

Minutes of the meeting of Cabinet held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 21 December 2023 at 2.30 pm

Cabinet Members Physically Present and voting:

**Councillor Jonathan Lester, Leader of the Council (Chairperson)
Councillor Elissa Swinglehurst, Deputy Leader of the Council (Vice-Chairperson)**

Councillors Harry Bramer, Barry Durkin, Carol Gandy, Ivan Powell and Philip Price

Cabinet Members in remote attendance

Councillors

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 Dan Hurcomb

Group leaders / representatives in attendance

Councillors Liz Harvey, Ellie Chowns, Terry James and Bob Matthews

Scrutiny chairpersons in attendance

Councillors Toni Fagan and Louis Stark

Other councillors in attendance:

Councillors

Officers in attendance:

Chief Executive, Director of Resources and Assurance, Corporate Director, Children and Young People, Corporate Director - Economy and Environment, Director of Governance and Law and Corporate Director Community Wellbeing

66. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Pete Stoddart, Graham Biggs, Pauline Crockett and Nick Mason.

67. DECLARATIONS OF INTEREST

None.

68. MINUTES

Resolved: That the minutes of the meeting held on 23 November 2023 be approved as a correct record and signed by the Chairperson.

69. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 7 - 10)

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

70. QUESTIONS FROM COUNCILLORS (Pages 11 - 12)

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

71. REPORTS FROM SCRUTINY COMMITTEES

The chairperson of the Environment and Sustainability Scrutiny Committee (ESSC) confirmed the meeting on 27 November 2023 to consider how the Council is implementing the Environment Act 2021 was positive. Six recommendations were put forward for consideration by the Cabinet.

The Leader thanked the committee for their work in forming the recommendations and Councillor Swinglehurst expressed gratitude for their recommendations.

It was unanimously agreed that the recommendations on implementing the Environment Act made by the Environment and Sustainability Scrutiny Committee at its meeting on 27 November 2023 be noted, and that an Executive Response to the scrutiny recommendations be prepared for consideration by Cabinet in 2 months.

The chairperson of the Children and Young People Scrutiny Committee (CYPSC) confirmed the meeting took place on 14 November 2023 regarding the Council's SEND action plan update. The committee noted the SEN team stated there was a significant strain on the service post COVID and compromises are having to be made. The aim of the recommendation was to focus on the budget, notably early intervention.

The Leader thanked the committee for their work in forming the recommendations. Councillor Powell confirmed that a discussion has taken place with Councillor Fagan and it's been accepted that further work is to be carried out around the recommendation and Councillor Powell will work with Councillor Fagan and the scrutiny committee.

It was unanimously agreed that the recommendation with the amendment on the Council's SEND action plan made by the Children and Young People Scrutiny Committee at its meeting on 14 November 2023 be noted, and that an Executive Response to the scrutiny recommendations be prepared for consideration by Cabinet in 2 months.

72. APPOINTMENTS TO SHAREHOLDER COMMITTEE

The Cabinet member for Environment introduced the report in Councillor Stoddart's absence. It was highlighted that the council exercises control over the local authority trading companies through appointing directors, being a shareholder and as a purchaser of services. The cabinet member explained that new appointments are now needed due to the change in administration and these are proposed as Councillors Jonathan Lester, Carole Gandy, Graham Biggs and Peter Stoddart. It was also recommended that future appointments to the committee will be delegated to the Leader to improve the process.

Cabinet Members did not discuss the report.

Group leaders gave the views of their groups. The appointments and process of future appointments were welcomed with the view it would encourage the companies to become more efficient and accountable. However disappointment was expressed that future appointments will be made by the Leader and preference was expressed that it should remain with the Cabinet. It was queried what representation there was on the board of the Cyber Centre. In response to the queries it was noted that the representatives from the Council for the Cyber Centre are Ross Cook and Rachael Hart. It was confirmed that Cabinet work collegiately together and decisions are fully discussed by Cabinet which will continue.

It was unanimously resolved that:

- a) Four named members of Cabinet are appointed to the Shareholder Committee; and**

b) That the terms of reference of the Shareholder Committee is changed so that future appointments are made by the Leader

73. PROGRESS REPORT TO THE MINISTER OF STATE FOR CHILDREN AND FAMILIES ON CHILDREN SERVICES IN HEREFORDSHIRE CHILDREN'S SERVICES

It was noted that Eleanor Brazil, children's commissioner to the minister of state joined the meeting. The Cabinet member for Children and Young People introduced the report and explained it presented the progress report from the commissioner. The cabinet member highlighted that encouraging progress had been acknowledged but there were still challenges and improvements to be made. The cabinet member acknowledged that the pace of improvement will be their focus in the New Year.

Cabinet Members discussed the report and it was noted that whilst it was reassuring that the council remains able to provide the service for children and families, Cabinet are focused on ensuring that improvement continues.

It was noted that whilst the report hadn't specifically gone to scrutiny, there were elements of the report that will guide scrutiny over the next year.

Group leaders gave the views of their groups. The partnership with Leeds was welcomed as it addressed concerns about previous flaws with the programme of support and it was pleasing that the council are retaining the service. Concern was expressed that progress to a permanent work force was too slow and this will have an effect on the budget. It was expressed that more needs to be done in the next six months.

Queries were raised regarding whether a monthly update could be provided to show what action is being taken against the key issues, what the target level was for children to have the same social worker, why didn't the council respond to offers of support quicker and how the council can learn from the areas which have good practice.

In response to the queries it was noted that a monthly briefing to provide regular updates for members on the key measures can be arranged. Confirmed that consistency of the same social worker has increased to 33%, showing that the workforce is becoming more stable and will continue to be prioritised, noted that the ambition is to achieve 80%. In responding to offers of support, it was acknowledged that this was due to capacity within the service at the time. Lastly it was confirmed that to promote good practice in other areas there are 'action learning sets' and performance related workshops to promote that practice.

Eleanor Brazil confirmed that she has met with the Director and his team to make clear what the areas of focus are over the next 6 months and her expectation on progress at that point, in June 2024.

It was unanimously resolved that:

a) Cabinet receive this report and note the feedback from the Commissioner.

74. ANNUAL REVIEW OF EARMARKED RESERVES

The Cabinet member for Environment introduced the report in Councillor Stoddart's absence. The cabinet member highlighted the need to ensure prudent level of reserves, with earmarked reserves at £81.8m and a general fund balance of £9.6m, totalling £91.4m. The council has a reserve balance of 52% of its net revenue budget. Noted that the earmarked reserves balance has decreased since 31 March 2022 due to additional funding for Children and Young People's services.

No comments from Cabinet Members.

Group leaders gave the views of their groups. Concerned the report does not actually review the reserves and it is not clear if the reserves are adequate and prudent. Noted consistency in titles of reserves would assist when comparing previous year's reports,

Queries were raised as to whether funding received back from 'Fastershire' will be used for the rural communities with poor internet access, what the length of contract is for the Whitecross PFI, whether the provision against the Whitecross PFI and adult social care discharge to assess are sufficient to meet need in these areas and what is the plan to replenish the financial resilience reserve. Also, queried discrepancies in the figures reported for 31 March 2022 and 1 April 2022 and clarification was sought about whether the reserves are all needed, in particularly business rates risk reserve.

In response to the queries it was noted that the Scrutiny Management Board is reviewing the earmarked reserves report on 16 January 2024 and questions will be put to that committee regarding the resilience reserve, allocations of reserve and review of the reserves. Confirmed there wasn't a discrepancy in the figures, it's about where the amounts are allocated in the different areas. A written report will be provided that links the previous allocations of earmarked reserves to the one in the current report. Confirmed that clarification regarding the length of contract for Whitecross PFI will be provided outside of the meeting.

It was unanimously resolved that;

- (a) The earmarked reserves and balances held by the council at 31 March 2023 are reviewed and confirmed as prudent to meet future financial commitments and risks**

75. Q2 PERFORMANCE REPORT

The Cabinet member for Environment introduced the report and highlighted achievements notably within waste the new procurement process is going ahead and the new provider will be selected. Also, the home upgrade grant is making good progress, beryl and cargo bikes are going well, the wetlands are producing credits and the council were able to release planning permission for 185 homes from this with confirmation of funding received to create a second wetland. It was noted that planning enforcement notices doubled and building control won a local authority building control regional award

Cabinet Members discussed the report and it was noted that all performance measures in community wellbeing are on target for this quarter. In respect of roads and regulatory services the cabinet member highlighted that the briefing for the future operating model for the public realm contract was received positively by Balfour Beatty, the repair of dangerous pot holes was ongoing, the road improvement work will be completed by Christmas and the KPI's for this area are above national average.

Group leaders gave the views of their groups. The green measures were welcomed and noted it would be helpful to have measures that are reported to the government annually, to be reported quarterly to provide in year progress as well as clarification about what the targets are for the performance measures. Concerns were raised regarding absence of information as to what progress has been made and what evidence there was in support. Also, concerns were noted about insufficient and inconsistent information in the report, notably whether the digital household grant scheme was ending, why the decarbonisation of schools is marked as green without the necessary evidence, why there is no information about ending the school travel and taxi decarbonisation projects, there is conflicting information regarding the wetlands projects from what was said today and inconsistent information regarding the Keep Herefordshire Warm measure and how

its performed. A further concern was raised regarding risk assessments, what will be done to address those risks and why there were no risks recorded in the corporate section of the report.

Queries were raised regarding why the quarterly budget and performance reports were separated, and who is the purchaser in respect of the sale of Council owned land.

In response to the queries it was noted that the next budget and performance quarterly reports will be on the same agenda but still shown as separate reports. Confirmed that how the quality of the performance data is captured will be reviewed. Clarification in writing will be provided to Councillor Chowns regarding the concerns raised. Lastly, regarding the sales of land, no information can be provided until the sale is concluded.

It was unanimously resolved that;

- a) To review the performance for Quarter 2 year 2023/24, and identify any additional actions to achieve future performance measures.**

The meeting ended at 4.05 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 21 December 2023

Question 1**1. Trish Marsh, Leominster****To: Councillor Lester, corporate strategy and budget**

(Councillor Stoddart, finance and corporate services is on leave)

I note the Cabinet have to cut 2024/25 spending by £19.5 million.

At Council budget setting meetings in 2022 and 2023 the Conservative group put forward motions to freeze the council tax precept. Both times the True Independents and nearly all the Liberal Democrats voted with them. In 2023 the Conservatives did not even suggest what cuts would need to be made in order to achieve a 0% rise.

However, alongside most principal councils across the country, the Independent Green alliance agreed the top precept increase allowed by government to protect valuable public services in Herefordshire.

If Herefordshire's precept had remained at its 2021/22 level:-

- What would have been the cumulative reduction in precept collected to end of 23/24?
- What level of cuts in £ would be required for 24/25 revenue spending to balance the books without drawing on reserves?

Response

The amendment to the 2022/23 budget was fundable, in February 2022 Council choose to deploy the funds in a different way.

The amendment for the 2023/24 budget was not for a 0% increase, it was a proposal to fund further investment in our rural C and U roads.

We have inherited a medium term financial strategy from the previous administration that has budget shortfalls in future years. We are working to close these future years' gaps.

If Herefordshire's precept had remained at its 2021/22 level without any increase in council tax charge in 2022/23 and 2023/24, the cumulative difference in council tax charged to 31 March 2024 is £13.0 million.

If Herefordshire's precept had remained at its 2021/22 level without any increase in council tax charge, there would be an additional funding gap in 2024/25 of £16.1 million.

Supplementary question

Thank you for calculating that, if council tax had been frozen as the Tories proposed in 2022 and 2023, an additional £16.1 million of cuts to vital services would now be obligatory - on top of the painful £19.5m service damaging cuts already required next year.

The minority Tory administration – sensibly - proposes a precept rise of 5% for 2024/25 - the highest level permitted. Inflation is currently 4.6%.

Cllr Lester says in the Hereford Times that this is because “The council is still facing significant inflationary pressures”.

Yet in opposition the Tories proposed a 0% precept increase in February 2022 when inflation was 6.2% - and in February 2023 when inflation was 10.4%.

Can the Cabinet member tell us if he would prefer to be making service cuts of £36.5 million for next year?

Supplementary response

Question is for Councillor Stoddart who is on leave. As the Chair I would like to say that the conservative administration is always keen to limit council tax increases where possible and deliver value for money for the council tax payers. The proposals we put forward in 2021/22 were predicated on the ability of the then administration to deliver value for money. The financial picture we've inherited, with significant overspends leaves this administration with little choice but to propose a council tax increase of 4.99% in order to maintain a balanced budget. I would just like to stress though that it's a draft budget and we will be listening to the views of all members of the public as part of the consultation process.

Question 2

Ms Reid, Hereford

To: Councillor Powell, Children and Young People

Children's Services Commissioner's report (12/2023):

"Families in Herefordshire have experienced practice that has been intrusive and over-reliant on process, leading to unnecessary use of formal mechanisms [eg Section 47] to engage families and a disproportionate use of intervention in family life and too many children being looked after when there could have been opportunities to safely keep them with parents or the wider family [Leeds report]"

"I [Commissioner] have mentioned some of areas that have been slow to progress including the use of external support, return to face to face conferences and reviews, reviewing family contact time, developing early help arrangements and discharging care orders. In addition to those we have been concerned about delays in ... setting up family group conferencing, and developing locality working."

How and by when will Herefordshire Council increase the pace of discharging care orders?

Response

Children and Young People's Services is working to prioritise permanency plans with children, young people, their parents/carers and family members to ensure that the plans are in the best interests of children and young people, reflect their changing needs and circumstances and those of their parents and wider family members.

The discharging of a Care Order can only be exercised by the Courts following careful consideration of the evidence.

The Reunification Practice Guidance and Permanence Planning Guidance form part of our wider Permanence Strategy which was reviewed and relaunched earlier this year. This sets out clearly that the preferred option for permanency for children in our care is for them to return or remain in the care of their parents where this is safe and meets children's needs.

A dedicated Permanence Team is in place to offer increased capacity and expertise to consider permanency planning and to undertake assessments to inform court applications to request the discharge of a Care Order. Since August 2023, this team has supported the discharge of 11 Care Orders with Court dates being scheduled by the Court for a further 12 children and young

people. There are 18 children for whom assessment is currently in process. For 8 children an assessment was undertaken but a discharge of Care Order was not currently appropriate.

The progress of the Permanency Team is overseen by Senior Officers and a Permanency Panel has been established to ensure that plans for children and young people meet their needs.

Due to the unique nature and circumstances of each individual child / young person in our care it would not be appropriate to set targets or specific expectations in respect of the discharging of Care Orders specifically, however, as outlined above, there is an increased focus in relation to achieving permanency.

Supplementary question

The Children's Commissioner's report stated that the rate of children in care continues to remain high. The costs are very high, for example, on average over £260,000 per child for one year in a children's home, with a forecast budget overspend of over £8m.

Only 11 Care Orders were discharged during the past almost five months. Per the Permanence Strategy, Family Group Conferences facilitate children returning to their family network including with a Special Guardianship Order. During Quarter 2 of 2023-24, there were only eight Family Group Conferences "when established" and only two Special Guardianship Orders were issued.

Sadly, too many children are in care and therefore will be separated from their families at Christmas. I suggest the council's New Year's resolution should be to quicken the pace of reducing the number of children in care. Will the council commit to this resolution?

Supplementary response

With specific regard to reducing the number of children in our care, moving forwards the answer to that question is yes, absolutely we are committed to delivering against that.

COUNCILLOR QUESTIONS TO CABINET – 21 December 2023

No questions from Councillors were submitted.

