

Agenda

General scrutiny committee

Date: **Monday 15 November 2021**

Time: **10.15 am**

Place: **Herefordshire Council Offices, Plough Lane, Hereford,
HR4 0LE**

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

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call **Joanna Morley, Interim Democratic Services Officer** on 01436 260239 or e-mail Joanna.morley@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the General scrutiny committee

Membership

Chairperson	Councillor Jonathan Lester
Vice-chairperson	Councillor Tracy Bowes
	Councillor Sebastian Bowen
	Councillor Barry Durkin
	Councillor Louis Stark
	Councillor David Summers
	Councillor William Wilding

Agenda

	Pages
PUBLICS RIGHTS TO INFORMATION AND ATTENDANCE AT MEETINGS	
GUIDE TO THE COMMITTEE	
NOLAN PRINCIPLES	
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 declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the Committee in respect of items on the agenda.	
4. MINUTES	7 - 12
To receive the minutes of the meeting held on 22 September 2021.	
HOW TO SUBMIT QUESTIONS	
The deadline for the submission of questions for this meeting is 5.00pm on Tuesday 9 November 2021.	
Questions must be submitted to councillorservices@herefordshire.gov.uk . Questions sent to any other address may not be accepted.	
Accepted questions and the responses will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at www.herefordshire.gov.uk/getinvolved	
5. QUESTIONS FROM MEMBERS OF THE PUBLIC	
To receive any written questions from members of the public.	
6. QUESTIONS FROM MEMBERS OF THE COUNCIL	
To receive any written questions from members of the Council.	

7. AN UPDATE FROM THE POLICE AND CRIME COMMISSIONER

To receive a presentation from John Campion, Police and Crime Commissioner and Superintendent Edd Williams, West Mercia Police.

8. WORK PROGRAMME

To review the Committee's work programme.

9. DATE OF NEXT MEETING

The next scheduled meeting is 14 January 2022.

13 - 20

The Seven Principles of Public Life (Nolan Principles)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Minutes of the meeting of General Scrutiny Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 22 September 2021 at 10.00 am

Present: Committee Members:

Councillor Jonathan Lester (Chairperson)
Councillor Tracy Bowes (Vice-Chairperson)

Councillors Sebastian Bowen, Barry Durkin, Louis Stark, David Summers and William Wilding.

Support Officer:

John Coleman (Democratic Services Manager),

**In Attendance: Councillors:
(via Zoom)**

David Hitchiner (Leader of the Council) Ange Tyler (Cabinet Member –Housing, Regulatory Services and Community Safety), Liz Harvey (Deputy Leader and Cabinet Member – Finance, Corporate Services and Planning), John Harrington, (Cabinet Member – Infrastructure and Transport) and Gemma Davies (Cabinet Member - Commissioning, Procurement and Assets).

Officers:

Guy Goodman (Deputy Solicitor to the Council), Mairead Lane (Head of Infrastructure Delivery, Economy and Place), Neil Taylor (Director for Economy and Place), Nigel Thomas (Housing Programme Manager) and Sarah Jarratt (Safeguarding and Review Manager) Andrew Lovegrove (Acting Deputy Chief Executive and Chief Finance Officer)

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As members of the public were in attendance to ask supplementary questions, the Chairman proposed a change to the running order so that published agenda item 8, development options for the former Holme Lacy School, would be heard first. The Committee agreed.

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27 APOLOGIES FOR ABSENCE

There were no apologies for absence.

28 NAMED SUBSTITUTES

No named substitutes were present.

29 DECLARATIONS OF INTEREST

Councillor Summers declared an interest in item 8 on the agenda as Holme Lacy was in his ward and he had been a former pupil of the school.

30 MINUTES

The minutes of the meeting held on 10 August 2021 were received.

RESOLVED:

That the minutes of the meeting held on 10 August 2021 be approved as a correct record and be signed by the chairperson.

31 QUESTIONS FROM MEMBERS OF THE PUBLIC

10 questions had been received from members of the public and together with their answers, these had been published on the website as a supplementary item to the agenda.

During the meeting several supplementary questions were asked. The questions and their responses have been appended to the minutes.

32 QUESTIONS FROM COUNCILLORS

No questions had been received from Councillors.

33 DEVELOPMENT OPTIONS FOR THE FORMER HOLME LACY SCHOOL

The Committee received a report from the Cabinet Member for Housing, Regulatory Services and Community Safety which provided an update in regards to the operation and future development of the former Holme Lacy Primary School.

During discussion the following principal points were noted:

- The definition of affordable housing as described in annex 2 of the National Policy Planning Framework was housing for sale or rent for those whose needs were not met by the market (including housing that provided a subsidised route to home ownership and/or was for essential local workers.) Social housing was housing delivered by the Local Authority or other organisations such as Connexus in Herefordshire which charged a social rent for those on low incomes. Rents were set by a national rent officer for the Herefordshire area.
- Within the planning process it could be specified that houses would only be available for those living and working locally.
- Paragraph 9 of the report spoke of pre-application planning advice but the distinction was made that this was for the previous application done by Keepmoat. The Council, as landowner, had not yet sought pre-application advice as the proposal was in its very earliest stages and was not yet at the planning process stage.
- All aspects of social amenities, including the capacity of GP services, would be rigorously considered by planning officers and the Planning Committee and put out to public consultation during the planning process stage.
- The lack of amenities for new developments was something that always commented on at Planning Committee and yet virtually all applications were passed, as broad planning rules were set by national government rather than locally in Herefordshire.
- The Council's commitment to providing affordable housing of the highest standard was commendable but the issue of associated infrastructure needed to be addressed.

- Comments from the Committee on how the assessment of current community infrastructure could be improved, and sustainable communities for the future could be delivered, would be welcomed.
- The Heads of Terms information that accompanied planning applications going to committee clearly indicated the contributions that would be made to local transport, open green space, the library service, schools, the Wye Valley Trust Hospital and the CCG (for improvements to GP services). These outside bodies then had a responsibility to bring forward the services needed.
- A point of clarification was made around the assumption that affordable housing was just for those on a low income. High earners often could not save for a deposit because of the high levels of rent paid and were therefore also in need of affordable housing.
- Councillor Tyler, the Cabinet Member for Housing, took on board the comments made by Councillor Summers and committed the project management board to consult more with ward members.
- At the Cabinet meeting held on 16 September 2021 new higher level environmental building design standards were approved.
- As part of the drive to reach the Council's zero carbon emission target by 2030, the Council was looking at more efficient heating sources such as solar and ground source and the ways in which houses could be better constructed.
- Open market sale was an option for the Holme Lacy site but as the proposal was at its very early stages, and until more detailed design work and financial viability assessments had been done, there was not an answer as to whether or not this option would proceed.
- Although the Council would have more control if it developed the land itself, any site sold on the open market would be sold with outline planning permission and therefore appropriate conditions could be attached to this. All Members would have the ability to challenge developments through the Planning process.

The Committee **RECOMMENDED** that:

1. The Executive be instructed to look at the local operation of the planning process and consider whether it takes sufficient account of the impact of developments on the wider infrastructure and particularly on amenities such as the availability of GP and dental surgeries and the provision of public transport.
2. All relevant and required social amenities for the entire local population e.g. doctors surgeries, should be considered as part of the viability and planning process for HC 'pipeline' or other council owned land being considered for development.
3. The Executive should look to the way Heads of Terms negotiations are conducted with developers to ensure that any S106 contributions agreed take full account of local needs and wishes and are not just driven by what the developer may be willing to contribute.
4. The project management team build in clear points in time where the ward member(s) are notified, and where appropriate, can be involved in ongoing considerations around site design and options going forward
5. The Holme Lacy School Building, as part of the design considerations, be considered as a community asset to be used by and to benefit the local community.
6. The Executive provide further information to the scrutiny committee on the assessment of the viability of the land for selling on the open market and private development.

34 PRIORITY FLOOD REPAIR WORKS CAPITAL PROGRAMME: REALIGNMENT

The Committee received a report from the Head of Highways and Community Service which reviewed proposals for in-year adjustments to the capital programme to allow for the re-alignment of capital spend to projects on priority flood works that required the allocation of budget.

During discussion the following principal points were made:

- Scrutiny needed to be reassured that contractors were making suitable decisions and that money was being spent prudently.
- Initially high level estimates had been done for the anticipated work packages but the costs presented in the report were those that had now been closely scrutinised by the contracts management team.
- The increase of £150k costs for the Fownhope Retaining Wall Collapse included works tender costs, events that happened on site that the contractor was able to claim for and additional costs for access to land and compensation to land owners.
- For additional clarity, there was a high level of detail behind the figures in the report that could be summarised and made available to the Committee.
- Officers advised Members that overall there was significant underspend on the Flood Repair Works Capital Programme and that the report was an outturn report to reallocate funding within the programme envelope.
- New project management processes were in place that held contractors to account.

The Committee **RECOMMENDED** that:

1. More detail on the overall and final costs for the project and assurances that the Council has been charged for only the costs it was liable for, should be given and included in the full Council report.
2. Moving forward with strategic projects there should be greater emphasis on revenue funding and more detailed design phases to ensure greater confidence can be given to allocating capital funding.
3. Lessons learned from this and other projects be taken forward in future projects.

35 MAYLORD ORCHARD

The Committee received a report from the Cabinet Member for Commissioning, Procurement and Assets which provided the General Scrutiny Committee with an update in regards to the operation and future development of the Maylord Orchard Centre.

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Before the substantive discussion took place the meeting went into closed session so that clarification could be sought on financial information that was not in the public domain.

After a short interlude the Chair reopened the meeting in public session.

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During discussion the following principal points were made:

- The acquisition of Maylord Orchards, as a key site of Hereford heritage city, was always part of a strategic approach.
- There was a need to act quickly when the site suddenly came onto the open market and at the right price.
- A full review of Council assets and whether to dispose, retain or review them was being undertaken.
- Moving forward, the Council was looking to make Maylord Orchards a strong community and environmental zone with a vibrant events programme to draw more people to the site. Final decisions on the approach to this had not yet been made by Cabinet.
- A full asset management strategy and asset rationalisation was a priority for officers as the existing strategy ran out last year. Covid pressures had meant there had been a delay in delivering this.

- There had been a significant yield reported on the Council's overall property portfolio.
- It was important for the Council to make a strategic intervention to halt the ongoing decline of the city centre and the purchase of Maylord was an opportunity to do this.
- Councillors queried whether there was a plan for a cultural input into the Maylord site to provide a unique selling point and encourage footfall.
- A vibrant arts culture was important for city centres as it encouraged people to live and stay in the centre and also brought in considerable income.
- The Stronger Towns Bid which was coming forward would prioritise culture in Maylords. The Council was also working with the Herefordshire Cultural Partnership and the Arts Council to bid for other grants and bring additional income in.
- The development of Brewers Passage would provide a more welcoming introduction to Maylord and the city, and officers would be looking at this as a priority.
- The Department of Work and Pensions (DWP) were committed to the tenancy in Blue School House.
- Nationally it had been a very difficult time for retail during Covid and although there were some rent arrears generally the Maylord centre was performing better than other centres.
- Maylord was cash positive and it was confirmed that the costs more than covered the running costs.
- Every single decision being made would be examined for any unintended consequences and would go through the Maylord Orchard Strategy Review in order that the Council made best use of the asset for Hereford.
- The centre manager recently recruited by Hoople had a good track record in retail centre management and would provide a focal point to react to tenants' needs and to coordinate a central programme of activities.
- There had been a procurement exercise that showed Hoople could provide value for money in managing the centre.
- The Section 151 officer confirmed that it had not been a financial risk to take on the site as third parties had been relied on to provide assurances that the asset was in good order and the valuation was reasonable. The process also assessed that it would not be a drain on the Council's budget and was an appropriate use of the Council's money.
- More of a risk was not acquiring the site and opening up the Council to criticism for not supporting a site that was hugely important to Hereford.

The Committee **RECOMMENDED** that:

1. If the Council finds itself in a similar position to acquire a strategic asset in the future, it is informed by and assessed against the future property asset management strategy and associated risk registers.
2. Future acquisitions are supported by a full business case to underpin any future purchases.
3. The short medium and long term strategy for Maylord Orchard is shared with all Members.
4. Future managers are suitably skilled and management decisions are suitably informed by the cultural partnership to ensure that arts and culture are placed on an equally prominent footing to the economic recovery objectives.

36 WORK PROGRAMME

This item was deferred until the next meeting.

37 DATE OF NEXT MEETING

Tuesday 15 November 2021.

The meeting ended at 1.40pm

Chairperson

General scrutiny committee
Work programming
15 November 2021

Work programme rationalisation and prioritisation

- Potential items of business have been identified previously and other items may be proposed. These need to be rationalised and prioritised, reflecting the time and resources available.
- Should this go on the work programme?

Yes, if...

- ✓ the issue is strategic, county-wide and not limited to just a few communities...
- ✓ scrutiny is being proactive, able to make a difference at the right time...
- ✓ additional transparency and influence can be added to the topic at hand...
- ✓ there is considerable public interest in scrutiny lifting the lid.
- How can the issue be dealt with most efficiently and effectively?
 - ☐ a briefing note
 - ☐ a seminar / workshop
 - ☐ an agenda item
 - ☐ a task and finish group

Summary of potential agenda items

Monday 19 July 2021, 10.15 am

Update on executive response clarifications; work programme 2021/22

August 2021

Freehold disposal of the Town Hall, St Owen's Street, Hereford (pre-decision call-in_

Wednesday, 22 September 2021, 10.00 am

Priority Flood Repair Works Capital Programme: Realignment; Maylords Orchard; Development Options for former Holme Lacy School

Monday, 15 November 2021, 10.15 am

Police Commissioner; Digital strategy; Management of capital projects

Monday, 14 January 2022, 10.15 am

Budget setting 2022/23

Monday, 21 January 2022, 10.15 am

To be identified

Monday 21 March 2022, 10.15 am

To be identified

Agenda items

Monday, 15 November 2021, 10.15 am

Circulate to reviewers: 14 October 2021
Release report deadline: 2 November 2021
Publication deadline: 5 November 2021
Questions deadline: 9 November 2021

Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Police Commissioner [Statutory community safety and policing scrutiny]	GSC 26 April 2021 requested that the item be brought forward	John Campion, West Mercia Police and Crime Commissioner Superintendent Edd Williams	The Commissioner and the Superintendent have confirmed availability for the 15 November 2021 meeting.
Digital strategy [Policy review and development] DELAYED	8 July 2021: identified by the Assistant Director Corporate Support	Natalia Silver, Assistant Director Corporate Support	November 2021 suggested with decision anticipated in December / January.
Management of capital projects [Performance review] DELAYED	GSC 25 January 2021 proposed that consideration be given to a spotlight review of contract / performance management.	Lisa Evans, Portfolio Manager	November 2021 suggested as the earliest date to enable the presentation of completed diagnostics, action planning and process changes.

To be scheduled and prioritised or removed (1/3)

Potential agenda items			
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
New Model Institute for Technology and Engineering (NMITE)			
Consideration of use to which S106 monies / Community Infrastructure Levy are put	Work programming 2020		Audit and Governance Committee (28 June 2021) recommended an all-members' briefing on S106
Scrutiny of the planning service (including enforcement)	Work programming 2020		
Devolution of control over parking charges and income to market towns	Work programming 2020		
Partnership working	Work programming 2020		

To be scheduled and prioritised or removed (2/3)

Potential agenda items			
Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Sustainable transport	Historic work programme item		
Public realm service provision	Historic work programme item		
Budget and policy framework items:	Ongoing		
Hereford area plan			
Rural areas development plan			
Core strategy			
Community safety			

To be scheduled and prioritised or removed (3/3)

New suggestions

Item [type of scrutiny]:	Origin:	Lead officer(s):	Current position:
Covid recovery programme delivery [Performance review]	Suggested for consideration by the Assistant Director Strategy and Transformation		Programme not in delivery phase yet.
Flexible Futures programme [Performance review]	Suggested for consideration by the Assistant Director Strategy and Transformation		Hybrid work model likely to come in around January 2022.
Housing	Suggested by Cllr David Summers		

Task and finish group

Topic:	Origin:	Lead officer(s):	Current position:
Litter review	GSC 26 April 2021 agreed to undertake a task and finish group following a request from the Cabinet Member - Commissioning, Procurement and Assets	David Hough, Trading Standards Service Manager Ben Boswell, Head of Environment Climate Emergency and Waste Services	GSC 19 July 2021 to consider draft scoping statement

Workshop / seminar

20

Topic:	Origin:	Lead officer(s):	Current position:
To be identified			

Briefing note

Topic:	Origin:	Lead officer(s):	Current position:
To be identified			