

Minutes of the meeting of Cabinet held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 15 December 2022 at 2.30 pm

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

Cabinet Members in remote attendance Councillor Liz Harvey, Deputy Leader of the Council (Vice-Chairperson)
Councillors John Harrington and Ange Tyler
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 John Hardwick and Paul Symonds

Group leaders / representatives in attendance Councillors Peter Jinman, Jonathan Lester, Bob Matthews and Toni Fagan

Scrutiny chairpersons in attendance Councillors Elissa Swinglehurst, Jonathan Lester and Phillip Howells

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

175. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Pauline Crockett.

176. DECLARATIONS OF INTEREST

None.

177. MINUTES

Resolved: That the minutes of the meeting held on 24 November 2022 be approved as a correct record and signed by the Chairperson.

178. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 10)

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

179. QUESTIONS FROM COUNCILLORS (Pages 11 - 12)

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

180. REPORTS FROM SCRUTINY COMMITTEES

The recommendations from the Children and Young People's Scrutiny Committee in relation to the Children's Improvement Action Plan were dealt with as part of the substantive item on the agenda.

There were no other scrutiny reports to be considered.

181. CHILDREN'S IMPROVEMENT ACTION PLAN

The cabinet member children and families introduced the report and recommended that the improvement action plan be approved for submission to Ofsted. She thanked everyone who had contributed to the draft plan and explained that engagement would continue following the submission to Ofsted.

The draft improvement action plan was considered by the children and young people scrutiny committee. The cabinet member proposed that the three recommendations made by the scrutiny committee be accepted and highlighted the responses provided in the supplementary paper to the report.

Cabinet members discussed the draft plan and noted that:

- An accessible version of the plan would be produced once it had been approved;
- The speed of response to contacts and requests for information had improved but there was still work to do;
- The council was working with midwifery and health visitor services to develop pathways for early support for expectant mothers and newborns, the impact of this would need to be monitored over time.

The chairperson of the children and young people scrutiny committee thanked cabinet members for the quick and positive response to the three recommendations made by the committee. He highlighted that there had been a constructive exchange between officers and members and that the additional timelines added showed the council was working at pace.

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

- Minor changes would be made to the text of the plan by the corporate director to clarify that the practice priorities reflected a vision rather than an aspiration;
- Achieving appropriate permanent arrangements for children in care was a priority for the service;
- There had been a robust scrutiny process and this would continue to ensure progress, however some activities were dependent on others being completed or sufficiently progressed;
- It was important to listen to families and the council was working to build trust and improve the service from a low base;
- Improving recruitment and retention of permanent staff was an urgent priority and also ensuring that the progress already made was embedded;
- There were no measures at the moment for SEND as a new strategy was currently being worked on, appropriate measures would be identified as part of that work;
- There would be engagement with families on improvements to the SEND service.

It was resolved that:

- a) That the Executive Response to the scrutiny recommendations on Children's Services Improvement Action Plan (at Appendix 1), made by the Children and Young People Scrutiny Committee at its meeting on the 13 December 2022, be agreed;**
- b) Cabinet endorse the Improvement Action Plan outlined in Appendix A; and**
- c) Cabinet authorise the Corporate Director for Children and Young People in consultation with the council's Corporate Leadership Team to submit the action plan to Ofsted no later than 20 December 2022.**

182. TO ACCEPT AND SPEND ANY APPROVED UK SHARED PROSPERITY PLAN AND RURAL PROSPERITY FUNDS APPROVED BY GOVERNMENT

The cabinet member environment and economy introduced the report. The plan for expenditure of the UK Shared Prosperity Fund was previously agreed by Cabinet in July 2022 and subsequently submitted to the government. An addendum to the plan was approved in November for expenditure of the additional Rural Prosperity Fund allocation.

The council had received notification that the initial shared prosperity fund plan had been approved. It was proposed that the funds be accepted and spent in line with the agreed plan.

An announcement on the rural prosperity fund was still pending but, subject to government approval being received, it was proposed that cabinet also agree to accept this fund and spend in line with the submitted addendum. It was noted that securing this approval now would allow implementation of the planned expenditure to begin promptly once confirmation of the funds was received.

Group leaders gave the views and comments of their groups, which were noted.

It was resolved that:

- a) **Following government approval of the submitted Investment Plan, Cabinet approve the acceptance and expenditure of the £6,642,187 of UKSPF allocated to Herefordshire (£5,507,211 Revenue and £1,134,976 capital);**
- b) **Subject to government approval of the submitted Addendum to the UKSPF Investment Plan, Cabinet approve the acceptance and expenditure of the £1,705,669 (capital) of RPF allocated to Herefordshire; and**
- c) **To delegate to the Corporate Director for Economy and Environment, in consultation with the Cabinet Member for Environment and Economy and the Section 151 Officer, all operational decisions in implementing the funding in accordance with the Herefordshire UKSPF Investment Plan and RPF Addendum.**

183. COUNCIL TAX PREMIUMS ON SECOND HOMES & EMPTY PROPERTIES

The cabinet member finance, corporate services and planning introduced the report. She explained that, subject to the Levelling Up and Regeneration Bill receiving Royal Assent, any changes to introduce additional Council Tax premiums needed to be confirmed at least 12 months ahead of their implementation. If the proposals in the report were approved they would be put to Council in the forthcoming budget information and included in the Medium Term Financial Strategy. The proposals would see additional premiums take effect from 1 April 2024 for second homes and properties that had stood empty for a period of between 1 and 2 years.

Cabinet members noted a persistent concern that Herefordshire residents struggled to buy and rent affordable housing. The use of council tax premiums was a tool to encourage owners of empty properties to bring them into use. Cabinet members also noted in discussion that:

- Properties let as holiday rentals generate income for the local economy;
- Similar premiums were in place in Wales and the data could be examined to judge the effectiveness and impact these measures;
- It was estimated that implementation of these measures could provide up to £12m in additional income for the council;
- Many second homes were in rural communities where demand for housing was high;

- Any income generated would be part of the council tax revenue and it would be at the council's discretion as to how it was spent.

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

- The council had good data on the number of properties these premiums might apply to, partly as a result of applications for covid grants;
- There was a grace period for empty properties but this was not very long as the council was actively trying to bring empty properties into use;
- There was already a premium for properties that had been empty for over 2 years, the longer the property was empty the greater the premium;
- The Act would give the option to the council so it would have the choice whether to implement it or not.

It was resolved that:

Cabinet recommends that the following additional Council Tax premiums be applied from 1 April 2024, subject to the referenced legislation being approved:

- **100% premium for second homes;**
- **100% premium for properties which have been empty and unfurnished for a period of between 1 and 2 years.**

The meeting ended at 4.11 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 15 DECEMBER 2022

Question 1**From: Mr P McKay, Leominster****To: Cabinet Member, Infrastructure & Transport**

Referencing questions 21-07-2022 and 27-10-2022, when the Parish Submissions that have now been digitised are added to the PROW website increasing visibility and availability, it will be seen that comparing the Parish Submissions for CRF with early Definitive Maps identifies that this led to many, well over 100, Green lanes being shown as Footpath, council officers never using non-statutory CRF when raising the definitive map, nor as RUPP as intended, and the ROWIP finding that the byway and bridleway network is very fragmented with more bridleways needed throughout the county.

With the non-statutory term CRF coming about due to Government issuing guidance to Parishes that included non-statutory terms will you ask them to acknowledge this, and with use not considered by Parish meeting to be limited to that of footpath include mention of this in your List of Anomalies?

Response

Thank you for your question.

The council's Modifying the Definitive Map process is publicised on the council's website, link below:

<https://www.herefordshire.gov.uk/public-rights-way/definitive-map-statement-dms/3>

If there is evidence that a route is not correctly defined and there needs to be a change to the Definitive Map, the council will review and address as to the process, this will be managed as resources become available.

The council will not add CRF to the list of Anomalies as we do not have the supporting evidence to justify. The council advise that any evidence and request to amend the Definitive Map should be submitted as set out in the process.

Question 2**From: Ms D Conway, Leominster****To: Cabinet Member, Children and Families**

In July, at Full Council, the claim was made that the incidence of Fabricated and Induced Illness (FII) in Herefordshire is 100 times the national average. In response, members and the public have been reassured by senior figures in this Council that the incidence of cases of is "not unusual when considered against other authorities".

When challenged in October to justify this claim, the public were told an audit was underway but not yet complete.

The Council committed to completing the audit by 18 November and to publishing the data "if it was ready".

Can the Council explain the delay and confirm when the data will be ready please?

Response

We recognise that there is considerable interest in the outcome of this request. The data is currently being validated and cross-checked and a further electronic search of case records has been requested by the Director of Children's Services to ensure that we have the most accurate

information possible before publishing this. We expect this activity to be concluded by mid-January.

Supplementary question

It is important that everyone remembers that the public did not “request” an audit – they asked to see the data in Full Council that the rates of Fabricated and Induced Illness in Herefordshire are not above the national average. It is hugely disappointing that you are now saying that the audit will not be complete until mid-January, which is 6 months from when the allegations were made. This is hardly the LA acting at pace but confirms that the LA are consistent in moving timelines and targets, which is not in the public’s best interests.

The council have claimed publicly that they have a lower than average FII number yet they are still not able to provide data. It is a concern that this delay in providing this information is a deliberate act so it cannot be incorporated into Mrs Brazil’s forthcoming report. Understandably, the public have a right to seek transparency on delayed timelines, briefing & full reasons for the delay in providing factual information.

If there were even 6 cases of FII locally that would represent 10 times the national average. I haven’t done an audit but I personally know of 5 mothers locally who have been accused, and in all five cases the accusation of FII was wrong. There is already enough data to know that FII has been overused in this county, and used as a tool for threatening parents who were asking for help from social services. In all five cases, the child has had a medical condition which had not yet been diagnosed or neuro-diversity or both.

So with at least five false accusations locally, it is extraordinary to hear that the rate of cases is not above the national average.

We can only hope that the investigating officer who is gathering the FII fact based data is independent from the LA to avoid a conflict of interest.

Rather than spending a huge amount of funds on an officer and copious amount of time trawling through all the Department’s records, (which have, in any case, been criticised in multiple inspections and court judgements) would it not have been better to ask all families who have been accused of FII to step forward into a safe space, perhaps by making direct contact with the external independent reviewer?

Response

The cabinet member recognised this was an area of concern and explained that the data was being checked thoroughly in order to give an accurate response. Anyone wishing to discuss personal experiences were welcome to contact the cabinet member or the corporate director of children’s services directly.

Question 3

From: Hannah Currie, Hereford

To: Cabinet Member, Children and Families

The new plan, whilst commendably constructed, fails to grasp staff remain in post who are known to have toxic views. Toxic views do not just mean arrogance and the term "that's the

Herefordshire way" or equivalent paraphrasing, it means deeply unsettling bullying characters and immoral view points.

An inability to recognise disabled parents traits that do not come from a malicious point is present. In turn disabled parents are pigeonholed into malicious categories unnecessarily. This is an equality/discrimination issue showing a clear lack of training.

At the full council meeting a former directorate employee has borne witness to a phrase "you hatch we snatch" being commonly used within the directorate. I cannot imagine any reasonable person agreeing that it is acceptable behaviour.

Are you going to send a clear message this behaviour will not be tolerated via public dismissals?

Response

We do not recognise the former employee's assertion that this is a phrase in use in the service but if it were, we would have no hesitation whatsoever to give a clear message that it would be unacceptable and would not be tolerated in this service along with any other language or behaviour that might be considered to be bullying or discriminatory.

Supplementary question

It is hardly surprising to the families affected that there is again more denial regarding allegations of a former employee. As there was no exit interview for this employee by the council you cannot claim this matter wouldn't have been raised if given a safe space. Ofsted and past press releases confirmed the council had overly optimistic views regarding the department. The official response to my question is again overly optimistic. The significantly higher numbers of children in care and adopted when compared nationally has to stem from an attitude somewhere. The lies and inaccurate information given to courts by the children's director has to stem from somewhere. When you work from the assumption that this phrase was in use, with the culture of being heavy-handed in the removal of children, these numbers make sense. Remember the commitment to leave no stone unturned? I would suggest the time has come to start working from this hypothesis. In my experience, few of the cabinet do understand how Herefordshire Council are unintentionally discriminatory or intimidating - being the only person last Friday to be interrupted repeatedly during reading a supplementary question and the chair later took circa two minutes 20 seconds to read another question was unreasonable. If you can publicly behave in this manner as a chairman who later was recorded as saying 'shut her up will you' towards a traumatized female in public then what happens behind closed doors is clearly questionable. Please can the cabinet member answer when will the children's directorate, council members, along with the managers for all local authority staff receive additional training for dealing with traumatized parents, disability, equality, human rights - and the training needs to be specific trauma behaviour both paediatric and adults, which is separate training.

Response

The cabinet member agreed that disrespectful language should not be tolerated and that attitudes and assumptions were important. Training was being added to the plan and the cabinet member was always keen to hear specific suggestions about the training required. It was also important to publicise the training that was available.

Question 4

From: Rachel Gallagher, Hereford
To: Cabinet Member, Children and Families

What support are you offering for the children that have lost a sibling to adoption and what are you doing to prevent it?

There has been no change, how can we trust you to not permanently separate more sibling groups especially when the adoption rates in Herefordshire are higher than the national average?

Response

Whilst we will always try to keep siblings together there are occasionally times when this is not possible. Multi-agency support is offered to children and young people who have been separated from their sibling(s). This support is individually tailored to each child and circumstance.

The decision whether or not to keep siblings together where the plan is one of adoption is carefully considered and scrutinised. The Local Authority, the Guardian ad litem, and the Courts have a duty to consider the needs of each individual child which, in rare occasions, might mean that siblings are not placed together. This could include cases where the courts grants Placement and Adoption orders.

Adoption rates in Herefordshire in 2021-22 and for the current year in progress are not higher than the national average.

Supplementary question

You do not try to keep siblings together. You do not even allow them to form a bond. How can a court consider the relationship between siblings when you've denied them one? As for support, where is it? Again, three children that have had no support and were made to believe that they will be seeing their sibling every six weeks - it's been six months how is this acceptable? It took you four months to arrange for my kids to meet because their kinship / foster carer refused to travel and blamed one of the children. If I had done that it would be emotional harm and neglect, yet someone you've passed off does it and you support it. How is that fair and in the best interests of the children? As for the adoption work rate can you provide statistics to back up your claim of not being higher in the national average?

Response

The cabinet member explained that she understood the issues raised and how difficult and emotional the matter was. The information would be provided in a written response. Individual cases could not be discussed in the public meeting but the cabinet member and corporate director of children's services were happy to arrange a private meeting.

Question 5

From: Sarah de Rohan, High Sheriff of Herefordshire 2022-23
To: Cabinet Member Commissioning, Procurement and Assets

What plans have the Council for ensuring that the Shirehall does not deteriorate further? What budget and what action is to be implemented? When do the Council anticipate that the Nightingale (temporary court) will be up and running at Churchill House?

Response

Thank you for the query. To answer first the second part of the query, the Council continues to work with and support HMC&TS to bring a temporary court on line. Lease terms have been offered to take occupation of a building the Council owns and we await HMC&TS formal acceptance and legal completion. The HMC&TS have submitted a Listed Building Consent application for works that need to be undertaken to the temporary court site. Once approval is obtained we anticipate a formal plan of action from HMC&TS about their plans for occupation.

With regards the Shirehall property, works continue to make safe ceiling plasterwork, after seeking specialist advice, with the building being maintained and monitored in line with its listed status and winter conditions ie: heating is on, checks are scheduled, remaining works to stabilise the structural features implemented. The Council is using a mix of both revenue and capital funding to manage the site.

Question 6

From: Ms Reid, Hereford

To: Cabinet Member, Children and Families

The Ofsted report states:

“The timely and robust identification and multi-agency response to children and young people who are at risk of harm, including, but not limited to, the response to pre-birth children and babies ...”

which is effectively support to pregnant women and mothers of babies.

The draft Herefordshire Children’s Services Improvement Plan states: “Pre-birth pathway completed (September 2022)” though the implementation date is not mentioned.

When will all women needing help under the pathway receive it and will support be given to the mothers of babies under one under the pathway or separately and when will this be implemented? Should the Plan be finessed?

The rate of babies taken into care in Herefordshire increased to 6.7 per 10,000 children (2021-22) from 3.6 (2020-21). I estimate the rate for babies under one taken into care is 120 per 10,000.

Response

It is really important to us that expectant mothers (and all families) are provided appropriate levels of support as soon as they need it.

The revised pre-birth pathway has already been introduced and positive results are being seen. Assessments, support and interventions are timelier. Health partners have been complimentary of the new pathway and over time we shall be gathering and evaluating the feedback from families in receipt of services. We will continue to monitor this and evaluate the impact over time.

The rate (per 10,000 children) of children under the age of one taken into care was 3.6 in 2020/21 and 6.7 in 2021/22; this equates to an additional 11 children.

Supplementary question

Many public questions have not been fully answered; this PQ was not answered at all. Please fully answer it.

Number 3 of the Ofsted “Areas for Improvement” includes:

“... response to pre-birth children and babies...”

which effectively is support for pregnant women and mothers of babies.

Would the Cabinet recommend that the draft Herefordshire Children’s Services Improvement Plan is amended to include implementation by 31 March 2023 of the Ofsted-recommended support for the mothers of babies?

This should reduce the increasing number of babies going into care which suggests some reunification would be possible. Also the high rate (and cost) of children in care in Herefordshire suggests increased reunification. However, the Plan (6.5) states:

“Scoping of [reunification] framework underway with draft due February 2023”.

I suggest that Cabinet considers recommending that the Plan is amended so that implementation is expedited.

Response

The cabinet member agreed about the importance of reunification and that this was included in the plan. The action plan under discussion at the meeting was a high level plan and there were other delivery plans that would contain the detail of support for mothers of babies. The cabinet member invited the questioner to meet with the service director for improvement for a more detailed discussion on the matter.

COUNCILLOR QUESTIONS TO CABINET – 15 DECEMBER 2022**Question 1****From: Councillor Nigel Shaw, Bromyard Bringsty ward****To: Cabinet Member, Finance, Corporate Services and Planning**

I was concerned to hear last week that the Hoople ICT support team were at half strength, with staff having to do extra shifts to provide cover. ICT is crucial to all Council activities. Will the Cabinet member responsible confirm the steps that they are taking to address this issue?

Response

Hoople IT Services is dedicated to excellence of service delivery wherever possible.

User support is principally delivered via the 'Service Desk Team' who answer telephone calls, e-mails and website-submitted questions and the 'Desktops Team' who would fulfil most in-person support requests. The Service Desk Team consist of fifteen positions, the Desktops Team of ten positions, both teams working across all Hoople customers. Unfortunately, for a short period recently the desktops team of ten staff were reduced to five members. This was a result of the concurrent impact of three vacancies due to resignations, one annual leave request and an unexpected sickness.

If Cllr Shaw was made aware of the pressures to the Desktops Team who were at these reduced numbers then an impression of 'half strength' may have been given (although this team would typically operate with 8 or 9 members across all customers due to normal leave, sickness and training expectations). For IT Support in those same days, overall across Service Desk and Desktops Teams, seventeen people were working, around 77% of normal capacity of twenty two. Operationally, although a risk to service delivery had already been flagged with the Council's IT Client, the commitment and dedication of the remaining staff meant the vast majority of requests have been delivered successfully, with some longer-term tasks delayed to release immediate capacity.

Recent Herefordshire Council work has included a higher than normal number of office relocations under the Plough Lane workspace reorganisations and MASH team moves. This type of work is deliberately completed out-of-hours and at weekends to minimise the impact on other office staff who will subsequently use the facilities. Given the recent number of vacancies this has led to the remaining desktops team members being in high demand. Aware of the pressures, weekend and evening working has been widened to other IT Services staff in other teams, several of whom have accepted the overtime working. Within Herefordshire Council, members of the PMO have offered their assistance during the most pressured times working alongside IT staff within Plough Lane to ensure work is completed on-time and safely. Within Hoople, to address retention and encourage recruitment, a market-forces supplement has already been added to the desktops team roles; a recent recruitment drive has just completed with two offers made to applicants, which follows seven previously unsuccessful rounds of recruitment. Further measures are in active consideration if required.

By working together with other local partners through Hoople Ltd. Herefordshire Council has directly benefited from economies of scale with the IT support teams. Despite the exceptional loss of around five staff members the resilience available from the larger

team saw user support of 22 reduced to 17, allowing core services to remain delivered and key project outcomes largely unaffected.

Supplementary question

What is the current total complement of roles for the Council and for Hoople, and how many vacancies are currently open for each? In other words the number of fte roles currently in the Council and Hoople and how many vacancies in each organisation. Is the mean level of absent roles reflected in a budget reduction? i.e. SWAP (South West Audit Partnership) make a provision of 3.5% of payroll cost saving for vacancies, maternity leave and sickness. Does the Council reflect this kind of saving in its budget?

Response

The cabinet member confirmed that a written response would be provided and asked that the scope of the question be confirmed by the councillor.