

**MINUTES of the meeting of CABINET held at THE COUNCIL CHAMBER, BROCKINGTON, 35 HAFOD ROAD, HEREFORD on Thursday 20 November 2008 at 2.00 p.m.**

**Present:** Councillor RJ Phillips (Chairman)

**Councillors:** LO Barnett, AJM Blackshaw, H Bramer, JP French, JA Hyde, JG Jarvis, PD Price and DB Wilcox

**In attendance:** Councillors PA Andrews, ACR Chappell, GFM Dawe, PJ Edwards, TM James, RI Matthews, SJ Robertson and JE Pemberton

**59. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**60. DECLARATIONS OF INTEREST**

There were no declarations of interest declared.

**61. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 16 October 2008 be approved as a correct record and signed by the Chairman.

**62. CALL-IN OF CABINET DECISION ON SWIMMING POOL PROVISION FOR PRIMARY SCHOOLS IN HEREFORD CITY**

Cabinet considered a report giving details of the recommendations made by the Children's Services Scrutiny Committee in relation to the call-in of the key decision on swimming provision for primary schools in and around Hereford City and the future of the LEA swimming pool.

The Chairman of Children's Services Scrutiny Committee, presented the report and reminded Members that Cabinet had considered the LEA pool facility on two previous occasions and subsequently by the Children's Services Scrutiny Committee. She reported that she had been contacted by many people in her role as Chairman, with the view that the pool should be re-opened and requested that the local community be given the opportunity to put forward a business plan.

The Leader reminded Members that at the Cabinet meeting on 31 July, a business plan in respect of the LEA pool had been considered.

The Chairman of the Strategic Monitoring Committee expressed concern about the lack of communication and consultation prior to the closing of the pool. The Labour Group Leader stated that he had requested that all community groups should be consulted on the LEA pool issue but believed this had not been carried out. He took the view that following the swimming successes in the recent Olympic and Para-Olympic games, and with the next Olympics being held in this country, it was likely there would be more demand for swimming. He referred to a development at Saxon Gate and Section 106 agreement monies which he considered could be utilised

towards maintaining the pool. He urged Cabinet to support the Scrutiny Committee recommendations.

The Leader emphasised that if the LEA swimming pool was a community project it was for the community to put a business case forward. He reminded Members that the provision of swimming for the over 60s had some budgetary pressure and that there were also budgetary implications for the provision of free swimming for the under 16s. With these issues in mind, the lifespan and business expansion of the HALO pool had been considered. He further pointed out that the Herefordshire pools swimming capacity had been increased and that the capacity, functionality and safeguarding issues at all public swimming facilities and the LEA pool were continually being monitored.

The Cabinet Member for Corporate and Customer Services and Human Resources reminded members that LEA pools were maintained to certain standards and finance was set aside in this respect. In view of the maintenance guidelines which needed to be adhered to and other budgetary pressures to maintain the LEA pool, she could not support the Children's Services Scrutiny Committee recommendations.

A Member in attendance was of the view that the arguments in respect of the LEA pool had been put to Cabinet a few months previously but welcomed sound reasonable and sensible ideas to enable the pool to be re-opened. He referred to a large number of the community who wanted the pool to re-open and considered its re-opening to be essential.

The Cabinet Member for Economic Development and Community Services supported the exemplary work of staff at the Hereford Leisure Pool in providing the facility for the community, and was also of the view that a business plan was required to support any re-opening of the LEA pool.

The Cabinet Member Environment and Strategic Housing endorsed the need for the community to put forward a business plan and feasibility study which would need to be viable for several future years.

The Alliance Group Leader referred to the Council's business debt, which he believed was in excess of £100 million, and was of the view that the additional cost to re-open the pool was small by comparison. The Director of Resources informed Cabinet that the long term borrowing of the Council was £94 million.

The Independent Group Leader commented that he felt that Council could find a way of keeping the pool open.

The Liberal Democrat Group Leader referred to the current expenditure on the refurbishment of Brockington and took the view that such funds could have been spent on the swimming pool.

The Cabinet Member Social Care Adults stated that the question to be considered was whether the Council should continue to utilise an up to date Hereford Leisure pool facility or should the Council spend money on an old pool.

The Leader emphasised that priority must be given to ensuring that the public swimming pools run by HALO on behalf of the Council were appropriately maintained, particularly given the need to provide swimming facilities for over sixties and under sixteens. It was also important to have the views of the local community and to be aware of the capital and revenue situation of the LEA pool.

**RESOLVED: That**

- (i) the LEA swimming pool not be reopened;
- (ii) alternative provision from September 2008 be offered at Hereford Leisure Pool and that this provision by HALO be monitored to ensure that the needs of schools and other users continue to be met;
- (iii) close collaboration and partnership working be undertaken between the Council and HALO with schools, clubs and other users of the LEA pool to ensure that a viable and efficient service is provided;
- (iv) the local community to submit a feasibility/business case to cover several years on the viability of the use of the LEA pool; and
- (v) a report be brought back to Cabinet by Easter 2009 at the latest outlining the outcome of the process.

**63. DATA QUALITY - SIX MONTH UPDATE**

Cabinet considered a report which updated Members on progress against the data quality action plan as required by the Council's data quality policy.

The Cabinet Member for Corporate and Customer Services and Human Resources presented the report and emphasised the need for the plan to be fully completed by the time of the annual review. She referred to her concern regarding risk management and failure to take adequate action to ensure high data quality and that where services do not keep to the appropriate timescales that they should be itemised and not generalised in reports to Cabinet.

The Head of Policy and Performance reported that the report before Cabinet showed that progress was being made. This had been confirmed by the preliminary findings from the Audit Commission's 2008 audit. However the targets for the first six months were ambitious and not all of them had been met. More effort was required by all Directorates in the next six months particularly on the actions detailed in paragraph five of the report.

**RESOLVED: That**

- (i) progress against the data quality action plan be noted; and
- (ii) the plan be fully completed by the time of the annual review.

The Leader informed Cabinet that he would be taking the Budget Monitoring report after the next item.

**64. INTEGRATED CORPORATE PERFORMANCE REPORT FOR APRIL TO SEPTEMBER 2008**

Cabinet considered a report on the Council's performance for the first six months of 2008-09 against the Corporate Plan 2008-11 and national performance indicators used externally to measure the Council's performance, taking account of the separate but complementary financial performance report, risk and progress against the action plans produced following the Crookall review.

Introducing the report, the Cabinet Member for Corporate and Customer Services and Human Resources underlined the importance of focusing on specific areas of good or poor performance rather than generalities, so as to ensure that areas that needed to improve were clearly exposed and the necessary remedial action followed through by lead Cabinet members and the relevant managers.

The Corporate Policy and Research Manager (CPRM) highlighted further improvements that had been made following feedback from Members on the new style of report that had been presented for the first time in October.

Having drawn attention to the improved position overall in relation to Corporate Plan indicators but the deterioration in aggregate as regards those that had been used up to now by the Audit Commission for assessing direction of travel, he highlighted specific issues identified in the report in relation to the Council's top priorities.

Children's indicators showed a mixed picture. Continuing concern about some aspects of assessment and youth services, and newly red-rated indicators in respect of absenteeism and young people not in education, employment or training but improvements in the timely review of child protection cases, referrals going to initial assessment and children with a named social worker. The CPRM drew attention to the Director's commentary, which reported good progress with recruitment and the new Framework system, both of which should help to improve a number of key indicators in the months ahead.

In relation to adult social care, he highlighted the positive developments highlighted in the Director's commentary but also the six newly red-rated indicators, most of which were because of delays in Council and Primary Care Trust (PCT) discussions necessary to provide a basis for robust reporting and management of performance.

Finally, he highlighted the continuing challenges in tackling homelessness during the credit-crunch and recession. Although a number of indicators remained red-rated, successful preventative action had been taken and overspending reduced.

The Chairman of Strategic Monitoring Committee referred to the following areas which the Strategic Monitoring Committee had discussed in relation to this report:

- (i) the overall position in relation to the Corporate Plan and the direction of travel indicators;
- (ii) the importance of establishing robust baselines;
- (iii) concern regarding the delays in conducting discussions with the PCT that were essential to improving some areas of performance; and
- (iv) concern about the one new risk with a high score even after mitigating action, namely 'Lack of planning by other parts of the organisation is having a significant impact on the ability of the ICT to deliver to customers' timescales'.

The CPRM explained that a rigorous view was taken regarding the need for robust baselines to be established as quickly as possible. Some were complex or had to be provided by Government or depended on the results of the new national Place Survey or other surveys. There was a clear timetable for each and, where the baseline was not yet in place, progress was assessed, wherever possible, by reference to key actions or proxy indicators that, if achieved, should contribute to better performance against the relevant indicators.

**RESOLVED: That Cabinet**

- (i) **notes the performance to the end of September 2008 and the measures being taken, where necessary, to improve it; and**
- (ii) notes progress in implementing the action plans produced following the Crookall review.

**65. BUDGET MONITORING REPORT 2008/09**

Cabinet considered a report on the Council's performance against revenue and capital budgets as at 30 September 2008 and provided an indication of the estimated outturn for the 2008/09 financial year. The report also included the numbers and amounts written off for individual debts exceeding £1,000 for the period 1 April to 30 September 2008.

The Cabinet Member for Resources presented the report and informed Members that it was the second formal budgetary report to Cabinet this year. He emphasised that the projected revenue overspend of £1.292million had reduced by £379,000 which was pleasing but that Cabinet would continue to monitor the situation closely. There would be a need to ensure that spending in the current financial year remained on track particularly given the financial climate. He also referred to keeping money in reserve and to spending such money on major projects and not overspends.

The Head of Financial Services stated that it was important that overspends need to be addressed otherwise this would cause for the Council's overall position. Recovery plans were however in place and they were being closely monitored. He referred to the Adult Services overspend and informed Cabinet that the overspend included the assumption that the Primary Care Trust would take responsibility for Continuing Health Care packages. In the Children and Young Peoples Directorate there had been a reduction in fuel and transport related costs therefore reducing the overspend. In the Deputy Chief Executive's Directorate local land charges income had reduced in Legal and Democratic Services creating a financial pressure; this arose because the Private sector now competes for this work. The Environment and Culture Directorate overspend had risen slightly and given the change further work was necessary on the recovery plan. In the Regeneration Directorate there had been an improvement due to an increase in planning fee income. The Head of Financial Services drew cabinet's attention to the financial risk around the ARCH project and a minimum of £123,000 of grant is likely to be clawed back. More information on this would be available in January 2009. The general level of investment income had fallen and the Council is now seeing rates of interest rates of 3.25% of its invested balances following the recent rate cut and that it was likely to fall further which would be a pressure in the 2009/10 budget.

The Independent Group Leader asked for assurance that the frontline Highways Maintenance programme would not be depleted further.

The Cabinet Member Highways and Transportation stated that the highways maintenance programme was on track but could not give an absolute assurance because of the uncertainty in future weather conditions.

In answer to a question regarding grants in respect of the A465, the Head of Financial Services informed Cabinet that the actual amount of grant received for the de-trunking of the A465 was £195,000 for the this year and next years grant would be £335,000 and that the Council would continue to receive that amount in future

years.

In answer to a question regarding sundry debtor write-offs, the Director of Resources informed Cabinet that some of the debts could be up to 10 years old. These figures were continually monitored.

The Head of Financial Services informed Cabinet that the level of Capital expenditure to date was 29% of the total budget and this level was similar to the previous year.

**RESOLVED: That the report be noted.**

**66. JOINT SCRUTINY REVIEW OF THE TRANSITION FROM LEAVING CARE TO ADULT LIFE**

Cabinet considered the response to the recommendations arising from the Joint Scrutiny Review of the Transition from Leaving Care to Adult Life attached to the report.

The Chairman of the Scrutiny Review Group presented the report. She had hoped that the review would be submitted to Cabinet at an earlier date but due to other reviews taking place at the same time this had not been possible. She referred to paragraphs 12 and 13 of the review. With regard to Paragraph 12 – ‘Personal Education Plus (PEP)’, she suggested that not all looked after young people had a PEP and that it was paramount that all such young people should have a PEP. With regard to paragraph 13 – ‘Out of County Placements’, she had expressed concern that when young people’s transfer of placements took place their personal possessions were placed in a black bin bag. She had since been assured that young people were provided with a suit case for the moves.

The Cabinet Member Children’s Services thanked the Chairman of the Review Group for presenting the review. She informed Cabinet that some of the main points of the review had been actioned and that the number of looked after young people attached to the transition project had doubled. She thanked the Head of Safeguarding and Assessment and the Service Manager (Safeguarding and Looked After Children) for their support and input to the review.

The Cabinet Member Social Care Adults suggested that part of the review could encompass children when they leave high school. She was of the view that more work was needed in this area.

The Cabinet Member for Corporate and Customer Services and Human Resources was of the view that the review could be referred back and considered in a more holistic way in respect of the health and environment culture. She referred to PEPs, Health Plans and This is Our Lives Plan and asked if these were in place. The Cabinet Member Children’s Services informed Cabinet that these issues were currently being reviewed by Children’s Services.

The Leader expressed the view that there is a need to take note of the length of time that reviews are taking and that a task and finish process should be put in place. He agreed that a holistic approach should be taken on the health and environment culture.

**RESOLVED: That**

- (i) the proposed response recommendations arising from the Joint Scrutiny Review of the Transition from leaving Care to Adult Life be approved; and
- (ii) a report be submitted to Cabinet in six months detailing the recommendations referred to in (i) above, together with the actions taken on those recommendations and that the report also takes a more holistic approach on the health and environment culture.

**67. OMBUDSMAN LETTER AND COMPLAINTS AND COMPLIMENTS MONITORING 2007/08**

Cabinet considered a report which informed Members of the Ombudsman Annual Letter 2007/08 and the figures for complaints recorded and determined by the Local Government Ombudsman and the Complaints Panel for the year ended 31 March 2008 and which updated Cabinet on other governance matters relating to the Standards Committee.

The Assistant Chief Executive, Legal and Democratic presented the report. He asked Cabinet to take notice of the monitoring processes, internal complaints and ombudsman complaints procedures and benchmarking. He added that the Council was in the top quartile of Unitary Councils responding to the Ombudsman within 28 days achieving a target of 23 days. The Ombudsman recognised that the Council's complaints processes worked well and that the complaints referred to him were not premature.

A question was asked regarding timescales for complaints considered by the Standards Committee. The Assistant Chief Executive, Legal and Democratic reported that the Assessment Sub Committee did have timescales to consider complaints and also with reviews and investigations.

The Cabinet member Environment and Strategic Housing referred to the 12 complaints in Planning and Building Control from 1 April 2007 to 31 March 2008 and was of the view that this was a very good performance by the Planning Department.

The Labour Group Leader considered that it should be noted that the officers had been very thorough in carrying out their work and was delighted to say that the processes worked well.

The Leader stated that it was important to note when allegations are made against persons in public office and the sensitivity such allegations create.

**RESOLVED: That the report be noted.**

The meeting had a short break at this point, 4 pm, and the Cabinet Member, Social Care Adults and the Cabinet Member, Corporate and Customer Services and Human Resources left the meeting.

**68. HEREFORDSHIRE CONNECTS**

Cabinet considered a report recommending new systems for an Integrated Support Services ('back office') and a new system for Performance Management and Risk Management, and to address the integration of systems by both recommending a toolset that will integrate systems. Also, to progress the integration of the Social Care Core Logic system with other Council and Primary Care Trust (PCT) systems

and note the successful implementation of the new Core Logic system.

The Cabinet Member ICT, Education and Achievement presented the report and reminded Cabinet that the report followed reports previously submitted to the July and October Cabinet meetings.

The Deputy Chief Executive (Interim) reported that Core Logic went live on 10 November and was within budget. Also that a very robust exercise had been completed on the procurement exercise. There was now an absolute clear audit line in that area. He referred to the evaluation process that had been run jointly with Deloitte and he was satisfied that the scrutiny exercises that had taken place before determining the recommendations before Cabinet.

The Chairman of Strategic Monitoring Committee that in regard to the back office comparisons, he considered that the report tended to move towards Agresso rather than SAP even though SAP seems to have better links in local authority services.

The Deputy Chief Executive (Interim) referred to the rationale for recommending Agresso on page 169 (a) to (e) of the report. He stated that the basic decision made was to have a system that met the Council's needs in Council's Services and the clear recommendation by the Audit Commission to work with the National Health Service as well as the Council's Services. The completed evaluation process then set out the full model of shared services. Joint Management Team called in SAP and Agresso to assess both firms and it was found that SAP was the more expensive system. Also that user evaluations were universally more positive for the way in which the Agresso system operated. With regard to value for money and how the Council worked with the Primary Care Trust (PCT), it was found that SAP would cost more but the service would not be increased.

David Harper representing Deloitte informed Cabinet that if the PCT links were taken out of the integration equation, the recommendation before Cabinet would be the same.

The Independent Group Leader asked where the obvious monetary savings would be per annum.

The Deputy Chief Executive (Interim) referred Members to the impact on the Revenue Budget on page 171 of the report. There would be costs and savings in procurement. Also there would be efficiency savings and managing of a period of time. With the introduction of better systems, this would reduce the total number of systems from eight down to six.

The Cabinet Member for Highways and Transportation requested assurance that the costs and benefits before Cabinet were final. Also would it be necessary to change the new systems within a few years.

The Deputy Chief Executive (Interim) referred to the cost analysis on page 171 of the report which set out the cost benefits. Also that scrutinising had been the key together with working with Deloitte. In terms of the system, it was robust and the integration tools with the PCT were included.

Cabinet resolved to agree the recommendations given the degree of scrutiny by Senior Management Team, the recommendations of the Audit Commission, the comments of Deloitte and of internal users. It was recognised that the organisation had the capacity to move forward with the Agresso option.

**RESOLVED: That**



- (a) **Agresso be approved as the preferred technology system for Integrated Support Services ;**
- (b) **Microsoft be approved as the solution for a toolset for Integration;**
- (c) **Inphase be approved as the technology system for Performance Management and Risk Management;**
- (d) **the Interim Deputy Chief Executive be given delegated responsibility to conclude negotiations with Deloitte, within the Framework Agreement between the Council and Deloitte, to plan and commence the implementation of these systems by January 2009; and**
- (e) the third phase planned for the new Social Care system, Core Logic be approved.

**69. WEST MIDLANDS REGIONAL SPATIAL STRATEGY, PHASE TWO REVISION**

Cabinet considered a report to determine a response to the updated Phase Two Revision of the Regional Spatial Strategy in the light of the proposed revised housing allocations published on 7 October 2008.

The Cabinet Member Environment and Strategic Housing presented the report.

The Leader supported the careful wording in recommendation two but was conscious that the Nathaniel Lichfield Partnership study may have set out some grey areas with regard to the overall regional strategy. He referred to the important process of house building in the city which would be reducing and it would therefore raise the question about the sustainability of 1200 additional dwellings in the rural areas.

The Cabinet Member Environment and Strategic Housing referred also to the issue of utilities needs in the infrastructure for the additional dwellings.

**RESOLVED: That**

- (a) **re-affirms its previous representations made in May 2008 to the Panel Secretary to confirm its general support for the Phase Two Revision with the reservations already set out ;**
- (b) **does not object to the allocation of 1,200 additional dwellings in the rural areas during the plan period to 2026 as proposed in the Nathaniel Lichfield Study, and,**
- (a) expresses concern that the increase in housing allocations suggested in the Nathaniel Lichfield Partnership study for the Region may have adverse consequences for the overall regional strategy.

The meeting ended at 5.00 p.m.

**CHAIRMAN**