

## **Minutes of the meeting of Cabinet held at The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 24 February 2022 at 2.30 pm**

**Cabinet Members Physically Present and voting:** Councillor David Hitchiner, Leader of the Council (Chairperson)  
Councillor Liz Harvey, Deputy Leader of the Council (Vice-Chairperson)

Councillors Ellie Chowns and Diana Toynbee

**Cabinet Members in remote attendance** Councillors Pauline Crockett, John Harrington and Ange Tyler

*Cabinet members attending the meeting remotely, e.g. through video conferencing facilities, may not vote on any decisions taken.*

Cabinet support members in attendance Councillors John Hardwick

Group leaders / representatives in attendance Councillors Toni Fagan, Terry James, Peter Jinman and Jonathan Lester

Scrutiny chairpersons in attendance Councillors Elissa Swinglehurst, Jonathan Lester and Phillip Howells

Officers in attendance: Chief Executive, Director of resources and assurance, Service Director - All Ages Commissioning, Corporate Director - Children & Young People, Interim head of legal services and Corporate Director - Economy and Environment

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The leader of the council made an opening statement on the situation in Ukraine. He highlighted the county's long standing connection to workers from Eastern Europe, including Ukraine, and to the security industry. The leader offered, on behalf of the council, a message of solidarity and sympathy to all democratically elected representatives of the government and of councils across Ukraine and to the people of Ukraine whom they all serve and represent. The council's thoughts were also with the many residents of Herefordshire with friends and family in the region.

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### **84. APOLOGIES FOR ABSENCE**

Apologies were received from Cllr Gemma Davies.

### **85. DECLARATIONS OF INTEREST**

Councillor David Hitchiner declared a conflict of interest in agenda item 11 as a non-executive director of Hoople Ltd.

### **86. MINUTES**

**Resolved:** That the minutes of the meeting held on 31 January 2022 be approved as a correct record and signed by the Chairperson.

### **87. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 7 - 8)**

Questions received and responses given are attached as appendix 1 to the minutes.

**88. QUESTIONS FROM COUNCILLORS (Pages 9 - 12)**

Questions received and responses given are attached as appendix 2 to the minutes.

**89. QUARTER 3 BUDGET & PERFORMANCE REPORT**

The cabinet member finance, corporate services and planning introduced the report. She highlighted the position in quarter 3 given continuing challenges from covid and that the council was working hard to improve the outturn position.

Group leaders presented the comments and queries of their group. It was noted that:

- The treasury management strategy was clear that the council only deposited money in banks with a strong credit rating, there had been some occasions where deposits had been in accounts with zero percent interest but rates had increased since then;
- The return of monies from phase 1a of the Green Homes Grant was disappointing but other authorities had also struggled to spend the grant due to a combination of a lack of local skills, supply chain issues for the type of work required and the stringent requirements on eligibility and spend deadlines, some of the funding had been reissued through the third phase grant and a different contractor was to be used for this phase to improve delivery;
- The capital programme had been reviewed in the autumn and adjusted to reflect difficulties in delivering schemes, partly due to covid. The report showed the variances against the adjusted programme;
- Additional project management support was being provided to progress work on section 106 projects;
- Several communities were still struggling to access broadband and further progress on the Fastershire contract would be welcomed;
- The current high rate of inflation would have an impact on the council's services and expenditure.

**It was resolved that:**

**Cabinet, having reviewed performance and financial forecast for year 2021/22 as set out in the appendices A-E, has not identified any additional actions to be considered to achieve future improvements.**

**90. CHILDREN'S IMPROVEMENT PLAN QUARTERLY UPDATE**

The cabinet member children and families introduced the report. She highlighted that this was the first in a series of quarterly updates on the improvement journey. The improvement plan was a live document and was in the process of being refreshed and simplified. The new version of the plan would be included with the next quarterly update.

Group leaders and representatives gave their comments and questions. It was noted that:

- There was still a long way to go and the council needed to remain vigilant in its assessment of progress;
- The next update would have much more detail, reflecting a new approach to data management and reporting;
- It was important to support staff working in this difficult area and recognise that they were experiencing considerable change.

The chairperson of the children and young people commented on the report, noting that progress was being made and a more bottom up focus on the experience of children and families was evident. He highlighted that the committee had received four detailed reports at its recent meeting, including a report on workforce issues.

**It was resolved that:**

**Cabinet members, having reviewed progress against the Children and Families Strategic Improvement Plan v1.0 following the 18th May 2021 DfE non-statutory notice to improve, have not identified any additional actions to support delivery of improvements.**

**91. MARKET TOWN INVESTMENT PLANS (MTIP'S) - TO APPROVE THE INVESTMENT PLANS**

*This item was deferred to the next meeting of Cabinet due to the upcoming by-election in the Bromyard West ward.*

**92. MAYLORD ORCHARD LIBRARY AND LEARNING RESOURCE CENTRE (DETAILED DESIGN)**

The cabinet member environment and economy introduced the report. It was noted that this formed the next stage of the project and that while the library was based in the city, these services would be designed to support wider connections across the county.

Cabinet members welcomed the progress on the project but expressed frustration at the process for the stronger towns grant funding as a significant amount of investment was required upfront and this was a challenge for the many small and community groups involved in the Hereford Stronger Towns Partnership.

Group leaders and representatives gave the comments and queries from their groups. It was noted that:

- The project was widely supported;
- It was hoped that future capital investment would be spread across the county;
- It was important to have communities on board;
- The barriers to smaller groups were a concern but the council had to work with the system as it was.

**It was resolved that:**

- a) **The redevelopment of Maylord Orchards to create a new library and learning resource centre project is approved;**
- b) **Expenditure of up to £0.45m of the Maylord Orchard Library and Learning Resource Centre project capital programme allocation be approved to complete the detailed design stage of the project including seeking planning permission,; and**
- c) **The Corporate Director for Community and Wellbeing, following consultation with the Deputy Section 151 Officer and in consultation with the Cabinet member commissioning, procurement and assets, be authorised take all operational decisions necessary to complete the detailed design stage and seek planning approval within the £0.45m approved budget.**

**93. HEREFORD MUSEUM & ART GALLERY (DETAILED DESIGN)**

The cabinet member environment and economy introduced the report. It was noted that this formed the next stage of the museum project and, as with the library project, these services would be designed to support wider connections across the county. The building would seek to achieve EnerPHit passive house environmental standards and would be a fantastic visitor attraction to add to the current offer.

Group leaders and representatives presented the comments and queries from their groups. The project was generally supported but there were concerns about the

challenges of adapting and maintaining heritage buildings and the timescales to deliver the project.

**It was resolved that:**

- a) **The redevelopment of the Hereford Museum and Art Gallery to create a new high quality visitor attraction project is approved;**
- b) **Expenditure of up to £1.5m of the Hereford Museum and Art Gallery (HMAG) redevelopment capital programme allocation be approved to complete the detailed design stage of the project including seeking planning permission; and**
- c) **The Director for Community and Wellbeing, following consultation with Deputy Section 151 Officer, in consultation with the Cabinet member commissioning, procurement and assets, be authorised take all operational decisions necessary to complete the detailed design stage and seek planning approval within the £1.5m approved budget.**

**94. REGISTERED SERVICES TRANSFER TO HOOPLE LIMITED**

*Councillor Hitchiner declared a conflict of interest as a non-executive director of Hoople Ltd, relinquished the chair and left the room for the duration of this item.*

*The director of resources and assurance also declared a conflict of interest as a non-executive director of Hoople Ltd and left the room for the duration of this item.*

*(Councillor Harvey as deputy leader of the council assumed the chair for consideration of this item.)*

The cabinet member health and adult wellbeing introduced the report and set out the key objectives of the transfer.

Cabinet members noted that staff impacted by the transfer had been given prior notice and that the transfer was expected to build on the improvements that previous in-sourcing had already delivered. The transfer was a positive move for the council, the care services market and for Hoople in broadening its service base.

Group leaders and representatives presented the comments and queries of their groups. It was noted that:

- There was general support for the improvements to delivery of services;
- The audit and governance committee would have oversight of Hoople performance;
- Hoople Care would be quality assured in the same way as all independent providers;
- Hoople Care was expected to have lower operating costs than the council due to the fixed overheads.

**It was resolved that:**

- a) **Cabinet approves the formal transfer of registered social care provider services to Hoople Care, as part of Hoople Limited and;**
- b) **the transfer of council staff employed in the registered services to the employment of Hoople Ltd under TUPE regulations is approved and;**
- c) **Authority is delegated to the Acting Corporate Director for Community Wellbeing to make all operational arrangements necessary for the**

**implementation of the transfer, including the transfer of staff under TUPE regulations.**

*(Councillor Hitchiner resumed the chair.)*

**95. RECOMMENDATIONS FROM CITIZENS CLIMATE ASSEMBLY**

The cabinet member environment and economy introduced the item. She thanked everyone who had participated in the citizens' climate assembly.

Cabinet members noted that:

- It was important to find new ways to engage with residents and stakeholders;
- The bar charts produced in the report set out clearly under three broad headings the ideas that assembly members had come up with and voted on;
- The next stage would be to develop project proposals to seek to deliver on the assembly's recommendations and the new homes bonus money for this year had been allocated to the climate reserve to provide funding;
- The assembly process had been rigorous in selecting a broad representation of the demography of the county and a spectrum of views.

Group leaders and representatives presented the comments and queries from their groups. It was noted that:

- Additional engagement was generally welcomed;
- The general scrutiny committee had considered recommendations from the climate change panel in January 2021 and these recommendations should be referred back to alongside the recommendations from the citizens' climate assembly;
- Some points raised by the climate assembly were challenged, for example the difficulties of rural areas needed to be recognised when seeking to avoid car dependency;
- It was queried whether the cost of running the assembly represented good value for money, in response it was highlighted that councillors voted unanimously to establish the citizens' climate assembly in 2019 and that the costs had come from existing consultation budgets;
- A new supplementary planning document was in development for environmental building standards and all stakeholders would be able to participate in the consultation process;
- It might not be possible for the council to take forward all of these recommendations but there was interest in seeing what would come forward.

**It was resolved that:**

- a) Receive and note with thanks the recommendations provided by the Citizens Climate Assembly;**
- b) Delegate responsibility to Corporate Director Economy & Environment and S151 officer in consultation with the Cabinet Member for Economy and Environment to allocate funding from the Climate Reserve to consider next steps and provide recommendations to Cabinet by April 2022;**
- c) Provide a progress report to the Citizens Climate Assembly in September 2022.**

The meeting ended at 4.22 pm

**Chairperson**



**PUBLIC QUESTIONS TO CABINET – 24 FEBRUARY 2022**

**Question 1**

**From: C Wood, Hereford**

**To: cabinet member, infrastructure and transport**

Can the cabinet and Cllr Harrington confirm that they will look at investing in improving the pavements in our market towns as part of the Market Town Investment Plans (MTIP's) because I am aware that many of them in these locations are not currently accessible for those using wheelchairs and mobility scooters.

**Response**

The market town investment plans have identified a number of projects, including improvements to the public realm including refurbishment and improved accessibility for high streets. This will encourage people to use the high streets more and encourage further investment. There isn't yet funding allocated for this projects but Herefordshire Council will work with the town councils to get quality plans drawn up and will then seek to identify funding streams once Cabinet has approved them. We will make sure that accessibility for wheelchairs and mobility scooters is considered fully and that we design any public realms schemes with those considerations in mind.

*As the agenda item to which this question refers was deferred, any supplementary question will also be deferred to the next meeting.*





## COUNCILLOR QUESTIONS TO CABINET – 24 FEBRUARY 2022

### Question 1

**From Councillor Jeremy Milln, Central Ward**

**To: cabinet member, commissioning, procurement and assets**

For the Maylords library project, professional fees (£150k to RIBA 2 approved in Dec, £450k to RIBA 4 as per item 9 of today's Cabinet agenda and £156k to RIBA 6 as advised by officers) amount to around 25% of the £3m project which seems high given this is a refurb of existing, not a build from scratch. While some contingency for additional surveys etc may be prudent, can I have the cabinet member's assurance that every effort will be made to contain such costs to within the normal RIBA scale 10-15%?

### Response

For Maylords the total value of the project in grant funding terms is £7m, but the £4m as council match funding is the asset value of the shopping centre (as per the point of the leasehold acquisition). The ownership of the building/ site doesn't change in anyway. But we can count our ownership value of the site as match for the grant fund.

In terms of the design stage costs, there is an element of contingency as identified in your question to allow for any additional surveys/ investigations etc that we may need as the work progresses.

The design team and related survey works will be called off at each RIBA stage, and will be better known at the end of RIBA stage 2 when we have a concept design and outcome of the planning pre-app. Any contract award would be based on both cost and quality of the successful bid

We will ensure the design stage costs are kept to a minimum, and should be within the percentage levels you helpfully identify.

### Question 2

**From Councillor Yolande Watson, Kerne Bridge Ward**

**To: cabinet member, environment and economy**

Does Herefordshire Council carry out rural proofing exercise (such as a Rural Impact Assessment) on any of its policies, budgets or services?

### Response

Policy documents that are produced such as the emerging Local Plan are subject to a number of different appraisals but none that would match the definition of a Rural Impact Assessment.

In looking at the Lord Cameron Review into Rural Proofing implementation within government departments this was mainly concerned with the extent to which government departments had adopted and implemented the principles and guidance set out in the Rural Proofing materials published by DEFRA. The definition of Rural Impact Assessment or Rural Proofing as it is known defined by various rural action network

groups may be of more relevance to the policies, projects and programmes produced by the Council and we will therefore look to see how we can incorporate this approach into the work we are currently and planning to produce.

### **Question 3**

**From Councillor Nigel Shaw, Bromyard Bringsty Ward**

**To: cabinet member, commissioning, procurement and assets**

In welcoming the recent NMiTE student cohort to Hereford, can we be advised what the occupancy level at the student accommodation in Station Approach is and be reminded what the Council obligations are in respect of any under-occupancy? The cabinet member may wish to comment on any further plans for building student accommodation which was at one time so imperative to ensuring NMiTE's successful launch.

### **Response**

The Station Approach Student Accommodation is privately owned and operated by City Heart Living Partnerships. We understand that the current occupancy levels are 59% (105 of 178 rooms occupied). The council does not currently hold any liabilities in terms of under occupancy. Hereford College of Arts (HCA) hold the nominations rights and associated liabilities for 89 rooms for the first two years of operation, and then all 178 thereafter. The council has agreed a sub-nominations agreement (and related liabilities) with NMiTE for the remaining 89 rooms for the first two years of operation until HCA has the rights to all of the available rooms.

In terms of the future development of accommodation, at this stage there is no immediate requirement. We understand NMiTE's current intake and short term forecast growth can currently be met by Station Approach as well as their own separate agreements with other private providers. HCA have indicated the 178 rooms in Station Approach is likely to meet their needs in the short term. The Hereford City Masterplan will consider the need for additional student accommodation in the medium to long term.

### **Supplementary question**

You state that the Council does not currently hold any liabilities in respect of under-occupancy but does not state whether there any circumstances which might give rise to a liability being crystallised. Would this potential [be] contained within a schedule of underwritten soft loans and potential liabilities and where can a member or the external auditor inspect this schedule?

### **Response**

A written response was promised to the supplementary question and supplied as follows:

On the 10<sup>th</sup> June 2019 the Cabinet member corporate strategy and budget took the following decision to support the development of the student accommodation on the Station Approach site, which we inherited from your previous administration: [Decision - Development and regeneration programme project approval for student accommodation at Station Approach - Herefordshire Council](#). The decision includes the long term lease (125 years with a break clause at 50 years) of the council owned land at market value, the council providing a guarantor for the M&G loan to City Heart

Living Partnerships, and the guarantor to the 50 year nominations agreement to Hereford College of Arts for the first six years of the nominations agreement.

The council retained nomination rights for half of the rooms (89) for the first three years of operation, although this latterly became 2 years due to the delays in constructing the building. These rooms has been previously agreed to provide initial student accommodation for NMiTE during the start-up phase of its operation.

Through the delegation granted in the June decision, the Director for Economy and Place then entered the respective contracts on the 29<sup>th</sup> July 2019 [Decision - Student accommodation on Station Approach final project approval - Herefordshire Council](#), and the sub-nominations agreement with NMiTE for the retained 89 rooms on the 4<sup>th</sup> August 2020 [Decision - Station Approach Nominations Agreement with New Model Institute in Technology and Engineering - Herefordshire Council](#).

No soft loans have been provided by the council related to the development.

Should City Heart Living Partnerships fail, the council would assume ownership of the building and responsibility for the operation in order to repay the M&G loan.

