

Minutes of the meeting of Cabinet held at The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 27 October 2022 at 2.30 pm

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

Cabinet support members in attendance Councillors John Hardwick and Kath Hey

Group leaders / representatives in attendance Councillors Trish Marsh, Peter Jinman and Nigel Shaw

Scrutiny chairpersons in attendance Councillors Christy Bolderson

Officers in attendance: Chief Executive, Director of Resources and Assurance, Corporate Director - Children & Young People, Corporate Director - Economy and Environment, Senior Lawyer, Education Strategic Projects, Interim Service Director Environment, Highways and Waste and Interim Assistant Director, All Ages Commissioning

156. APOLOGIES FOR ABSENCE

Apologies were received from Cllr David Hitchiner.

157. DECLARATIONS OF INTEREST

None.

158. MINUTES

Resolved: That the minutes of the meeting held on 29 September 2022 be approved as a correct record and signed by the Chairperson.

159. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 6)

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

160. QUESTIONS FROM COUNCILLORS

There were no questions from councillors.

161. REPORTS FROM SCRUTINY COMMITTEES

There were no reports from scrutiny committees.

162. HEREFORD TRANSPORT HUB - APPROVAL OF OUTLINE DESIGN, SPECIFICATION AND COST PLAN

The cabinet member infrastructure and transport introduced the report and summarised the background to the project.

Cabinet members discussed the proposal and welcomed the progress on the project. It was noted that consultation had taken place and the results fed into the proposed design. There

was still an opportunity to influence the final design. A bid had been made to the Levelling Up Fund and the outcome was expected soon.

The cabinet member confirmed he would make sure that a full equality impact assessment would take place as part of the next stages.

Group leaders presented the comments and queries of their groups. The progress in the project was generally welcomed but concerns were raised in relation to the safety of the drive in reverse out design. In response to queries raised it was noted that:

- A drive in reverse out design was preferred, many existing stations operated this system, and the safety concerns raised would be considered;
- The scope of the project was focussed on the hub but the design would link into further planned improvements in the surrounding area.

It was unanimously resolved that:

- a) Cabinet approves the cost plan for the Hereford Transport Hub design;**
- b) Cabinet approves that the project proceeds from Planning and Design stage (stage 2) to Delivery stage (stage 3);**
- c) Cabinet recommends to Council the inclusion of the additional amount of £6.33m into the capital programme; and**
- d) All operational decisions to be delegated to the Corporate Director for Economy and Environment in consultation with the Cabinet Member for Infrastructure and Transport and Section 151 officer.**

163. PETERCHURCH PRIMARY SCHOOL REBUILD

The cabinet member children and families introduced the report and summarised the background to the project. It was noted that funding was challenging and a consequence was the proposal not to refurbish the swimming pool. The new build would leave space on the site and time was allowed for the school and wider community to put together a business case to support the building and running of a replacement pool. It was a priority to make the building highly efficient and the inclusion of a nurture hub would provide emotional support and encouragement to children.

The cabinet member commissioning, procurement and assets thanked officers for their work and councillors who had contributed to the project.

Cabinet members discussed the report and welcomed the development. The reasons for not replacing the pool were understood and the opportunities for a community led replacement were highlighted.

Group leaders gave the comments of their groups. The rebuild of the school was widely supported. In response to queries raised it was noted that:

- Passivhaus was the minimum standard aimed for in the design, BREAM was not being used as the standard as it was not as effective in ensuring thermal efficiency and there was a charge for gaining the official BREAM certification;
- Schools no longer paid business rates to the council as direct payments were made to billing authorities by the Education and Skills Funding Agency on behalf of the Department for Education;
- It would be useful to understand why the project had taken so long to get to this point and what lessons could be learnt.

It was unanimously resolved that:

- a) Planning permission be sought for the rebuild of Peterchurch Primary School on its current site;**

- b) **Subject to securing planning consent, the rebuild of Peterchurch Primary School, at a capacity of 140 pupils plus 26 nursery places, and to include provision of a nurture hub be approved within a budget of £10.853m including fees and contingency;**
- c) **A period of 12 months is allowed for the school and Parish Council to seek a viable arrangement to fund and maintain a new replacement swimming pool, with delegated authority given to the Section 151 Officer in consultation with Corporate Director, Children and Young People and Cabinet Members for Commissioning, Procurement and Assets and Children's and Family Services, and Young People's Attainment, to consider and decide any business case put forward;**
- d) **In the absence of a viable business case in recommendation (c), the demolition and making good of the swimming pool site be approved within the budget;**
- e) **Delegated responsibility for award of procured contracts for the lifecycle of the project, is given to the Corporate Director, Children and Young People; and**
- f) **The Service Director, Education, Skills and Learning, be authorised to take all operational decisions necessary to implement the above.**

164. SUPPORT FOR UKRAINE

The cabinet member health and adult wellbeing introduced the report and highlighted that Herefordshire had so far welcomed 511 guests, residing with 189 sponsors.

Cabinet members praised the response from the community. In relation to what would happen at the end of the sponsorship period, it was noted that many of the Ukrainians hosted had already sought and obtained jobs. They would transition into private housing in due course or seek housing through the homepoint system like anyone else. There would be no priority access to affordable housing.

Group leaders also paid tribute to the community support for these refugees. It was noted that:

- Integration into the community was important;
- The county had close links to Ukraine and the response to the crisis reflected this;
- A pilot project offering free bus travel to refugees was currently running in the Ross on Wye area and if successful would be rolled out across the county;
- School transport for Ukrainian families had already been provided;
- Additional funding was provided for children of refugees joining Herefordshire schools.

It was unanimously resolved that:

- a) **The planned support for Ukraine and associated spending as set out in the report and Appendix A is approved; and**
- b) **That authority is delegated to the Corporate Director for Community Wellbeing to take all operational and budgetary decisions in relation to their proposals and the implementation, including the use of contingency sums and budget variations within the overall approved budget.**

The meeting ended at 3.50 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 27 OCTOBER 2022

Question 1

From: Mr P McKay, Leominster
To: Cabinet Member, Infrastructure & Transport

Referencing 21 July question, would you add a paragraph to the Parish Submission part of the Research Guidance, https://www.herefordshire.gov.uk/downloads/file/1861/research_guidance, to incorporate the CRF issue, CRF being a non-statutory term introduced by Government Guidelines (Ministry of Town and Country Planning Circular No. 81, 1950), being greenways that Parish Meetings advised that public were entitled to use with vehicles, but mainly (not only) used as a footpath, without explaining how to record CRF and that are shown on Herefordshire Definitive Map as Footpath, to ensure that this matter of fact is acknowledged and addressed in the review of how the Parish Submissions are held and practicalities of making them more widely available, the Rights of Way Improvement Plan (draft) that acknowledges that shown byways and bridleways are fragmented, the 2021-41 Place Shaping Local Plan, and the Local Transport Plan?

Response

Thank you very much for your question. I believe the council already provides a Public Rights of Way Glossary of Terms which is available on the website, the CRF reference is covered and detailed as:

'CRF - Carriage road footpath - A non-statutory term used during the compilation of the first definitive maps for some routes that were intended to be recorded as RUPPs - to describe a route that was considered to carry vehicles but in actual fact used mainly by the public as a footpath.'

For completeness RUPPS are also described.

'RUPPs – Roads Used as Public Paths. A type of highway recorded on the original definitive map.

The right of the public over RUPPs was unclear and remaining RUPPs were reclassified as restricted byways in 2006.'

There are no plans to add anything further to the Research Guidance at this time. If I have misunderstood the question please come back to me.

Supplementary question

I do not find any Public Rights of Way Glossary of Terms that includes CRF, that you believe is available on your website, and I ask if you could clarify how/where it may be viewed with a link to it, and if not presently on website if you would add it, in same way and time as you intend adding the List of Anomalies?

Response

The cabinet member confirmed that the Public Rights of Way Glossary can be downloaded at <https://www.herefordshire.gov.uk/downloads/file/4279/prow-glossary>, and that a link will be added in due course to the PROW website to increase the documents' visibility and availability.

Question 2

From: Name and address supplied

To: Cabinet Member, Children and Families

It was alleged in July at Full Council that the FII figures in Herefordshire are alarmingly high. In Full Council on Friday, a Member asked whether an audit of the FII figures had been done.

The Deputy Leader replied:

“I believe we have been looking into how many cases are linked to this I believe officers have already given a commitment to look into that. My understanding is that we as an authority are not in a position where the number of cases we have is unusual when considered against other authorities. I believe that is the position.”

Can the audit data on which these reassurances are based be published in the written answer to this question, so that Members and the public can see the grounds on which public reassurances on this critical safeguarding issue have been given?

Response

There is no evidence that we have seen that FII figures in Herefordshire are ‘alarmingly high’. The Deputy Leader correctly stated at the meeting of the Full Council that the service is engaged in an ongoing and current review of cases to clarify how many are linked to FII, recognising that statements in the public domain about the rates are a matter of public interest and concern.

The early indications are of a low incidence but the work is not concluded. The activity will be concluded by Friday 18 November and we are content to publish the data after that date.

Supplementary question

My question was about the concerning FII figures. Last week at the full [cabinet] the deputy leader reassured members about FII cases with these words ‘we as an authority are not in a position where the number of cases we have is unusual when considered against other authorities’. It now turns out that this reassurance was premature as the urgently needed audit of FII cases has not been completed. The written answer to my question from the cabinet member for children had confirmed that the audit is at an early stage only and will not be complete until mid-November, over four months after concerns were first raised by members in July. I am concerned that once again a reassurance has been provided to the public without, it appears, there being evidence to back it up.

At the ‘a common bond’ meeting last week, we were in a room of traumatised parents, many of whom say that they have been falsely accused of FII and are living with the devastating ramifications of such accusations. The council is now the subject of very serious allegations, in essence that the authority has been weaponising FII against families. It’s striking that when undertaking the much delayed audit the authority has not sought independent scrutiny of its actions, laying itself open to accusations that it has opted to mark its own homework.

The cabinet member in her written answer to me commits only to publishing the FII audit evidence sometime after the 18th of November. Will she commit today to publishing the evidence on the 18th of November, so that we can all understand on what basis officers are challenging the lived experience of the numerous families who are claiming to be victims of false FII allegations?

Response

The cabinet member explained that a systems search had been carried out and the result was as set out in the written answer. The audit that had been commissioned was in addition to this. If the data was ready then it would be published on the 18 November.