

REPORT OF THE MEETINGS OF CABINET

HELD ON 21ST AUGUST, 4TH AND 25TH SEPTEMBER AND 9TH AND 23RD OCTOBER, 2003

Cabinet Members: R.J. Phillips (Leader of the Council),
G.V. Hyde (Deputy Leader), Mrs. L.O. Barnett, P.J. Edwards,
Mrs. J.P. French, J.C. Mayson, D.W. Rule, MBE, R.V. Stockton,
D.B. Wilcox, R.M. Wilson.

This is the second report submitted to Council for the current year and covers proceedings of the meetings listed above.

1. DECISIONS RESERVED TO COUNCIL UNDER PART 4 OF THE CONSTITUTION

1.1 There are no such decisions for the reporting period.

2. NOTICES OF MOTION

2.1 At the Council meeting held on 25th July, 2003, Councillors B. Hunt and P.J. Dauncey gave notice of the following motion:

"In view of Council's support for swimming pool provision in North Herefordshire, and recognising the overwhelming support by local people for a Bromyard Pool, we urge this Council to give maximum support to this project and to investigate a Bromyard scheme concurrently with the Leominster project."

Urgency was not moved and the matter stood referred to the Cabinet Member (Community and Social Development). An update on the latest developments regarding a replacement pool for North Herefordshire is expected to be considered by Cabinet at a meeting in November.

2.2 A further motion relating to the provision of a swimming pool for North Herefordshire, submitted by Councillors J.P. Thomas and Brig. P. Jones, CBE was withdrawn.

3. KEY DECISIONS BY INDIVIDUAL EXECUTIVE MEMBERS WHICH WERE NOT INCLUDED IN THE FORWARD PLAN

3.1 **Compulsory Purchase Order (CPO): A4103 Roman Road, Hereford** - Herefordshire Council proposes to reconstruct a section of the A4103 Roman Road, Hereford between the Tillington Road and Stretton Sugwas. The scheme is included in the Council's Local Transport Plan and is in advanced state of preparation. Planning consent was granted in September 2003. Negotiations for the land required to implement the scheme are under way but it now seems unlikely that all the required land will be acquired by agreement. To avoid delay to the current programme the Council needs to start the compulsory purchase process as quickly as possible. The Cabinet Member (Highways and Transportation) has therefore granted approval to invoke compulsory purchase powers to purchase any required land which cannot be acquired by agreement.

4. CORPORATE STRATEGY AND FINANCE (Chairman of Cabinet – Councillor R.J. Phillips)

4.1 Report on Decisions Taken

- (i) **Approach to Revenue Budget 2004/05 - 2007/08** - The Council has tried over several years to refine the budget process to improve the build up not only of the annual revenue budget but the forward budget strategy of the Council. Cabinet has agreed to the following proposals:

That: (a) a Budget Panel should be appointed consisting of the Leader of the Council, the Chairman and Vice-Chairman of the Strategic Monitoring Committee and the four political group leaders, with no substitutes being permitted. Because both the Leader and the Chairman of the Strategic Monitoring Committee are also Group Leaders it has further agreed that the Leader appoint a further two members to the panel, neither of whom should hold a major service portfolio;

(Note: Councillors Mrs. J.P. French and Councillor R.I. Matthews have subsequently been appointed.)

- (b) a higher profile be given to the role of Cabinet Members in receiving representations from other Members of the Council on their own priorities for the revenue budget. That could either be in written form or by pre-arranged appointment;
- (c) a seminar be arranged for all Members of the Council immediately after the Secretary of State's announcement of the 2004/05 settlement;
- (d) Budget Panel report on its findings and make initial recommendations to Cabinet for consideration. It is important to restate that although the final budget will be determined by Council as a whole, responsibility for the recommendations on the budget ultimately lie with the Cabinet.
- (e) further consultation take place on Cabinet's initial proposals before these are finalised.

This would allow the Strategic Monitoring Committee to offer its views on the budget prior to Cabinet making its recommendation to the annual budget meeting of the Council in early March.

Cabinet has also recognised that it is important that the budget process does not concentrate solely on 2004/05. It has agreed that the Budget Panel should take into account the medium term financial planning needs of the Council both in terms of its capacity to finance the longer term programme and also in relation to the impact on services. The Budget Panel will therefore require spending needs to be addressed wherever practicable over a four year period.

- (ii) **Council Tax Consultation** - Cabinet has recognised the difficulty the Council faces when consulting the public on council tax and budget issues. It has agreed that consultation on Council Tax be undertaken through the continued

use of Herefordshire Voice (Citizens' Panel), focus groups drawn from the Citizen's Panel and Local Area Forums or some other form of open public meetings.

- (iii) **Balance of Funding Review** - Cabinet has approved a response to the Office of the Deputy Prime Minister (ODPM) following consultation on the Local Government Balance of Funding Review. In answer to a query the Chief Executive advised that the Council did not have the resources to respond in depth to all government consultations, preferring to concentrate its efforts on responding to those which would have a particular implication or impact on Herefordshire.
- (iv) **Herefordshire Council Improvement Plan - Monitoring Report** - The Council is required to have an Improvement Plan in place following the outcome of the Comprehensive Performance Assessment (CPA) and to implement appropriate monitoring arrangements. Cabinet has now received and agreed the first monitoring report. It has asked that future monitoring reports be modified to include appropriate 'milestones'.
- (v) **Revised Race Equality Scheme Action Plan** - Having expressed concern about the relatively slow progress against some elements of the original action plan considered in June 2003 Cabinet requested that a revised action plan and timetable be drawn up. It has now approved the revised action plan and timetable, subject to consideration being given to Induction Training for staff being implemented immediately rather than in accordance with the timetable proposed in the action plan. A progress report will be presented to Cabinet and Strategic Monitoring Committee in November/December 2003.
- (vi) **Parliamentary Constituencies - Revised Recommendations** - Cabinet has received the revised recommendations of the Boundary Commission for England in respect of the parliamentary constituencies within Herefordshire. The Commission is recommending a Hereford and South Herefordshire County Constituency to comprise 18 wards (Aylestone, Belmont, Central, Golden Valley North, Golden Valley South, Hollington, Kerne Bridge, Llangarron, Penyard, Pontrilas, Ross-on-Wye East, Ross-on-Wye West, St Martins and Hinton, St Nicholas, Stoney Street, Three Elms, Tupsley and Valletts); and a North Herefordshire County Constituency to comprise 22 wards (Backbury, Bircher, Bringsty, Bromyard, Burghill, Holmer and Lyde, Castle, Credenhill, Frome, Golden Cross with Weobley, Hagley, Hampton Court, Hope End, Kington Town, Ledbury, Leominster North, Leominster South, Mortimer, Old Gore, Pembridge and Lyonshall with Titley, Sutton Walls, Upton, and Wormsley Ridge). Cabinet has noted that the two parliamentary constituencies have been re-named; the external parliamentary constituency boundaries are now contiguous with the County boundary, the Golden Valley North and South Wards will now remain in the southern constituency and Backbury and Old Gore wards will now all be wholly in the northern constituency. Cabinet has decided not to recommend that the Council makes representations to the Boundary Commission.
- (vii) **Lifelong Learning Development Unit** - Following an inspection of the Council's Adult and Community Learning (ACL) provision, Cabinet has given its support to the Lifelong Learning Development Unit working with the Local Government Association and the local Learning and Skills Council to address

the constraints on a small rural-based Adult and Community Learning service in ensuring an equitable access to its services.

- (viii) **Recording Cabinet Decisions** - Cabinet has approved a revised method and format of recording its decisions. The Written Statement of Decision will now give details of Cabinet Members present when the decision was taken; the Cabinet Bulletins will be expanded, with provision being made for exempt information to be recorded in a Restricted Appendix and notes of Cabinet meetings will be discontinued. Cabinet has agreed that copies of all Written Statements of Decision will be sent to all Cabinet Members and Chairmen of Scrutiny Committees and the Vice-Chairman of Strategic Monitoring Committee as well as any Group Leaders not included in the above list.
- (ix) **Local Area Forums** - Following a review of Local Area Forums Cabinet has agreed a range of proposals as a framework for further development, subject to further consultation on the details of the proposals being undertaken with various interested parties. Subject to the outcome of the consultation, it has authorised the County Secretary and Solicitor to draft the necessary amendments to the Constitution for recommendation to a future meeting of the Council for approval. It has also proposed that Chairmen of the Local Area Forums should be appointed by the political Group Leaders and that the special responsibility allowance for those chairmen should be discontinued. It has asked that budgetary provision for Local Area Forums be identified in the next round of budget discussions.
- (x) **Hereford Markets Bill** - The Cabinet was informed that the Markets Bill has had its third reading and will be passed for Royal Assent on 30th October, 2003.

4.2 Report on Items of Interest

- (i) **Procurement of Contract Services** - The Council concluded its negotiations with Jarvis on 1st September, 2003. The new Herefordshire Jarvis Services Limited (HJS) is now responsible for undertaking most of the Council's printing and all its maintenance and repair work as well as construction projects up to the value of £200,000. Beyond that financial limit it will tender contracts competitively.
- (ii) **Treasury Management Activities 2002/03** - Cabinet has received a report on the Council's Treasury activities for the period 1st April, 2002 to 31st March, 2003. It has noted that:
 - (a) the maximum borrowing limits were not exceeded during the period;
 - (b) with regard to the transactions for the financial year 2002/2003, the cost of borrowing was within budget and the investment income was above the budget;
 - (c) the average rate for the debt portfolio fell during 2002/2003 by 0.2%;
 - (d) the return on investments managed by the County Treasurer's staff, marginally exceeded the index benchmark for 2002/2003; and
 - (e) the net return on externally managed funds exceeded the index benchmark for 2002/2003.

- (iii) **Audit Services Assurance Report 2002/03** - Cabinet has received a report on Audit Services activity during the year 2002/03. It has noted that a satisfactory level of control has been achieved. Cabinet has paid tribute to the internal Audit Services Team both for the work undertaken and the good working relationships it has fostered both within the Council and with our External Auditors.
- (iv) **Budget Monitoring 2003/04** - Cabinet has noted the position with regard to revenue budget monitoring for programme areas in 2003/04. Financial Regulations allow overspending of up to 2% of the Budget for individual programme areas subject to a 1% limit for the whole Council. The projected net overspending is just on the 1% limit. Appropriate action was being taken in respect of the projected overspend in Social Care. However, whilst some ground had been gained with the overspend on Property this was being adversely affected by the deficit on income from industrial estates. Careful monitoring and appropriate action where necessary will be undertaken to ensure the overall limit is not exceeded at the year end. The Cabinet Member (Social Care and Strategic Housing) has advised that whilst it was anticipated that the reduction in overspend on Social Care would be maintained, it would not be without a cost to service provision.
- (v) **Capital Programme Monitoring 2003/04** - Cabinet has noted the position as at 31st July, 2003 with regard to the Capital Programme for 2003/04. Only one major item of concern had been identified. This concerned the Education Capital Programme which included a scheme, funded by grant, for the Early Excellence Centre. This grant was conditional upon the expenditure being incurred by 31st August, 2003, which was not possible. A legal bond is being investigated with the DfES which will effectively commit the Council to the expenditure. The current capital monitoring forecast is that, subject to the Education bond issue, no conditional resources will be lost.
- (vi) **Revenue Budget 2004/05 - 2007/08 Budget Forecast** - Cabinet has noted a report on the latest resource forecasts for the revenue budget 2004/05 - 2007/08, in particular spending pressures relating to: waste disposal; job evaluation; revenue funding of existing commitments within the Capital Programme, as well as replenishing reserves.
- (vii) **LPSA Monitoring Report** - Cabinet has received a detailed analysis on the half term progress of the Council's Local Public Service Agreement (LPSA) targets. Overall performance is mixed and where there are problems these are generally due to the original stretched targets being particularly difficult to achieve, and to changes in the definitions of individual indicators. It has been agreed that progress reports be submitted to future meetings of Cabinet on a regular basis. It has been noted that failure to meet the agreed PSA targets will directly impact on the amount of Performance Reward Grant receivable in 2005/06 and 2006/07.
- (viii) **Strategic Monitoring Committee** - Cabinet has received and noted the Strategic Monitoring Committee's report which will be made to Council.

**5. AUDIT AND PERFORMANCE MANAGEMENT
(Cabinet Member - Councillor D.B. Wilcox)**

5.1 Report on Decisions Taken

- (i) There were no decision taken during the reporting period.

5.2 Report on Items of Interest

- (i) **2003/2004 Corporate Performance Outturns** - The Council has developed revised performance monitoring arrangements as outlined in the Comprehensive Performance Self-assessment document submitted to the Audit Commission. The revised arrangements ensure that the Chief Executive's Management Team, the Strategic Monitoring Committee, Scrutiny Committees and Cabinet are all involved in the performance monitoring process. Cabinet has noted details of the Council's reporting and scrutiny arrangements in relation to the National Best Value Performance Indicators, and has received an update on corporate performance from 1st April to 31st July, 2003. It has expressed concern about indicators relating to housing benefit claims and their impact on vulnerable people within the County but has been reassured that processes for dealing with new claims are being addressed this year with those for renewals being dealt with next year. Although there was some concern about the low number of complaints being resolved at Complaints Officer level, it was advised that no complaints had been upheld at ombudsman level during the life of the Council.

**6. COMMUNITY AND SOCIAL DEVELOPMENT
(Cabinet Member - Councillor R.V. Stockton)**

6.1 Report on Decisions Taken

- (i) **Access to Services in Kington and Surrounding Areas: Wesleyan Chapel** - A report on this item is to be found at paragraph 11.1 (i) of this report.
- (ii) **County Sports Partnership** - Cabinet has received a report giving the outline received to date, of a proposal to help deliver a sport and physical activity scheme throughout the County through a County Sports Partnership. Cabinet heard that not to participate would, in effect, mean that the Council would have no mechanism for accessing funding from the Regional Sports Board (within Sport England). Although concerned by the lack of detail in the report, Cabinet has agreed that the Council joins the Worcestershire County Sports Partnership to deliver the sport specific initiatives for an initial trial period of twelve months to deliver Active Sports. It has asked that a review of the partnership be undertaken when the Regional Sports Board is in place.
- (iii) **Public Library Position Statement** - In previous years the Council has had a statutory requirement to submit an Annual Library Plan to the government. As part of the process to reduce the number of plans local authorities are required to prepare for central government, from 2003, the requirement is to submit a Position Statement, a substantially shorter document. The Position Statement will be used by the government to assess the progress being made on implementing the new national framework for public libraries. It has been noted that Herefordshire does not currently meet the key library standards

covering total and convenient opening hours; distance to travel; visitor numbers; books and media added to stock; but that performance against the first two should improve significantly with the opening of the new Bromyard Library in 2004. Cabinet has approved the Public Library Position Statement.

- (iv) **Voluntary Sector Grants** - Cabinet has approved the allocation of grants to the following organisations:

Citizens' Advice Bureau - £4,000

ECHO - £2,500

Herefordshire Voluntary Action - £2,500

Community Voluntary Action Ledbury - £1,000

The Cabinet Member is normally responsible for approving grants to voluntary sector organisations. However, as he had declared a personal interest in one of the organisations, the matter had to be referred to Cabinet.

7. ECONOMIC DEVELOPMENT, MARKETS AND PROPERTY (Cabinet Member and Deputy Leader - Councillor G.V. Hyde)

7.1 Report on Decisions Taken

- (i) **Leominster Industrial Estate Access Road** - A new industrial estate access road is required to open up land and service a further 12 hectares (30 acres) of employment land to the south of the Leominster Industrial Estate in accordance with the Leominster District Local Plan. Negotiations commenced in 2000 to acquire the land required for the implementation of the scheme. A Compulsory Purchase Order and a Side Roads Order were made in Autumn 2001. Following a public inquiry in July 2002, the Order was confirmed by the Secretary of State in October 2002 and the remaining plots of land transferred to the Council's ownership in May 2003. Cabinet has authorised the Director of Policy and Community and the Director of Environment to let the construction contract for the scheme. The report was taken in confidential session.
- (ii) **Local Authority Business Growth Incentives (LABGI)** - LABGI is part of the Local Government Act 2003 which will "reward Councils which promote business development in their areas by allowing them to keep a proportion of their local business rates". Cabinet has agreed a response to the consultation and agreed that the Council should volunteer to be part of the administrative dry run once more detailed advice is received on the requirements. Cabinet recognised the need to consult with the Cabinet Member (Economic Development, Markets and Property) and the Cabinet Member (Rural Regeneration and Smallholdings) should the Council's offer to volunteer be realised.
- (iii) **River Wye Litigation** - Cabinet has received a confidential report from the County Secretary and Solicitor and has authorised her, in consultation with the Director of Environment, to settle the multi-party High Court Action concerning fishing rights in the River Wye, and to settle the adjourned High Court litigation concerning fishing and other rights connected with the River Wye with the Hereford and District Angling Association on substantially the terms previously agreed in principle by Cabinet.

8. EDUCATION
(Cabinet Member: Councillor D.W. Rule, MBE)

8.1 Report on Decisions Taken

- (i) **Children's Centres** - One of the outcomes of a review of national childcare policy was the proposal to establish a Children's Centre in every area of disadvantage. A number of explicit targets were set for Herefordshire. A central target is that Children's Centres in the County should be developed in order to provide for at least 1044 children by 2007 in terms of services relating to early education and day care provision; parental outreach; family support services; child and family health services, including ante-natal services; support for parents/children with special needs; centres to act as service hubs for parents and providers of childcare services; and a base for childminder networks and a link to local neighbourhood nurseries, out of school clubs and extended schools; and to create an additional 50 childcare places. Cabinet has approved a strategy for the development of Children's Centres in Herefordshire, which would involve the provision of services specifically through the Leominster Family Centre, the Hunderton Family Centre and the Greencroft Early Excellence Centre, subject to further consultation.

- (ii) **Building Schools for the Future** - Cabinet has approved a bid to the DfES for inclusion in the first phase of the Government's initiative "Building Schools for the Future". Under the initiative all Local Education Authorities are expected to make bids for new building/refurbishment of all their secondary schools. Bids for an early phase of the national programme need to be made by the end of October 2003; decisions will be announced in December so that work could begin in 2005/06. Officers were reminded of the importance of taking account of age profile projections in providing schools in the future.

9. ENVIRONMENT
(Cabinet Member: Councillor P.J. Edwards)

9.1 Report on Decisions Taken

- (i) **Herefordshire Unitary Development Plan (UDP): Part 1 (Strategy)** - Cabinet has agreed that the UDP Group develop its recommendations to Cabinet and Council on the basis of the following considerations:

THAT (a) the UDP Group develop its recommendations on the basis of the following considerations, and report back to Cabinet and Council in due course:

- (i) Vision and guiding principles: affirming the role of the Plan in contributing to the ambitions of the Herefordshire Plan;

- (ii) Sustainable development (policy S1): confirming and clarifying the central role played by sustainable development in the Plan, setting out a clearer statement of the Plan's development strategy based on a sequential approach which incorporates the use of previously developed land and buildings;

- (iii) Development requirements (policy S2): taking a

precautionary approach to development in areas of flood risk by directing development to locations at lower risk of flooding, consistent with other sustainable development objectives;

- (iv) Housing (policy S3): confirming the overall total and distribution of housing development and the level of affordable housing sought, with a clearer statement of locational strategy in tandem with the changes recommended to policy S1;
- (v) Employment (policy S4): confirming the overall approach to the scale and location of new employment development;
- (vi) Town centres and retail (policy S5): clarifying the sequential approach and including reference to the requirement to demonstrate need;
- (vii) Transport (policy S6): including reference to the hierarchy of transport modes defined in the Local Transport Plan;
- (viii) Natural and historic heritage (policy S7): confirming the Plan's overall approach to environmental protection, including the landscape character assessment approach and the use of supplementary planning guidance;
- (ix) Recreation, sport and tourism (policy S8): continuing with Plan policies to balance development with environmental considerations;
- (x) Minerals (policy S9) and waste (policy S10): revising the Plan to take account of the revised national guidelines for aggregate provision and the scenarios for sand and gravel and crushed rock supported by Planning Committee 17 July, and the agreed Best Practicable Environmental Option for the management of waste (Cabinet 10 July);
- (xi) Community facilities and services (policy S11): including specific reference to education.

and

- (b) the membership of the UDP Group as considered by Cabinet on 12th June, 2003 be re-affirmed.
- (ii) **A Joint Municipal Waste Management Strategy for Herefordshire and Worcestershire - pre-Consultation Draft** - Cabinet has endorsed the pre-consultation draft of the Joint Municipal Waste Management Strategy for Herefordshire and Worcestershire. A copy of the document is on deposit in the Members' Room.
 - (iii) **River Wye Litigation** - A report on this item is to be found at paragraph 7.1 (iii) of this report.

10. HIGHWAYS AND TRANSPORTATION
Cabinet Member - Councillor R.M. Wilson)

10.1 Report on Decisions Taken

- (i) **Leominster Industrial Estate Access Road** - A report on this item is to be found at paragraph 7.1 (i) of this report.
- (ii) **Car Parking Strategy and Charges** - On 9th October, 2003, the Cabinet Member agreed revised car parking charges across the County in accordance with the county-wide parking strategy. A copy of the schedule of individual charges for each car park is in the Members' Room. He also agreed that all car parks accepting commercial vehicles or coaches be subject to a 7.5 tonne gvw limit and revised the car park order for Ledbury car parks to require display of a "clock" by disabled users with free parking for disabled users limited to 3 hours in those car parks for which charges apply. This decision was called in and considered by the Environment Scrutiny Committee on 21st October, 2003. The Committee resolved:

that the Cabinet Member (Highways and Transportation)'s decision on car parking charges be referred back to him for further consideration with the following recommendations: that

- "(a) as Councillors the Committee are well aware of their financial responsibilities but are still unhappy with the proposed charging structure and the Cabinet Member is therefore asked to revisit the individual charges being mindful of the overall goal, and accordingly charges be retained at the levels existing as at 8th October, 2003 pending further consultation and collaboration with members of the Council and other appropriate representative bodies; and*
- (b) a full review of the car parking strategy be undertaken and arrangements for this be put in hand as soon as practicable."*

The Cabinet Member referred the matter to Cabinet who considered it at its meeting on 23rd October, 2003.

Cabinet noted a correction to the proposed one hour charge for Greyfriars car park in Hereford City reducing it from £1.00 to 80p.

Cabinet has confirmed the Cabinet Member's original decision summarised in paragraph (ii) above, subject to ongoing consultation, agreed that revised charges be introduced from early 2004 and agreed that a full review of the car parking strategy be undertaken and arrangements for this will be put in hand as soon as is practicable.

**11. HUMAN RESOURCES AND CORPORATE SUPPORT SERVICES
(Cabinet Member - Councillor Mrs. J.P. French)**

11.1 Report on Decisions Taken

- (i) **Access to Services in Kington and Surrounding Areas: Wesleyan Chapel** - Cabinet has received a progress report on the possible refurbishment and conversion of the Wesleyan Chapel for use as a Library, INFO shop and associated community and business services as agreed in March, 2003, subject to a viable Business Case being reported to Cabinet. It has agreed that further development work should be undertaken and to this end officers have been authorised to establish a partnership-based project team to establish funding, and develop and implement the scheme in line with previous recommendations of Cabinet.
- (ii) **Implementing Electronic Government (IEG) Statement** - Cabinet has approved the Implementing Electronic Government Statement 2003. This is the third year that the Council has been required to submit an IEG statement to central government to set out how it will achieve improvements on customer focused services underpinned by information technology. To date £200,000 has been allocated as a result of submitting the IEG statements and it is assumed that a similar sum will be awarded next year.

**12. RURAL REGENERATION AND SMALLHOLDINGS
(Cabinet Member - Councillor J.C. Mayson)**

12.1 Report on Decisions Taken

- (i) **Local Authority Business Growth Incentives (LABGI)** - A report on this item is to be found at paragraph 7.1(ii).

**13. SOCIAL CARE AND STRATEGIC HOUSING
(Cabinet Member Councillor Mrs. L.O. Barnett)**

13.1 Report on Decisions Taken

- (i) **Children's Centres** - A report on this item is to be found at paragraph 8.1 (i) of this report.
- (ii) **Extra Care Housing** - Cabinet has received a report on the proposed development of an Extra Care Housing scheme within Hereford City on the site of the former Council-owned nursery in Ledbury Road, which is currently leased for a limited two-year period to Unity Gardens. It was emphasised that the report was seeking approval to apply for planning permission. Cabinet was unanimous in its acknowledgement of the enormous success of the Unity Gardens project and its contribution to the local community. It has noted that if extra care housing was to be provided on the site it would effectively deny the Council the opportunity to use the route from the city end of Aylestone Hill to the Ledbury Road as a means of achieving the possible aspirations of the Hereford Transport Review and the Edgar Street Grid proposals. However, on balance Cabinet considered that the land in question should be the preferred site for an Extra Care Housing scheme. Cabinet re-affirmed its support, and approved the development of an Extra Care facility within Hereford City to be developed in partnership with Extra Care Housing Trust

and selected Registered Social Landlords; supported the proposal to use the former Nursery Site, Ledbury Road, Hereford for the purposes of developing an Extra Care Housing scheme, subject to relevant planning application processes and land disposal considerations; and agreed that the Council would try to assist the current leasehold occupiers of the site by exploring with the proposed developers the possibility of accommodating them on part of the site. If this is not feasible the Council will consider offering an alternative location for their operations.

- (iii) **Herefordshire Homelessness Review and Strategy 2003** - The Council is obliged, under the statutory requirements of the Homelessness Act 2002, to carry out a review of homelessness and to write a five year homelessness strategy setting out an action plan to meet specific outcomes. A draft of the review and strategy has been submitted to the Office of the Deputy Prime Minister, subject to subsequent changes. Cabinet has noted the detailed analysis of the extent of homelessness in Herefordshire and agreed the Homelessness Strategy 2003, including the associated action plan, to meet the national and local targets necessary to maintain the Council's three star homelessness service.
- (iv) **Future of Elmhurst Residential Home for Older People** - On 13th March, 2003 Cabinet authorised the Director of Social Care and Strategic Housing to work with Herefordshire Primary Care Trust (HPCT) to develop a resource centre for older people with mental health problems at Elmhurst Residential Home, and that Partnership discussions be extended to include an independent sector provider to operate the facilities at Elmhurst. Since then no agreement has been reached with HPCT on the development of an EMI resource centre and although they wish to continue discussions, the HPCT are primarily interested in Elmhurst as office accommodation which would also enable the Department of Mental Health for Older People (DMHOP) to be co-located. As it seems likely that no further progress will be made with the HPCT over the next few weeks, Cabinet has agreed, subject to further consultation with residents, their families and carers, to make all of Elmhurst available to SHAW as part of the transfer in order to achieve and continue intermediate/interim care, day services and carer support for the user group. This would be on a tapering commissioning and contract arrangement. Over time this would release resources for Older People's Services, while in the short term it would contribute to reducing delays in the NHS locally for this user group.
- (v) **TUPE Considerations in Relation to the Proposed Transfer of Homes for Older People to Shaw** - Cabinet has received a confidential report on the choices available in respect of the protection of terms and conditions of employment (including pension arrangements) of both those Council staff who would transfer to SHAW and new staff employed by SHAW subsequently. It has agreed that the existing staff group should be transferred to SHAW under the terms of the Transfer of Undertakings and Protection of Earnings (TUPE) Regulations and that their existing occupational pension rights be fully protected as part of that transfer; and that SHAW would not be required to employ new joiners, post-transfer, on no less favourable terms and conditions (including pension arrangements). It is expected that a further report will be submitted to Cabinet during November 2003.

13.2 Report on Items of Interest

- (i) **Regional Housing Strategy for the West Midlands and Regional Housing Board Allocations Strategy** - Cabinet has noted the contents of the Regional Housing Strategy for the West Midlands and the Regional Housing Board Allocations Strategy which will form the basis of investment and other decisions taken by the Regional Housing Board.
- (ii) **Annual Review of Performance in 2002-03 Herefordshire Council Social Services** - Cabinet has received a report on the performance assessment by the Social Services Inspectorate (SSI) for 2002-03. The Review gives the Council a statement of progress and the need for improvements which forms the basis of star rating decisions in November 2003. The main area for concern is the performance in Older People's Services. A detailed Older People's business case is to be presented to a future meeting of Cabinet. Performance in the children's area is sustained as demonstrated in the SSI evaluation of the self audit following the Victoria Climbié Inquiry. This showed Herefordshire was serving most children well and had promising capacity for further improvement.

COUNCILLOR R.J. PHILLIPS
LEADER OF THE COUNCIL