

Agenda

Connected Communities Scrutiny Committee

Date: **Friday 14 October 2022**

Time: **2.30 pm**

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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Agenda for the meeting of the Connected Communities Scrutiny Committee

Membership

Chairperson **Councillor Jonathan Lester**
Vice-chairperson **Councillor Tracy Bowes**

Councillor Paul Andrews
Councillor Chris Bartrum
Councillor Barry Durkin
Councillor Kath Hey
Councillor Jim Kenyon

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES</p> <p>To receive details of members nominated to attend the meeting in place of a member of the committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive declarations of interest in respect of items on the agenda.</p> <p>HOW TO SUBMIT QUESTIONS</p> <p>The deadline for the submission of questions for this meeting is 9.30 am on Tuesday 11 October 2022.</p> <p>Questions must be submitted to councillorservices@herefordshire.gov.uk. Questions sent to any other address may not be accepted.</p> <p>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</p>	
4.	<p>QUESTIONS FROM MEMBERS OF THE PUBLIC</p> <p>To receive any written questions from members of the public.</p>	
5.	<p>QUESTIONS FROM MEMBERS OF THE COUNCIL</p> <p>To receive any written questions from members of the council.</p>	
6.	<p>ROLE AND OBJECTIVES OF THE CONNECTED COMMUNITIES SCRUTINY COMMITTEE</p> <p>This report provides a summary of the role of scrutiny committee, in accordance with the council's Constitution and the key strategic objectives for the committee, in accordance with the overall strategic objectives for scrutiny agreed by the Scrutiny Management Board on 16 June 2022.</p>	9 - 18
7.	<p>CONNECTED COMMUNITIES SCRUTINY COMMITTEE ANNUAL WORK PLAN 2022-2023</p> <p>This report presents the Connected Communities Scrutiny Committee Annual Work Plan 2022-2023, drawn up in consultation with members of the committee, now for review and agreement by the committee.</p>	19 - 30
8.	<p>THE PUBLIC REALM FUTURE OPERATING MODEL</p> <p>To present the background and context of the council's current public realm services, and seek views relating to any Public Realm Future Operating Model to improve delivery of those services.</p>	31 - 44

9. DATES OF FUTURE MEETINGS

The dates for scheduled meetings for the remainder of the 2022/23 municipal year:

[Friday 18 November 2022, 9.15 am](#)

[Monday 12 December 2022, 9.15 am](#)

[Monday 13 February 2023, 9.15 am](#)

The public's rights to information and attendance at meetings

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We will review and update this guidance in line with Government advice and restrictions.

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- Inspect agenda and public reports at least five clear days before the date of the meeting. Agenda and reports (relating to items to be considered in public) are available at www.herefordshire.gov.uk/meetings
- Inspect minutes of the council and all committees and sub-committees and written statements of decisions taken by the cabinet or individual cabinet members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting (a list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all councillors with details of the membership of cabinet and of all committees and sub-committees. Information about councillors is available at www.herefordshire.gov.uk/councillors
- Have access to a list specifying those powers on which the council have delegated decision making to their officers identifying the officers concerned by title. The council's constitution is available at www.herefordshire.gov.uk/constitution
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The location of the office and details of city bus services can be viewed at:
www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services-

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 and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.



Title of report: Role and Objectives of the Connected Communities Scrutiny Committee

Meeting: Connected Communities Scrutiny Committee

Meeting date: 14 October 2022

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose:

This report provides a summary of the role of scrutiny committee, in accordance with the council's Constitution and the key strategic objectives for the committee, in accordance with the overall strategic objectives for scrutiny agreed by the Scrutiny Management Board on 16 June 2022.

Recommendation(s)

That the general role and remit of the scrutiny committee be noted, and the Connected Communities Scrutiny Committee Objectives for 2022-2023 be agreed.

Alternative options

1. There are no alternatives to the recommendations; the Scrutiny Management Board is to provide strategic management, direction and coordination of the council's five scrutiny committees. In developing this remit, it will require scrutiny committees to help implement its priorities and work programming activities.

Key considerations

2. On 11 October 2019, full Council resolved to review its governance arrangements to investigate and explore options for the future. The underpinning principles were set by the council:
 - a. To maximise member engagement and participation in decision-making.
 - b. To ensure decision-making is informed, transparent and efficient.

Further information on the subject of this report is available from
 Michael Carr, Tel: 01432260659, email: michael.carr@herefordshire.gov.uk

- c. To welcome public engagement.
 - d. To enable members and officers to perform effectively in clearly defined functions and roles.
3. The review was undertaken by the member led 'Re-thinking Governance' working group whereby a number of operational changes were proposed and agreed by full Council in March 2022. Those changes came into force on 20 May 2022. One of the principal changes brought in was a restructure to its scrutiny committees, moving from three scrutiny committees to five.
 4. Scrutiny is a statutory role fulfilled by councillors who are not members of the cabinet. The role of the scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.
 5. The new scrutiny structure has been designed to drive improvements in the process of scrutiny at the council. Including, development of responsive and evidence led work programmes, strengthen mechanisms for cabinet to provide an Executive Response to scrutiny recommendations and to create a more robust system for being able to track and monitor their implementation.

The Role of Scrutiny Management Board

6. As part of the package of changes a new Scrutiny Management Board has been created. The remit of that board includes:
 - a. Undertaking scrutiny in relation to areas which are cross cutting nature e.g. corporate strategy and finance (budget), people and performance and corporate support.
 - b. Matters falling within the remit of one or more scrutiny committees,
 - c. Deciding which of the committees will consider whether a spotlight, task and finish or standing panel review is appropriate
 - d. The Budget and Treasury management
 - e. Approving an annual work programme for itself and the other scrutiny committees
 - f. Oversee communications to members and public in relation to scrutiny matters
 - g. The co-ordination of an annual effectiveness review and oversight of performance of council's companies, e.g. Hoople
7. To assist in the development of the Scrutiny Management Board, its Scrutiny Objectives were agreed by the Scrutiny Management Board on 16 June 2022.

The General Role of Scrutiny Committees

8. The general statutory role of local authority scrutiny committees is provided for by the Local Government Act 2000¹ and set out in the council's Constitution (Herefordshire Council Constitution, Part 2, Article 6²). In summary the general role of scrutiny committees in Herefordshire may be described as to:
 - a. drive improvement in public services,
 - b. provide constructive "critical friend" challenge;- hold the Executive to account,
 - c. be an effective vehicle for non-executive members to contribute to policy development.

¹ The Local Government Act 2000 F19f, Overview and scrutiny committees: functions.

www.legislation.gov.uk/ukpga/2000/22/section/9F

² Part 2, Article 6, Herefordshire Council Constitution, July 2022.

<https://councillors.herefordshire.gov.uk/documents/s50101327/Part%202%20Article%206%20Scrutiny.pdf>

The *Scrutiny Objectives*, is a working document, and as such, may be subject to change as the scrutiny committees develop their working practices. Scrutiny members are encouraged and invited to consider their working practices accordingly, working with the Statutory Scrutiny Officer, the scrutiny chairpersons and vice-chairpersons.

General Powers of Scrutiny Committees

9. Scrutiny committees also have the power to request information from council departments and certain other external organisations, where they should expect a response. Scrutiny committees should be clear why they are requesting information and when they need the response by.
10. Scrutiny committees have statutory powers to make recommendations to the Executive, as appropriate, and the Executive has a statutory duty to respond to scrutiny recommendations. They may also make reports and recommendations to external decision making bodies.
11. In tracking scrutiny recommendations, it is important that it is clear that the recommendations are addressed to the Cabinet, as the Executive decision making body of the council (or, where appropriate, external agency), and to track the decision of the Executive and thereafter the implementation status of the Executive Response and Executive decisions.

Scrutiny at Herefordshire Council

12. The council has five scrutiny committees, established by full Council on 20 May 2022;
 - i). Scrutiny Management Board
 - ii). Environment & Sustainability Scrutiny Committee
 - iii). Connected Communities Scrutiny Committee
 - iv). Children & Young People Scrutiny Committee
 - v). Health, Care & Wellbeing Scrutiny Committee.
13. The general role of the scrutiny committees is set out in Article 6 – Scrutiny of the Herefordshire Council Constitution, in accordance with the Local Government Act 2000. Part 3, Section 4 of the Constitution sets out the specific remits for each of the scrutiny committees. This includes the strategic management and coordination functions of the Scrutiny Management Board, as well as the thematic remits of the four other scrutiny committees. The Scrutiny Management Board is also responsible for the scrutiny of corporate cross cutting functions of the council.
14. Although scrutiny committees do not have any executive decision making powers, they do have statutory powers to make recommendations to the Executive, as appropriate, and the Executive has a statutory duty to respond to scrutiny recommendations. They may also make reports and recommendations to external decision making bodies.

The Connected Communities Scrutiny Committee Scrutiny Committee

15. The remit of the Connected Communities Scrutiny Committee is set out in the Council Constitution Part 3, Section 4, (Scrutiny Functions). The remit of the committee is:

Talk Business programme, advice and support
Development Investment plans – town, market town, rural, Hereford City
Hereford Enterprise Zone

Higher education development
Adult and community learning programme
Apprenticeships
Fastershire programme
Digital connectivity
Heritage, culture & tourism
Social Value procurement policy
Planning
Licensing
Regulatory
Capital highway maintenance, Asset management & infrastructure repair
Council housing
Statutory community safety and policing scrutiny powers.

16. The draft key objectives for 2022-2023 for the Connected Communities Scrutiny Committee are set out at Appendix 1 for agreement by the committee.
17. This document sets out the role and approach of the Connected Communities Scrutiny Committee, in accordance with the terms of reference for the Scrutiny Committee which are contained within Part 3, Section 4 of the constitution. This is a working document and may require changes throughout the year.
18. The overall stated aim of the Connected Communities Scrutiny Committee is to provide effective constructive critical friend challenge to drive improvement in public services and be an effective vehicle for non-executive members to contribute to policy development.
19. The draft key objectives for 2022-2023 set out at Appendix 1 provides some specific objectives and measures for the committee to consider.

Community Impact

20. The council is committed to delivering continued improvement, positive change and outcomes in delivering key priorities.
21. In accordance with the principles of the code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development, and review.

Environmental Impact

22. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
23. Whilst the scrutiny committees will not deal with specific environmental impacts, consideration should always be given to minimising waste and resource use in line with the council's Environmental Policy. Service areas within the council, where required to do so will be required to undertake specific environmental impact assessment for the service specific proposals being considered. The scrutiny committees, where they deem appropriate to do so,

will be able to scrutinise those proposals to ensure that they minimise any adverse environmental impact and actively seek opportunities to improve and enhance environmental performance.

Equality Duty

24. Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to:–

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

25. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying ‘due regard’ in our decision making in the design of policies and in the delivery of services. Whilst this is an update on the work of the scrutiny committees and will in itself have minimal equalities impacts, consideration has been made in the consideration of Executive decisions and the Executive Responses provided by the Cabinet.

Resource Implications

26. There are none.

Legal Implications

27. Sections 9F – 9FI of the Local Government Act 2000 requires council’s that have Executive arrangements (Cabinet and Leader) must have in place a committee that provides an overview and scrutiny function for the council.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the development of the work programme should help mitigate this risk.

Consultees

The Chair of the Connected Communities Scrutiny Committee.

Appendices

Appendix 1: Key objectives for 2022-2023 for the Connected Communities Scrutiny Committee.

Background papers

None identified.

Key objectives for 2022-2023 for the Connected Communities Scrutiny Committee.

Introduction

Scrutiny is a statutory role fulfilled by councillors who are not members of the Cabinet. The role of the scrutiny committees is to help develop policy, to carry out reviews of council services and other local services, and to hold decision makers to account for their actions and decisions³.

It was agreed at the Scrutiny Management Board on 16 June 2022 that each of the scrutiny committees would set out their key objectives for the municipal year and that this would assist in the evaluation of the scrutiny function near the end of the municipal year. The following key areas of scrutiny have been identified with key objectives for the committee.

The Role of Scrutiny

According to the [Statutory Scrutiny Guidance 2019](#), local councils should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value⁴. According to the Guidance, effective scrutiny should:

- Provide constructive 'critical friend' challenge;
- Drive improvement in public services⁵.

The overall stated aim of the Herefordshire Scrutiny Committees is:

to provide effective constructive critical friend challenge to drive improvement in public services and be an effective vehicle for non-executive members to contribute to policy development.

In addition, twelve key objectives for 2022-2023 set out below provide some more specific objectives, consistent with the committee's remit and the overall constitutional and statutory role for scrutiny committees.

Objective 1: Being clear about the scrutiny committee's role and objectives within the organisation and wider governance structures.

Policy Development

One of the main roles of the council's scrutiny committees is to influence the council's policies, through policy review or helping to shape policies in development⁶.

Objective 2: Make a demonstrable impact and add value to Council policy, strategies and cabinet decisions.

Scrutiny Reports and Recommendations

³ Herefordshire Council Constitution Article 6.

⁴ Statutory Scrutiny Guidance 11b (2 Culture).

⁵ Statutory Scrutiny Guidance paragraph 2.

⁶ Herefordshire Council Constitution 2.6.6a, July 2022.

Scrutiny committees may make scrutiny reports and recommendations to the Cabinet⁷, which should be submitted for consideration by the Cabinet (and/or other body as appropriate) or Cabinet Member⁸.

Reports of Scrutiny Committees

Scrutiny committees may make reports and recommendations to the Cabinet. Scrutiny reports should be of a high quality, technically valid and credibly describe the evidence, yet be accessible to a wide variety of different audiences.

Objective 3: Scrutiny reports that effectively communicate the work of the committee inquiries to key audiences (eg the Cabinet, Council officers, external stakeholders and the public), clearly evidencing scrutiny recommendations.

Recommendations in Committee

In practice, scrutiny committees often make recommendations in committee, without an accompanying scrutiny report from the committee.

Objective 4: Ensure that any scrutiny recommendations made in committee are clearly addressed to the Cabinet (or other appropriate decision maker) strategic and SMART.

An Evidence Based Approach

Objective 5: Ensure that scrutiny reports and recommendations made in committee are clearly based and referenced to the evidence received either in officer reports to the committee or provided in committee.

Executive Response

The scrutiny committees can make reports and recommendations to the Cabinet, Council and some partner organisations. The decision takers are not required to implement the recommendations but do have to consider any recommendations made⁹.

Objective 6: Request the Cabinet agree a definitive, clear Executive Response to all scrutiny reports and recommendations.

Holding the Executive to Account

Scrutiny committee inquiries fulfil different roles; i.e. policy development or holding decision makers to account¹⁰. According to the Statutory Scrutiny Guidance 2019, effective overview and scrutiny should provide constructive 'critical friend' challenge¹¹.

Objective 7: Provide demonstrable accountability of the Cabinet and Cabinet Members. (How does it do this most effectively / least effectively?)

⁷ Herefordshire Council Constitution 4.5.41, July 2022.

⁸ Herefordshire Council Constitution 4.5.44, July 2022.

⁹ Herefordshire Council Constitution 2.6.8, July 2022.

¹⁰ Herefordshire Council Constitution Article 6, July 2022.

¹¹ Statutory Scrutiny Guidance paragraph 2, Introduction and Context.

Scrutiny of Partnerships

The scrutiny committees also have the power to scrutinise the services provided by organisations outside the council e.g. NHS services and the work of the community safety partnership¹².

Objective 8: Effective scrutiny and involvement of external organisations and partnerships in the scrutiny process.

Crime and Disorder Scrutiny (CCSC only)

Objective 8a: Effective overview and scrutiny of local crime and disorder partnerships (Community Safety Partnerships CSPs)¹³. (CCSC only)

Health Scrutiny (H,C&WSC only)

Objective 8b: Demonstrate effective scrutiny of health partnerships, (eg between the Council and the NHS). (H,C&WSC only)

Questioning in Committee

Effective questioning in committee is key to both holding the executive to account and in finding evidence to support scrutiny conclusions and recommendations. The approach to questioning can be different depending on the purpose of a scrutiny inquiry, what the committee is trying to find out and who it is questioning.

If the purpose of an agenda item is to demonstrate accountability, or “critical friend challenge”, then the questions may be directed to a Cabinet Member on things like delivery of the Council’s priorities or on Council performance within their portfolio.

If the purpose is evidence gathering, then the approach may be more analytical and investigatory, and offer more scope for insightful contributions, in trying to find out evidence. The questions may be based around hypotheses of possible scrutiny recommendations, to find out if these may be supported by evidence or not.

Objective 9: Effective questioning in committee in holding decision makers to account for things they are promised to deliver (eg referencing council priorities or performance).

Scrutiny Work Planning

Effectively prioritising and planning the work of scrutiny committees can be an essential feature to successful scrutiny. According to the Statutory Scrutiny Guidance 2019, prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at¹⁴.

¹² Herefordshire Council Constitution 2.6.7, July 2022.

¹³ A Crime and Disorder Reduction Partnership (CDRP) is one of a number of statutory local partnerships in England and Wales, and was established by the Crime and Disorder Act 1998 to co-ordinate action on crime and disorder.

¹⁴ Statutory Scrutiny Guidance paragraph 49.

Objective 10: Be effective in identifying the topics where the committee can add most value to the organisation. (e.g. where they can play a role in policy development not being carried out elsewhere and where they may realistically be able to propose changes or development to make an impact on service improvement, rather than areas where it is unlikely to add much value).

Scrutiny Task and Finish Groups

Scrutiny “task and finish” approaches are where scrutiny committees set up informal working parties to carry out work on a particular topic outside of the main committee and report back.

Objective 11: Ensure that in-depth scrutiny activities carried out through task and finish groups are effective.

Scrutiny and the Public

According to the Statutory Scrutiny Guidance 2019, local councils should ensure scrutiny has a profile in the wider community. (Statutory Scrutiny Guidance 11i I, Communicating scrutiny’s role to the public – authorities (2 Culture)) and should amplify the voices and concerns of the public (Statutory Scrutiny Guidance paragraph 2).

According to the council’s Constitution, the public can be involved in the scrutiny process and help shape and inform decision making and policy by submitting evidence for consideration by a scrutiny committee or one of its task and finish groups¹⁵.

Objective 12: Engaging the public and external VCOs (Voluntary and Community Organisations) in the work of the committees, in particular in inviting and receiving written and oral submissions in and outside of the committee to inform their work.

¹⁵ Herefordshire Council Constitution Article 6, 2.6.11 b



Title of report: Connected Communities Scrutiny Committee Annual Work Plan 2022-2023

Meeting: Connected Communities Scrutiny Committee

Meeting date: 14 October 2022

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose:

This report presents the Connected Communities Scrutiny Committee Annual Work Plan 2022-2023, drawn up in consultation with members of the committee, now for review and agreement by the committee.

Recommendation(s)

That:

- a) the Connected Communities Scrutiny Committee Annual Work Plan 2022-2023 be agreed.

Alternative options

1. The alternative is for the committees not to agree an Annual Work Programme. This is not recommended. This would undermine the ability of committees to plan their work effectively, delay committee business and would provide less transparency and notice to council departments, other elected members, the general public and other stakeholders.

Key considerations

2. The scrutiny committees are each agreeing their respective work plans for 2022-2023, which now need to be agreed and brought together into the Annual Scrutiny Work Programme 2022-2023. The Work Programme will enable better planning ahead by the committees in receiving requested reports, arranging attendance and inviting any external witnesses identified.
3. It has been agreed with members of the Scrutiny Management Board that Herefordshire the council's scrutiny committees will produce an Annual Scrutiny Work Programme 2022-2023, made up of the work plans of each of the council's scrutiny committees. The Work Programme sets out the issues that the scrutiny committees will consider during the year, including any in-depth scrutiny inquiries (or scrutiny task groups). The Work Programme should thereafter direct the work of the committees.
4. The council has five scrutiny committees:
 - i). Scrutiny Management Board
 - ii). Children and Young People Scrutiny Committee
 - iii). Environment and Sustainability Scrutiny Committee
 - iv). Health, Care and Wellbeing Scrutiny Committee
 - v). Connected Communities Scrutiny Committee.
5. The remit of the scrutiny committees are set out in the council's Constitution under Part 3, Section 4 - Scrutiny Functions.¹ The remit of the Connected Communities Scrutiny Committee is:
 - i). Talk Business programme, advice and support
 - ii). Development Investment plans – town, market town, rural, Hereford City
 - iii). Hereford Enterprise Zone
 - iv). Higher education development
 - v). Adult and community learning programme
 - vi). Apprenticeships
 - vii). Fastershire programme
 - viii). Digital connectivity
 - ix). Heritage, culture & tourism
 - x). Social Value procurement policy
 - xi). Planning
 - xii). Licensing
 - xiii). Regulatory
 - xiv). Capital highway maintenance, Asset management & infrastructure repair
 - xv). Council housing
 - xvi). Statutory community safety and policing scrutiny powers.
6. The scrutiny committees will each ordinarily meet formally four to five times a year and the topics identified are timetabled across the year.
7. The work plan for each committee is considered and agreed by the respective committees, and the Annual Scrutiny Work Programme 2022-2022, in accordance with the council's Constitution.

¹ Herefordshire Council Constitution, Part 3, Section 4 - Scrutiny Functions.

The Annual Scrutiny Work Programme

8. Each year, the scrutiny committees should consider and agree a programme of work for the municipal year ahead, after considering the key issues facing the Council and local community where consideration by a scrutiny committee might add most value in accordance with its statutory functions. Usually, the work programme is for the municipal year period following the Council Annual Meeting, for June to May the following year.
9. In drawing up their work plans, the committees should consult the relevant council directorates on the key issues for the Council that may usefully be considered by the scrutiny committees.
10. The identified topics can then be combined into an annual work programme for the scrutiny committees which can be agreed by the next formal meeting of the Scrutiny Management Board, reported to full Council and used to plan the meetings of the committees throughout the year ahead.

The Role of Scrutiny Committees

11. The role of scrutiny committees is set out in the Local Government Act 2000², but broadly speaking, topics for scrutiny should either be to:
 - i). Hold the Executive (Cabinet) to account
 - ii). Contribute to the strategic policy development and review.
12. Generally speaking, topics where a scrutiny committee is making recommendations for policy development may lend themselves to questions to seek evidence, which usually require more complex consideration and development of the proposals before they are agreed by the committee.
13. Topics identified for policy development should be timed to be considered before the matter needs to be agreed by the Cabinet or full Council (or external decision maker). These topics may also be programmed across more than one meeting, to allow time for key findings and scrutiny recommendations to be drawn up in a considered way and for proper consideration of legal, equalities and financial implications, before being agreed by the committee, or may be considered by a Scrutiny Task Group, which reports back to the main committee with a report and recommendations to the Executive.
14. In addition, consideration may also be given to other ways in which consideration by the committee may add value through the scrutiny process, such as stakeholder engagement and consultation, pre-decision consultation with councillors, performance review and improvement, efficiency and best value review.

The Powers of Scrutiny Committees

15. Scrutiny committees may call Cabinet Members and senior officers to answer questions in committee and may request reports to committee on the issues under review. They may also invite external witnesses, for example from partner organisations, community stakeholders or expert witnesses.

² The Local Government Act 2000 F19f, Overview and scrutiny committees: functions.

16. Scrutiny committees may make requests for information from Council departments, and from external organisations, with specific statutory powers to request information from certain partner organisations, eg NHS bodies and the Community Safety Partnership.
17. Scrutiny committees may make recommendations to Cabinet or external organisation's decision makers on matters they consider in committee. The Cabinet has a duty to respond to scrutiny recommendations, setting out what, if any, actions it will take in response.

Outcomes from Scrutiny Work

18. At the end of the municipal year, the scrutiny committees should aim to demonstrate that they have added value to the decision making process for the organisation and community, in terms of their statutory functions and wider implicit opportunities, such as to improve transparency, partnership working and more inclusive decision making.
19. Specifically, the scrutiny committees should help the council and Executive to demonstrate accountability through the scrutiny process, as well as to provide opportunities for non-executive members to participate in policy development, including through their power to make reports and recommendations to the Executive, external agencies (and full Council where appropriate).

Community Impact

20. In accordance with the adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents.

Environmental Impact

21. Whilst this is an update on the work programme and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy.

Equality duty

22. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
23. A public authority must, in the exercise of its functions, have due regard to the need to –
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
24. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of

services. As this report concerns the administrative function of the Connected Communities Scrutiny Committee, it is unlikely that it will have an impact on our equality duty.

Resource Implications

- 25. The costs of the work of the Committee will have to be met from within existing resources. It should be noted the costs of running scrutiny can be subject to an assessment to support appropriate processes.
- 26. The councillors' allowance scheme contains provision for co-opted and other non-elected members to claim travel, subsistence and dependant carer's allowances on the same basis as members of the council. If the committee agrees that co-optees should be included in an inquiry they will be entitled to claim allowances.
- 27. It is suggested that a scrutiny committee should only have one in-depth scrutiny task group inquiry running at a time.

Legal Implications

- 28. Sections 9F – 9FI of the Local Government Act 2000 requires council's that have Executive arrangements (Cabinet and Leader) must have in place a committee that provides an overview and scrutiny function for the council. The development of a work programme which is focused and reflects those priorities facing Herefordshire will assist the committee and the council to deliver a scrutiny function.
- 29. The Scrutiny Rules in Part 4 Section 5 of the council's constitution provide for the setting of a work programme, the reporting of recommendations to the executive and the establishment of task and finish groups within the committee's agreed work programme.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the development of the work programme should help mitigate this risk.

Consultees

The Chairperson of the Connected Communities Scrutiny Committee.

Appendices

Appendix 1 – The Connected Communities Scrutiny Committee Annual Work Plan 2022-2023.

Background papers

None identified.

Connected Communities Scrutiny Committee Work Plan 2022-2023

To be considered by the Connected Communities Scrutiny Committee on 14 October 2022

Friday 14 October 2022, 2.30 pm

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>The Public Realm Future Operating Model</p> <p>To consider service performance and potential options for the future of the Council's public realm arrangements.</p> <p><i>Deadline for draft reports: 30th September 2022</i> <i>Agenda publication deadline: 6th October 2022</i></p>	<p>Councillor John Harrington - Cabinet Member - Infrastructure and Transport</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Mark Averill – Interim Service Director Environment, Highways and Waste</p> <p>Alex Deans - Interim Programme Director – Major Contracts</p>	

Friday 18 November 2022, 9.15 am (meeting postponed from 9 September 2022)

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>Planning Services Improvement Plan</p> <p>To consider the progress of the Planning Services Improvement Plan, including matters relating to: service performance, resources and capacity; quality assurance; the approach to Section 106 Agreements and other planning obligations; the development of the Enforcement Action Plan, the development of the Communications Protocol; the effectiveness of the pre-application advice service; improving understanding of Permitted Development Rights, planning regulations and the planning process; enabling the Council to respond to County Plan priorities and the climate and ecological emergency; and the role of the Planning Inspectorate.</p> <p style="text-align: center;"><i>Deadline for draft reports: Monday 7 November 2022</i> <i>Agenda publication deadline: Thursday 10 November 2022</i></p>	<p>Councillor Liz Harvey - Cabinet Member - Finance, Corporate Services and Planning</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Tracey Coleman - Interim Service Director Planning and Regulatory Services</p>	<p>Planning Inspectorate</p>

Monday 12 December 2022, 9.15 am

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>The Management of Capital Projects</p> <p>To consider the arrangements for the development and delivery of capital projects; including the success criteria for the projects the Council bids for or receives grant funding for.</p> <p style="text-align: right;"><i>Deadline for draft reports: 25th November 2022</i> <i>Agenda publication deadline: 2nd December 2022</i></p>	<p>Councillor Liz Harvey - Cabinet Member - Finance, Corporate Services and Planning</p>	<p>Andrew Lovegrove – Director of Resources and Assurance</p> <p>Lisa Evans – PMO Delivery Director</p>	
<p>Levelling Up Fund Projects</p> <p>To consider the further development and readiness for the delivery of any successful bids to the Government Levelling Up Fund. Specifically, the proposed submission includes:</p> <ul style="list-style-type: none"> i. A package of public realm improvements in Leominster and Ledbury town centres and enhancements to the Leominster Old Priory building; ii. Development of the site infrastructure and development plots for the Ross Enterprise Park; and iii. A package of transport and active travel measures in and around Hereford city; <p style="text-align: right;"><i>Deadline for draft reports: 25th November 2022</i> <i>Agenda publication deadline: 2nd December 2022</i></p>	<p>Councillor Ellie Chowns- Cabinet Member - Environment and Economy</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Roger Allonby – Director of Economy</p>	

Monday 13 February 2023, 9.15 am

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>Community Safety Partnership</p> <p>To consider the effectiveness of the Community Safety Partnership (CSP) in improving community safety in Herefordshire, including matters relating to: the latest statistics and trends in local crime; how each of the responsible authorities engages with and contributes resources to the work of the CSP; the effectiveness of leadership and partnership arrangements; how the responsible authorities produce and share key data; how the local community is involved in the work of the CSP; and how the CSP compares to other CSPs in region and similar areas.</p> <p style="text-align: right;"><i>Deadline for draft reports: 27th January 2022</i> <i>Agenda publication deadline: 3rd February 2022</i></p>	<p>Councillor Ange Tyler - Cabinet Member - Housing, Regulatory Services and Community</p>	<p>Hilary Hall - Corporate Director Community Wellbeing</p> <p>Adrian Turton – Partnership Officer</p>	<ul style="list-style-type: none"> • Councillor Ange Tyler - Chair of the CSP, Herefordshire Council • Superintendent Edd Williams - West Mercia Police • Jon Barnes -Chief Transformation Officer, One Herefordshire Partnership/ Integrated Care Board • Anna Davidson – Assistant Director: Prevention, Hereford & Worcester Fire and Rescue Service • George Branch – Head of Probation, Hereford, Shropshire and Telford PDU, HM Prison & Probation Service • Jonathon Pryce, Chief Fire Officer - Herefordshire and Worcester Fire and Rescue Authority

Briefing papers (to inform any potential future scrutiny activity)

Briefing paper item	Cabinet Member/s	Officers	External Witnesses
The Big Economic Plan	Councillor Ellie Chowns- Cabinet Member - Environment and Economy	Ross Cook - Corporate Director, Economy and Environment Roger Allonby – Director of Economy	
Digital connectivity / Fastershire		Andrew Lovegrove, Director of Resources and Assurance	
New Model Institute for Technology and Engineering (NMITE)			



Title of report: The Public Realm Future Operating Model

Meeting: Connected Communities Scrutiny Committee

Meeting date: Friday 14 October 2022

Report by: Interim Head of Transport and Highways

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards)

Purpose

To present the background and context of the council's current public realm services, and seek views relating to any Public Realm Future Operating Model to improve delivery of those services.

Recommendation(s)

That:

- a) **committee note and comment upon the council's current model for delivery of public realm services;**
- b) **committee note and comment upon the council's requirements for a Future Operating Model; and**
- c) **committee support the establishment of a cross party Member working group to review the current model, and support with selection of a Future Operating Model for delivery of public realm services aligned with the council's long term objectives.**

Alternative options

1. The council continue with the current arrangements and contract for delivery of public realm services without undertaking a full review of delivery options, including maintaining the contract with Balfour Beatty Living Places (BBLP), granting further contract extensions subject to satisfactory contract performance potentially up to 31 August 2033. This is not recommended due to concerns regarding the current contracting arrangements, set out later in the report.

Key Considerations

Background

2. The council's public realm contract with BBLP was awarded in 2013, and delivered services including highways, traffic management, public rights of way, parks and open spaces, street cleaning and street lighting. In April 2022 the council negotiated with BBLP and brought the public rights of way and traffic management services back in house, as it was felt by the council these services which included some statutory duties would be better delivered by the council.

Procurement for the contract set out to achieve the following objectives:

- I. Ensuring our roads, public open spaces and streets are accessible, safe, clean and well-maintained*
 - II. Maintaining the delivery of essential services*
 - III. Achieving value for money, facilitated by process improvement and transparency through open book accounting*
 - IV. Achieving service delivery which is efficient and responsive to local needs and priorities*
 - V. Contributing to the regeneration of the economy and social capital in Herefordshire*
3. The contract commenced on 31 August 2013, with an initial term of 10 years. Single year contract extensions are subject to satisfactory performance under the contract. A one year extension has been granted by the council, which means the current end date for the contract is the 31 August 2024. A further one year extension is due, and another being assessed by the council, both of which if granted would extend the current contract to 31 August 2026.
 4. The maximum allowance for contract extensions was 10 years in total meaning the contract could be extended to 31 August 2033.
 5. The contract has a two year no fault termination clause which can be enacted either by the council or BBLP.
 6. The 2013 contract was heavily out-sourced with the council only retaining a small client and contract management function delivered by council staff.
 7. The contract is managed by council held roles as detailed in the organogram provided in Appendix A.
 8. Performance of the contract is measured via performance indicators and the August 2022 output summary is provided in Appendix B. The appendix demonstrates BBLP are meeting their requirements as set out under the contract.
 9. Due to satisfactory contract performance BBLP are due, under the terms of the contract, a further one year contract extension to 31 August 2025. A further one year extension is being assessed by the council, which if granted would extend the contract to 31 August 2026.
 10. Despite this the current operating model and contracting arrangements are not considered by Members to be delivering the council's service expectations. These concerns are generally fed back anecdotally, and often relate to individual service orders rather than the broader service itself. The contractor is also sometimes criticised for non-delivery of issues that are outside of the scope of the current service orders.

Concerns have been raised, and continue to be raised relating to:

- I. Client control
- II. Commissioning of works
- III. Planning of works

- IV. Assurance
- V. Quality or work
- VI. Responsiveness
- VII. Flexibility
- VIII. Value for money
- IX. Customer service
- X. Reputation

11. In terms of customer feedback the council participates in the annual National Highways and Transport Network (NHT) Customer Satisfaction survey. The NHT Network is a service improvement organisation providing a range of benchmarking services for the Highways and Transport sector, available on a subscription basis to Local Authorities and their delivery partners in England. The 2021 annual survey return places customer satisfaction with the Highway Service firmly in the bottom quartile, however this data does need to be considered in the context of the council's spend per km, also being in the bottom quartile of comparable local authorities in England.
12. Outsourced end to end contracts such as the council's 2013 contract with BBLP can be effective and provide VFM where Members and Officers are comfortable with the high level of control sitting with BBLP. For this model to be successful BBLP are required to deal directly with customers including Members, without cross referral to council officers. Where this form of relationships is successful and efficient a high level of trust and collaboration is established between the client and the contractor.
13. Audits of the public realm contract were undertaken by PWC and subsequently by Grant Thornton in Summer 2021 which resulted in concerns being raised regarding performance, contract management, compliance and VFM. In response to the audits a Major Contract Improvement Plan was developed by the service, and continues to be progressed to improve the current arrangements, and seeks to develop processes and procedures that can also be adopted in a Future Operating Model (FOM). The improvement plan is programmed for completion in 2022 and provided as a background document to this report.
14. To provide the council with increased control and assurance, some changes in the way the council interacts with BBLP have been introduced, set out later in the report.
15. In addition to the insourcing of the public rights of way and traffic management services mentioned earlier in the report, a Contract Management team has been established that is responsible for issuing service orders, early warnings, checking of the works and providing increased assurance for the contract performance of BBLP. Further a Highways and Traffic team has been established that is responsible for the setting of the service standards and budgets. The two teams work closely together to ensure that works are effectively commissioned and managed on the network. Previously the distinct split between commissioning and managing had been blurred by the functions being dealt with by a single team.
16. Additional interim resources have also been employed, the focus of their work being to provide the council with the assurance it seeks regarding the contract. This has seen the introduction of a more robust approach being applied to the council's relationship with the contractor. The additional cost to deliver this new function has been found from existing resources, but is not sustainable in the long term. The team of specialists will ensure that revised processes including those from the Major Contract Improvement Plan are applied to the existing contract, with these same processes are also incorporated into any new relationship.
17. The annual budget for the public realm services contract with BBLP are:
 - I. Revenue £5.84M
 - II. Capital £12.87M
18. It should be noted that the current budgets are considerably reduced from the budget that was intended

for the contact when it was awarded in 2013, which has led to some challenges relating to service delivery for both the council and BBLP. These challenges will be addressed in any FOM, or adaption of the BBLP contract going forward.

The Future Operating Model

19. As the current contract comes to its natural end and moves into the contract extension phase it is important that the council reviews its service delivery model to ensure that it is able to deliver the evolving council priorities in a manner that suits the way the council wants to work in the future.
20. Should the council decide to pursue a FOM, the public realm services must align with the council’s objectives including a high emphasis on VFM, responsiveness, quality of work, customer satisfaction and aligned to the council’s environmental and net zero carbon targets.
21. Following the design and introduction of the Major Contract Improvement Plan from 2021-2022, the learning and improved processes must also be incorporated into any FOM.
22. It is important that should the council proceed to procure new contracting arrangements to support a FOM, that they are attractive to the market generating competition and support local businesses/SMEs and supply chains wherever possible.
23. In 2013 the government promoted “Highways Maintenance Efficiency Programme” developed a procurement toolkit which aimed to deliver efficiency savings through the delivery of highway maintenance services procured by local highway authorities. The toolkit recommended the models provided in figure 1, below, should be considered by local authorities while considering service provision.

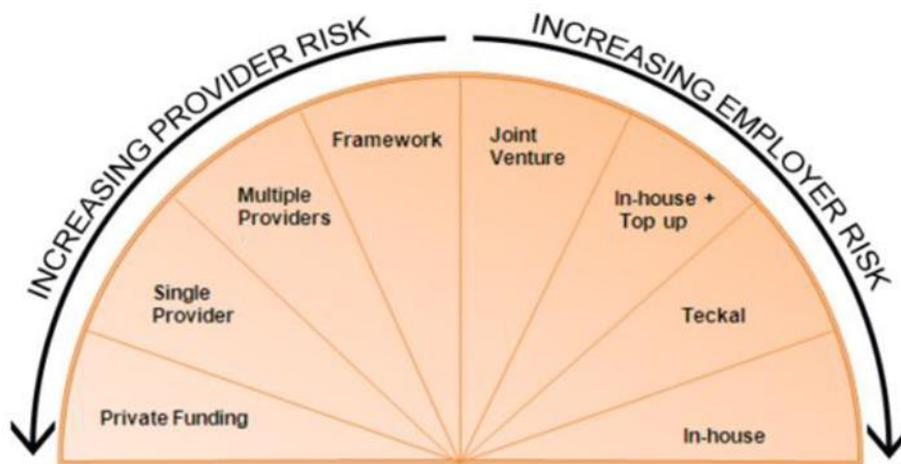


Figure 1 - Extract from the HMEP Toolkit

24. A link to the HMEP procurement toolkit providing more detailed information is provided in the supporting documents section of this report.
25. Aligned with national best practice the council propose to use this model as a starting position for any FOM, and design potential contracting arrangements that would best meet the council’s objectives.
26. There are numerous contracting choices, or combinations of, that could potentially support a FOM including but not limited to:
 - a) Integrated sole supplier for all contracted services
 - b) Multiple contracts
 - c) Frameworks
 - d) In house delivery

27. Once the council's FOM objectives are agreed in principle, officers will narrow down the contracting models to preferred options, and propose to undertake an options appraisal to identify which contracting models will best support the FOM.
28. It is important that the council also reviews how it currently works and operates. Procurement exercises are expensive and time consuming, which include risks around cost and new relationships.
29. The council could choose to adapt the current BBLP contract so that it better aligns with the objectives of the council, which is likely to include a move to a more traditional "intelligent" client contractor model. This approach will necessitate the opening of dialogue with BBLP to understand how the current contract can be best aligned with the council's FOM objectives. It is proposed that this exercise will be run in parallel, and that any improvement opportunities are explored.

Key Issues

30. If the council were to consider completing the contract with BBLP, then adaption could potentially include for limited secondment or TUPE transfer of BBLP staff to the council, with accompanying council and BBLP organisational staff restructures to deliver a more traditional style contract providing the council greater control and assurance.
31. Adaption of the current contract with BBLP could be delivered in stages, however the council cannot operate unilaterally and adaption of the contract would need to be in agreement with BBLP.
32. External legal advice obtained by the council in 2022 advised that adaption of the BBLP contract would have its limitations, as adaption would be constrained by the original OJEU notice that set out the original contract framework in 2013.
33. Should the council decide adaption of the BBLP contract will not, or cannot due to the OJEU constraints, meet the council's objectives for the medium to long term, then the contract has a two year no fault termination clause which the council would need to enact.
34. There may be some adaption of the BBLP during the two year notice period, but again this would need the support and agreement of BBLP. It is important the council maintain a positive and collaborate relationship with BBLP in both scenarios.
35. Adaption of the BBLP contract or a move to a FOM supported by new contracting arrangements will require a council Project Plan including identifying the associated costs of project and programme management, internal expertise including procurement, legal, finance, HR and external and consultancy expertise over the period of the project.

Timescales

36. The Cabinet Members for Finance, Corporate Services and Planning, Commissioning, Procurement and Assets and Infrastructure and Transport are considering the options for development of a FOM.
37. Options will be guided and honed by the output of this committee as well as the findings of the cross party Member Working Group that is being established from October 2022. It is proposed that the FOM and supporting contracting arrangements will emerge via an options appraisal later in 2022.
38. Adaption of the current BBLP could commence as soon as the council make a Decision, and changes could be implemented in stages over the remaining term of the contract, which has the potential to be extended to 31 August 2033.
39. Should the council make a Decision to move to a FOM in early 2023, then a timetable for the implementation of the new style contract will need to be developed as part of that process along with development of a costed and resourced Project Plan.

Community impact

40. Public realm services are vital to communities as they include maintaining and developing infrastructure, maintaining green areas, providing effective drainage, lighting the highway and enabling safe and reliable travel by all modes of transport, and access for business and leisure.

41. The council priorities for this service area are:

County Plan 2020-2024

- i. **Environment** - Protect and enhance our environment and keep Herefordshire a great place to live
- ii. **Community** - Strengthen communities to ensure that everyone lives well and safely together
- iii. **Economy** - Support an economy which builds on the county's strengths and resources

Local Transport Plan 2016-2031

- i. **Enable economic growth** - by building new roads linking new developments to the transport network and by reducing short distance car journeys
- ii. **Provide a good quality transport network for all users** – by being proactive in our asset management and by working closely with the public, Highways England and rail and bus companies
- iii. **Promote healthy lifestyles** – by making sure new developments maximise healthier and less polluting forms of transport by delivering and promoting active travel schemes and by reducing short distance single occupant car journeys on our roads
- iv. **Make journeys easier and safer** – by making bus and rail tickets compatible and easier to buy and use, by providing 'real time' information at well-equipped transport hubs, by improving signage to walking and cycling routes and by helping people feel safe during their journeys
- v. **Ensure access to services for those living in rural areas** – by improving the resilience of our road network and by working closely with all transport operators to deliver a range of transport options particularly for those without a car

Herefordshire Transport Asset Management Strategy 2016

- i. **Major investment** targeted to fix roads that where in the greatest need of repair and have the greatest value to our local communities
- ii. **Sustained investment** over the whole life of the highway asset - an on-going programme of works that is targeted at treating roads as they are showing signs of deterioration, fixing roads before they need larger, more costly repairs, a "just in time" approach
- iii. **Reduce the need for reactive 'temporary' pothole repairs** as a response to safety defects. We will aim to deliver a high proportion of our routine pothole repairs using permanent fixes that not only make the road safe, but improve the condition of the road and extends its useful life
- iv. **Shift our routine resources further towards preventative activities**, such as the clearance of drainage. Well-drained roads decline at a slower rate and are more resilient to damage from severe weather
- v. **Provide the support that enables routine maintenance work to be delivered locally**

Herefordshire Delivery Plan 2022-2023

- i. Improve the sustainability, connectivity and wellbeing of our county by strengthening our communities, by creating a thriving local economy and by protecting and enhancing our environment
Connectivity

- ii. *We will boost different travel choices through new walking and cycling routes and widen other transport options whilst creating a long term travel plan for the county*
- iii. *We will continue to extend digital connection for households and businesses, and make the most of digital technology to improve service delivery options*
- iv. *We will support businesses and skills development to aid economic growth, along with investing in our town and city centres and promoting the county as a vibrant place to live, work and visit*

Environmental impact

42. Public realm services seek to meet the council's stated environmental objectives that will support the council meeting its net zero ambitions including:
- a) Improve drainage and increase flood resilience
 - b) Reduce the council's carbon emissions
 - c) Work in partnership with others to reduce carbon emissions
 - d) Improve the air quality
 - e) Improve residents' access to green space
 - f) Increase the number of short distance trips being done by sustainable modes of travel including walking, cycling and use public transport

Equality Duty

43. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
- A public authority must, in the exercise of its functions, have due regard to the need to –
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
44. The public sector equality duty requires the council to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty. However, wherever required and appropriate, our providers will be made aware of their contractual requirements in regards to equality legislation.

Resource implications

45. Adaption of the BBLP contract or a move to a FOM will require a resourced Project Plan including project and programme management expertise, the internal expertise of procurement, legal, finance, HR and external and consultancy expertise over the period of the project. Once the council has a clearer view of what this may look like, a costed Project Plan including internal and external resources will be developed. The funding for this project will be growth bid for Full Council committee in February 2023.
46. Adaption of the BBLP contract or a move to a FOM, may involve the in-sourcing of some staff who currently work for BBLP. Once the council has a clearer view of how the FOM and contractual arrangements may look, this and any TUPE implications can be understood.

Legal implications

47. External legal Advice has been obtained regarding the contractual issues and options detailed in this report. Once the council has a clearer position regarding the FOM further legal and contract advice will be obtained to ensure any changes to contract with BBLP or move to new contractual arrangements do not put the council at risk.

Risk management

48. The following key risks have been identified that will need to be managed and mitigated during a move to a FOM:
- i. The Council does not agree and gain the necessary approval to support the FOM by early 2023.
 - ii. The outcome of local elections in May 2023 may result in a reversal of any Decisions.
 - iii. The one off funding required to develop and implement the FOM has not been identified or secured.
 - iv. Maintaining a healthy relationship and good performance from BBLP.
 - v. Without negotiation and agreement from BBLP, the Council are limited to the changes that can be introduced prior to the contract end date.
 - vi. Keeping existing council and BBLP staff engaged and performing during the period of change.
 - vii. Lack of interest from suppliers in any new contracting opportunities.
 - viii. The council fail to run a compliant procurement process and are unable to award new contracting arrangements.
 - ix. In house and/or new contracted services are materially more expensive than the current services provided by the BBLP contract.

Consultees

Cabinet Member for Finance, Corporate Services and Planning
Cabinet Member for Commissioning, Procurement and Assets
Cabinet Member for Infrastructure and Transport
Public Realm Services Future Operating Model Member Working Group (established October 2022)

Appendices

Appendix A: Contract management organogram
Appendix B: Contractor performance report for August 2022

Background papers

1. County Plan 2020-2024
www.herefordshire.gov.uk/council/herefordshire-council/3
2. Local Transport Plan 2016-2031
www.herefordshire.gov.uk/directory-record/5547/local-transport-plan
3. Herefordshire Transport Asset Management Strategy
www.herefordshire.gov.uk/roads-1/highway-asset-management-maintenance
4. HMEP Procurement Toolkit
www.theihe.org/wp-content/uploads/2020/07/Procurement-Route-Choices-Toolkit-PDF-90pages-147MB.pdf
5. Major Contract Improvement Plan
www.herefordshire.gov.uk/downloads/file/23747/major-contract-performance-improvement-plan

Report reviewers used for appraising this report:

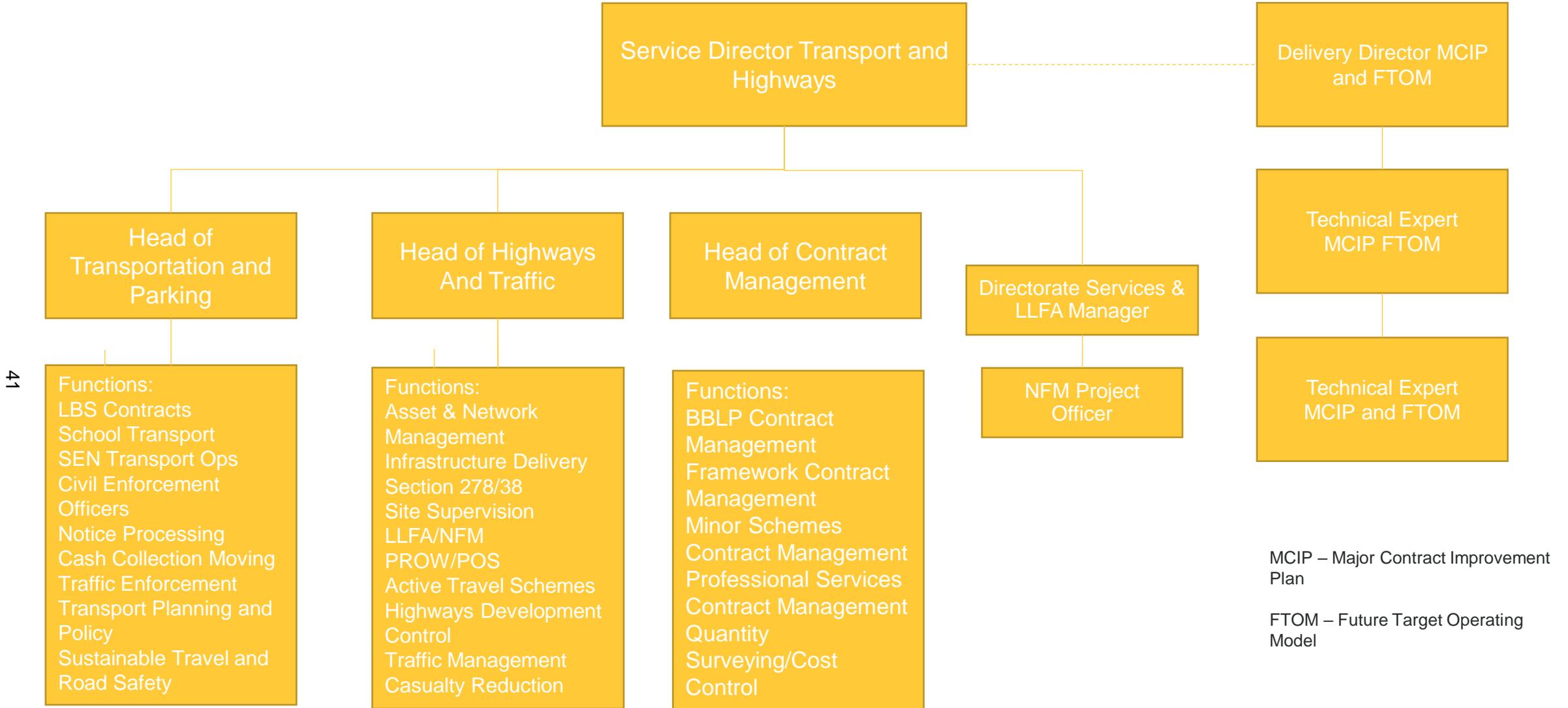
Governance	John Coleman	Date 06/10/2022
Finance	Louise Devlin	Date 29/09/2022
Legal	Alice McAlpine	Date 26/09/2022
Communications	Luenne featherstone	Date 26/09/2022
Equality Duty	Carol Trachonitis	Date 29/09/2022
Procurement	Carrie Deeley	Date 30/09/2022
Risk	Kevin Lloyd	Date 26/09/2022

Approved by	Ross Cook	Date 05/10/2022
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Glossary of terms, abbreviations and acronyms used in this report:

- Balfour Beatty Living Places (BBLP)
- National Highways and Transport Network (NHT)
- Public Realm Future Operating Model (FOM)
- Small and medium-sized enterprises (SME)
- Value for Money (VFM)

Transport and Highways Structure



41

Appendix B- Balfour Beatty Contract Performance Data

Extract from Public Realm Service Contract Operational Board Meeting – August 2022

Operational Performance Indicators

	Indicator	Thres hold %	Aug 21	Sept 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22	Apr 22	May 22	June 22	July 22	Aug 22
1	Category 1 Defects	100	100	100	100	100	100	100	100	100	100	100	100	100	100
2	Category 2 Defects	80	95	94	94	89	84	84	89	94	96	98	96	98	93
3	Street Lighting Faults	98	100	100	100	100	100	100	100	100	100	100	100	100	100
4	Winter Maintenance	99	-	-	-	99.3	100	100	100	100	100	N/A	N/A	N/A	N/A
5	Highway Inspection	99	100	100	100	100	100	100	100	100	100	100	100	100	100
6	Bridge Inspection	100	100	100	100	100	100	100	100	100	100	100	100	100	100
7	Grass Cutting	90	100	100	-	-	-	-	-	-	100	100	99	100	100
8	Street Cleansing	90	97	100	90	94	97	96	N/A	94	N/A	N/A	100	98	97
9	Gully Cleansing	90	100	100	93	95	95	N/A	N/A	N/A	N/A	100	100	100	100
10	Programme Management	80	100	100	100	100	100	100	100	100	100	100	100	100	100
11	Stakeholder Liaison	95	98	97	98	97	99	99	100	97	99	96	97	99	99
12	Risk	100	100	100	100	100	100	100	100	100	100	100	100	100	100
14	Special Projects Communications	100	100	100	100	100	100	100	100	100	100	100	100	100	100
15	Supervisory Checks	85	100	100	100	100	100	100	100	100	100	100	100	100	100

Note: OPI 13 was due to be a measure of special projects but was never agreed, hence why it's not included in the table.

