

MINUTES of the meeting of Cabinet held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Thursday 3 December 2015 at 2.00 pm

Present: Councillor AW Johnson (Chairman)
Councillor PM Morgan (Vice Chairman)

Councillors: H Bramer, JG Lester, GJ Powell, PD Price and P Rone

In attendance: Councillors JM Bartlett, WLS Bowen, BA Durkin, JA Hyde, TM James, RI Matthews, AJW Powers, Mr A Neill, Mrs J Davidson, G Hughes, Robinson, Claire Ward, CR Butler, PE Crockett, PJ Edwards, DW Greenow, J Hardwick, DG Harlow, MD Lloyd-Hayes, FM Norman, NE Shaw, WC Skelton and EJ Swinglehurst

Officers: Mr A Neill, Mrs J Davidson, Mr G Hughes, Mr P Robinson, Mr M Samuels, Mrs C Ward

106. APOLOGIES FOR ABSENCE

Apologies were received from Cllrs PA Andrews and RJ Phillips.

107. DECLARATIONS OF INTEREST

None.

108. MINUTES

RESOLVED: That the minutes of the meeting held on 15 October 2015 be approved as a correct record and signed by the chairman.

109. OUTCOME OF ADULT SAFEGUARDING PEER CHALLENGE AND ACTION PLAN

The Cabinet member for health and wellbeing introduced the report which identified three key points:

- there has been significant progress with what was an area of concern;
- the peer review noted the positive attitude of staff;
- three clear action points were identified which are described in the action plan provided with the report.

The director for adults and wellbeing described the context for the peer challenge which was supported by a sector-led regional board with representatives including the department of health and NHS. There was a comprehensive work programme which directors were signed up to which included a series of desk-top peer challenges in which Herefordshire had participated twice and a third round is about to commence in the region. Work was happening to ensure robust methodology and quality of care in order for the programme to be a national exemplar for to adopt across the country.

The action plan was built into a range of improvement programmes.

One area arising from the review was that of the role and connectivity of the independent chair so this was being reviewed. A robust performance framework was to be developed to measure against safeguarding criteria. Progress on the action plan would be reported

to the safeguarding board and across the partnership. The review was regarded as a powerful learning opportunity for the organisation and for staff involved.

The vice-chairman of the health and social care overview and scrutiny committee (HSCOSC) welcomed the report and confirmed that the committee would scrutinise safeguarding processes in both adults' and children's services in March and the matter would remain in the committee's work programme.

The Cabinet Member for economy and corporate services had taken part in the peer challenge in his previous cabinet member role and welcomed the review of the role of independent chair. He noted that until recently more rigour had been applied to children's safeguarding and emphasised the importance of members' awareness of adult safeguarding. He welcomed the involvement of HSCOSC and the comments made by the vice-chair. As a final comment, he made the observation that many actions arising from the peer review were for completion in April and therefore queried the reporting to HSCOSC in March. The vice-chairman of HSCOSC would discuss this with the chairman for consideration.

The Herefordshire Independents' group leader congratulated officers for their hard work. He commented on the rating for accountability (item 7) in the review as being green although it was considered as an area for improvement. Regarding members' training (Item 9), he requested this be a face-to-face workshop rather than online.

The leader of the Green group commended the report, noting the scope of the action plan and the references to the social care information system, Mosaic. She commented on the value of a progress report after April previously referred to.

The Cabinet member for health and wellbeing reminded members of an update briefing planned for next week.

The group leader for It's Our County commented that there was a missed opportunity not to have a family member as a safeguarding board member and requested a firmer commitment on this. In response the director for adults and wellbeing acknowledged the principle of this and pointed out the need to have a balanced representation from the community which may not be achievable with a sole representative.

RESOLVED

THAT:

- (a) the outcome of the review attached at appendix 1 be noted;**
- (b) the action plan attached as appendix 2 be approved as the response to the areas for improvement identified; and**
- (c) any further actions necessary be identified to secure improvement.**

110. THE FUTURE OF THE COUNCIL'S SMALLHOLDINGS ESTATE (COUNTY FARMS)

The Leader requested that comments and questions be put forward in a sensible and constructive manner.

He acknowledged receipt of a letter signed by group leaders requesting the decision be referred to full council. Having considered this request in discussion with cabinet members, the Leader confirmed the decision against this, stating that the Cabinet had a clear mandate to decide on this as a Cabinet item. The decision to be considered today was whether or not to sell smallholdings. Should the decision be taken to sell, a plan would be produced and which would encompass all questions that would be raised today. The Leader emphasised that rumours that people would be turned out of homes was not accurate and whilst there would be some changes, it was arguably to the advantage of tenants.

In response, the group leader of It's Our County recognised the constitutional entitlement to make decisions through the Cabinet. However, he explained that the letter intended to point out that this was not necessarily the right thing to do given the significance of the decision. He regarded this as a failure to engage with democracy which showed the council in poor light. The Leader reminded members that this was not the case; group leaders had participated in the review of this matter and following deferral by the previous administration the matter had been on hold for three years. He added that there had been opportunity for all to express opinions and the matter had been through the scrutiny process.

In presenting the item under consideration, the cabinet member for contracts and assets thanked the chairman of the general overview and scrutiny committee and the smallholdings task and finish group for their work on this matter which had helped inform the Cabinet decision. He explained that as resources reduced, the council's strategy was to focus on those areas which were the Council's responsibility and which could not be discharged by another party. It was not a duty of the council to manage a farm estate and there were many other agricultural landlords who may be much better placed to do so. The intention was to ensure that the council was securing best value for money for Herefordshire taxpayers in the use of this asset with the aim to use the receipts to help realise important growth opportunities to support Herefordshire's future economic prosperity through investment in key infrastructure. He added that there had been concern about the loss of farm land, but emphasised that the majority of the agricultural land would not be lost to the county and the majority of tenants would not be affected by the disposal. The disposals programme would come back to Cabinet for approval and those affected would be supported through the process. He reminded members that the council was not well placed as a landlord to effectively manage and provide the much needed investment and there was a strong case that new owners could do this more effectively. The cabinet member proposed that the recommendations set out in the report be approved.

The chairman of the general overview and scrutiny committee thanked officers for their work with the task and finish group, which came to a good conclusion although this differed from the recommendations put forward today. He expressed disappointment that the recommendation was rejected to support farms in order to support economic development through the introduction of new practices with both new and existing farmers, as well as maintaining links with communities, which he hoped would continue. He commented on the importance of improving county estates, noting the potential difficulty in selling estates at best value due their tenancies. He also expressed disappointment not to have seen published a report prepared by consultants Fisher German. On closing, he hoped that Cabinet would consider the decision carefully, not just for the best value of the council but also for tenants.

The group leader of Herefordshire Independents commented that the selling-off of assets and not investing in the land is not the answer. He believed that decisions should have been made sooner and managed properly and that once sold, could never be bought back. Echoing the comment of the GOSC chairman regarding limited capital return, he added that tenants would seek strong legal advice to get the best outcome for themselves. He closed his remarks by commenting that entry into agriculture should not be through inheritance alone as many young people were keen to enter the industry and smallholdings were a key opportunity to do this.

The Leader responded that young people taking on smallholdings was dependent upon tenants moving and creating vacant tenancies, which had happened on just three occasions in ten years and therefore there was little evidence of turnover in practice.

The director of resources confirmed that there would be a master plan for disposal of properties which would be reported to Cabinet.

The Group Leader for It's Our County asked for explanation of why the report from Fisher German had not been made publicly available including to the NFU despite a freedom of information request. He further asked why the council had failed to communicate properly with tenants. He also questioned the valuations which had been requested by external auditors Grant Thornton as there was suggestion that council estates had been over valued compared with Duchy and crown estates.

He also commented that the recommendations contradicted the Agriculture Act as there was a duty to manage farm estates, and asked how the council would meet obligations and give tenants assurance of continuing access. He added that there was evidence that retaining estate would be to the advantage of the council, as demonstrated in Devon where retention had improved credit status and reduced borrowing requirement at the same time as providing social housing and business incentives. His closing remarks were that if there were no assurances or answers to questions, this would be a black day for the county.

The Leader responded with the remarks that the smallholdings estate represented a public asset of significantly high value, occupied by 45 tenants, including lifetime tenancies and retirements which would revert to lifetime tenancies if ownership changed. The council's duty of care would extend to the opportunity to speak to each tenant and duty of care would be regarded. The Leader reminded all of the duty to ensure public assets were used to best advantage to the population as a whole and in that context, it would be unlikely that the council would spend money on acquiring smallholdings at this time. Income from estates was in the region of £400,000 against £2.5m outstanding in liabilities or work needed and therefore to retain properties was not a sensible use of publicly owned assets. Consultation showed that disposal was supported in order to support economic growth.

With regard to the Fisher German report referred to, the monitoring officer confirmed that the report was background and not relied upon as material to the recommendations.

In response to a question from the Leader of It's Our County regarding cost of the report, the Leader advised that this was not pertinent to today's decision and if there had been any options that presented better value properties would be retained. The monitoring officer provided further assurance of satisfaction that the council did not have a statutory duty to provide agricultural estate and was not in breach of the 1970 Act, and there was no legal barrier to the sale of estate.

The chairman of GOSC commented that by retaining the estate, there would be proper progression for farmers. In response the Leader reiterated his earlier comments that there was no evidence that the estate brought in new farmers as movement in the last ten years was minimal.

The Leader added that there was a collective view that turnover was influenced by the price of agricultural land and that with the council's financial position there was a duty to ensure that assets were put to the best use of the community as a whole.

The Leader of the Green group commented that best value was subjective and that the figures were a detriment to the GOSC recommendation to keep the smallholdings. She added that the scrutiny system was pointless as the recommendations had not been regarded in terms of feasibility and that the figures influenced the sale of the estate because the council was not in a position to manage them. This was not a business decision but an ideological one which failed to consider the feasibility of the GOSC recommendation which would enable the estate to be used for the wider community. She asked about the report's reference to the Agriculture Act and tenants' rights to continued occupancy.

In response the Leader refuted that the recommendations were ignored as this was not the case and duty of care was being observed. It was not the role of scrutiny to take the place of the council's decision-making process and due process had been followed. The council was in difficult financial circumstances and it was necessary to look at saleable assets and although the value was yet to be realised, the sale would do more for the economic future of the council.

The monitoring officer confirmed that section 37 of the report clarified the legislation and explained the statutory protections for tenancies.

The Leader of the Green group closed by remarking that the council needed to make assets work and it was a lost opportunity to not consider this.

The group leader for the Liberal Democrats stated that this was a very sad day for the county and for colleagues and was appalled that this decision was to take place rather than considering the rationalisation of the estate. The Fisher German report was expensive and the council was not prepared to publish it which suggested it was not helpful to Cabinet's case. This was a major issue for the council which concerned hard working families of the farming community and that it could not be possible that it was a good decision to sell the estate and it would destroy the social fabric of the county.

The Leader responded with the comment that it was not the case that the tenants were to lose their livelihood or suffer in some way as they were protected through new ownership. All had the opportunity to make offers for their properties and the council would sell to them. However, it was the case that tenants deserved better landlords as the council did not have the capital to keep up the maintenance of the properties.

The group leader of Herefordshire Independents queried the legality of the decision and felt that the decision would be called into question as it would not be supported by some group members on council although it should have been considered by council rather than cabinet.

The Leader reiterated that it was the right of the cabinet to take such decisions. The monitoring officer explained that the challenge to the decision would be by way of judicial review.

The cabinet member for infrastructure explained that he had met with tenants previously and that he had made it clear that there would be serious change ahead. As a farmer himself, he could relate to the tenants' situation and this was not an easy decision, therefore so duty of care was critical for long standing tenants who had grown through the estates. It was the case that some tenants could not see how they could move forward. Austerity had significant impact on the council and there was a duty to look after public finance. However, the council needed to engage properly with tenants. The council had no influence over the price of agricultural land which had fluctuated over the years. Whilst he did not like the decision, he was not against the sale, but it was important to work with those affected.

The Leader acknowledged the cabinet member's comments and confirmed that the council would do what it could to alleviate the situation. The issue has been aired well but no-one would want to sell if it were not in the best interest of the assets. Members had the responsibility to make decisions and look after the county's assets and the council had to drive the economy of the county and use this asset.

All cabinet members were in favour of recommendations.

**RESOLVED
THAT:**

- (a) the council undertakes a structured sale of the entire smallholding estate taking into account expert legal advice as to achieving best value for the council and excluding land and/or buildings which are identified as having potential development value which should be retained for separate promotion and sale/development to maximise commercial/development value;**
- (b) the new smallholdings policy set out in appendix A be adopted; and**
- (c) the executive response to the recommendations of the general overview and scrutiny committee (GOSC) be approved.**

111. HEREFORD LIBRARY AND MUSEUM

The cabinet member for contracts and assets introduced the report and confirmed that the question was not about the future of the library but how best to make best use of the building. It was currently the home for the library and the museum service and future options for library provision did need to be considered. Work to clear asbestos would go ahead with further reports to cabinet.

The cabinet member for economy and corporate services sought clarification that the £1m in the capital plan was available to support the recommendations, of which £86m would be allocated to addressing the asbestos and the feasibility of moving back into the building. He sought further assurance that the museum was not forgotten. There were a number of suggestions that had been discussed regarding the future of libraries and it was important to make the point that there were other museum facilities and that they would be subject separate review.

The cabinet member for contracts and assets explained that there were other issues with the building that made it non compliant for public use and it would need more funding to meet this compliance which would mean rehousing the services. A report on museums would come to cabinet in the new year.

In answer to a question from the group leader for Herefordshire Independents regarding provision in other authorities, the cabinet member explained that Worcestershire had its own provision and that Herefordshire needed to look at the local estate being compliant for the future.

The group leader of It's Our County disagreed with the reference in the report to support for retaining a library service and fundraising. He also pointed out that the report contained reference to restricted covenants meaning the building was only for the purpose of a free library although consideration had been given in the report to an alternative use for building. With regard to consideration of future use, as the building was considered to be limited to use as a library, he suggested consideration be given to exploring future service for "a library in Hereford" and whether it is in the building or elsewhere, such as Belmont.

The head of corporate asset management clarified that the matter being considered was not the provision of a library service, although consideration was being given to how best to provide a library along with the suitability and cost of the current building or if a better service could be provided elsewhere. Consultation had taken place to establish if there was a more suitable offer for the public. Broad Street was not considered a good solution for many reasons and consideration was being given to finding an alternative in consultation with stakeholders. The covenant regarding the use of Broad Street had been uplifted to accommodate the museum and gallery and as covenants could be renegotiated a change of use was not being ruled out.

The leader of the Green group commented on the value of looking at usage across the county and not just the city. Referring to the Hive in Worcester being a joint venture with

the university there, she noted that there was a lot of activity in the building but there was no reference to plans for a university in Hereford and how libraries would link to this. With reference to the university, the Leader responded with the comment that a recommendation was to engage in dialogue with the library user group and would expect this matter to arise in those discussions.

In response to a question from the leader of It's Our County, the assistant director, communities explained that the intention was to explore options with stakeholders rather than to pinpoint solutions. Discussions had already started with the library user group and for the long term.

RESOLVED

THAT:

- (a) subject to Council approval of the capital programme in December 2015; the Hereford Library Users Group (working with other relevant stakeholders) be invited to confirm by the end of February 2016, whether or not they wish to work with the council to explore options for future service delivery of a library in Hereford;**
- (b) subject to Council approval of the capital programme, works be undertaken at the earliest opportunity to remove asbestos from the Broad Street building at a cost of £86k; and**
- (c) a further report be brought forward following consultation with stakeholders to determine a preferred option.**

112. FASTERSHIRE BROADBAND NEXT PHASE DELIVERY

The cabinet member for economy and corporate services introduced the item and explained the history to the second phase of the introduction of faster broadband across the county:

- the original contract with BT was signed in 2013 with deployment to commercial premises in Hereford, Leominster and Ledbury and covering 45% of premises;
- match-funding was available through Leader UK for £10m;
- the majority of contracts were under a standard government agreement but Herefordshire was a primary area of activity and so had its own framework with Gloucestershire;
- the challenge was due to the distribution of population with no uninhabited areas and 55,000 premises were covered;
- officers had done a good job to get to this point but there was still work to be done before commercial roll-out reached 88%

There was a commitment by 2018 to have delivered fast broadband to those who needed it and the plan was to extend the contract with BT followed by tenders for other funding sources to complete the coverage. However it was decided to not extend the contract with BT after the original contract ended in 2016.

The new provider was looking at supply by postcode rather than individual premises and will cover 100% compared with the current BT contract. A new 4-stage strategy was identified to enable the supply to extend over higher ground with wireless so enabling supply. Consultation included Herefordshire business board who had given their support. A business seminar and a members' training session had taken place with good response and the proposal had support and endorsement from the Members of Parliament. The proposal presented a unique but rewarding scenario without which businesses would not be able to compete in the global market.

The chairman of the general overview and scrutiny committee saw the proposal as encouraging for the future and asked about developments for other digital networks for wireless telephony where poor mobile phone coverage impacted on business and safety.

The cabinet member clarified that he had written to the minister as this issue had been shelved by treasury. The provider, BDUK, was aware and would also raise the matter.

In answer to a question from the group leader of the Liberal Democrats in relation to apparent lack of progress in the west of the county, it was explained that the map presented with the report was illustrative in order to identify milestones and that with the change of contract the way the strategy was communicated would change.

The group leader of It's Our County, although pleased to see the gap being met, remarked on the speed of 30 megabytes not being superfast in practice and would not attract new practices.

The cabinet member responded by explaining that this was a European standard for 2020 but the council was aiming for 2018 and advised that major businesses would be using direct fibre and Ethernet rather than domestic broadband. In response the group leader commented that he was concerned that the self-employed and those working on the domestic network might be disadvantaged.

RESOLVED

THAT:

in agreement with Gloucestershire County Council,

- (a) the revised Fastershire Broadband Strategy 2014-18 attached at appendix 1 to this report is adopted;**
- (b) the procurement of Lot 2 covering the Golden Valley and the Forest of Dean commence in January 2016; and authority be delegated to the director for economy, communities and corporate following consultation with the cabinet member for economy and corporate services, to award the Lot 2 contract within the financial envelope set out in paragraph 33 of this report.**

113. PROPOSED CAPITAL PROGRAMME 2016-17

The Leader, having cabinet responsibility for corporate strategy and finance, highlighted the importance of economic growth of the county.

The chairman of the general overview and scrutiny committee commented on the need to invest in schools, noting that some schools did not have the money to invest themselves and expand educational input. He also asked what the council planned with regard to the use of photo-voltaic (PV) panels on more of the council's buildings.

The Leader confirmed that the council would be better informed on its financial position later in the month once more detail on the settlement had come from central government. The director, economy, communities and corporate confirmed commitment to the spending allocation within the current programme.

Referring to schools capital, the group leader of the Liberal Democrats commented on the risk of retaining financial responsibility for schools that were not under the management of the council.

In response the cabinet member for young people and children's wellbeing acknowledged the need to invest in schools and have a high quality environment for children to learn in, hence the strategy to look at assets. He welcomed input from scrutiny on this matter.

The group leader for the Greens commented on scrutiny input to invest to save programme, and welcomed an opportunity to have more information on this. The leader commented on the value of monitoring progress and on this strategy as a way to resolve financial constraints.

In response to question from the group leader on further briefings for invest to save programmes, the director of resources explained that further information would be presented to cabinet and possibly thereafter to scrutiny. Responding to the chair of the

general overview and scrutiny committee the cabinet member for economy and corporate services added that those capital programmes detailed as invest to save would be included in a briefing note to confirm savings would be delivered.

The cabinet member for infrastructure commented on experience in his own ward of a school which was at 130% capacity, adding that the situation was in urgent need of addressing as there were also issues there connected with asbestos. Also commenting on the use of PV cells at the cattle market, he explained that the market was interested in having them installed. However it was found that fluctuations in demand for power at certain times in the market's operations could not be supported by the cells and so the proposal was not taken forward. He added that the complexities of the site meant that it was not suitable for income generation.

Referring to asset valuations, the group leader, It's Our County, commented on a request that was made by external auditors Grant Thornton for assets to be revalued through the audit and governance committee and asked whether valuations would liquidate £60m in three years. He commented on the relationship between the capital programme and the medium term financial strategy and the sum of assets compared with borrowing requirements. In response the director, economy, communities and corporate confirmed that the majority of valuations held up well in the market and were meeting targets in the medium term financial strategy. The director of resources drew attention to the difference between the market value and the asset value and that auditors would focus on asset value. Further information on formal market values could be presented at a future cabinet meeting.

RESOLVED

That the schemes detailed in Appendix 2 are recommended to Council for inclusion in the capital programme.

114. REVISION TO THE COUNCIL TAX REDUCTION SCHEME

In response to a request from the chairman of the general overview and scrutiny committee, the Leader confirmed that the hardship fund would be publicised so it could be accessed by the people who were in need of support.

Referring to the equality impact assessment, the deputy leader asked what mitigation was in place to support those who might be unable to pay and what would be the impact if the council accepted the government offer of 2% increase in Council tax.

The director of resources explained that there were arrangements in place for recovery of non-payment of council tax and for those with genuine inability to pay, there would be a review of the hardship scheme so that there were more options to claim relief.

The Leader acknowledged a request from the group leader of the Greens to have more information on the impact once the revisions were in place in order to explore mitigation for significant hardship.

RESOLVED

THAT

It be recommended to Council that:

- a) the following revisions to the CTR scheme be approved:**
 - i. reduce the maximum level of CTR subsidy from 84% to 80% for certain claimants;**
 - ii. protect CTR at 84% where the claimant is in receipt of either severe disability premium or carer's allowance, or households with a child under the age of five;**

- iii. a claimant who lives in a property above band C would have their CTR capped at 80% of a band C equivalent property in their parish; and
- iv. the amount of capital, excluding property, above which claimants cannot claim CTR be reduced from £16k to £6k and
- b) the revised CTR scheme is implemented for the financial years 2016/17 and 2017/18.

115. LOCAL COUNCIL TAX SUPPORT EFFECT ON PARISH PRECEPTS

The cabinet member for economy and corporate services provided some background to the scheme which was introduced in 2013:

- receipts were at 100% until central government increase the responsibility on councils to claim and reduced support to 90%;
- from 2013 the grant was absorbed into the revenue support grant, which then reduced as reflected in the medium term financial strategy;
- the council continued to subsidise parish precepts and had a legal obligation to deliver 100% of the set precept irrespective of whether people paid their council tax. The shortfall would have been made up through this grant last year.

The grant would be replaced by a small charge in council tax with the average impact being £3.63 per year per household. There would be no reduction on what parishes received and this was included in the recent council tax consultation. There were five parishes where the impact would be phased and there had been discussion with town, city and parish councils who accepted this was the right way to support.

The leader of It's Our County observed that the city council fell below the threshold for town councils and it was confirmed that it was aware of this.

RESOLVED THAT: the following be recommended to Council:

- (a) the council tax reduction scheme funding passed to parish councils is withdrawn in 2016/17; and
- (b) for five parishes: Bromyard and Winslow Town; Kentchurch; Kington Town; Ledbury Town; and Leominster Town councils, where the impact of withdrawal would result in an increase in the annual council tax charge of 0.4% or more in any one year the withdrawal be phased over a period of up to three years.

116. REVIEW OF OFF STREET PARKING TARIFFS

The cabinet member for transport and roads presented the report explaining that there had been a broad consultation process including commercial bodies, representatives of the old cattle market, and the Herefordshire business improvement and development committee. Much of the changes to off street parking would allow for flexibility in offering a better service. For example, new pay meters could be automatically updated to adjust charges for occasions such as reductions for late night shopping. The proposed changes would also allow for a service more in line with public demand, for example all day parking in short stay car parks.

The chairman of general overview and scrutiny, noted a knock-on impact between off street parking and on street parking that if off street parking charges increased this would impact on residents from the public seeking free parking in residential areas. He asked what action would be taken to resolve the parking problems faced by local residents. In reply, the cabinet member for transport and roads explained that currently only off street parking was under review; however it was well understood that there were pressures with on street parking and this would be addressed.

The leader of It's our County noted the link between the impact of changes to off street parking and trends for on street parking. He further remarked that the current plan was to be implemented over three years and queried whether quicker implementation would have a greater positive impact on parking behaviour and also be more cost effective. In response the head of technical and parking services clarified that the new charges would be implemented within a short period. However the new payment machines would be introduced over a longer three year period. The assistant director, commissioning, added that the intention was to make considerable changes across the area and that the pace of implementation would be reviewed on an annual basis.

The cabinet member for health and wellbeing congratulated the cabinet member for transport and roads for the success of parking concessions recently offered for late night Christmas shopping. She also expressed support for a system using intelligent parking machines allowing flexibility and other provision described in the report. It was noted however that there was a need to be aware of the variation of traffic in car parks as revenue could be increased by varying charges according to the time of day and other contextual factors. The cabinet member for transport and roads noted that this would be possible with the new machines.

The group leader for Herefordshire Independents noted the importance of council staff parking and suggested consideration of an incremental scheme where officers on higher pay scales contributed more to parking. He added that such a scheme must not have a detrimental impact on staff on lower pay who already commuted into the city and considerable expense. The leader and the cabinet member confirmed that the staff parking scheme would be reviewed in due course.

The group leader for the Greens commended the approach taken in the consultation behind the review in the market towns and recommended that this be used as a model for future consultations.

RESOLVED

That the off street car park tariffs, including the relevant staff car park tariffs in Hereford, outlined in the appendix of the report are approved for implementation from February 2016.

117. QUARTER 2 CORPORATE PERFORMANCE AND BUDGET REPORT 2015/16

The cabinet member for economy and corporate services introduced the performance report showing performance against the corporate plan. The new style of reporting that had been developed included dashboard overviews and workforce figures.

In answer to a question from the group leader of Herefordshire Independents regarding the possibility of a short fall in business rate collection from general practitioners, the director of resources explained that localisation meant that there was a risk that the council could pick up appeals which included an element of backdating which would incur costs.

The group leader of It's Our County had a number of questions which would be submitted in writing, but drew attention to a point regarding overspending in adults and wellbeing. The director of resources explained that there were underspends, as shown in the report, in other parts of the budget that compensated. The group leader also referred to overspending in children's safeguarding and commented that the compensatory underspends there were not sufficient.

The chairman of the general overview and scrutiny committee commented on the impact of residential care on budgets.

He also expressed thanks to the assistant director, safeguarding and early help, who was leaving the council. The leader echoed these thanks on behalf of the council.

RESOLVED

THAT:

- (a) Cabinet notes the council is currently projecting an overspend of £583k; and**
- (b) performance for the first six months of 2015/16 is considered.**

118. WEST MIDLANDS RAIL

The cabinet member for transport and roads outlined that in 2017 London Midland rail services would be available for tender for which a bid was being considered by West Midlands Rail, a scheme developed by a number of local authorities in the region. He emphasised that Herefordshire's contribution represented a small but essential part of the scheme.

The head of transport and access services explained that the scheme was a partnership largely led by Centro. The council was invited to participate in the partnership for an initial period until 2017 where there would be opportunity to remain in the partnership. He explained that the council's engagement with the project had limited scope as the only area of rail operated by London Midland within the county was the line between Great Malvern and Hereford. He added that the greatest benefit would be the opportunity to invest in the capacity on that section of line.

The group leader of Herefordshire Independents expressed support over a positive attitude being taken towards rail. He hoped that the project would lead to support for rail projects elsewhere in the county in future.

The group leader for It's our County Herefordshire expressed support for the project but hoped that the project would not incur too great a cost.

The group leader for the Greens noted that Arriva also operated a service in the county which would not be affected by this project. She hoped that there could be greater influence over the wider rail infrastructure and not just the areas currently operated by London Midland.

The leader commented that other members of the West Midlands Rail scheme had a limited interest in investment in the rail infrastructure in Herefordshire. Given the scale of other local authorities involved, it would be very difficult to gain support for major investment in Herefordshire. However, he emphasised that the council would work hard to ensure that the best deal for Herefordshire was achieved.

The chairman of general overview and scrutiny expressed support for the scheme and hoped that it would be a success. He also noted that with a high rate of cancellations of trains on the line, there was a case for improvement. The leader acknowledged the issue and hoped that all that could be done by the negotiators would be done in this regard.

It was noted that the leader was to undergo surgery shortly and he was wished well for a successful recovery.

RESOLVED

THAT:

- (a) the council becomes a member of the West Midlands Rail Limited Company, subject to legal agreements being satisfactorily finalised;**
- (b) authority is delegated to the director of economy, communities and corporate to complete these agreements;**

- (c) Subject to recommendations A and B, the leader be appointed as a director of the company and the cabinet member transport and roads be appointed as substitute who will be authorised to make decisions in this capacity relating to the strategic direction of the WMRL;**
- (d) Subject to recommendations A and B, funding of £13,200 in 2016/17 and £7,464 in 2017/18 be approved as the council's contribution towards the costs of administering the partnership and developing the case for full devolution of the rail franchise.**

The meeting ended at 4.50 pm

CHAIRMAN