

REPORT OF THE MEETINGS OF CABINET

HELD ON 20TH AND 27TH NOVEMBER AND 4TH AND 18TH
DECEMBER 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 third 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 **Second Homes and Empty Property Council Tax Discounts** - The recently passed Local Government Act has given Councils the discretion to reduce the level of discount on second homes and long term empty property.

Cabinet has agreed to recommend the reduction of the level of Council Tax discount on second homes to 10% and remove the 50% discount on long-term empty properties.

- 1.2 **Review of the Constitution** - Cabinet has considered proposed amendments to the Constitution relating to Local Area Forums and Regulatory Committee. It has confirmed its earlier proposal to create six Local Area Forums with ward composition and Councillor membership as set out in Appendix 1, but allowing flexibility for attending another forum if appropriate. Chairmen of the Forums to be appointed by the Group Leaders and the special responsibility allowance for Chairmen to be discontinued. The changes to the terms of reference for the Regulatory Committee are required as a result of the Licensing Act 2003, which gives the Council responsibility for all liquor licensing, gaming permits, public entertainments licences and cinema licences within its area. It is also necessary for the delegated powers of the Director of Environment to be made more specific.

Cabinet recommends to Council that the Constitution be amended as follows:

- (a) **Part 4 of the Constitution by deleting Standing Order 4.3.7 which deals with the appointment of Chairmen of Local Area Forums;**
- (b) **Part 10 of the Constitution by deleting Standing Order 10.1.5 which sets out provision for formal membership of Local Area Forums, and amend Standing Order 10.1.6 which deals with the appointment of Chairmen;**
- (c) **Appendix 20 of the Constitution by substituting Appendix 1 to set out the ward composition and Councillor membership of Local Area Forums;**
- (d) **Appendix 15 (Councillors' Allowances Scheme) of the Constitution to delete Band 5, Chairman of Local Area Forums, £517 from the Scheme approved by the Council on 25 July 2003;**

(e) **Part 5 of the Constitution by adding “Regulatory Committee” to Standing Order 5.1.1 Appointment of Sub-Committees and Working Groups;**

(f) **Standing Order 9.3.2.1 (Terms of Reference of the Regulatory Committee) of the Constitution by adding:**

“To undertake responsibility for the Council’s functions in relation to all liquor licensing, gaming permits, public entertainment licences and cinema licences under the Licensing Act 2003 as amended from time to time.”

(g) **Standing Order 9.3 (Regulatory Committee) of the Constitution by adding:**

“9.3.3 REGULATORY SUB-COMMITTEE

9.3.3.1 The Regulatory Sub-Committee will be responsible for determining individual applications for liquor licensing, gaming permits, public entertainment licences and cinema licences within Herefordshire.”

(h) **Standing Order 12.7.3 (County Secretary and Solicitor) of the Constitution by adding:**

“12.7.3.6 The County Secretary and Solicitor will maintain a Scheme of Delegation to officers for regulatory matters and is authorised to revise that Scheme from time to time.”

and

(i) **the County Secretary and Solicitor be authorised to make any further consequential revisions to the Constitution as necessary.**

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). Cabinet received an update on the latest developments regarding a replacement swimming pool for North Herefordshire. The report is to be found at paragraph 6.1(i) of this report where it is indicated that Cabinet accepted that three separate feasibility studies had concluded that there was insufficient justification for siting a pool at Bromyard.

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

3.1 There were no such decisions during the reporting period.

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

4.1 Report on Decisions Taken

- (i) **The Prudential Code and its Impact on Capital Strategy** - With the recent enactment of the Local Government Bill, the Prudential Code for Capital Finance will come into force for the new financial year. The Code replaces all current legislation and regulation on capital finance, in particular the system of borrowing approvals, which has governed capital expenditure planning for many years. Cabinet has received a report on the implications of the new Code. Cabinet approved the framework for the resulting strategy.
- (ii) **Index of Multiple Deprivation (IMD)** - The IMD is a list of all the 8,000+ wards in England, ranked in descending order of deprivation, based on a wide variety of factors. The IMD is used by Central Government and regional bodies to distribute regeneration and other funds to wards. The current Index was published in 2000 based on statistics pertaining to 1998. It incorporates data on indicators in a variety of “domains” of personal deprivation: income, employment, housing, health, education and geographical access to services. With the exception of the South Wye area and other parts of Leominster and Hereford, the wards of the County rank as less deprived than many in England on most domains. A first stage consultation on updating the Index was produced in late 2002; there was a move by some urban authorities to remove the Access to Services domain. Herefordshire Council responded to that consultation urging, among other issues, that the access to services domain be retained and that indicators relating to a lack of affordable housing be included. Cabinet has endorsed the issues to be addressed regarding the current consultation, which again includes geographical access to services and affordable housing.
- (iii) **Write-Offs during 2002/03 Financial Year** - In general, debts considered for write-off fall into five main categories: Bankruptcy or liquidation; written off by Magistrates at Committal hearing; inability to trace debtors; no further action possible; and sundry debts below £100. In 2002/03, compared with 2001/02 there was a slight fall in proposed Council Tax write-offs, and a significant drop in the proposed National Non-Domestic Rates write-offs. However, Cabinet has expressed concern about the growth in sundry debtors which has almost doubled since the previous year, and has questioned the robustness of the debt recovery process. The Cabinet Member (Audit and Performance Management) has agreed to investigate the process of debt recovery and provide an information report to Members of the Cabinet.
- (iv) **The Implications of the Local Government Act 2003** - Cabinet has noted the effect on Herefordshire of the provisions within the Local Government Act 2003 which received Royal Assent on 18th September, 2003. The Act is primarily concerned with financial issues but it also gives local authorities new powers to charge for discretionary services, trade and raise additional income for defined capital improvements through a business levy. The majority of its provisions have been in force since 18th November, 2003 and apply to the

Council and the Combined Fire Authority. Cabinet has agreed that the Council's policies be reviewed to take account of these changes in legislation.

- (v) **Connecting with Communities** - Herefordshire Council has been participating in the Connecting with Communities project since early 2002. Two of the key recommendations arising from this work are the production of a Communication Strategy and the introduction of a "Council" newspaper. Cabinet has approved a Communications Strategy for the Council, and agreed that the Council newspaper "Herefordshire Matters" be re-launched in early 2004. It discussed the frequency of editions and the method of despatch and agreed that there would be four editions a year, the first to be despatched by direct mail to each household in the County. The next issue will be circulated by a combination of direct mail and local newspaper. After these two issues an evaluation would be undertaken on the success of the delivery mechanism and advertising revenue and a further report submitted to Cabinet.

4.2 Report on Items of Interest

- (i) **Revenue Budget Monitoring 2003/04** - Cabinet has received a monitoring report on the revenue budget for programme areas in 2003/04, which showed expected expenditure was well within the 1% Council limit.
- (ii) **Capital Programme Monitoring 2003/04 to 30th September, 2003** - Cabinet has noted the Capital Programme forecast for 2003/04. The current capital monitoring forecast is that, subject to the expected acceleration of spending in the second half of the year, no conditional resources will be lost.
- (iii) **Public Service Agreement Update** - Cabinet has received a report on the latest performance against Public Service Agreement (PSA) targets. Progress has been made on liaising with Government on clarifying baseline information on targets relating to the care of the elderly, crime and housing. It now seems likely that there will be a greater possibility of achieving the Key Stage 2 exam targets.

A second round of PSAs is to be negotiated with the Government. The key differences are a greater focus on local issues and better partnership arrangements with the Government. This should present opportunities for Councils to be more innovative in achieving their targets.

- (iv) **Strategic Monitoring Committee** - Cabinet has received the draft report of the Strategic Monitoring Committee to Council.

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

5.1 Report on Decisions Taken

- (i) **Comprehensive Performance Assessment: Improvement Reporting** - The Council received a "good" rating in the Comprehensive Performance Assessment (CPA), missing an "excellent" rating once more by a very small margin. The Audit Commission has recently published proposals for interim revision to the scores pending proposals for a revised full CPA in 2005. At the time the report was written it seemed likely that the Council's service score would improve. Cabinet felt that a proportionate re-assessment would

not make sufficient contribution to the Council's Improvement Planning to justify the inevitable disruption of further inspection. Rather it would benefit the Council to concentrate on consolidating any improvements in service in time for the revised Comprehensive Performance Assessment in 2005. It has, therefore, decided that the Council should not take up the opportunity for a proportionate Corporate Assessment, if offered.

Note: The revised score card was published on 18th December, 2003 and showed that although there had been improvements to individual services, because of the complex scoring methodology, the Council was unlikely to achieve an "excellent" score, if re-evaluated at present.

- (ii) **Performance Management Action Plan** - The post of Head of Performance Management was created as a response to the Comprehensive Performance Assessment (CPA) recommendation that Herefordshire Council required a more rigorous approach to performance management. The successful appointee took up post on 15th September, 2003 and following a period of analysis and consultation has produced an action plan reflecting priorities to March 2004.

Cabinet has approved the action plan based on the recommendations contained in other key documents, such as the CPA Improvement Plan and the Performance Management Framework and these are signposted. A further report is expected in the Spring.

- (iii) **2003/04 Corporate Performance Outturns** - Cabinet has received an update on the Council's corporate performance in relation to its national and Local Best Value Performance Indicators from 1st April to 30th September, 2003. Three targets had been exceeded in the monitoring period and 16 were identified for improvement. Four of these related to housing benefits claims. Changes to staffing levels, software and processes are expected to show an improvement in this area during the next monitoring period. Other areas for improvement included performance related to domestic burglaries, electronic delivery of services, Land Charges searches, complaints and First Stop INFO enquiries. Action is being taken to address these issues.

5.2 Report on Items of Interest

- (i) **Mid-Year Assurance Report** - Cabinet has noted the key internal control issues identified during the course of audit. It has also received an update on the actions or current position on key issues identified during 2002/03 that required attention, including information security, payroll access and progress on completion of Good Environmental Management (GEM) audits. Of the 25 cases being investigated under the National Fraud Initiative, four have resulted in guilty pleas. Of these, one has received a community order and three are awaiting sentence. Of the nine being reviewed by Audit Services, eight related to other authorities/organisations from which the employee transferred and have been eliminated from our enquiries. Information from the matched authority is still outstanding for the one case to be concluded.

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

6.1 Report on Decisions Taken

- (i) **Replacement Swimming Pool for North Herefordshire** - The Sydonia Swimming Pool in Leominster was closed in March 2002 on health and safety grounds. The Council has been unable to secure external funding through Sport England for a replacement pool. In July 2003, it was agreed that a replacement swimming pool be provided for North Herefordshire and professional advisers be appointed to compile tender documents for a 25m x 12.5m pool with a 50 square metre learning bay at the site adjoining the Leisure Centre in Leominster. The scheme to be as approved by the Council's Northern Area Planning Sub-Committee on 30th May, 2001.

It was also agreed that the local community be requested to seek to raise a minimum of £250,000 which is the additional cost of providing this size of pool.

Cabinet has now received a progress report and noted the estimated timetable as follows:

12th January, 2004 - out to tender

9th February, 2004 - return of tenders

Early March 2004 - award of contract

There will be a mobilisation period with a commencement date of March/April, 2004

July 2005 - completion.

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."

Cabinet received details of three separate feasibility studies undertaken at Bromyard. All three concluded that there was insufficient justification for siting a pool at Bromyard. Similar studies at Kington came to the same conclusion.

Cabinet has noted that local fund raising events have already collected in the region of £55,000 and have emphasised that any monies raised by this method should offset the costs for the provision of the basic pool, not be used for additional features. It has also recognised the need for tight control of the specifications in order to prevent overspending on the overall project.

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

7.1 Report on Decisions Taken

(i) **Edgar Street Grid Masterplan** - At its meeting on 17th July, 2003 Cabinet had agreed a preferred masterplan option for the Edgar Street Grid as a basis for further consultation. Key themes emerging from the consultation process include:

- the need for investment and development of Hereford City;
- sufficient car parking;
- ways of reducing traffic congestion, including park and ride and outer relief road;
- public transport interchange;
- location of football ground;
- new library and civic centre
- relocation of existing businesses;
- development of the canal basin;
- necessity of a supermarket;

Cabinet has noted concern about the current traffic congestion at the bottom of Aylestone Hill and the need to address this issue further.

Cabinet has endorsed the masterplan for the Edgar Street Grid site in Hereford; agreed that appropriate elements should be included in the Revised Deposit Draft of the Herefordshire Unitary Development Plan; and that a further report be prepared for Cabinet assessing the options for a delivery vehicle to implement the proposals.

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

8.1 There were no decisions taken relating to this programme area during the reporting period.

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

9.1 Report on Decisions Taken

- (i) **Development Control Functions** - Cabinet has considered a request that the discharge of the Council's development control functions within the area of the city and parish of Hereford should be delegated to Hereford City Council but has decided that development control functions are a key responsibility, which should remain with Herefordshire Council.
- (ii) **Draft Regional Planning Guidance for the West Midlands - Response to Proposed Changes** - Cabinet has agreed a response to the changes proposed by the Office of the Deputy Prime Minister (ODPM) to draft Regional Planning Guidance (RPG). It was concerned by the apparent diminution of the importance of rural renaissance, and has recommended that positive policies for farm diversification should be strengthened. It has also made a number of recommendations in relation to transport and accessibility in line with the findings of the local multi-modal study.

9.2 Report on Items of Interest

- (i) **Legionnaires Disease** – The Chief Executive provided an update on the outbreak of the disease in Hereford City. Cabinet thanked all staff involved in resolving the situation, including the Head of Environment Health and Trading Standards and his officers and the Public Relations Officer.

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

10.1 Report on Decisions Taken

- (i) **Consultation on Future Arrangement for Flood Defence Management** - In March 2003 the Government announced the outcomes of the Flood and Coastal Defence Funding Review. One of the key recommendations of the review is the creation of Single Tier Flood Defence Committees. The proposals, if adopted, would apply to England and Wales and would result in the abolition of any current two tier (Regional and Local) committee structures.

Within Herefordshire, flood defence functions on the River Wye are the responsibility of the Environment Agency Wales and are generally discharged through the River Wye Local Defence Committee, which is subsidiary to the Welsh Regional Flood Defence Committee.

The Council has been invited by both the Environment Agency and the Welsh Assembly Government to comment on options for future management of flood defence functions and funding arrangements in the areas currently administered by Local Flood Defence Committees.

Cabinet has considered the options suggested in the consultation papers and has recommended to the Environment Agency and the Welsh Assembly Government that:

- any future Regional Flood Defence Committee having responsibility for Herefordshire should be sufficiently small to ensure that local interests can be properly represented;
 - the funding arrangements for work undertaken by the Regional Flood Defence Committee must be consistent across the whole of the Committee area and not affected by national boundaries;
 - in the event that Herefordshire remains within a Welsh system of Regional Committees, the creation of three Regional Committees for Wales be recommended; and
 - if the English/Welsh border is adopted as the boundary for Flood Defence Committees, Herefordshire should become part of an English Regional Committee structure but within a smaller region than that proposed for the Midlands Regional Flood Defence Committee.
- (ii) **Car Parking Strategy and Charges** - In line with the adopted countywide parking strategy, a review of car park charges was carried out in the summer of 2003 and the Cabinet Member (Highways and Transportation) agreed new charges on 9th October, 2003. The decision was called in and considered by the Environment Scrutiny Committee on 21st October, 2003. Cabinet at its meeting on 23rd October, 2003 confirmed the original decision, subject to ongoing consultation. That consultation exercise is now complete and no new considerations, with the exception of Leominster, have been identified. Cabinet has now approved the variation to charges, and other amendment/additions to the Off Street Parking Traffic Orders in Herefordshire, decided by the Cabinet Member and confirmed by Cabinet on 23rd October, with the exception of charging proposals for Leominster. It has further agreed that charges in Central Car Park, Leominster be increased to 30p for one hour and 60p for two hours (time limit of two hours to remain); charges be introduced in Dishley Street Car Park, Leominster at a charge of 20p per hour (0800 – 1800, Mon – Sat); the annual season ticket for Dishley Street car park be set at £150; quarterly season ticket charges be set at one quarter of the annual season ticket cost plus 10% rounded up to the nearest £5; and all other Leominster car parks remain free.

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

- 11.1 There were no decisions taken relating to this programme area during the reporting period.

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

- 12.1 There were no decisions taken relating to this programme area during the reporting period.

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

13.1 Report on Decisions Taken

- (i) **Response to the Consultation on the Government's Green Paper "Every Child Matters"** - The Green Paper sets out policies to reduce the number of children who experience educational failure, suffer ill health, become pregnant as teenagers, are the victims of abuse and neglect, or become involved in offending and anti-social behaviour. Lord Laming's Inquiry into the tragic death of Victoria Climbié highlighted the need to ensure all children are safeguarded and have the opportunity to fulfil their potential. The Green Paper, "Every Child Matters", aims to achieve this by moving to a system locally and nationally where:

- services are focused around the needs of children, young people and families;
- services are integrated across Education, Social Care, Health and Youth Justice;
- there is clear accountability at all levels.

The Social Care and Housing Scrutiny Committee considered the response to the consultation at its meeting on 24th November, 2003 and resolved that the Executive be requested, in formulating its response, to consider the following points:

- the need for there to be sufficient resources made available to support the proposals which affect every child;
- the need for local flexibility to determine structural arrangements to reflect local circumstances;
- the need for a national framework prescribing arrangements for sharing information between agencies;
- there would be strength in relevant major partners in the County submitting a single joint response."

Cabinet has agreed the Council's response to the consultation as set out in the report.

- (ii) **Herefordshire Child Concern Model** - Cabinet has approved a Child Concern Model for Herefordshire. The Child Concern Model is an approach developed by the Herefordshire Area Child Protection Committee (ACPC) to help develop an appropriate response to vulnerable children. It has evolved

from discussions between agencies (voluntary, police, education, social services, NSPCC, health, school representatives, Women's Aid). A draft document was produced in July which, following widespread consultation, was approved in October 2003 by the Area Child Protection Committee. The model is part of Herefordshire's Multi-agency response both to the report on the death of Victoria Climbié (Laming Report) and the Green Paper "Every Child Matters" with particular emphasis on the area of 'Effective Protection'.

- (iii) **Fostering Service Statement of Purpose** - The Council is obliged to meet the requirements of Fostering Services Regulations 2002 and will be inspected against them by the National Care Standards Commission in March 2004. Cabinet has approved the Herefordshire Council Fostering Service Statement of Purpose which is required under the Regulations.
- (iv) **Council's Residential Care Homes Proposed Transfer to Shaw Homes Limited** - In June 2002 Cabinet agreed that the Council should enter into negotiations with Shaw Homes Limited as the preferred bidder for the future management and development of the Council's homes and the provision of appropriate levels of care and service for both current residents and future service users. Detailed negotiations have continued since then, and Cabinet has now approved the draft Heads of Terms agreed to date, subject to contract, which will form the basis of the partnership arrangements with Shaw Homes. Cabinet has also agreed the proposed funding arrangements and authorised the Director of Social Care and Strategic Housing, in consultation with the County Secretary and Solicitor and County Treasurer, to conclude negotiations with a view to establishing formal contractual agreement which will provide for the transfer of the homes in early 2004/05. Cabinet has received an update on proposals for changes to respite care currently available at Woodside, Ross-on-Wye and been reassured that there will be a full reassessment of the needs of users and carers. A briefing note will be sent to all Members of the Council updating them on the position relating to the transfer of homes to Shaw and future service provision. Cabinet congratulated the Director of Social Care and Strategic Housing and her staff for their hard work over the negotiating period.

14. QUARTERLY REPORT ON SPECIAL URGENT DECISIONS OF THE EXECUTIVE

14.1 There were no such decisions taken during the reporting period.

COUNCILLOR R.J. PHILLIPS
LEADER OF THE COUNCIL