

**Corporate Support Centre**  
Paul Walker - Chief Executive

**To: All members of the Council**

our ref: Council - 8 December 2021  
contact: Matthew Evans, Democratic Services  
telephone: 01432 383690  
email: matthew.evans@herefordshire.gov.uk

30 November 2021

Dear Councillor,

**You are hereby summoned** to attend the meeting of the Herefordshire Council to be held on **Wednesday 8 December 2021** at the Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP at **10.00 am** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely

*C Ward*

**Claire Ward**  
**Solicitor to the Council**



# AGENDA

## Council

Date: **Wednesday 8 December 2021**

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Time: **10.00 am**

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Place: **Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP**

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Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast of the meeting:  
<https://youtu.be/pkQCZUiCvo4>

For any further information please contact:

**Matthew Evans, Democratic Services**

Tel: 01432 383690

Email: [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk)

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If you would like help to understand this document, or would like it in another format or language, please call Matthew Evans, Democratic Services on 01432 383690 or e-mail [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Council

## Membership

**Chairman**

**Councillor Sebastian Bowen**

**Vice-Chairman**

**Councillor Kema Guthrie**

Councillor Graham Andrews

Councillor Polly Andrews

Councillor Chris Bartrum

Councillor Dave Boulter

Councillor Ellie Chowns

Councillor Gemma Davies

Councillor Toni Fagan

Councillor Carole Gandy

Councillor John Harrington

Councillor Jennie Hewitt

Councillor David Hitchiner

Councillor Helen l'Anson

Councillor Peter Jinman

Councillor Graham Jones

Councillor Jim Kenyon

Councillor Trish Marsh

Councillor Mark Millmore

Councillor Felicity Norman

Councillor Tim Price

Councillor Paul Rone

Councillor Nigel Shaw

Councillor John Stone

Councillor Elissa Swinglehurst

Councillor Kevin Tillett

Councillor Ange Tyler

Councillor William Wilding

Councillor Paul Andrews

Councillor Jenny Bartlett

Councillor Christy Bolderson

Councillor Tracy Bowes

Councillor Pauline Crockett

Councillor Barry Durkin

Councillor Elizabeth Foxton

Councillor John Hardwick

Councillor Liz Harvey

Councillor Kath Hey

Councillor Phillip Howells

Councillor Terry James

Councillor Tony Johnson

Councillor Mike Jones

Councillor Jonathan Lester

Councillor Bob Matthews

Councillor Jeremy Milln

Councillor Roger Phillips

Councillor Ann-Marie Probert

Councillor Alan Seldon

Councillor Louis Stark

Councillor David Summers

Councillor Paul Symonds

Councillor Diana Toynbee

Councillor Yolande Watson

## Agenda

	Pages
<i>(The meeting will be preceded by thought for the day.)</i>	
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive declarations of interest in respect of Schedule 1, Schedule 2 or Other Interests from members of the Council in respect of items on the agenda.	
<b>3. MINUTES</b>	9 - 32
To approve and sign the Minutes of the meeting held on 8 October 2021.	
<b>4. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS</b>	33 - 36
To receive the Chairman and Chief Executive's announcements.	
<b>How to submit questions</b>	
<i>The deadline for submission of questions for this meeting is:</i>	
<i>5:00 p.m. on Thursday 2 December 2021.</i>	
<i>Questions must be submitted to <a href="mailto:councillorservices@herefordshire.gov.uk">councillorservices@herefordshire.gov.uk</a>. Questions sent to any other address may not be accepted.</i>	
<i>Accepted questions and the response to them will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at <a href="https://www.herefordshire.gov.uk/getinvolved">https://www.herefordshire.gov.uk/getinvolved</a></i>	
<b>5. QUESTIONS FROM MEMBERS OF THE PUBLIC</b>	
To receive questions from members of the public.	
<b>6. QUESTIONS FROM MEMBERS OF THE COUNCIL</b>	
To receive any written questions from members of the Council.	
<b>7. REVIEW OF THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI)</b>	37 - 60
To approve the adoption of the Herefordshire Council's revised statement of community involvement.	
<b>8. RETENDER OF EXTERNAL AUDIT CONTRACTS</b>	61 - 66
To approve the retender of the external audit contract as recommended by the audit and governance committee at their meeting held on 24 November 2021.	
<b>9. LEADER'S REPORT</b>	67 - 82
To receive a report from the leader on the activities of the executive (cabinet) since the meeting of Council on 8 October 2021.	
<b>10. NOTICES OF MOTION UNDER STANDING ORDERS</b>	83 - 90
To consider Notices of Motion.	

## **The Seven Principles of Public Life**

### **(Nolan Principles)**

#### **1. Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **6. Honesty**

Holders of public office should be truthful.

#### **7. Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **The Public's Rights to Information and Attendance at Meetings**

In view of the continued prevalence of covid-19, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at [www.herefordshire.gov.uk/meetings](http://www.herefordshire.gov.uk/meetings) and support us in promoting a safe environment for everyone. If you have any queries please contact the Governance Support Team on 01432 260201 / 261699 or at [governancesupportteam@herefordshire.gov.uk](mailto:governancesupportteam@herefordshire.gov.uk)

We will review and update this guidance in line with Government advice and restrictions. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

## **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Recording of meetings**

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

## **Public transport links**

The three counties hotel is accessible by bus; bus stops in each direction are positioned on the Belmont Road at the front of the hotel.



## **Minutes of the meeting of Council held at Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP on Friday 8 October 2021 at 10.00 am**

**Present:** Councillor Sebastian Bowen (chairperson)  
Councillor Kema Guthrie (vice-chairperson)

**Councillors:** Graham Andrews, Paul Andrews, Polly Andrews, Jenny Bartlett, Chris Barrum, Christy Bolderson, Tracy Bowes, Ellie Chowns, Gemma Davies, Barry Durkin, Toni Fagan, Carole Gandy, John Hardwick, John Harrington, Liz Harvey, Jennie Hewitt, Kath Hey, David Hitchiner, Phillip Howells, Helen I'Anson, Terry James, Peter Jinman, Tony Johnson, Graham Jones, Mike Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Jeremy Milln, Felicity Norman, Roger Phillips, Tim Price, Probert, Paul Rone, Louis Stark, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillet, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

**Officers:** Democratic services manager, Chief Executive and Acting deputy chief executive - solicitor to the council and Democratic Services Manager

### **10. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dave Boulter, Pauline Crockett, Elizabeth Foxton, Mark Millmore, Alan Seldon, Nigel Shaw and John Stone.

### **11. DECLARATIONS OF INTEREST**

Councillor David Hitchiner declared an other interest in the Belmont motion at agenda item no 12; living within a mile of the proposed Belmont conservation area.

Councillor Tracy Bowes declared an other interest in the Belmont motion at agenda item no. 12; living in the electoral ward of Belmont Rural within which the proposed conservation area was located.

Councillor Christy Bolderson declared a schedule 1 interest in the Belmont motion at agenda item no, 12; living within the proposed conservation area.

Councillor Bob Matthews declared an other interest in the Belmont motion at agenda item no. 12; living in close proximity to the proposed conservation area.

There was one further declaration of interest at the meeting; please see minute 17 below.

### **12. MINUTES**

**RESOLVED:** That the minutes of the annual meeting held on 28 May 2021 be confirmed as a correct record and signed by the Chairman.

### **13. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS**

Council noted the Chairman's and Chief Executive's announcements as printed in the agenda papers.

*(There was an adjournment at 10:20 a.m., the meeting reconvened at 10:54 a.m.)*

**14. QUESTIONS FROM MEMBERS OF THE PUBLIC** (Pages 9 - 10)

A copy of the public questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the Minutes at Appendix 1.

**15. QUESTIONS FROM MEMBERS OF THE COUNCIL** (Pages 11 - 14)

A copy of the Member questions and written answers, together with supplementary questions asked at the meeting and their answers, is attached to the Minutes at Appendix 2.

**16. SUBMISSION OF MINERALS AND WASTE LOCAL PLAN (MWLP)**

Council considered a report by the cabinet member finance, corporate services and planning concerning the submission of the Herefordshire minerals and waste local plan to the secretary of state for examination in public. The cabinet member finance, corporate services and planning introduced the report and proposed the recommendations in the report. She proposed an alteration to the minerals and waste local plan that the wording relating to the impact of Leinthall Quarry on local heritage assets (page 2-17 of the Herefordshire Minerals and Waste Local Plan). The original wording to demonstrate the level of effect was to be retained to read as follows:

*Need to demonstrate the level of effect on heritage assets and their settings, particularly Croft Ambrey Hill Fort and Croft Castle Park.*

Council debated the report and expressed support for the submission of the minerals and waste local plan to the secretary of state for examination in public. Council was supportive of the proposed alteration to wording relating to the impact of Leinthall Quarry on local heritage assets.

The cabinet member environment and economy seconded the recommendations in the report and agreed the alteration outlined above to the minerals and waste local plan relating to the impact of Leinthall Quarry on local heritage assets.

The recommendations in the report, subject to the alteration outlined above, were put to the vote and were carried.

**RESOLVED – that:**

- a) the draft MWLP development plan document (see background papers) and the schedule of suggested main modifications and minor changes (Appendix A) be approved for submission to the Secretary of State for examination in public;**
- b) authority be delegated to the Assistant Director Regulatory, Environment and Waste, following consultation with the Cabinet Member Finance, Corporate Services and Planning, to make any additional minor textual, or graphical amendments to the MWLP or its associated documents and these then added to the schedule of suggested minor changes, prior to the MWLP being submitted to the Secretary of State;**

- c) it be agreed that the Planning Inspector be invited to recommend any main modifications necessary to the MWLP in order to find it legally compliant and sound; and
- d) it be agreed that delegated authority be given to the Assistant Director for Regulatory, Environment and Waste and to the Lead Development Manager to agree, with the Planning Inspector, any additional modifications to the MWLP, if it is appropriate and necessary to do so, in order to facilitate efficient progress of the Plan through the examination process. Subsequently, such modifications will be subject to public consultation.

**17. UPDATE ON THE IMPROVEMENT PROGRAMME WITHIN CHILDREN AND FAMILIES DIRECTORATE FOLLOWING PUBLICATION OF OFSTED FOCUSED VISIT JULY 2021**

Council considered a report by the cabinet member children and families concerning an update on the improvement programme within the children and families directorate following the Ofsted focused visit July 2021. The cabinet member children and families introduced the report and proposed recommendation in the report.

Council debated the report and the following actions were raised during the debate:

- A written response would be provided on progress made with the resolution agreed at the April 2021 extraordinary meeting concerning exit interviews.
- A written response would be provided and information in a further update to full Council including detail of the following:
  - An overview of the legal department resources in relation to children’s social care;
  - A breakdown of the numbers of social workers in preference to the use of %;
  - An overview of the structure of legal and children’s services with details of the resource at each level;
  - The caseloads for social workers;
  - Initiatives to develop in-house training to ‘grow-our-own’ social workers.
- A written response would be provided with an update on the care concerns helpline.
- A written response would be provided with details of any additional funding identified for early help services to assist the improvement programme.
- A written response would be provided with details of the vacancy rates in children’s services and whether the situation was improving.
- A clear timetable of dates for reports concerning the improvement programme would be completed and circulated to all members.
- There would be consideration of the hosting of children’s performance challenge sessions in the evening or a facility to record the sessions and make available to all members.
- A written response would be provided with an explanation as to how social workers would feel that they had a stake in or ownership of the improvement plan would be included in the next update report to Council.
- Clarification would be provided concerning the wording contained in paragraph 31 in the report.

Councillor Roger Phillips declared an other interest in agenda item no. 8, update on the improvement programme within the children and families directorate as Chair of Herefordshire Youth Justice Panel.

The Leader seconded the recommendations in the report which were put to the vote and were carried.

**RESOLVED – that:**

- a) Council note the outcome of the Ofsted focussed visit on the 7 – 8 July; and**
- b) Council note the progress to date against the service priorities identified by Ofsted and other independent reviews undertaken.**

## **18. REVISION OF CAPITAL PROGRAMME BUDGET FOR PRIORITY FLOOD WORKS**

Council considered a report by the cabinet member transport and infrastructure concerning the revision of the capital programme budget for priority flood works. The cabinet member transport and infrastructure introduced the report and proposed the recommendations in the report.

Council debated the report and the following actions were raised during the debate:

- To provide an update on the flood risk strategy to all members.
- To consider a strategic overview of weight restrictions.
- The cabinet member transport and infrastructure would discuss Daycroft Lane with the member for Kerne Bridge.

The cabinet member finance, corporate services and planning seconded the report, the recommendations were put to the vote and were carried.

**RESOLVED – that:**

- a) Council approves in year adjustments to the capital programme set out in paragraph 11 below to allow realignment of capital spend to flood repair projects that require the allocation of budget within the programme budget of £4.027m as follows: Fownhope Landslip Budget reduced from £1.565m to £0.510m Fownhope Retaining Wall Collapse budget increased from £1m to £1.15m Unallocated budget of £905k from combined Fownhope budgets remains as contingency for remaining flood works; and**
- b) The Cabinet member for infrastructure and transport is delegated authority (in consultation with the Section 151 officer) to realign the Whitney on Wye and/or the Various Damage site budgets as costs for these works are confirmed.**

*(There was an adjournment at 1:07 p.m.; the meeting reconvened at 1:41 p.m.)*

## **19. 2020/21 TREASURY MANAGEMENT OUTTURN**

Council considered a report by the cabinet member finance, corporate services and planning concerning the 2020/21 treasury management outturn. The cabinet member finance, corporate services and planning introduced the report and proposed the recommendations.

Council debated the report.

The Leader seconded the report.

The recommendations in the report were put to the vote and were carried.

**RESOLVED – that:**

**a) The treasury management outturn for 2020/21, as detailed in appendix A, be approved**

## **20. LEADER'S REPORT**

Council received and noted the Leader's report which provided an update of the work of the cabinet since the previous ordinary meeting of Council in March 2021. The report also provided annual reports from outside bodies.

Council questioned the Leader and the following actions were raised:

- To provide a written response to a question concerning the take-up rates of business support offered through the covid recovery plan.
- To provide a written response to a question to clarify if the Council purchased the Maylords centre below market value.
- To provide a written response to a question concerning confidentiality agreements and financial implications of staff leaving children's services.
- To investigate the use of lists of businesses held by business rates department for use in publicity for the business summits to be held in the market towns.
- To provide a written response regarding the latest calculation of how council's decision-making is responding to the climate emergency.
- In relation to the children and families improvement programme, a schedule would be circulated to all members with detail of where information can be accessed, when briefings/performance challenges are scheduled, when scrutiny meetings were scheduled and where information could be located online.

## **21. NOTICES OF MOTION UNDER STANDING ORDERS**

### **Motion – Cabinet posts – Children's Services and Adult Social Care**

Councillor Jim Kenyon moved the motion.

Council debated the motion. In summary, the value of cross-party representation on the cabinet was recognised however the change that was proposed in the motion should be considered through the re-thinking governance process.

Councillor Terry James seconded the motion.

The motion was put to the vote and was lost by a simple majority.

*(Councillor Christy Bolderson left the meeting room)*

### **Motion – Belmont**

Councillor Bowes moved the motion.

A recorded vote was requested which was supported by eight members of the Council.

Council debated the motion. In summary there was support for the appraisal of the Belmont area for designation as a conservation area however such appraisals should be considered for all sites of significant historic interest.

Councillor Jeremy Milln seconded the motion.

An alteration to the motion was proposed to include the following wording: *This council calls upon the executive to appraise all sites of significant historic interest that are not currently conservation areas with a view to reviewing whether more conservation areas should be approved.* The alteration was accepted by the proposer and seconder of the motion.

The motion, subject to the alteration outlined above, was put to the recorded vote and was carried by a simple majority.

For (39): Councillors Graham Andrews, Paul Andrews, Polly Andrews, Bartlett, Bartrum, Bowen, Bowes, Chowns, Davies, Durkin, Fagan, Guthrie, Hardwick, Harrington, Harvey, Hewitt, Hey, Hitchiner, Howells, James, Jinman, Graham Jones, Mike Jones, Kenyon, Lester, Marsh, Matthews, Milln, Norman, Price, Stark, Summers, Swinglehurst, Symonds, Tillet, Toynbee, Tyler, Watson and Wilding.

Against (1): Councillor Rone

Abstain (1): Councillor Probert

**RESOLVED – that:**

**In the light of the Herefordshire County Plan objectives for heritage and well-being, this Council recognises:**

- **the special importance of the cultural landscape at Belmont to the City and County of Herefordshire**
- **the potential for Belmont to enrich the lives and sustain the health of the people of Herefordshire (and especially for residents of the South Wye area)**

**That in recognising the importance and potential of Belmont, this Council calls on the Executive to appraise Belmont for designation as a new Conservation Area to include the House, Abbey and Park on the south side of the River and the adjacent hamlets of Warham and Breinton on the north side, seeking funding to support this work; and**

**This council calls upon the executive to appraise all sites of significant historic interest that are not currently conservation areas with a view to reviewing whether more conservation areas should be approved.**

*(Councillor Christy Bolderson returned to the meeting room)*

**Motion – Wye and Lugg bathing water**

Councillor Louis Stark moved the motion.

Councillor Jeremy Milln seconded the motion

Council debated the motion. In summary the improvement to water quality from the proposal was supported but there was concern that the proposal would encourage swimming in dangerous and environmentally sensitive rivers.

The motion was put to the vote and was carried by a simple majority.

**RESOLVED – that:**

**This Council notes:**

- 1. The rapid deterioration in the water quality of the Rivers Wye and Lugg, which is evident from citizen science testing and visual observation. The rivers are important natural assets and the council is extremely concerned at their current state. As well as an importance as natural habitats, they are also a recreational resource for many, including use for swimming and other water-borne activities;**
- 2. The recent success in Ilkley in designating parts of the River Wharfe as bathing waters, and the increased regulatory protection that has resulted;**
- 3. The historically low level of funding which the Environment Agency has available to enforce existing regulatory controls.**

**This Council therefore resolves to call upon the executive to:**

- 4. Investigate seeking designation of appropriate stretches of the Wye and Lugg to be officially identified as bathing water.**
- 5. Urge concerned residents to support the River Action petition, which asks the English and Welsh governments to double the Environment Agency and Natural Resources Wales's regulatory budgets so that they can more effectively enforce the existing legal protections for the Wye and Lugg;**
- 6. Forward this resolution to the Members of Parliament in Herefordshire, to ask them to support the campaign by River Action for increased funding for the Environment Agency.**
- 7. Forward this resolution to other English and Welsh councils in the Wye Valley to ask them to support the campaigns for bathing water status and for increases in regulatory budgets.**

The meeting ended at 4.10 pm

**Chairperson**





**Appendix 1 - Questions from members of the public**

Question Number	Questioner	Question	Question to
PQ 1	Mr McKay, Leominster	Could an option be added to enable the Index of the Definitive Map Modification Order Register to be viewed online in Numerical/Date Order, part of which has recently been provided under FOI, as this presently only may be searched under Parish/Town/Village, enabling the latest applications to be identified and viewed?	Cabinet member infrastructure and transport
<p><b>Response:</b> The request appears to be deliverable, the council will explore to understand if this is the case and what resource will be required to make it happen, if achievable, the council will undertake the exercise once resource becomes available.</p>			
<p><b>Supplementary Question:</b> When exploring to understand if my request is deliverable could you also give consideration to fact that much of what is shown, or not shown, on the Definitive Map originates from path survey information provided by Parish Meeting when first Definitive Map was raised in the 1950's, when the option to show such information online was not available. Now that this Parish Meeting information has been digitised would Council make it viewable online, along with the List of Anomalies, and encourage Parishes to check that what has been shown on todays records is as was intended, to submit further information to complete gaps, address anomalies, etc., before the 2026 cutoff date when unrecorded paths may be extinguished and completion/correction may become more complex?</p>			
<p><b>Response from Cabinet Member Transport and infrastructure:</b> The Cabinet Member explained in response to the supplementary question that the proposal would be looked into. He also explained that there was currently a move to review bringing the rights of way service 'back in house'.</p>			
PQ 2	Mr Adams, Leominster	<p>A while back I asked a question about the use of plastic roads in Herefordshire provided by Macrebur, a Scottish based company. The response was that apparently Hereford council were waiting for the results of the DTI trials. These have now been completed successfully, Macrebur has laid roads, which utilise non-recyclable plastic waste in a number of locations, both in the U.K. and globally. The product has been proven to be much more resistant to potholes, stronger than standard asphalt and cost effective.</p> <p>When is Herefordshire council going to look into this company further, and adopt their product as being more effective, and better for the environment? The company has a patent on their product so it is only available through Macrebur.</p>	Cabinet member infrastructure and transport
<p><b>Response:</b> The council has followed the trials of the Macrebur product mentioned above, specifically in Cumbria with interest.</p>			

The council is an active member of the regional service improvement group where new materials and best practice are shared. We explore the benefits of alternative materials to understand the whole life cost and benefits of the material used on the network, Cumbria are part of the group.

The Highways team have made contact to further understand the specification and the benefits of introducing the Macrebur product to the supply chain, this will progress to inform material selection for future programmes.

**Appendix 2 - Questions from members of the Council**

Question Number	Questioner	Question	Question to									
MQ 1	Councillor Bob Matthews, Credenhill	Could the leader of the council inform members how many members of staff have left this Authority in the last 12 months and what has been the financial cost to the council overall?	Leader									
<p><b>Response:</b>                      In the last 12 months, 164 employees have left the council. It hasn't been possible to obtain the costs data in the timescale allowed and this will follow in writing.</p> <p>The rate at which staff leave the council has remained stable overall and the council's current staff turnover rate is 12.3 %. This rate compares favourably with the median rate for local government which is 13.5%<sup>1</sup>.</p> <p>The council continues to work hard to attract the best candidates to the council and make the council a great place to work so that staff want to stay. This work is targeted when needed and includes retention interviews to identify staff thinking of leaving and exit interviews to understand why people have left. Targeted work is currently underway in service areas such as planning, social work and legal services.</p> <p>-----  <sup>[1]</sup> Local Government Association Workforce Summary Data published March 2021</p>												
<p><b>Supplementary Question:</b>                      How many members of staff had left the authority in 2019-2020 and 2020-2021 financial years and what costs were incurred by the Council. What plans were in place to recruit to existing vacancies and when would all staff be replaced?</p>												
<p><b>Response from the Leader:</b>                      A written response would be provided. A special effort was currently underway to increase resource in the planning department.</p> <p><b>Written response provided on 22 October:</b> The number of employees leaving the council in the requested financial years and the costs incurred can be found in the table below.</p> <table border="1" data-bbox="208 1214 1111 1425"> <thead> <tr> <th data-bbox="208 1214 508 1286">Financial year</th> <th data-bbox="508 1214 808 1286">Number of leavers</th> <th data-bbox="808 1214 1111 1286">Cost to council</th> </tr> </thead> <tbody> <tr> <td data-bbox="208 1286 508 1353">2019/2020</td> <td data-bbox="508 1286 808 1353">170</td> <td data-bbox="808 1286 1111 1353">19,138.27</td> </tr> <tr> <td data-bbox="208 1353 508 1425">2020/2021</td> <td data-bbox="508 1353 808 1425">134</td> <td data-bbox="808 1353 1111 1425">62, 694.07</td> </tr> </tbody> </table>				Financial year	Number of leavers	Cost to council	2019/2020	170	19,138.27	2020/2021	134	62, 694.07
Financial year	Number of leavers	Cost to council										
2019/2020	170	19,138.27										
2020/2021	134	62, 694.07										

Redundancy costs and only costs above contractual entitlement are included.

The rate at which staff leave the council has remained relatively stable overall and the council's current staff turnover rate is 12.3 %. This rate compares favourably with the median rate for local government which is 13.5%<sup>1</sup>.

The council continues to work hard to attract the best candidates to the council and make the council a great place to work so that staff want to stay. This work is targeted when needed and includes retention interviews to identify staff thinking of leaving and exit interviews to understand why people have left.

Not all staff who have left will be replaced. When staff leave we take the opportunity to review whether we need to fill the post and if we do, plans are made to recruit as soon as possible. If necessary agency workers are used to fill short term gaps. Although having 100% of vacancies filled would be an ideal situation, this is realistically not achievable for any local authority.

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<sup>(1)</sup> Local Government Association Workforce Summary Data published March 2021

MQ 2	Councillor Roger Phillips, Arrow	<p>Will the Leader of the Council join me in congratulating the Wild in the Curl project in my ward on its work to improve the quality of the water and improve the wildlife of the Curl brook catchment?</p> <p>In a catchment of over 6,000 acres with 25 farms including chicken, dairy, fruit, maize, potatoes ,beef and sheep production and a main village sewage system; over five years their sampling and surveys reveal a reduction of phosphate in the water course and increased numbers of species and improved habitat.</p>	Leader
<p><b>Response:</b>  Thank you for drawing my attention to this excellent project. I am pleased to join you in congratulating and thanking those involved in this project. There must surely be things that can be learnt from this project which has reduced phosphates and improved the ecology of area. I will ask that officers consider what might be learnt. It may be that the Nutrient Management Board should study this.</p>			
<p><b>Supplementary Question:</b>  Would the Leader push Natural England to fund elements of the project that had resulted in improvements to water quality.</p>			
<p><b>Response from the Leader:</b>  The Leader confirmed he would look to do this and work with Natural England.</p>			





Agenda item	Actions and notes	Actions completed / comment									
<p>Questions from Councillors</p>	<p>1. To provide a written response to Cllr Matthews' supplementary question:</p> <p><i>How many members of staff had left the authority in 2019-2020 and 2020-2021 financial years and what costs were incurred by the Council. What plans were in place to recruit to existing vacancies and when would all staff be replaced?</i></p>	<p>The number of employees leaving the council in the requested financial years and the costs incurred can be found in the table below.</p> <table border="1" data-bbox="943 312 1843 518"> <thead> <tr> <th>Financial year</th> <th>Number of leavers</th> <th>Cost to council</th> </tr> </thead> <tbody> <tr> <td>2019/2020</td> <td>170</td> <td>19,138.27</td> </tr> <tr> <td>2020/2021</td> <td>134</td> <td>62,694.07</td> </tr> </tbody> </table> <p>Redundancy costs and only costs above contractual entitlement are included.</p> <p>The rate at which staff leave the council has remained relatively stable overall and the council's current staff turnover rate is 12.3%. This rate compares favourably with the median rate for local government which is 13.5%<sup>1</sup>.</p> <p>The council continues to work hard to attract the best candidates to the council and make the council a great place to work so that staff want to stay. This work is targeted when needed and includes retention interviews to identify staff thinking of leaving and exit interviews to understand why people have left.</p> <p>Not all staff who have left will be replaced. When staff leave we take the opportunity to review whether we need to fill the post and if we do, plans are made to recruit as soon as possible. If necessary agency workers are used to fill short term gaps. Although having 100% of vacancies filled would be an ideal situation, this is realistically not achievable for any local authority.</p> <p>-----</p> <p><sup>[1]</sup> Local Government Association Workforce Summary Data published March 2021</p>	Financial year	Number of leavers	Cost to council	2019/2020	170	19,138.27	2020/2021	134	62,694.07
Financial year	Number of leavers	Cost to council									
2019/2020	170	19,138.27									
2020/2021	134	62,694.07									
<p>Update on the improvement programme within the children and families directorate following Ofsted focused visit July 2021</p>	<p>2. To talk to Cllr Summers regarding the middle management support that existed between the legal team and front line social workers.</p> <p>3. A written response to Cllr Symonds be provided on progress made with the</p>	<p><i>Response: Darryl to contact Cllr Summers and offer a meeting with relevant officers</i></p> <p><i>Response: We are unable to insist that staff leaving us have an exit interview. It is therefore not a 'requirement'. We do routinely offer informal meetings to staff who are thinking of leaving and feedback</i></p>									

resolution agreed at the April 2021 extraordinary meeting, as below. To include detail of interdepartmental arrangements for exit interviews.

**All staff resigning from Herefordshire children's services are required to undertake an exit interview conducted by a children's social care specialist outside Herefordshire Council, to understand the reasons for their resignation. This process to be implemented no later than 1<sup>st</sup> July 2021 with the outcome of all such exit interviews reported to the Children & Young People Scrutiny committee.**

4. A written response to Cllr Kenyon be provided and information in a further update to full Council including detail of the following:

- An overview of the legal department resources in relation to children's social care;
- A breakdown of the numbers of social workers in preference to the use of %;
- An overview of the structure of legal and children's services with details of the resource at each level;
- The caseloads for social workers;
- Initiatives to develop in-house training to 'grow-our-own' social workers.

*trends to operational leaders and where possible persuade staff to stay and to be part of our improvement. Senior Managers also offer to meet with colleagues who may be thinking of leaving or have made that decision.*

*Relatively few staff take up the offer of an exit interview. Where they do, the responses are gathered by Business Intelligence and reports sent to HR who review them and feedback themes and concerns to operational managers.*

*Response:*

- 1) *An Assurance Protocol has been jointly agreed regarding the joint handling of Issues of Concern/Notable Cases in Children Services.*
- 2) *All cases of concern are discussed at a fortnightly Legal Update meeting chaired by the Director of Children Services/Solicitor to the Council attended by lead social workers and lead solicitors for each case, the Joint Heads of Law and the Interim Head of Legal/Solicitor to the Council to provide update on cases, agree instructions for continued case management, manage and monitor court directions and agree way forward on other issues of concern in the Children's Service.*
- 3) *Legal gateway takes place on a weekly basis. The frontline workers seek approval from their team manager to present a case. If permission is granted, the case is given a time-slot in the following weeks' agenda. A legal representative sits on the panel and gives legal advice, including whether threshold is met.*
- 4) *Legal advice is also provided on an adhoc basis using the duty solicitor system (telephone or email) or direct communication to a team member or Head of Law. The duty solicitor inbox is manned every day.*



- 5) *Urgent legal planning meetings take place outside of legal gateway in order to take decisions in respect of the relevant legal course of action*
- 6) *Compliance meetings take place on a weekly basis to ensure court timetables are being followed. These are chaired by Head of Service and a member of the legal team attends these meetings.*
- 7) *Pre-proceedings and care proceedings panel take place which a member of the legal team attends along with member of Children Services.*
- 8) *IPPMs (Initial permanency planning meetings) and RPPMs (review permanency planning meetings) take place to ensure that matters are planned in an appropriate manners. A member of the legal team attends these meetings with member of Children Services/Social Worker.*
- 9) *An out of hours service is provided by Weightmans Solicitors to EDT (Emergency Duty Team)*

***Are there sufficient resources and funding within the legal department?***

*The resource implications in the Childrens Legal Team for supporting the Improvement Plan work are not included in the legal base budget. The current additional resource allocation to support this work has been provided from the additional corporate resource of £5.2m.*

*Caseloads for our social workers vary considerably. The reported average caseload is currently 15 but this masks a broad variance with some workers having just one or two cases (they are Newly Qualified Social Workers who should have a low caseload which increases gradually during their first year in employment) to others who have caseloads in the late 20s. Managers in the service are working hard to significantly and quickly reduce the number of colleagues who have higher and much less manageable caseloads; making sure that children's cases are where they should be in the service (team type); and to ensure that in the future, the spread of caseloads is much more narrow, with all case holding workers having a manageable workload based on the type of work, and their skills /experience.*

*With our HR colleagues, and with input from our workforce, we are developing a significantly revised Workforce Strategy which addresses retention and recruitment, career progression, and how we will 'grow our own'. This piece of work is expected to be concluded by the end of this year.*

*There are 206 posts requiring a social worker degree in Children's Services. Future reports to Council and its committees will provide a breakdown of data regarding social workers as actual numbers in addition to reflecting the proportion of the workforce, for clarity.*

5. A written response to Cllr Hey to provide an update on the care concerns helpline.

#### Cases for Concern- Briefing

Following the Chief Executives statement, inviting members of the public to contact the council via email or web form if they had any concerns about the way they or their family have been treated by Herefordshire Children's Social Care Services, the Independent Assurance Team (IAT) developed a framework and process for collating, reviewing and responding to submissions made via 'Concerns about Care' channels.

#### Process

- Communications team send through email and web responses to Independent Assurance Team ,via Executive Assistant to Interim DCS
- All concerns are logged on a confidential spreadsheet
- Responses are sent to people submitting concerns, either answering their query, requesting further information or advising of next steps
- Submissions are triaged with the Access to Information Team, and where they appear to meet formal complaints criteria respondents are offered the opportunity to have their concerns dealt with via that process
- Submissions are triaged with Legal Services who will advice if legal proceedings are in progress or recently closed and add comments to the learning review as appropriate
- Where submissions would not meet formal complaints criteria (e.g. one year time limit is passed, complaint has already been dealt with at all stages of the procedure) a learning review is undertaken by a member of IAT and any concerns arising from that review escalated appropriately. As part of the review all available case recording is interrogated and staff, if still in the employ of the council, and those expressing concerns are interviewed.
- Outcomes of learning reviews are sent through to Interim DCS, together with suggested wording for a response to the person raising the concerns. Once authorised, each response is transferred to letter headed format by via Executive Assistant, signed by Interim DCS and sent to respondent.
- Should the respondent not be happy with the outcome, the Interim DCS would offer an appointment to meet with her and further action taken as appropriate.

As to date there have been 63\* contacts regarding 45 individuals via the Concerns about Care Channels. 20 of the Contacts were dealt with outside of the Care for Concerns Framework. Learning reviews have been completed on all other cases.

\*7 respondents made multiple contacts and 6 children/young people were the subject of more than one person's contact. Cases span from involvement with Herefordshire Council from one year to 25 years ago.

6. A written response to Cllr Swinglehurst to provide details of any additional funding identified for early help services to assist the improvement programme.

Initially we were receiving daily contacts however in September and October 2021 only 3 concerns were received and of those 2 are being managed through the formal complaints procedure by the Access to Information Team and 1 has been resolved by a discussion between the member of the public and IAT.

A more detailed briefing will be presented to Children’s Scrutiny Committee in November.

*Response: Right Help, Right Time is one of the five work streams of our strategic Improvement Plan and includes the development of our prevention and early help activity. The core work programme for this work stream will not commence until April 2022 (Phase 2) although scoping work is already underway. Part of the scoping activity includes consideration of any additional resources required. A bid for a grant from the Department of Education to support this is currently under consideration.*

7. A written response to Cllr Phillips to provide details of the vacancy rates in children’s services and whether the situation was improving.

*Response:*

Number of qualified or front-facing posts in S&FS establishment (FTE)	206
Number of agency workers in qualified or front-facing S&FS posts (FTE)	20 (9.71%)
Number of employees in qualified or front-facing S&FS posts (FTE)	161.6 (78.45%)
Number unfilled qualified or front-facing S&FS posts (FTE)	24.4 (11.84%)

NB, this is based on figures for w/c 12 October, more agency staff are or have joined pending permanent recruitment

*UPDATED - More specifically - In August we were informed at an online seminar that there were 24 vacancies out of 84 with 9 agency staff - has that figure increased or decreased ?*

*Response: As at 19<sup>th</sup> November, in Safeguarding and Family Support, the vacancy rate was 27.66% and 12.35% of posts were filled by agency workers.*

*This compares to a vacancy rate of 28.57% quoted by Cllr Phillips and 10.71% of posts being filled by agency workers.*

	<p>8. A clear timetable of dates for reports concerning the improvement programme would be completed and circulated to all members.</p>	<p><i>Response: Below are the current scheduled dates for meetings that will provide an update for members on the improvement programme; further dates will be scheduled with our colleagues in democratic services and will be shared with all members.</i></p> <table border="0"> <tr> <td><i>20 October at 6.00 pm</i></td> <td><i>All members' briefing</i></td> </tr> <tr> <td><i>21 October at 2.30 pm</i></td> <td><i>All members' briefing</i></td> </tr> <tr> <td><i>28 October at 2.30pm</i></td> <td><i>Cabinet [endorsement of the strategic improvement plan]</i></td> </tr> <tr> <td><i>5 November at 9.30 am</i></td> <td><i>Children's Performance Challenge</i></td> </tr> <tr> <td><i>8 November</i></td> <td><i>Improvement Board [DfE 6 monthly progress update meeting]</i></td> </tr> <tr> <td><i>11 November at 6.00 pm</i></td> <td><i>PROVISIONAL: all members' briefing</i></td> </tr> <tr> <td><i>19 November at 2.30 pm</i></td> <td><i>PROVISIONAL: all members' briefing</i></td> </tr> <tr> <td><i>23 November at 2.30 pm</i></td> <td><i>Children and Young People's Scrutiny meeting</i></td> </tr> <tr> <td><i>13 December</i></td> <td><i>Improvement Board</i></td> </tr> <tr> <td><i>17 January</i></td> <td><i>Improvement Board</i></td> </tr> <tr> <td><i>18 January at 2.30 pm</i></td> <td><i>PROVISIONAL: all members' briefing</i></td> </tr> <tr> <td><i>19 January at 6.00 pm</i></td> <td><i>PROVISIONAL: all members' briefing</i></td> </tr> <tr> <td><i>27 January at 6.00pm</i></td> <td><i>Cabinet</i></td> </tr> </table>	<i>20 October at 6.00 pm</i>	<i>All members' briefing</i>	<i>21 October at 2.30 pm</i>	<i>All members' briefing</i>	<i>28 October at 2.30pm</i>	<i>Cabinet [endorsement of the strategic improvement plan]</i>	<i>5 November at 9.30 am</i>	<i>Children's Performance Challenge</i>	<i>8 November</i>	<i>Improvement Board [DfE 6 monthly progress update meeting]</i>	<i>11 November at 6.00 pm</i>	<i>PROVISIONAL: all members' briefing</i>	<i>19 November at 2.30 pm</i>	<i>PROVISIONAL: all members' briefing</i>	<i>23 November at 2.30 pm</i>	<i>Children and Young People's Scrutiny meeting</i>	<i>13 December</i>	<i>Improvement Board</i>	<i>17 January</i>	<i>Improvement Board</i>	<i>18 January at 2.30 pm</i>	<i>PROVISIONAL: all members' briefing</i>	<i>19 January at 6.00 pm</i>	<i>PROVISIONAL: all members' briefing</i>	<i>27 January at 6.00pm</i>	<i>Cabinet</i>
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	<p>9. There would be consideration of the hosting of children's performance challenge sessions in the evening or a facility to record the sessions and make available to all members.</p>	<p><i>Response: The Service is happy to accommodate both options, recording and sharing sessions is already an option, and we will work with Democratic Services to consider the scheduling of meetings going forward.</i></p>																										
	<p>10. A written response to Cllr Stark to explain how social workers would feel that they had a stake in or ownership of the improvement plan would be included in the next update report to Council.</p>	<p><i>Response: A survey of frontline workers is currently being planned and a staff reference group has recently been organised. The Staff Reference Group present reports to the Improvement Board and will be asked to co-ordinate a response for the next update report to Council.</i></p>																										
	<p>11. To provide clarification around paragraph 31 in the report, reproduced below:</p>	<p><i>Response: The cohort of frontline managers in our children's service include a number of first-time managers who are relatively inexperienced, as well as some with more experience. Similarly, among our social worker workforce, we have a significant proportion who are either Newly Qualified Social Workers</i></p>																										

	<p><b>It is evident from the inspection focus visit, diagnostic and audit work that has been undertaken that the skill base of managers and some social workers is not at a level required to drive forward such a challenging improvement agenda, at the pace needed, to satisfy external scrutiny from the DfE and Ofsted. Although part of the strategy is rightly to develop and support all managers, the concern around current practice issues, cannot wait for this to be fully implemented.</b></p>	<p><i>(NQSWs) who are in their first year of practice since qualifying (their Assessed and Supported Year in Employment (ASYE)), or who are in only their second year post-qualifying. This means that where is a relative lack of experience, this has a detrimental effect on the speed at which we can bring about service improvement.</i></p> <p><i>The priority in this instance is to support and develop the frontline workers and managers to develop more skills and experience in a supportive environment, so that in turn they are better able to contribute to the broader service improvement. Whilst this activity is undertaken, it has been necessary too to bring in some external support bringing additional capacity and management oversight so that the pace of improvement is also realised.</i></p>
<p>Revision of capital programme budget for priority flood works</p>	<p>12. In response to Cllr Marsh's question, to provide an update on the flood risk strategy to all members.</p> <p>13. In response to Cllr Stark's question to consider a strategic overview of weight restrictions.</p> <p>14. In response to Cllr Watson's question the cabinet member transport and infrastructure would discuss Daycroft Lane with the member for Kerne Bridge.</p>	<p><i>Response:</i></p> <p><i>The Local Flood Risk Management Strategy (LFRMS) was adopted by Cabinet in September 2017. It is accompanied by an action plan which was presented to General Scrutiny Committee and updated earlier this year. As part of the 2021/22 annual plan for the public realm services contract with BBLP, we are commencing a review/refresh of the LFRMS.</i></p> <p><i>The Executive Response To The Local Flood Risk Management Strategy Action Plan Review By General Scrutiny Committee can be found at <a href="https://hc-modgov.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=8358">https://hc-modgov.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=8358</a></i></p> <p><i>Currently being considered</i></p>
<p>Leader's report</p>	<p>15. To provide a written response to Cllr Matthews's question: <i>are businesses</i></p>	<p><i>Response: The list of Covid grants is being updated and will be sent shortly; we are making sure it has the most up-to-date information included.</i></p>

*seeking the support offered through the covid recovery plan.*

16. To provide a written response to Cllr Bowes's question to clarify if the Council purchased the Maylords centre below market value.
17. To provide a written response to Cllr James's question: *have the staff who have left children's services over the previous 6 months or those leaving now been required to sign a confidentiality agreement and what have been the cost implications to the council?*
18. To investigate the use of lists of businesses held by business rates department for use in publicity for the business summits to be held in the market towns.
19. To provide a written response to all members with the latest calculation in response to Cllr Hewitt's question: *please can we have a separate piece of accounting that takes into account that many of the council's decisions are in response to the climate emergency. [See 4:16:00 of the Council webcast.](#)*
20. In relation to the children and families improvement programme, a schedule would be circulated to all members with detail of where information can be accessed, when briefings/performance challenges are scheduled, when scrutiny

*Response: I can confirm that the price paid for Maylord Shopping Centre was below the valuation price. It may be that confusion has arisen because in the Record of Officer decision published on 26 June 2020 the first line in the anticipated costs associated with the purchase are stated to be £4,250,000 but this figure includes Stamp Duty Land Tax and some other acquisition costs.*

*Response:*

- 1) In the previous 6 months - April 2021 to date, no staff leaving Herefordshire Council Children Services have been required to sign a confidentiality agreement.*
- 2) As a result there are no cost implications to the council.*

*Response: The lists are available.*

*Response: Arrangements are being made to include this reporting in the quarterly report.*

*Response: Below are the current scheduled dates for meetings that will provide an update for members on the improvement programme; further dates will be scheduled with our colleagues in democratic services and will be shared with all members.*

*20 October at 6.00 pm*

*All members' briefing*

*21 October at 2.30 pm*

*All members' briefing*

	<p>meetings were scheduled and where information could be located online.</p>	<p>28 October at 2.30pm <i>improvement plan]</i> Cabinet [endorsement of the strategic 5 November at 9.30 am Children's Performance Challenge 8 November Improvement Board [DfE 6 monthly <i>progress update meeting]</i> 11 November at 6.00 pm PROVISIONAL: all members' briefing 19 November at 2.30 pm PROVISIONAL: all members' briefing 23 November at 2.30 pm Children and Young People's Scrutiny meeting 13 December Improvement Board 17 January Improvement Board 18 January at 2.30 pm PROVISIONAL: all members' briefing 19 January at 6.00 pm PROVISIONAL: all members' briefing 27 January at 6.00pm Cabinet</p>
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**Chairman's Announcements – Council Meeting – 8<sup>th</sup> December 2021**  
**Events attended by the Chairman since the last**  
**Council meeting on 8<sup>th</sup> October 2021**

15<sup>th</sup> October - Queens Green Canopy Launch

15<sup>th</sup> October - Herefordshire Shrievalty Service

22<sup>nd</sup> October - Herefordshire Federation of Young Farmers Clubs 77<sup>th</sup> AGM

4<sup>th</sup> November - Hereford and Worcester Fire Rescue Long Service and Good Conduct Awards

2<sup>nd</sup> November - Shaw Healthcare Thank you Presentation - Withington

7<sup>th</sup> November - Hereford & Worcester ACF Charitable Trust Lunch

8<sup>th</sup> November - Citizenship Ceremony

10<sup>th</sup> November - Field of Remembrance Service

11<sup>th</sup> November - Poppies to Paddington Service

14<sup>th</sup> November - Remembrance Sunday

16<sup>th</sup> November - Mayors Meeting

19<sup>th</sup> November - Dominic Grieve Lecture

26<sup>th</sup> November - Shaw Healthcare Thank you Presentation - Ledbury

30<sup>th</sup> November - Advent in London, The Guard's Chapel

1<sup>st</sup> December - Parkinson's Civic Service Donation Meeting

4<sup>th</sup> December - Herefordshire Youth Orchestra and Herefordshire Youth Concert Band Concert  
Autumn Concert

7<sup>th</sup> December - Mayors Meeting



**Chief Executive's announcements  
Full Council 8 December 2021**

As we continue on our path of improvement, there have been a number of changes to the senior management structure at Herefordshire Council. As part of the 'One Council' transformation programme we have appointed Darryl Freeman as Corporate Director for Children and Young People, Mark Purvis as Director of Transformation and David Ubaka as Delivery Director for Transport Strategy. The Director of Public Health and Corporate Director for Economy and Environment are external appointments and I hope to be able to share details at the next Full Council. The Corporate Director for Community Wellbeing will be re-advertised before Christmas, with interviews planned for the New Year. This appointment will complete the Management Board restructure and will mean we can start to deliver further improvements across the organisations and with service delivery quickly and effectively.

We continue to improve our children's social care services as part of the Children's Improvement Plan and are pleased to receive a grant from government of around £1.7m to support our activity and help us to improve outcomes for children and young people in Herefordshire. This is a significant amount of money and shows, we think, the confidence that the new Minister and the Department for Education have in us, and what we are working hard to achieve.

In November, international leaders met at the Conference of the Parties (COP 26). The commitments made at the conference signify how important addressing the climate emergency is and how we all have a part to play in reducing our carbon emissions. In Herefordshire, we recognise the urgent need for action and have formed the Climate and Nature Partnership Board to help the county reduce its carbon output to achieve net zero carbon emissions by 2030. The new Herefordshire Citizens' Climate assembly will bring people together from across the county to help influence and shape how we address the climate and ecological challenges that we face. We have already undertaken many practical initiatives such as LED street lighting, solar panels on our buildings, Beryl Bikes and our very popular 'Bus It' campaign, with free bus travel on weekends, to help get people out of cars and onto buses. There is much more planned. With practical changes such as changes to our bin collections to encourage more reuse and recycling, better walking and cycling options so you don't have to get into a car for your journey, alongside more strategic approaches such as ensuring that all our policies reflect our commitment to preserve and protect our beautiful county for generations to come.

We continue to find collaborative ways of working with business, to forge new relationships and build on our strengths and opportunities. There has been overwhelming support from the business sector to establish the new shared 'place-based' vision for Herefordshire, and realise the truly great potential and ambition of our fantastic county. The Herefordshire Big Plan will set out our vision, and establish how, together with partners, we will get there. I have already started to have conversations with local businesses and our Business Summits in Hereford and a number of the market towns have been well-attended- with similar events to follow. Our new university, with its first cohort, brings opportunity into the county as well bringing a new energy and vibrancy to Hereford. There is much for Herefordshire to look forward to!

Regeneration is part of our 'Big Plan' which brings businesses and partners together to create a lasting vision for Herefordshire. We have much history and heritage to be proud of in the county and we will work to maximise the impact and value of our resources- whether built or natural, owned or shared. A great example of regeneration is the Shell Store munitions factory on the Rotherwas Industrial Estate. This was an historic but dilapidated site and it has been given a new lease of life as a venue for business conferencing and business development. It has been sympathetically restored and includes the history of the site for visitors to understand the significant part it played as a munitions factory. It recently won the 'Commercial Development of the Year' at the Insider West Midlands Property Awards, which reflects the hard work done by our teams to realise the vision.

It's important for me to see things for myself, so I have continued my programme of meeting staff, Members, local businesses and community representatives alongside meeting representatives from our community. I have spent time with the Covid Outbreak Management team, some of our care leavers, Herefordshire Football Association, the food share at Baron cross estate, Talk Community hubs, and Officers from the Garrison.

I have also put in place a programme of regular all-staff and leadership briefings. This is an important way to communicate with staff during our period of transformation across the organisation, share progress with new developments and programmes with presentations from colleagues and also a chance to listen to voices of staff across the council.

As we head towards the Christmas period, we will be ensuring residents know what services will be available to them and when. Our services continue to operate over the Christmas period and we will continue to support vulnerable residents who need extra support during what can be an extremely difficult time.

You will be seeing our Celebrate Safely message again this year, as Covid brings more uncertainty, and I ask everyone to keep playing their part to help Keep Herefordshire safe by wearing a face covering in public spaces wherever they can.



## **Title of report: Review of the Statement of Community Involvement (SCI)**

**Meeting: Council**

**Meeting date: Wednesday 8 December 2021**

**Report by: Cabinet member finance, corporate services and planning;**

### **Classification**

Open

### **Decision type**

Budget and Policy Framework

### **Wards affected**

(All Wards);

### **Purpose**

To approve the adoption of the Herefordshire Council's revised statement of community involvement.

### **Recommendation(s)**

That:

- (a) the revised Herefordshire Council Statement of Community Involvement (at appendix A), be approved.

### **Alternative options**

- 1 Preparation and adoption of the statement of community involvement (SCI) is a statutory requirement. The continued use of the existing statement of community involvement is an alternative option. However, this is not recommended as it does not give due consideration to times of restricted Government guidelines or changes to

internal departmental guidance and updated information about council departments supporting groups of identity.

## Key considerations

- 2 It is a requirement of the Planning and Compulsory Purchase Act 2004 that as part of the local development framework a statement of community involvement is prepared which sets out the council's policy in respect of consultation on planning matters. The revised statement of community involvement would replace the current document adopted in January 2017. Extensive review of the planning process leading to the publication of the Localism Act in 2011 and National Planning Policy Framework in 2012, as well as the emerging White Paper for Planning, means there is now far greater emphasis on early engagement with all potentially affected parties.
- 3 The revised statement of community involvement details the various ways in which people are able to be involved in the planning process and the commitment the council has to ensure there is ample opportunity to do so.
- 4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires that the SCI is reviewed every 5 years. The last SCI was adopted in January 2017; therefore the document is due for review.
- 5 Government guidelines can affect how the council are able to engage, so a flexible approach is necessary as well as ensuring that the document reflects any developments in engagement methods. Among the alterations to the SCI were to update the online methods of engagement to include platforms such as YouTube, Teams, Zoom and Webex.
- 6 Certain departmental guidance within the council has changed since last version was published. Anonymous representations can now be taken into account when it comes to planning applications where there is a sound reason for not divulging the source of the objection. For neighbourhood planning, it is no longer necessary to consult on a settlement boundary, unless it is different to the parish boundary or is part of a joint application.
- 7 A table summarising the changes to the SCI is provided below:

SECTION	DESCRIPTION OF UPDATE
Contents	Updated version is a combination of full of and summary version adapted Jan 2017, in order to have one concise SCI document.
3.2	AONB Officers and associated groups included in list.
3.2	Details of new regulations GDPR (2018) included.
5.2	Table for Council departments and organisation, and bodies representing groups of identity updated

6.1	Statement should utilise and implement available data, e.g. where in Herefordshire it was known that there was no broadband coverage.
6.1	Methods of online meetings to be added.
9.1	Added dwellings, agriculture, retail as well as prior notifications (given so many different types now). Also, listed building consent applications.
9.2	All press notices in Hereford Times now, not local ones.
9.2	Boxout wording changed to 'Parish Council'
9.2	Advice was given that there is now an obligation to consider anonymous comments where there is a sound reason for not divulging the source of the objection. (Link provided).
9.2	Added advice about scheme delegation. Committee and public speaking. Being able to watch/listen online.
9.3	Examples of policy documents added.
9.3	Suggested adding social role.
9.4	Addition of reference to the constitution. Also an acknowledgement that the list of material consideration is not exhaustive and is a matter of judgement.
9.4	S106 information be added.
10.5	Only now required to consult at this stage under circumstances in brackets.
Appendices	Added an appendix rather than explanations throughout the doc.
Appendix 1	'Engage' text reworded from original "This means giving people all of the information they need, so they have a chance to have their say."
Appendix 2	Change from planning notices to site notices.

## Community impact

- 8 The council's County Plan 2020-2024 includes a commitment to nurture strong communities and a sense of connectivity, and the adoption of a revised SCI supports this commitment.
- 9 Established organisations and council departments representing groups of identity provide a vital communication network. Some organisations and departments listed in the document, have changed, hence the revised SCI replaces those with current information. It is acknowledged that not all communities across the county have the same level of online access; therefore the range of communication tools suggested in the SCI will continue to allow for an adaptive approach where this is the case.

## Environmental Impact

- 10 Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy. These will include maximising on the use of online methods of engagement, whilst still having a hybrid on and offline approach in order to reach as broad a demographic as possible.

## **Equality duty**

11 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.

12 In order to ensure that due regard for equality and diversity is met, the following measures will be taken:

- The document is available in alternative formats.
- In reviewing the document, care has been taken to avoid the use of acronyms and to ensure the use of plain English.
- Methods of public engagement used will continue to be diverse, in order to provide the opportunity for the views of as broad a demographic as possible.

## **Resource implications**

13 There are no financial implications arising directly as a result of this decision.

14 Emphasis on utilising online communication as much as possible means potential cost efficiencies. The projects and plans which utilise the SCI have an agreed budget with an element identified for consultation.

## **Legal implications**

15 Section 18 of the Planning & Compulsory Purchase Act 2004 (as amended) to produce and adopt a SCI and the requirement to review the SCI every 5 years is set out in the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017. Any SCI must set out in detail how the council will engage with the public during preparation of planning documents. The revised SCI fulfils these requirements.



## Risk management

- 16 By adopting the revised document, the council will avoid breaching its statutory duty to maintain an up-to-date SCI. Changes in the reviewed SCI does not expose the council to any further risk.

## Consultees

- 17 Internal consultation has been undertaken with members of the Development Management and Neighbourhood Development teams, in order to ascertain any changes to their working practices so the SCI could be updated. The document has also been circulated to Cllrs for Political Group comments.

## Appendices

Appendix A) - Statement of Community Involvement revised version 2021

## Background papers

None

## Report Reviewers Used for appraising this report:

<b>Please note this section must be completed before the report can be published</b>		
Governance	Matt Evans	Date 26/11/2021
Finance	Louise Devlin	Date 25/10/2021
Legal	Alice McAlpine & Anne Gurzon	Date 01/11/2021
Communications	Luenne Featherstone	Date 25/10/2021
Equality Duty	Carol Trachonitis	Date 28/10/2021
Risk	Paul Harris	Date 4/11/201
Approved by	Neil Taylor	Date 30/11/2021

**Please include a glossary of terms, abbreviations and acronyms used in this report.**

SCI - Statement of Community Involvement

# **Contents**

## **Document summary**

- 1. Summary of planning documents**
- 2. What is the Statement of Community Involvement for?**
- 3. Who will be involved in the consultation?**
- 4. When can you get involved?**
- 5. Different ways to engage people to prevent exclusion**
- 6. Communication tools**
- 7. Role of elected members**
- 8. Consultation on Development Plan Documents and Supplementary Planning Documents**
- 9. Community Involvement in the planning application process**
- 10. Neighbourhood Development Planning**
- 11. Monitoring and reviewing**

## **Appendices**

## Document Summary

This Statement of Community Involvement (SCI) sets out how the Council will engage with the community in respect of planning matters.

This will be the second review of the SCI since the original document was first adopted in 2006. A revised document was adopted in 2016. Regulation 10A (1) b of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires that the SCI is reviewed every 5 years.

The Town and Country Planning (Local Planning) (England) Regulations 2012 reflect reforms in the Localism Act 2011. Proposals in the White Paper are yet to be incorporated into new legislation or regulations but the SCI has been updated to incorporate the ambitions of the White Paper. Of relevance to the SCI, along with emphasis on early engagement, is a simplified process for plan preparation and the recognition of the increased use of electronic communication as a way of notifying and consulting with communities.

Information should be available from the earliest stages and during the planning process.

- The reason for consultation should be clear
- Methods should be right and well-managed
- Information should be available to all
- Council decisions should show people's views have been taken into account
- People should be given the chance wherever possible to stay informed

An important part of the Statement of Community Involvement is to recognise those groups who are at risk of being left out and to show how the Council will make sure information is available to everyone.

In this booklet we explain what some of the terms used mean. You will find a definitions list at the back of the booklet in Appendix 1.

## 1. Planning Documents

### 1.1 Local Development Documents

These are the Statement of Community Involvement, Development Plan Documents and Supplementary Planning Documents. These Documents go together to form the Local Plan for the County.

### 1.2 Local Development Scheme (LDS)

This is a list of what documents will be included in the Local Plan and timetable for their production. It is regularly reviewed to keep it up to date. The latest LDS can be found [here](#).

### 1.3 **Statement of Community Involvement (SCI)**

This explains how and when people can be involved in the preparation of the Local Development Documents and decisions about planning applications.

### 1.4 **Development Plan Documents (DPD)**

These will form part of the development plan for the area and include:

- The Core Strategy, which sets out the long term vision for the county and the policies needed to deliver that vision.
- Development Plan policies on issues like housing, employment, and retail which will guide development in the County.
- Policies showing where land that will be used for individual uses like housing and employment is.
- A Map showing where in the county is affected.

### 1.5 **Supplementary Planning Documents**

These documents cover a range of issues and give extra detail to development plan document policies.

### 1.6 **Neighbourhood Development Plans**

Every parish has the opportunity to write one of these plans to help shape the way their area develops within the guidelines of the Local Plan.

A Guide on how to write a Neighbourhood Development Plan and details of the help that is available can be found [here](#).

### 1.7 **Sustainability Appraisals**

Sustainability Appraisals are to there to look at the social, economic and environmental impacts of all the Local Development Documents within the Local Plan.

### 1.8 **Habitats Regulations Assessment**

A local authority must carry out an assessment under the Habitats Regulations, known as a habitats regulations assessment (HRA), to test if a plan or project proposal could significantly harm the designated features of a site.

### 1.9 **Authority Monitoring Report (AMR)**

This report will look at the effectiveness of the policies within the Local Plan and show what needs to be reviewed or prepared in the future.

The Authority Monitoring Report also looks at the Council's performance in achieving the targets set in the Local Development Scheme.

More information can be found [here](#).

### 1.10 Planning Applications

The council make sure that all valid planning applications are available for public viewing as early in the process as possible. This gives everyone the chance to have their say before the final documents and decisions are made.

## 2. What is the Statement of Community Involvement for?

- To identify who will be consulted on plan documents and planning applications and when they will have the chance to be involved in plan making and as part of decisions on planning applications.
- To set out useful ways people can be involved that are easy to understand and available to everyone during the planning process.
- To encourage early involvement in decision making between the community and all interested parties. This can help to settle any conflicts and give a sense of ownership.
- Explain how the results of the consultations will be used and how those involved will be kept informed.

2.1 Statutory consultation requirements are set by the Government in the Town and Country Planning (Local Development) (England) Regulations 2012.

## 3. Who will be involved in the consultation?

3.1 There are certain organisations and bodies that the Council must ask for their opinion when preparing plan documents and deciding on planning applications.

3.2 The main groups to be contacted are:

- Central, Regional and Local Government organisations
- Bodies such as utility companies
- Community, voluntary, resident and interested groups
- Individuals who have requested to be kept informed on planning policy matters (see data regulation note below)
- Parish/Town Councils
- Local businesses, developers and agents
- Neighbouring authorities and relevant internal council departments

The General Data Protection Regulation (GDPR) is an EU law that came into effect in the UK on 25 May 2018. It replaces the Data Protection Act 1998.

GDPR gives individuals greater control over their personal data. Data will only be held on those that have given us permission to do so and individuals have the right to withdraw the information at any time.

3.3 A complete list of those who must be contacted is available [here](#).

3.4 The groups and organisations will change over time and the planning consultation contact list will be checked regularly to keep an up to date list of groups, organisations and individuals to contact.

## 4. When can you get involved?

4.1 People can be involved from early stages in plan making, including Development Plan Documents, Supplementary Planning Documents and as part of the decisions on planning applications.

4.2 Section 10 will have more information on how Communities can come together and play a part in how the area around them develops in the future by writing their own Neighbourhood Development Plan.

## 5. Different ways to engage with people

5.1 Different ways of communication will suit people, depending on circumstance. Using organisations that are there to provide a support network to specific groups of people is important. With the use of good communication, everyone can find the information they need and will know how to get involved if they choose to. The council monitor the methods used and which were most successful, so this information can be used for future consultations.

5.2 The following table lists some pro-active approaches, as well as the more generic methods such as social media and press, utilising links with groups and organisations used by the council.

<b>Groups of identity</b>	<b>Methods used</b>
Minority Ethnic	Links with the Council Equality and Diversity team,
Travellers/Gypsies	Links with the Council Equality & Diversity team and Licensing, Travellers & Technical Support Service, specific publications and national organisations/bodies supporting this specific group.
Disabled People including those with numeracy, literacy disabilities	Links with the Council Care Commissioning, organisations/bodies representing this specific group, local access groups.
Older people	Links with Council Care Commissioning, and local network groups supporting the elderly.
Children and young people	Links with Council children's services, British Youth Council (BYC), county schools & colleges and Youth Clubs.
Those following different religions or with certain beliefs	Links with the Council Equality and diversity team, local organisations representing these specific groups.
Young single parents	Local community centres, post-natal groups, online forums.
Homeless	Links with Council Homelessness and Housing Advice Team, local organisations representing this specific group.



<b>Groups of identity</b>	<b>Methods used</b>
People located in dispersed rural areas.	Community forums and groups, parish councilors and clerks.
Adults with Learning difficulties	Links with Council Adult Social Care team, organisations or bodies representing this specific group.

Organisations representing these groups are reviewed and updated by the planning office on a regular basis.

In all future consultations, the council will pay regard to broader policies, including: Human Rights Act 1998, Freedom of Information Act 2000, UK General Data Protection Regulation (GDPR), Equality Act 2010 and Disability Discrimination Act 2005.

## 6. Communication Tools

- 6.1 The council use a number of different communication tools. The ones that are used will vary depending on what will work best for the consultation. It is acknowledged that not all communities across the county have the same level of online access; therefore the range of communication tools suggested in the SCI will continue to allow for an adaptive approach where this is the case.

This table shows the different types of communication used by the council:

<b>Method</b>	<b>Main Considerations</b>
Council web site	Information can be seen by potential consultees from their own home or office at a time which is convenient for them. An online exhibition can be created along with presentations, which are a way of replacing or complimenting face to face event when necessary.
Email	Information can be given quickly and regularly at low cost.

Method	Main Considerations
Social media	Use of sites such as Facebook, Instagram, Twitter and YouTube keep users informed with regular updates for low cost. The information can be targeted where appropriate.
Formal adverts in the Hereford Times newspaper	There are statutory requirements to publish notices advertising certain planning applications
Press releases	Bringing local issues into the broader local arena. Releases are sent out to all main county publications and radio stations.
Documents can be made available in hard copy	Information for those who don't have online access.
Leaflet, newsletters and brochures	To draw attention to subject in summary and invite comment. Parish newsletters are also a good communication link amongst local communities.
Formal written letter	Letters are sent when there is no other means of communication or a person has requested to be contacted to by post.
Public exhibitions, meetings, presentations and workshops, when government guidance allows	Opportunity to get information out, answer questions in real time and receive feedback from people face to face. Meetings can be based in key areas to reach local residents.
Notices displayed on a site	Direct and local information to those around a site and in local area.
Through partnership organisations and focus groups, existing forums/panels	Useful for finding out what certain groups think.

Method	Main Considerations
Councillor networks	Councillors and clerks play an important role in community engagement. They are a recognised local point of contact with regard to Council matters.
One to one or more local meetings and briefings, when Government guidance allows	Useful for seeking views from targeted groups/individuals
Meeting using online communication platform, such as Teams, Zoom or Webex	Able to have virtual verbal interaction with individuals in their own homes, even in times of public restriction.
Online platform such as Youtube, for viewing informative material, such as a presentation	Can be watched at viewers' leisure, rather than being tied to a specific time. Can be shared and watched multiple times.
Parish and Town Council networks	They can provide important contact with local communities. Many have developed their own websites and social media pages and can be used to provide information relevant to parish residents. Care will be taken to allow for infrequency of some parish meetings when setting deadlines for responses.
Talk Community Hub	Provides a newsletter that can deliver important information to communities.
Questionnaire/surveys	More detailed information and feedback can be collected. Can be used both online and offline.

## 7. Role of elected members

- 7.1 Herefordshire Council has 53 councillors who are elected to represent the residents of 53 wards. They have an important role to play by keeping their local communities informed, representing their views, encouraging and assisting them to get involved in the future planning and development of their area.

## 8. Consultation on Development Plan Documents and Supplementary Planning Documents

8.1 There are organisations and bodies that the council must contact as part of a consultation (see para 3.2). The Council also has a duty to involve the public at an early stage in the preparation of Local Development Documents.

### 8.2 Development Plan Documents

Development Plan Documents are produced to set out the local authority's policies and proposals for development and use of land and buildings in the area. There are stages of consultation that must take place, as well as independent examination.

The stages of preparation are:

- First consultation, or series of consultations (Minimum 6 weeks each) – to add to evidence base and prepare a number of options. Consultees will be invited to give their feedback and the preferred options identified.
- It may be that developers or individuals that give new options not known about. In this case, another consultation on these options will take place.
- Draft document consultation (Minimum 6 weeks) – Consultees will be asked to give their feedback.
- Subject to there not being significant changes following the previous stage, the final document goes to the Secretary of State. People will be contacted to let them know when this has happened.
- The final document is examined by an Independent Planning Inspector. There may be modifications suggested by the Inspector at this stage. These will be published and subject to public consultation.
- The Inspector will issue a report including any changes that must be made to the document.
- Adoption and publication of the final document.

The Council may make a reasonable charge for a hard copy of a document. Documents can also be made available in alternative formats where necessary, on request.

### 8.3 Supplementary Planning Documents

Supplementary Planning Documents are there to give more detail to development plan document policies and do not require independent examination.

The stages of preparation are:

- First consultation (Minimum 4 weeks) – to add to evidence base and prepare issues and options. People will be invited to give their feedback, which will help to shape the final document.

- Cabinet Member briefing and sign off
- Adoption and publication of the final document.

The council will keep a record of the feedback during a consultation, which will be considered and all this information will be published.  
A summary of the consultation will also be available and will be part of the final evidence base during the preparation of Planning Documents.

## 9. Community involvement in the planning application process

9.1 Herefordshire Council is responsible for the processing and decision making of planning applications. This work which is done by the development management team and can include the following types of application:

- Dwellings and extensions
- Agricultural development
- Large housing and employment development including retail
- Minerals and waste
- Listed building consent
- Prior notifications

### 9.2 How can I find out about planning applications in Herefordshire?

- A weekly list of applications received is available to view [here](#).
- If you do not have access at home, you can use the online services in libraries and customer service centres, when Government guidelines allow.
- Site notices
- Press notices in Hereford Times
- City, town and parish councils are told about all applications in their area.

#### How can I comment on a planning application?

Once you become aware of a planning application the complete details of the proposal can be viewed on the Council's website.

You have the option of speaking to your Parish Councillor or Ward Member, or if you wish to personally comment on any application within the given timescale then you can:-

Use the online comment form on the website. Information can be found [here](#).

E-mail: [planning\\_enquiries@herefordshire.gov.uk](mailto:planning_enquiries@herefordshire.gov.uk)

Write to: Planning Services, PO Box 230, Hereford, HR1 2ZB

Information regarding privacy can be found [here](#).

The majority of decisions are made by Officers under Delegated Powers. Where this is not the case the application will be determined by the Planning Committee, which can be watched or listened to online. Further information about forthcoming meetings can be found [here](#).

### 9.3 Relevant planning matters include:

- Planning policy, including Local Plan – Core Strategy, Neighbourhood Development Plans and National Planning Policy Framework
- The design and visual impact
- The impact on privacy/daylight/sunlight
- Environmental factors - noise, smell, pollution
- The economic and social benefits
- Highway issues - access, traffic, parking
- Impact on the landscape and ecology (nature conservation)
- Impact on the historic environment, heritage assets and their setting.

### 9.4 Matters which are not normally relevant:

- Loss of a view
- Impact on property value
- Land ownership/property covenant
- Effect on trade/competition
- Personal circumstances of the applicant (except in exceptional circumstances)

The Council itself does not undertake any form of public/community consultation at pre-application stage but if the development proposed is considered to be significant, would strongly encourage the applicant to involve the community.

Information and advice on early engagement is available in the pre-planning advice section [here](#).

Planning obligations (also known as section 106 agreements) are legal agreements between a developer and the local planning authority (the council), and any others that

have an interest in the land. Developers can also enter into a voluntary legal agreement to carry out works and these are known as a unilateral undertaking. Information about monies made available to a parish can be found [here](#).

## 10. Neighbourhood Development Planning

Communities now have the opportunity to come together and shape the development of the area in which they live.

Parishes do not have to prepare a Neighbourhood Development Plan, however there are a number of benefits to having one.

### 10.1 Neighbourhood Development Plans can:

- Decide where and what type of development should happen within a parish
- Promote more development than provided for within the Herefordshire Local Plan – Core Strategy
- Provide less development in certain circumstances where justified.
- Include detailed planning policies for the parish which do not work against the Herefordshire Local Plan – Core Strategy

### 10.2 Neighbourhood Development Plans cannot:

- Work against the policies within the Herefordshire Local Plan – Core Strategy, but should sit within general agreement of them.
- Be used to prevent development
- Be prepared by a body other than a parish or town council in Herefordshire
- Include County Matters such as Minerals and Waste

### 10.3 Who can create a Neighbourhood Development Plan?

In Herefordshire, only the parish or town council is the ‘relevant body’ who have the responsibility for producing a Neighbourhood Development Plan for their area. The parish/town can enlist help from others within the community but only the parish council can make a neighbourhood area application and submit the relevant draft documents to Herefordshire Council for consideration.

### 10.4 What might a Neighbourhood Development Plan include?

Neighbourhood Development Plans can contain a variety of issues and policies which are most relevant to a specific parish. Below is a list of possible issues which could be covered. Other items could be added to this list and parishes do not need to include every item.

- Identify sites for housing, including affordable housing
- Provision of a settlement boundary
- Provision for businesses to set up or expand in the parish
- Provision of cycle ways and footpaths
- Identify sites for community use, such as schools, village halls, health centre, leisure facilities
- Design guidance for your parish
- Protection and creation of open space, green amenity areas, nature reserves, allotments, play areas
- Protection of important local buildings and other historical assets
- Promoting of renewable energy schemes and projects
- Restrict the types of development or change of use, for example; non retail uses in town centres
- Provide sites for gypsies and travellers

### 10.5 **Creating a Neighbourhood Development Plan (NDP)**

The following stages need to be followed:

- Define the Neighbourhood Area  
(A 6 week consultation needs to take place if it's a group plan or different to parish boundary)
- Write and publicise the draft Neighbourhood Development Plan  
(6 week consultation period)
- Submission of the final plan  
(6 week consultation period)
- Independent Examination
- Referendum
- Adoption of the Neighbourhood Development Plan  
(Neighbourhood Planning (General) Regulations 2012)

### 10.6 **Community Right to Build**

The Community Right to Build enables community organisations to progress new local developments without the need to go through the normal planning application



process, as long as the proposals meet certain criteria and there is community backing in a local referendum.

Communities may wish to build new homes or new community amenities, and providing they can prove overwhelming local support, the Community Right to Build will give communities the powers to deliver this directly.

All profits derived from a Community Right to Build Order proposal must be used for the benefit of the community, for example to provide and maintain local facilities such as village halls.

### 10.7 Neighbourhood Development Order

A Neighbourhood Development Order allows communities to grant planning permission for development they want to see go ahead in a neighbourhood. For example, it enables them to allow certain developments, such as extensions to houses, to be built without the need to apply for planning permission.

Herefordshire Council conform to a Service Level Agreement developed specifically to ensure that all parishes wishing to take an active role in the shaping of their area will receive sufficient advice and support throughout the process.

## 11. Monitoring and reviewing

Preparing this Statement of Community Involvement has enabled the Council to give significant thought to how the authority is best able to involve people in planning matters from an early stage in the process.

11.1 The Council will keep the adopted Statement of Community Involvement under review by:

- Monitoring the success of community involvement techniques by reviewing the quantity of representations received and where they came from.
- Including an equality monitoring questionnaire as part of the survey to ensure participants are given the opportunity to raise any concerns about fair treatment. Individual feedback is used to inform and improve all future engagement.
- Also including consultation feedback questions, to ensure adjustments can be made to future engagement approach where necessary.
- Staying advised on best practice including consulting with relevant council departments, such as Communications and Equality Monitoring.

11.2 The document will be examined every year through the Herefordshire Council Monitoring Report. Any proposed review will be identified within the Council's Local Development Scheme with a clear timetable for its production.

For further information or clarification on any aspect of the Statement of Community Involvement or to ask about accessing the document in an alternative format, please email: [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

[Facebook](#)

[Twitter](#)

[Instagram](#)

## Appendices

### Appendix 1 – Definition of terms

#### **Engage**

Providing key information and inviting all interested parties to participate and give their views.

#### **Consultation**

People are given a fixed amount of time to offer their opinion.

#### **Local Plan**

A group of documents which set out strategy for development in the county over the next 15 years.

#### **Policies**

These are the guidelines written by the council to guide development and growth.

#### **Statutory**

Expected by law.

#### **Exclusion**

People being left out and not having the chance to have their say.

#### **Independent Examination**

The document is read by an inspector who does not work for the council, the inspector will decide whether the plan is sound and can be adopted and make recommendations where he/she deems appropriate.

#### **Evidence base**

The background work collected to help create new policies.

#### **Issues and options**

A range of choices available.

#### **Preferred options**

All the feedback will be considered after the consultation. The council will then decide which the best choices are, taking all the responses into account.

#### **Adoption**

The document becomes part of the Local Plan.

#### **Referendum**

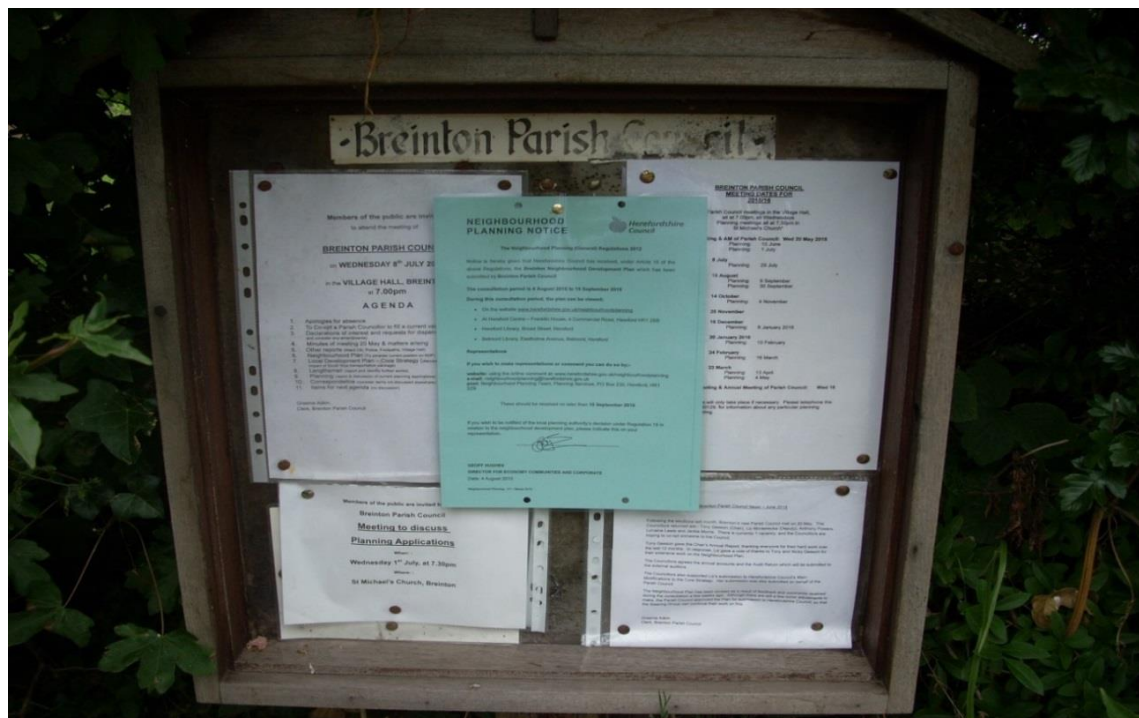
A chance for all parish members and people in surrounding area to vote yes or no as to whether a plan should be adopted. If more than half of voters say yes, then it will be.

## Appendix 2 – Planning notices

### Planning application notice



### Neighbourhood planning notice



## Appendix 2 – Useful information

For more detailed information relating to planning procedures, please refer to the [Herefordshire Council website](#).

For information about Neighbourhood Development Plans, please refer to the [Herefordshire Council website](#).

For more detailed information relating to government planning policies for England and how these are to be applied, please refer to the [National Planning Policy Framework](#).

For more information relating to the shift of power away from central government and towards local authorities and neighbourhood communities in the planning decision making process, please refer to the [Localism Act 2011](#)

For information on how planners can better understand the important role that planning can play in supporting the Government's commitment to tackling disadvantage by reviving the most deprived neighbourhoods, reducing social exclusion, and supporting society's most vulnerable groups, please ref to [Diversity and Equality in Planning – A Good Practice Guide](#)

With the aim of an integrated and well-rounded approach, the preparation of the Statement of Community Involvement has been informed by a number of Council strategies.

These include: [Herefordshire Council County Plan 2020-2024](#) and [Hereford Transport Package](#)

### Further information

[Planning and Compulsory Purchase Act 2012](#)

[Planning Inspectorate](#)

[Planning Portal.gov.uk](#)

## Appendix 3 – Sources of help and advice

Forward Planning

Tel no 01432 383357

Email: [ldf@herefordshire.gov.uk](mailto:ldf@herefordshire.gov.uk)

Neighbourhood Planning

Tel no 01432 260386

Email: [neighbourhoodplanning@herefordshire.gov.uk](mailto:neighbourhoodplanning@herefordshire.gov.uk)

The Royal Town Planning Institute

41 Botolph Lane, London,

EC3R 8DL

Tel 020 79299494

Email: [online@rtpi.org.uk](mailto:online@rtpi.org.uk)

Website: [www.rtpi.org.uk](http://www.rtpi.org.uk)



# Title of report: Retender of External Audit Contracts

**Meeting: Council**

**Meeting date: Wednesday 8 December**

**Report by: Chairperson, audit and governance committee**

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose**

For Council to approve the retender of the external audit contract as recommended by the audit and governance committee at their meeting held on 24 November 2021.

## **Recommendation(s)**

**That:**

- a) **Council approves the preferred method for re-procuring external audit services; and**
- b) **Elects to join the Public Sector Audit Appointments body.**

## **Alternative options**

1. Council must approve one of the options available in re-procuring its external audit services. The audit and governance committee considered the options and recommends continuing with the Public Sector Audit Appointments procurement option for the reasons given in this report.

## **Key considerations**

### **Background**

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Further information on the subject of this report is available from  
Josie Rushgrove, Tel: 01432 261867, email: jrushgrove@herefordshire.gov.ukl

2. From 2018/19 the Secretary of State specified Public Sector Audit Appointments Limited (PSAA) as an appointing person for principal local government audits, under the provisions of the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015.
3. The PSAA is a not-for-profit, independent company limited by guarantee without share capital. PSAA is an active member of the Local Audit Liaison Committee and have established an advisory panel.
4. The process for retendering external audit contracts in local authorities in England, for contracts due to start from 2023/24, is underway and this council must decide, before 11 March 2022, whether to procure its own external auditor or opt into the national procurement framework hosted by PSAA.
5. The nature and scope of the audit is determined by codes of practice and guidance and the regulation of the audit market is undertaken by a third party, currently the Financial Reporting Council.
6. The length of the compulsory appointing period covers the external audits of the five consecutive financial years commencing 1 April 2023, five years being the compulsory appointing period for the purposes of the regulations which govern the national scheme.
7. The Secretary of State has confirmed that the Public Sector Audit Appointments Limited (PSAA) will continue to be an appointing person for the purposes of the Regulations. The council has been invited to become an opted-in council in accordance with the Regulations.
8. Joining PSAA's national scheme for auditor appointments is one of the choices available, the alternative is to independently procure the audit service. The audit and governance committee considered these options at its meeting on 24 November 2021. The committee, and the Local Government Association, consider that joining the national framework is the best option for councils.

#### **Public Sector Audit Appointments Limited (PSAA)**

9. Acting in accordance with its role PSAA is responsible for appointing an auditor and setting scales of fees for relevant principal authorities that have chosen to opt into its national scheme. 98% of eligible bodies made the choice to opt-in for the five-year period commencing in April 2018. This council opted into this arrangement and this has been the process followed for external audit since that date.
10. If we continue to opt in PSAA will appoint an auditor for each of the five financial years beginning 1 April 2023. They will aim for all opted-in bodies to receive an audit service of the required quality at a realistic market price and to support the drive towards a long term competitive and more sustainable market for local audit. The focus of PSAA's quality assessment will include resourcing capacity and capability including sector knowledge, and client relationship management and communication.

#### **Opting into the national arrangement**

11. It is recognised that in a suppliers' market it is likely that councils acting together will have the best chance of influencing the market and for nationally coordinated efforts to improve the supply side of the market to be effective.

12. To expand the supply side of the market bids from challenger firms needs to be encouraged. This is more likely to be successful if a large number of councils sign up to the national scheme.

### **Advantages**

13. PSAA has the ability to negotiate contracts with external audit firms nationally, maximising the opportunities for the most economic and efficient approach to procurement of external audit on behalf of the whole sector.
14. The costs of setting up the appointment arrangements and negotiating fees would be shared across all opted-in authorities.
15. By offering large contract values the firms would be able to offer better rates and lower fees than are likely to result from local negotiation.
16. Any conflicts at individual council level would be managed by PSAA who would have a number of contracted firms to call upon.
17. The PSAA will act in the collective interests of the 'opted-in' councils.
18. Opting into PSAA supports a transparent and independent auditor appointment via a third party and provides the best opportunity to secure the appointment of a qualified, registered auditor.
19. Opting in will provide access to a specialist PSAA team with significant experience of working within the context of the relevant regulations to appoint auditors, managing contracts with audit firms, and setting and determining audit fees.
20. The PSAA provides a value for money offer based on minimising PSAA costs and distribution of any surpluses to scheme members providing collective efficiency savings for the sector through undertaking one major procurement as opposed to a multiplicity of smaller procurements.
21. Opting in avoids the necessity for local bodies to establish an auditor panel and undertake an auditor procurement, enabling time and resources to be deployed on other pressing priorities.
22. The PSAA will provide updates to Section 151 officers and audit committee chairs on a range of local audit related matters to inform and support effective auditor-audited body relationships.
23. By joining concerted efforts with other stakeholders will work to develop a more sustainable local audit market.

### **Community impact**

24. The council is committed to maintaining high standards of corporate governance in order to achieve the council's vision of "people, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire." A principle of the council's code of corporate governance is to implement good practices in transparency, reporting, and audit to deliver effective accountability.

### **Environmental Impact**

25. The council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a

strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.

26. Whilst this is a decision on back office functions and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the council's Environmental Policy.

## **Equality duty**

27. 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.

28. 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. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

## **Resource implications**

29. By joining PSAA the mandatory external audit contract cost would be negotiated at a national level as is the process now.
30. Opting-in to the national PSAA arrangement would provide the maximum opportunity to limit the extent of any increases in external audit fees by entering in to a large scale collective procurement arrangement.
31. The duty to prescribe scales of audit fees is a statutory function delegated to PSAA by the Secretary of State for Levelling Up, Housing and Communities. Before prescribing any scale of fees, PSAA have a statutory duty to consult councils. Following consultation, PSAA publish the work programme on their website each year with the scale fee for each audited body. The PSAA will consult on scale fees and will publish confirmed scale fees for opted-in bodies on their website.
32. The scale fees for individual audited bodies are normally based on the scale fee for the previous year, reflecting the auditor's assessment of audit risk and complexity. PSAA can approve proposed variations to the scale fee for an individual audited body, to reflect changes in circumstances. Scale fees are based on the expectation that audited bodies are able to provide the auditor with complete and materially accurate financial statements, with supporting working papers, within agreed timeframes.



## Legal implications

33. Section 7 of the Local Audit and Accountability Act 2014 (the Act) requires a relevant authority to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year. Section 8 governs the procedure for appointment including that the authority must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Schedule 3 provides that where a relevant authority is a local authority operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the authority under those arrangements. This means this is a decision for Full Council as the decision has not been delegated in the constitution.
34. Section 12 makes provision for the failure to appoint a local auditor: the authority must immediately inform the Secretary of State, who may direct the authority to appoint the auditor named in the direction or appoint a local auditor on behalf of the authority.
35. Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become the appointing person.
36. Local Audit (Appointing Person) Regulations 2015 specifies the PSAA as an appointed person. By opting into this arrangement the council will confer to the PSAA the appointment of the auditors and before doing so the PSAAA must consult with the council about the proposals.

## Risk management

37. There is no immediate risk to the council, by accepting the PSAA invitation the procurement and auditor requirement risks are minimised, PSAA are committed to ensuring that the quality of the audit work provided is of the highest standards. To promote transparency and encourage best practice, they provide a number of reports on their website.

## Consultees

38. None

## Appendices

None

## Background papers

None identified

## Report Reviewers Used for appraising this report:

**Please note this section must be completed before the report can be published**

Governance	Matt Evans	Date 26/11/2021
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Finance	Josie Rushgrove	Date 29/11/2021
Legal	Alice McAlpine	Date 29/11/2021
Communications	Luenne Featherstone	Date 25/11/2021
Equality Duty	Carol Trachonitis	Date 25/11/2021
Risk	Paul Harris	Date 29/11/2021

Approved by Andrew Lovegrove Date 29/11/2021



# Leader's report to Council

**Meeting: Council**

**Meeting date: Wednesday 8 December 2021**

**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 to the date of this report (29 November). All decisions taken since 8 October are set out in Appendix A.

4. I wish to highlight the following key items:

#### Children's Services – School OFSTED ratings

5. As of the week commencing 22 November 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.

6. 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

7. Councillors are being kept updated on progress with improvements in Children's Services so I do not intend providing a lengthy 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.

8. I was pleased to be accompany a social worker recently on some visits. Doing so brought issues to life.

#### Changes to the Fastershire programme and Gigaclear

9. 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.

10. I appreciate that residents who had been expecting to receive better broadband will be very disappointed. We will continue to press Central Government to provide help.

#### Citizens Climate Emergency Assembly

11. Residents are being invited to help shape how Herefordshire Council meets the challenges of climate change by taking part in the Herefordshire Citizens' Climate Assembly.
12. 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.
13. The Citizens' Climate Assembly will meet in January to hear from expert speakers, discuss the issues involved and decide together what steps should be taken. 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.

#### 2022/23 Delivery Plan

14. 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.

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

15. 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.
16. 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 December, to continue the discussions and to develop opportunities for working together.

## Waste Collection/Disposal

17. 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.
18. 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.
19. Cabinet also agreed at its meeting on 25 November 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.
20. 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

21. On 27 October, HM Treasury published the Budget and Spending Review 2021 documents which included new grant funding for local government. The details of how this funding will be distributed and which services it will be allocated to were not included in the speech. This detail will follow at the settlement statement due in December. It remains possible that indicative settlements for 2023/24 and 2024/25 will also be provided to local authorities. It would be hugely helpful in planning service delivery and redesign were that to be the case.
22. As at the beginning of December, we are still working through our budget proposals and are taking into consideration the public and stakeholder feedback received during the recent face-to-face and online consultations. In accordance with the agreed timetable the scrutiny committees will be consulted in January over the advanced budget proposals. Arrangements are also being put in place in December to ensure that scrutiny get an earlier sight of Cabinet's budget intentions to help shape and inform the final proposals to be recommended to full Council at the budget meeting on 11 February 2022.

### Quarter 2 budget outturn

23. As part of the quarter 2 budget and performance report presented at Cabinet on Thursday 25<sup>th</sup>, 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](#).
24. 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

25. 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.
26. 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 has been announced as a finalist for the title: "Outstanding Young Professional of 2021" at the upcoming 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. We all have our fingers crossed for the results which are soon to be announced.

### Taxi Licensing Policy

27. 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 next year for adoption.

### Employment

28. 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.

## **Community impact**

29. 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.
30. 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**

31. 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.
32. 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**

33. 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.
34. 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.



35. 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**

36. 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**

37. 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 requirements are met.
38. 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 requirements are met.
39. 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**

40. 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**

41. None.

### **Appendices**

- Appendix A - Executive decisions taken from 30 September 2021 to 29 November 2021.

## Background papers

None

**Executive decisions taken between 30 September 2021 and 29 November 2021  
(8 December– Council meeting)**

	<b>Decision and purpose</b>	<b>Decision date</b>	<b>Decision Type</b>	<b>Taken by</b>
<b>1</b>	<p><b>Revision of Capital Programme Budget for Priority Flood Works</b></p> <p>Cabinet consider recommendations from General Scrutiny Committee regarding the proposed capital programme realignment and recommend to council in year adjustments to the capital programme to allow the realignment of capital spend to priority flood projects that require the reallocation of budget.</p>	<b>30/09/21</b>	<b>BPF Item</b>	<b>Cabinet</b>
<b>2</b>	<p><b>Q1 Budget &amp; Performance Report</b></p> <p>To review performance for Quarter 1 2021/22 and the final budget outturn for the year.</p> <p>To provide assurance that progress has being made towards delivery of the agreed revenue budget and service delivery targets, and that the reasons for major variances or potential under-performance are understood and are being addressed to the cabinet's satisfaction.</p> <p>The forecast 2021/22 outturn shows a £65k overspend.</p> <p>The proportion of performance measures showing an improvement, or remaining the same compared to the same period last year is 54%. At the end of the quarter, 60% of actions from the delivery plan are identified as complete or are progressing within planned timescales.</p>	<b>30/09/21</b>	<b>Non Key</b>	<b>Cabinet</b>

3	<p><b>Annual Review Of Earmarked Reserves</b></p> <p>To note and review the reserves held by the council.</p> <p>Earmarked reserves are established to fund future year commitments over and above the annual budget requirement. They generally arise where funding allocations exceeds annual expenditure, usually due to the timing of receipts being ahead of incurring expenditure. As a matter of good practice a review is undertaken each year to establish the continued need for reserves held for earmarked purposes to ensure resources can be used to best effect whilst maintaining a prudent level of reserves to meet future anticipated commitments.</p>	30/09/21	Non Key	Cabinet
4 77	<p><b>Update On The Improvement Programme Within The Children And Families Directorate Following Publication Of Ofsted Focused Visit July 2021</b></p> <p>To update Cabinet on the outcome of the Ofsted focus visit on 7 - 8 July 2021 and progress to date of the improvement programme.</p>	30/09/21	Non Key	Cabinet
5	<p><b>To accept and spend £675k of LEP funding awarded to the council to spend on infrastructure works to make land ready for development at Hereford Enterprise Zone.</b></p> <p>The council has secured an award of £675k of LEP funding to spend on infrastructure in 2021/22 to prepare land for development at Hereford Enterprise Zone. This funding is in addition to £5,432k previously awarded LEP funds and the £14,947k of capital funding already in the approved capital programme (both of which are shown as separate projects on the capital programme). The funding will enable the council to carry out additional infrastructure work and hence prepare more land for development and sale at the North Magazine of Skylon Park.</p>	1/10/21	Reg 10	Cabinet member environment and economy

6	<p><b>Hereford City Centre Improvements (HCCI)</b></p> <p>To provide an update to HCCI project elements and associated spend profile from that outlined within the 3 December 2020 Cabinet Member decision, and to grant delegated authority to the Director of Economy and Place in consultation with the Chief Finance Officer to progress and deliver the project elements within the outlined budget.</p>	7/10/21	KEY	Cabinet member Infrastructure and transport
7	<p><b>Air Quality Monitoring Station (AQMS) - To approve spend and delegate officer</b></p> <p>To approve expenditure on Air Quality Monitoring Station Resource Improvements to update the equipment on Victoria Street, Hereford with DEFRA approved air quality monitoring equipment and to expand the Air Quality Monitoring Station network to include a second Air Quality Monitoring Station in Leominster. to ensure that the council is able to meet its statutory obligations.</p>	5/10/21	Non Key	Cabinet member housing, regulatory services, and community safety
8 78	<p><b>Capital Investment in infrastructure and Assets: Extra Ordinary Highways Maintenance, Bio Diversity Net Gain and Winter Fleet</b></p> <p>To authorise the spend/investment in the council / highway asset and infrastructure following the resolution at the Council meeting on 12 February 2021, to allocate £2.299m in Extra Ordinary Highways Maintenance, Bio Diversity Net Gain and the Winter Fleet.</p>	6/10/21	Key	Cabinet member Infrastructure and transport
9	<p><b>National Bus Strategy - Bus Service Improvement Plan</b></p> <p>To approve submission of the Bus Service Improvement Plan (BSIP) for Herefordshire at appendix 1. This being due to the Department for Transport (DfT) no later than 31 October 2021 to meet the deadline of the Government's National bus strategy for England: Bus back better.</p> <p>Submitting the BSIP to DfT will assist the council in securing ongoing government funding support for buses and the development of the council's public transport strategy. This will support the investment in buses that cabinet identified when it determined its preferred transport strategy following the Hereford Transport Strategy Review.</p>	21/10/21	KEY	Cabinet member Infrastructure and transport

10	<p><b>Update To Domestic Abuse Strategy</b></p> <p>To approve a draft multi-agency Domestic Abuse Strategy for Herefordshire 2021-2024 for consultation and wider engagement with stakeholders, in accordance with the Domestic Abuse Act 2021. Also to approve the Domestic Abuse Needs Assessment 2021.</p>	22/10/21	NON KEY	Leader of the Council (Section 9E)
11	<p><b>Approve A Preferred Option For The Development Of A New Care Facility In Herefordshire For Meeting Future Demand And Service Delivery</b></p> <p>To approve the preferred option to invest in and develop the council's own care facility in Herefordshire to meet future demand.</p>	28/10/21	KEY	Cabinet
12	<p><b>Strategic Improvement Plan For Children And Families</b></p> <p>To endorse the draft Strategic Improvement Plan at Appendix 1 and draft Operational Plan at Appendix 2.</p> <p>The Strategic Improvement Plan forms part of the council's response to the non-statutory improvement notice issued by the Department for Education on 18 May 2021.</p>	28/10/21	KEY	Cabinet
13	<p><b>Herefordshire Destination Business Improvement District</b></p> <p>To agree to vote yes in the Herefordshire County Business Improvement District ballot due to be held in November 2021. Should the ballot be successful, the Business Improvement District (excluding Hereford City Centre, which has an existing Business Improvement District) will implement a 5 year business led programme to support the growth of the tourism and retail across Herefordshire.</p> <p>If the BID is formed, the council will be liable for a levy of 2% on business rate payments on 23 units in our ownership equating to £14,515 per annum.</p>	15/11/21	KEY	Cabinet member environment and economy

14	<p><b>Hereford City Bike Share Re-Procurement</b></p> <p>This report seeks authority to re-procure the successful Hereford City public bike share service.</p>	15/11/21	KEY	Cabinet member Infrastructure and transport
15	<p><b>Programme Change To Fastershire Delivery</b></p> <p>The purpose of the report is to agree required changes in the programme combined with taking advantage of new opportunities. The Fastershire Broadband Strategy 2019-22 is in implementation through contracts to network suppliers and bespoke community and business programmes. Through that implementation there has been a number of factors nationally, within the broadband industry and through the delivery methods that are influencing a change of approach. This is particularly relevant as the programme needs to address coverage to high cost premises along with the Government's commitment to reaching 85% of premises with gigabit capability by 2025 and ensuring rural areas are not left behind.</p>	18/11/21	KEY	Cabinet member environment and economy
16 O	<p><b>Executive Response To The Local Flood Risk Management Strategy Action Plan Review By General Scrutiny Committee</b></p> <p>To approve the executive response to the report from General Scrutiny Committee concerning the Local Flood Risk Management Strategy Action Plan Review. The committee made 13 recommendations.</p>	18/11/21	Non Key	Cabinet member Infrastructure and transport
17	<p><b>Review Of The Statement Of Community Involvement (SCI)</b></p> <p>To recommend to Council the adoption of the Herefordshire Council's revised statement of community involvement</p>	25/11/21	BPF Item	Cabinet



18	<p><b>Quarter 2 Budget &amp; Performance Report</b></p> <p>To review performance for Quarter 2 2021/22 and the final budget outturn for the year.</p> <p>To provide assurance that progress has being made towards delivery of the agreed revenue budget and service delivery targets, and that the reasons for major variances or potential under-performance are understood and are being addressed to the cabinet's satisfaction.</p> <p>The forecast 2021/22 outturn shows a net underspend of £152k.</p> <p>The proportion of performance measures showing an improvement, or remaining the same compared to the same period last year is 73%. At the end of the quarter, 66% of actions from the delivery plan are identified as complete or are progressing within planned timescales.</p>	25/11/21 – Call in deadline 1/12/21	Non Key	Cabinet
19	<p><b>Section 106 Portfolio Of Works - Delivery Proposals</b></p> <p>To obtain approval of the procurement route, new delivery proposals and processes and to put in place appropriate delegation to approve the spend and resources required in connection with the delivery of the Section 106 schemes identified.</p>	25/11/21 – Call in deadline 1/12/21	Key	Cabinet
20	<p><b>Waste Management Review – Waste Disposal</b></p> <p>Further to the adoption of the council's new Integrated Waste Management Strategy in July 2021 and subsequent planning for additional commissioning this report seeks to agree the council's preferred waste disposal arrangements necessary to implement the strategy.</p> <p>The council's Waste Management contracts for the collection service and the disposal service are due to expire in 2023 and 2024. The council launched a waste collection consultation with the public in December 2020 following recommendations from the waste task and finish group in September 2020 and in response to expected changes in national legislation.</p>	25/11/21 – Call in deadline 1/12/21	Key	Cabinet

21	<p><b>Waste Management Review – Waste Collection</b></p> <p>Further to the adoption of the Council’s new Integrated Waste Management Strategy in July 2021 and subsequent planning for additional commissioning this report seeks to agree the council’s preferred waste collection arrangements necessary to implement the strategy.</p> <p>The council’s Waste Management contracts for the collection service and the disposal service are due to expire in 2023 and 2024. The council launched a waste collection consultation with the public in December 2020 following recommendations from the waste task and finish group in September 2020 and in response to expected changes in national legislation. With the consultation concluded, the council will set out its preferred future operating model with a view to procuring the future collection and disposal contracts over the next three years.</p>	25/11/21 – Call in deadline 1/12/21	Key	Cabinet
22	<p><b>Maylord Orchards Interim Management Plan</b></p> <p>The purpose of this paper is to recommend the adoption of the interim management plan (set out in Appendix A).</p> <p>The Maylord Orchards Centre (the Centre) is owned and managed by the council further to the purchase of the headlease in 2020. The Centre forms a significant part of the city centre and there are emerging plans, development proposals and strategies that may affect the Centre in the medium to long term. These aspects will be brought together under the current City Masterplan and therefore, an interim management plan is required for the Centre.</p>	25/11/21 – Call in deadline 1/12/21	Non Key	Cabinet



## **Title of report: Motions on notice**

**Meeting: Council**

**Meeting date: Wednesday 8 December 2021**

**Report by: Monitoring Officer**

### **Classification**

Open

### **Decision type**

This is not an executive decision.

### **Wards affected**

Countywide

### **Purpose**

To consider motions received on notice.

### **Recommendation**

**THAT: the motion listed at paragraph 6 is debated and determined by Council.**

### **Alternative options**

- 1 There are no alternative options to the recommendation; the constitution makes provision for motions on notice to be debated and decided by Council.

### **Key considerations**

- 2 The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and submitted not later than midday on the seventh working day before the date of the meeting. A member cannot propose more than one motion on notice per meeting and a maximum of three motions will be debated at meetings of full Council.
- 3 Motions must be about matters for which the council has a responsibility or which affect Herefordshire.
- 4 Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 5 Up to one and a half hours will be allocated to debate motions on notice but that time may

be varied at the discretion of the chairman.

- 6 One motion have been received and will be debated at the meeting. The motion for discussion is set out below:

### **Motion 1 – Water Protection Zone for River Wye System**

(Proposed by Councillor Louis Stark, Seconded by Councillor Toni Fagan)

#### **Our rivers are under attack:**

- **45000 fish dead from a pollution incident in the River Llynfi – a Wye tributary – and NRW unable to bring a prosecution against those responsible;**
- **Raw sewage continues to pour in to our rivers unchecked with the Government failing to provide strong and consistent leadership on it;**
- **Intense agricultural practices continue to expand with the impact of excessive phosphates and nitrates leaching through the soil in to our rivers;**
- **The EA remains thinly spread and unable to cope with the challenge it faces here;**

#### **What should the Council do:**

- **Put polluters on notice that we are serious about enabling effective action to be taken against their practices;**
- **Build on our previous Council motion to investigate bathing status for our rivers – a good start but not a complete answer;**
- **Push for a comprehensive regulatory framework for the medium term that would envelop our river systems in a protective cloak and give the EA and NRW real teeth to enforce it;**

**So this Council urges the executive to re-engage with both the EA and NRW, consulting Powys and Monmouthshire CCs and other interested parties as necessary, to press for nothing less than a Water Protection Zone (WPZ\*) for the whole of the River Wye system.**

**This should include pushing both Agencies for work to start asap on detailed modelling to demonstrate the need for a WPZ, in order to put a business case to DEFRA; Also for funding for this work to go ahead; And for the Executive to provide regular reports to Council on progress.**

- 7 The constitution provides that the report to Council containing notices of motion on hand will also include detail of progress of all outstanding resolutions. There are outstanding resolutions with respect to three motions considered at earlier meetings of full Council. The resolutions and updates of progress against these resolutions are provided below:

Date of meeting	Motion	Current Status
12 July 2019	Community Infrastructure Levy	The decision taken on the update to the Core Strategy on 9 <sup>th</sup> November, see: <a href="http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7296">http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7296</a>  This included resolution as follows: (e) work on progressing a Herefordshire Community Infrastructure Levy should be put on hold pending the outcome of the

		<p>significant proposals for reform of planning obligations in the White Paper</p> <p>The outcome of the Planning White paper is still awaited, we remain unsure when a new Planning Bill will be published by the Government or a new system implemented</p>
<p><b>RESOLVED:</b></p> <p>That this Council asks the executive to investigate the adoption of the Community Infrastructure Levy as a matter of urgency, ensuring it is implemented for Herefordshire no later than January 2021.</p>		

Date of meeting	Motion	Current Status
17 July 2020	Tree Strategy	<p>The Council is currently developing a new Nature Strategy as a holistic approach to protecting and enhancing biodiversity. This strategy will form an important part of the development of the wider Nature Recovery Strategy which is a new obligation from the recent Environment Act.</p> <p>This will encompass the further development of the draft tree strategy and include measures to ensure the further protection of hedgehogs.</p>
<p><b>RESOLVED:</b></p> <p>We call upon the executive to expedite the delivery of a detailed tree strategy for the county. A 2014 draft document exists that might provide the basis for a new strategy which will reinforce our commitment to the environment and align with our declaration of a climate emergency.</p> <p>The Government is currently consulting on an England Tree Strategy and we ask for the council to respond to this consultation.</p> <p>Furthermore, in the interim and as a matter of urgency, we ask the executive to consider what can be done to protect existing trees and to take immediate action by planting, maintaining and protecting trees in order to have established growth by 2030.</p>		

Date of meeting	Motion	Current Status
9 October 2020	Decline in hedgehog population	The Council is currently developing a new Nature Strategy as a holistic approach to protecting and enhancing biodiversity. This strategy will form an important part of the

	<p>development of the wider Nature Recovery Strategy which is a new obligation from the recent Environment Act.</p> <p>This will encompass the further development of the draft tree strategy and include measures to ensure the further protection of hedgehogs.</p>
<p><b>RESOLVED:</b> That –</p> <p>A recent study has shown that the UK population of Hedgehogs has declined from around 30 million to only 1 million. Whilst it is not yet a European Protected Species it is a British mammal where the population is in steep decline and I am calling upon our executive to please consider ways in which Herefordshire Council can include measures for adaptation, mitigation and for the protection of Hedgehogs to a level comparable to that required for European Protected Species.</p>	

Date of meeting	Motion	Current Status
8 October 2021	Belmont	<p>The council is currently reviewing the resource required in order to undertake an appraisal of Belmont.</p> <p>The process required is set out within the Planning (Listed Buildings and Conservation Areas ) Act 1990 and will require a formal process which comprises an appraisal followed by a public consultation.</p> <p><a href="https://www.legislation.gov.uk/ukpga/1990/29">Planning (Listed Buildings and Conservation Areas) Act 1990 (legislation.gov.uk)</a></p> <p>The Act (para 69) also advises the council has a duty to review all existing conservation areas of which there are currently 64 within the county.</p> <p>In addition to a full review of existing designations, requests have been made by a number of parish councils to consider further historic settlements for consideration.</p> <p>We are therefore considering the resources and timescales required to invest in a full review of conservation areas across the county which would be beneficial in providing a consistent approach to the process, an executive response for which will be brought forward in the new year.</p>
<p><b>RESOLVED:</b> That –</p> <p>That in recognising the importance and potential of Belmont, this Council calls on the Executive to appraise Belmont for designation as a new Conservation Area to include</p>		

the House, Abbey and Park on the south side of the River and the adjacent hamlets of Warham and Breinton on the north side, seeking funding to support this work; and

This council calls upon the executive to appraise all sites of significant historic interest that are not currently conservation areas with a view to reviewing whether more conservation areas should be approved.

Date of meeting	Motion	Current Status
8 October 2021	Wye and Lugg Bathing Water	<p>Officers will look for funding opportunities for the additional resources necessary to investigate whether or not there are any suitable locations on the Rivers Wye and Lugg which could be put forward as adoptable bathing areas. To do this the environmental health service will initially require additional resource for up to 3 months to firstly survey the river for any suitable locations and if any can be found this resource will then need to be extended for at least a further 15 months to undertake the statutory consultation process and, if necessary, proceed with the formal designation of such areas in conjunction with the government agencies.</p> <p>Officers are already actively working to lobby the English and Welsh governments to increase their regulatory enforcement resource to protect the Wye catchment. In doing so all five Members of Parliament and all four councils responsible for the Wye and Lugg have been approached to support this and will be also be made aware Herefordshire's intention to investigate the possibility of bathing water quality status.</p>
<p><b>RESOLVED:</b> That –</p> <p>This Council therefore resolves to call upon the executive to:</p> <p>Investigate seeking designation of appropriate stretches of the Wye and Lugg to be officially identified as bathing water;</p> <p>Urge concerned residents to support the River Action petition, which asks the English and Welsh governments to double the Environment Agency and Natural Resources Wales's regulatory budgets so that they can more effectively enforce the existing legal protections for the Wye and Lugg;</p> <p>Forward this resolution to the Members of Parliament in Herefordshire, to ask them to support the campaign by River Action for increased funding for the Environment Agency;</p>		

Forward this resolution to other English and Welsh councils in the Wye Valley to ask them to support the campaigns for bathing water status and for increases in regulatory budgets.

## Community impact

- 8 Herefordshire Council's adopted code of corporate governance provides the framework for maintaining high standards of corporate governance in order to achieve the council's vision of "people, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire."
- 9 In accordance with the code, the long-term nature of many of Herefordshire Council's responsibilities mean that we should define and plan outcomes and that these should be sustainable. Decisions should further the council's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

## Equality duty

- 10 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.
- 11 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. If any motion results in a request that the executive (cabinet) consider taking some action, the cabinet will have regard to the equality duty when determining its response to the request.

## Resource implications

- 12 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

## Legal implications

- 13 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.



## **Risk management**

- 14 None arising from the recommendation; if any motion results in a request that the executive (cabinet) take some action the risks associated with such action will inform any decision by cabinet.

## **Consultees**

- 15 None.

## **Appendices –**

Appendix A – background information to motion 1 - Water Protection Zone for River Wye System

**Background papers –** none identified

Under the EU Water Framework Directive, member states are obliged to take action to bring surface and groundwater within their territory into good condition, also known as achieving 'good status'. This is assessed against a number of targets, including chemical status and ecological status. This was kept in UK law after Brexit.

The Secretary of State for Environment, Food and Rural Affairs has powers to establish a Water Protection Zone (WPZ) and set out the restrictions that apply in that area. The Environment Agency is then responsible for regulating the WPZ.

WPZs work by prohibiting, or imposing conditions on, specific activities which are thought to be causing pollution in the area concerned. The activities in question may not otherwise be subject to any regulation, or the WPZ may impose tighter restrictions than any existing regulations. These restrictions are backed up by criminal penalties, thereby providing additional legal powers to deal with activities which are believed to be causing pollution.

The exact restrictions which are to be imposed through the WPZ will vary because they will be tailored to fit the local circumstances; so a WPZ in one area may look very different to a WPZ in another because the sources of the pollution, and potentially also the nutrients involved, may be very different.

#### **When can a WPZ be used?**

A WPZ may be established where it is considered necessary to prevent or control the entry of "poisonous, noxious or polluting matter" into controlled waters. Controlled waters include inland fresh waters and ground waters, as well as certain coastal waters and sea waters. Where implemented, WPZs sit alongside existing regulatory tools, such as Environmental Permitting and other pollution control legislation, as an additional layer of control.

In areas where there are particular problems with achieving good status using current regulatory tools and voluntary measures, the Environment Agency is starting to assess whether the use of a WPZ is needed. Formal recommendations have been made in relation to the Poole Catchment area, and there may be others in other areas in the future.

The Government is increasingly coming under pressure to address water quality issues, particularly in areas which are also designated as Special Areas of Protection or Special Areas of Conservation.

To date, one WPZ has been designated in the River Dee catchment, but this applies only to certain sectors, which does not include agriculture. Within the River Dee WPZ, the keeping or use of certain substances in specified situations requires a consent from the Environment Agency. I understand Poole Harbour is under consideration for a possible WPZ to be introduced.