

## **Minutes of the meeting of Cabinet held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 12 January 2023 at 2.30 pm**

**Cabinet Members Physically Present and voting:** Councillor David Hitchiner, Leader of the Council (Chairperson)  
Councillor Liz Harvey, Deputy Leader of the Council (Vice-Chairperson)  
Councillors Pauline Crockett, John Harrington and Diana Toynbee

**Cabinet Members in remote attendance** None

*Cabinet members attending the meeting remotely, e.g. through video conferencing facilities, may not vote on any decisions taken.*

Group leaders / representatives in attendance: Councillors Terry James, Bob Matthews, Toni Fagan and Nigel Shaw

Scrutiny chairpersons in attendance: Councillors Felicity Norman

Other councillors in attendance: Councillors David Summers

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

### **184. APOLOGIES FOR ABSENCE**

Apologies were received from councillors Ellie Chowns, Gemma Davies and Ange Tyler.

### **185. DECLARATIONS OF INTEREST**

Councillor David Hitchiner declared a conflict of interest in agenda item 8 as a non-executive director of Hoople Ltd.

### **186. MINUTES**

**Resolved:** That the minutes of the meeting held on 12 December 2022 be approved as a correct record and signed by the Chairperson.

### **187. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 10)**

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

### **188. QUESTIONS FROM COUNCILLORS (Pages 11 - 12)**

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

### **189. REPORTS FROM SCRUTINY COMMITTEES**

The Health, Care and Wellbeing Scrutiny Committee submitted a report to Cabinet following completion of a Task and Finish Group on 'The Impact of the Intensive Poultry Industry on Human Health and Wellbeing'.

The chairperson of the task and finish group presented the recommendations of the committee, comprising 11 recommendations in the report of the task and finish group and an additional recommendation added by the scrutiny committee.

**It was resolved:**

- a) That the report on the Impact of the Intensive Poultry Industry on Human Health and Wellbeing made by the Health, Care and Wellbeing Scrutiny Committee at its meeting on 25th November 2022 be noted; and
- b) That an Executive Response to the scrutiny report and recommendations be prepared for consideration by the Cabinet within two months.

**190. TO ACCEPT AND SPEND ANY APPROVED LEVELLING UP FUND ALLOCATION TO HEREFORDSHIRE**

The leader of the council introduced the report and summarised the key projects included in the submitted Levelling Up Fund bid. Confirmation of the allocation to the council was expected in the next three weeks. Given the need to progress quickly with the projects in order to comply with the conditions of the funding, the report proposed delegated authority to officers so that work could commence as soon as confirmation was received.

Group leaders gave the views and queries of their groups and there was general support for the projects. In response to queries it was noted that:

- Outline planning approval was already in place for the industrial land at Ross on Wye;
- There was no impediment to contracts being signed during the pre-election period, normal business of the council would continue;
- Local MPs had been involved in and supported the bids;
- Economic delivery plans were in place for the market towns which had helped in putting forward bids, an economic plan for the whole county would be coming to Cabinet soon which would provide a framework for wider investment;
- If the funding was not received, the council would seek other funding opportunities.

**It was resolved that:**

- a) To accept and approve expenditure related any Levelling Up Funding offered by government for a package of public realm improvements in Leominster and Ledbury town centres and enhancements to the Leominster Old Priory building;
- b) To accept and approve expenditure related any Levelling Up Funding offered by government for the development of the site infrastructure and development plots for the Ross Enterprise Park;
- c) To accept and approve expenditure related any Levelling Up Funding offered by government for a package of transport and active travel measures in and around Hereford city;
- d) To delegate to the Corporate Director for Economy and Environment, in consultation with the Cabinet Member for Environment and Economy, the Cabinet Member for Infrastructure and Highways, and the Section 151 Officer, all operational decisions in implementing the funding in accordance with the bids to government;
- e) Subject to government approval of the Levelling Up Funding, approve the creation of a new development company to lead the development of Ross Enterprise Park and the feasibility of developing employment land sites in the other market towns; and

- f) 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 relation to the creation of the proposed development company.

**191. APPROVAL OF THE CREATION OF A NEW SHAREHOLDER COMMITTEE AND CONTRACTUAL ARRANGEMENTS WITH HOOPLE LIMITED**

*Councillor Hitchiner declared a conflict of interest as a non-executive director of Hoople Ltd, relinquished the chair and left the room for the duration of this item.*

*The director of resources and assurance also declared a conflict of interest as a non-executive director of Hoople Ltd and left the room for the duration of this item.*

*(Councillor Harvey as deputy leader of the council assumed the chair for the remainder of the agenda.)*

The cabinet member finance, corporate services and planning introduced the report and set out the recommendations to the cabinet. In a minor amendment to recommendation (c) it was proposed that the nomination of cabinet members to serve on the shareholder committee be dealt with at the next meeting of the cabinet.

Group leaders gave the views and queries of their groups. The establishment of the shareholder committee and the enhanced scrutiny of joint venture companies was welcomed as a step forward in the governance of such arrangements.

**It was resolved that:**

- a) Cabinet approve the terms of the new Services Agreement between the Council and Hoople Limited substantially in the form set out in Appendix 1;
- b) Cabinet note that Hoople Limited have been consulted on the Service Agreement.
- c) Cabinet agree the Terms of Reference for the Shareholder Committee as set out in Appendix 2, and nominate the Membership of the Shareholder Committee at the next meeting of Cabinet;
- d) That Cabinet recommend to Council changes to the Constitution to strengthen the governance framework to enable Audit and Governance Committee to have effective oversight of the governance of the Shareholder Committee; to extend the terms of reference of Scrutiny in relation to the operation of the Shareholder Committee, and to be explicit about the powers to set up the Shareholder Committee; and
- e) The Deputy Section 151 Officer and the Monitoring Officer following consultation with the Cabinet Member for Finance, Corporate Services and Planning are authorised to finalise the Hoople Services Agreement and to take all operational decisions with regard to the implementation of the above recommendations.

The meeting ended at 3.32 pm

**Chairperson**



**PUBLIC QUESTIONS TO CABINET – 12 JANUARY 2023****Question 1**

**From: Mike Willmont, Hereford  
To: Cabinet Member, Infrastructure & Transport**

On 7 Nov 2022 I reported to BBLP a blocked drain in Commercial Street.

Their response (Enquiry 11126562) was that a job had been created for the drainage team to unblock the gully by the end of the Nov.

By 20 Dec 2022 the drain had not been cleared and Councillor Miln advised that BBLP promised him that it would be fixed by 14 Dec.

As of 8 Jan 2023 the drain remained blocked. After two months there remains a large flood in a main shopping street.

My question – BBLP appears to be an organisation that is more interested in profit and cutting corners rather than providing a public service for which they are contracted to do. How much longer do the people of Herefordshire have to accept this unresponsive and inefficient service?

**Response**

The County Council, via its partner Balfour Beatty Living Places, operates two gully emptiers on the highway network. For much of the year one of the units is focussed on programmed work and the other on reactive type work, receiving its work direct from BBLP's inspectors or from public enquiries raised on the system.

In this instance a crew visited the gully, and three others, on the 10th November. The gullies were emptied and their respective connections checked, all appeared to be working as expected. A follow up inspection was carried out by the Locality Steward following reports of further ponding in the vicinity of the Waterstones' store on Commercial Street. The reactive emptier visited again, mud and silt were found in the bottom of the gully and the unit was emptied a second time. It was evident that there is an underlying problem at this location as gullies of this type would not normally require emptying more than once every couple of years.

The gully has been added to our list of problem locations and will be subject to CCTV survey in the near future, it is being treated as a priority as it sits at a sensitive part of the network. Had the problem been identified at the time of the first emptying then Mr Willmont would have been informed of the need for additional works. This has identified a weakness in our system whereby customer enquiries that are closed as a consequence of apparently successful works are not flagged should a similar problem manifest within a short period. We will be looking to discuss this issue with the system's architects, Brightly, via BBLP.

BBLP have been asked to contact you to advise you when the investigation works are to be scheduled and to inform you of any remedial works that are identified as a consequence.

Our contract with BBLP is such that they are paid to provide a defined service, and the delivery of this service is measured via a suite of agreed operational and strategic performance indicators. In this instance we are satisfied that the approach adopted is proportionate with the problem that was originally identified, and that when additional issues were found to exist then additional works were arranged. The profitability of the contract is not determined by cutting corners and minimising cost but by delivering the agreed services in line with the expectation of both the Annual Plan and the commissioning officer responsible for the area of work.

## **Question 2**

**From: Name and address provided**  
**To: Cabinet Member, Children and Families**

My supplementary question to Full Council (9/12/22) wasn't read out. A written answer was promised. None has materialized. The question was:

Will Councillors insist that alongside the draft improvement plan, there is a coherent and funded plan for dealing with the enormous and tragic legacy of years of inadequate services, and that responsibility for this is removed from the current leadership who have lost the trust of the families harmed?

The Chief Executive said at the same meeting that families who want to contact the independent reviewer should come through him (or the DCS) and that the independent reviewer will report to him. This does not feel safe for families who have lost trust in the current leadership. What will Cabinet do to ensure that reviews are truly at arm's length from those who may be implicated in failure?

### **Response**

Herefordshire council is committed to listening to families, and to working more restoratively so that we acknowledge where we have got things wrong, we apologise, and we try to put things right where we can. This is a key element of our practice principles going forward.

We are exploring a number of options to see how we can consider such representations from individuals and families by a body that is independent of the council that provides confidence and builds trust. It is hoped that we will be able to confirm who and what this is within the next few weeks.

## **Question 3**

**From: Name and address supplied**  
**To: Leader of the Council**

On 9 December at Full Council, the Leader of the Council made a statement about my wife who was a key witness in the VWV investigation. The Leader said that my wife "decided not to participate" in the VWV investigation. This is wholly untrue.

My wife had several hours of conversation with the independent reviewer and submitted evidence of email exchanges with officers.

However, unlike other witnesses, such as the Leader, my wife was not given a summary of her conversations with the independent reviewer as a witness statement to sign. As a result, all her evidence, including written evidence, was excluded.

The public record needs correcting at the next Full Council meeting.

Will the Leader or other Cabinet Members be asking why my wife's witness evidence was excluded from the VWV report, and why they were misinformed by officers?

### **Response**

In my statement to Council I did not identify the person. I also said that the person "in the end decided not to participate".

My understanding is your wife supplied VWV with a number of emails and attachments setting out her evidence. This is the format in which your wife offered to provide her evidence. A brief

draft statement in the name of your wife referring to those emails and attachments which would have therefore enabled this evidence to be relied upon and quoted from was sent to your wife for signature. Your wife declined to sign this statement. In light of this the report author was unable to take into account your wife's evidence in the report.

### **Supplementary question**

My wife told the Leader of the Council in a telephone conversation on 12 December that she had spent over 2.5 hours talking to the independent investigator. In addition to this extensive oral evidence, she also supplied email evidence at the investigator's request.

In my question, I also mention the "several hours of conversation" she had with the independent reviewer. The Leader also knows, because she told him on 12 December, that despite asking several times, she was never given any summary of her oral evidence, and the draft witness statement she was asked to sign excluded it, despite the fact that her oral evidence was the substantial part of her evidence.

I am concerned that the Leader is dismissing the facts in front of him in order to avoid having to challenge his senior officers on the veracity of what he is being told by them.

My wife told the Leader on 12 December that she has recordings of her conversations with the independent investigator. She can evidence that she is telling the truth but the leader hasn't asked to have those recordings. Of course the Leader wants to believe his officers, and his desire to believe them, has meant that he has chosen to unhear what my wife said, and to unread what was stated clearly in my question, that she had "several hours of conversation" with the independent investigator.

The public are alarmed by how often the evidence they are offering is being ignored, in favour of simply accepting what officers are saying.

We are in a crisis in Children's Services in part because for years the public's evidence has been ignored. Will the Leader start to use the evidence offered to him by the public to challenge officers, or step aside and let someone else lead this Cabinet?

### **Response**

The leader of the council confirmed that a written response would be provided.

#### Written response

The independent investigator has confirmed that there were conversations between the investigator and your wife as well as your wife sending the investigator a series of emails and attachments setting out key matters from your wife's perspective. Your wife asked of the investigator whether the report would be shared with her and the investigator replied (having checked and confirmed the position with the Council) that as per the terms of reference it would not. As a result your wife withdrew from the matter. Had your wife remained engaged with the investigation, the signed statement she was asked to sign would have enabled the investigator to use that as evidence, but in addition, the investigator would have wished to have further conversation(s) with your wife and capture not only what had been said previously but also other points arising from the review of the evidence in a further statement which would have then have been reflected in the report. However, in view of your wife's decision to withdraw from the process, this was not possible and so was not progressed.

An independent investigator was appointed to look into this matter which your wife decided to withdraw from. I will not take on the role for which the independent investigator was appointed.

The current administration have grasped the nettle and the Council is getting on with addressing the many issues. We also have extremely experienced advisers who were not part of the past, who the Council can rightly rely on to guide us and challenge us with these issues.

#### **Question 4**

**From: Melissa Portman-Lewis, Hereford  
To: Cabinet Member, Children and Families**

A supplementary question to CYP Scrutiny on 13 December challenged statements made at Full Council on 9 December by the Chief Executive. (Video recording from c. 2:38) The statements in question clearly implied that the independent reviewer was already working with more than one family.

Parents in A Common Bond do not believe this is true. A representative from Sir Bill Wiggins' office who was at the CYP Scrutiny meeting confirmed she was aware of only one family who had been contacted by the independent reviewer by 9 December.

A written response to the supplementary question was promised. None has appeared. The answer to this question is material to whether or not families can trust what is being said by the leadership to them and about them.

Will Cabinet insist that clarification on this matter is given urgently?

#### **Response**

As confirmed by the CEx, a number of families have contacted the council with their concerns. These families will be contacted in due course. The exact number of families that have been contacted to date cannot be confirmed as this may find the council in breach of data protection legislation. This is because the figures are so small that there could be a risk that someone with a specific interest in the topic, seeing a small number, could follow up private sources of information to locate the individuals and discover more details.

#### **Supplementary question**

At the heart of public question 3 is the question of whether senior officers always tell the truth. At the heart of my public question, is the same question: when the Chief Executive gave the clear impression on 9 December that the independent reviewer was working with a number of families, was that true? The A Common Bond families are confident that at 9 December the independent reviewer was working with only one family.

The written answer given to my question suggests that an exact figure cannot be given to protect the identities of the families. A number on its own would not identify any families. This is a smokescreen. An FOI about the Chief Executive's statement has already revealed that the number is in the range of "less than 5". It is indeed at best a false assertion to claim that knowing that the exact number is 1, or 2, or 3, or 4 puts anyone at further risk of identification but identifies if the Chief Executive is working in a timely manner or delaying families in need.

Is the inconvenient truth that the exact figure is one, and that what the Chief Executive implied in his statements on 9 December was at best misleading?

#### **Response**

Delays in responses are frustrating for questioners and I can't always respond with facts, figures and details on the spot. Firstly as far as families being contacted is concerned I do understand why the council has to err on the side of caution about making things public at the early stages

of engagements in all areas where numbers are very small. This is totally normal for a council, if a little frustrating for some of us.

Since the full council meeting that the questioner refers to, more progress has been made on external and independent work and our DfE commissioner is helping us to make sure that what we put in place is something that families can have confidence in. I understand and share impatience on this but it's important that we get it right. I will make sure that families are updated on this as soon as possible, that's what we all want.

Secondly, yes we are addressing historic shortcomings. We're collating the themes arising from families' communications with the council. I raise these constantly with the director and with his teams. It's important to listen but we have to do more than listen. I have frequent conversations with families and I identify things myself but we have to bring everything together in a systematic way. We have to do it properly. We're setting up clear systems for addressing issues, collating themes and integrating what we learn. This work is very overdue.

Everyone's story is different. We can't undo the past but we can improve the future. We all want the same thing - for families in the future not to have the distressing experiences of the past.

Thirdly, as far as leadership is concerned we have very different people in place now from a few years ago. It's very important that our leaders and managers are engaged in reviews and ongoing engagement with families. There is always a balance to be found between this and an independent perspective and we will make sure we get that right. I make no apology about that. More chopping and changing would not be helpful. We all want a relationship of trust between the council and the families we work with.

As far as feeling safe is concerned, I can assure you that all communications to the chief executive or to me for that matter are taken very seriously and passed on and dealt with compassionately. We can do better on improving our communications and this is a priority for us as a cabinet.

I am confident that our senior leaders we now have in place have a good understanding of the issues and of how people are feeling. They welcome feedback and they have us as a cabinet, us as a council, the commissioner and Ofsted to answer to.

As a council we've never had so much external and independent support and challenge and I welcome that. We're pleased to see that effective auditing and reviewing of work have been built into how we work. There has to be clarity between historic cases, ongoing cases and the formal complaint system. We must make sure that people feel they're working through a clear system and know where they are in the system and that there are clear end points. That doesn't mean that we don't want independent and external work on this as I mentioned at the beginning.

I'm very grateful to everyone we work with for keeping up the pressure for us to be the best we can be.



**COUNCILLOR QUESTIONS TO CABINET – 12 JANUARY 2023****Question 1**

**From: Councillor Nigel Shaw, Bromyard Bringsty ward  
To: Cabinet Member, commissioning, procurement and assets**

In an email of 23rd November 2022 addressed to all councillors, Cllr. Davies confirmed that she “was committed to supporting the (AUGB) group find suitable premises”, following this Council’s decision to evict them from the unit on the Three Elms industrial estate which they have been using to collect, sort and despatch humanitarian aid to the people of Ukraine who continue to suffer under daily attack from Putin’s forces.

Can the Cabinet member please advise whether this issue has yet been resolved and, if not, how she intends to resolve it?

**Response**

Officers from the Community Wellbeing Directorate have been working with AUGB to develop a longer term plan for the delivery of the much needed aid to Ukrainians both here and abroad. Proposals are progressing well and a plan is being developed for a commercial unit to be made available for the group. Council departments are working together to co-ordinate actions and are continuing to support AUGB and the services it is providing. Whilst there is no specific timeframe for the proposed plan, the Council remains committed to working with AUGB in Herefordshire.

**Supplementary question**

I very much appreciate the compassion and sympathy of the cabinet member in this matter and the work that officers from the community well-being directorate are doing. I would like to press the cabinet member if possible to give an undertaking that a unit will be identified before the group have to vacate their existing unit.

**Response**

In the absence of the cabinet member commissioning, procurement and assets the cabinet member health and adult wellbeing confirmed that discussions were ongoing with the group and that they would not be evicted. The council supported the work of the group with refugees.

