

# Leader's report to Council

**Meeting: Council**

**Meeting date: 28 January 2022**

**Report by: Leader of the Council**

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose**

To provide an update on the work of the Cabinet since the previous meeting of the Council. A brief summary of decisions taken by the executive is provided at appendix A and all decision reports and notices are available on the [council's website](#).

## **Recommendation(s)**

**That:**

- a) The contents of the report be noted and questions raised for the Leader to answer.**

## **Alternative options**

1. There are no alternative options; the constitution requires the Leader to provide Council with reports on the activities of the executive.

## **Key considerations**

2. Herefordshire Council's constitution provides that the Leader's report will be submitted to each ordinary meeting of council (other than the budget meeting) on which they may be questioned and if so, answer. This will report the work of the cabinet since the last report and will include: (a) A summary of those executive decisions taken by the

cabinet, individual cabinet members, and joint executive committees and other activities of the cabinet since the previous Council meeting; (b) Any recommendations of the cabinet in respect of the budget and policy framework; (c) Any report to Council required by a scrutiny committee; and (d) A summary and particulars of any urgent decision made under paragraphs 4.4.53-55 (urgent decisions).

3. I am pleased to provide to Council my Leader's report. This report principally covers the key decisions taken since my last report to Council for the meeting on 8 October 2021 to the date of this report (20 January 2022). All decisions taken since 8 October 2021 are set out in Appendix A.
4. Covid 19 continues to be a significant issue for the Council with the Omicron variant resulting in a considerable increase in infections. At the time of writing this report the indirect effects are significant with the effect of workers being required to isolate being felt in particular in the NHS. Delivery of services in the Council continue to be provided without significant reports of shortfalls. On behalf of all Councillors I wish to thank all employees who are working hard to ensure that services are maintained. This includes waste collection, which I hear anecdotally is problematic in some councils, care workers and all the back office functions that the Council operates that are essential to us.
5. Following the Prime Minister's decision to implement Plan B on the evening of 8<sup>th</sup> December, and reflecting the concerns at the time, the CEX and I made the decision to implement Emergency Powers, for my part assuming this would be done as seamlessly as had happened in March 2020. Regrettably this was not communicated appropriately. This was immediately identified by Cllr Shaw and a clarification statement made by the CEX on Friday 10<sup>th</sup> December 2022. I apologise to Councillors for any impression that I was acting outside the constitution and appreciate Cllr Shaw's rapid intervention.
6. Only two decisions were made using Emergency Powers. With the lifting of Plan B it is no longer likely that Emergency Powers will be exercised during the current period.
7. The virus is still with us, and it is regrettable to me, and many other Council Leaders, that the Government has not been able to find time in its diary to introduce legislation giving Councils more flexibility for holding meetings. I intend to continue with Cabinet meetings held with a minimum number of people attending in person. But with the maximum being able to attend by Zoom or Microsoft Teams. It is for the Chairs of committees to decide how they wish to operate.
8. I wish to highlight the following key items:  
  
Children's Services – School OFSTED ratings
9. There no schools of any type in Herefordshire that are in special measures. This is a fantastic achievement and a testimony to the hard work and commitment of Head Teachers and their teams during what has been a very challenging time since Covid-19 first emerged in March last year. Covid-19 remains a very real day-to-day challenge in our schools with infection rates among children remaining relatively high and with ongoing difficulties in maintaining safe levels of staffing, also due to covid infections amongst school staff, both teaching and non-teaching.
10. Our thanks go to all those involved in the education of children whose work gives children a great start in life.

### Children's Services – Improvement Board Update

11. Councillors are being kept updated on progress with improvements in Children's Services so I do not intend providing an update in this report. The Council and the Cabinet is focused on delivering improvements. The appointment of Darryl Freeman as Director is an important step forward and will provide some permanence.
12. I was pleased to accompany a social worker recently on some visits. Doing so brought issues to life.

### Changes to the Fastershire programme and Gigaclear

13. Whilst the county now has over 93% premises that can access superfast broadband which is significant for such a rural area, there were two blows to the broadband deployment plans. These both relate to Gigaclear as the main supplier commissioned by the council through Fastershire to provide a full fibre network across the county. In November one of their subcontractors for build works, Complete Utilities, ceased trading with immediate effect leaving Gigaclear to make sites safe and work with their other subcontractors to pick up the delivery. Whilst this was effectively addressed, a wider issue related to Gigaclear has been emerging relating to their ability to deliver broadband to parts of our county due to the cost. The main impact is on 2,324 premises in the south of the county still on broadband speeds of less than 30Mbps. The council made the decision to break with Gigaclear for their contracted works in the south of the county and for the areas to be part of the new national Government Project Gigabit programme. Whilst this will take longer to reach some premises it means that, subject to the Government delivering on the programme, a wider area can benefit from gigabit capability. In the meantime the council will support communities affected with a household grant, support for business and continue with the community broadband scheme.
14. I appreciate that residents who had been expecting to receive better broadband will be very disappointed and we will continue to do what we can to press Central Government to provide help.

### Citizens Climate Emergency Assembly

15. Residents have been invited to help shape how Herefordshire Council meets the challenges of climate change by taking part in the Herefordshire Citizens' Climate Assembly.
16. Members of the Citizens' Assembly bring will learn about issues, discuss them with one another, and then make recommendations about what should happen and how things should change. A letter has been sent to 14,400 households in the county inviting them to register their interest in taking part and from those who respond, a minimum of 48 participants will be selected by independent organisation, The Sortition Foundation, to ensure that the final group represent the diversity of Herefordshire's population.
17. The Citizens' Climate Assembly had its first meeting on Thursday 13<sup>th</sup> January and heard from expert speakers, and began to discuss the issues involved. Recommendations from the assembly will be used to influence council policy and spending priorities to help Herefordshire become a zero-carbon nature-rich county by

2030. A proposal will be put to Council to allocate the New Homes Bonus to these activities.

### 2022/23 Delivery Plan

18. In planning for the 2022/23 delivery plan, a workshop was held with Cabinet members on 18 November to agree the key priorities for delivery in 2022/23. This workshop was a key step in reviewing the work we have completed so far and the work planned as part of delivering against our County Plan ambitions. The intention is that this plan will set out the priorities the council is committed to delivering and detail some clear milestones along the way. A final version of the delivery plan will go for approval to Cabinet in late February/March 22 following the full council debate and budget setting on 11 February 2022.

### Cabinet meeting with Powys County Council Cabinet on 26 October 2021

19. Areas of common interest and future joint working were discussed when the Leaders, Cabinet members and Chief Executives of Herefordshire Council and Powys County Council met on 26 October. As well as a border, the two counties share many other interests such as the Rivers Wye and Lugg which flow through both counties, transport infrastructure, local communities and economic development. Powys is also without a hospital so places some reliance Hereford's hospital, and many students travel from Powys to the very successful colleges in Hereford. Both counties have a strong agricultural background and have been similarly impacted by the pandemic and changes in the economic climate. The council leaders discussed areas of funding which could bring mutual benefit such as the Borders Growth Deal and the Levelling-Up Fund.
20. Key issues of concern to both councils include how to address the impact of phosphates on the environment and caring for an ageing population. A second meeting is being organised by Powys Council for February, to continue the discussions and to develop opportunities for working together.

### Waste Collection/Disposal

21. The Cabinet's decision of 25 November for its preferred future operating model for waste collection has been informed by the findings of the: Frith Resource Management (FRM) review, General Scrutiny Committee cross party Waste Task and Finish group findings and feedback from public consultation. The preferred model has been guided and shaped by the recent Climate & Ecological Emergency declaration and carbon modelling review data.
22. The current waste collection service, which is due to expire in 2023 (with no further extension available) is not compliant with expected legislative changes, with this in mind, it is felt that the best alternative option is the three weekly, twin stream recycling service, due to lower transport emissions and higher recycling. This option is robust and futureproofed as much as possible so as to be fit for purpose if/when changes to national legislation are implemented.
23. Cabinet also agreed at its meeting on 25 November 2021 that a proposal for extending the duration of the Waste Management Service Contract ("WMSC") for a period of five years until 11 January 2029, by entering into a variation of the existing WMSC, is an acceptable position. This variation on the contract will work operationally with the future

collection service. It will also meet the council's strategic objectives to increase recycling rates, reduce carbon emissions and reduce waste to landfill as set out in the council's Integrated Waste Management Strategy and the forthcoming requirements on local authorities in the Environment Bill.

24. We know this is a big change for residents who have told us in consultation that they want more opportunities for recycling. There will be a comprehensive communication campaign for residents over the next two years to help them to prepare for the new service. The waste transformation team will work closely with people who live in flats to find ways to recycle more that works for them and the present policy of providing larger bins to larger families or those who have medical needs will remain unchanged.

#### Budget Process

25. The process of setting the council's 2022/23 Budget and council tax rates is well under way. Following a period of public consultation held in the Autumn of last year, the proposals are being discussed by the relevant Scrutiny committees this month.
26. Councillors who access papers for Scrutiny Committee meetings will be aware that The proposals include a total council tax increase of 2.99%, 1.99% increase in core council tax and a 1% adult social care precept which is ring-fenced to support vulnerable adults in the county. This would increase the band D equivalent charge to £1,701.70 representing an increase of £0.95 per week (£4.12 a month). The proposed increase is needed to support the continued delivery of vital services across the county. Our priority is to get the best possible value for every pound we spend.
27. The proposed budget, along with feedback from the Scrutiny committees, will next be discussed by Cabinet on 31 January, and full Council will be asked to approve the 2022/23 budget on 11 February. The final setting of Council Tax, which will include the Police and Crime Commissioner and Hereford & Worcester Fire Authority charges, will take place on 4 March.

#### Quarter 2 budget outturn

28. As part of the quarter 2 budget and performance report presented at Cabinet on Thursday 25 November it was reported that the forecast outturn for the current financial year is a £152k underspend. The forecast spend on the capital side has also improved during the last quarter, with 86% of the budget now expected to be spent in the year. Delivering a balanced revenue budget, as well as spending our capital budget is important and demonstrates our ability to manage our day-to-day business, as well as transform services and opportunities in the county through capital investment. For more information, you can find the papers on the council website [here](#).
29. My thanks go to everyone in the Council who has contributed to putting the Council in such a favourable position and our hope is that the position is maintained to the year end. News of some difficulties in one of our neighbouring authorities reminds us that we must continue to be cautious and careful.

#### Counter fraud update

30. At Herefordshire Council we recognise that every pound lost to fraud reduces our ability to provide services to our residents who really need them. The Council is committed to a zero tolerance policy in relation to fraud and corruption. Behind the

scenes, our Counter Fraud Department has continued to work tirelessly throughout the Pandemic to identify fraud attempts at the earliest opportunity and to stamp it out. Impersonation fraud is one current trend where council safeguards have prevented funds being paid to fraudsters. Increased training, data analysis and risk assessment work for all council departments is strengthening our skills and is broadening the front along which we continue to fight against this crime.

31. During November 2021, the Council participated in International Fraud Awareness Week and this was fully endorsed throughout the organisation. One of our own counter fraud specialists was a finalist for the title: "Outstanding Young Professional of 2021" at the Tackling Economic Crime Awards. This award is judged by an independent panel – appointed by the leading associations and anti-fraud groups – to the young specialist who has best demonstrated commitment and outstanding performance in tackling all areas of economic crime. Although our counter fraud specialist did not claim the award their nomination as a finalist was a considerable achievement by them, and demonstrates a commitment and endeavour to addressing economic crime which is commendable.

#### Repayment to the LEP

32. As a result of an FOI request made to Shropshire Council, Cllr Lester stated at the last Cabinet meeting that the Council had reached a settlement to pay £2.3m to Shropshire Council, acting in its capacity as the Accountable Body for the LEP.
33. This settlement figure arose as a result of Herefordshire Council, Shropshire Council and Marches LEP agreeing to settle all outstanding disputes in relation to the LEP funding of the South Wye Transport Package. The agreement contains confidentiality obligations which mean that I cannot say anything about the settlement without the agreement of the three parties. Such an agreement has not been reached but my understanding is that officers are working on this. Clearly I cannot predict what communication is to be provided but I am pressing officers to provide a full explanation, to which Councillors and the public are entitled. I am not happy with this situation especially as my ability to answer Councillor questions at this meeting will be very limited.
34. I have asked the Chief Executive to review all the circumstances which gave rise to this settlement being agreed. Given that the parties ended up in mediation, there was clearly an issue which was disputed strongly by both parties. This investigation will be carried out by our internal auditors SWAP, and will be provided to the audit and governance committee.

#### Taxi Licensing Policy

35. A number of you will be aware that our taxi policy is currently being updated to adopt new government guidelines to attain the highest standards possible for public safety and safeguarding. A leading lawyer with a wide experience of writing these policies was commissioned to independently overview and assist the team with this review. To ensure all comments from the trade can be fully considered, the council extended the consultation period from mid-November to 6 December with three interactive taxi trade consultation events being held in November. We hope to be able to bring the new and up to date policy to Full Council later this year for adoption.

#### Employment

36. Members of the Employment Panel have had a number of interview days and meetings to interview and appoint Directors. The Chief Executive has made announcements concerning the outcome.

### Engagement

37. Economic summits have taken place in Ledbury, Ross, Leominster and Kington in order to engage with businesses in those market towns. It is planned to repeat these meetings twice a year. A second meeting with representatives of businesses who attended a meeting held in the Autumn at the Shell Store took place on 12 January 2022.

The latest Parish Summit (renamed Talk Parish) took place on 17 January 2022 with presentations from the NHS and Healthwatch in connection with the ICS.

### **Community impact**

38. The County Plan shapes the future of Herefordshire and aims to encourage and strengthen our vibrant communities, create a thriving local economy and protect and enhance our environment to ensure Herefordshire remains a great place to live, visit, work, learn and do business. The plan guides the work of the council and our relationship with individuals, families, communities and partners through to 2024. The council's delivery plan outlines the detailed work that we have committed to delivering over the next eighteen months.
39. The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken. Reporting to Council the activities of the executive demonstrates the council's commitment to the code of corporate governance principle of implementing good practices in transparency, reporting and audit to deliver effective accountability.

### **Environmental Impact**

40. A central underpinning of Herefordshire Council's County Plan is healthy, connected and vibrant ecosystems strongly support the local economy, improve health and wellbeing and make the county an attractive place to live and to visit. It is a commitment of the plan to protect and enhance this environment while stewarding it for future generations.
41. The council's delivery plan is underpinned by the commitment of this executive to use our unique role as leaders of the places we represent to help people feel safe, supported and proud of our unique and beautiful environment and we shall tackle the climate challenge through new approaches to sustainability. In doing this we will base our work on the lessons we have learned, what our residents and businesses tell us and our understanding of what our county needs for a successful future.

### **Equality duty**

42. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
43. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Our providers will be made aware of their contractual requirements in regards to equality legislation.
44. The Equality Act 2010 established a positive obligation on local authorities to promote equality and to reduce discrimination in relation to any of the nine 'protected characteristics' (age; disability; gender reassignment; pregnancy and maternity; marriage and civil partnership; race; religion or belief; sex; and sexual orientation). In particular, the council must have 'due regard' to the public sector equality duty when taking any decisions on service changes.

### **Resource implications**

45. There are no financial implications arising from the recommendations of this report. The financial implications of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform any future decision making.

### **Legal implications**

46. The council and committee, and cabinet rules within the constitution require the Leader to provide a report to Council on the work of the cabinet since the last meeting of Council and, at the first meeting to follow the annual meeting of Council (except in a year when there are ordinary elections), on the priorities of the cabinet and progress made in meeting those priorities. This report ensures these requirement are met
47. Appointment of cabinet members and allocation of portfolio responsibilities are responsibilities of the Leader of the Council, and the constitution requires that any changes are subsequently reported to Council. This report ensures these requirement are met.
48. There are no legal implications arising from the recommendations of this report. The legal implications of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken



## **Risk management**

49. There are no risks arising from the recommendations of this report. The risks of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform future decision making.

## **Consultees**

50. None.

## **Appendices**

- Appendix A - Executive decisions taken from 30 September 2021 to 20 January 2022.

## **Background papers**

None