

Agenda

General scrutiny committee

Date: **Monday 2 July 2018**

Time: **10.15 am**

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

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

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Agenda for the meeting of the General scrutiny committee

Membership

**Chairperson
Vice-
Chairperson**

**Councillor WLS Bowen
Councillor BA Baker**

**Councillor SP Anderson
Councillor JM Bartlett
Councillor AW Johnson
Councillor A Warmington
Councillor SD Williams**

Agenda

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES To receive details of members nominated to attend the meeting in place of a member of the committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by members.	
4. MINUTES To receive the minutes of the meeting held on 9 April 2018.	9 - 22
5. QUESTIONS FROM MEMBERS OF THE PUBLIC To receive any written questions from members of the public. Details of the scheme and related guidance are available here: https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved Please submit questions to councillorservices@herefordshire.gov.uk The deadline for the receipt of questions is Tuesday 26 June 2018 at 5.00 pm. Accepted questions will be published as a supplement prior to the meeting.	
6. QUESTIONS FROM MEMBERS OF THE COUNCIL To receive any written questions from members of the council. Deadline for receipt of questions is 5.00 pm on Tuesday 26 June 2018. Accepted questions will be published as a supplement prior to the meeting. Please submit questions to councillorservices@herefordshire.gov.uk	
7. WORK PROGRAMME To review the committee's work programme.	23 - 62
8. DATE OF NEXT MEETING The next scheduled meeting is 10 September 2018.	

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- Inspect minutes of the Council and all committees and sub-committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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Guide to General Scrutiny Committee

Scrutiny is a statutory role fulfilled by councillors who are not members of the cabinet.

The role of the scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.

Council has decided that there will be three scrutiny committees. The Committees reflect the balance of political groups on the council.

The General Scrutiny Committee consists of 7 Councillors.

Councillor WLS Bowen (Chairperson)	Herefordshire Independents
Councillor SP Anderson	Conservative
Councillor BA Baker (Vice-Chairperson)	Conservative
Councillor JM Bartlett	Green
Councillor AW Johnson	Conservative
Councillor A Warmington	It's Our County
Councillor SD Williams	Conservative

The committees have the power:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- (b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- (d) to make reports or recommendations to council or the cabinet with respect to the discharge of any functions which are not the responsibility of the executive,
- (e) to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area
- (f) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and to make reports or recommendations to the council with respect to the discharge of those functions. In this regard crime and disorder functions means:
 - (i) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (ii) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
 - (iii) a strategy for the reduction of re-offending in the area

- (g) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised or to be consulted by a relevant NHS body or health service provider in accordance with the Regulations (2013/218) as amended. In this regard *health service* includes services designed to secure improvement—
- (i) in the physical and mental health of the people of England, and
 - (ii) in the prevention, diagnosis and treatment of physical and mental illness
 - (iii) And any services provided in pursuance of arrangements under section 75 in relation to the exercise of health-related functions of a local authority.
- (h) to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.

The specific remit of the general scrutiny committee includes:

- Services within the economy, communities and corporate directorate
- Corporate performance
- Budget and policy framework matters
- Statutory flood risk management scrutiny powers
- Statutory community safety and policing scrutiny powers

Who attends general scrutiny committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairman and vice chairman.
Pale Blue	Cabinet Members – They are not members of the committee but attend principally to answer any questions the Committee may have and inform the debate.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
Green	People external to the Council invited to provide information to the committee.
White	Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

**Minutes of the meeting of General scrutiny committee held at
The Council Chamber - The Shire Hall, St. Peter's Square,
Hereford, HR1 2HX on Monday 9 April 2018 at 10.15 am**

Present: Councillor WLS Bowen (Chairman)

Councillors: SP Anderson, BA Baker, AW Johnson, JF Johnson, PP Marsh
and A Warmington

In attendance: Councillors JM Bartlett, H Bramer (Cabinet Member), CR Butler, PE Crockett,
PGH Cutter, CA Gandy, EPJ Harvey, PC Jinman, FM Norman, NE Shaw
(Cabinet Member) and J Stone

Officers: N Silver – Assistant Director - Communities (ADC), L Bowerman, Senior
Conservator, J Chedgzoy - Museum Libraries and Archives Manager, M
Coldman - Museum and Area Library Manager, J Coleman- Democratic
Services Manager/Statutory Scrutiny Officer.

67. APOLOGIES FOR ABSENCE

Apologies were received from Councillor JM Bartlett.

The Chairman welcomed Councillor AW Johnson to the Committee. He noted that he replaced former Vice-Chairman Councillor Swinglehurst, whom he formally thanked for her assistance to him.

He welcomed Miriam Griffiths of the Herefordshire Museum Support Service Group, Nina Shields on behalf of Joint action for Herefordshire libraries and Richard Smith on behalf of the Friends of Herefordshire Archives who had been invited to speak on the item on the future delivery of museum, library and archive services.

He commented that in inviting these representative groups the intention had been to ensure that the key issues were presented to the Committee.

68. NAMED SUBSTITUTES

Councillor PP Marsh substituted for Councillor JM Bartlett.

69. DECLARATIONS OF INTEREST

Councillor JM Bartlett declared a non-pecuniary interest as Chairman of the Friends of Leominster library.

70. MINUTES

RESOLVED: That the minutes of the meeting held on 29 January 2018 be approved as a correct record.

71. QUESTIONS FROM MEMBERS OF THE PUBLIC

Questions received and responses given are attached as appendix 1 to the minutes.

72. QUESTIONS FROM MEMBERS OF THE COUNCIL

Questions received and responses given are attached as appendix 2 to the minutes.

73. FUTURE DELIVERY OF MUSEUM, LIBRARY AND ARCHIVE SERVICES

The committee was invited to consider the future delivery of museums, libraries and archives services in advance of a decision being made by cabinet and determine any recommendations that the committee would wish cabinet to consider.

A supplement had been circulated containing submissions that had been requested from the Herefordshire Museum Support Service Group, Joint Action for Herefordshire libraries and the Friends of Herefordshire Archives, together with a range of other submissions various groups had chosen to submit of their own accord. It was noted that a late submission had been received from the friends of Leominster library and that this had been made available to members of the Committee prior to the meeting

The ADC gave a presentation, as included with the agenda papers.

Miriam Griffiths of the Herefordshire Museum Support Service Group gave a presentation based on slides within the Group's submission, referencing the report on the Future Resilience of Herefordshire Council's Museum Service jointly commissioned by the Group and the council. Nina Shields spoke on behalf of Joint action for Herefordshire libraries and Richard Smith spoke on behalf of the Friends of Herefordshire Archives emphasising points made in their published submissions.

In discussion the following principal points were made:

- A question was asked about the large increase in the user numbers for Bromyard library in 2017 compared with 2016. The ADC commented that previously all visitors to the Bromyard Centre, which provided several services, had been counted and the library user number had been published as one third of that total number. Now all visitors to the centre were counted as library users because the library was open all the time. However, the council did not have a figure for those just using the library to access books because people also used the library for computer access and other services. The ADC suggested that it could be useful to look at the issue numbers and this could be included in the report to cabinet.
- It was observed that the matter had generated considerable public interest. There was a public awareness of the financial constraints the council faced and the need for services to be cost effective. Within that context the submissions made on the matter had raised a series of questions. In summary it was suggested these related to: the specification of future standards of performance; the cost of the level of service required to meet statutory requirements; monitoring of payments to a supplier; the feasibility of zero subsidy and whether suppliers would be allowed to achieve a certain level of profit and whether this would mean that the services were in fact cheaper to run; assessment of risk - mindful of the ongoing liabilities/responsibilities of the council; the potential loss of economies currently secured from being part of a consortium; failures of library outsourcing elsewhere in the country; the future of volunteer led libraries, delivery libraries, school services and community libraries; recognition of the differences between museums, libraries and archives; the population growth and consequent increase in demand for services; evidence suppliers had understanding or experience in delivering the three

services – each of which had different requirements; and that retaining the services in house and not outsourcing should be considered as one of the options.

In response the ADC thanked the speakers and the user groups for their contribution over a number of years in supporting transformation of the three services and their recognition that savings had to be made and income generated. The ADC made clear that no procurement had been undertaken. The soft market test had been conducted to establish whether there was a market for these type of services and advice on a procurement process. If a decision was taken to outsource or contract the services a specification would be produced addressing matters such as opening hours, cost, service standards and improvement programmes. Ultimately a best and final offer would be received after a procurement process and at that stage a decision would be taken as to whether it was viable for services to be outsourced and the answers given to many of the questions raised.

In response to further questions the ADC commented:

- The current service model had developed on the basis that there some benefits of synergy from combining the management of the services whilst recognising their distinct nature. It was acknowledged that the three services were different and distinct and this would need to be recognised as the process moved forward, as would the differences observed in usage in different geographic areas of the County. There were several options for future service delivery. The soft market test had indicated there was a market for single providers to take on all services. However, potential bidders could be asked to select the services they were interested in operating.
- It was estimated that the procurement process would take in the region of 12 months from the start date.
- In relation to supporting staff through this uncertain time it had to be born in mind that the services had undergone a 5 year period of change and development. Staff would be involved in taking the process forward and had been involved in designing service change, the various reviews, peer challenge and income generation plans.
- In relation to an absence of a business case for the potential capital investment to bring the first floor space of Hereford Library and Museum building into use, the ADC commented that the potential return would be some £10k (per annum). The investment was not therefore about a business case based on financial return but about making best use of the space and providing community benefit. This point could be included in the report to cabinet.
- In terms of reassurance, if outsourcing were to proceed the council's standards of service would be included in a service specification, working with the Council's commercial team on the evaluation of bids.
- It was noted that the authority could also draw on other councils who had gone through a similar process and professional bodies.

The following additional points were raised in discussion:

- It was suggested that it was important to ensure services were sustainable but also to aim to preserve or enhance their quality and provide for their development. Another observation on this point was that there was a need to be mindful that the Medium Term Financial Strategy (MTFS) incorporated the proposed savings from, the museum library and archive services set out in the report. If the committee was proposing that these savings should not be pursued it had to recognise that savings would have to be found from elsewhere.

- The cabinet member – finance, housing and corporate services commented that the process offered the opportunity to see whether it was possible to reduce costs and try to instil some commercial thinking into the sector. The aim should be to explore whether there was new thinking as to how services could operate, in contrast to proceeding with annual salami slicing budget reductions.
- It was noted that the council currently paid some £292k in business rates on properties from which the three services were delivered and received £143k as income. It was requested that the report to cabinet should be clarified in relation to the impact on the council's income of charity rate relief if registered charities took on the running of the services, having regard to the relevance of this to the overall calculation of any savings being projected from outsourcing.

(The meeting adjourned between 11.55am and 12.10 pm.)

- The usage figures clearly incorporated multiple visits by individuals; the breadth of use across the county's population and the extent to which it was valued was therefore hard to quantify. It was requested that the breakdown of the various usage figures being presented should be revisited and clarified for cabinet.
- The report on the Future Resilience of Herefordshire Council's Museum Service contained a funding model that seemed to have merit and not incur additional cost to the council. The pace of transformation within that service was, however, different to that within the other two services. It was asked if consideration could be given to allowing tailored change in that service to proceed at its current pace and not allow momentum to be lost by it being part of an overall procurement process for the three services. It was noted that this could be included in the alternative options reported to cabinet.
- Shared use of service buildings with commercial and charitable bodies should be explored as a means of generating income. It was noted that this did not happen at some of the sites.
- The question of whether the council would retain ownership of any service buildings under any future arrangement was raised.
- Closure of any libraries would not be supportable.
- It had to be recognised it could be difficult to access a library in parts of the county, and the travel cost could be prohibitive.
- Income generation from those using archive services and other income generation opportunities from that service should be explored.
- The storage of records of individuals at no charge that were not available for public use should be reviewed. It was noted that the Friends of Herefordshire Archives supported the options set out at paragraph 26 of the report with the exception of relocation to closed storage which could lead to deterioration of records.
- It should be noted that a reduction in opening hours would have an adverse effect on staff salaries. However, some public houses closed on Mondays because of lack of custom and it could be questioned if closure during part of the school day might be considered given that children would not be able to use the libraries during that time.
- There was a suggestion that consideration should be given to the extent to which funding should be provided from within the council's budget as a whole including Adults Wellbeing and Children's and Young People's Wellbeing's budgets.
- The possibility of a task and finish group to examine any future service specification was raised. The consensus was that it was premature to make such a recommendation.

The representatives of the Herefordshire Museum Support Service Group, Joint Action for Herefordshire libraries and the Friends of Herefordshire Archives, were invited to make a final comment.

On behalf of Herefordshire Museum Support Service Group M Griffiths commented that the journey the service was following, based on the report on the Future Resilience of the Museum Service was not an easy one. It required some invest to save input from the council at the outset. The Group did not think the objectives could be achieved without the ongoing guidance of expert museum consultants. It was considered that the in-depth study of the service could be replicated for the other two services to their benefit.

On behalf of Joint Action for Herefordshire libraries (JAHL) N Shields commented that the need for savings was recognised. JAHL did not consider that outsourcing was the most cost effective way forward and did not have a good track record. JAHL remained keen to explore other options.

On behalf of the Friends of Herefordshire Archives R Smith commented that reference had not been made to the limited storage capacity in the HARC for future acquisitions. The original designed capacity for 25-30 years had reduced to 12-18 months. It would take longer than that to build an extension. It was considered that there were few advantages to outsourcing, with no evidence of success elsewhere. There was considerable scope for income generation if the service were kept in-house.

The ADC thanked the speakers and welcomed their contribution to the discussion which would help inform the cabinet report.

She commented that there was a programme to ensure that at least a year's worth of storage capacity was continuously retained at the HARC building. She did not consider there was a business case for building an extension at this stage.

In terms of commissioning specialist studies for the libraries and archives services, it should be noted that the study for the museum service had been funded by heritage lottery funding and had cost £20k.

She hoped the debate had demonstrated that service changes to date had not been salami slicing, but had been a planned process over the previous 5 years, as reflected in various cabinet reports and studies including local government association peer challenge, the study of the museum service and the work of teams within the services.

A number of local ward members had attended. In summary they made the following principal points:

- The social, health and wellbeing benefits the services provided were emphasised.
- Resources released from rationalising the council's accommodation should be ringfenced to support such services.
- It was essential to retain professional expertise. Volunteers were reliant upon professional support.
- Services had to be readily accessible.
- Any proposals for service delivery should take account the benefit derived from the many local library services provided by volunteers in the rural areas.
- Those who had expressed interest in running the services via the soft market testing were not experts in the services. That expertise lay within the council. The council was not, however, expert in ways of generating income. Rather than outsourcing, consideration should therefore be given to whether there were potential partners with

skills upon which the council could draw. Such partners might be very different from those who would be interested in running services.

- It was important in terms of the Master's House, Ledbury that the costs associated with the library element of the building were recognised.
- The council should use legal powers to seek contributions from parish precepts to support the services.

The cabinet member – finance, housing and corporate services thanked the meeting for the comments received. He noted that the proposals were driven by the need to achieve a balanced budget. This did mean difficult decisions having to be made. It was important that these were well informed.

The cabinet member – contracts and assets commented that the aim was to find a solution that maintained the viability of the three services. He was generally not in favour of reducing hours and having buildings closed on certain days. He supported bringing the first floor of Hereford library into use. Other matters of which he had taken particular note were the implications of the Public Records Act 1958 and the storage of private records at public expense. He assured those present that he had the best interests of the three services at heart.

The Chairman and ADC thanked everyone for their contributions.

RESOLVED:

- That**
- (a) the case for bringing the first floor room in Hereford library into use should be set out in more detail for cabinet to consider, including an assessment of community benefit;**
 - (b) cabinet is requested to ensure that whilst recognising the need for services to be sustainable any proposals should aim to preserve and/or enhance quality of services and provide for their development;**
 - (c) the resource implications of the report to cabinet should be expanded and clarified in relation to the impact of charitable relief;**
 - (d) the option of not outsourcing the services should be fully explored in the cabinet report;**
 - (e) the different nature of the three services should be fully recognised and taken into account in considering future options in whatever process is pursued;**
 - (f) the legal implications section of the report should be reviewed to ensure it fully reflects provisions relating to archives;**
 - (g) income generation opportunities should be explored including charges for those using archive services and the scope for shared use of council buildings with commercial and charitable operations;**
 - (h) the opportunity to secure income from those storing records at HARC but not making them available for public use be explored; and**
 - (i) the breakdown of the various usage figures in the report should be revisited and clarified for cabinet.**

74. WORK PROGRAMME

The Committee deferred consideration of the work programme.

75. DATE OF NEXT MEETING

Monday 11 June 2018 at 10.15 am.

Appendix 1 - Public Questions and Answers

Appendix 2 - Councillor Questions and Answers

The meeting ended at 1.05 pm

Chairman

**PUBLIC QUESTIONS AND ANSWERS -
GENERAL SCRUTINY COMMITTEE – 9 April 2018**

Question 1

Mr Milln – Hereford

Our excellent staff of the Museums, Libraries and Archives Services leverage volunteer support, good will and donation which are its life blood. Further budget cutting risks these benefits, the loss of which cannot be measured in financial terms alone. Whether or not a trust takes over museums, will the Council realise that supporting all three so they may grow brings richer rewards for well-being, pound for pound, than a bypass?

Response

The Assistant Director Communities replied that the support given by volunteers was strongly acknowledged and paragraph 12 of the report to the Committee outlines the range of contributions made. The plans for each service (published on the council website) demonstrate the contributions made by each service to the council's corporate objectives including aspects of well-being.

Supplementary Question

Will the council accept the public find it surprising these services are threatened, when money is found for costly road schemes?

Response

The council has a legal obligation to create a balanced budget. Savings have been sought across the board over a number of years to achieve that, whilst also seeking to protect the most vulnerable in the community and safeguard adults and children.

Question 2

Mr T Evans - Ledbury

How much does it cost to operate the library services currently and how much is HCC prepared to pay the contractor to ensure that they can operate the libraries?

Response

The Assistant Director Communities replied: The cost of running the services is outlined in paragraph 31 of the report to the Committee. For the library service specifically the cost (net against income) is £1,031,656. An open procurement process would take place if the decision is made to outsource services which would set terms and conditions, including financial terms.

Question 3

Mr J Hillaby – Hollybush near Ledbury

Whilst acknowledging the Council's need to cut costs we are concerned at the proposals to further reduce opening, new books supplies etc. Our main concern however is the proposal to outsource the library service. How can this be cost effective when the subcontractor would need to make a profit, and how can the Council ensure that standards are maintained?

Response

The Assistant Director Communities replied: If the decision is made to outsource services a tender specification will be produced with potential suppliers making submissions. Any contract would include specific standards, requirements and financial terms. Some of the savings can be through shared back office costs, opportunity for income generation, using supplier networks for marketing, and additional events (as outlined in the soft market test feedback). There is also potential for savings on rates if the organisation is a charity. All the submissions for the soft market test were from non-profit making organisations.

Question 4

Mr L Watson - Garway

How is it possible for the Council to outsource the LMA services without subsidy whilst also meeting their statutory obligation to provide a comprehensive and efficient library service?

Response

The Assistant Director Communities replied: Paragraph 22 of the report and the section on legal implications acknowledges there is a statutory duty to provide a library service - these requirements would be included in any specification/contract along with any other important elements relevant to the services. Also paragraph 4 of the report states the objective is to retain services important to the public, while making the services more efficient and self-funding where possible.

Question 5

Mr J Faulkner

Who will be ultimately accountable for the quality, delivery and development of library services following outsourcing?

Response

The Assistant Director Communities replied: As through any contract the supplier will have certain standards to meet, and penalties will apply if not met and ultimately there is the option of contract termination. Herefordshire Council still holds the obligation of providing a comprehensive and efficient library service as a legal requirement.

Question 6

Mr J Hitchin

How will the Council make further progress with the integration of LMA services, as recommended by the LGA peer review and also central to the Rankin Centre (31 broad street) development, when service provision is outsourced?

Response

The Assistant Director Communities replied: Following the LGA peer review and staff consultation a redesign of the services took place and from January 2018 museums, libraries and archives were bought under one management structure. If a decision is made

to outsource all the services in one procurement this will influence the retention of the service in one block, but will also depend on the returns from potential suppliers.

Question 7

Mr W McMorran – Tedstone Delamare, Bromyard

How will the concepts and forward thinking about the future of the broad street building evident in the Rankin Centre proposals (now the 31 broad street project) be carried forward once outsourcing takes place?

Response

The Assistant Director Communities replied: Hereford Library User Group are able to continue with their project to fundraise for development of Hereford Library at any point. The report to cabinet on 9 May 2016 made clear in the alternative options section that it would not be Herefordshire Council leading this project.

Question 8

E Mayes

From the Hereford Library perspective it is crucial that the Broad Street building is improved from its current provision of 1500 square metres (housing both library and museum) to provide the 5,000 square metres that is the sector norm for a City/County Library. Who will be responsible for this development following outsourcing?

Response

The Assistant Director Communities replied: Please see paragraphs 23 to 25 of the report which looks at making better use of the un-used area of the library, and she would welcome the committee's views on those points. There were no plans for further capital investment beyond the points in the report and as outlined in the previous question, if HLUG wish to pursue fundraising plans I am sure any new supplier would welcome that contribution.

Question 9

Mr H Porte

Currently there is a totally inadequate level of purchasing of new resources and the Hereford Library has a long history of stockholding deficiencies, as demonstrated by the CIPFA league tables which places Herefordshire in the bottom decile, where it has been for many years – How will this situation be improved post outsourcing?

Response

The Assistant Director Communities replied: For explanation to the committee - the Chartered Institute of Public Finance and Accountancy benchmarks information between libraries each year. It should be noted that the data was collected over the period when Hereford library was closed so some the figures are distorted. This data shows that the size and opening hours of our largest library (Hereford) is low compared to other local authority areas. Also the council's expenditure is lower than the average, partly because we are very efficiently operated service, income generating, fundraising etc. How this would be improved post outsourcing if that decision is made can be part of any terms. To note, Greenwich

library (outsourced to GLL), one of the contributors to the soft market test has the highest number of visitors per head of population for the second year running.

Question 10

Mr J Llewellyn-Perkins

What arrangements will be made to ensure that LMA user groups can input to developments and work with the new service provider?

Response

The Assistant Director Communities replied: As part of the specification community engagement is often a question depending on the nature of the services being contracted. Any supplier will want to make the most of working with user groups to contribute to the operation of the services and meet the wider needs of regular users and the wider community. I would have hoped that user groups would continue to support the services in a positive and productive way for the good of the services.

COUNCILLOR QUESTIONS TO GENERAL SCRUTINY COMMITTEE – 9 April 2018

Question 1

Councillor CA Gandy

Volunteer run rural Community Libraries particularly for our most vulnerable residents in rural communities are a life line with 43,622 visitors in 2017.

I seek assurance that none of the proposals will impact negatively on community libraries who rely upon the Herefordshire Council library for support and if outsourced what influence the local member will have in decision taking which may impact negatively upon their local community library.

Response

The Assistant Director Communities replied: The front-line delivery of community libraries is operated by local groups and parish councils who give up their time to services valued by those individuals and the local communities, and important to the network of libraries in the county. As independent from the council these libraries would not be part of an outsourced service. The council does support these libraries with training, advice and in some cases IT – also the council pays for the book stock (as broken down in paragraph 31 of the report at a value of £17,484 across all community libraries). This will be subject to future decisions depending on the impact on the book fund and she would welcome the committee's view of that proposal. If implemented the proposal would be a 10% reduction across the board and the impact on community libraries would be £1,748.

Supplementary Question

What evidence is there that contracting the library service whilst fulfilling the council's four priorities will produce the savings required, improve the service, and by how much, and over what period of time, and also guarantee that in a few years' time we will not be regretting the loss of our community run libraries, two of which are increasing visitor numbers due to the lack of support from the centre?

Response

The Assistant Director Communities replied: If the council goes through a procurement process, terms would be specified and the response of bidders to those terms would be evaluated. If the response did not meet expectations or would mean a reduction in service this would not be considered viable. The council would have to wait to see what responses were received.



Meeting:	General scrutiny committee
Meeting date:	Monday, 2 July 2018
Title of report:	Work programme
Report by:	Governance services

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose and summary

To review the committee's work programme.

Recommendation(s)

THAT:

- (a) the draft work programme as set out at appendix 1 to the report be approved, subject to any amendments the committee wishes to make;**
- (b) the committee considers a replacement appointment to the Minerals and Waste standing panel;**
- (c) the committee considers establishing a task and finish group on highway maintenance – pothole repairs to undertake the work outlined in the draft scoping statement (Appendix 3) and confirming the membership;**
- (d) the committee determines any other matter in relation to the appointment of task and finish groups their chairmanship and any special responsibility allowance or the undertaking of a spotlight review; and**
- (e) the committee decides whether there is any matter for which it wishes to exercise its powers of co-option.**

Alternative options

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

Key considerations

Draft work programme

- 2 The work programme needs to focus on the key issues of concern and be manageable. It must also be ready to accommodate urgent items or matters that have been called-in.
- 3 Should committee members become aware of any issue they think should be considered by the Committee they are invited to discuss the matter with the Chairman and the statutory scrutiny officer.

Hereford Transport Package Options – Phase 2

- 4 On 29 January the committee identified the Hereford Transport Package Options - phase 2 as a potential item for consideration. The report to cabinet on 18 January 2018 stated that: “Subject to cabinet’s approval to the recommendations in this report, consultation will commence in February for a period of six weeks. A further report will then be presented to cabinet setting out feedback to this consultation and a recommendation for a preferred route for the bypass and a package of active travel measures for consideration. It is a matter for the general scrutiny committee to determine, but it may choose to exercise its right to pre-decision scrutiny of that decision. At the scrutiny work programming event on 4 June the Hereford Transport Package was identified again as an item of key interest to the committee.
- 5 The provisions in the Constitution relating to pre-decision scrutiny are set out at section 4.5.90 on. Members are reminded that in order not to obstruct the council in its business, the scrutiny committee may call in an executive decision in advance of its actually being taken. Where the scrutiny committee has called-in a key decision from the forward plan before its due date, the decision cannot be called-in again after the final decision has been taken.
- 6 The Committee was invited to consider whether it wished to undertake pre-decision scrutiny at its meeting on 9 April. In the event the length of the debate on the other substantive item on the agenda meant that the agenda item on the work programme was not considered. Accordingly the Committee is invited to determine what course it wishes to pursue.
- 7 Given the timescales involved if the Committee does wish to undertake pre-decision scrutiny of this matter provision has been made for a meeting of the Committee to take place at 10 am on Wednesday 18 July (with the Planning and Regulatory Committee rescheduled for Wednesday 25 July), followed by Cabinet consideration of the matter on the morning of Friday 27 July.

Minerals and Waste Standing Panel

- 8 On 11 July 2017 the Committee appointed a standing panel to maintain a watching brief over proposals for the Minerals and Waste local plan as they develop. Following Councillor Swinglehurst's recent cabinet appointment there is a vacancy on the Panel. Members are invited to consider who, from the committee, should take up the vacant appointment.

Outcome of Scrutiny Workshop

- 9 A number of suggestions for scrutiny were proposed at the workshop on 4 June. A commentary on these proposals and a proposed course of action is set out at appendix 2.
- 10 A draft work programme is attached for consideration at appendix 1. This is based on the proposed course of action set out in appendix 2 being accepted and is subject to any recommendations the committee wishes to make.

Constitutional Matters

Task and Finish Groups

- 11 A scrutiny committee may appoint a task and finish group for any scrutiny activity within the committee's agreed work programme. A committee may determine to undertake a task and finish activity itself as a spotlight review where such an activity may be undertaken in a single session; the procedure rules relating to task and finish groups will apply in these circumstances.
- 12 The relevant scrutiny committee will approve the scope of the activity to be undertaken, the membership, chairman, timeframe, desired outcomes and what will not be included in the work. A task and finish group will be composed of a least 2 members of the committee, other councillors (nominees to be sought from group leaders with un-affiliated members also invited to express their interest in sitting on the group) and may include, as appropriate, co-opted people with specialist knowledge or expertise to support the task. In appointing a chairman of a task and finish group the committee will also determine, having regard to the advice of the council's monitoring officer and statutory scrutiny officer, whether the scope of the activity is such as to attract a special responsibility allowance.
- 13 The Committee is asked to determine any matters relating to the appointment of a task and finish group and the chairmanship and any special responsibility allowance or undertaking a spotlight review including co-option (see below).

Proposed Task and Finish Group – Highway Maintenance – Pothole Repairs

- 14 Further to the Committee's meeting in January the Chairman has proposed that a task and finish group be established to examine this issue. A draft scoping statement is attached at appendix 3.
- 15 To date whilst some members of the Committee have expressed support for scrutiny of the proposed topic, as it is understood some Councillors not on the Committee

have also done, members of the Committee have indicated that other commitments prevent them serving on the group. As referred to above, without at least two members of the committee undertaking to serve on the group the Constitution prohibits the establishment of the group. Members are invited to consider this matter.

Co-option

- 16 A scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed workplan and/or task and finish group membership.
- 17 The Committee is asked to consider whether it wishes to exercise this power in respect of any matters in the work programme.

Tracking of recommendations made by the committee

- 16 A schedule of recommendations made in 2017/18 and action in response to date is attached at appendix 4.

Forward plan

- 17 The constitution states that scrutiny committees should consider the forward plan as the chief source of information regarding forthcoming key decisions. Forthcoming decisions can be viewed under the forthcoming decisions link on the council's website:

<http://councillors.herefordshire.gov.uk/mqDelegatedDecisions.aspx?RP=0&K=0&DM=0&HD=0&DS=1&Next=true&H=1&META=mgforthcomingdecisions&V=1>

Community impact

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

Equality duty

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

Resource implications

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

Legal implications

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

Risk management

- 22 There is a reputational risk to the council if the overview and scrutiny function does not operate effectively. The arrangements for the development of the work programme should help mitigate this risk.

Further information on the subject of this report is available from
Governance Services on Tel (01432) 260239

Consultees

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

Appendices

Appendix 1 – draft work programme

Appendix 2 - suggestions for scrutiny proposed at the workshop on 4 June, a commentary on these proposals and a proposed course of action

Appendix 3 – draft scoping statement – review of highways maintenance pothole repairs (to follow)

Appendix 4 – schedule of general overview and scrutiny recommendations made and action in response 2017/18.

Background papers

- None identified.

General Scrutiny Work Programme 2018/19

Meeting/items	Purpose	Comment	Notes
TBC	Minerals and Waste Panel Report on draft Minerals and Waste Plan		
TBC	Community Safety		
TBC	<i>Hereford Transport Package Options phase 2</i>	<i>See covering report?</i>	<i>Consider whether pre-decision scrutiny?</i>
TBC	Hereford Area Plan		Provisional Cabinet member decision 10 September but expected not to Council until December at earliest. (see also note on new suggestions)
TBC	Rural Areas Sites Allocation DPD		Budget and Policy Framework
TBC	<i>Highway Maintenance – pothole repairs – T&F report</i>	<i>See covering report</i>	<i>Consider if topic merits scrutiny</i> <i>Consider if sufficient members of Committee willing to serve on group.</i>
TBC	Performance indicator - killed and seriously injured on roads (will involve partner agencies)		Possible task and finish topic. Road maintenance/verge maintenance chairman of road safety partnership

			<p>Check with Chairman of Road Safety partnership as witness.</p> <p>Highways England</p> <p>Balfour Beatty</p> <p>Police</p> <p>NHS</p>
<ul style="list-style-type: none"> • 10 September 2018 			
TBC	Hoople Service Level Agreement		<p>Suggested this is considered in Autumn 2018 in same way as Balfour Beatty was considered.</p> <p>Consider input into service level agreement for forthcoming year.</p>
TBC	Scrutiny of Medium Term Financial Strategy and Budget 2019/20		
<ul style="list-style-type: none"> • 30 November 2018 			
	<p>Economically themed meeting to include a range of initiatives included in the economic vision (see below)</p> <p>Review of Economic master plan.</p>	Retain	

	Marches Draft Strategic Economic Plan		
<ul style="list-style-type: none"> • 28 January 2019 	Consider Development Partnership Outline work programme		<p>To include Edgar Street Stadium.</p> <p>14 November 2016 Committee requested further report setting out the long term proposals for the Edgar Street stadium following an appraisal by the football club, council and potential development partners of the options.</p>
<ul style="list-style-type: none"> • 8 April 2019 	Waste Disposal Contract review (t&f) in preparation for end of current contract in 2023.		
TBC	Performance indicator - killed and seriously injured on roads (will involve partner agencies)	Yes progress.	<p>Possible task and finish topic.</p> <p>Road maintenance/verge maintenance chairman of road safety partnership</p> <p>Check with Chairman of Road Safety partnership as witness.</p> <p>Highways England</p> <p>Balfour Beatty</p> <p>Police</p> <p>NHS</p>

<p>One off spotlight: All aspects of enforcement (parking/planning/environmental health)</p>		<p>Check previous T&F of Planning. Check also 106 agreements – time taken to complete.</p>	<p>Suggested this is too broad. Service Comment awaited.</p>
<p>(GSC 11 September 2017) It was requested that further consideration be given to the inclusion of the delivery of housing growth targets in the work programme.</p>			<p>Core Strategy review: The Core Strategy itself provides a commitment to a review being undertaken from 2019. Proposal Delete</p>
<p>Review of the introduction of on-street parking in Hereford City to assess amongst other things whether the economic benefits were outweighing the costs. (see 13/11/17)</p>		<p>.</p>	<p>Cabinet Member has implemented revised proposals that are understood to have addressed concerns. Proposal Delete</p>
<p>construction and facilities management contracts(see GSC13/11/17)</p>		<p>.</p>	<p>The Committee considered this matter at the request of the executive, having particular regard to the longer term aim to move to an outcomes based commissioning model RESOLVED: That (a) a further report/scoping statement be presented to the Committee to enable it to decide how it wishes to be involved in any further consideration of this matter and to what timetable and to include a review of</p>

			<p>matters of concern identified during the debate;</p> <p>Cabinet decision 12 April 2018: Contract agreed for one year from 1 September 2018 to 31 August 2019.</p> <p>The short term contract will provide a timeline for a strategic service redesign of these services to align with the council's needs and corporate objectives. This project will be undertaken in conjunction with the short term contract.</p> <p>Proposal</p> <p>Delete</p>
<p>Unallocated cross-cutting review suggestions</p> <p>Support for voluntary sector</p>		<p>View expressed that this might be worth progressing given reference in corporate peer challenge.</p>	<p>Peer challenge extract</p> <p>The Council has a stated intent to build community resilience but needs to further articulate what this means and how it will be supported in a strategic and coordinated way. The relationships with parish and town councils will have an important role to play. Alongside this, the Council should consider other options for connecting and assisting residents and communities to support each other, including the role of ward councillors, digital technology and the voluntary and community sector. We recognise that different areas of</p>

			<p>Herefordshire will not suit a 'one size fits all' approach; nevertheless, the Council's engagement and resilience activity needs to be part of a coherent framework that is developed and delivered in partnership with others.</p> <p>Proposal</p> <p>Consider in light of response to peer challenge.</p>
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Suggestions for scrutiny proposed at the workshop on 4 June, a commentary on these proposals and a proposed course of action.

New items suggested by Councillors	Comment
<p>Keepmoat Homes Ltd and Engie Regeneration Ltd Contracts (Also suggestion of importance of good design as per council motion 7 March 2014.)</p>	<p>Presentation is to be given to all Members on the contracts.</p> <p>Proposal</p> <p>Consider whether any issues warrant scrutiny following that seminar (at which standards inc design) could be addressed.</p>
<p>LGA peer review – consideration of executive response</p> <p>(Note request: scrutiny of the relationship between HC and the parish councils in the light of the recommendations of the LGA peer review.)</p>	<p>Corporate peer challenge – report on cabinet agenda - 28 June.</p> <p>Proposal</p> <p>Consider executive response and whether this highlights any issues for scrutiny to consider.</p>
<p>Water Quality – consider extent to which this is covered by Nutrient Management Board.</p>	<p>Nutrient Management Plan Board: The objective of the Board, as set out in its terms of reference, is to identify and deliver actions that achieve the phosphorous conservation target of the River Wye SAC. This will be done primarily through the delivery of the Nutrient Management Plan. It is not specifically considering other aspects of water quality but the implementation of its actions may have wider benefits beyond phosphate reduction. Meeting planned later this month which will consider another update for Powys and Herefordshire members (as we previously held in the Baskerville arms).</p> <p>Proposal</p> <p>Await outcome of update to members referred to above.</p>
<p>Planning enforcement – consistency /S106 agreements</p>	<p>Service Comment</p> <p><u>Section 106</u></p> <p>This is an area that was flagged up as under-performing following a stakeholder review of the service in 2017, which included members, staff and planning agents/developers.</p>

	<p>As a consequence, the Planning Service increased its resource. In addition, Legal Services are now seeking to recruit. Section 106 is now also subjected to detailed monthly scrutiny through performance meetings chaired by the Head of Service, since flagged up in an internal audit.</p> <p><u>Planning Enforcement</u> This was another area flagged up by the stakeholder review of the service in 2017, although it did not score as a priority because more enforcement officers had recently been recruited.</p> <p>The issue of consistency should be less of a problem since the enforcement officers were restructured into one planning enforcement team.</p> <p>Training has also been recognised as a priority and planning enforcement is now subject to detailed monthly scrutiny through performance meetings chaired by the Head of Service.</p> <p>Procedures changed in 2016/17 to require that all the planning enforcement officers notify the local ward members about any action about to commence in their wards. This ensures members are briefed and that local knowledge is fully taken into account.</p> <p>The new constitution also now requires that prosecution cases are firstly signed off by Legal Services in relation to the public interest test.</p> <p>A new and revised Overarching Enforcement and Prosecution Policy and a new updated Planning Enforcement Policy were agreed by Cabinet in January 2018, which covers all areas of enforcement and ensures better consistency.</p>
<p>Use of Green space – keeping people well and looked after – note CCG interest in this</p>	<p>It is suggested this is covered in Hereford Area Plan.</p> <p>Hereford Area Plan: Currently work is progressing on technical work to enable a housing/employment site options</p>

	<p>consultation to be undertaken later in the summer. Following this the focus will be on preparing a draft plan which would subsequently require to be approved by the council (considered by scrutiny prior to cabinet and council) before being submitted to the secretary of state for Examination in Public.</p> <p>There is a reference group made up of Herefordshire Councillors, the City Council, Parish Council's in the Plan area and other key stakeholders</p> <p>Proposal</p> <p>Await consideration of the area plan.</p>
New items suggested by Councillors	Comment
Suggestion: Commissioning and procurement	<p>Item on Procurement and commissioning strategy scheduled for Cabinet Member key decision on 5 July.</p> <p>There is scope to consider strategy itself and monitoring arrangements to ensure compliance. (Latter aspect possibly matter for A&G.)</p> <p>Proposal</p> <p>For the Committee to determine.</p>
Policing – checking policing cover given shift of resources by PCC to urban setting	<p>Proposal</p> <p>A matter for Police and Crime Panel rather than Scrutiny Committee.</p>
Scrutiny of the traffic management in and around Commercial Street/Aylestone Hill	<p>Work ongoing to validate and monitor the traffic signals following the construction of the new link road.</p> <p>Proposal</p> <p>No Scrutiny consideration at the current time but kept under review.</p>
Council's policy on roadside verges grass cutting and what changes in policy may be appropriate.	<p>The verges are cut to maintain highway safety.</p> <p>The programme is to cut the verges twice a year to minimise the risk and manage the network. There may also be a requirement</p>

	<p>to undertake an intermediate cut, if growth has accelerated between planned cuts.</p> <p>There are 27 sites which have been marked and are deemed safe to leave to allow for bio diversity such as wild flowers and important habitats.</p> <p>There may be opportunity to increase the number of sites that are managed for biodiversity, particularly on the lower volume / speed roads, primarily unclassified roads, this can and will be explored with the local community.</p> <p>The council's service provider Balfour Beatty Living Places, have regular meetings with the parish councils and local members. The issue can be raised at these meetings to see if there are any sites that the local community would wish to see managed for biodiversity through reduced verge maintenance. Such can then be explored, identified and the programme adjusted accordingly.</p> <p>Proposal</p> <p>No scrutiny consideration.</p>
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Herefordshire Council

General Overview and Scrutiny Committee

Title of review	Highways maintenance – pothole repairs							
Scope								
Reason for enquiry	To consider the highway maintenance plan and seek to address concerns expressed within the community about the potential mismatch between policy and practice on pothole repairs.							
Links to the corporate plan	<p>The review contributes to the following objectives contained in the Herefordshire corporate plan and other key plans and strategies:</p> <p>Corporate Plan 2016-2020</p> <p>Priority: Supporting the growth of our economy.</p> <p>Measure: Overall satisfaction with the condition of highways.</p> <p>Support economic growth and connectivity (including broadband, local infrastructure, transport and economic development)</p> <p>Corporate Delivery Plan 2017/18</p> <p>Priority: Support the Growth of the Economy</p> <p>Support economic growth and connectivity (including broadband, local infrastructure, transport and economic development)</p> <p>Deliver the LTP Programme, providing an enhanced, accessible, safe and integrated transport network supporting economic growth</p> <p>Measure: Condition of Principal; Non-Principal Roads (B/C roads); and Unclassified Roads</p> <table border="1" data-bbox="379 1877 954 1951"> <thead> <tr> <th data-bbox="387 1888 619 1951">Road Class</th> <th data-bbox="627 1888 786 1951">2013</th> <th data-bbox="794 1888 946 1951">2017</th> </tr> </thead> <tbody> <tr> <td data-bbox="387 1962 619 1962"></td> <td data-bbox="627 1962 786 1962"></td> <td data-bbox="794 1962 946 1962"></td> </tr> </tbody> </table>		Road Class	2013	2017			
Road Class	2013	2017						

	<table border="1"> <tbody> <tr> <td>A Road Red</td> <td>9%</td> <td>6%</td> </tr> <tr> <td>A Road Amber</td> <td>36%</td> <td>38%</td> </tr> <tr> <td>B Road Red</td> <td>8%</td> <td>7%</td> </tr> <tr> <td>B Road Amber</td> <td>34%</td> <td>33%</td> </tr> <tr> <td>C Road Red</td> <td>11%</td> <td>8%</td> </tr> <tr> <td>C Road Amber</td> <td>36%</td> <td>36%</td> </tr> <tr> <td>U Road Red</td> <td>32%</td> <td>26%</td> </tr> </tbody> </table> <p>Priority: Secure better services, quality of life and value for money</p> <p>2 Ensure our essential assets, including schools, other buildings, roads and ICT, are in the right condition for the long- term, cost-effective delivery of services</p>	A Road Red	9%	6%	A Road Amber	36%	38%	B Road Red	8%	7%	B Road Amber	34%	33%	C Road Red	11%	8%	C Road Amber	36%	36%	U Road Red	32%	26%
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Summary of the review and terms of reference	<p>Summary: To consider the highway maintenance plan and seek to address concerns expressed within the community about the potential mismatch between policy and practice on pothole repairs.</p> <p>Terms of Reference:</p> <ul style="list-style-type: none"> • To consider the strategy in context including the approach to maintaining the highway asset, the level of maintenance and repair that the plan caters for, and budget constraints. • To review a sample of the work undertaken – seeing examples of repairs (in the context of the plan) and, • To understand the rationale for prioritisation of repairs and the nature of repairs and consistency of approach. 																					
What will NOT be included	<ul style="list-style-type: none"> • Other aspects of the BBPLP public realm contract 																					
Potential outcomes	<ul style="list-style-type: none"> • To confirm that the highway maintenance plan is fit for purpose or identify improvements. • To establish whether the highway maintenance plan is operating as efficiently as resources allow and serves the needs of the whole county. 																					
Key Questions	<p>To consider:</p> <p>What is the current policy?</p> <p>How effective is it?</p>																					

	What improvements can be recommended?
Cabinet Member	Councillor Durkin – Transport Roads and Regulatory Services
Key stakeholders / Consultees	<p>Balfour Beatty – living places</p> <p>Herefordshire Council Councillors (For this exercise they will reflect any views of Parish Councils known to them. It is proposed that a separate exercise allowing the requisite time for Parish Councils to respond on the operation of the BBLP contract as a whole will be conducted later in the year.)</p> <p>Director Economy Communities and Corporate/Assistant Director – Environment and Place/Head of Highways and Community Services</p> <p>External Highways Maintenance Expert</p>
Potential witnesses	<p>Director Economy Communities and Corporate/Assistant Director – Environment and Place/Head of Highways and Community Services</p> <p>BBLP</p>
Research Required	<ul style="list-style-type: none"> • National Policy • Council Policy (The LTP Policy documents and the first section of that document on Asset management. Our Highway Maintenance Plan and the code of practice ‘Well managed Highway Infrastructure’. <p>https://www.herefordshire.gov.uk/info/200136/travel_and_transport/220/local_transport_plan/1</p> <p>https://www.herefordshire.gov.uk/info/200196/roads/707/highways/2</p> <ul style="list-style-type: none"> • Performance information • Comparative Information • Customer satisfaction data (including information on level of insurance claims) • Best practice locally, regionally and nationally
Potential Visits	To see good example of repairs (in the context of the plan) and inferior examples.
Publicity Requirements	No advance publicity/wider public information gathering is proposed. Together with the communication team, a plan should be put in place to ensure awareness of meeting at which final report is to be discussed and that findings are disseminated clearly.

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Outline Timetable (following decision by the Overview & Scrutiny Committee to commission the Review)	
<i>Activity</i>	<i>Timescale</i>
Confirm approach, Terms of Reference, programme of consultation/research/provisional witnesses/meeting dates	By 30 April
Collect current data available for circulation to Group for first meeting of the Group	By 30 April
Analysis of data/Interviews	May 2018
Carry out stakeholder meetings (Spotlight meeting)	n/a
Final analysis of data and stakeholder evidence	n/a
Prepare options/recommendations	June 2018
Present final report to General Overview & Scrutiny Committee	September 2018
Prepare cabinet report	September 2018
Present options/recommendation to Cabinet	September 2018
Cabinet response/decision	October/November 2018
Monitoring of implementation of agreed recommendations	May 2019

Group Members	
Chair	
Support Members	
Support Officers	J Coleman T Brown

Schedule of General Overview and Scrutiny Committee recommendations made and action in response (May 2017 on)

Meeting	item	Recommendations	Action	Status
11 July 2017	Sustainable modes of travel to school strategy	That (a) the strategy should clearly link targets to the strategy’s aims and objectives and ensure that it showed how actions can deliver on those objectives;	Cabinet response 18 January 2018 The table setting out targets will be updated to demonstrate show the link to objectives. (Page 16)	To update
		(b) the wording in relation to the vacant seat payment scheme should be modified	The table setting out targets will be updated to demonstrate show the link to objectives. (Page 16)	
		(c) the strategy should contain a clear timetable for review of the strategy;	Timetable for review has been added. (Page 19)	
		(d) the executive should again be asked to request schools to update their school travel plans making clear to them the potential benefits to schools of doing so and drawing on the support of councillors who are school governors to encourage this work to take place;	In addition to officers promoting up to date travel plans and providing support directly to schools, local members will also be engaged to promote travel plans in their local communities. (Included in Action Plan at page 16)	
		(e) officers be requested to liaise with public health colleagues to	Liaison between officers has commenced with officers from public health and this is enabling	

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		assist in the development of effective targets;	closer coordination between the SMOTS and public health objectives. (Included in the Action Plan at page 16)	
		(f) the executive be asked to ensure that relevant council held data is actively shared with schools to prompt them to share their own data for the SMOTS;	Any data relevant to the SMOTS will be made available to schools and will be used to help encourage schools to engage in travel planning.	
		g) the executive be requested to explore means of data collection for the SMOTS, to seek to secure more robust data to inform policy and assist in prioritising actions, with regard also being had to NHS data;	The SMOTS has been updated to include the most recent robust school travel data set (Page 9). The action plan addresses how we will explore additional data sources, including NHS data to assist with implementing the SMOTS (Page 16).	
		(h) accident information in the strategy and methods of data collection should be clarified;	Accident information is collected by the police using their own reporting system. The accident data is then passed over to the Department for Transport for release to the public. Detailed methodology on how this happens can be found on the Government's website on the link: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259012/rrcgb-qualitystatement.pdf	
		(i) the executive be requested to seek support from local MPs to assist in resolving transport issues and that their attention	A letter has been drafted from Cabinet Member for Transport and Roads and from the Cabinet Member for Young People and Children's Wellbeing.	

		should be drawn to the value that Plasc surveys had previously been in assessing needs;		
		(J) the executive is requested to ensure that the SMOTS makes clear the evidence used to inform the strategy, the efforts made to secure evidence and any deficiencies in collecting evidence;	Amended within the strategy. (page 9)	
		(k) the executive be requested to ensure that the capacity and performance measures in the Sustrans contract are aligned to the strategy;	We will review the Sustrans contract to ensure the contract goals will be compatible with the SMOTS. (Included in the Action Plan at page 16)	
		(l) the executive is requested to ensure that an implementation plan translating strategy into action was developed to accompany the strategy;	An implementation plan will be developed for delivery to a pilot school by 2019. (Page 16)	
		(m) the Sustrans contract was part way through its duration yet the strategy had not been published. The relationship of that work to the strategy needed to be considered to ensure that that work contributed to the delivery of the strategy; and	The Sustrans delivery project was taken into account when developing the SMOTS.	

		(n)	the Statutory Scrutiny Officer be informed of the annual review of the action plan and following consultation with the Chairman and Vice-Chairman consider whether there are any material matter requiring consideration by the Committee.		
	Herefordshire local flood risk management strategy	That	(a) the strategy should recognise the importance of clear and effective communication of responsibilities in respect of all relevant parties;	Response considered by cabinet 28 September 2017 <i>a: Accepted – there is already a section on communication (7.2) which addresses this point</i>	
		(b)	the executive be advised of the importance of preparing a joined up implementation plan;	<i>b Accepted – this will form part of the action plan.</i>	
		(c)	careful consideration be given to how land use and management affect flood risk, ways of educating people on this point and developing mitigating measures;	C Accepted – this is already covered under section 10, particularly these summary actions: Work collaboratively through the Natural Flood Management Partnership for the River Lugg and Wye to deliver the Wye Nutrient Management Plan and influence land use and management practices to reduce the risk of flooding and deliver wider environmental benefits; and Work with landowners, communities, Town and Parish Councils, NFU, the Country Land and Business Association (CLA) and other similar organisations to promote changes in agricultural land management practices, which can reduce the impact of flooding and provide	

			opportunities to incorporate wider benefits.	
		(d) a public facing document be produced setting out what to do in the event of flooding and relevant legal remedies for those affected;	d Accepted – this will form part of the non-technical summary (easy reference guide summary document).	
		(e) BBLP be requested to seek information from lengthsman and local councillors on local conditions and identified flood risks as a matter of course; and	e Accepted – this will be captured within the 'Water on the Network' Annex of the Annual Plan.	
		(f) the Statutory Scrutiny Officer be informed of the annual review of the action plan and following consultation with the Chairman and Vice-Chairman consider whether there are any material matters requiring consideration by the Committee.		
21 August 2017	West Mercia Police and Crime Consultation on Fire Governance	RESOLVED: That a draft submission to cabinet be circulated to members of the committee for comment and the statutory scrutiny officer authorised to finalise the submission on the committee's behalf following consultation with the chairman and vice-chairman of the	Response submitted. Submission to PCC made by Executive opposing PCC proposal. Home Office approve PCC proposal 26 March 2018.	

		committee.		
11 September 2017	Travellers' Sites Development Plan Document	<p>RESOLVED:</p> <p>That (a) the executive be recommended to consider whether an additional temporary stopping place should be identified;</p>	<p>Cabinet Response 28 September 2017</p> <p>(a) The occurrences of unauthorised encampments across the county will continue to be monitored and this information will feed into future reviews of the GTAA and be a relevant factor in consideration of the need to review the DPD. The effectiveness of providing the temporary stopping place at Leominster will also be monitored.</p>	To update
		<p>(b) co-operative working with neighbouring authorities should be pursued;</p>	<p>(b) Agreed, local planning authorities are required to cooperate with neighbouring authorities, engage constructively, actively and on an ongoing basis with regard to relevant strategic matters under the Localism Act.</p>	
		<p>(c) clarity be provided on how the TSP would operate in practice, including protocols for the allocation of places on the site including the management of different families, so that there is a clear public understanding;</p>	<p>c) it would be beneficial to expand on the text in paragraph 4.20 – 4.25 to clarify the purpose and characteristics of this type of site. This will now refer to a management policy that will explain how the temporary stopping place will be managed by the Licensing, Traveller and Technical Support team. A management policy for the site will be produced in consultation with the Police to ensure that a fair, transparent and accountable method of allocating pitches on the temporary stopping place is set out. The lengths of stay for each encampment will be negotiated on a case by case basis but will not</p>	

			exceed 14 days.	
		(d) consideration be given to specifying when a review of the policy should be conducted;	<p>(d) Response – Agreed, it is recommended to strengthen section 7 to refer to a five yearly review of the accommodation requirements of travellers. It is also recommended to include reference to the monitoring of the effectiveness of the policies through the Annual Monitoring Report using the following indicator:</p> <ul style="list-style-type: none"> • The amount of new traveller pitch commitments and completions. <p>Finally it is recommended that the records of both unauthorised encampments and turnover of site kept by the council are reviewed to help monitor the effectiveness of the policies.</p>	
		e) dialogue continue with the Showmans' Guild to identify an appropriate site to meet their needs;	<p>e) Response – Agreed, officers will continue to engage with the Showmans Guild in order to help identify and bring forward sites to meet the identified requirement. The progression of the draft plan to adoption will not prevent such a site being brought forward during the plan's lifetime.</p>	
		f) the scope to acquire land for sites by Compulsory purchase order to increase the options and select sites in the most suitable locations be explored;	<p>f) Response - Legal advice has been sought on the suitability of this process in relation to this matter. CPO could be used in the context of gypsy and traveller sites and there are several acts which enable public bodies to compulsory purchase land for a particular purpose but they would have to justify and</p>	

			<p>demonstrate that the required criteria have been fulfilled. Before a CPO can be implemented, the acquiring authority will have to justify it to the Secretary of State and must be able to demonstrate (in respect of the CPO):</p> <ul style="list-style-type: none"> o that it is authorised by statute to purchase land compulsorily for a particular purpose and the CPO is necessary to achieve this purpose; o there is a compelling case in the public interest that sufficiently justifies interfering with the rights of those with an interest in the land affected; o the provisions of Article 1 (protection of property) of the First Protocol to the European Convention on Human Rights 1950 (and if a dwelling), Article 8 (protection of a person's home), should be taken into account <p>Therefore at this stage it is not recommended that the CPO process be pursued to identify land whilst there are options available to meet the requirement in the GTAA.</p>	
		<p>(g) site allocation policy on residential sites should be clear;</p>	<p>g) Response - Site allocation policy is not a matter for the DPD. There is an existing Gypsy and Traveller Site Allocation and Management Policy for Herefordshire 2015 which covers the existing residential sites managed by the council. However</p>	

			to aid a comprehensive picture to be provided, a document explaining the management and pitch allocation policy relating to the management of the Temporary stopping place will also be produced to accompany the DPD though the publication and examination processes.	
		(h) officers be requested to ensure that existing sites are appropriately managed and maintained and that appropriate resources are in place for both capital improvements and maintenance.	h) Response – the management of the sites and allocation of resources are not matters for the DPD. Revenue and capital requirements for existing or planned sites in the council’s ownership will be considered and prioritised through the council’s normal budget planning process, and sites will be managed in accordance with the relevant policies	
11 September 2017	Youth Justice Plan 2017-2018	RESOLVED: That (a) the Youth Justice Plan (at appendix A to the report) be endorsed and submitted to Cabinet for recommendation to full Council for approval; (b) the Cabinet Member (young people and children’s wellbeing) be asked: (i) to request the West Mercia Youth Justice Service Management Board to review the process for preparing the Youth Justice Plan in order to permit the scrutiny committee to comment on next year’s plan	Reported to Cabinet 28 September 2017 Response: Resolutions are for the cabinet member young people and children’s wellbeing to consider as the plan is developed for 2018/19	To update

		<p>at an earlier stage so that its comments can be taken into account in the plan's preparation;</p> <p>(ii) to request that an evaluation of informal disposals be included in next year's plan;</p> <p>(iii) to request that next year's plan be drafted so as to enable performance year on year to be compared;</p> <p>(iv) to request that mindful of the fact that the low numbers of offenders in Herefordshire can distort statistical comparison with other authorities information be presented within the Plan in a way that enables the circumstances of the Herefordshire cohort of offenders and performance of the service in addressing their needs to be assessed and compared year on year; and</p> <p>(c) a briefing note be requested setting out: how the statistics quoted at paragraph 2.4/2.6 of the draft plan compare in full with the 2016/17 plan; and also providing clarification on the operation of transition protocols and reassurance that there is a seamless and fully</p>		
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		effective transition from youth to adult services.		
13 November 2017	Construction and Facilities Management Services to Herefordshire Council	<p>RESOLVED:</p> <p>That (a) a further report/scoping statement be presented to the Committee to enable it to decide how it wishes to be involved in any further consideration of this matter and to what timetable and to include a review of matters of concern identified during the debate; and</p> <p>(b) officers be requested to be mindful of the importance of communicating any contractual changes to those potentially affected by them.</p>	<p>Cabinet decision 12 April 2018: Contract agreed for one year from 1 September 2018 to 31 August 2019.</p> <p>Proposed to delete from work programme (2 July 2018)</p>	
13 November 2017	Task and Finish Group Report: Devolution	<p>RESOLVED:</p> <p>That (a) the findings of the task and finish group report: devolution be approved for submission to the executive with the addition of reference to exploring the possibility of forming connections with non-contiguous areas with shared values and interests; and</p>	<p>Cabinet considered on 15 February 2018.</p> <p>Recommendations accepted.</p>	Completed

		(b) the Committee be advised of the executive's response.		
1 December 2017	Call-in of cabinet member decision in respect of charity shop waste disposal	<p>RESOLVED:</p> <p>(a) (i) there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account; and</p> <p>(ii) the decision is disproportionate to the desired outcome; and</p> <p>(b) the decision be referred back to the Cabinet Member – contracts and assets and he be asked to reconsider it, reviewing: - the reputational implications for the Council, - the charity shop waste disposal policy as set out at appendix 4 to the report prior to the policy being implemented, such review to include the cost of administering the proposed policy and its enforcement; and actively considering partnership working to minimise waste tonnage from charity shops, and with the request that he consider an exemption for</p>	<p>Cabinet Member Decision 5 February 2018.</p> <p>Original decision confirmed</p>	Completed

		local county based charities that help to fulfil the council's corporate objectives.		
13 December 2017	Setting the 2018/19 budget and updating the medium term financial strategy	RESOLVED: That (a) the budget papers should make more open and transparent use of the public consultation responses in the commentary;	Cabinet response 12 January 2018. http://councillors.herefordshire.gov.uk/mgAi.aspx?ID=48062#mgDocuments Consultees section of the report enhanced in response to this feedback	Completed
		b) a clearer narrative be provided on how the 3% uplift in the precept for adult social care is proposed to be used;	Paragraph 21 has been expanded to include this	
		(c) as part of the review of the constitution it be recommended that all three scrutiny committees are able to review the budgets of their directorates, with all recommendations being fed in to the General Scrutiny Committee before submission to Cabinet;	This has been referred to the audit and governance committee for their review	
		(d) that there be ongoing review of the deliverability of the looked after children budget, with reports provided every 2 months to the Children and Young People Scrutiny Committee accompanied by a profile of how savings are projected throughout the year with this information also to be made available to Group Leaders for their performance challenge meetings;	To be added into the committees work plan	
		(e) a clear breakdown of how income from car parking is being spent on transport services is shown in the budget papers for council together with a breakdown of the	Attached at appendix 7 to cabinet report	

		ECC 12 directorate efficiency savings.		
13 December 2017	Proposed 2018/19 capital bids and approval	RESOLVED: That it be recommended that the council makes funding available to enable the model farm development at Hildersley, Ross-on-Wye to proceed.	(Cabinet report 12 January 2018 para 27) A new line has been added to Appendix 1 for funding towards the development partnership activities with the detail of the activity to be provided as part of the approval to spend decision. In addition the committee asked for clarity on the proposal scores and funding, additional tables have been included in paragraphs 8 and 13 to provide this detail.	Completed
13 December 2017	Public Accountable body for NMITE	RESOLVED: That (a) Council be recommended to put in place a robust and appropriate governance framework to supervise the discharge of its responsibility as the accountable body itself, or delegate this role to a Committee/Sub-Committee providing sufficient detail on the mechanism by which this role is to be discharged is provided to any such body to enable it to fulfil its role;	Responses submitted to Cabinet on 14 December 2017 http://councillors.herefordshire.gov.uk/ielListDocuments.aspx?CId=251&MId=6424&Ver=4 a - This is a matter for full Council as it could entail a change to the constitution, a report will be prepared for the next council meeting. Report to be made to Audit and Governance Committee in July 2018.	To update
		(b) the wording of paragraph 23 in the report to the Committee mirrored at paragraph 23 of the report to Cabinet on 14 December 2017 in relation to risk management be reviewed and amended as appropriate; and	b- the risk identified is the ability for the Department of Education to require a clawback of funds. Such a provision has not currently been included in the revenue grant determination letter but provision is contained in relation to the capital grant. The circumstances where such clawback can be	

			required will need to be clarified with the Department and if there is any provision this will need to be reflected in the drawn down agreement with NMiTE to ensure that the council is able to clawback monies paid to NMiTE where ineligible funds have been released. Any risks in relation to clawback of the Local Enterprise Partnership funding for the project are mitigated through payment of grant being made against defrayed costs only and therefore ineligible expenditure will be discounted before any grant is released. The council should only be responsible for repayment where there is a failure as accountable body in making appropriate checks	
		(c) subject to the above, Cabinet be advised that the Committee supports the proposal that the council acts as accountable body for public funding to support establishment of a new university in Hereford, provided assurances are given that no costs will be incurred by the Council.	C - the chief finance officer will ensure that costs incurred in providing the accountable body role are recovered from the grant funding allocated to the project.	
29 January 2018	Herefordshire Council public Realm Service Report	RESOLVED: That (a) the Council as client and BBLP as contractor consider how communication with parishes and ward members can be improved without incurring		To update

		material cost;		
		(b) the Council as client and BBLP as contractor be requested that in presenting information on performance for publication actual numbers should be provided alongside the %ages in the report to provide improved public understanding of the amount of work being carried out and outcomes delivered, with consideration also being given to disaggregating the data to present it along urban and rural lines, again without incurring material cost;		
		(c) the executive be recommended to consider whether funding can be made available to support the lengthsman scheme;		
		(d) the executive be recommended to consider whether a discretionary fund can be established to which parishes with fewer resources available to them could apply to support part/match funding of schemes;		
		(e) the executive be recommended to continue to explore all external funding opportunities to support road maintenance;		
		(f) the executive be recommended to consider allocating 1% of the Council's core budget increase to highways maintenance to		

		continue the long term investment in the network;		
		g) the executive be recommended that sums secured from legal proceedings in relation to the Amey contract should be allocated for highways maintenance;		
		(h) the Council as client and BBLP as contractor be requested to ensure that parish councils are aware that salt deposits are available to be delivered to parishes if they apply;		
		(i) the Council as client and BBLP as contractor be requested to review the snow contractor system to ensure that operatives have appropriate equipment available to them;		
		(j) the executive be requested to review whether the claims management system in relation to damage to vehicles as a result of road defects is working fairly and appropriately;		
		(k) the executive be requested to give further consideration to how landowners can be encouraged to discharge their riparian responsibilities;		
		(l) the executive be requested to reappraise the classification of category 1 and 2 defects and whether the approach to the repair of potholes is satisfactory; and		

		(m) action to be taken on behalf to the Committee to engage with parish councils possibly through a spotlight review to provide the Committee with a representative picture of views across the county and demonstrate to parish councils that account is being taken of their views.		
9 April 2018	Future delivery of museum, library and archive services	RESOLVED: That (a) the case for bringing the first floor room in Hereford library into use should be set out in more detail for cabinet to consider, including an assessment of community benefit;	Response in Cabinet report 28 June 2018 Agreed. Appendix 3 includes business case profile with community benefit and options.	
		b) cabinet is requested to ensure that whilst recognising the need for services to be sustainable any proposals should aim to preserve and/or enhance quality of services and provide for their development;	Agreed. Included in recommendation to retain service standards for any contracted service and short-term savings have minimum impact on quality of service.	
		(c) the resource implications of the report to cabinet should be expanded and clarified in relation to the impact of charitable relief;	Agreed and additional information included in the resources section:	
		(d) the option of not outsourcing the services should be fully explored in the cabinet report;	Agreed. The alternative options to recommendations included in the report, also refer to appendix 2 for profile of services	
		(e) the different nature of the three services should be fully recognised and taken into account in considering future options in whatever process is pursued	Agreed.	

		(f) the legal implications section of the report should be reviewed to ensure it fully reflects provisions relating to archives;	Agreed and additional information included in the legal section.	
		(g) income generation opportunities should be explored including charges for those using archive services and the scope for shared use of council buildings with commercial and charitable operations;	Agreed and reflected in the recommendations.	
		(h) the opportunity to secure income from those storing records at HARC but not making them available for public use be explored; and	Agreed. Reflected in the recommendation in first making records available to the public and charging as an option.	
		(i) the breakdown of the various usage figures in the report should be revisited and clarified for cabinet.	Agreed. See appendix 2 for full range of usage figures.	

