

Minutes of the meeting of Cabinet held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 29 September 2022 at 2.30 pm

Cabinet Members Physically Present and voting: Councillor David Hitchiner, Leader of the Council (Chairperson)
Councillors Ellie Chowns, Pauline Crockett, Gemma Davies, John Harrington, Diana Toynbee and Ange Tyler

Cabinet Members in remote attendance None
Cabinet members attending the meeting remotely, e.g. through video conferencing facilities, may not vote on any decisions taken.

Cabinet support members in attendance Councillors Kath Hey and Paul Symonds

Group leaders / representatives in attendance Councillors Terry James, Toni Fagan, Jonathan Lester and William Wilding

Scrutiny chairpersons in attendance Councillors Elissa Swinglehurst, Jonathan Lester and Louis Stark

Officers in attendance: Chief Executive, Director of Resources and Assurance, Director of Public Health, Corporate Director - Children & Young People, Corporate Director - Economy and Environment, Corporate Director Community Wellbeing and Head of Legal Services

145. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Liz Harvey.

146. DECLARATIONS OF INTEREST

The leader of the council invited declarations of interests from cabinet members following the advice of the deputy monitoring officer to cabinet members that any cabinet member who was also a Hereford City Councillor should not take part in the debate or vote on agenda item 8 relating to the future of the Town Hall. Councillors Diana Toynbee and Ange Tyler left the room during discussion of this item and did not vote on the decision.

147. MINUTES

A correction to the minutes of the meeting held 28 July 2022 was reported. The apologies should have read as being received from Cllr Gemma Davies, Cllr Ellie Chowns and Cllr Ange Tyler.

Resolved: That, with the correction as reported, the minutes of the meeting held on 28 July 2022 be approved as a correct record.

148. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 7 - 10)

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

149. QUESTIONS FROM COUNCILLORS (Pages 11 - 12)
Questions received and responses given are attached as appendix 2 to the minutes.

150. REPORTS FROM SCRUTINY COMMITTEES
There were no reports for this meeting.

151. INSPECTION OF HEREFORDSHIRE CHILDREN'S SERVICES
The cabinet member children and families introduced the report and highlighted that the published Ofsted report would also be debated at Council on 30 September. The inspection had concluded that the overall effectiveness of the council's children's services was inadequate. The cabinet member accepted the judgement and apologised to children, young people and their families who have not received the support that they needed when they needed it.

The cabinet member highlighted key points of the report and that:

- The council was not complacent about the current and historical challenges and welcomed the additional support provided;
- The leadership team had acted quickly to address immediate concerns raised during the inspection and agreed with the priorities for focus;
- All cases identified as being potentially at risk were reviewed and action taken to increase capacity where needed;
- Inspectors had met many dedicated and committed social workers and managers;
- Partnerships and multi-agency arrangements are mentioned in three of the nine key areas for improvement and would require both a whole council and multi-agency response.

Following the inspection the Department for Education issued a Statutory Direction to Herefordshire Council and the Secretary of State appointed a commissioner for children's services. The commissioner spoke to introduce herself and to explain her role and approach to supporting the improvements that were needed.

Cabinet members discussed the report and noted that:

- The whole council would need to work together to deliver the improvements required and all cabinet members would be considering how to support this;
- The new leadership team was now in place and would work with the external support provided;
- Progress would be reported to cabinet on a regular basis, the required action plan would be approved in December and Ofsted would undertake quarterly monitoring visits which would be reported on to both cabinet and the children and young people scrutiny committee;
- Additional support was being provided to children's services and recruitment to additional posts was in progress, including to business support roles.

Group leaders put forward the views and queries of their respective groups. In response to queries raised it was noted that:

- The deterioration despite the issues raised in previous inspections was concerning;
- All cases of concern identified during the inspection had been audited and reviewed;
- The service performance framework and data reporting was being built almost from scratch and improving management line of sight;
- The external support provided by the commissioner for children's services was welcomed.

The leader of the council concluded the discussion and challenged all those involved to consider what would be different this time to ensure improvement was delivered.

It was resolved that:

- a) **Cabinet receive and note the Ofsted inspection report;**
- b) **Cabinet note any comments and recommendations from the extraordinary council meeting to be held on 30 September 2022, these to be considered prior to the submission of the action plan to Ofsted by 20 December 2022;**
- c) **Cabinet to receive updated reports until further notice of actions taken and improvements against the inspection report; and**
- d) **The action plan once finalised be approved by cabinet for submission to Ofsted by 20 December 2022.**

152. FUTURE OF TOWN HALL AND NO. 10 ST. OWEN'S STREET, HEREFORD

The cabinet member commissioning, procurement and assets introduced the report. An amendment to recommendation (a) in the report was noted where the proposed transfer of the freehold would be to Hereford City Council *or its nominee*.

Cabinet members discussed the report and it was highlighted that:

- The preferred outcome was to transfer the freehold of the Town Hall so that Hereford City Council could remain in its historic home;
- Transfer of the freehold would allow the primary user of the building to own and control it;
- There was public support for retention of the building as a public building;
- The council had many pressures on its finances and a transfer would allow the city council to take their plans for the building forward.

Group leaders presented the views and queries of their groups. There was support for the retention of the building as a public building and for the transfer to the city council. In response to queries raised it was noted that:

- The heads of terms would be subject to further discussion and the council did not want to shackle the agreement;
- Work to address dry rot was due to start imminently and detail of other works required would be provided in writing.

It was resolved that:

- a) **Subject to agreement of head of terms by 31 December 2022, to transfer the freehold of the Town Hall and No. 10 St Owens Street to Hereford City Council or its nominee with the transfer to be completed by 31 October 2023, and in the event that these deadlines are not met to complete an option appraisal which will include disposal on the open market; and**
- b) **The Director of Resources and Assurance be authorised, subject to consultation with the Cabinet Member for Commissioning, Procurement and Assets, to take all operational decisions necessary to implement the preferred recommendation.**

153. CABINET COMMISSION - RESTORING THE WYE

The cabinet member infrastructure and transport introduced the report and summarised the background to the establishment of the cabinet commission. Following rejection of a request to establish a water protection zone the council had explored what more it could do to address the pollution of the county's rivers and associated issues. Following approval in principle at the cabinet meeting on 28 July work had taken place over the summer to scope the terms of reference. Commissioners had been nominated by both Powys and Monmouthshire County Councils. It was hoped that with positive

engagement from national agencies and other stakeholders the commission would identify what more the local planning authority could do to move the planning regime for both agriculture and new housing development to demonstrate full Nutrient Neutrality for all new planning applications within the LPA area by April 2025.

Cabinet members discussed the report and noted that:

- National government policy needed to protect the environment and the council would continue to lobby for this;
- An equality impact assessment should be carried out at the beginning of the process;
- The council would look at using its wellbeing powers rather than regulatory powers to achieve change;
- The commission would work alongside the nutrient management board.

Group leaders presented the comments of their groups. The collaboration with neighbouring councils was welcomed and it was hoped that by working together more could be accomplished. In response to queries it was noted that:

- The motions agreed at Council relating to water quality would be considered as part of the work of the commission;
- The commission would not duplicate the work of the nutrient management board and would be able to do and look at things that the board cannot.

The chairperson of the environment and sustainability scrutiny committee spoke on the recommendations made by the committee and responses made by the executive. He reported that the scrutiny committee backed the establishment of the commission and was pleased to see the council taking this forward.

The interim delivery director waste transformation and wetland project explained that the commission was a voluntary piece of work by the council, which would have no statutory powers to direct agencies but could make recommendations following a call for evidence. The regulatory bodies, that is Natural England, the Environment Agency and Natural Resources Wales, were willing to work with the council so far as they could and the terms of reference for the commission had been discussed with them. There were concerns regarding duplication and how the commission would manage the emerging national policy framework, however the stated intention of the council was for the commission to work with the nutrient management board and for it to produce recommendations that were deliverable.

It was resolved that:

Cabinet agreed the Terms of Reference and the Membership for the ‘Cabinet Commission – Restoring the River Wye’.

The meeting adjourned at 4:33pm and resumed at 4:39pm.

154. ANNUAL REVIEW OF EARMARKED RESERVES

The leader of the council introduced the report setting out the council’s reserves and the purposes for which they were held. The current difficult economic situation was highlighted and the Section 151 officer was asked to provide information on any circumstances where reserves might be available to support the budget for 2023/24.

The Section 151 officer explained that some balances could not be readily accessed for other uses. Other reserves were specifically designed to help manage economic shocks and funding uncertainty. A written response would be provided with more detail.

Cabinet members discussed the position set out in the report and it was noted that:

- The implementation of 20mph speed limit zones was welcomed and delivered on a commitment made following a motion to Council;
- Support for road safety and active travel measures for young people was a positive use of the public health reserves;
- Development of the building retrofit supply chain was very important in a climate of high energy costs;
- The projects would have a positive impact on the council's equality duty.

Group leaders gave the views of their respective groups. There was support for progressing the 20mph zones and reducing the backlog of traffic regulation orders as these were regularly raised by parish councils and the public. In response to a challenge on the use of reserves to further development of the eastern river crossing business case, cabinet members noted that the project would not be looking at the route previously considered.

It was resolved that:

a) Cabinet note the earmarked reserves balances held at 31 March 2022 as at Appendix 1; and

b) Approve the following movements in reserves to fund the following projects:

- Implementation of countywide 20mph speed limit zones £1.2m;**
- School travel plan support £0.31m;**
- Building retrofit and supply chain development £0.58m;**
- Further development of the Eastern River crossing business case £1m;**
- Reducing the backlog of Traffic regulation orders and carrying out further signing and lining £0.66m**

155. QUARTER 1 BUDGET & PERFORMANCE REPORT

The leader of the council introduced the report and highlighted some of the key achievements of the first quarter of 2022/23. Pressures on the budget were also noted including the impact of inflation, pay awards and national difficulties in supply chains. The efforts of the leadership team and officers to adjust and rework programmes accordingly were recognised.

Cabinet members highlighted key points in the report relating to their portfolios.

Group leaders gave the views of their respective groups. In response to queries raised it was noted that:

- Recovery plans had not shown much impact yet but should start to bite soon;
- An additional grant had been given to Beryl bikes, the cabinet member would provide further detail in writing;
- The cost of all raw materials had increased so even basic maintenance cost more;
- Cabinet and the scrutiny management board were working to explore all options to manage the challenges posed.

It was resolved that:

Cabinet, having reviewed performance and financial forecast for the year 2022/23 as set out in the appendices A-E, has not identified any additional actions to be considered to achieve future improvements.

PUBLIC QUESTIONS TO CABINET – 29 SEPTEMBER 2022**Question 1****From: Mr P McKay, Leominster****To: Cabinet Member, Infrastructure & Transport**

Could you kindly provide an update of when we may hope to view the integrated map of 'Highways, public rights of way, and open spaces' online, reference reply to question 26 May, and do you have any news yet as to when the aim to make the anomalies list available online may be achieved, reference reply to question 29 June?

Response

The datasets have been shared with the IT project team and they have commenced work on the project to publish the data to the website. As the project is now in progress I am informed that we will be in a position to create the mapping layer by the end of November 2022.

Question 2**From: Jim Hicks and Merry Albright, Herefordshire Construction Industry Lobby Group****To: Cabinet Member, Infrastructure & Transport**

As you might be aware, Dover Council have recently managed to remove the moratorium on new housing development in the Stodmarsh catchment area, on the basis that, like in Herefordshire, new housing development can be shown to have a negligible impact on nutrient levels in the watercourses, owing to its limited proportion of overall land use. Dover Council also successfully put forward a case to show their moratorium disproportionately impacted upon housing development.

This has all been agreed and supported by Natural England and Dover and housing restrictions have been lifted with immediate effect.

Would Herefordshire Council consider making a representation to Natural England on the same basis given that there is strong and scientific evidence to show that new housing in the Lugg catchment is of negligible impact?

Response

I thank Merry Albright for her question which she had previously raised last week. My officers have been in touch with Dover District Council who were able to confirm the process they followed to gain the exemption. Dover District Council also advised us that their exemption is based on the fact that impact is down stream of the SAC and did not challenge its integrity. Through Cabinet Commission we will consider whether there is anything further that can be done. However, I would also add that clarity is needed at a national level on how they intend to develop or replace the rules pertaining to Nutrient Neutrality. The Council has recognised the difficulties faced by developers which is why it has voluntarily chosen to commence a programme of delivery of Integrated Wetlands the first of which is now nearing completion.

Supplementary question

Thank you for your answer.

We appreciate the specifics for Dover are unique, but also feel that there is merit in asking for the Herefordshire neutrality criteria to be reassessed by NE, in light of the now agreed negligible impact from new housing and the disproportionate weight of demonstrating neutrality for housing as identified in the Dover case.

HCILG acknowledge the progress relating to wetlands with thanks. However the wetland initiative is unlikely to make much difference to the majority of developments held or paused, many of which have been waiting for more than 3 years and face desperate future circumstances through no fault of our own. The demand for credits outstrips all projected supply and the costs and timescales are of grave concern.

We would also like to ask that HC are clear in their wider communication that the wetlands - although facilitated by HC - are being paid for entirely by local house builders, who have been willing partners/customers from the beginning and stepped up and agreed to pay for solutions, not only to enable them to trade and provide much needed homes and jobs, but also to continue to contribute to Herefordshire, and help restore our ravaged ecology.

Response from cabinet member infrastructure and transport

The cabinet member confirmed that in relation to communications the council will make it, and the cabinet member had himself personally made it, very clear how the mitigation has been paid for and where the burden is falling currently.

In relation to the question about the Dover case the council had agreed to go back to Dover and speak to Natural England around the points raised to see if there were things which could also be applied in Herefordshire's case. The cabinet member cautioned that the case in Dover was quite different and that Dover was below the area that was protected and therefore perhaps was inaccurately put into the moratorium area. The cabinet member gave assurance that the council would investigate and report back.

Question 3

From: Ms Reid, Hereford

To: Cabinet Member, children and families

Leeds City Council transformed its Children's Services using Family Group Conferences (FGCs) etc., reduced costs and number of Looked After Children (Final Report, Independent Review, p100). Herefordshire has high rates of LAC and care proceedings compared with its "statistical neighbours" (per LAIT). The council's Family Meeting Practice Guidance, states the circumstances in which FGCs should be convened inter alia when a child is subject to public law (care) proceedings.

The below questions ask about FGCs etc. under the auspices of Herefordshire Council for the period 1st April 2021 to 31st March 2022.

- How many care proceedings were commenced ie "letter of issue" issued?
- How many of the families affected by these care proceedings were offered a FGC?
- How many of the families affected by these care proceedings participated in a FGC?
- How many FGCs took place for whatever reason?

Response

The service does indeed have a higher rate of children in our care than the England average and statistical neighbours, although the rate at which children come into our care has been reducing

steadily since the start of this year as a consequence of improved practice and increased management oversight.

Care proceedings were commenced for 99 children (63 families) in the year 2021/22

The service does not have a dedicated Family Group Conference service or offer, as Leeds City Council had, and the development of an offer is being explored along with other initiatives to build on family strengths and to prevent some children coming into our care so that all families in pre-proceedings might in the future be offered a Family Group Conference.

The ECHo (Edge of Care and Home) team was introduced in April 2020 and does have a small dedicated resource of 1.2 FGC coordinators. All families supported by ECHo are offered a FGC which equates to 19 families in 2021-22 but few families in pre-proceedings or proceedings are able to be offered support by the ECHo team and so for statistical purposes the answer to the questions regarding numbers of families in proceedings and FGC is zero.

Supplementary question

Firstly, Leeds City Council's Children's Services assessed as "Outstanding" in March 2022 does still offer Family Group Conferences (FGCs) including when requested by families.

Reiterate: "How many FGCs took place for whatever reason?"

The 2022 rates of care applications per 10,000 children were:

- Herefordshire: 18.5
- "Statistical Neighbours": 10.74
- England: 9.6

The low number of FGCs is disappointing as they are recommended by statutory guidance and the government-commission Independent Review recommended mandating them. Per the council's guidance they should be convened when children are on the threshold or subject to care proceedings etc.

The Family Rights Group etc could be commissioned for the rapid routine use of FGCs which would soon recoup its costs and save money by less care proceeding and children in care. In principle, would the Cabinet support this including allocating budget and setting target date(s)?

Response from cabinet member, children and families

The cabinet member confirmed that she understood that family group conferences were recommended and why. They are an important tool for supporting children and families and the cabinet member will be following up on this. The cabinet member explained it is a very specific model and before the council bring it in, it would need to be sure that everything was in place to do it properly. The council should make sure that it is exploring every possible option for the child and the fact that the council is not doing the particular model called family group conferences does not mean that it is not doing that.

The cabinet member confirmed that as this an important matter she would continue to push on this and provide an update.

COUNCILLOR QUESTIONS TO CABINET – 29 SEPTEMBER 2022

Question 1

From: Councillor Jeremy Milln, central ward

To: Cabinet Member, commissioning, procurement and assets

Paragraph 36 of the report for agenda item 8 reads: ‘Since 2015/6 the council has invested over £678k at the Town Hall campus.

How, by reference to a breakdown in the form of a table identifying the works, supplier or contractor, amount and date, has this investment been applied?

Response

Thank you for your question, the table below provides the breakdown of the £678k.

Summary of Capital works at Town Hall									
Cost centre	Description	Supplier	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	Total
CM7180	Town Hal Improvement Works	Integral	365,855.85						365,855.85
CM7245	Stone Work Repair	Integral			14,954.00				14,954.00
CM6032	Stonework Repairs & associated works	Stone Edge Ltd				135,217.87	101,894.86		237,112.73
CM6032	Stonework Repairs & associated works	Internal Recharges for Staff Time or Fees					6,507.83		6,507.83
CM6032	Boiler & other capital works	Hoople Ltd		4,575.27					4,575.27
CM6032	Boiler & other capital works	Wyehost Ltd		260.00	130.00				390.00
CM6032	Boiler & other capital works	Westcom Business Communications Ltd		640.00					640.00
CM6032	Boiler & other capital works	Mercia Radiotelephones Ltd		100.00					100.00
CM6032	Boiler & other capital works	Internal Recharges for Staff Time or Fees		171.00			7,163.80	324.09	7,658.89
CM6032	Boiler & other capital works	Altdigital Networks Ltd		209.00	1.00				210.00
CM6032	Boiler & other capital works	BBLP					56,072.98	- 22,904.50	33,168.48
CM6032	Boiler & other capital works	Integral		7,453.31					7,453.31
			365,855.85	13,408.58	14,825.00	135,217.87	171,639.47	- 22,580.41	678,366.36

Supplementary question

Thank you for your response.

I accept ‘stonework’ is mentioned (although the Town Hall is largely brick & terracotta) and ‘boiler’ (which with how many people does it take to change a lightbulb efficiency is attended by no less than eight contractors), but the response doesn’t answer my original question which was for a breakdown identifying the works. The words ‘improvement’, ‘associated’ and ‘capital’ are not identifiers of the works. Can you provide this information please?

Response

The cabinet member confirmed that the requested information would be provided.

Question 2

From: Councillor Helen I’Anson,

To: Cabinet Member, commissioning, procurement and assets

I understand that the St.Owen’s St. house next to Shire Hall, which is the operational base for Your Voice Matters, is for sale. Can you guarantee that no potential sale will

proceed until a suitable alternative premises is secured for Your Voice Matters and our Herefordshire young people?

Response

Thank you for your question. The Programme Management Office (PMO) and Property Services are working with Children's Services to establish an accommodation brief for Post 16 services to determine the right location and facilities required to deliver an outstanding service. This will be completed during October. What property need is highlighted as a result of this review will determine the next course of action.

Supplementary question

Are we looking at a potentially similar situation to the one that we face in Ledbury? Here our young people were evicted from their drop-in centre in 2019 and still have nowhere where they can meet, despite there being a building built as a youth centre by Herefordshire Council in Ledbury and yet it is currently unavailable to our Ledbury youth. So my question again is 'is the centre in St Owen Street for sale, why is it for sale and if so why was a suitable location not found to house Your Voice Matters before this decision was made?'. Also, bearing in mind the young have lost the services of no wrong door in Hereford and why is the review being undertaken only now?

Response from cabinet member, commissioning, procurement and assets

The cabinet member confirmed that the property is not currently for sale. Conversations are ongoing with children's services to make sure that the accommodation for young people satisfies all requirements. Your Voice Matters will be contacted to clarify the situation.

In relation to Ledbury, the cabinet member is aware of the situation and will follow up with the ward member to find out the latest position.