light of any representation they may wish to make. Communication should include details of where documents will be available to view, start/finish of consultation and how anyone wishing to make representation is able to do so.
- Email copies of any issues and options documents to relevant specified bodies and any other interested party who requests it.
- Send a press release to local papers outlining details of the consultation.
- Make copies of any issues and options documents available for inspection at the Council offices and any other venue the Council considers appropriate. (Regulation 35)
- Publish a notification on Council website and social media, along with links to any issues and options documents.
- Carry out a range of other community involvement methods, appropriate to the scope and potential impact of the Development Plan Document. The programme of such exercises will be set out and publicised prior to the commencement of this consultation stage.

DPD Stage: Pre-submission draft consultation – Regulation 19 & 20
(Statutory 6 week consultation period)

9.4 Herefordshire Council will:

- Email prior notification to all consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, that the draft document and accompanying sustainability appraisal report will shortly be published for consultation and be available for inspection. This will give people time to prepare for the formal consultation. At this stage, the emphasis is on exploring the legality and ‘soundness’ of the document, rather than content.
- Email copies of the preferred options document and accompanying sustainability appraisal report to those relevant specified bodies and any other interested party who requests them.
- Send a press release to local papers, outlining details of the consultation.
- Make copies of the preferred options document and accompanying sustainability appraisal report available for inspection at the Councils offices and any other venue the Council considers appropriate. (Reg 35)

- Publish the documents on the Council website. Include guidance notes on how to make a representation and what will happen when a representation has been received. Produce a standard response form to enable people to make representations in writing or on line via the Council website.
- Publish consultation details, dates and links on social media.
- Issue press release with details of consultation dates, where and when documents will be available for inspection, as well as how representation can be made.
- Use additional, more targeted community involvement methods if deemed appropriate to do so by the Council.
- Acknowledge receipt of all representations submitted and publish them on the Council website.
- Consider all representations received within the specified 6 week period (Reg 20)
- Publish a summary of the representations received indicating how they have been considered and whether any changes are proposed as a result.

Site allocations representations.

Where developers or individuals submit representations during the consultation that promote alternative sites for development

9.5 Herefordshire Council will:

- Email notification to all potentially affected consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, (including those who made other representations during the draft consultation stage) that the representations promoting alternative sites have been received. Include information on where these can be viewed and confirm start/finish date of consultation.
- Send a press release to local papers, outlining details of the consultation.
- Make copies of any site allocation representations received available for inspection at council offices and any other venue where pre-submission documents were displayed and if practical publish them on the Council website. (Reg 35)
- Publish a formal notice on Council website and social media, detailing how to make representations within a specified 6 week period, indicating where and when the site allocation representations will be available for inspection.
- Send to the Secretary of State at time of submission of the Development Plan Document a statement of the additional representations received, a summary of the main issues raised and copies of all additional representations. (Reg 20)

DPD Stage: Submission of the DPD to Secretary of State – Regulation 22

9.6 Herefordshire Council will:

- Submit a statement of compliance demonstrating how the Council has complied with its Statement of Community Involvement along with accompanying documents. This will set out whom and how the Council consulted at pre-submission stage, the representations received and the main issues raised and how these have been addressed in the Development Plan Document.
- Email notification to all consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, (including those who made representations at the draft submission stage) that the submission Development Plan Document and accompanying sustainability appraisal report is published and submitted to the Secretary of State for independent examination. Include information advising where hard copies of all documents submitted can be viewed.
- Make copies of the Development Plan Document, the accompanying sustainability appraisal report and other supporting documentation available for inspection at the Council offices and any other venue where pre-submission documents were displayed.
(Reg 35)
- Email copies of the submission Development Plan Document and accompanying sustainability appraisal report to those relevant specified bodies and any other interested party who requested them.
- Publicise the submission on Council website and social media.

DPD stage: Independent Examination – Regulation 24

(Anyone with an outstanding objection has the right to have their representation considered by an Independent Planning Inspector at an examination into the soundness of the DPD)

9.7 Herefordshire Council will:

- Email any person who made a representation on the submission document (where the representation has not been withdrawn), or send letter if email addresses are unavailable or they have requested communication by other means. Notification should be at least 6 weeks before the time and place at which the independent examination will take place and the name of the person appointed to carry out the examination should be included.
- Written representations, round table discussions, informal hearings or formal examinations may be involved, with each carrying equal weight. Only those seeking changes to the Plan have the right to appear and the Government anticipates that written representations can deal with the majority of cases.
(Reg 23)
- Publish information on the Council website and social media.

DPD Stage: Inspectors Report – Regulation 25

(After examination, the Inspector will produce a report which is binding upon the Council, with specific recommendations as to how the document must be changed)

9.8 Herefordshire Council will:

- Email notification to all relevant consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, that the Inspector's report has been received and when it will be published.
- As soon as is reasonably practical, publish the Inspector's report and make it available for inspection at the Council offices and any other venue where pre-submission documents were displayed. (Reg 35)
- Publish the Inspector's report on the Council website.
- Publish a notification on social media.

DPD stage: Adoption and publication – Regulation 26

(The Council must adopt the submitted document as changed by the binding Inspector's report)

9.9 Herefordshire Council will:

- Email notification to all relevant consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, that the Development Plan Document has been adopted and include a copy of the adoption statement. A reasonable charge will be made for any hard copies requested to be sent to consultees personally.
- As soon as is reasonably practical, publish the adopted Development Plan Document, the adoption statement and accompanying sustainability appraisal report and make these documents available for inspection at the Council offices and any other venue where pre-submission documents were displayed. (Reg 35)
- Publish notification and documents on the Council website.
- Publish a notification on social media.
- Send out a press release to local newspapers stating that the adopted Development Plan Document and the adoption statement are available for inspection, indicating where and when they can be inspected.

The Council may make a reasonable charge for a hard copy of a document. Specially modified versions can be made available in large print, audio cassette, Braille or languages other than English for those that require it at no cost.

9.10 Supplementary Planning Documents (SPDs)

Supplementary Planning Documents are produced to expand on policy and provide additional information and guidance in support of policies and proposal in Development Plan Documents. They can be site specific or topic based. The process for preparing a Supplementary Planning Document is similar to that for a Development Plan Document, but simplified. There is no requirement to prepare preferred options and Supplementary Planning Documents are not subject to independent examination. As with Development Plan Documents, their preparation is informed by community involvement and sustainability appraisal.

SPD Stage: Preparation of draft plan – Regulation 12 & 13 (statutory 4-6 week consultation period)

9.11 Herefordshire Council will:

- Email notification to all consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, of issues to be addressed in the Supplementary Planning Document. Information sent should include details of consultation period, where any background information can be viewed and how representation can be made.
- Where a site specific Supplementary Planning Document is being prepared, undertake more targeted consultation with the local community in the vicinity of the site. This should only be undertaken if the council deems it to be a necessary part of the process, in order to gather sufficient feedback from interested parties.
- Make copies of any issues and options documents available for inspection at the Council offices and any other venue the Council considers appropriate. (Reg 35)
- Publish a notification on Council website, along with any issues and options documents.
- Publish a notification on social media.

SPD Stage: Adoption and publication – Regulation 14 (The Council will adopt the SPD having considered any representations received)

9.12 Herefordshire Council will:

- Prepare a statement setting out the main issues raised by representations received and how they have been addressed in the Supplementary Planning Document the Council intends to adopt.
- Email notification to all consultees on the main planning database, or send letter if email addresses are unavailable or they have requested communication by other means, that the Supplementary Planning Document has been adopted and send them a copy of the Supplementary Planning Document and adoption statement.
- Make copies of the adopted Supplementary Planning Document and adoption statement available for inspection at the Council offices and any other venue the Council considers appropriate.
- Publish a notification and these documents on the Council website.
- Publish an update on social media.

Decision Making Processes

The Council will maintain a record of consultation responses received during the preparation of planning documents and will present a transparent decision making process to the community. Consultation responses are one of the matters to be taken into account by Councillors when making decisions on plan making.

A summary of consultation responses will be made available prior to any decision being made upon planning documents.

A Statement of Compliance will be produced for every planning document which will include a summary of consultation responses and details of where the document has been amended in light of responses received.

The comments received will be made publicly available so they can be viewed by others with an interest in the matter.

When a Development Plan Document is submitted to the Secretary of State, the Regulations require that the Statement of Compliance is also provided.

The Inspector when testing the soundness of the Development Plan Document at examination will use the Statement of Compliance to determine whether the Statement of Community Involvement has been correctly followed.

If there has been a failure to comply with the Statement of Community Involvement or the Regulations, in a way that undermines the Development Plan Document, the Inspector can recommend that the document be withdrawn.

10. Community involvement in the planning application process

10.1 This section sets out how you can find out about and get involved in the planning application process in Herefordshire.

Herefordshire Council is responsible for the processing and decision making of planning applications. This work which is undertaken by the development management team involves handling a wide range of planning and related applications ranging from house extensions to large housing and employment development and minerals and waste proposals

The operation of the development management process is governed by requirements that are set out in national legislation. With respect to publicity and consultation on planning applications the requirements are set out in The Town and Country Planning (Development Management Procedure)(England) Order 2015 (as amended)

This part of the Statement of Community Involvement sets out in detail how public involvement in the planning application process will operate in Herefordshire. It sets out:-

- The approach to consultations and publicity for planning applications
- The approach to decision making
- The approach to pre-application advice

10.2 **How can I find out about planning applications in Herefordshire?**

When a planning application is received the Council are firstly required to confirm that it is a valid application; that is to check that it contains all the correct documentation. If it does not then the application will not be processed and it will not be publicised. Once the application is confirmed as being valid the Council are required to carry out certain publicity.

The following sets out the publicity given to planning applications:-

Planning applications online

10.3 Details of all applications that are received are displayed on the Council website. During the processing of the application these details are updated with any new information received, such as consultation responses. The record will include the officer's or Planning Committee report, the decision notice, the discharge of conditions and any subsequent appeal.

If you do not have internet access you are able to use the facility at one of our Customer Service Centres.

Site Notices

10.4 For every planning application at least one site notice will be displayed; in some cases there will be more than one notice. The notices are coloured yellow and are displayed at public vantage points on and/or near the site.

Press Notices

10.5 Certain types of application will additionally be advertised in the local press. Currently the adverts are placed in the Hereford Times. The types of application are:-

- Those which affect the character or appearance of a conservation area
- Those for works to listed buildings and development which affects the setting of a listed building
- Those which affect a public right of way
- Those for ten or more houses
- Those for 10,000 square metres or more of employment floor space
- Those for sites with an area of one hectare or more
- Those for waste management or minerals extraction
- Those which are a departure from development plan policy
- Those which are likely to be of a wider community interest, such as wind turbines
- Those which are subject to an environmental impact assessment

Weekly Lists

10.6 A weekly list of applications received is available on the Council website www.Herefordshire.gov.uk

City/Town/Parish Council notification

10.7 The local council are notified of all applications within their area. Neighbouring parishes are consulted on applications where it is considered they will be impacted.

How can I comment on a planning application?

Once you become aware of a planning application the complete details of the proposal can be viewed on the Council's website.

If you wish to comment on any application then you can:-

Use the online comment form on the website

E-mail us to: planning_enquiries@herefordshire.gov.uk

Write to us at: Planning Services, PO Box 230, Hereford, HR1 2ZB

(Oral/verbal or anonymous comments cannot be taken into account)

We recommend that when you make a comment that these relate to relevant planning matters

10.8 Relevant planning matters include:

- Planning policy
- The design and visual impact
- The impact on privacy/daylight/sunlight
- Environmental factors - noise, smell, pollution
- The economic benefits
- Highway issues - access, traffic, parking
- Impact on the landscape and ecology (nature conservation)
- Impact on the historic environment, heritage assets and their setting.

10.9 Matters which are not normally relevant:

- Loss of a view
- Impact on property value
- Land ownership/property covenant
- Effect on trade/competition
- Personal circumstances of the applicant (except in exceptional circumstances)
- The number of representations

10.10 Any comments you may wish to make should be received within the time period which will be specified on the website or the site/press notice. Following the specified date the Council is able to make a decision on the application. If we do receive a comment after the specified date it will only be considered if it is received before the decision is issued and raises material issues.

Any comments you make will be open to public inspection. They will be published on the application record on the Council's website. In this we will include your name and

address but your signature, e-mail address and telephone number(s) will be redacted.

The Council will not accept responsibility or liability for the comments received and reserves the right to withdraw and/or redact comments from public inspection where they are not of a valid planning nature.

All comments made are taken into account in the making of the decision.

10.11 **How and when are decisions made?**

The majority of decisions on planning and related applications are made in accordance with the Council's Scheme of Delegation – that is the decision is made by an Officer on behalf of the Council. It is important to note that the officer who makes the decision will not be the officer who has dealt with the application.

A number of applications will be determined by the Planning Committee. The types of application are set out in the Council's Constitution. The Committee meets on a three weekly cycle with meetings starting at 10.00am. The agenda, including reports on all the planning applications to be considered, is published five working days before the meeting. The dates for the meetings and the agenda is available to view on the Council website.

10.12 **Which applications are determined by Planning Committee?**

- Those agreed to be called in under the Ward Member redirection procedure
- Those made by the Council itself where material objections have been received
- Those by Council Members
- Those by certain Council Officers
- Those which if approved would be a departure from Council policy
- Significant or strategic applications

Note: The above is a summary with the precise wording set out in the Constitution (currently set out in paragraph 4.8.4.2)

10.13 The Planning Committee encourages public speaking at its meetings. For any application on the agenda the applicant, parish/town council and those making representations will be invited to speak for three minutes. If you have made a representation within the required consultation period we will invite you to speak.

10.14 Please note that if there are a number of representations from the public the speaking time will need to be shared.

Full details of the role and functions of the Planning Committee and the Public Speaking Procedures are set out in the Council's Constitution. This can be viewed on the Council's website.

10.15 **Significant planning applications – Community engagement**

The Council encourages anyone seeking planning permission to discuss their proposal first. The Council believes these are valuable as they allow discussions to take place around the likely acceptability of a proposed development.

As part of this process the Council always recommend that anybody seeking planning permission should discuss their proposal at an early stage with those potentially affected. There will be certain developments which in the view of the Council are likely to generate public interest which should be canvassed prior to any

formal application. The following list, which is neither exhaustive nor prescriptive, lists those more significant applications.

10.16 What are “significant” applications in respect of initial discussion with potentially affected parties?

- Housing schemes for ten or more houses
- New buildings greater than 1,000 square metres
- Development on a site greater than 1 hectare
- Minerals development
- Waste development
- Those which are likely to be of a wider community interest, such as wind turbines
- Those which are subject to an environmental impact assessment

The Council itself does not undertake any form of public/community consultation at pre-application stage but if the development proposed is considered to be significant, it would strongly encourage the applicant to involve the community.

10.17 Applicant’s duties for Community Consultation

- Identify groups and/or individuals who should be involved
- Agree a method for their involvement
- Agree a timetable for their involvement
- Set out how any feedback from the consultation will be assessed
- Identify where the feedback has resulted in a revision to the proposal
- Include in the planning application a statement on the consultation exercise

11. Neighbourhood Development Planning

The Localism Act 2011 has reformed the planning system to give local people new rights to shape the development of the communities in which they live.

There is no compulsion for parishes to prepare a Neighbourhood Development Plan (NDP), however there are a number of benefits to having one:-

- It will help a community play a greater role in shaping the future of its surrounding area.
- It will bring together local residents, businesses, local groups, landowners and developers to share ideas and build consensus about what needs to be done within the local community. It can also build relationships between the local community and service providers.
- Neighbourhood planning offers communities the opportunity to set priorities for planning within their area.

- Areas with adopted Neighbourhood Development Plans will also be entitled to a larger share of any Community Infrastructure Levy to put towards infrastructure projects in the area.
- 11.1** Neighbourhood Development Plans will set out the vision for an area and the planning policies for the use and development of land within a parish or neighbourhood area. The policies within a Neighbourhood Development Plan are intended to support the strategic policies within the Herefordshire Local Plan – Core Strategy, and should focus on guiding development, rather than stopping it.
- 11.2** Once a plan has been adopted, it will become a statutory plan carrying equal weight to the Core Strategy and be part of the Local Development Framework to be used in making decisions on planning applications in your area by Herefordshire Council.
- 11.3** Plans will need to conform to planning policies and guidance at a local, national and European level and meet the Neighbourhood Planning Regulations. This will be tested in an independent examination. They will also need to demonstrate involvement of the local community in decision making and be subject to a community referendum.
- 11.4 Neighbourhood Development Plans can:**
- Decide where and what type of development should happen within a parish
 - Promote more development than provided for within the Herefordshire Local Plan – Core Strategy
 - Provide less development in exceptional circumstances where justified.
 - Include detailed planning policies for the parish which do not conflict with the Herefordshire Local Plan – Core Strategy
- 11.5 Neighbourhood Development Plans cannot:**
- Conflict with the policies of but rather sit within general conformity of Herefordshire Local Plan – Core Strategy
 - Be used to prevent development
 - Be prepared by a body other than a parish or town council in Herefordshire
 - Include County Matters such as Minerals and Waste
- 11.6 Who can create a Neighbourhood Development Plan?**
Within Herefordshire, only the parish or town council is the ‘relevant body’ who have the responsibility for producing a Neighbourhood Development Plan for their area. The parish/town can enlist help from others within the community but only the parish council can make a neighbourhood area application and submit the relevant draft documents to Herefordshire Council for consideration.
- 11.7 What might a Neighbourhood Development Plan include?**
Neighbourhood Development Plans can contain a variety of issues and policies which are most relevant to a specific parish. Following this is a list of possible issues which could be covered. This is not meant to be an exhaustive list and parishes do

not need to include every item. The plan should be responsive to the needs and aspirations of the relevant community.

- Identify sites for housing, including affordable housing
- Provision of a settlement boundary
- Provision for businesses to set up or expand in the parish
- Provision of cycle ways and footpaths
- Identify sites for community use, such as schools, village halls, health centre, leisure facilities
- Design guidance for your parish
- Protection and creation of open space, green amenity areas, nature reserves, allotments, play areas
- Protection of important local buildings and other historical assets
- Promoting of renewable energy schemes and projects
- Restrict the types of development or change of use, for example; non retail uses in town centres
- Provide sites for gypsies and travellers

11.8 Creating a Neighbourhood Development Plan (NDP)

Defining the Neighbourhood Area – Regulation 7 (Statutory 4 week consultation period)

- The Neighbourhood Development Plan will cover an area defined as the Neighbourhood Area. The council would encourage the area to follow the parish boundary; however part of the parish would be considered, if reasonably justified. It is also possible for neighbouring parishes to team up and create a joint plan, but it should be noted that areas/plans cannot overlap and there can only be one plan per Neighbourhood Area.
- An application can be found at:
<https://www.herefordshire.gov.uk/neighbourhood-planning>
The application form should be accompanied by an ordnance survey map, illustrating the designated area and a statement explaining why the area is considered to be appropriate. (Reg 5)
- The Council will publicise the application online, along with site notices across the Neighbourhood area, informing interested parties how a representation can be made. (Reg 6)
- Following consideration of any representations received within the 4 weeks and consultation with the Ward Member, the decision on designating a Neighbourhood Area will be made at Assistant Director level.

- Following the decision, the Council will inform the parish council/s and publicise the Neighbourhood Area on the Council website and within the Neighbourhood Area. This will form the 'decision document' (Reg 7)
- If the Neighbourhood Area is refused, the Council will publish 'the decision document' outlining the reasons why, along with details of how to re-submit.

Write and publicise the draft Neighbourhood Development Plan – Regulation 14
(Statutory 6 week consultation period)

- It is up to the parish to decide the level of detail that will make up their Neighbourhood Development Plan. Views of the local community, interest groups and stakeholders should be sought, in order to form a well evidenced foundation for the plan. A consultation statement detailing how this has been achieved will be required for the final submission of the Neighbourhood Development Plan.
- The Ward Member is a valuable source of information with regard to Council policy and existing community issues, and therefore should be involved early in the process.
- The Council's Neighbourhood Planning team are there to provide guidance and advice throughout the plan making process to ensure the plan is in line with the regulations and legislative requirements and conforms to planning policies.
- Evidence and information from existing documents used to form the Local Plan-Core Strategy are available from the Council. Alternatively, the parish will need to provide any evidence more specific to their area.
- The draft plan should be published locally for a minimum period of 6 weeks in order for any representations to be made. Consultation must also be made with specified consultees. A checklist is available on the Neighbourhood Development Plan web page, to assist compliance with Reg 14. (It is advisable to send a copy of the draft plan to the Council Neighbourhood Development Plan team at this stage, in order to check for conformity with national planning policy and the Herefordshire Local Plan – Core Strategy, as well as any other relevant Development Plan Documents.
- Any amendments required to the plan should be made based on representations made during the consultation period.

Submission of the final plan – Regulation 16
(Statutory 6 week consultation period)

- The final plan should be submitted to Herefordshire Council Neighbourhood Planning team.
- In accordance with Reg 15, the plan should consist of:
 1. A map showing the area in which the Neighbourhood Development Plan covers.
 2. The proposed Neighbourhood Development Plan.
 3. A consultation statement detailing how the opinions of interested parties have been sought.
 4. A written statement explaining how the Neighbourhood Development Plan has met the basic conditions. This includes, having regard to national policy, general conformity with the Herefordshire Local Plan-Core Strategy, contribute to sustainable development, have regards to the desirability of preserving and enhancing listed buildings and conservation areas and compatible with any European obligations.

5. Any required environmental assessments (Strategic Environmental Assessment and/or Habitat Regulation Assessment)
 - The Neighbourhood Planning team will publish the plan for a minimum 6 week consultation period.
 - Following conclusion of the consultation, the Neighbourhood Planning team will make a recommendation regarding progress of the plan. Final approval for the plan to move forward to examination stage will be given by the Director of Economy, Communities and Corporate or the Programme Director - Growth.

Independent Examination – Regulation 17

- The Council will organise and pay for an independent examination of the Neighbourhood Development Plan and supply the relevant documents to the examiner, including any details of any representations during the final consultation. Many examinations will be dealt with by written representation; however there may be some via hearing or public examination, depending on the circumstances.
- The examiner will recommend either:
 1. The plan move to a referendum
 2. Following a few minor amendments the plan move to a referendum
 3. The plan should be refused
- The examiner's report is not binding and consideration will be given to the recommendation within it. A decision statement will be produced by Director Economy, Communities and Corporate or the Programme Director – Growth, outlining the decision reasons, where it can be inspected and any modifications made to the plan. The report and Council decision will be published on the website and within the Neighbourhood Area.

Referendum – Regulation 18

- Once the plan is finalised and any amendments have been made, Herefordshire Council will arrange and pay for a referendum, including all those on the electoral roll within the designated Neighbourhood Development Plan area. This may also include those from neighbouring parishes if the examiner has deemed it to affect them directly also.
- If the referendum result rules in favour by 50% or more, then the Neighbourhood Development Plan will move on to the final stage in the process.

Adoption of the Neighbourhood Development Plan – Regulation 19/20

- Recommendation will be made to Herefordshire Council's Cabinet to adopt the agreed Neighbourhood Development Plan and this will form the basis of development and determine planning applications as part of the Local Plan-Core Strategy.
- Adopted plans will be published on the Council website and made available for viewing at local customer service centres and libraries.
- Copies of the decision to adopt will be sent to the parish/es and any person asking to be notified.

Neighbourhood Planning (General) Regulations 2012

11.9 Community Right to Build

The Community Right to Build enables community organisations to progress new local developments without the need to go through the normal planning application process, as long as the proposals meet certain criteria and there is community backing in a local referendum.

Communities may wish to build new homes or new community amenities, and providing they can demonstrate overwhelming local support, the Community Right to Build will give communities the powers to deliver this directly.

All profits derived from a Community Right to Build Order proposal must be used for the benefit of the community, for example to provide and maintain local facilities such as village halls

11.10 Neighbourhood Development Order

A Neighbourhood Development Order allows communities to grant planning permission for development they want to see go ahead in a neighbourhood. For example, it enables them to allow certain developments, such as extensions to houses, to be built without the need to apply for planning permission.

Herefordshire Council conform to a Service Level Agreement developed specifically to ensure that all parishes wishing to take an active role in the shaping of their area will receive sufficient advice and support throughout the process.

12. Monitoring and reviewing

Preparing this Statement of Community Involvement has enabled the Council to give significant thought to how the authority is best able to involve people in planning matters from an early stage in the process.

The Council will keep the adopted Statement of Community Involvement under review by:

- Monitoring the success of community involvement techniques by assessing the representations received during the planning process
- Any problems raised by consultees. Consultation surveys are accompanied by an equality monitoring questionnaire in order to ensure participants are given the opportunity to raise concerns relating to fair representation. Individual feedback is used to inform and improve all future engagement.
- Advice on best practice by consulting with relevant council departments, such as Communications and Equality Monitoring.

The document will be examined every year through the Herefordshire Council Monitoring Report. Any proposed review will be identified within the Council's Local Development Scheme with a clear timetable for its production.

For further information or clarification on any aspect of the Statement of Community Involvement please contact Info in Herefordshire on 01432 260500 or email ldf@herefordshire.gov.uk

www.facebook.com/hfdscouncil
www.twitter.com/HfdsCouncil
www.flickr.com/photos/hfdscouncil

Appendices

Appendix 1 - Glossary of terms

Adoption - The final formal stage in the evolution of a statutory planning document. Once a plan is adopted it has full legal weight in the determination of planning applications.

Communities and Local Government (CLG) - The Government department with responsibility for planning and local government.

Core Strategy (CS) - A type of development plan document, which should set out the long-term spatial vision for the local planning authority area and the strategic policies and proposals to deliver that vision.

Development Management - Alternative name for development control. The act of determining planning applications (and similar) in conformity with the development plan and material considerations.

Development Management Standards of Service - The Council's detailed approach to involving people in the process of making decisions on planning applications. It goes beyond the principles and legal requirements as set out in Section 3 of the SCI.

Development Management policies - A set of criteria-based policies required to ensure that all development within the area meets the vision and strategy set out in the core strategy.

Development Plan - The suite of development plan documents that collectively provide the planning framework used to assess development proposals for a given local planning authority area.

Development Plan Document (DPD) - Spatial planning documents that set out the local planning authority's policies and proposals for the development and use of land and buildings in the authority's area. In two-tier areas it may include adopted district local plans, adopted county local plans for minerals & waste, core strategies and / or area action plans (where these have been prepared) and neighbourhood plans. All DPD's are subject to independent examination. There is a right for those making representations seeking change to be heard at an independent examination.

Elected Members - Locally elected community representatives that form part of the decision making body in a local authority.

General Consultation Bodies - These organisations are listed in the Town and Country Planning (Local Development) (England) Regulations 2012.

Independent Examination - The process by which a planning inspector may publicly examine a Development Plan Document.

Inspector's Report - This will be produced by the Planning Inspector following the Independent Examination.

Localism Act - The Localism Act devolves greater powers to local government and neighbourhoods and gives local communities more rights and powers over decisions about development. It also includes reforms to make the planning system more democratic and more effective.

Local Community - A generic term which includes all individuals (including the general public) and organisations external to the Council. It can also include statutory and other consultees.

Local Development Scheme (LDS) - Sets out the programme for the preparation of the development plan documents.

National Planning Policy Framework (NPPF) - A document setting out the Government's national planning requirements, policies and objectives. It replaces much of the national advice previously contained within Planning Policy Statements, Planning Policy Guidance and Circulars. The NPPF is a material consideration in the preparation of planning documents and when considering planning applications.

Pre-application Community Engagement - The process by which a prospective developer will give local people an opportunity to help shape development proposals before they are formally submitted to the planning authority as a planning application.

Planning Inspectorate - An organisation which processes planning appeals and holds examinations into DPDs or Local Plans and the Community Infrastructure Levy (CIL).

Public Consultation - A process through which the public is informed about emerging plans or proposals put forward by a planning authority or by development promoter, and are invited to submit comments upon them.

Specific Consultation Bodies - These organisations are listed in Town and Country Planning (Local Development) (England) Regulations 2012.

Appendix 2 – Specific consultation bodies

Please refer to current Town and Country Planning (Local Planning) (England) Regulations

General consultation bodies

Other bodies representing the environmental interests of the county

Voluntary bodies, some or all of whose activities benefit any part of the authority's area

Bodies which represent the interests of different racial, ethnic or national groups in the authority's area

Bodies which represent the interests of different religious groups in the authority's area

Bodies which represent the interests of disabled persons in the authority's area

Bodies which represent the interests of persons carrying on business in the authority's area

Parish Councils

A comprehensive list of specific and other consultees will be maintained by Herefordshire Council planning department.

Appendix 3 - Guidance Notes on making a representation

Throughout the planning process, opportunities will be given in the form of consultation for all interested parties to be involved and make their views known.

At the start of a consultation period, a form will be made available for anyone wanting to make a representation. Dates of the consultation will be made clear and only representations received inside these dates, will be taken into consideration.

A completed form should include contact details and the comments on the form should relate directly to the aspect of the Development Plan Document as indicated on the form by the planning office.

Only names and/or organisations will be published on the Council website, as well as comments made on the form. However, other information will be shared with the Planning Inspector, who may want to contact those who have made a representation to discuss comments and concerns prior to concluding the formal examination.

All representations will be considered by the Planning Inspector as part of the examination of the plan. The purpose of the examination is to enable the inspector to decide whether the plan is 'sound'. For a plan to be sound, it must be:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The above points should be considered when making a representation.

Appendix 4 - Public speaking procedure at meetings of the planning committee

Herefordshire Council is committed to public involvement in the planning process. As part of this commitment there is a scheme of public speaking for applications that are being determined at a meeting of the Planning Committee. There are already extensive consultation and neighbour notification procedures for applications, but the ability to speak at the committee meeting enables an even wider opportunity for the applicant/supporters, objectors and the Parish/Town Council, to put forward their views directly to the Members of the Committee, before the decision is made.

How does the scheme work?

This scheme only operates for planning applications that for various reasons are the subject of a report to the Planning Committee. In order to have the opportunity to speak you will have:

- Made an application being the applicant or agent, or
- Made your views known as the Parish/Town Council
- Made your views known as a member of the public on an application within the period specified for receipt of representations.

The right to speak applies equally to those who are objectors or supporters or their representatives.

If the application is to be considered by the Committee you will be notified in writing and advised of the procedure for registering your wish to speak. Time will be allowed for speaking after the Chairman of the meeting calls the item and officers have given their presentation. After speaking is completed Members will normally debate the merits of the application and make a decision. In the case of some applications, Members may decide to defer determination. In these instances only those who registered to speak at the first meeting will be permitted to do so when the deferred item is considered at a subsequent meeting.

What is the registration period?

The letter to you will set out the date and time of the meeting that will consider the application(s) you are interested in. In order to register your wish to speak you must contact Committee Services no later than 48 hours before the start of the meeting by telephone, fax or e-mail. The telephone/fax number and e-mail address will be set out on the letter.

Please be prepared to give details of a telephone number and times when you can be contacted to the Committee Services Officer. Where more than one person registers to speak for or against a proposal, speakers will be encouraged to share the time allotted. Where no agreement is reached the Committee Services Officer will allot the time to the first person to register. If you have any special needs, please advise the Committee Services Officer on registration.

Where and when are meetings held?

Normally meetings are held at The Shire Hall, St Peter's Square Hereford HR1 2HX at the time stated on your letter. If an alternative venue is chosen then you will be given notice.

At the meeting

If you have registered to speak you are asked to arrive at the Council Chamber 30 minutes before the meeting starts. Committee Services Officers will be in attendance to advise on seating and to answer any other queries that concern you.

Order of speaking and time allotted

The order of speaking will be:

1. Parish/Town Council or appointed representative(s) - 3 minutes in total
2. Objectors - 3 minutes in total
3. Applicant/Agent/Supporters - 3 minutes in total

Please note that in each case there is just one 3 minute slot per category. Speakers are welcome to share a 3 minute slot. In exceptional circumstances the Chairman has discretion to allow a longer period for speaking.

Please ensure that your mobile phone is switched off at the meeting and note that the following are not permitted: Visual aids such as plans or photographs, the circulation of material at the meeting, the taking of photographs, the use of voice recording equipment

What can I say?

Your comments should be limited to relevant planning issues already raised in your representation such as:

- planning policies, including those in the relevant Development Plan; (These can be viewed on the Council's website – www.herefordshire.gov.uk or, at Hereford Customer Services, Franklin House, Commercial Road, Hereford, HR1 2BB)
- appearance and character of the development
- traffic generation, highway safety and parking
- overshadowing, overlooking and loss of privacy
- noise disturbance or other loss of amenities
- layout and density of buildings

You should avoid matters that cannot be considered by Committee such as:

- boundary disputes, covenants or other property rights
- personal remarks (i.e. the applicant's motives)

You may not ask questions of others at the meeting, nor, other than for clarification, will the Chairman ask you questions.

Once you have spoken you will take no further part in the meeting.

Important information

It is advisable to contact the planning application Case Officer a few days before the meeting to confirm the application is still to be considered. Applications are sometimes withdrawn at short notice. You do not have to attend a meeting since the points you have raised will be summarised in the report. The Committee Agenda is available for public inspection at least 5 working days before the meeting. You should note that the Committee does not always agree with the recommendation of the Case Officer.

Committee Services can be contacted on:

Telephone No: 01432 260239

E-mail address: Publicspeaking@herefordshire.gov.uk

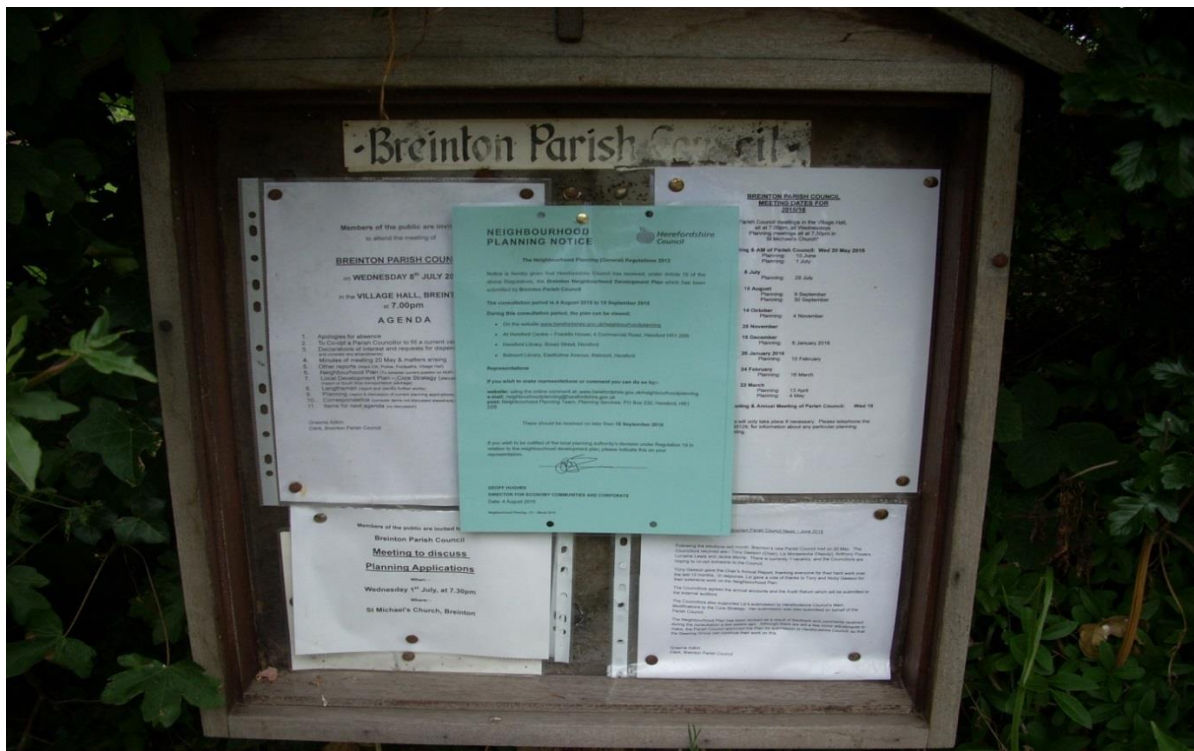
Location of the Meeting The Shirehall, St Peter's Square, Hereford HR1 2HX

Appendix 5 – Planning notices

Planning application notice



Neighbourhood planning notice



Appendix 6 – Useful information

The National Planning Policy Framework sets out the government's planning policies for England and how these are to be applied.

www.National Planning Policy Framework

The Localism Act 2011, introduced in order to shift power away from central government and towards local authorities and neighbourhood communities in the planning decision making process.

www.Localism Act 2011

This guide outlines how planners can better understand the important role that planning can play in supporting the Government's commitment to tackling disadvantage by reviving the most deprived neighbourhoods, reducing social exclusion, and supporting society's most vulnerable groups

www.Diversity and Equality in Planning - A good practice guide

With the aim of an integrated and well-rounded approach, the preparation of the Statement of Community Involvement has been informed by a number of Council strategies.

These include: Herefordshire Council Corporate Plan 2013-2015, Economic Development Strategy for Herefordshire 2011-2016, Herefordshire and Shropshire Housing Strategy 2015-2016, Herefordshire County Council Local Transport Plan 2013/14-2014/15

Further information

www.Planning and Compulsory Purchase Act 2012

www.Planning Inspectorate

www.planningportal.gov.uk

Appendix 7 – Sources of help and advice

Forward Planning section

Blueschool House

Blueschool Street

HR1 2LX

Tel no 01432 383357

Email ldf@herefordshire.gov.uk

Neighbourhood Planning

Tel no 01432 260386

Email neighbourhoodplanning@herefordshire.gov.uk

The Royal Town Planning Institute

41 Botolph Lane, London,

EC3R 8DL

Tel 020 79299494

Email: online@rtpi.org.uk

Website: www.rtpi.org.uk

Important

In this booklet we explain what some words mean.

When the word is first mentioned, it is in **bold green** writing.

A box then shows what the word means.

These words and what they mean are also in a words list at the back of the booklet.

If any of these words are used later in the booklet, they are in normal green writing. If you see words in **normal green** writing, you can look up what they mean in the words list.

Contents

Document summary

1. Summary of planning documents
2. What is the Statement of Community Involvement for?
3. Who will be involved in the consultation?
4. When can you get involved?
5. Different ways to engage people to prevent exclusion
6. Communication tools
7. Role of elected members
8. Consultation on Development Plan Documents and Supplementary Planning Documents
9. Community Involvement in the planning application process
10. Neighbourhood Development Planning
11. Monitoring and reviewing

Appendices

Document Summary

This Statement of Community Involvement sets out how the Council will **engage** with the community in respect of planning matters.

Engage

This means giving people all the information they need, so they have a chance to have their say.

Information should be available from the earliest stages and during the planning process.

- The reason for **consultation** should be clear
- Methods should be right and well-managed
- Information should be available to all
- Council decisions should show people's views have been thought about
- People should be given the chance wherever possible to stay informed

An important part of the Statement of Community Involvement is to recognise those groups who are at risk of being left out and to show how the Council will make sure information is available to everyone.

Consultation

This means people are given an amount of time to have their say about something before any final decision is made.

1. Planning Documents

1.1 Local Development Documents

These are the Statement of Community Involvement, Development Plan Documents and Supplementary Planning Documents.

These Documents go together to form the **Local Plan** for the County.

Local Plan

This is a group of documents which sets out the amount and location of new development in the county over the next 15 years.

1.2 Local Development Scheme

This is a list of what documents will be included in the **Local Plan** and timetable for their production. It is regularly reviewed to keep it up to date.

The Local Development Scheme can be found on the Council's website at: www.herefordshire.gov.uk/local-plan

1.3 Statement of Community Involvement

This explains how and when people can be involved in the preparation of the Local Development Documents and decisions about planning applications.

The Statement of Community Involvement can be found on the Council's website at: www.herefordshire.gov.uk/local-plan

1.4 Development Plan Documents

These will form part of the development plan for the area and include:

- The Core Strategy, which sets out the long term vision for the county and the **policies** needed to deliver that vision.
- Development Plan **policies** on issues like housing, employment, and retail which will guide development in the County.
- **Policies** showing where land that will be used for individual uses like housing and employment is.
- A Map showing where in the county is affected.

Policies

These are the guidelines written by the council against which new development proposals and planning applications are judged.

1.5 Supplementary Planning Documents

These documents cover a range of issues and give extra detail to development plan document **policies**.

1.6 Neighbourhood Development Plans

Every parish has the opportunity to write one of these plans to help shape the way their area develops within the guidelines of the **Local Plan**.

A Guide on how to write a Neighbourhood Development Plan and details of the help that is available can be found on the website at: www.herefordshire.gov.uk/neighbourhood-planning

1.7 Sustainability Appraisals

Sustainability Appraisals are to there to look at the social, economic and environmental impacts of all the Local Development Documents within the **Local Plan**.

1.8 Authority Monitoring Report

This report will look at the effectiveness of the **policies** within the **Local Plan** and show what needs to be reviewed or prepared in the future.

The Authority Monitoring Report also looks at the Council's performance in achieving the targets set in the Local Development Scheme.

1.9 Planning Applications

The council make sure that all valid planning applications are available for public viewing as early in the process as possible. This gives everyone the chance to have their say before the final decision is made.

2. What is the Statement of Community Involvement for?

- To identify who will be consulted on plan documents and planning applications and when they will have the chance to be involved in plan making and as part of decisions on planning applications.
- To set out useful ways people can be involved that are easy to understand and available to everyone during the planning process.
- To encourage early involvement in decision making between the community and all interested parties. This can help to settle any conflicts and can give a sense of ownership.
- Explain how the results of the **consultations** will be used and how those involved will be kept informed.

2.1 **Statutory consultation** requirements are set by the Government in the Town and Country Planning (Local Development) (England) Regulations 2012.

Statutory

Expected by law.

3. Who will be involved in the consultation?

3.1 There are certain organisations and bodies that the Council must ask for their opinion when preparing plan documents and deciding on planning applications.

3.2 The main groups to be contacted are:

- Central, Regional and Local Government organisations
- Bodies such as utility companies
- Community, voluntary, resident and interested groups
- Members of the public
- Parish/Town Councils
- Local businesses, developers and agents.

3.3 A complete list of those who must be contacted is available from the Forward Planning Department in Hereford.

- 3.4 The groups and organisations will change over time and the planning consultation contact list will be checked regularly to keep an up to date list of groups and organisations to contact.

4. When can you get involved?

- 4.1 People can be involved from early stages in plan making, including Development Plan Documents, Supplementary Planning Documents and as part of the decisions on planning applications.
- 4.2 Section 10 will have more information on how Communities can come together and play a part in how the area around them develops in the future by writing their own Neighbourhood Development Plan.

5. Different ways to engage people to prevent exclusion

Exclusion

People being left out and not having the chance to have their say.

- 5.1 Different ways of communication will suit different people. Using organisations that are there to provide a support network to specific groups of people is also important. With the use of good communication, everyone can find the information they need and will know how to get involved if they choose to. It is important when contact is made that the council invite feedback on what has been the most convenient and successful method of communication for the recipient, so this information can be used for future consultations.
- 5.2 The following table lists some pro-active approaches utilising links with groups and organisations used by the council.

Groups at risk of exclusion	Methods used
Minority Ethnic Groups	Links with the Council's Equality, Sustainable Communities Team, Integration & Partnership Team and social media.
Travellers/Gypsies	Links with the Herefordshire G & T strategy group, specific publications and national organisations/bodies supporting this specific group and social media.

Disabled People including those with numeracy, literacy disabilities	Links with the Council's Community Involvement Coordinator, organisations/bodies supporting this specific group, local access groups, and social media.
Older people	Contact local network groups supporting the elderly and social media.
Children and young people	Work with the Children's Wellbeing Directorate & Participation Officer, British Youth Council (BYC), School Councils, Youth Clubs and social media.
Those following different religions or with certain beliefs	Links with the Council's Equality, Integration & Partnership Team, Sustainable Communities Team and social media
Young single parents	Local community centres, post-natal groups, online forums and social media.
Homeless	Herefordshire Council Homelessness and Housing Advice Team.
People located in dispersed rural areas.	Use of the Council's website, community forums and groups, parish councilor and staff and social media.
Adults with Learning difficulties	Council's Adult Social Care team, organisations/bodies providing specific support for this group and social media.
Those who are too busy to respond	Ensure information is made easily accessible both on and offline.

* Other organisations representing these groups are included in the contact list kept by the planning office.

In all future consultations, the council will pay regard to broader policies, including: Human Rights Act 1998, Freedom of Information Act 2000, Data Protection Act 1998, Equality Act 2010, Disability Discrimination Act 2005 and Race Relations Act 2000.

6. Communication Tools

- 6.1 The council use a number of different communication tools. The ones that are used will vary depending on what will work best for the **consultation**.

This table shows the different types of communication used by the council

Method	Main Considerations
Council web site	Information can be provided quickly and seen by the public from their own home or office at a time which is convenient for them.
Email	Information can be given quickly at low cost.
Social media	Use of sites such as Facebook and Twitter keep users informed with regular updates for low cost.
Formal adverts in local press	There are requirements to publish notices advertising certain planning applications
Press releases	Bringing local issues into the broader local arena. Releases are sent out to all main county publications.
Documents available in hard copy	Information available for those who don't have online access.
Leaflet, newsletters and brochures	Can explain subject in simple language and invite comment. The Parish newsletters are a good communication link and should be used where appropriate.

Formal written letter	Letters are sent when there is no other means of communication or a person has requested to be contacted to by post.
Public exhibitions, meetings, presentations and workshops	Good chance to get information out and receive feedback from people face to face. Meetings can be based in key areas to reach local residents.
Notices displayed on a site	Direct and local information to those around a site and in local area.
Through partnership organisations and focus groups, existing forums/panels	Useful for finding out what certain groups think.
Councilor networks	Councillors play a very important role in community engagement. They are a recognised point of contact for the local community with regard to Council matters.
One to one meetings and briefings	Useful for seeking views from targeted groups/individuals
Parish and Town Council networks	They can provide important contact with local communities. Many have developed their own websites and social media pages and can be used to provide information relevant to parish residents.
Questionnaire/surveys	More detailed information and feedback can be collected.

7. Role of elected members

Herefordshire Council has 53 councillors who are elected to represent the residents of 53 wards. They have an important role to play by keeping their local communities informed, representing their views, encouraging and assisting them to get involved in the future planning and development of their area.

8. Consultation on Development Plan Documents and Supplementary Planning Documents

8.1 There are organisations and bodies that the council must contact as part of a consultation. The Council also has a duty to involve the public at an early stage in the preparation of Local Development Documents.

8.2 Development Plan Documents

Development Plan Documents are produced to set out the local authority's policies and proposals for development and use of land and buildings in the area. There are stages of **consultation** that must take place, as well as **independent examination**.

Independent Examination

The document is read by an inspector who does not work for the council, the inspector will decide whether the plan is sound and can be adopted.

The stages of preparation are:

- First **consultation** (6 weeks) – to add to **evidence base** and prepare **issues and options**. People will be invited to give their feedback.

Evidence base

The background work collected to help make a decision.

Issues and options

Problems that may come up and choices available.

- Pre-submission draft **consultation** (6 weeks) – People will be asked to give their feedback on the **preferred options**.

Preferred options

All the feedback will be looked at after the consultation. The council will then decide which the best choices are taking all the responses into account.

- It may be that developers or individuals that give new options not known about. In this case, another **consultation** on these options will take place.
- The final document goes to the Secretary of State. People will be contacted to let them know when this has happened.
- The final document is examined by an Independent Planning Inspector.
- The Inspector will issue a report including any changes that must be made to the document.
- **Adoption** and publication of the final document.

Adoption

The document becomes part of the **Local Plan**.

The Council may make a reasonable charge for a hard copy of a document. Specially modified versions can be made available in large print, audio cassette, Braille or languages other than English for those that require it at no cost.

8.3 Supplementary Planning Documents

Supplementary Planning Documents are there to give more detail to development plan document policies and do not require independent examination.

The stages of preparation are:

- First **consultation** (6 weeks) – to add to **evidence base** and prepare **issues and options**. People will be invited to give their feedback.
- **Adoption** and publication of the final document.

The council will keep a record of the feedback during a consultation and all this information will be published.

A summary of the consultation will also be available and will be part of the final evidence base during the preparation of Planning Documents.

9. Community involvement in the planning application process

9.1 Herefordshire Council is responsible for the processing and decision making of planning applications. This work which is done by the development management team and can include the following types of application:

- House extensions
- Large housing and employment development
- Minerals and waste

9.2 How can I find out about planning applications in Herefordshire?

- A weekly list of applications received is available to view on the council website. www.herefordshire.gov.uk
If you do not have access at home, you can use the online services in libraries and customer service centres.
- Site notices
- Press notices in newspapers
- City, town and parish councils are told about all applications in their area.

How can I comment on a planning application?

Once you become aware of a planning application the complete details of the proposal can be viewed on the Council's website.

If you wish to comment on any application within the given timescale then you can:-

Use the online comment form on the website

E-mail us to: planning_enquiries@herefordshire.gov.uk

Write to us at: Planning Services, PO Box 230, Hereford, HR1 2ZB

(Oral/verbal or anonymous comments cannot be taken into account)

We recommend that when you make a comment that these relate to relevant planning matters

9.8 Relevant planning matters include:

- Planning policy
- The design and visual impact
- The impact on privacy/daylight/sunlight
- Environmental factors - noise, smell, pollution
- The economic benefits
- Highway issues - access, traffic, parking
- Impact on the landscape and ecology (nature conservation)
- Impact on the historic environment, heritage assets and their setting.

.9 **Matters which are not normally relevant:**

- Loss of a view
- Impact on property value
- Land ownership/property covenant
- Effect on trade/competition
- Personal circumstances of the applicant (except in exceptional circumstances)
- The number of representations

The Council itself does not undertake any form of public/community consultation at pre-application stage but if the development proposed is considered to be significant, it would strongly encourage the applicant to involve the community.

10. **Neighbourhood Development Planning**

Communities now have the opportunity to come together and shape the development of the area in which they live.

Parishes do not have to prepare a Neighbourhood Development Plan, however there are a number of benefits to having one.

10.1 **Neighbourhood Development Plans can:**

- Decide where and what type of development should happen within a parish
- Promote more development than provided for within the Herefordshire **Local Plan – Core Strategy**
- Provide less development in certain circumstances where justified.
- Include detailed planning **policies** for the parish which do not work against the Herefordshire Local Plan – Core Strategy

10.2 **Neighbourhood Development Plans cannot:**

- Work against the **policies** within the Herefordshire **Local Plan – Core Strategy**, but should sit within general agreement of them.
- Be used to prevent development
- Be prepared by a body other than a parish or town council in Herefordshire
- Include County Matters such as Minerals and Waste

10.3 Who can create a Neighbourhood Development Plan?

In Herefordshire, only the parish or town council is the 'relevant body' who have the responsibility for producing a Neighbourhood Development Plan for their area. The parish/town can enlist help from others within the community but only the parish council can make a neighbourhood area application and submit the relevant draft documents to Herefordshire Council for consideration.

10.4 What might a Neighbourhood Development Plan include?

Neighbourhood Development Plans can contain a variety of issues and policies which are most relevant to a specific parish. Below is a list of possible issues which could be covered. Other items could be added to this list and parishes do not need to include every item.

- Identify sites for housing, including affordable housing
- Provision of a settlement boundary
- Provision for businesses to set up or expand in the parish
- Provision of cycle ways and footpaths
- Identify sites for community use, such as schools, village halls, health centre, leisure facilities
- Design guidance for your parish
- Protection and creation of open space, green amenity areas, nature reserves, allotments, play areas
- Protection of important local buildings and other historical assets
- Promoting of renewable energy schemes and projects
- Restrict the types of development or change of use, for example; non retail uses in town centres
- Provide sites for gypsies and travellers

10.5 Creating a Neighbourhood Development Plan (NDP)

The following stages need to be followed:

- Define the Neighbourhood Area
(4 week **consultation** period)
- Write and publicise the draft Neighbourhood Development Plan
(6 week **consultation** period)

- Submission of the final plan (6 week **consultation** period)
- Independent Examination
- **Referendum**

Referendum

A chance for all parish members and people in surrounding area to vote yes/no as to whether a plan should be adopted. If more than half of voters say yes, then it will be.

- **Adoption** of the Neighbourhood Development Plan
(**Neighbourhood Planning (General) Regulations 2012**)

10.6 **Community Right to Build**

The Community Right to Build enables community organisations to progress new local developments without the need to go through the normal planning application process, as long as the proposals meet certain criteria and there is community backing in a local **referendum**.

Communities may wish to build new homes or new community amenities, and providing they can prove overwhelming local support, the Community Right to Build will give communities the powers to deliver this directly.

All profits derived from a Community Right to Build Order proposal must be used for the benefit of the community, for example to provide and maintain local facilities such as village halls.

10.7 **Neighbourhood Development Order**

A Neighbourhood Development Order allows communities to grant planning permission for development they want to see go ahead in a neighbourhood. For example, it enables them to allow certain developments, such as extensions to houses, to be built without the need to apply for planning permission.

Herefordshire Council conform to a Service Level Agreement developed specifically to ensure that all parishes wishing to take an active role in the shaping of their area will receive sufficient advice and support throughout the process.

11. Monitoring and reviewing

Preparing this Statement of Community Involvement has enabled the Council to give significant thought to how the authority is best able to involve people in planning matters from an early stage in the process.

11.1 The Council will keep the adopted Statement of Community Involvement under review by:

- Monitoring the success of community involvement techniques by reviewing the quantity of representations received and where they came from.
- Including an equality monitoring questionnaire as part of the survey to ensure participants are given the opportunity to raise any concerns about fair treatment. Individual feedback is used to inform and improve all future engagement.
- Advice on best practice including consulting with relevant council departments, such as Communications and Equality Monitoring.

The document will be examined every year through the Herefordshire Council Monitoring Report. Any proposed review will be identified within the Council's Local Development Scheme with a clear timetable for its production.

11.2 The document will be examined every year through the Herefordshire Council Monitoring Report. Any proposed review will be identified within the Council's Local Development Scheme with a clear timetable for its production.

For further information or clarification on any aspect of the Statement of Community Involvement please contact Info in Herefordshire on 01432 260500 or email ldf@herefordshire.gov.uk

: <http://www.facebook.com/hfdscouncil>

: <http://twitter.com/HfdsCouncil>

: <http://www.flickr.com/photos/hfdscouncil>

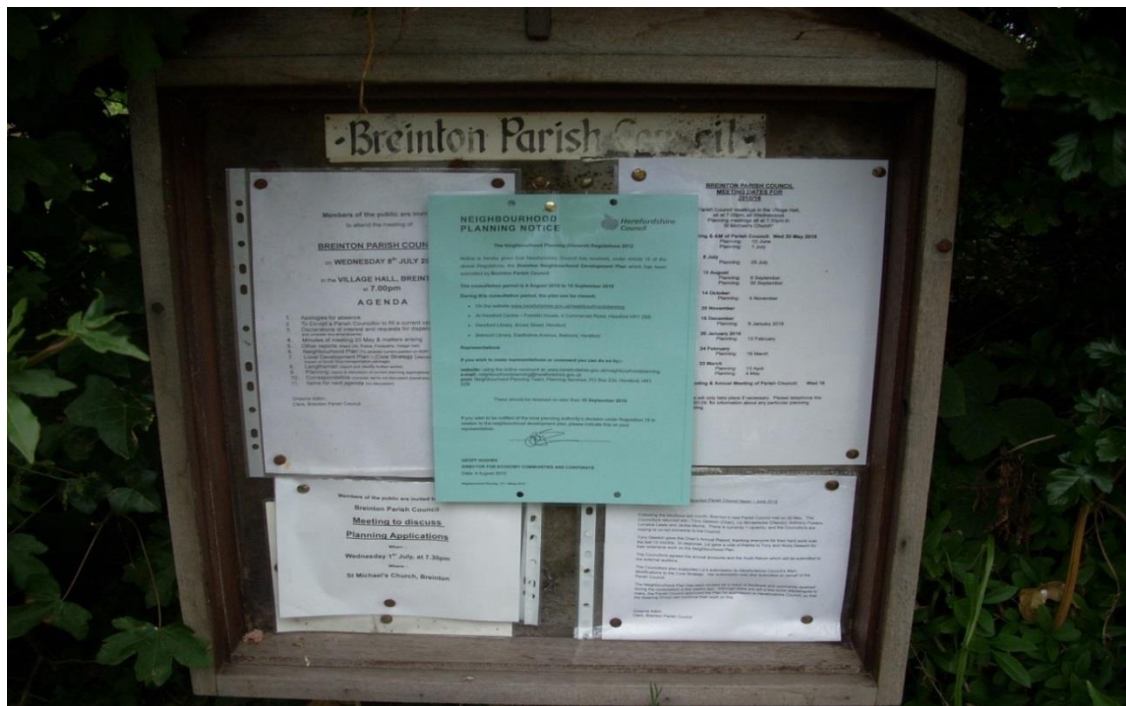
Appendices

Appendix 1 – Planning notices

Planning application notice



Neighbourhood planning notice



Appendix 2 – Useful information

For more detailed information relating to regulations and procedures, please refer to the full-length version of the Statement of Community Involvement on the Herefordshire Council website.
www.herefordshire.gov.uk

The National Planning Policy Framework sets out the government's planning policies for England and how these are to be applied.

[www.National Planning Policy Framework](http://www.NationalPlanningPolicyFramework)

The Localism Act 2011, introduced in order to shift power away from central government and towards local authorities and neighbourhood communities in the planning decision making process.

[www.Localism Act 2011](http://www.LocalismAct2011)

This guide outlines how planners can better understand the important role that planning can play in supporting the Government's commitment to tackling disadvantage by reviving the most deprived neighbourhoods, reducing social exclusion, and supporting society's most vulnerable groups

[www.Diversity and Equality in Planning - A good practice guide](http://www.DiversityandEqualityinPlanning)

With the aim of an integrated and well-rounded approach, the preparation of the Statement of Community Involvement has been informed by a number of Council strategies.

These include: Herefordshire Council Corporate Plan 2013-2015, Economic Development Strategy for Herefordshire 2011-2016, Herefordshire and Shropshire Housing Strategy 2015-2016, Herefordshire County Council Local Transport Plan 2013/14-2014/15

Further information

[www.Planning and Compulsory Purchase Act 2012](http://www.PlanningandCompulsoryPurchaseAct2012)

[www.Planning Inspectorate](http://www.PlanningInspectorate)

www.planningportal.gov.uk

Appendix 3 – Sources of help and advice

Forward Planning section

Blueschool House

Blueschool Street

HR1 2LX

Tel no 01432 383357

Email ldf@herefordshire.gov.uk

Neighbourhood Planning

Tel no 01432 260386

Email neighbourhoodplanning@herefordshire.gov.uk

The Royal Town Planning Institute

41 Botolph Lane, London,

EC3R 8DL

Tel 020 79299494

Email: online@rtpi.org.uk

Website: www.rtpi.org.uk

Following consideration of all responses given during the SCI consultation 10 February – 23 March 2016, a list of recommended alterations to the draft document can be found below, along with the reasons behind the changes in grey.

- The heading 'Executive Summary' should be changed to 'Document Summary' – *As the term 'Executive' can be deemed to be exclusive.*
- The use of acronyms should be reviewed and kept to a minimum in order to make the document as comprehensive as possible – *Therefore making the document more inclusive and easier to understand.*
- Additional paragraph should be added emphasising the use of Parish communication wherever possible, including their own social media, websites and newsletters – *The use of online media other than Herefordshire Council's own has been highlighted and the fact that so many Parish Councils now have sites and media feeds that can be utilised.*
- It should be made clear that all have the opportunity to register their interest with the planning department in order to stay informed. All media should include details of how to do this – *This will make it easier for those wanting to receive communication in the future.*
- The label 'Harder to hear' groups should no longer be used, as it is possible to classify most sections of society (other than those pro-actively engaged in the planning process) under this heading. Instead, the council's pledge to utilise a variety of methods to communicate and engage with the broadest cross-section of the county population should be emphasised – *All social groups should feel assured that the Council will endeavour to use the most appropriate means to involve them in the planning process.*
- It should be made clear that press releases will be sent to all major county publications. Public planning notices for all major applications will continue to be sent to the Hereford Times – *In order to keep the public informed.*
- The Woodland Trust will be included as a general consultee – *To ensure they are given the opportunity to respond on environmental matters.*
- Section 10 Town and Country Planning Development Management Procedure Order now 2015 not 2010 – *Due to amendments to legislation.*
- Parish Councils should be added to the list of general consultation bodies – *Therefore keeping parish representatives fully informed and able to communicate accurate information to members of the parish as well as hopefully encouraging response to consultation.*
- A review of the planning section of the council website – *In order to make it as user-friendly as possible.*
- 'Impact on the historic environment, heritage assets and their setting' will be added as an additional bullet point to the Relevant Planning Matters list in section 10.8 – *To cover the historic aspect as well as nature conservation.*
- An 'easy read' version of the document will be made available.

SCI GOSC comments

Para/Page	Comment	Response
10.12	Insert criteria rather than “in the constitution”	Amend section to include wording with a direct reference to the relevant section of the constitution as follows ‘The above is a summary with the precise wording set out in the Constitution (currently set out in paragraph 4.8.4.2)’
11 (p53)	Amend “large” to “larger”	Areas with adopted Neighbourhood Development Plans will also be entitled to a ‘larger’ share of any Community Infrastructure Levy to put towards infrastructure projects in the area.
P64	Include reference to local member speaking	Change wording to ‘Parish/Town council members or appointed representative(S) – 3 minutes total’?
2.6	Question use of term minimum	Change wording to ‘Statutory’
7.1	Decision based on “all relevant” evidence	Change wording to reflect recommendation
	Engagement should be tailored by area, depending on existing communication network	To be included in the overview of engagement methods Wording to be added to highlight this issue in para 8.3.
5.4	Question of whether para reflects current financial stats	Remove para 5.4
10.7	Notification of neighbouring pcs	Wording altered to say that ‘Neighbouring Parishes are consulted on applications where it is considered they will be impacted.’
	Confusing email address in ‘How to Comment’ box	Remove hyperlink/underline
10.16	Expand on the word ‘encourage’ in line 3 of shaded box.	Change wording to reflect recommendation
11.4	Can provide less development – where justified	Add the bullet ‘Can provide less development in exceptional circumstances, where justified’
11.5	Expand wording on first bullet	Add the words ‘needs to sit within general conformity of’
11.7	Second sentence typo	Take out ‘in the next column’

Neighbourhood Development Plan (NDP) Regulations 14	Neighbourhood Development Plan (NDP) team “will” rather than “can” provide advice. Danger of steering group assumption that the Herefordshire council NDP team need not be involved for guidance.	Alter wording to read ‘The Neighbourhood Development team are there to provide support and advice throughout the plan making process’
NDP Reg 17	Examiners report decision rests with Herefordshire council not parish council	Take out ‘with the parish council’
Glossary	Development Plan Documents entry should say cannot be prepared where NDPs exist	Definition of Development Plan Documents reflects national guidance. Plans can and will overlap and such circumstances are set out in sentence beginning ‘In two-tier areas...’
Specific consultees/ general consultees	Should refer to planning regulations rather than list in order to avoid information becoming out of date as Acts are amended. Ensure it is clear that town and parish councils are on this list	For ‘Specific consultation bodies’ refer to Town and Country Planning (Local Planning) Regulations Para 4.2 makes reference to Town and Parish Councils being one of the main groups to be targeted for engagement
Strengthen section 12	Monitoring etc to tighten up wording. Why how views will be taken into account	Wording to be amended on bullet point 2 – ‘Consultation surveys are accompanied by an equality monitoring questionnaire in order to ensure participants are given the opportunity to raise concerns relating to fair representation. Individual feedback is used to inform and improve all future engagement.’ Wording to be added on bullet point 3 – ‘by consulting with relevant council departments, such as Communications and Equality Monitoring.’

General points:	That work on the Constitution which included consideration of the role of the Planning Committee should be taken account of to ensure the Statement of Community Involvement was consistent with the Constitution.	Close attention will be paid to any changes to the constitution in this respect and changes made to the Statement of Community Involvement accordingly
	That there should be a broader consideration of methods of communication and the clarity of the message.	Full consideration will be given when devising methods of communication in terms of what is appropriate for any particular geographic area or social group with specific requirements. For example an area where parish residents have far less access to information circulated online, more utilisation of offline methods.

Now you have read the Statement of Community Involvement (SCI):

1. Were the contents of the SCI:

	Yes	No
Clear	<input type="checkbox"/>	<input type="checkbox"/>
Informative	<input type="checkbox"/>	<input type="checkbox"/>

If no, please explain:

.....
.....

2. Do you feel confident that all potentially interested parties will be kept informed during the preparation of planning documents?

Yes
No

If no, please explain:

.....
.....

3. Do you think the methods of consultation are effective?

Yes
No

If no, please specify what we could do more to make the consultation effective?:

.....
.....
.....

In order to reach the widest audience, Herefordshire Council is committed to providing information electronically whenever possible, i.e. Email, Website & Social Media. Site notices will continue to be used and hard copies of relevant literature will be circulated to libraries and information centres.

Are you happy to receive information in this way?

Yes

No

Any further comments:
.....
.....
.....
.....

If you would like a response to your comments, please provide your name and email address:.....
.....

Please return your questionnaire to:

Susi Gilson
Herefordshire Council
Blueschool House
Blueschool Street
Hereford
HR1 2ZB

Statement of Community Involvement



Summary of Responses

April 2016

The Herefordshire Council Statement of Community Involvement (SCI) sets out how the Council undertakes engagement with its communities and other stakeholders on planning matters. The original SCI was adopted by the Council in 2007 but as a result of various changes to national planning policy and guidance, including revisions to elements of the planning process, together with a need to utilise modern approaches for engaging with our communities it is now necessary for the document to be revised.

In March 2012, the National Planning Policy Framework (NPPF) was published and set out the Government's planning policies for England and how they were expected to be applied. The idea behind the new policy framework being to introduce a more user-friendly, streamlined mechanism with which to bring plans to fruition

The NPPF replaced over a thousand pages of policy with a much more succinct and uncomplicated structure to follow.

Publication of the NPPF, along with the publication of the Localism Act 2011, means that emphasis is now firmly placed on early engagement and collaboration with neighbourhoods, local organisations and businesses, making planning inclusive of people and communities who want to be involved and a dispersal of power from central Government to local authorities.

The revised SCI was published for a 6 week public consultation on 10 February 2016. The existing Local Development Framework database was utilised in order to reach as many potentially interested parties as possible. Many of the contacts had been consulted with and had made representations during the preparation of the Local Plan – Core Strategy.

Approximately 900 contacts were written to initially with an invitation to offer feedback on the new document. Included in this list were ward members, parish council members, specified consultees (The Town and Country Planning (Local Planning) (England) Regulations 2012) and key organisations representing groups at risk of exclusion. A reminder was also sent out mid-way through the consultation period to all those contacts.

In addition to making direct contact with those stakeholders already on the Council's database, the Council also:

- Made hard copies of the draft document, along with copies of the consultation questionnaire, available for inspection at all information centres and libraries across the county.
- Issued media to all main publications in the county and the consultation featured in Hereford Times and Ledbury Reporter online.
- Used Herefordshire Council web newsreel and regular social media articles on Facebook and Twitter to raise awareness and remind the public of deadlines.

In response to the consultation 48 responses were received. Among the organisations responding were, the Woodland Trust, Severn Trent Water, Place Partnership (on behalf of Herefordshire Police and Fire & Rescue Service), Natural England, Network Rail, Historic England and Gloucestershire County Council. A full summary of the representations received can be found overleaf.

Careful consideration of the consultation responses will be undertaken and, where appropriate, changes recommended to the Cabinet and Council for inclusion prior to the adoption of the revised SCI.

Total responders during consultation period 10 February – 23 March 2016: 48

Contributors include:

Woodland Trust
Severn Trent Water
Place Partnership on behalf of Herefordshire Police and Fire & Rescue Service
Natural England
Network Rail
Historic England

Now you have read the Statement of Community Involvement (SCI):

1. Were the contents of the SCI:

	Yes	No
Clear	27	9
Informative	28	7

If no, please explain:

My objections are three fold: a) the title 'Executive Summary' is an implicit insult to all who are not executives, the majority of Herefordians, b) the summary is much more of a guide to what is in the document than a summary, and c) to read over 30 pages as an alternative and still not have all information to hand makes the consultation process a mockery. Please provide a 3 page summary of key matters residents need to know.

Far too many words and pages. No real summary, Most people will not have the time to read it all.

But too verbose - too much explaining rather than bare facts. 38 pages!!! How many people have time or inclination to read and comment? By making it so big you are self-selecting the more able.

The document needs to be rewritten in plain, jargon-free English. It is much too long and is tortuous to read (other, perhaps, than for those suffering from insomnia). Also, it uses too many acronyms.

Whilst the information is informative, there's a lot of it. In communicating with hard to reach groups it may help to have a shortened version as an introduction - in these terms the Exec summary isn't quite what I mean.

Shrouded in confusion

The document is 39 pages long, full of acronyms and to many members of the public is baffling. It does not actually state what methods of communications in regard to planning are recommended to be used going forward.

We moved to Herefordshire last year & as a family have many years involvement in local government across many disciplines & at many levels. We were horrified to discover that Herefordshire Council does not routinely notify neighbours of planning applications, even when these could have considerable impact upon nearby properties. This is certainly the only place we have lived where such notifications were not routine and, while it may not be obligatory for a planning authority to notify neighbours, we have it on the authority of a senior planning professional that it is considered good practice to notify neighbours & that very few LPAs do not do so. We are very surprised that Herefordshire Council is content NOT to follow good practice when surely it should be the aspiration of all authorities to do so. We were told that planning applications are published in the local press, online & advertised on site. Many people do not regularly have a local newspaper, a number of people do not have internet access (& many certainly do not have reliable access unless they have gone with BT's recently installed Superfast broadband), certainly not many older people. Even if one does look online (which we have done occasionally & will now do diligently), in an area like this, with so many little lanes, often without name plates or even sometimes with multiple names, it is not easy to know whether a planning application is relevant or close to one's property. Indeed, we only discovered a recent planning application adjoining the rear of our property by chance when out for a walk one afternoon hence a number of other adversely affected residents may be unaware of it & so miss the opportunity to comment. We also have to say that we feel the Council's planning area of its website is not particularly easy to negotiate, certainly it is one of the most unclear we have used, and it would take a quite determined lay person to access the information they are seeking (eg there is no way to search a weekly list by parish that we can find, only search all the applications for 7 days or all for a parish over a considerable period of time). Planning is, in our view, the most important function of the Council and, probably, the one which has the potential for the greatest affect on the lives of residents; this failure to notify neighbours, in our view, limits the opportunities for residents to take part in the democratic process and could lead to residents unnecessarily suffering loss of amenity & enjoyment of their properties. We understand that local government budgets are being squeezed by central government but, in our view, it is unacceptable to limit access to democratic rights & use budget cuts as an excuse for this, the planning budget & associated costs should NEVER be cut, it is too important.

Document too long, too wordy and in a language the person in the street will find laborious to wade through. A two page summary document cross referenced with the relevant paragraphs in the main document would go a long way to achieving better and constructive consultation. But do Herefordshire Council want people to understand what goes on?

It is not clear. The use of numerous similar acronyms such as LDD, LDS, DPD etc is not appropriate for the general public. Each should be spelt out. It does not make it

clear the Core Strategy is in the Local Plan. The structure of the documents would be better illustrated as a graphic as in other Herefordshire documents.

2. Do you feel confident that all potentially interested parties will be kept informed during the preparation of planning documents?

Yes	15
No	20
Not sure	1

If no, please explain:

Most won't read 30 pages

Not all of Herefordshire's residents are actively involved with their parish councils. It is recognised a lot are professionals that work outside the county, working long hours on weekdays which means they would not benefit from roadshows in the market towns. Social media is perhaps the best avenue for these people but the quantity of material that is being advertised on here is not enough. Not all residents will actively follow the council social media sites either. Parish councils and the market towns that have their own social media sites should be encouraged to promote the message also. There should also be a way of registering your email address to stay informed - If this exists already, it is not clear at all. It is clear you can register your email for weekly planning applications but not about policy changes.

Whilst the document has fine sounding aspirations, as someone who is keenly involved in local development interests I had not heard about the SCI so I am certain the vast majority of Herefordshire citizens have no idea it exists either. In theory the SCI covers all of this, but I'm sorry to say it is not well communicated so far.

I hope so , and expect it

Not much timescale given

Not sure but the plans for community involvement look comprehensive.

There is too great a reliance on internet based methods of communication and the availability of documents at Council offices, which are often not accessible easily for people without a car - plus the documents are very lengthy and may require more than one visit to adequately read and comment on. It tends to exclude those elderly people who don't drive and don't use the internet, poorer people who don't have access to a car or can't afford a computer and broadband, and young people who

may be in the same situation.

Because on past history the Council try to hide/bury or confuse the electorate when they want little resistance to plans and make it extremely difficult for people to get to nitty gritty

Because you will rely on A4 size Notices affixed at or near potential development site (instead of notifying neighbours by letter, chances will be missed for comment unless the Notice is next to a footway. cf the monstrous Gladman Proposal for Leadon Way development of 321 HOUSES which practically everyone missed as there is no footway adjoining the road/field concerned, and though Refused by HCC has been through a Planning Inquiry, results awaited.

The Council are not truly transparent

The document/process does not recognise the significance of neighbours needing to be notified directly of planning applications in their immediate neighbourhood. The nature of street/lane layout in some areas does not provide, in some cases, for people even living next door to a site, to be aware of a planning application before it is too late to comment. Whilst the cost of writing to neighbours is a factor, there is huge potential to miss an important aspect of consultation. Notices placed in 'prominent places' do not catch everyone's eye and allows applications to slip through unchallenged and without any meaningful neighbourhood consultation. Busy people still care about what their neighbours are up to but do not get to read parish noticeboards or even, in some cases, get to walk down streets where a notice is posted (or even notice them!), nor can they regularly peruse council websites etc just in case there might be an application relevant to them. If you really don't want to write to neighbours, maybe a solution would be to have a standardised printed slip/alert put through letter boxes in the nearest few houses when the officer is out posting notices etc., or alternatively for people to be able to subscribe to email alerts that they can filter, much in the same way as recruitment alerts work - but you have to tell people that this facility exists in the first place! I only knew about this consultation because I am a council employee; I wouldn't have known about it as a member of the public - there is too much tokenistic reliance on 'just' putting stuff on the web and we don't all 'do' facebook etc for professional reasons as it is the devil's own work.

Item 6.1 basically advises engaging with most people is difficult expect those that are middle aged and 'not too busy to respond'. 6.1 As a result of previous experiences in engaging with different groups on planning matters, it is understood that the following members of any community can present more of a challenge when trying to ensure effective and fully inclusive consultation: • Minority ethnic groups • Those for whom English is a second language • Gypsies and travellers • Disabled people • Older people • Children and young people • Those following different religions or with certain beliefs • Low income groups/unemployed • Young single parents • Homeless

• People located in dispersed rural areas • Individuals with learning difficulties • People who are too busy to respond

I am a Ross resident and I never know what planning applications have been submitted as Herefordshire Council do not advertise them in The Ross Gazette, and I, like many in Ross, do not buy the Hereford Times. Therefore you are not reaching a mass audience.

To a point

I am concerned that I will continue to not be aware of planning applications in the Ross-on-Wye area. I use to find out what was going on by looking in the Ross Gazette. However, Herefordshire Council stopped placing planning notices in the paper a few years back. After complaining to the Ross Gazette about this, I understand you place them in the Hereford Times. I, like many, do not read this over priced county newspaper. I think it is extremely disappointing that the Council tries to hide planning applications from Ross-on-Wye residents by not placing it in the local Ross paper. Your website is too complicated to understand and navigate. The notices need to be back in the Ross Gazette!

Sections 8 and 9 The Woodland Trust would like to be included as a 'Specific consultation body' (General Consultation Bodies) in Appendix 2 for all Local Plan consultations including DPDs and SPDs.

The standard planning application process needs to ensure all developers and applicants consult with parish councils which have a neighbourhood development plan before they have gone to the expense of putting together a full planning application. Early consultation means feedback from the consultation is more easily incorporated into the plans of the developer or applicant, and as highlighted by clause 2.5, para 3 of the statement of community involvement, consultation will "help to resolve any initial conflicts". Timing is therefore a critical consideration, and it is not sufficient for the statement of community involvement just to encourage consultation (for example in the executive summary, para. 3, clause 1.10 planning applications and clause 2.5 para. 3), it needs to define explicitly what consultation with the community or parish council means, when it should occur in the process (i.e. early), and require developers and applicants to have demonstrated consultation has taken place, particularly where parish councils have put in place a neighbourhood development plan. This way, all potentially interested parties will be kept informed at the appropriate time during the preparation of planning documents.

Herefordshire Council Cabinet record of decision making behind closed doors.

Question 2 Do you feel confident that all interested parties will be informed during the preparation of planning documents ? ANSWER - NO The Governments

'Localism' agenda introduced the concept of Neighbourhood Development Plans as a democratic mechanism for creating a more enlightened environment for progressive development. The plans, researched through thorough consultation, would characterise the aspirations of residents and outline a 'strategy' of how to assess and utilise each new investment in meeting the overall objectives of an NDP without rankour and unnecessary delay. This HCC consultation seems, therefore, to be rightly aimed at encouraging parishes to produce NDPs as the medium for facilitating the future sustainable development of Herefordshire communities. The Statement of Community Involvement falls short of suggesting that the Local Authority should work in partnership with the Parish Council to facilitate the delivery of the Neighbourhood Development Plan. This is unfortunate as a more structured partnership arrangement between parish councils and the local authority would be a key ingredient in achieving this and would reflect the Governments intentions to secure more progressive local democracy. (See Pyons Group Parish Council Draft NDP – Part 8 'Working Together').

One of the most controversial area s of planning is the issues related to sites for Gypsies and Travellers. Herefordshire has a significant minority which showed up in the 2011 census as not far out of the top 10% in the Country. Yet Herefordshire as an administration has not provided a single pitch to meet the needs of this group and has reduced considerably the pitches provided by the previous administration (Hereford and Worcester). The County has recently commissioned an assessment of the accommodation needs of this minority group under duties arising out of the Housing Act 2007, yet it has not been possible to find a single individual who contributed to this survey. Furthermore little attempt was made to indicate to this community what this exercise was about or what its implications were.

But it does rely on the methods being used, on which we are less confident.

3. Do you think the methods of consultation are effective?

Yes	12
No	22
Not sure	1

If no, please specify what we could do more to make the consultation effective?

Guide and ease citizens into reading thanks that are increasingly specific. Please remember most citizens are not paid to read many pages of planning stuff, Herefordshire Councillors and Officers are in competition for people's attention.

Councillor and Parish engagement is necessary but assumes interested parties have an active involvement. Not convinced by roadshows. Not everybody buys the

Herefordshire Times.
Timescale
I have no disagreement with the methods described in the document, very comprehensive, I just feel, on the evidence so far, that this will still pass too many people by without being aware of its importance to them. Too much of the communication process relies on electronic contact, which although of course cheaper and effective for those with IT capability, in Hereford in particular, as the SCI makes very clear, we have a higher than perhaps average percentage of people who will just not see the information at all. I'm afraid unless at least one piece of physical communication - letter, leaflet - is made to every household then it will not get to enough people. I know this is expensive, but I feel certain this is the only way to ensure that everyone has at least a chance to know about the SCI and its importance to them and their community.
Are the home owners consulted ? Or do they have to pay attention all the time to papers and yellow notices , which can be easily removed or placed in awkward places . Home owners should be consulted door to door and given a place of meeting for developments larger than 3 house sites ! A great deal of upset is caused by larger developments and are rail roasted through without real impact consideration.
There is considerable reference to items appearing on HC website, which is good, however you need something to draw people to the website in the first place, or they will not find the information. Emails with links to the website would do this.
Because they are too complicated and too comprehensive. But I do like this one - brief and to the point.
Again not sure - only experience will tell. It's good that the council are not totally relying on electronic media.
Yes in general, and you do list a wide range of consultation methods. In reality most people only engage with the planning process when a planning application comes up that they want to object to.
Councillors and officer should attend meetings and discussion groups of electorate with open minds not just go through the motions.
There is no way for local Councils and Residents to prevent powerful developers riding roughshod over local opinion, local policy and a benign future for Herefordshire communities. This is not a process for social harmony nor the best possible results since bullies can beat the system. The enormous number of pages in this document show how turgid and heavy and difficult planning process has

become!
Not well published, called in at Franklin House and no one there had a clue!
It would be impossible to control so many communications methods. Can the council ask each householder as part of council tax services how they would like notifications of planning within their local area, whether it is by parish/ward/postcode. Then either e-mail or written which the option as is the case for it to be sent in another format for those with disabilities.
I am a Ross resident and I never know what planning applications have been submitted as Herefordshire Council do not advertise them in The Ross Gazette, and I, like many in Ross, do not buy the Hereford Times. Therefore you are not reaching a mass audience.
Planning applications should be advertised in the Ross Gazette as the majority of Ross-on-Wye planning applications are getting missed by a large number of people who are not online, on socia media or read the Hereford Times.
Advertised it in local paper. Herefordshire Council covers other areas apart from Hereford itself. Advertising in just the Hereford Times is not reaching a vast majority of people.
Paragraph 10.2 In order to improve consultation on planning applications, the Woodland Trust would like this SCI to commit to consulting the Woodland Trust on any planning applications that destroy, degrade or threaten the irreplaceable habitat of ancient woodland. The National Policy Planning Framework clearly states: "...planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland..." (DCLG, March 2012, para 118). The Woodland Trust therefore needs to be informed of these development cases. Other Local Authority SCIs have incorporated this provision to consult the Woodland Trust on ancient woodland planning application cases, such as Swindon Borough Council SCI (March 2013), South Staffordshire District Council SCI (Oct 2013) and Worcestershire County Council (SCI Update 2014). We also draw your attention to (a) details of the location of ancient woodland are available through the county Ancient Woodland Inventory (Natural England) and ancient trees can be identified by the Ancient Tree Hunt data (http://www.ancient-tree-hunt.org.uk/). And (b) we also draw your attention to Natural England and the Forestry Commission's standing advice for Ancient woodland and veteran trees: protecting them from development - https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences . Paragraph 10.16 We would like to see planning applications that affect ancient woodland – destroy, degrade or otherwise threaten the habitat – added into the category of 'significant' applications for the reasons outlined in point number 2 above. The National Policy Planning

Framework clearly states: "...planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland..." (DCLG, March 2012, para 118). The Woodland Trust therefore needs to be informed of these development cases.

Please see comments above, the most obvious improvement is written notification to all neighbouring properties which might be affected, that is not only those on either side but opposite, to the rear etc. One cannot put a price on democracy hence we feel the comments on cost are spurious.

Early consultation with communities/ parish councils that have a neighbourhood development plan is critical to making the consultation process effective (see Q2 above). Minor problems can be resolved at a pre-application stage with a consequent saving of time and expense. The parish council/ community will be able to ensure the application is in line with the aspirations of their neighbourhood development plan and early consultation will generate a real sense of community involvement. The requirement for early consultation, which means early enough for planning applications to be changed without undue expense, needs to be written explicitly into the statement of community involvement to include: timing, definition of consultation, and requirement for all applicants/ developers to demonstrate reasonable engagement with the community and parish council. For example, it is not sufficient simply to 'go through the motions' of early consultation with the parish council, the applicant/ developer will need to show an active engagement and willingness to consider the views of the parish council.

See comments on 1.

Question 3 Do you think the methods of consultation are effective? ANSWER - NO
Where the elected parish council has taken responsibility, as the local accountable body, for implementing the approved NDP on behalf of residents, there is in place an effective means of delivering the changes planned. The parish council, however, must have an active and influential engagement in the planning approval process, rather than it just being another third party to be consulted by the local authority after the planning application has been made. For this process to be seen by residents as effective, the parish council should be informed by any developer of its intentions, before planning permission is sought. The purpose being to ensure that the nature of the development complies with the aspirations of the Neighbourhood Development Plan and that progress to approval is not unnecessarily delayed. To emphasise this argument and to explain the strength of feeling on this subject, with regard to the Pyons Group of Parishes, the following is pertinent: It is proposed that new planning applications will continue to be adjudicated solely by Hereford County Council, even when an NDP is in place. Based on recent and traumatic experiences of substantial

planning decisions eventually going against the draft NDP, the total will of residents and the views of elected members, it should be no surprise that there is little trust in the local authority acting for the benefit of residents. Under the circumstances the developer must be 'advised' by the local authority as part of the application process, to first discuss and, where possible, agree with the parish council, the suitability of the application to the NDP.

If the interests of minorities are being affected, there should be a serious attempt to engage with and consult with these minorities directly and not rely on those who have are professionally involved with them or organisations which have no local knowledge(see list in paragraph 6.2). It is recognised that this is a time consuming and not straightforward exercise but proper consultation (and not a pretence of consultation), requires it. For instance with regard to engagement with the Travelling minority, the work done for the Regional plan was considerably better than for the LDF.

In order to reach the widest audience, Herefordshire Council is committed to providing information electronically whenever possible, i.e. Email, Website & Social Media. Site notices will continue to be used and hard copies of relevant literature will be circulated to libraries and information centres.

Are you happy to receive information in this way?

Yes	28
No	7

Any further comments:

With Permitted Development Rights driving a coach and horses through your Local Plan and central government controlling more and more of our planning process there seems very little point in engaging with local government at all. But thanks for the invitation.

No thank you... you don't listen.
Butter Market a fine example of energy and effort wasted.
I wont waste any more of my time on such matters again.

What's the point when the council don't listen to the electorate.

As long as it is graduated, summary first and then progressively more and more detail available.

Susi in section 10 the GDP is now 2015 , not 2010.

It does represent a cost efficient approach but I remain to be convinced by its effectivity. Frequency of repeat notices and the extent of how far the message has been spread should be assessed rather than assume this works. If people were able to register an interest on a database for all future communications you would be able to ask how they found out

Utilise Parish Councils - they are developing their own websites, so can drive traffic through them to the main HC website. Provide Parish Councils with links to put on their websites to the HC website - for generic things and also for relevant matters to their parish

But response questionnaire need to be easy to complete so that amenity groups etc can comment easily. Focus groups and clubs are self-appointed individuals who have no elected right to be accorded special attention. I am told most consultees are negatively critical of proposals. Should they be accorded more attention? Result of consultations should be clear and numeric; showing how a decision is arrived at and whether consultation has changed the intended action. There should always be the question - do nothing? A legal requirement I believe (Brent Council case 2014?) Otherwise we all get fed up and fail to input.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We are supportive of the principle of meaningful and early engagement of the general community by the public, community and other organisations and statutory bodies in local planning matters, both in terms of shaping policy and participating in the process of determining planning applications.

We regret we are unable to comment, in detail, on individual Statements of Community Involvement.

Whilst I'm happy to receive information this way, I know a lot of people don't have access. Some have access via Library computers but others rely on hard copy availability.

Place Partnership Ltd (PPL) is the new company that manages the combined estates of Warwickshire Police (WP), West Mercia Police (WMP) and Hereford and Worcester Fire and Rescue Service (HWFRS), along with those of Worcestershire County Council, Worcester City Council and Redditch Borough Council. It is wholly owned, funded and run by the aforementioned public bodies.

As part of the above, WP, WMP and HWFRS now act as one on all infrastructure and town planning related matters across their combined geographical area. This includes making joint representations through PPL to all local planning authorities and other parties in relation to planning applications and planning policy. For the

avoidance of doubt however, the two police forces retain their separate Police and Crime Commissioners (PCCs) and respective command teams.

Having read through the Revised SCI, WP/WMP/HWFRS consider that the processes set out for policy and development management are clear and provide a good basis for ensuring community involvement and consultee involvement in the planning process.

The main concern from an emergency services perspective is that the key consultee bodies (WMP and HWFRS) need to be made aware of new planning documents and planning applications consulted on by the Council. The best way for this to be done would be for both bodies to be recognised as 'specific consultation bodies' in the Statement of Community Involvement.

The Town and Country Planning (Local Planning) (England) Regulations 2012

Section 2 specifically states that local policing bodies are relevant authorities and that relevant authorities should also be included as specific consultation bodies.

Whilst the Regulations do not specifically refer to the Fire and Rescue Services, it would be sensible for HWFRS to have the same specific consultation body status as the police, particularly as both will now be represented in the consultation process by Place Partnership Ltd.

This is convenient for me. I am very pleased to see that site notices will continue to be used as this is often the only way to find out about a local planning application.

Thank you for your email. I just wanted to point out that our Central Library and Visitors Information Centre are both currently closedand have been for a fair time, (which I feel is a complete disaster for our city - I don't feel the makeshift 'library' at our town hall does justice) so it would not be possible for people not on email to be able to see hard copy.

The narrative refers to the importance of parish council responses etc and there is a statement that parish councils will be consulted about planning documents that affect their area and on specific planning applications. This mirrors current practice and is to be welcomed. However, in the list of bodies to be consulted I cannot find a specific reference to parish councils

Thank you for giving Severn Trent Water the opportunity to comment on the above. However I hope the following statement reassures you of our obligations.

Position Statement

As a water company we have an obligation to provide water supplies and sewage treatment capacity for future development. It is important for us to work collaboratively with Local Planning Authorities to provide relevant assessments of the impacts of future developments. For outline proposals we are able to provide general comments. Once detailed developments and site specific locations are confirmed by local councils, we are able to provide more specific comments and modelling of the network if required. For most developments we do not foresee any particular issues. Where we consider there may be an issue we would discuss in

<p>further detail with the local planning authority. We will complete any necessary improvements to provide additional capacity once we have sufficient confidence that a development will go ahead. We do this to avoid making investments on speculative developments to minimise customer bills.</p>
<p>Only knew about it through my work as a council employee - haven't seen this in the public domain.</p>
<p>This will vary between every person but for me personally I like to see generic information on social media and the website but items items of particular interest and importance directly e-mailed. A hard site notice is useful for the general public.</p>
<p>I am not on social media or online. I got my daughter to fill this out for me.</p>
<p>Your website needs to be easier to understand and navigate</p>
<p>Advertise relevant notices in the local paper. A lot of people are not online, or visit the library regularly.</p>
<p>Personally we would but then we understand the systems & have the internet access etc to support this method. Many people find planning a very complex system & are more likely to give up or not bother if they have to search hard for information or even whether there are any applications relevant to them (see above). This can give a false idea that people have no interest or do not care when that is probably far from the case.</p>
<p>After reading the SCI information, Herefordshire Council has clear and effective direction and has set reasonable targets to meet. There are excellent open lines of communication. The point made about parish councillors being well briefed is key to communicating to local communities about any concerns or issues they may have.</p>
<p>I accept that this is the easiest way to communicate these days but there needs to be review process. The introduction of on line presentation of planning applications seems to have been undertaken without much consideration of the consequences. Where minorities are concerned who do not meet with general approval. the presentation of objections on line has serious implications. Although actual racist comments seem to be effectively filtered out, the very fact of the number of objections creates a sort of herd response which is seriously upsetting to the individuals and minority groups concerned and may be prejudicial to the outcome. Planning applications are supposed to be assessed on the basis of their conformity or otherwise to the Local Plan and should not be turned into popularity contests.</p>
<p>Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts.</p>

The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. In this regard, please find our comments below.

Network Rail would draw the council's attention to the following (which applies to England only):

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Publicity for applications for planning permission within 10 metres of relevant railway land

16.—(1) This article applies where the development to which the application relates is situated within 10 metres of relevant railway land.

(2) The local planning authority must, except where paragraph (3) applies, publicise an application for planning permission by serving requisite notice on any infrastructure manager of relevant railway land.

(3) Where an infrastructure manager has instructed the local planning authority in writing that they do not require notification in relation to a particular description of development, type of building operation or in relation to specified sites or geographical areas ("the instruction"), the local planning authority is not required to notify that infrastructure manager.

(4) The infrastructure manager may withdraw the instruction at any time by notifying the local planning authority in writing.

(5) In paragraph (2) "requisite notice" means a notice in the appropriate form as set out in Schedule 3 or in a form substantially to the same effect.

Developer Contributions

The Statement of Community Involvement should set a strategic context requiring developer contributions towards rail infrastructure where growth areas or significant housing allocations are identified close to existing rail infrastructure.

Many stations and routes are already operating close to capacity and a significant increase in patronage may create the need for upgrades to the existing infrastructure including improved signalling, passing loops, car parking, improved access arrangements or platform extensions.

As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.

Specifically, we request that a Policy is included within the document which requires developers to fund any qualitative improvements required in relation to existing facilities and infrastructure as a direct result of increased patronage resulting from new development.

The likely impact and level of improvements required will be specific to each station and each development meaning standard charges and formulae may not be appropriate. Therefore in order to fully assess the potential impacts, and the level of developer contribution required, it is essential that where a Transport Assessment is submitted in support of a planning application that this quantifies in detail the likely impact on the rail network.

To ensure that developer contributions can deliver appropriate improvements to the rail network we would recommend that Developer Contributions should include provisions for rail and should include the following:

- A requirement for development contributions to deliver improvements to the rail network where appropriate.
- A requirement for Transport Assessments to take cognisance of impacts to existing rail infrastructure to allow any necessary developer contributions towards rail to be calculated.
- A commitment to consult Network Rail where development may impact on the rail network and may require rail infrastructure improvements. In order to be reasonable these improvements would be restricted to a local level and would be necessary to make the development acceptable. We would not seek contributions towards major enhancement projects which are already programmed as part of Network Rail's remit.

Level Crossings

Development proposals' affecting the safety of level crossings is an extremely important consideration for emerging planning policy to address. The impact from development can result in a significant increase in the vehicular and/or pedestrian traffic utilising a crossing which in turn impacts upon safety and service provision.

As a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing. This would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements. This would be in direct conflict with strategic and government aims of improving rail services.

In this regard, we would request that the potential impacts from development affecting Network Rail's level crossings, is specifically addressed through planning policy as there have been instances whereby Network Rail has not been consulted as statutory undertaker where a proposal has impacted on a level crossing. We request that a policy is provided confirming that:

- Herefordshire Council has a statutory responsibility under planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway:
 - *Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) order, 2010 requires that... "Where any proposed development is likely to result in a material increase in volume or a material change in the character of traffic using a level crossing over a railway (public footpath, public or private road) the Planning Authority's Highway Engineer must submit details to both Her Majesty's Railway Inspectorate and Network Rail for separate approval"*.

- Any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact: and
- The developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed.

Planning Applications

We would appreciate Herefordshire Council providing Network Rail with an opportunity to comment on any future planning applications should they be submitted for sites adjoining the railway, or within close proximity to the railway as we may have more specific comments to make (further to those above).

Historic England notes that Section 10.8 (p.21) refers to 'Relevant Planning Matters' and some suggestions, although not conclusive, are set out in a list. The list includes landscape and ecology (nature conservation), amongst others, but does not include reference to the historic environment. For completeness, it is recommended that an additional bullet point is added as follows (or with similar alternative wording):

- *Impact on the historic environment, heritage assets and their setting.*

Alternatively, the landscape and ecology bullet point could be deleted from the document. Whichever way, it is considered that a balanced overview should be provided through the list since the historic environment, along with nature conservation, falls within the 'environment' golden thread of the National Planning Policy Framework.

Historic England welcomes the reference to the organisation in Appendix 2 of the document. We will be pleased to assist you with advice and support on planning matters whenever possible.

The Parish Council considered the consultation document and was of the view that although it was pleasing that Herefordshire Council had asked for comments it was saddened to note that in many instances in the past, there was no clear evidence that notice had been taken of comments made, under the circumstances The Parish Council declines to complete the survey and the Clerk was asked to inform Herefordshire Council of the Parish Councils comments and thoughts.

This statement and question appears to be designed to produce the required answer. The statement should be 'except for site notices and hard copies in libraries communications will only be electronic'. This policy will exclude many elderly and most vulnerable people. It serves only the fully capable/engaged people, which is not appropriate. Furthermore, this is contrary to the commitments made for engagement on planning issues.

How did you find out about the consultation?

Email	30
Letter	1
Hereford Times newspaper	
Ledbury Reporter	
Herefordshire Council website	2
Social media	2
Other	5

- Family member
- Friend
- During planning app issue/a talk about NDP
- Lingen Community website



Meeting:	Cabinet
Meeting date:	3 November 2016
Title of report:	Variation to the large scale voluntary transfer agreement with Herefordshire Housing Limited
Report by:	Cabinet member health and wellbeing

Classification

Open

Key Decision

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates and because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the county.

Notice has been served in accordance with Part 3, Section 10 (General Exception) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

Wards affected

Countywide

Purpose

To approve the variation of the large scale voluntary transfer agreement (LSVT) with Herefordshire Housing Limited (HHL) to waive the council's right to clawback on property disposals to 2020 so as to enable increased housing development consistent with the council's strategic priorities.

Recommendation(s)

THAT:

- (a) **a variation of the LSVT with HHL be approved to waive the clawback of capital receipts by the council where up to 20 properties are sold, conditional upon those properties meeting specified criteria for disposal and all net receipts from sales being invested in new social and affordable housing in Herefordshire; and**

Further information on the subject of this report is available from
Ewen Archibald, Joint commissioning manager on Tel (01432) 261970

- (b) **the director for adults and wellbeing be authorised to determine the criteria and conditions to which the waiver will be subject in allowing disposals.**

Alternative options

- 1 The council could decline to waive its right to clawback of receipts for any HHL properties. This option is not recommended as it would in all likelihood not result in any capital receipts to the council under the LSVT. Once the agreement expires in 2020, the council will have no right to clawback monies and as a result of changes in national policy, would also have no right of veto over disposals. In the light of this, HHL would be obliged to consider how best to maximise the value of its assets and has confirmed that it would opt to defer disposals in order to do so. Declining to waive the council's rights in this way could be expected to disrupt and impair the strategic and operational partnership with HHL, which encompasses significant provision of social housing and many other services and initiatives. Additionally, if HHL were to defer all disposals until 2020, this option would also reduce the scale of HHL's additional housing development programme and deny the council any additional influence over it. This is likely to minimise the availability of newly developed housing for care leavers, people with learning disability or other priority groups of vulnerable people.
- 2 The council could decline to provide a general waiver of its rights and continue to waive its rights only for specific properties on an ad hoc basis. This option is not recommended as it is likely to have similar effects as option 1 above. HHL will defer much of its additional development programme and negotiate housing for the council's priority vulnerable groups only so far as required within the usual planning processes. This option therefore is likely to bring no capital income to the council, impair and disrupt the partnership with HHL and allow little or no additional housing development to meet strategic priorities.

Reasons for recommendations

- 3 Among the assets transferred by the council under the LSVT, HHL owns some properties which it is no longer economic for it to let and which it may therefore wish to sell. Under the LSVT, the council is entitled to receive 50% of the net value of receipts from any such sales. HHL has asked the council to waive this entitlement so that all of the capital receipts from up to 20 properties can be invested in new housing development.
- 4 The LSVT expires in 2020 and with it, the council's entitlement to receive a share of capital receipts from disposal. HHL's current obligation to obtain consent for disposals will shortly be lifted by the Planning and Housing Act 2016. Therefore, whilst HHL currently requires the council's approval to sell properties and invest the receipts, in 2020 it will not and has stated clearly that it would wait until that time if the council declines to waive its rights.
- 5 HHL has undertaken to use all receipts from the disposals to invest in additional housing development, over and above its existing development programme. As a condition of the variation to the LSVT, the council would require this additional development of around 35 housing units to be focused on supported housing for vulnerable people, including care leavers and learning disabled people. Such new supported housing would make a valuable contribution to improving outcomes for vulnerable people and to increasing the availability of affordable housing in Herefordshire.

- 6 The availability of up to 35 new units of supported housing will enable savings to be made on the costs of supporting both learning disabled adults and young people leaving care. Supporting people in housing of this kind is a cost effective alternative to residential care including specialist placements. Savings engendered from an additional 35 units will contribute useful savings to medium term financial strategy targets.
- 7 In order to facilitate a waiver of rights in respect of multiple properties, the council will need to negotiate a variation to the LSVT agreement by way of a change and control notice. The notice will incorporate a maximum number of possible property disposals and the criteria which each property must satisfy for approval. It will also set out the conditions to which the retention and subsequent investment of capital receipts will be subject to ensure consistency with strategic housing priorities.

Key considerations

- 8 HHL is an independent housing provider, a registered charity and has adopted a group structure in recent times. It manages close to 6,000 housing units and acts as a housing provider only in Herefordshire. It also operates a range of social care and community services within the county, as well as in Gloucestershire and elsewhere. HHL was created in conjunction with the transfer of properties from council control under the LSVT agreement in 2002. Recent changes in national policy, notably under the Housing and Planning Act 2016, release registered housing providers from many of their established obligations which gave strategic housing authorities and the Homes and Communities Agency (HCA) some control over their actions.
- 9 As the strategic housing authority, Herefordshire Council retains considerable interest in the assets and services of housing providers including HHL and they retain an obligation to assist the council in discharging its statutory duties. Parallel to the LSVT agreement the council and HHL entered into a “disposal clawback agreement”, which provided that as and when HHL decides to sell or otherwise dispose of properties, 50% of the net capital receipts would be payable to the council. The agreement does not oblige HHL to dispose of any properties. Given the imminent expiry of the agreement its effect at this late stage is that, if HHL wishes to direct 100% of the value of properties it sells into new housing it will have two options;
 - Obtain the council’s agreement to waive the rights to clawback; or
 - Wait until 2020 when its obligations to the council will expire.
- 10 Additionally, whilst at present all social housing providers must obtain the consent of the housing authority before disposing of properties, in due course, s130 of the Planning and Housing Act 2016 will have the effect of relieving providers of that obligation. The provisions in the agreement around disposal are entirely separate from the provision for clawback of “right to buy” sales receipts. The right to buy clawback obligations would be unaffected by this proposal.
- 11 On 8 May 2013 cabinet approved a waiver of clawback rights where HHL was demolishing 214 units on the Oval site in Hereford to allow for development of improved and sustainable housing. Over a number of years, the council has also agreed on an ad hoc basis to discount the capital share it clawed back on HHL disposals from 50% to 25%.
- 12 Housing in some locations and of some types can be persistently difficult to let and others may sometimes be especially expensive to run or require disproportionate

Further information on the subject of this report is available from
Ewen Archibald, Joint commissioning manager on Tel (01432) 261970

investment to bring up to appropriate standards, where this does not reflect on the provider's maintenance practice. Such properties can usually be sold on the open market for valuable capital receipts.

- 13 Properties considered for disposal will be those that HHL finds uneconomic to continue letting as social housing for one or more of the following reasons;
- They are hard to let owing to their rural location or village location with poor access to transport.
 - They are hard to let because of the type of property, for example former sheltered housing schemes.
 - They require significant investment to rectify substantial defects in the fabric or condition of the building.
 - They are not economic for tenants, for example where there is no mains gas.
- 14 Where the property is uneconomic because it requires investment, the council would need to be satisfied that HHL had maintained it in accordance with its obligations under the decent homes standard and its contractual obligations in the LSVT itself.
- 15 HHL is already bringing forward a significant development programme of new housing in the county. However, HHL has ambitions to build yet more housing for local people and contribute to the council's strategic housing priorities over the next five years, enabled in part by a substantial capital bond. The potential disposal of the proposed 20 properties would support that additional development, stimulating the building of approximately 35 housing units in total. The focus on a small portfolio of properties for disposal will ensure the timely progression of housing development to deliver new units. HHL has already identified multiple sites where the proposed additional 35 units would be built. These small sites are all in the ownership of HHL which will minimise delay in the development and planning processes. All the sites will be within Hereford City.
- 16 There is a strategic need for significant increases in the availability of accessible and supported social housing for vulnerable people in Herefordshire. That need is focused especially upon two groups of people who depend substantially on the council for their support during their lives and for whom there are significant risks where appropriate housing is not found;
- Vulnerable young people in particular those looked after and leaving care
 - People with learning disabilities of all ages
- 17 The housing strategy for Herefordshire identifies these groups as priorities whilst also emphasising the needs of people with dementia and other mental health needs. Accommodation strategies for people with learning disabilities and young people are now in development and elements are already being implemented.
- 18 The accommodation strategies and housing development will contribute significantly to the achievement of Medium Term Financial Strategy (MTFS) targets. Increases in supported housing will help deliver significant reductions in high cost placements of both learning disabled people and young people leaving care. In general, supported living for learning disabled people offers a saving of at least 30% of the cost of residential care for people with moderate levels of need. However, this depends on the needs of individuals and the particulars of supported living services. The long term phase of the accommodation strategies depends on new development by housing providers.

Further information on the subject of this report is available from
Ewen Archibald, Joint commissioning manager on Tel (01432) 261970

Community impact

- 19 Herefordshire's Health and Wellbeing Strategy identifies good quality housing as very influential in promoting people's health and wellbeing and emphasises the importance of eradicating or improving housing of poor quality. The proposed disposal programme will enable to HHL to resolve problems with poor quality housing and replace with an increased availability of higher quality housing units. The council's corporate plan identifies among its strategic priorities supporting the growth of the economy and securing better quality of life and value for money. The proposed disposal and development programmes will increase the availability of housing for local people, improve the quality of life of social housing tenants through enhanced building quality and promote jobs and economic activity through a new building programme.
- 20 The provision of new and increased housing for young people leaving care and people with learning disabilities will improve the life chances and quality of life for those population groups. Whilst disposal of some properties may reduce social housing availability in some neighbourhoods, it will lead to increased availability overall and enable greater targeting of social housing for those most vulnerable groups.

Equality duty

- 21 The council is committed to equality and diversity using the Public Sector Equality Duty (Equality Act 2010) to eliminate unlawful discrimination, advance equality of opportunity and foster good relations. The equality duty covers the following nine groups with protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The recommendations in the report have no adverse implications for groups of people with protected characteristics.
- 22 Care leavers and people with learning disability each belong to groups of people with protected characteristics. The proposed development of new housing targeted to these groups will have a significantly positive impact on their life chances and quality of life. An equality impact assessment has been prepared in respect of these proposals and is attached as Appendix 1.

Financial implications

- 23 Whilst the recommendations in the report will lead to many changes in the payment of council tax for individual properties, any impact on the council's income is likely to be negligible. It is expected that the majority of the tenants and licensees of properties newly developed by HHL will pay council tax only at a discounted rate. However, this is also true of the majority of social housing tenants generally.
- 24 The proposals will involve no direct expenditure by the council. In principle, the proposals will require the council to forego significant income from capital receipts. The LSVT provides that the council receive 50% of the net value of properties once sold. The market values of all the properties have not been assessed fully but are expected to fall within the range £90k to £150k, with an indicative average net value of £119k. This would suggest total capital receipts of around £2m and a notional or theoretical capital share for the council of up to £1m in respect of the 20 properties proposed for disposal.

- 25 However, the council's right to clawback of these capital receipts exists only until the LSVT expires in 2020, which is a short time in relation to housing development. After this time, HHL can dispose of properties without reference to the council and spend the receipts as it likes. Without a waiver of the council's rights, HHL has indicated that it would defer the disposals in order to maximise the assets available to invest. Therefore, in practice there may be no real potential for the council to receive capital income from the sale of these properties and so this proposal may not involve the foregoing of any income.
- 26 Under the proposal the council would impose explicit conditions on the use of the funds released through disposals by HHL. It would be required to devote all the net capital receipts to new housing development on agreed sites and the targeting and letting of that housing would be directed by the council to priority vulnerable groups.
- 27 It is anticipated that the proposed council influence over HHL's development programme would bring forward approximately 35 new tenancies or licences for vulnerable young people and supported living tenancies for disabled people within three to five years. Each of these properties would either;
- save the council money by reducing current spending on residential or other specialist care; or
 - avoid additional cost to the council by diverting young or disabled people from residential or other specialist care.
- 28 The cost differential between supported tenancies and specialist care varies according to need but it is expected that the new units provided would generate significant saving or cost avoidance for the council. For learning disabled people, the range of typical costs per person, per annum is as follows;

	Low need	moderate need	higher moderate need
Residential Care	23.5k - 30k	31k - 37k	38k-49k
Supported Living	11k - 19k	20k - 25k	25k-34k
Indicative Annual saving	11k	12k	14k

- 29 Generally speaking for similar levels of need, the costs of supported living are around 65% of those of residential care. This applies across a broad sweep of moderate need, but is subject to individual circumstances. Assuming an annual net saving or cost avoidance for each individual of up to £12k, the availability of 35 additional units would generate a contribution to MTFS savings of around £400k.

The overall cost/benefit analysis for the proposal is as follows;

Theoretical capital income foregone (to 2020)	£1m
Annual net saving or cost avoidance (from 2020/21)	£0.4m

- 30 Therefore the benefit would exceed cost by 2023. In reality, the interplay between capital foregone and savings made would begin earlier but the net effect is expected to be consistent with these figures. Clearly the cost benefit gain, whether in the form of cost avoidance or cashable savings will contribute mainly to MTFS savings after the current planning cycle to 2020.

Further information on the subject of this report is available from Ewen Archibald, Joint commissioning manager on Tel (01432) 261970

- 31 Whilst it is not possible to say with certainty that the potential savings will be either cashable or all cost avoidance, in practice the proposal is likely to provide a combination of outcomes, including some cashable savings. By enabling young disabled people transitioning into adulthood to be placed in suitable lower cost accommodation within the community, future residential care costs may be avoided. Meanwhile, the new accommodation may enable existing service users to move towards independence in the new accommodation and reduce existing care costs.

Legal implications

- 32 Under the LSVT agreement, the council is entitled to clawback a percentage of the net capital proceeds of sale of relevant properties. If this clawback is to be waived before 2020, it will be potentially classified as state aid. However, the nature of the service is known as 'service of a general economic interest' (SGEI)). Therefore, HHL may receive up to €500,000 (approximately £431,000 at current market rates) in SGEI over a rolling 3 year period from all public sources without breaching state aid rules. HHL would be obliged (under the variation agreement) to keep the council informed if it receives any other SGEI state aid from other public sources. Such other SGEI state aid would be reduced from the threshold.
- 33 After 2020, this right of the council to clawback net capital proceeds from the sale of properties is lost. Therefore, for properties sold after 2020, HHL will be able to retain the clawback; the waiver merely brings it forward by up to 3 years (i.e. from now until 2020). The state aid is effectively the value of allowing HHL to sell properties before 2020 without having to pay the clawback.
- 34 The variation agreement must state that the waiver would immediately discontinue if and when the SGEI threshold has been reached within a 3-year period. If that 3-year period ends before 2020 (e.g. in the latter months of 2019, depending on when the first property is sold), then further properties may be sold subject to the waiver. The amount of state aid for each property will be calculated using an agreed formula detailed within the variation agreement.
- 35 The variation agreement must include clauses to cover: the obligations of HHL to follow a particular programme for disposing of the relevant properties; strict conditions attached to HHL's use of the clawback funds which the council has waived (and effectively 'granted'); monitoring obligations; the right of the council to clawback amounts which are misapplied by HHL or not applied by a particular deadline; termination of the arrangement when the waived clawback reaches a certain threshold to ensure there is no unlawful state aid (described above) plus other standard termination clauses.

Risk management

- 36 A theoretical risk arises from the recommendations in the report relating to a possible breach of rules relating to state aid. However, liability for any unlawful state aid attaches to HHL as the recipient and so there is no risk to the council. This will be made clear also in the LSVT variation agreement.
- 37 In the event that the recommendations in the report are not approved, the following risks would arise;
- The strategic partnership with HHL would be significantly frustrated and disrupted

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having an impact on the council's influence over the full range of HHL's role as housing provider, housing developer and provider of social care and community services.

- The poor condition of a range of urban properties would remain unaddressed with consequent impact on the potential for them to be let consistently or on the health and wellbeing of tenants.
- A number of properties in rural and village locations would remain hard to let and uneconomic to run placing ongoing strain on social housing operations by HHL.
- The long term phases of draft accommodation strategies for young people and people with learning disability would be significantly curtailed, with significant impact on outcomes for vulnerable people and potential savings or cost avoidance for the council.

Consultees

38 None.

Appendices

Appendix 1 Equality impact assessment

Background papers

- None identified.

Equality Analysis (EIA) Form

A) Description

Name of service, function, policy (or other) being assessed

Waiver of disposal capital clawback provisions within the council's Large Scale Voluntary Transfer Agreement with Herefordshire Housing Ltd.

Directorate or organisation responsible (and service, if it is a policy)

AWB Commissioning

Date of assessment

October 2016

Names and job titles of people carrying out the assessment

Hayley Crane, Housing Development Officer

Accountable person

Martin Samuels, Director Adult and Wellbeing

What are the aims or main purpose of the service, function or policy? What does it provide and how does it provide it?**Waiver of clawback receipt**

Waivering the policy will allow Herefordshire Housing Limited (HHL) to dispose of unsustainable/ hard to let housing stock in order to develop more targeted housing for identified vulnerable groups such as learning disabilities and mental health and priority groups identified within the Housing Strategy.

Location or any other relevant information

County wide

List any key policies or procedures to be reviewed as part of this assessment.

The LSVT agreement

Who is intended to benefit from the service, function or policy?

HHL have identified potentially 25 'one-off' properties that are not meeting the organisations sustainability criteria, these include properties that are isolated and hard to let, poor energy efficiency ratings, non traditional build and those requiring a high financial investment.

Properties will only be considered when they become vacant or if the tenant agrees to be relocated into a more suitable alternative property to meet their needs.

All capital nett receipt and additional HHL financing will be invested in new affordable dwellings, typically the sale of one dwellings creates two new dwellings.

Under the current clawback agreement Herefordshire Council has the right to receive only 50% of the nett clawback, Herefordshire Council would waive the clawback to allow further new build development. This will be of great strategic value to the council as it will also enable significant increases in the availability of housing for its priority groups of vulnerable people.

There is a risk if Herefordshire Council do not support the waiver that properties may stand empty for some time, not sell or offers received may be less than HHL's valuation meaning reductions in the amount of capital available to be reinvested in development.

Who are the stakeholders? What is their interest?

Herefordshire Housing Limited
Existing tenants of HHL,
Herefordshire Council

B) Partnerships and Procurement

If you contract out services or work in partnership with other organisations, Herefordshire Council remains responsible for ensuring that the quality of provision/delivery meets the requirements of the Equality Act 2010, ie.

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity between different groups
- Fosters good relations between different groups

What information do you give to the partner/contractor in order to ensure that they meet the requirements of the Act? What information do you monitor from the partner/contractor in order to ensure that they meet the requirements of the Act?

Herefordshire Council expects Herefordshire Housing Limited to comply with the Equality Act 2010 and have their own Equality policy available.

The Strategic Housing team within Herefordshire Council will monitor various aspects of the disposal programme including numbers, and demographics of applicants who are given their notice to quit on their existing property.

Are there any concerns at this stage that indicate the possibility of inequalities/negative impacts? For example: complaints, comments, research, and outcomes of a scrutiny review. Please describe:

A small number of tenants with protective characteristics could in principle be affected, however they can only be relocated in accordance with legislation and any applicable compensation payments. However all tenants would be treated fairly and in accordance with the requirements of the Equality Act.

Herefordshire Council would have to agree to all properties that are to be disposed of, properties that have been greatly enhanced or have received disabled facilities grant will not be considered.

The proposed disposal programme will enable HHL to resolve problematic poor quality housing and replace it with an increased number of high quality housing. The council's corporate plan identifies among its strategic priorities supporting the growth of the economy and securing better quality of life and value for money. The proposed disposal and development programme will increase the availability of housing for local people, improve the quality of life of social housing tenants through enhanced building quality and promote jobs and economic activity through a new building programme.

C) Information

What information (monitoring or consultation data) have you got and what is it telling you?

The monitoring information that we currently have is limited. We are broadly able to identify the number of properties being considered for disposal but not the household within them. However no property will be disposed of without the consent of the tenant and a new property identified to relocate them.

D) Assessment/Analysis

Describe your key findings (eg. negative, positive or neutral impacts - actual or potential). Also your assessment of risk.

Strand/community	Impact
	The rehousing of any tenants will have a positive impact on them as they will be rehoused in better quality accommodation that is suitable to meet their needs.

E) Consultation

Did you carry out any consultation?

Yes No

Who was consulted?

The housing stock is owned by HHL therefore they would carry out consultation with their tenants. HHL will also consult with Herefordshire Council before any disposal is considered.

Describe other research, studies or information used to assist with the assessment and your key findings.

An appraisal of the housing stock has been undertaken internally within HHL

Do you use diversity monitoring categories? Yes No

(if No you should use this as an action as we are required by law to monitor diversity categories)

If yes, which categories?

- X Age
- X Disability
- X Gender Reassignment
- X Marriage & Civil Partnership
- X Pregnancy & Maternity
- X Race
- X Religion & Belief
- X Sex
- X Sexual Orientation

What do you do with the diversity monitoring data you gather? Is this information published? And if so, where?

HHL monitor and make the information available on their website and in their annual report.

F) Conclusions

	Action/objective/target OR justification	Resources required	Timescale	I/R/S/J
a)	Review the impact upon tenants who have been reallocated to a new dwelling	Staff time		
b)				
c)				
d)				

(I) *Taking immediate effect.*

(R) *Recommended to Council/Directors through a Committee or other Report*.*

(S) *Added to the Service Plan.*

(J) *To be brought to the attention of the Equality Manager.*

*Summarise your findings in the report. Make the full assessment available for further information.

NB: Make sure your final document is suitable for publishing in the public domain.



Meeting:	Cabinet
Meeting date:	3 November 2016
Title of report:	Revised governance arrangements for West Mercia Energy
Report by:	Cabinet member corporate strategy and finance

Classification

Open

Key decision

This is not a key decision.

Wards affected

County wide

Purpose

To approve the revised, joint agreement following consultation with Shropshire Council, the Borough of Telford and Wrekin and Worcestershire County Council.

Recommendations

THAT:

- a) **the revised joint agreement at appendix 1 setting out the role, functions and terms of reference for the joint executive committee overseeing the strategy and direction of West Mercia Energy (WME) joint purchasing operation be approved; and**
- b) **the assistant director communities be authorised to agree with the other constituent authorities any further amendments to the Joint Agreement required, following consultation with the cabinet member, prior to completion and to complete the necessary deeds of variation on behalf of the council.**

Alternative options

- 1 Cabinet could decide not to approve the revised governance documents but this

Further information on the subject of this report is available from
Richard Wood, head of environment and waste services on Tel (01432) 383009

would carry the risk that decision-making was not conducted in accordance with constitutional and statutory requirements.

- 2 The joint purchasing operation could be established under different governance arrangements, such as a legal entity in its own right. Whilst the advantages and disadvantages of such an option are being explored and will be subject to a decision in the future, there remains a need to ensure that existing governance arrangements are robust and fit for purpose.

Reasons for recommendations

- 3 The WME joint committee has discussed the need for revising and updating the governance arrangements. Since February 2016 Shropshire Council legal services, on behalf of WME, have conducted a review of the joint agreement between the member authorities as well as internal documents for the joint committee such as the financial regulations, standing orders, and scheme of delegation. The joint agreement has been subject to consultation with the relevant officers and a joint agreed recommended approach.

Key considerations

- 4 WME offers energy procurement and management on behalf of its four partner councils (Herefordshire Council, Shropshire Council, Borough of Telford & Wrekin Council and Worcestershire County Council). The contracts cover electricity, natural gas, petroleum fuels and liquid petroleum gas. West Mercia Energy is overseen by a joint executive committee with representation from the four owning authorities.
- 5 WME comprises a small, specialist energy buying team which purchases gas and electricity on behalf of the councils and gives assurance on price by giving a yearly capped rate. Additional benefits include passing on in-year savings where possible, validation checking of meter readings to ensure the council is not overcharged and computerised access to all the individual energy bills.
- 6 WME is able to trade with other public bodies as defined by the Local Authorities (Goods and Services) Act 1970, and when a financial surplus is generated from those activities it is shared amongst the four owning authorities annually.
- 7 The attached joint agreement shows tracked changes to the agreement previously entered into. The changes seek to clarify the working governance arrangements.
- 8 The key governance changes proposed to the main agreement are;
 - To move from a fixed-term joint agreement (extendable at regular intervals) to an ongoing commitment, with a restricted ability for a constituent authority to terminate their participation and withdraw from WME.
 - Greater clarity on access to information provisions to ensure the due circulation of reports and minutes.
 - Confirms that meetings of the WME joint committee will comply with the regulations applicable to executive decision making.
 - The WME joint committee will adopt Strategic Policies necessary for the proper operation of WME.
 - Confirms that decisions of the joint committee will be subject to scrutiny by the constituent authorities and its decisions can also be called-in within each

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Richard Wood, head of environment and waste services on Tel (01432) 383009

constituent authority, using their own respective mechanisms. Any call-in is dealt with by the constituent authority following its own Scrutiny processes.

- The constituent authorities may jointly and unanimously agree to discontinue WME and its assets shall be distributed fairly and reasonably between them.
- No authority can withdraw from WME during the term of any Key Contract with a Utility Supplier. Otherwise, an authority can give at least 12 months' notice to withdraw but withdrawal will only take place on the expiry of any agreements with Utility Suppliers to which that authority is a party. The exiting authority will remain liable for an equal share of liabilities incurred up to the point of termination and would receive any net share of the WME assets once the assets and liabilities of WME had been assessed and allocated.

Community impact

- 9 Clear and effective governance arrangements ensure that the council can comply with its code of corporate governance which states the council aims to:
- Provide the best possible service to the people of Herefordshire.
 - Define the roles of members and officers, ensure that they work together constructively, and improve their effectiveness.
 - Require high standards of conduct.
 - Take sound decisions on the basis of good information.
 - Be transparent and open: responsive to Herefordshire's needs and accountable to its people.

Equality duty

- 10 The [equality duty](#) is in section 149 of the Equality Act 2010. It ensures that public bodies consider the needs of all individuals in shaping policy, in delivering services, and in relation to employees. The duty requires that when exercising public functions, public service providers must have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it
 - Foster good relations between people who share a protected characteristic and people who do not share it.

In relation to the recommendation of this report there are no identified negative impact on protected characteristic with this report and its implications relating to governance process and arrangements.

Financial implications

- 11 There are no financial implications identified from the changes proposed to the existing governance arrangements.

Legal implications

- 12 Cabinet can (because the purchase of energy is an executive function) arrange for this function to be discharged jointly with other local authorities in accordance with s.101 Local Government Act 1972, s9EB Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 13 The revised joint agreement clarifies the operating arrangements and complies with the law.

Risk management

- 14 If cabinet did not agree the revision to the governance documents it would not be possible for WME to operate effectively and would leave the council at risk of challenge to decisions taken by the joint committee.

Consultees

- 15 None

Appendices

- 16 Appendix 1 - Revised joint agreement

Background papers

- 17 None identified.

DATED 20th day of June 2013

SHROPSHIRE COUNCIL (1)

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (2)

WORCESTERSHIRE COUNTY COUNCIL (3)

THE BOROUGH OF TELFORD & WREKIN (4)

WEST MERCIA ENERGY
JOINT AGREEMENT

THIS AGREEMENT is made the 20th day of June 2013

BETWEEN

- (1) SHROPSHIRE COUNCIL (~~hereinafter referred to as "SC"~~)
- (2) THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (~~hereinafter referred to as "HC"~~)
- (3) WORCESTERSHIRE COUNTY COUNCIL (~~hereinafter referred to as "WCC"~~)
- (4) THE BOROUGH OF TELFORD & WREKIN (~~hereinafter referred to as "Telford & Wrekin Council"~~)

(hereinafter referred to as "the Member Authorities or "the Member Authority" as the context determines)

WHEREAS

- i) A local authority or any public body may under the Local Authority (Goods and Services) Act 1970 (hereinafter referred to as "the 1970 Act") enter into an agreement for the supply of any goods material or services within the meaning of the 1970 Act to any body or authority referred to in the 1970 Act and local authorities have additional powers to provide services under section 1 of the Localism Act 2011, subject to any restrictions contained therein.
- ii) The Member Authorities ~~have~~ each operate ~~introduced~~ executive arrangements under the provisions of the Local Government Act 2000.
- iii) Following the sale by the Member Authorities of the stationery supplies business operated under the Joint Committee known as West Mercia Supplies, the Executives of each of the Member Authorities have agreed to continue the form a Joint Committee for the purposes of s.101 Local Government Act 1972 (hereinafter called "the 1972 Act") and pursuant to Section 9EB of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 ~~in accordance with made under s.20 of the Local Government Act 2000 and the Executives of each of the Member Authorities wish to enter~~ this Agreement
- iv) Section 103 of the 1972 Act provides that the expenses incurred by a Joint Committee of two or more local authorities shall be defrayed by those authorities in such proportions as they may agree or in the case of disagreement as may be determined by a single arbitrator appointed by the member authorities on the nomination of the President for the time being of the Chartered Institute of Public Finance and Accountancy in accordance with and subject to the provisions of the Arbitration Act 1996
- v) The Member Authorities have agreed that the Joint Committee shall have the power to appoint staff and that one Member Authority shall be referred to as the Lead Authority. The Lead Authority shall employ the staff and hold property employed, on behalf of the Member Authorities, for the purposes of the Joint Committee.

..

1. Definitions

1.1 In this agreement where the context so permits the following words shall have the meanings shown:-

<u>Annual Business Plan</u>	<u>shall mean the Plan referred to in Clause 5.3 and 5.4</u>
<u>Chair</u>	<u>shall mean such person as shall from time to time be duly elected to be the Chair of the Joint Committee in accordance with Clause 3.9.</u>
<u>Chief Executive</u>	<u>shall mean the Head of Paid Service of each Member Authority or such other officer as each Member Authority determine</u>
<u>Delegated Functions</u>	<u>shall mean those functions, powers and responsibilities set out in Schedule 2 hereto subject to the restrictions expressed therein and otherwise in this agreement.</u>
<u>Director</u>	<u>shall mean the officer, so designated under paragraph 1(iv) of Schedule 2, employed to operate and manage WME</u>
<u>Executive Elected Member</u>	<u>shall mean any person duly elected to be a Council Member of any of the Member Authorities who is also a Member of the Executive of that Member Authority.</u>
<u>Key Contract</u>	<u>means a contract entered into on behalf of the Member Authorities as directed by the Joint Committee with a Utility Supplier which the Joint Committee designates as a contract during which a Member Authority may not withdraw from membership of the Joint Committee. Contracts for the supply of gas and electricity shall automatically be deemed Key Contracts unless otherwise agreed by the Joint Committee.</u>
<u>Key Decision</u>	<u>A decision likely to be taken by the Joint Committee, or by an officer pursuant to a delegation by the Joint Committee, which is likely to result in income, expenditure or savings of £500,000 or greater, or to have a significant effect, on, two or more Electoral Divisions of a Member Authority.</u>
<u>Joint Committee Member</u>	<u>shall mean an Executive Elected Member who shall from time to time be nominated by a Member Authority to represent the executive of that Member Authority on the Joint Committee.</u>
<u>Joint Committee</u>	<u>shall mean the Joint Committee established by this agreement referred to at paragraph 2.1</u>
<u>Lead Authority</u>	<u>shall mean Shropshire Council or such other Member Authority as may from time to time be agreed by a majority of the Member Authorities in writing</u>
<u>Member Authority</u>	<u>shall mean each authority included in Schedule 1 hereto</u>

	<u>and the phrase “Member Authorities” shall be interpreted accordingly.</u>
<u>Overview and Scrutiny</u>	<u>means the arrangements of each Member Authority in respect of a committee which oversees and scrutinises each Member Authority’s involvement in the decisions of the Joint Committee in accordance with the Local Government Act 2000 (as amended) and any statutory instruments made thereunder.</u>
<u>Scheme of Delegation</u>	<u>shall mean a written record of any delegations made by the Joint Committee</u>
<u>Strategic Policies</u>	<u>shall mean the Policies referred to in Clause 5.2.</u>
<u>Utility Supplier</u>	<u>means a supplier of gas, electricity or any other utility service with whom WME has agreed to purchase services on behalf of the Member Authorities and WME Customers.</u>
<u>Vice-Chair</u>	<u>shall mean the person from time to time elected to be Vice-Chairman of the Joint Committee in accordance with Clause 3.9</u>
<u>West Mercia Energy or “WME”</u>	<u>shall mean West Mercia Energy business operated under the authority of the Joint Committee.</u>

- 1.1 ~~Member Authority~~ shall mean each authority included in Schedule 1 hereto and the phrase “Member Authorities” shall be interpreted accordingly.
- 1.2 ~~Lead Authority~~ shall mean Shropshire Council or such other Member Authority as may from time to time be agreed by a majority of the Member Authorities in writing.
- 1.3 ~~Delegated Functions~~ shall mean those functions, powers and responsibilities set out in Schedule 2 hereto subject to the restrictions expressed therein and otherwise in this agreement.
- 1.4 ~~Director~~ shall mean the officer, so designated under paragraph 1(iv) of Schedule 2, employed to operate and manage WME.
- 1.5 ~~West Mercia Energy or “WME”~~ shall mean West Mercia Energy business operated under the authority of the Joint Committee.
- 1.6 ~~Strategic Policies~~ shall mean the Policies referred to in Clause 5.2.
- 1.7 ~~Annual Business Plan~~ shall mean the Plan referred to in Clause 5.3 and 5.4
- 1.8 ~~Joint Committee~~ shall mean the Joint Committee established by this agreement referred to at paragraph 2.1
- 1.9 ~~Chief Executive~~ shall mean the Head of Paid Service of each Member Authority or such other officer as each Member Authority shall determine.
- 1.10 ~~Executive Elected Member~~ shall mean any person duly elected to be a Council Member of any of the Member Authorities who is also a Member of the Executive of that Member Authority.
- 1.11 ~~Joint Committee Member~~ shall mean an Executive Elected Member who shall from time to time be nominated by a Member Authority to represent the executive of that

..

- ~~1.12 Chair~~ ~~Member Authority on the Joint Committee.~~ shall mean such person as shall from time to time be duly elected to be the Chair of the Joint Committee in accordance with Clause 3.9.
- ~~1.13 Vice-Chair~~ shall mean the person from time to time elected to be Vice-Chairman of the Joint Committee in accordance with Clause 3.9
- 1.244 Any reference to a statutory provision, subordinate legislation or other enactment includes reference to it as amended, extended or replaced from time to time and includes any subordinate legislation, byelaw or other enactment made under it.
- 1.345- Where the word 'including' is used in this Agreement, it shall be understood as meaning 'including without limitation'.
- 1.446- This Agreement shall be governed by English Law and where the context so admits the words contained in the Definitions Section shall bear the meanings specified therein.

NOW IT IS HEREBY AGREED as follows:

2. The Joint Committee

- 2.1 The Executives of the Member Authorities agree to form a Joint Committee which shall arrange for the discharge of their functions, as set out in clause 4, in connection with this Agreement under the name West Mercia Energy.
- 2.2 The Member Authorities agree that the role of the Joint Committee shall be strategic in nature and that whilst the Joint Committee shall maintain a strategic oversight of the business of WME the day to day running of that business and the implementation of any strategy agreed by the Joint Committee shall be delegated to the appointed Director.
- 2.3 The Joint Committee shall have the power to appoint sub-committees comprising Joint Committee Members ~~or officers of the Member Authorities~~, and the Joint Committee may delegate such of its functions to a sub-committee as it deems reasonably necessary.
- 2.3A The Joint Committee may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these groups, which may be formed of officers or members of the Member Authorities or such third parties as the Joint Committee considers appropriate.
- 2.3B The Joint Committee may delegate such of its functions to the Director or officers of the Member Authorities as it sees fit to provide for the effective operation of the business conducted on behalf of the Joint Committee.
- 2.4 The Lead Authority shall appoint from its officers a ~~S~~secretary to undertake the role set out in Clause 2.5 below ("the Secretary") and a ~~T~~treasurer to undertake the role set out in Clause 2.6 below ("the Treasurer") to the WME Joint Committee. The Secretary and Treasurer shall liaise with the monitoring officers and section 151 Officers ~~the Treasurers~~ of the Member Authorities to enable those officers to comply with their responsibilities under Section 5 of the Local Government and Housing Act 1989 and Section 151 of the Local Government Act 1972.
- 2.5 The responsibilities of the Secretary shall be as follows: ~~responsible for the production and compilation of the Joint Committee's agenda and minutes and shall provide legal advice and services to the Committee.~~

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- i. to make all necessary arrangements for the publication of forthcoming decisions, convening of meetings of the Joint Committee and any Sub-Committees, to ensure that the meetings and decision making of the Joint Committee are undertaken in accordance with legal requirements;
- ii. to provide, or, where necessary, procure the provision of, all necessary legal advice on matters under consideration by the Joint Committee or relevant to the Committee's functions;
- iii. to arrange for the taking and maintenance of minutes of meetings of the Joint Committee and any Sub-Committees, the publication of any resulting decisions and ensure that the business of the Joint Committee at its meetings is conducted in accordance with legal requirements;
- iv. to manage and co-ordinate the day-to-day affairs of the Joint Committee and its administrative support.

2.6 The responsibilities of the Treasurer shall be as follows:

- i. to provide financial advice to the Joint Committee;
- ii. in conjunction with the Director, to prepare an annual budget for the Joint Committee;
- iii. in conjunction with the Director, to keep proper accounts of the monies received and expended by the Joint Committee;
- iv. to calculate overheads and in accordance with clause 7 below; and
- v. the calculation, apportionment and distribution of any accumulated surplus in accordance with clause 8 below;
- vi. the calculation and apportionment of liabilities in accordance with clause 9 below;
- vii. to fulfil or arrange the requirements in respect of the external audit of the Joint Committee;
- viii. to ensure that an appropriate internal audit function is provided to the Joint Committee;
- ix. to present to the Joint Committee the annual statement of accounts for approval.

2.7 The Joint Committee or the Director as appropriate may arrange for the purchase of other services from wheresoever it considers such services are most efficiently and effectively provided.

2.8 The costs of all services mentioned in 2.4 shall be a charge levied on the annual budget of WME.

Membership

3. Membership and Meetings

3.1 Membership of This Agreement WME shall run from 1st April 2013 and shall continue until terminated in accordance with clause 10.1, or in respect of an individual Member Authority's membership, until their membership is terminated in accordance with clause 10.3, until 31st March 2020 and thereafter may be extended by agreement between the Member Authorities.

3.2 Wherever in this Agreement the Member Authorities have the power to decide any matter by majority vote then each Member Authority shall have such number of votes as that Member Authority has representatives (or an entitlement to representatives) on the Joint Committee. Unless otherwise stated, any reference in this Agreement to the 'approval' of the Joint Committee shall be taken to mean approval provided by the Joint Committee by way of a majority vote.

- 3.2A All voting shall be by a show of hands, unless the provisions of paragraph 3.2B below apply. Any question coming before the Joint Committee shall be decided by a simple majority of those present and voting the Chair having the casting vote in the event of an equality of votes in addition to his/her vote as a member of the Committee.
- 3.2B Recorded votes shall be taken if requested by any one Committee Member, and any Member shall have the right to have the way s/he individually voted (or abstained) recorded in the minutes.
- 3.3 Each Member Authority shall be entitled to appoint that number of their Executive Elected Members as specified in Schedule 1 hereto to serve on the Joint Committee for a term expiring upon the retirement of the Executive Elected member following Council elections or unless earlier replaced by the appointing Member Authority following written notice to the Secretary (such written notice may be given by electronic mail) which will take effect upon receipt unless any later date is specified. Substitute members may be appointed in accordance with clause 3.11 below.
- 3.4 A Joint Committee Member appointed in accordance with 3.3 shall nevertheless cease to be a Joint Committee Member when he or she ceases to be an Executive Elected Member of the Member Authority by whom he or she is appointed.
- 3.5 Appointments should be notified formally in writing to the Secretary of the Joint Committee by the Chief Executive or other nominated officer for each Member Authority (such written notice may be given by electronic mail).
- 3.6 Any Joint Committee Members who are absent from meetings of the Joint Committee for three consecutive meetings (unless excused by the Joint Committee) or who communicate in writing to the Secretary to the Joint Committee a wish to resign shall thereupon cease to be Joint Committee Members. The Secretary shall notify the relevant Member Authority and invite them to appoint replacement Joint Committee Members in accordance with clause 3.3.
- 3.7 Notices of meetings and accompanying documents shall be sent to the members ~~and officers~~ of the Joint Committee and relevant officers of each Member Authority by the Secretary of the Joint Committee in accordance with clause 3.7C. ~~to the Chief Executive of each Member Authority by the Secretary of the Joint Committee.~~
- 3.7A The Secretary shall undertake the publication of notices of meetings and accompanying documents and conduct the Joint Committee's meetings in accordance with the 'Access to Information Procedure Rules' as contained within the Lead Authority's constitution. These requirements will include the publication of notices of any forthcoming Key Decisions to be taken by the Joint Committee (the 'Forward Plan') on the Lead Authority's website at least 28 clear days before a Key Decision is to be taken and publication of notice of a meeting, copies of the agenda and reports open to the public on the Lead Authority's website at least five clear working days before the meeting. Each Member Authority shall be responsible for ensuring they provide a link from their own website to the information published on the Lead Authority's website, or such other method of publication of the required information as they deem appropriate, in order to comply with their own access to information obligations.
- 3.7B A copy of the notice of meeting, the agenda for each meeting, any relevant reports and the minutes of the previous meeting shall be provided by the Secretary, at least five (5) clear days before such meeting to each Joint Committee Member.
- 3.7C At the same time, such papers will also be provided to:
- (i) to the Chief Executive of each Member Authority or such other senior officer of a Member Authority as may be nominated in writing by a Member Authority to the Secretary's clerk to the Joint Committee meeting;

- (ii) the Monitoring Officer of each member Authority;
- (iii) such other addressees as a Member Authority may nominate in writing from time to time to the Secretary to the Joint Committee.

- 3.7D The notice of meeting shall contain notice of all business, except urgent business, which is required to be brought before the Joint Committee either in the ordinary course of business, or which is brought by the Chairman, the Vice-Chairman or the clerk of the Committee.
- 3.7E Meetings of the Joint Committee will be open to the public and press except where the Joint Committee resolve that the press and public be excluded (which may only be during consideration of items containing confidential or exempt information within the meaning of the Local Government Act 1972) and in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- 3.7F Minutes of the Joint Committee shall (subject to the provisions of clause 3.7E above) be available to the public and press and published on the Lead Authority's website as though they were minutes of a meeting of a Member Authority.
- 3.7G Decisions of the Joint Committee shall be published on the Lead Authority's website as soon as reasonably practicable after each meeting. Each Member Authority shall be responsible for ensuring they provide a link from their own website to the Joint Committee decisions published on the Lead Authority's website, or such other method of publication of the required information as they deem appropriate, in order to comply with their own access to information obligations.
- 3.8 There shall be an Annual Meeting of the Joint Committee in September of each year and at least one further ordinary meeting in February of each year for the approval, inter alia, of the Annual Business Plan unless the Joint Committee shall agree that further meetings are required at such time or times as shall be deemed necessary by the Joint Committee. A Special Meeting may be requisitioned by the Chief Executive of a Member Authority, such requisition to set out the business to be transacted at the meeting and to be delivered to the Secretary of the Joint Committee in normal circumstances at least ten clear working days prior to the date of the meeting and the Secretary shall undertake the relevant publication of notices and documents relating to the Special Meeting in accordance with this clause 3. Where it is certified that the business to be transacted is urgent business the time limit for delivery of such requisition may be waived by the Secretary of the Joint Committee following consultation with the Chair of the Joint Committee. Where a Key Decision is likely to be made at the Special Meeting the provisions of the Lead Authority's 'Access to Information Procedure Rules' in relation to urgent decisions shall apply.
- 3.9 At the meeting in February 2013 and thereafter every year at the ordinary meeting in February the Joint Committee shall elect by majority vote one of their members to be Chair for the ensuing 12 month period and another member to be Vice-Chair for the same term. The Chair and Vice-Chair shall not be from the same Member Authority ~~nor any person hold office for longer than one term consecutively.~~
- 3.10 The Chair and Vice-Chair shall hold office until the appointment of their successors as provided for in clause 3.9 above or until such earlier date as they shall cease to be an Executive Elected Member of their respective Member Authorities in which case the respective office shall be filled at the next meeting of the Joint Committee. In the absence of both the Chair and Vice-Chair from a meeting the members present shall before any other business is transacted elect, by majority vote, one of their number to preside at that meeting.
- 3.11 A substitute member shall only be entitled to attend, speak and vote as if an ordinary

member of the Joint Committee where, at least one clear working day prior to the date of the meeting, notice has been given to the Secretary that:

- (i) it is impracticable for the named ordinary member of the Joint Committee to attend a specified meeting;
- (ii) the named substitute member will attend in place of their named ordinary members; and
- (iii) the named substitute member is also an Executive Elected Member.

3.12 The quorum of the Joint Committee shall be two members from at least two separate member authorities.

3.13 The proceedings of the Joint Committee shall not be invalidated by any vacancy in their number or by any defect in the appointment or qualification of any Joint Committee Member whose appointment is properly notified to the Secretary of the Joint Committee.

3.14 With the agreement of the Chair of the Joint Committee, or in his absence the Vice-Chair, or the member elected so to act in accordance with 3.10, any Elected Member of the Member Authorities or authorised officers from the Member Authorities or WME may attend and speak but not vote at meetings of the Joint Committee. The Executive Member responsible for procurement policy of each Member Authority or the Leader of the Member Authority shall have the right to attend and speak but not vote if they are not the nominated Joint Committee member.

3.15 Notwithstanding the provisions of 3.14, a Member Authority may, with the agreement of the Chair or in his absence the Vice- Chair, or the member elected so to act in accordance with 3.10, invite any person to attend a meeting of the Joint Committee for the purpose of making a presentation, or providing advice or information, on any item relevant to the Joint Committee's functions where that person is able to provide a professional or commercial viewpoint, which the Member Authority considers would be of assistance to the Joint Committee.

3.16 Each Joint Committee Member shall observe and comply with the provisions of the Code of Conduct for elected members adopted by their appointing Member Authority ("Code of Conduct").

3.17 Where a Joint Committee Member attends a meeting of the Joint Committee they must declare any disclosable pecuniary and other interests as required by their Code of Conduct either at the start of the meeting, or otherwise as soon as the interest becomes apparent in the course of the meeting.

3.18 An interest, other than a disclosable pecuniary interest, which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the actions of the Joint Committee Member may be disregarded if the Joint Committee so resolves.

3.19 Where in relation to any meeting a Joint Committee Member has a disclosable pecuniary interest in an item which prevents their participation in the discussion and voting on that item, the Joint Committee Member must leave the room for the duration of the discussion and voting on that matter. In respect of all other interests, the Chair has the right to decide whether a Joint Committee Member declaring an interest can observe the meeting and not contribute or should be asked to leave.

3.20 Where Joint Committee Member(s) has declared an interest which requires them to withdraw from the meeting and vote, the meeting will be deemed to be quorate.

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4. Objectives

- 4.1 The objectives of the Joint Committee shall be to maintain effective, efficient and economic arrangements for the purchase and supply of energy at the request of and to the satisfaction of the Member Authorities and to other public bodies, non-profit making charitable organisations, education providers including Academies and private sector organisations delivering services on behalf of public bodies and such other organisations which may be approved by the Joint Committee (including approval via the Annual Business Plan) where it is permitted by law and is to the benefit of Member Authorities to do so.
- 4.2 The Joint Committee shall be responsible for the discharge of the functions of the Member Authorities in relation to those matters delegated by the Member Authorities set out in Schedule 2 hereto.
- 4.3 The Joint Committee shall make available the above services of WME in accordance with the approved Annual Business Plan, the interests of Member Authorities and the law.

5. Procedure

- 5.1 WME shall, following approval by the Joint Committee, adopt and operate a set of financial procedures and standing orders ~~regulations~~ for the procurement of goods and services.

5.1A In the absence of any specific Standing Orders adopted by WME applicable to an issue, the Lead Authority's standing orders shall apply to the Joint Committee in respect of that issue.

- 5.2 The Joint Committee shall approve and adopt ~~produce~~ and thereafter keep under review ~~Strategic Policies for adoption~~ strategic policies necessary for the proper operation of the Committee and the WME business ("the Strategic Policies"), and where appropriate shall adopt the Lead Authority's relevant policies (with or without revision) and shall conduct its affairs in conformity with the provisions of such Strategic Policies or subsequent amendment. The Strategic Policies shall include ~~comprise:-~~

- i) ~~an the Lead Authority's~~ Equal Opportunities Policy;
- ii) ~~a the Lead Authority's~~ Health and Safety Policy;
- iii) pay and conditions for WME staff, together with other relevant employment policies where these are different to those of the Lead Authority; and
- iv) Standing Orders in respect of contract and procurement matters; and
- v) a set of financial regulations governing the operation of the financial matters of WME;
- vi) ~~the Lead Authority's~~ policies relating to modern environmental practices and sound environmental sustainability in the sourcing of its products and services from suppliers;
- vii) a risk management strategy.

- 5.3 The Joint Committee shall approve an Annual Business Plan. The Annual Business Plan shall be recommended to the Joint Committee by the Chief Executives of the Member Authorities. The Chief Executives of the Member Authorities may recommend any material variations to the Annual Business Plan to the Joint Committee, including the acquisition of new customer markets not already referred to therein.

- 5.4 The Annual Business Plan shall comprise a comprehensive statement of the business aims and proposed actions of the Joint Committee for the ensuing financial year and inter alia shall include:-

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- i) business and financial objectives
 - ii) performance standards
 - iii) marketing strategy
 - iv) indicative staffing levels and changes
 - v) proposed main activities
 - vi) permitted trading and customer markets that the Director has authority to engage in
- 5.5 The Joint Committee shall agree its own detailed budgets for internal use by the Joint Committee at a level of detail by the Treasurer and Director as necessary to exercise proper management control of the activities of WME. Such budgets shall be in accordance with the Annual Business Plan.
- 5.6 The Joint Committee (or the Director as provided in the Scheme of Delegation) shall be empowered to make any necessary operational decisions necessary for the effective operation of WME including the virement of budgets and appointment of staff provided any such actions are consistent with the approved Standing Orders, Financial Regulations, Annual Business Plan and Strategic Policies.

5A. Scrutiny Arrangements

5A.1 The decisions made by (and, for the avoidance of doubt, not mere recommendations of) the Joint Committee shall be subject to the Overview and Scrutiny arrangements of each Member Authority.

5A.2 Notification of the publication of decisions of the Joint Committee on the Lead Authority's website shall be sent to the nominated contact within each Member Authority (who has responsibility for administering that Member Authority's committee or democratic process) together with all those to whom agenda papers etc are despatched as soon as possible after publication in accordance with clause 3.7G above. Each Member Authority shall circulate notification of the publication of such decisions as they deem appropriate within their own authority.

5A.3 The Joint Committee Members and their officer advisers shall fully cooperate with the relevant Overview and Scrutiny Committee of the Member Authorities.

5A.4 Any decision or action of the Joint Committee may be called in for scrutiny by members of a Member Authority. A decision is called in by members of a Member Authority in the same way in which they would call in a decision of that Member Authority's Executive except that:

- (a) decision may not be called-in after 5pm on the 5th working day after the date upon which the decision is published.
- (b) a call in of such a decision or action can only be made if the decision or action concerned affects the Member Authority whose membership wishes to call in the decision or action.

5A.5 Once a decision is called in it may not be implemented until the Overview and Scrutiny arrangements of the Member Authority whose membership has called in the decision or action has been completed or if called in by more than one such Member Authority, until the last has been completed. Where a Member Authority's Overview and Scrutiny committee or a full Council requires reconsideration of the decision by the Joint Committee the Joint Committee shall arrange for the decision to be reconsidered in the light of comments made by the Committee or the full Council and the final decision of the Joint Committee shall not be subject to call in.

6. Reports

- 6.1 The Joint Committee shall receive in each year at each September annual meeting the report of the Director and the Treasurer in respect of the twelve months ending the Thirty first day of March of that year and a copy thereof shall be forwarded to the Chief Executive of each Member Authority.
- 6.2 The reports shall include, inter alia:-
- a) A statement showing progress in achieving the objectives in the Annual Business Plan including a report and financial statement on the operation of WME.
 - b) A summary revenue account and statement of capital spending including the recommendations as to the distribution or use of any revenue surplus and the financing of any capital expenditure.
- 6.3 At each meeting of the Joint Committee the Joint Committee shall consider whether it will be appropriate to task the Director with the holding of meetings or the undertaking of reviews on any matter (at the absolute discretion of the Joint Committee) upon which it shall require a formal report to be presented at its next or any subsequent meeting. .

7. Overheads, Pricing and Financial Requirements

- 7.1 The costs of all overheads including staffing costs and liabilities shall be recovered as an oncost on any energy or services sold.
- 7.2 The prices at which energy and services shall be sold shall be at the discretion of the Director. The Director will fix prices with a view to attaining the following objectives:-
- a) Meeting budgeted operating costs for the ensuing year.
 - b) Achieving the projected surplus of income over expenditure in accordance with the agreed Annual Business Plan.
- 7.3 a) The Joint Committee shall determine the level of accumulated surplus that shall be retained for contingency, for future investment or for other reserve purposes, having considered the recommendations of the Treasurer and Director; and
- b) The whole or any part of any remaining accumulated surplus balance (not otherwise retained for contingency, future investment or reserve purposes) shall be distributed to the Member Authorities in the manner described in clause 8 hereto
- 7.4 Interest due or accrued on credit or debt balances with the Lead Authority shall be accounted for.
- 7.5 The accounts and records of WME shall be subject to a continuous process of audit by the Treasurer to the Joint Committee and shall also be subject to audit in accordance with the provisions of Sections 2 and 3 of the Audit Commission Act 1998. The Member Authorities agree to recommend to the Commission that the same auditors should be appointed to audit the accounts of the Lead Authority and the Joint Committee.
- 7.6 The accounts and records of WME shall be open for inspection by the Chief Finance Officer or other nominated officer of any Member Authority.

8. Distribution of Surplus

- 8.1 In September of each year the accumulated surplus identified in clause 7.3(b) shall be

distributed in accordance with the relevant provisions of this clause 8.

- 8.2 ~~NOT USED~~ ~~The accumulated surplus identified for distribution in September 2012 shall be distributed to each Member Authority in accordance with clause 8.5.~~
- 8.3 ~~NOT USED~~ ~~The accumulated surplus identified for distribution in September 2013 shall be distributed to each Member Authority in proportions calculated using the arithmetic mean of the proportions identified by the distribution method stated in clause 8.5 and proportions identified by the distribution method stated in clause 8.6~~
- 8.4 ~~NOT USED~~ ~~The accumulated surplus identified for distribution in September 2014 and in September of each subsequent year during the term of this Agreement shall be distributed to each Member Authority in accordance with clause 8.6.~~
- 8.5 ~~NOT USED~~ ~~In respect of clause 8.2 the balance of the accumulated surplus shall be distributed as follows:~~
- ~~a) the proportion of the accumulated surplus identified as arising from sales and receipts generated by transactions other than with a Member Authority shall be divided and distributed between the Member Authorities in equal shares (which for the avoidance of doubt shall be a 25% share for each of the Member Authorities)~~
 - ~~b) the amount of the accumulated surplus identified which is attributable to the use of WME (or its predecessor West Mercia Supplies) by transactions with the Member~~

~~Authorities shall be divided between the Member Authorities in a ratio equal and rounded to the nearest 0.5% percentile equivalent of their respective previous five year purchasing history of each Member Authority from WME (or its predecessor West Mercia Supplies)~~

- 8.6 ~~In respect of clause 8.4~~ ~~†~~ ~~The balance of the accumulated surplus identified for distribution shall be divided and distributed to each Member Authority as follows:~~
- ~~a) each Member Authority shall receive a percentage share of the accumulated surplus identified for distribution arising from transactions with the Member Authorities calculated in accordance with the percentage of the gross profit generated by the receiving Member Authority's transactions with WME during the financial year prior to the date of distribution; and~~
 - ~~b) each Member Authority shall receive 25% of the accumulated surplus identified for distribution generated by transactions with non-Member Authority customers during the financial year prior to the date of distribution .~~

9. Obligations of Member Authorities

- 9.1 Each Member Authority shall defray the expenses of their own respective Joint Committee Members.

9.1A Except as expressly stated, where the costs, expenses and liabilities of the Joint Committee and the operation of the business cannot be met out of the monies identified in clause 7.3a the provisions of clause 9.2 and 9.3 below shall apply.

- 9.2 Subject to clause 9.3, the Member Authorities shall be jointly liable in equal shares and shall indemnify the Lead Authority for the liabilities of WME in respect of all claims,

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liabilities and costs incurred by the Lead Authority in respect of the staff employed or previously employed by the Lead Authority for the purposes of WME or its predecessor West Mercia Supplies.

9.3 Contracts entered into in the name of WME (or in its previous name of West Mercia Supplies or 'WMS) shall be the joint and several liability of all Member Authorities. Where contracts are entered into by WME on behalf of a named body it shall be presumed that WME acts as agent for that body unless the contrary can be shown.

9.4 Clauses 9.2 and 9.3 shall survive the termination of this agreement.

10. Termination

10.1 ~~NOT USED For the avoidance of doubt the Member Authorities agree that they may not withdraw from membership during the term of this agreement.~~

10.2 If the Member Authorities at any time jointly and unanimously decide that it is expedient to discontinue WME any assets vested in it or in the Lead Authority in trust for the Member Authorities shall be distributed amongst the Member Authorities at the time of such discontinuance in such manner as the Member Authorities may jointly determine to be fair and reasonable after payment of all expenses or liabilities properly incurred. For the avoidance of doubt all expenses and liabilities shall include any redundancy costs or pension fund deficit, actuarially assessed at the date of termination, or any such related costs payable by the Lead Authority in respect of the employees of WME Any deficit arising at such time shall be borne by the Member Authorities in equal shares.

10.3 The Member Authorities agree that an individual Member Authority may not withdraw from membership during the term of any Key Contract with a Utility Supplier to which that Member Authority is a party on behalf of WME.

10.4 Subject to 10.3 above, should an individual Member Authority wish to terminate their membership of the Joint Committee they may serve at least 12 months written notice of termination ("the Notice") to the Chief Executives of the other Member Authorities and the Director to take effect on the latest date of expiry of any unexpired agreements with the Utility Supplier(s) to which the individual Member Authority is a party at the date the Notice is served.

10.5 Where an individual Member Authority has served Notice further to clause 10.4 (hereafter "the Exiting Authority"), during the Notice period the Exiting Authority shall not be a party to any renewal of an Utility Supplier contract and the Exiting Authority shall cease to be entitled to any surplus generated from that renewed Utility Supplier contract whilst the Notice period is being served. During the Notice period the Exiting Authority shall not remove any sites from the list of sites being supplied under the Energy Supply contracts without the approval of the Director.

10.6 The Treasurer shall assess the assets and liabilities of the Joint Committee as they exist at the date of termination of the Exiting Authority's membership of the Joint Committee. Upon exit, the Exiting Authority shall be entitled to an equal share of the value of any assets held on behalf of the Joint Committee net of any liabilities of the Joint Committee. The Exiting Authority shall be liable for an equal share of any liabilities of the Joint Committee incurred up to the date of their exit, irrespective of whether the liability is claimed prior to or after the date of exit which shall include the Exiting Authority's equal contribution to any pension fund deficit actuarially assessed as at the date of exit. The Treasurer shall calculate any amount due to or from the Exiting Authority as at the date of exit of the Exiting Authority. Any payments for liabilities due from the Exiting Authority

may be deducted from any surpluses due to the Exiting Authority in accordance with this Agreement or from any payment due upon exit to reflect the value of any share of the assets of the Joint Committee to which the Exiting Authority is entitled.

10.7 Where the Joint Committee requests a payment from the Exiting Authority for a contribution to its liabilities in accordance with clause 10.6, the Exiting Authority shall make the relevant payment within 20 days of receipt of the request.

10.8 Following receipt of a Notice pursuant to clause 10.4, where the remaining Member Authorities jointly decide that it is not expedient to continue with the Joint Committee, the provisions of clause 10.2 shall take effect and apply in precedence over the remainder of this clause and the Notice shall be revoked.

11 Disputes

11.1 Any dispute arising under or out of this Agreement shall be referred by a Member Authority, by notice in writing to the others, to the Chief Executives of the Member Authorities, who shall co-operate in good faith to resolve the dispute as amicably as possible within 30 days of service of the notice.

11.2 If the matter is not resolved by negotiation within 30 days of receipt of a written 'invitation to negotiate', the parties will attempt to resolve the dispute in good faith through an agreed Alternative Dispute Resolution (ADR) procedure, or in default of agreement, through an ADR procedure as recommended to the parties by the President or the Deputy President, for the time being, of the Chartered Institute of Arbitrators.

11.3 If the matter has not been resolved by an ADR procedure within 60 days of the initiation of that procedure, or if any party will not participate in an ADR procedure, the dispute may be referred to arbitration by any party. The seat of the arbitration shall be England and Wales. The arbitration shall be governed by both the Arbitration Act 1996 and Rules as agreed between the parties. Should the parties be unable to agree on an arbitrator or arbitrators, or be unable to agree on the Rules for Arbitration, any party may, upon giving written notice to other parties, apply to the President or the Deputy President, for the time being, of the Chartered Institute of Arbitrators for the appointment of an Arbitrator or Arbitrators and for any decision on rules that may be necessary.

11.4 Nothing in this clause shall be construed as prohibiting a party from applying to a court for interim injunctive relief.

12. Amendment

12. This Agreement may be varied from time to time by the unanimous decision of the Member Authorities who remain in membership at the time of such amendments such amendments being recorded in memoranda to be attached hereto and executed under the hands of the duly authorised Officers on behalf of the Member Authorities.

IN WITNESS whereof Shropshire Council, The County of Herefordshire County, Worcestershire County Council and The Borough of Telford & Wrekin ~~Council~~ have caused their respective common seals to be hereunto fixed the day and year first before written.

THE COMMON SEAL of SHROPSHIRE)
COUNCIL was hereunto)
affixed in the present of:)
the date and year first before written)

SEALED BY SHROPSHIRE COUNCIL

THE COMMON SEAL of THE COUNTY)
OF HEREFORDSHIRE DISTRICT COUNCIL)
was hereunto affixed in the presence of:)
the date and year first before written)

SEALED BY THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

THE COMMON SEAL of THE COUNTY)
OF WORCESTERSHIRE COUNTY COUNCIL)
was hereunto affixed in the presence of:)
the date and year first before written)

SEALED BY WORCESTERSHIRE COUNTY COUNCIL

THE COMMON SEAL of THE BOROUGH OF)
TELFORD & WREKIN COUNCIL was hereunto)
affixed in the presence of:)
the date and year first before written)

SEALED BY THE BOROUGH OF TELFORD & WREKIN

SCHEDULE 1

MEMBER AUTHORITIES

Name of Member Authority	Number of Joint Committee Members
The County of Herefordshire District Council	2
Shropshire Council	2
Worcestershire County Council	2
Borough of Telford & Wrekin	2

SCHEDULE 2

DELEGATIONS

1. The following matters are delegated to the Joint Committee by the Member Authorities:-
 - (i) To determine the strategic direction and have oversight of WME on behalf of the Member Authorities and in so doing exercise all powers and responsibilities of the Member Authorities to that end.
 - (ii) To purchase on behalf of the Member Authorities such energy and utility services as the Member Authorities may from time to time require WME to procure.
 - (iii) To purchase such energy and utility services as may from time to time be required by anybody which is listed as approved in the current Annual Business Plan or is specifically approved by the Joint Committee provided always that the extent of such trading shall be contained within any limit or restrictions contained in the Annual Business Plan and the provisions of section 1 of the Localism Act 2011.
 - (iv) To appoint a Director with delegated responsibility for the day to day running of the business, the implementation of any strategy agreed by the Joint Committee and responsibility to report to the Joint Committee such officer to be employed and line managed by the Lead Authority which shall on the recommendation of and in consultation with the Director employ such staff, equipment and premises as may be required in connection therewith and in respect of which budget provision has been made in accordance with the Annual Business Plan.
 - (v) To introduce by consultation or negotiation as appropriate revised terms and conditions for WME employees but making it clear at all times that they remain employees of Shropshire Council as the lead authority as a matter of employment law.



MEETING:	Cabinet
MEETING DATE:	3 November 2016
TITLE OF REPORT:	End of September corporate budget and performance report 2016/17
REPORT BY:	Cabinet member, economy and corporate services

Classification

Open

Key decision

This is not a key decision.

Wards affected

County-wide

Purpose

To invite cabinet members to consider performance for the first six months of 2016/17 and the projected budget outturn for the year.

Recommendation(s)

THAT:

- (a) Cabinet notes the council is projected to spend within budget in 2016/17; and**
- (b) Performance for the first six months of 2016/17 is considered.**

Alternative options

1. Cabinet may: choose to review performance more or less frequently; or request alternative actions to address any identified areas of under-performance, including referral to the relevant scrutiny committee.

Further information on the subject of this report is available from Richard Ball, assistant director environment and place on (01432) 260965 and Josie Rushgrove, head of corporate finance on (01432) 261867

Reasons for recommendations

- To provide assurance that progress is being made towards achievement of the agreed outcomes and service delivery targets, and that the reasons for important areas of actual or potential under-performance are understood and are being addressed to the cabinet's satisfaction.

Key Considerations

- The projected full year outturn, based on spend to the end of September 2016, is a £485k overspend. This overspend is before the allocation of the corporately held contingency budget of £700k. This contingency budget was set to fund challenges in achieving saving plans in year and its allocation will deliver an outturn within budget. The improvement since May is predominately due to implementing the Adults recovery plans, one-off savings in waste disposal costs and savings in treasury management costs.

Projected Revenue Outturn 2016/17 (as at the end of September)

Directorate Net Budget	Net Budget £000	Projected full year outturn £000	Projected full year variance Over / (Under)spend £000
Adults and wellbeing	51,815	52,485	670
Children's wellbeing	22,341	22,874	533
Economy, communities & corporate	47,853	47,435	(418)
Directorate total	122,009	122,794	785
Other budgets and reserves	25,970	25,670	(300)
TOTAL	147,979	148,464	485

- Appendix A provides a further breakdown of directorate budgets and forecast spend.
- Council approved the corporate plan 2016/17-2019/20 in February 2016, framed around the key priorities of: enable residents to live safe, healthy and independent lives; keep children and young people safe and give them a great start in life; support the growth of our economy; and secure better services, quality of life and value for money. The supporting delivery plan for 2016/17 was approved by cabinet in April 2016 and the budget is managed in recognition of managing need and the council's relationship with communities.
- Progress is measured through a number of performance measures. These have been selected because they demonstrate progress towards achievement of the council's priorities and also provide an overview of the council's performance from a resident's perspective. The databooks, which are available on the council's website, contain the latest performance outturns available. Where monitoring information is only available annually, these measures will be reported at the point it becomes available.

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7. Appendix E provides an overview of performance during the first six months of 2016/17. Whilst 66% (69% at end of May) of performance measures are showing a positive shift in performance, there are 34% (27% at end of May) that are currently performing worse than the same period last year, and consideration needs to be given as to required actions to improve performance. A summary of performance and the challenges faced within each directorate is included below in paragraphs 8-43.

Adults and wellbeing (AWB)

8. The forecast outturn for 2016/17 is an overspend of £670k.
9. The forecast overspend specifically within the adult social care client groups is £1.138m at year end. This is due to higher than budgeted expenditure on direct payments over and above the compensating reduction in domiciliary care expenditure, particularly within the learning disabilities (LD) client group. The number of direct payments have increased by a net 137 (28.8%) since the budgets were set. There are also unmet savings within both the residential and domiciliary care areas of the LD budget which are contributing to the current AWB financial position.
10. The client forecast assumes that any further demand pressures will be managed within the operational teams, by AWB panel and by senior management. The directorate leadership team have begun to implement a recovery plan that identifies required actions and additional savings initiatives in order to achieve a balanced outturn for 2016/17.
11. Recovery plan meetings have been taking place and the initial focus has been on the following two areas:
 - a) The 'single handed care project' which aims to reduce the number of 'double handed' care packages with better use of equipment and technology. This piece of work is forecasting to reduce the 2016/17 overspend by £150k and partly explains the improvement in the forecast from Q1 to Q2.
 - b) Maximising the occupancy of all block purchased beds thereby reducing reliance on additional spot purchased capacity to reduce the current over-spend by a further £300k. This piece of work has also contributed towards the recent improvement in the AWB forecast and also forms part of the recovery plan.
12. An improvement programme has now been set up to specifically look at service improvements for complex clients with learning disabilities and the reasons for the increase in expenditure within this client group.

What is going well?

13. Operational social care teams have continued their focus on reviews and at the end of Q2 had reviewed 47% of clients since the start of the year (30% at the same point last year). As a result, the percentage of clients in receipt of a direct payment is now 37% (20% at the same point last year), which is likely to place the authority in the top quartile of performers nationally. There is a continued drive to target areas of high spend, including clients with learning disabilities, where we spend disproportionately more, and have a larger number of clients than our comparator authorities. A significant piece of work is now underway with our county team, who manage many of our complex learning disability cases, which will embed the desired culture and challenge.
14. The Local Account, a report aimed at the public and key stakeholders describing performance of the AWB directorate, has been drafted and is intended to go to Cabinet in December. This will be accompanied by the Public Health Annual Report,

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a statutory report by the Director of Public Health, providing information on performance of the Public Health function. An updated Market Position Statement will also be presented to Cabinet, which will inform providers in Herefordshire of our current service trends and the service models we will be looking develop, thus allowing them to prepare their businesses.

15. We completed the final Care Act stocktake assessment in July. This national process sought all authorities' confidence as to whether they had met the requirements of the Care Act. We reported that we were confident in our delivery of all new components and that our processes operated within the spirit of the Care Act. This was in line with most of the other West Midlands authorities which we have been able to benchmark against.
16. The section 75 agreement between the local authority and the Clinical Commissioning Group (CCG) has been reviewed and agreed by Cabinet for an 18 month extension to the end of March 2018, with a further option to extend by an additional 18 months (to September 2019). This agreement provides a contractual framework for the use of pooled funds, enabling services to be delivered and commissioned co-dependently. This also provides a basis for an extension of joint commissioning which is being actively explored.
17. Following go-live of the Wellbeing Information and Signposting for Herefordshire (WISH) website in February, the service is being monitored on a monthly basis. On average, approximately 1,500 people access the website each month, which now holds details of over 1,000 services. In addition in August, there were 21 'pop-ups' held across the county which engaged with just under 300 people and the Hub took 273 phone calls in the month, the majority of which were diverted from our social care Access and Referral Team. Anecdotally, GP's are now referring clients to the WISH hub and see WISH as a key resource for 'social prescribing'. Further awareness of WISH is planned in the next quarter, to make sure all staff are aware of WISH and utilise the information available.
18. Phase 1 of the Leominster project is now complete; this has scoped the available community activities and how these could be developed to help prevent people entering long term social care services. It has also worked to understand the barriers for reduction of costs of care by better utilising community resources. Phase 2 has now started which will scope out other geographical areas in Herefordshire which would benefit from a focus on developing communities. It will further develop the WISH website to ensure that all of the data captured in phase 1 is built into the available services and will further engage with the Leominster community to overcome the barriers identified.
19. The substance misuse services, which were awarded to Addaction in 2015/16, have now been fully mobilised and are working effectively. This covers adults and young person's cessation and recovery support services.

Challenges

20. We are continuing to make progress on the medium term financial strategy (MTFS) for 2016/20. At present, we are £150k short of planned savings for 2017/18 and are an additional £350k short for 2018-2020. The issues around spending on complex LD cases remain the most pressing and these are the subject of a programme of service, process, structural and management interventions, designed to address staff culture and working practices. This continues to be one of the main focusses of the directorate, in order to ensure the full requirements of savings are identified.

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Children's wellbeing (CWB)

21. The forecast outturn for 2016/17 is an overspend of £533k.
22. The approved strategy to step down the total number of looked after children and to reduce the number of external fostering placements has reduced the forecast overspend in external fostering placements of £91k to an underspend of £30k. Over the summer pressure period only one new placement was made; this cost pressure has been managed within the service.
23. The recruitment of permanent managers to the fieldwork teams continues to put pressure on the budget. This has been mitigated by tighter controls on discretionary spend, bringing forward future savings in Education and Commissioning as well as a joint commissioning post agreed with the CCG.
24. An assessment of the current year savings achievement to date has provided confidence that savings will be delivered in 2017/18.

What is going well?

25. Following extensive consultation, the multi-agency safeguarding hub and children in need teams have reviewed their structures and resources to improve effectiveness, especially with the introduction of the single assessment at the end of October 2016. If approved, these will be implemented in November 2016.
26. Since the introduction of controls for all strategy meeting requests, the number of strategy meetings convened has continued to significantly reduce. This is slowly increasing the number of strategy meetings that result in a section 47 investigation. This is reassuring as the figures suggest that the direction of travel is correct and that strategy meetings, where convened, are appropriate and are no longer case management meetings or professional meetings.
27. The number of children subject to child protection plans has reduced notably to 120 and is now in line with statistical neighbours. Many of the children who were subject to child protection plans are supported by short term child in need plans to ensure the improvements are maintained prior to 'step down' from social care to universal services. In some instances families do not require this transitional support. The next steps following the discontinuation of a child protection plan is agreed by all parties in the review child protection conference that agrees the child is no longer at risk of harm. Given that for the second time within six months we are not seeing a rise in the number of children subject to child protection plans; this would suggest that the support plans have been appropriate.
28. Referrals to children's social care have reduced by 25% since the reinforcing of the Herefordshire Safeguarding Children Board (HSCB) Thresholds of Need. This progress must be maintained and will be monitored by the HSCB.
29. Herefordshire Local Area was inspected by the Office for Standards in Education, Children's Services and Skills (OfSTED) and the Care Quality Commission (CQC) in September 2016. The inspection looked at the identification, assessment and meeting of need, and outcomes for children with special educational needs and disabilities. The inspection framework was introduced in May 2016 and Herefordshire was the ninth local authority area to be inspected. The inspection was a positive experience, recognising a number of strengths in Herefordshire whilst also noting areas for improvement. Importantly the inspectors recognised that Herefordshire knows itself well. The final inspection letter is scheduled to be made public at the end of November 2016.

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30. We have a shared ambition to become one of the best performing education systems in the country. The provisional academic results for each key stage and for the early years foundation stage profile (EYFSP) for summer 2016 are as follows:

- **EYFSP:** 72% of children in reception year assessed as reaching a good level of development. This exceeded the national average (69%) for the first time in several years and means we really are giving our children a great start in life.
- **Key stage 1:** Children, schools and early years settings have done really well. We are above the national average now for each of reading (75.5%), writing (67.8%) and maths (74.4%). Four years ago, we were one of the worst performing areas in the country.
- **Key stage 2:** We are at the national average for reading, writing and maths (52%). This puts us firmly in the third quartile performance (if 14 more children had achieved improved outcomes, we'd be in the second quartile), meaning further improvement is well within our reach. So, better than we have been and still some work to do in this key stage.

There were national concerns about the moderation arrangements. We received some very positive feedback from the Standards Testing Agency in its external review of Herefordshire, as to the good quality of our arrangements for moderating teacher assessment at KS1 and writing at KS2, which was carried out through contract by Marlbrook Teaching School.

- **Key stage 4:** Whilst we await the Department for Education's Progress 8 calculations, we have looked at the traditional 5 A* - C GCSEs, including English and maths, for ease of comparison. Herefordshire has maintained its performance of 57% which is in line with the England average for state funded schools and higher than the overall England average (which includes the independent sector).
- **Key stage 5:** A-levels in maintained schools and academies, which are a particular area of strength for us, continued to be excellent with an overall pass rate of 99.1% against a national rate of 98.1%. At the higher grades of A* - A, our rate was 31.7% against 25.8%. Both girls and boys substantially outstripped the national average for A* - C, with only a 0.3% gap between boys and girls.

Challenges

31. This time last year, we supported over 300 children in care. At the end of September the number was 289, having fluctuated between 279 and 291 during Q1. There were notable demands on the service in the summer both from new entrants and disruptions to existing placements. The reasons for these breakdowns are being analysed by the head of service.
32. Significant work is underway, in close liaison with Adult Wellbeing Commissioners, to develop a wider range of supported accommodation in the county and so enable young people to leave our care sooner. The directorate has also reviewed the process by which children come into our care and implemented a new process in September. A review of our existing cohort has also been completed to ensure we can forecast movements in our looked after children (LAC) more accurately. Taken together these three initiatives should see a managed reduction in our looked after children population over the next two years down to our target figure of 180.
33. The performance at all key stages for vulnerable groups and particularly those eligible for free school meals remains an area of focus for individual schools and the local authority. The gap between these groups and their peers remains too great. Specific

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work to address this is being co-ordinated through the Herefordshire school improvement partnership. Achieving the top quartile performance in all national measures by the end of 2018 is challenging; and faster progress is needed in improving the progress, but particularly the attainment of vulnerable groups of children.

Economy, communities and corporate (ECC)

34. A net underspend of £418k is forecast for the ECC directorate.
35. An adverse movement in property services since May 2016 reflects forecast pressures around statutory compliance work and the holding costs of vacant properties. Mitigations are being implemented to ensure that this pressure does not recur in future years. A projected shortfall in car parking income remains a pressure. However, usage and income is being closely monitored monthly and potential options for mitigation are being developed.
36. The above pressures are offset by other favourable movements since May 2016. These include increased certainty around strategic site planning applications, as well as one-off savings in waste disposal and strategic planning budgets. Commissioning has commenced at the energy from waste facility and has resulted in a reduction in landfill tax costs. Whilst the gate fees will increase following the commissioning period, the savings apply to 2016/17 only. Furthermore, consultancy budgets within strategic planning for the delivery of a number of documents linked to the core strategy will not be fully required.

What is going well?

37. Work has progressed well to develop a Green Book Business Case (GBBC) for submission to Government in securing investment support towards the overall University project. Governance arrangements to secure joint working between the Council and the New Model in Technology and Engineering (NMiTE) project are in place and Cabinet has agreed a list of Council-owned sites that NMiTE are now investigating for suitability. The GBBC has now been deposited with Government and feedback is awaited with council staff primed and prepared to support any final amendments.
38. As regards the Hereford City Centre Transport Package, the Link Road construction is well underway and is on target to complete by September 2017.
39. The Local Enterprise Partnership (LEP) funding bids have been prioritised and submitted. For details on the bids go to <http://www.marcheslep.org.uk/lep-bid-68m>. A programme of Growth fund bids were submitted on time and prioritised by the Marches LEP with Herefordshire bids represented strongly. The outcome is expected in the autumn statement.
40. The sale of 6.3 acres of land on the south magazine at the Enterprise Zone in Rotherwas has been approved (the largest sale to date for the Zone). The new development will comprise over 6,000m² of new workspace to include a factory, office and storage. Planning is being progressed and heads of terms are being discussed. A further 11 plot sales are being actively progressed. The final two units at Skylon Place are being fitted out for a tenant. A successful Meet the Primes defence sector event has been held.

Challenges

41. Environmental anti-social behaviour is seeing a steady increase in the county with the

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number of fly tipping and abandoned vehicles seeing a particular increase, and is likely to be related to the value of scrap metal now being lower. There is now increased resource to deal with waste enforcement and new arrangements put in place to deal with fly tipping.

42. Housing land supply remains a challenge to the planning process and bringing forward housing developments within the county to meet future and current needs is a key priority. Full Council approved an interim statement on the 5 year housing land supply position during September 2016 that provides important guidance on key policy approaches to considering and determining planning applications in the absence of a 5 year housing land supply. There will be a continued focus on delivery within the development management teams and priority continues to be given to determining major applications. The Core Strategy Delivery Group continues to monitor and steer engagement with major developers in support of delivering housing growth.

Strong performance is being maintained in relation to target timescale for planning applications. A major application for Three Elms strategic site for 1,200 houses with associated infrastructure was received on 9 September and it is anticipated that a decision will be undertaken early in 2017. Holmer West has the benefit of the community resolution to grant outline planning permission.

43. The number of people killed and seriously injured (KSI) on Herefordshire roads have now been confirmed by the Department of Transport for 2015; the three year rolling average to December 2015 was 81. The current three year rolling average to August 2016 has seen an upward trend and currently stands at 87. However, there are fewer KSI's year to date in 2016 compared to the same period in 2015. An action plan is to be prepared to address the issues highlighted from analysis of data.

Capital forecast

44. Attached at Appendix B is the capital forecast outturn for 2016/17. An underspend of £5.746m is forecast due to the re-profiled spend on the city link road, solar photovoltaic panels and Colwall school schemes.

Treasury management

45. The treasury management budget of £17.1m is forecast to underspend by £300k due to a decrease in interest rates being charged on short term loans. Further details are provided in appendix C.

Other budgets and reserves

46. Other budget and reserves includes a corporate contingency budget of £700k which, if not required for other purposes, would be used to offset any remaining year end overspend.
47. Appendix D provides a summary of debts written off in the first six months of 2016/17, for information purposes and as required under the financial procedure rules.

Community Impact

48. The recommendations within the report do not have any community impact.

Equality and human rights

49. There are no specific implications in the report. As regards demonstrating due regard

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to the council's public sector equality duty (PSED), as part of our decision making processes we ensure that individual directorates and service areas assess the potential impact of any proposed project, leading to fairer, transparent and informed decisions being made.

Financial implications

50. Included within the report.

Legal implications

51. None.

Risk management

52. The risks associated with any delivery plan objectives and projects are entered onto the relevant service or directorate risk register and escalated as appropriate. The corporate risk register is available on the council's website and an overview of the significant risks is included within Appendix E.

Consultees

53. None in relation to this report. The development of the delivery plan was informed by the evidence base already gathered during the year and which includes user, resident and partner feedback where available.

Appendices

Appendix A Revenue forecast

Appendix B Capital forecast

Appendix C Treasury management forecast

Appendix D Debts written off

Appendix E Scorecards: Adults and wellbeing
Children's wellbeing
Economy, communities and corporate
Organisation wide

Background Papers

- [Adults and wellbeing databook](#)
- [Children's wellbeing databook](#)
- [Economy, communities and corporate databook](#)
- [Corporate risk register](#)

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Revenue Budget Position 2016/17

	Net Budget	September Variance	May Variance	Change to Forecast
Directorate Net Budget	£000	£000	£000	£000
		Over / (Under)spend	Over / (Under)spend	Adv/(Fav)
Adults and Wellbeing	51,815	670	994	(324)
Children's Wellbeing	22,341	533	459	74
Economy, Communities & Corporate	47,853	(418)	68	(486)
Directorate total	122,009	785	1,521	(736)
Other budgets and reserves	25,970	(300)	0	(300)
TOTAL	147,979	485	1,521	(1,036)

Adults Wellbeing: Revenue Budget Position 2016/17

Service	Net Budget £000	September Forecast Outturn £000	September Projected Over / (Under) spend £000	May Projected Over/ (Under) spend £000	Change to Forecast Adv / (Fav) £000
Learning Disabilities	16,532	17,941	1,409	642	767
Memory and Cognition/Mental Health (Inc Safeguarding)	6,813	6,403	(410)	(137)	(273)
Physical Support	17,935	18,348	413	898	(485)
Sensory Support	629	354	(275)	(356)	81
Client Sub-Total	41,909	43,046	1,137	1,047	90
Operations	5,853	5,364	(489)	(91)	(398)
Commissioning	3,523	3,741	218	(9)	227
Directorate Management	(800)	(949)	(149)	(63)	(86)
Public Health	109	148	39	38	1
Transformation & Safeguarding	1,221	1,135	(86)	72	(158)
Use of one off reserves/grants	0	0	0	0	0
Non Client Sub-Total	9,906	9,439	(467)	(53)	(414)
Adult's Wellbeing	51,815	52,485	670	994	(324)

Children's Wellbeing: Revenue Budget Position 2016/17

	Net Budget £000	September Forecast Outturn £000	September Projected Over / (Under) spend £000	May Projected Over / (Under) spend £000	Change to forecast Adv / (Fav) £000
Additional Needs	2,946	2,645	(301)	(261)	(40)
Commissioning & Management	511	336	(175)	(31)	(144)
Development & Sufficiency	2,202	2,260	58	47	11
Education Improvement	150	150	0	(33)	33
Safeguarding & Review	644	639	(5)	(24)	19
Early Help & Family Support	876	875	(1)	0	(1)
Fieldwork	2,536	2,638	102	(4)	106
Looked after Children	10,534	11,539	1,005	879	126
Safeguarding Development & Management	1,586	1,510	(76)	(76)	0
Directorate	356	282	(74)	(38)	(36)
Children's Wellbeing Total	22,341	22,874	533	459	74

ECC: Revenue Budget Position 2016/17

	Net Budget	September Forecast Outturn	September Projected Over / (Under) spend	May Projected Over / (Under) spend	Change to forecast Adv / (Fav)
	£000	£000	£000	£000	£000
Directors	1,061	1,041	(20)	(450)	430
Environment and Place	26,113	25,611	(502)	413	(915)
Resources	11,736	11,928	192	-	192
Growth	2,527	2,379	(148)	-	(148)
Communities	6,416	6,476	60	105	(45)
ECC Total	47,853	47,435	(418)	68	(486)

2016/17 Capital Forecast Outturn

1. The table below details the capital budget changes from May and the latest forecast 2016/17 outturn. An underspend of £5,746k is forecast being due to the re-profiled spend on the city link road, solar photovoltaic panels and Colwall school schemes.

Updated 2016/17 capital budgets and forecast for schemes exceeding £500k in 2016/17

Scheme Name	May 2016/17 budget £000	Sept 2016/17 budget £000	Sept 2016/17 forecast £000	Notes
Economy, Communities and Corporate				
Energy from Waste Plant	16,583	16,588	16,588	Remaining loan budget, plant in commissioning phase
Hereford City Centre Transport Package (includes Hereford city link road)*	12,124	12,124	10,900	Forecast spend in 2016/17 based on latest programme
Local Transport Plan - highways maintenance	11,633	11,633	11,633	Annual programme of works
Fastershire Broadband	6,605	6,605	6,605	Continued roll out of broadband to rural areas
Hereford Enterprise Zone	4,529	3,150	3,150	Part budget has been re-profiled into 2017/18 to reflect the timing of spend on the shell store
Leisure Centres	2,284	2,784	2,784	Works at Ledbury leisure centre are expected to complete in April. Budget uplifted by £500k Sports England grant
Solar Photovoltaic Panels	1,671	1,671	305	Invest to save on energy costs
Data Centre Consolidation	1,170	1,170	1,170	Replace dual data centre with a single data centre
Corporate Accommodation	1,082	1,082	1,082	To adapt premises enabling the sale of existing premises
South Wye Transport Package*	1,000	1,000	1,600	Detailed design works continue
Hereford Library Accommodation Works	909	909	909	Accommodation works to Hereford library and museum
Marches business improvement grants	0	833	833	Grants of up to 45% of commercial premise improvement costs
Highway Depot Improvements	800	800	800	Improvements to working practices generating savings
IT Network Upgrade	500	500	400	Replace ICT hardware obsolete switches
Software to Enable Remote Access to Desktops and Automate Upgrades	500	500	192	Investment to optimise device and processes reducing operational costs

Property Estate Enhancement Works	500	500	500	To fund emergency capital works on a priority basis
LED street lighting	905	905	557	Invest to save on energy costs
Childrens wellbeing				
Colwall Primary School	4,800	4,800	2,500	Construction of a replacement school
Schools Capital Maintenance Grant	1,205	1,205	1,503	Annual grant funded programme of works at various school sites committed on a highest need first basis
Peterchurch Primary School	1,000	1,000	600	Refurbishment scheme
Schools Basic Need	666	666	666	Grant funded school places investment
Adults and wellbeing				
Disabled facilities grant	1,558	1,734	1,734	Grant funded property adaptations supporting independent living
<i>Other schemes less than £500k</i>	<i>5,213</i>	<i>4,877</i>	<i>4,279</i>	
Total	77,237	77,036	71,290	

**The infrastructure investment schemes included above are supported by funding directed through the LEP. The whole scheme indicative costs and funding are summarised below:*

Scheme	Total scheme budget £m	LEP Grant £m	Locally funded £m
Hereford city centre transport package (includes Hereford city link road)	40.6	(16.0)	(24.6)
South wye transport package (includes southern link road)	35.0	(27.0)	(8.0)
	75.6	(43.0)	(32.6)

This report ensures the council demonstrates best practice in accordance with CIPFA's recommendations in their Code of Practice for Treasury Management, by keeping members informed of treasury management activity.

1. The UK Economy

1.1. Following the announcement of the referendum result, there has been significant change in the UK markets:

- Major bond yields, including gilts plummeted.
- Sterling registered its largest fall in history.
- It is expected that market volatility will continue in the short term.
- Bank base rate fell to 0.25% on 4th August 2016, a decrease of 0.25% and the first movement since 2009.
- Quarter 2 GDP growth picked up from 0.4% in quarter 1 to 0.6%.
- Consumer price inflation (CPI) increased by 0.6% in the year to August 2016. The weaker sterling is expected to push prices higher in the coming months.

2. The Council's Investments

2.1 At 30 September 2016 the council held the following investments:

Investment	Term	Maturity Date	Interest Rate	Amount invested £m
<u>Instant Access Bank Accounts:</u>				
NatWest	N/A	N/A	0.01%	0.94
<u>Instant Access Money Market Funds:</u>				
Standard Life	N/A	N/A	0.37%	3.88
Total			0.30%	4.82

2.2 The council continues to select counterparties suitable for investment based on the credit worthiness service provided by their treasury advisors, Capita Asset Services. The service employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies. The modelling approach combines credit ratings, credit watches and credit outlooks in a weighted scoring system to which Capita Asset Services allocate a series of colour coded bands with suggested maximum durations for investments as shown below;

- Yellow 5 years
- Dark pink 5 years for Enhanced money market funds (EMMFs) with a credit score of 1.25
- Light pink 5 years for Enhanced money market funds (EMMFs) with a credit score of 1.5
- Purple 2 years
- Blue 1 year (only applies to nationalised or semi nationalised UK Banks)
- Orange 1 year
- Red 6 months
- Green 100 days
- No colour not to be used

2.3 The council has earned interest on its investments as follows:

Month	Average amount invested		Average rate of interest earned		Amount of interest earned / Forecast £000	Budget £000	Over (Under) £000
	Actual / Forecast £m	Budget £m	Actual / Forecast %	Budget %			
Apr-16	13.4	30	0.61	0.4	6	10	(4)
May-16	13.1	30	0.50	0.4	6	10	(4)
Jun-16	16.3	30	0.49	0.4	6	10	(4)
Jul-16	19.2	30	0.49	0.4	8	10	(2)
Aug-16	13.8	30	0.42	0.4	5	10	(5)
Sep-16	12.2	30	0.36	0.4	4	10	(6)
Oct-16	20	30	0.3	0.4	5	10	(5)
Nov-16	20	30	0.3	0.4	5	10	(5)
Dec-16	20	30	0.3	0.4	5	10	(5)
Jan-17	20	30	0.3	0.4	5	10	(5)
Feb-17	20	30	0.3	0.4	5	10	(5)
Mar-17	20	30	0.3	0.4	5	10	(5)
Total					65	120	(55)

2.4 Income earned has been lower than expected due to lower cash balances being maintained for investment and interest earned on investments being lower than budgeted, this is leading to a forecast interest earned shortfall of £55k.

2.5 In addition to investment income the council earns interest on the provision of loan finance to the waste disposal PFI provider, this is expected to generate loan interest payable to us of £1.9m in 2016/17, this will be recharged through the waste disposal PFI arrangement.

3. The Council's Borrowing

Short-term borrowing

3.1 The council is continuing its policy of mainly using short-term borrowing from other local authorities for short-term liquidity needs. These short-term interest rates are significantly below levels available from other sources avoiding a large cost of carry when comparing fixed interest debt to current (variable) investment rates.

3.2 The council can only borrow up to its Capital Financing Requirement, which represents the need to borrow for capital spend, and cannot borrow beyond this to finance the revenue budget.

3.3 At the end of September 2016 short-term borrowing from other local authorities consisted of seven loans totalling £33.5m with an average interest rate of 0.79% (including broker's commission of between 0.03% and 0.10%). Loans were arranged for periods ranging from six months to two years with an average loan period remaining of 194 days.

Long-term borrowing

3.4 At 30 September 2016 the council held long term borrowing of £154.2m. Longer term interest rates fell significantly following the announcement of the referendum result in June, therefore the following new long term loan was taken out from the PWLB;

Amount Borrowed	From	To	Period	Type of loan	Interest Rate
£7m	30/06/16	30/06/46	30 years	Maturity	2.45%

3.5 The current capital financing budget position is summarised below:

Summary of Borrowing Budget	Budget	Forecast	Over / (under)
	£m	£m	£m
Minimum revenue provision	10.3	10.7	0.4
Interest payable on all loans	6.8	6.1	(0.7)
Total	17.1	16.8	(0.3)

4. Summary of forecast outturn

4.1 The current net treasury forecast outturn is a £0.3m underspend mainly due to interest being charged on short term loans, 0.8%, being at a lower rate of interest than budgeted, 1.5%.

Debt written off during the period 1 April 2016 to 30 September 2016

- 1 The finance procedures rules require the reporting of bad debts over £2k that have been written off to Cabinet for information purposes two times per annum.
- 2 The table below sets out the numbers and amounts written off for individual debts exceeding £2k for the period 1 April 2016 to 30 September 2016:

Income type	1 April 2016 to 30 September 2016	
	Number of cases	Amount £000
Council tax	2	7
Business rates	1	10
Total	3	17

- 3 Individual debts under £2k written off in the same period totalled £34k giving a total amount written off of £51k. Debts are only written off once full debt recovery processes are completed, occasionally debt previously written off becomes payable if the debtors circumstances change. The council works closely with statutory bodies when deciding to write off debt. Legislative processes can take many months, or even years if the debtor is on low income, to conclude before a write off is sanctioned.
- 4 Debts written-off represent a very low proportion of charges billed per annum, e.g. council tax £92m, business rates £48m.

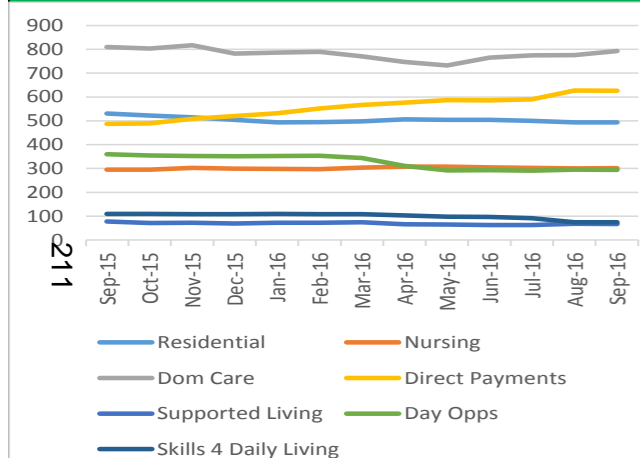
Adult Wellbeing Scorecard - September 2016

Staffing												
	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16
FTE	255	260	255	253	254	254	261	264	267	264	265	267
Headcount	285	290	286	284	285	285	293	294	294	291	292	296
Permanent Costs (£k)	796	799	793	774	770	775	816	635	735	725	748	779
Sickness (days/year/ft)	13.0	14.1	14.1	13.0	14.49	15.0	15.3	15.7	16.2	15.9	15.6	15.4
Turnover (annualised)	10.9%	10.5%	11.4%	12.5%	13.6%	12.6%	12.3%	11.9%	11.9%	12.0%	11.6%	11.5%

Performance Management update

Performance measures are generally showing some good improvements. Over 47% of reviews have been completed at the half year point and direct payments are nearly at the 40% aspirational target. Performance is below target in the following areas, but are showing positive trends over recent months; residential admissions, delayed transfers of care, safeguarding closures and safeguarding outcomes and NHS health checks.

Service User Numbers



Notes

* Measures identified in italics in the indicator section are cumulative measures

Indicators				
Measure	Target	Latest Period	Trend	
<i>Permanent admissions - U65</i>	15	5.6	Sept	↘
<i>Permanent admissions - 65+</i>	455	284.6	Sept	↘
<i>Social Care Delayed Transfers</i>	2.7	4.8	Jul	↘
<i>Reablement - 91 days after discharge</i>	80%	86.1%	Sept	↘
<i>Safeguarding - closures in 28 days</i>	80%	47.0%	Sept	↘
<i>Safeguarding - outcomes met</i>	80%	59.0%	Sept	↘
<i>Direct Payment recipients</i>	40%	37.0%	Sept	↘
<i>Timeliness of Service (28 days of referral)</i>	80%	33.7%	Sept	↘
<i>Reviews undertaken</i>	100%	47.2%	Sept	↘
<i>Affordable housing units delivered</i>		74	Sept	↘
<i>Households in temporary accommodation</i>	45	40	Sept	↘
<i>NHS Health checks</i>	60%	37%	Aug	↘

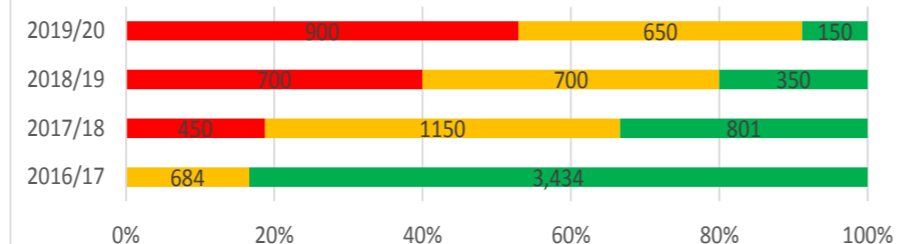
Risk Management

Risk	L	I	Risk Mitigation	
Demographic Pressures	5	5	25	Reablement, Rapid Response, IAS. Prevention programme in place. Working with partners to establish service models and care pathways
Integration	5	5	25	Transformation Board & JCB in place. Programme review and independent chair/programme director in place
Reducing Resources and impact on statutory duties and ability to deliver transformation	5	5	25	Transformation plan in place, regular performance management arrangements and appraisal processes in place
DOLS Capacity	4	5	20	Staff Training, additional legal support, constant re-evaluation of prioritisation. BIA training programme
Better Care implementation	4	5	20	JCB in place which supports monitoring of BCF progress
Mosaic Upgrade	4	5	20	Governance arrangements in place and strong contract management of supplier

Risk Management updates

Risks have remained relatively consistent over the past quarter.

Savings



Programme		Status	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Transformation (Cross Service Change)																
001	PATHWAY DESIGN & DEVELOPMENT															
001(1)	Development of Citizen's Journey (Target Operating Model -TOM)	A														
001(2)	Urgent & Intermediate Care Review	G														
001(3)	Front Door Review	A														
001(4)	Care Offer Team - Design & Development	S														
001(5)	Help to Live at Home (H2L@H)	G														
001(6)	Transforming Complex Care Programme	G														
002	PREVENTION & EARLY INTERVENTION PROGRAMME															
002(1)	Connecting Communities - Leominster Project	A														
002(2)	Wellbeing, Information & Signposting for Herefordshire (WISH)	A														
Commissioning and Contracts Programme																
003/A	COMMISSIONING PROGRAMME															
003/B	CONTRACT PROGRAMME															
003B(1)	Managing the Care Home Market	A														
Business Organisation and Infrastructure (Service Level Change)																
004	BUSINESS DELIVERY/ RE-CONFIGURATION															
004(1)	Cultural Change Programme	G														
	Single Handed Care (Moving and Handling Case Reviews)	A														
	Common Function Restructure (Phase 2 BIMP)	G														
	Commissioning Restructure	G														
004(4)	Resource Allocation System (RAS)	G														
004(5)	Audit Actions (including Making Safeguarding Personal)	G														
004(7)	Electronic Monitoring System (EMS)	A														
004(8)	MOSAIC PROGRAMME - Phase 1 (Reports to Mosaic Board)															
	(a) System Upgrade & Interfaces	C														
	(b) Mobile Working	G														
	(c) EDRMS	R														
	(d) Portal Implementation	A														
	MOSAIC PROGRAMME - Phase 2 (Reports to Mosaic Board)															
004(9)	Detailed Process Redesign	A														

Programme updates

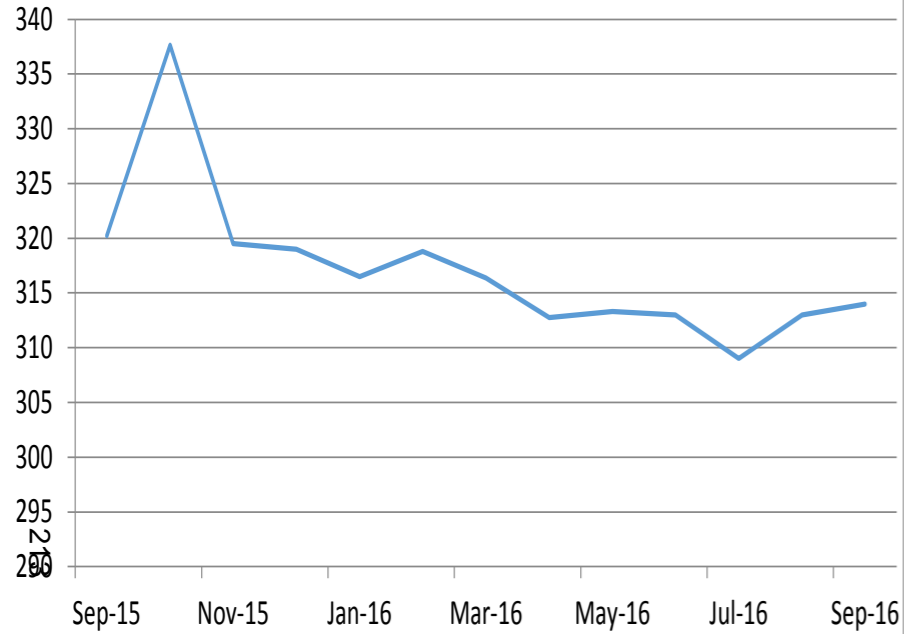
Post go-live of mosaic, development has been delayed due to the failure of the vendor to provide the required EDRMS interface. Some elements of the transformation pieces of work have been delayed due to slippage in scoping stages and availability of staff resources. The care home market work is currently amber due to uncertainties relating to required system changes

Outturn Detail					
Service	Net Budget	September Forecast Outturn	September Projected Over / (Under) spend	May Projected Over/ (Under) spend	Change to Forecast Adv / (Fav)
	£000	£000	£000	£000	£000
Learning Disabilities	16,532	17,941	1,409	642	767
Memory and Cognition/Mental Health (Inc Safeguarding)	6,813	6,403	(410)	(137)	(273)
Physical Support	17,935	18,348	413	898	(485)
Sensory Support	629	354	(275)	(356)	81
Client Sub-Total	41,909	43,046	1,137	1,047	90
Operations	5,853	5,364	(489)	(91)	(398)
Commissioning	3,523	3,741	218	(9)	227
Directorate Management	(800)	(949)	(149)	(63)	(86)
Public Health	109	148	39	38	1
Transformation & Safeguarding	1,221	1,135	(86)	72	(158)
Use of one off reserves/grants	0	0	0	0	0
Non Client Sub-Total	9,906	9,439	(467)	(53)	(414)
Adult's Wellbeing	51,815	52,485	670	994	(324)

Appendix E CWB Scorecard - September 2016

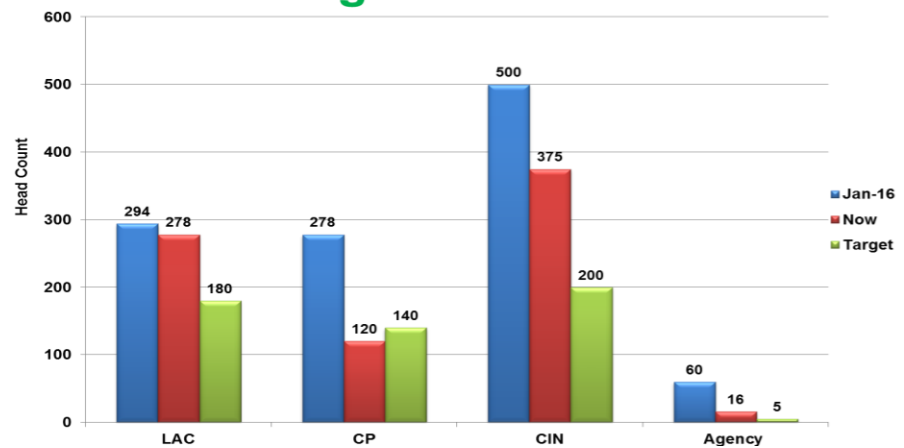
Staffing													
	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16
FTE	320	338	320	319	316	319	316	313	313	313	309	313	314
Headcount	378	377	375	373	367	370	367	361	360	361	357	362	363
Permanent Costs (£k)	1,049	1,033	1,024	1,024	1,026	1,009	979	1,019	824	957	950	928	951
Absence - days lost per FTE	7.86	7.58	7.64	7.53	6.92	7.20	7.23	7.17	6.90	6.59	6.53	6.79	7.02
Turnover (annualised)	12%	13%	14%	14%	15%	15%	19%	19%	19%	18%	19%	18%	17%

FTE trend



Service Users

Reducing Demand in S&FS

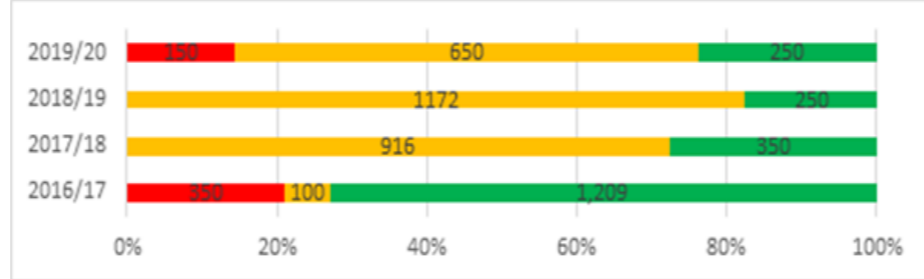


Indicators										
Performance Measure	Target 2016/17	Outturn				Frequency	Polarity	Direction of Travel		
		2015/16	2016/17							
			End of May	Q2	Q3					
Reduce the attainment gap at age 16 between free school meal pupils and their peers	15 pts difference in Attainment 8 score	13 ¹	ANNUAL			Annual	Smaller is better			
Increase the proportion of pupils attending a school and or setting that is good or outstanding	Primary 88%	88.0%	88.1%	92.0%		Monthly	Bigger is better		▲	
Increase the proportion of pupils attending a school and or setting that is good or outstanding	Secondary 87%	87.0%	78.7%	80.0%		Monthly	Bigger is better		▼	
Herefordshire Children are at or above the national comparative indicator of attainment and progress at 16	48.0	48.4 ¹	ANNUAL			Annual	Bigger is better			
Improve education outcomes at age 5	70.0%	65.0%	ANNUAL			72.0%	Annual	Bigger is better		
Reduce the number of children being referred to children's social care for a service		41.34% (2333/5643)	40.80% (2272/5569)	40.22% (2261/5622)			Smaller is better		▲	
Decrease the number of children requiring accommodation help from the local authority		287	280	290			Smaller is better		▼	
Reduce the number of 16-19 year olds not in education, employment or training	4.20%	4.5% **	4.9% ***	6.4% **			Smaller is better		▲	

Risk Management

Risk Reference Number	Risk Description	Risk Rating (before controls)	Existing Controls in Place	Risk Rating (after controls)
CR.005	School Assets IF: There is Insufficient condition oversight of school assets THEN: there may be an increase in costs due to unplanned significant spend.	25	Education assets condition surveys to be completed and school capital investment strategy being developed.	16
CR.029	Education funding IF the national funding formula for education removes significant funding without removing statutory responsibilities THEN the local authority may not be able to carry out its duties effectively, funding pressure will result, the effectiveness of some schools and outcomes for children will decline	20	Management Board and Leader's briefing aware of implications. Working group established to develop Herefordshire's approach	16
CR.030	White Paper - Educational Excellence Everywhere IF schools and the local authority focus solely on the possible implications of the White Paper Educational Excellence Everywhere THEN focus will lessen on improving pupil outcomes, particularly the most vulnerable, and on budget control at a time of increasing pressures	20	Local authority establishing a way forward with schools. Working group led by the Director of Children's Wellbeing, Management Board and Leader's briefing aware of implications. Working group established to develop Herefordshire's approach. Continued implementation of the HSIP Framework via Learning and Achievement and a focus on vulnerable groups including implementing work to address closing the gap. Work to be reviewed via Strategic Education Board and HSIP	16

Savings



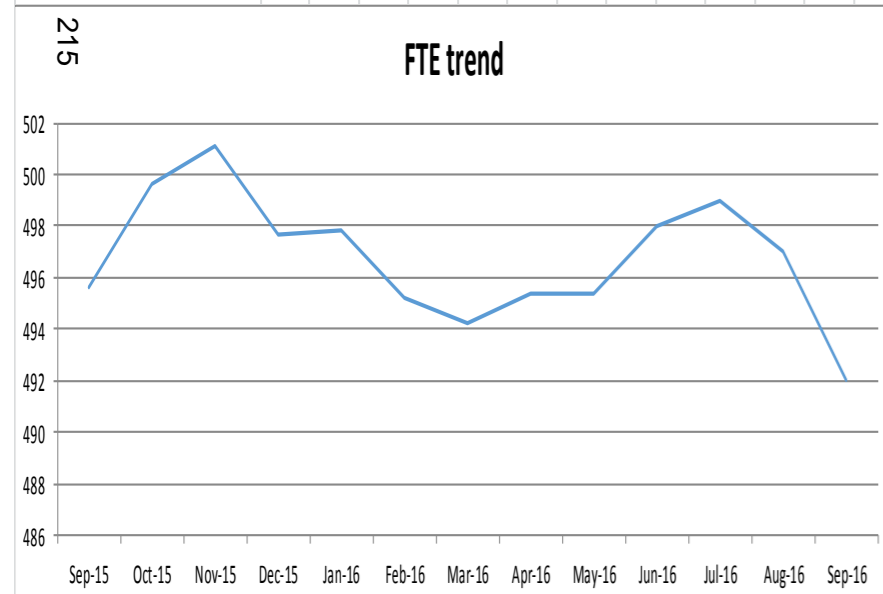
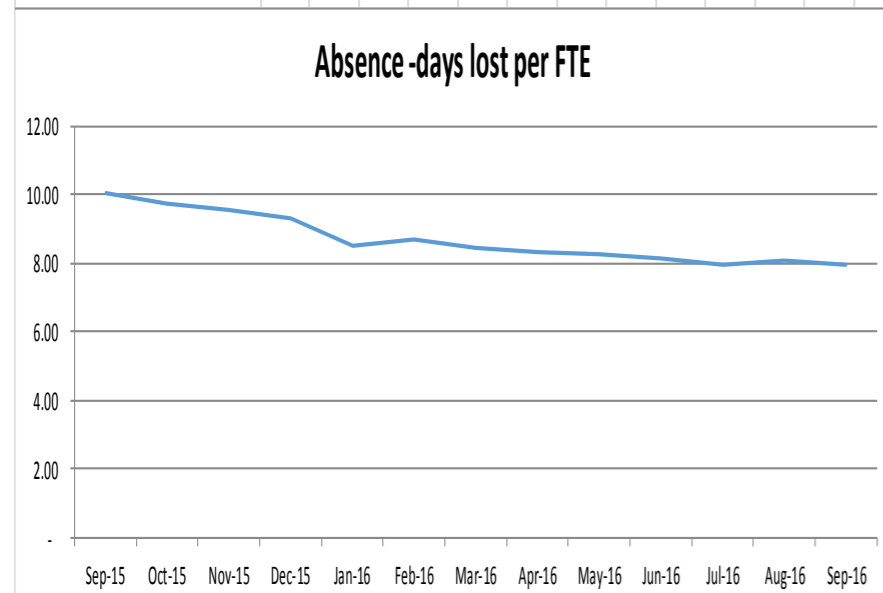
Programme													
	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	
Developing the 0-25 Service			Agree management and hosting arrangements for CWB elements of the service		Implement service changes		Develop and agree model for the interaction of AWB staff with the CWB service						Implement model
CwD Transformation: The Integrated Pathway		Appoint integrated pathway co-ordinator	Develop the local offer and design referral, panel and assessment processes			Prepare systems and processes for the integrated pathway pilot							Pilot the integrated pathway (6 months) and multi-agency processes
CwD Transformation: Transition Outcomes			Engagement in the development of the corporate housing strategy. Planning for the developing initial supported internships			Develop sustainable supported internship project							Develop a broader range of supported internships. Develop work based upon the outcomes of the housing strategy.
CwD Transformation: Personal Budgets				Develop recommendations for tripartite personal budgets (education, health, social care)		Finalise each agencies processes	Formalise and agree a tripartite protocol						Internal briefings and comms to public
CwD Transformation: Recommissioning Short Breaks				Service Redesign - initial engagement		Tender development including consultation					Procurement		Award contracts
CwD Transformation: Integrated Needs Assessment					Agree requirements	Plan with SI Team							Undertake needs assessment (tbc)
Safeguarding and Early Help: Single Assessment			Review options and agree model			Implementation planning	Service readiness	Go live			Monitor and adjust		
Safeguarding and Early Help: Outcome Focussed Planning						Agree process/tools	Implementation planning	Service readiness			Go live		
Safeguarding and Early Help: Risk Assessment Model							Review options and agree model				Implementation Planning		
WISH (online)	Phase 1 go live (31st)						Phase 2 - PA directory, events directory, tools, e-marketplace, assessment/calculators						
Early Years						Engagement					Soft Market Testing		Option Development

Outturn Detail

	Net Budget £000	September Forecast Outturn £000	September Projected Over / (Under) spend £000	May Projected Over / (Under) spend £000	Change to forecast Adv / (Fav) £000
Additional Needs	2,946	2,645	(301)	(261)	(40)
Commissioning & Management	511	336	(175)	(31)	(144)
Development & Sufficiency	2,202	2,260	58	47	11
Education Improvement	150	150	0	(33)	33
Safeguarding & Review	644	639	(5)	(24)	19
Early Help & Family Support	876	875	(1)	0	(1)
Fieldwork	2,536	2,638	102	(4)	106
Looked after Children	10,534	11,539	1,005	879	126
Safeguarding Development & Management	1,586	1,510	(76)	(76)	0
Directorate	356	282	(74)	(38)	(36)
Children's Wellbeing Total	22,341	22,874	533	459	74

Appendix E - ECC Scorecard

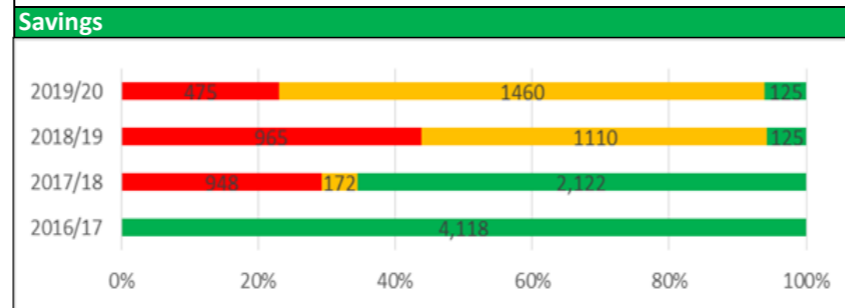
Staffing	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16
FTE	496	500	501	498	498	495	494	495	495	498	499	497	492
Headcount	618	621	620	615	609	606	605	600	602	605	604	601	595
Permanent Costs (£k)	1,580	1,555	1,570	1,517	1,522	1,509	1,534	1,582	1,213	1,445	1,420	1,409	1,408
Absence - days lost per FTE	10.05	9.75	9.58	9.30	8.51	8.71	8.45	8.35	8.29	8.11	7.98	8.05	7.97
Turnover (annualised) - based on FTE	12.14%	15.01%	12.58%	15.47%	13.30%	12.87%	11.57%	10.83%	10.30%	10.08%	10.43%	10.48%	9.75%



Performance Measure	Target 2016/17	Outturn				Direction of Travel
		2015/16	2016/17			
			End of May	Q1	Q2	
No. of assets and services transferred (devolved services market towns)	24 (17 assets and 7 services)	9 assets and 6 services	n/a	5	6	▲
Reduce anti-social behaviour	<6558	6558	n/a	1596	2225 (to July)	▲
Increase the net new business rates received	>187	187	17	31	75	▼
Number of social enterprise business start-ups supported (new and existing)	30	126	13	29	78	▲
Increase number of businesses supported to meet their potential	48	(new for 15/16)		12	22	
Minimise the number of people killed or seriously injured in road traffic collisions	79 (3-yr rolling avg)	2015 81 (3-yr rolling avg)	(3-yr rolling avg to Mar)	87 (3-yr rolling avg to Jun)	87 (3-yr rolling avg to Aug)	▼
Greater number of premises with the potential to access superfast broadband services	78% by 31/12/16	56%	67%	67%	68%	▲
Reduce anti-social behaviour in Hereford City	<918	918	134	215		▼
Investment achieved through the EU, Government and other funding programmes	£8million	£9,569,739	n/a	£4,214,174	£4,857,174	
Increase the number of jobs created through targeted interventions (such as the Enterprise Zone)	400 (EZ)	312 (EZ)		325 (EZ)	350 (EZ)	▲
Improve processing rates for planning applications (major planning applications)	60%	75.3%	74.3%	76.2%	79.60%	▲
Reduce the amount of residual household waste per household per year	540 kg	533.3kg	88.87kg	134.75kg	270.48kg	▲
Increase the number of new council tax registrations	>717	717	113	151	352	▲
Improve collection rates for Council Tax	98.4%	97.9%	22.11%	31.45%	59.17%	▼
Improve collection rates for Business Rates	98.8%	98.5%	22.97%	31.59%	61.25%	▲
Improve the processing of housing benefit claims (new claims and changes of circumstances)	13.5 days	12.5 days	12.13 days	14.13 days	15.76 days	▼
No. of customer self-serve transactions (Web Transactions (Apply/Book/Pay/Report it))	(New data set)		4,299	6,210	12,300	
Reduction in substantive posts being filled by agency workers, reducing overhead costs	70	99	80 (April)	69	58	▲
Improve web satisfaction	75%	69%	70%	72%	60%	▼
Reduce absence (sickness rates) (average days per employee)	10	9.5	9.5	9.5	9.5	▲

Risk Management

There are no significant risks still rated Red after controls



ECC major projects	RAG Rating	Update
Hereford City Centre Link Road	Green	A contractor has been appointed for the City Link Road. Herefordshire Council and Balfour Beatty Living Places evaluated the tenders submitted through an open competitive tender process prior to the awarding of the contract to Alun Griffiths Contractors of Abergavenny. On target for completion by September 2017.
High Town Refurbishment including Parking Strategy	Green	Phase 1 works commenced on site and on programme to be completed by end November 2016. On-street parking, Residents parking and St Owen Street Contraflow consultation will commence in Autumn. Widemarsh TRO AD report signed off and adverts published. Ojection Period runs to 13 October 2016.
Enterprise Zone development/sales/jobs	Green	Several land sales being progressed with solicitors. Heads of Terms drafted with likely tenant of final 2 units in Skylon Place.
South Wye Transport Package	Green	Planning consent received 16 July 2016. Detailed design works continue. Business Case development is progressing. Cabinet to consider report to commence land negotiations on 20 October. Active Travel Measures Consultation commenced 14 September 2016 with 3 Public Exhibitions and runs to 25 October 2016.
Hereford Transport Review including the Hereford bypass	Green	Survey and development work is underway. Cabinet has approved initial funding and the Marches LEP has submitted a bid to the Department for Transport for further funding.
Local Transport Plan	Green	The Local Transport Plan was adopted by full Council in May. The Local Transport Plan was drafted to reflect Herefordshire's Core Strategy and sets out the council's strategy for supporting economic growth, improving health and wellbeing and reducing the environmental impacts of transport. Adoption of the plan supports the commitment to deliver the bypass.
Waste Strategy	Green	The Energy from Waste development continues to progress well and completion is on schedule.

Budget outturn					
	Net Budget	September Forecast Outturn	September Projected Over / (Under) spend	May Projected Over / (Under) spend	Change to forecast Adv / (Fav)
	£000	£000	£000	£000	£000
Directors	1,061	1,041	(20)	(450)	430
Environment and Place	26,113	25,611	(502)	413	(915)
Resources	11,736	11,928	192	-	192
Growth	2,527	2,379	(148)	-	(148)
Communities	6,416	6,476	60	105	(45)
ECC Total	47,853	47,435	(418)	68	(486)

Budget forecast

	Net Budget	September Variance	May Variance	Change to Forecast
	£000	£000	£000	£000
Directorate Net Budget		Over / (Under)spend	Over / (Under)spend	Adv/(Fav)
Adults and Wellbeing	51,815	670	994	(324)
Children's Wellbeing	22,341	533	459	74
Economy, Communities & Corporate	47,853	(418)	68	(486)
Directorate total	122,009	785	1,521	(736)
Other budgets and reserves	25,970	(300)	0	(300)
TOTAL	147,979	485	1,521	(1,036)

Significant corporate risks

The following items from the Corporate Risk Register are still red after controls have been put in place. Further details are available in the relevant directorate's overview:

School Assets

IF: Insufficient condition oversight of school assets is not in place **THEN:** There may be an increase in costs due to unplanned significant spend.

Demographic Pressures

Continued demographic pressures require significant savings to be made or reductions in levels of dependency to manage rising levels of demand across council services.

Integration

The scale and pace of integration work required internally to the council and across health and social care proves to be undeliverable and a new model for integrated and financially viable health and social care pathways does not emerge.

System resilience and urgent care

The role and responsibility of adult social care alongside system and process is not clearly set out in relation to system resilience and urgent care

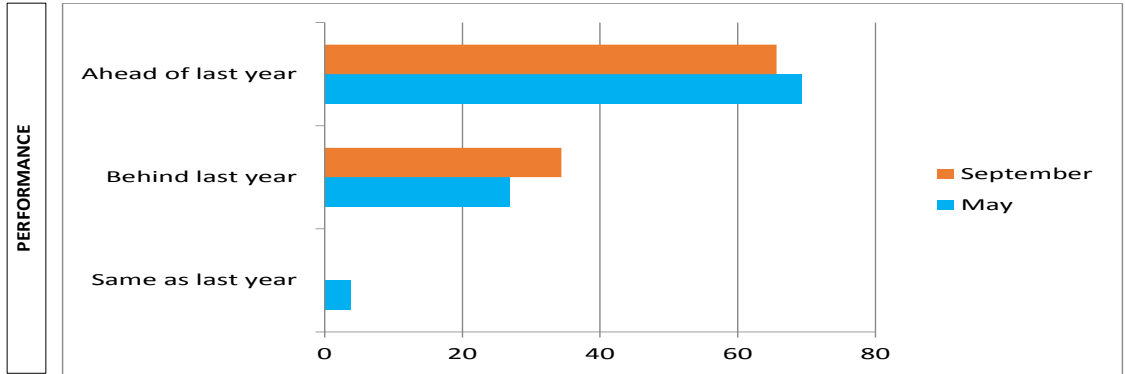
Education funding

IF the national funding formula for education removes significant funding without removing statutory responsibilities **THEN** the local authority may not be able to carry out its duties effectively, funding pressure will result, the effectiveness of some schools and outcomes for children will decline

White Paper - Educational Excellence Everywhere

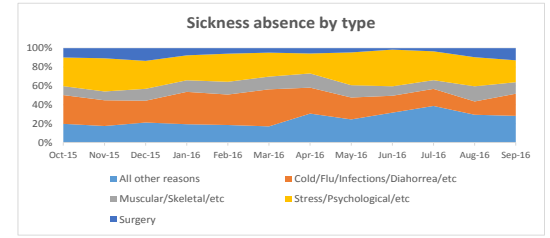
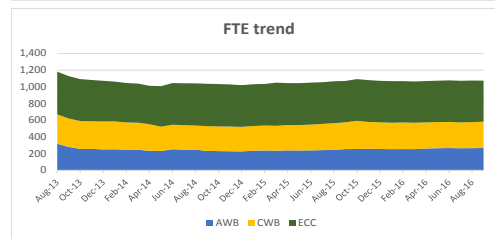
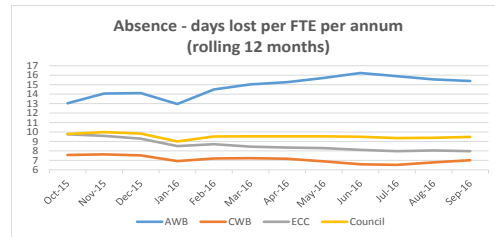
IF schools and the local authority focus solely on the possible implications of the White Paper Educational Excellence Everywhere **THEN** focus will lessen on improving pupil outcomes, particularly the most vulnerable, and on budget control at a time of increasing pressures

Direction of travel (measures compared to last year)



	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16
FTE	1069.9	1092.2	1080.2	1071.8	1067.6	1068.1	1064.2	1069.0	1073.2	1077.0	1072.3	1075.0	1073.5
Headcount	1,281	1,283	1,285	1,274	1,260	1,261	1,257	1,254	1,256	1,260	1,252	1,255	1,254
Permanent Costs (£k)	3,415	3,384	3,393	3,334	3,322	3,288	3,288	3,417	2,672	3,137	3,095	3,085	3,138
Absence - days lost per FTE	9.89	9.78	9.98	9.84	9.00	9.52	9.54	9.54	9.54	9.50	9.35	9.38	9.48
Turnover (annualised) - based on FTE	11.1%	11.5%	11.9%	12.1%	12.9%	12.9%	13.7%	13.1%	12.7%	12.5%	12.9%	12.5%	11.8%

WORKFORCE



FINANCE

RISK

