

**Minutes of the meeting of Cabinet held at The Council Chamber -
The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on
Thursday 14 December 2017 at 2.00 pm**

Present: Councillor AW Johnson (Chairman)
Councillor JG Lester (Vice-Chairman)

Councillors H Bramer, BA Durkin, PD Price, P Rone and NE Shaw

Group leaders in attendance Councillors JM Bartlett, AJW Powers and J Hardwick

Scrutiny chairmen in attendance Councillors EJ Swinglehurst

Other councillors in attendance: Councillors ACR Chappell

Officers in attendance: Alistair Neill, Geoff Hughes, Martin Samuels, Claire Ward and Andrew Lovegrove

64. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Harlow.

65. DECLARATIONS OF INTEREST

None.

66. MINUTES

Resolved:

That the minutes of the meeting held on 16 November 2017 be approved as a correct record and signed by the Chairman.

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

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

68. QUESTIONS FROM COUNCILLORS

No questions were received from councillors for this meeting.

69. SOUTH WYE TRANSPORT PACKAGE - ACTIVE TRAVEL MEASURES

The cabinet member infrastructure introduced the item. The purpose of the report was to consider the feedback received to the consultation on the south wye transport package active travel measures and to seek approval for the next steps towards delivery of these

measures. A list of proposed schemes was put forward for specific consultation from 12 September 2016. The questionnaire was well responded to and there was a high level of support for the measures, with some scoring higher than others. The cabinet member noted that some of the measures would be able to be implemented ahead of the construction of the southern link road while others would have to come after. Funding had been achieved through the Local Enterprise Partnership (LEP) of £27m within a budget of £35m. The strategic outline case put to the LEP in the bid for funding estimated the cost of the southern link road in the region of £29.75m with public realm schemes at £3m and cycle and walking schemes at £2m. As the detail of the road and active travel measures were developed further these estimates would be updated and presented in the full business case for the project, which would be signed off by the Department for Transport (DfT).

The head of infrastructure delivery summarised the purpose of the report and the outcomes of the consultation into the active travel measures. She noted that other suggestions had come forward in the response to the consultation other than those specifically consulted on. These suggestions would be evaluated alongside the options actually consulted on.

The cabinet member for finance, housing and corporate services noted that the ATMs within the development would enhance the lives and health of residents in the areas which were affected. He asked for more details of those measures which might be brought forward ahead of the SLR and an idea of the timescales involved in their delivery. The head of infrastructure delivery responded that a number of the measures consulted on did not rely on the SLR for implementation such as a wider implementation of 20mph limits in residential zones, improvements along Holme Lacy Road and some other routes remote from Belmont Road. The analysis needed to move forward these schemes could be completed within a 12 month period.

Group leaders were invited to give the views of their group.

The leader of the Its Our County group thanked officers for the detailed data provided and relayed the following points:

- disappointment regarding the lack of recognition for the strongly supported alternative proposals, in particular for a light tram system and park and ride provision; the intention to evaluate these suggestions alongside the options in the consultation was noted and the group asked that due weight be given to the strongly supported and excellent suggestions;
- whether it would be possible to apply any 20mph restriction for residential zones to the whole city rather than area by area;
- a desire to see the active travel measures delivered before the SLR wherever possible or alongside the SLR where necessary;
- that any pressure on the costs of delivery of the SLR must not lead to a reduction in funding for the ATMs;
- that the full business case for the SWTP must be as a stand alone package, no details of potential benefits from the bypass should be included;
- it would have been helpful to have sight of the detailed risk register developed for the SWTP project with the agenda papers and a link to the strategic baseline business case.

The cabinet member infrastructure confirmed that all options would be considered and that if the selected active travel measures could be delivered in advance of the construction of the southern link road they would be. He explained that the risk register was an operational document which was updated as the programme developed but agreed to send a copy of the current register and a link to the business case.

The leader of the green group stated that they did wish to see all the active travel measures taken forward. There was significant support across the county for the introduction of a 20mph limit for residential zones and the group leader queried whether this could be rolled out over a larger area.

The cabinet member infrastructure confirmed that the 9 options listed had been prioritised but that other schemes would probably come into the equation as part of the Hereford Area Plan. He stated that the cost of introducing a 20mph limit to a wider area would be likely to exceed the budget made available for this particular transport package but that this could be explored to see what might be practical.

Resolved that:

- (a) having regard to the public support for the SWTP active travel proposals the assistant director environment and place be authorised to take all operational decisions necessary to progress further analysis and detailed design, to a maximum value of £500,000, to confirm a preferred package of active travel measures to be delivered with the SLR for approval by the cabinet member for infrastructure;**
- (b) a programme for delivery of this preferred package of active travel measures and a procurement strategy for their delivery be developed for approval by the cabinet member for infrastructure.**

70. TO APPROVE THE MOBILISATION OF THE DEVELOPMENT AND REGENERATION PROGRAMME

The cabinet member contracts and assets introduced the item. He noted that the past months had been spent evaluating a preferred development partner for the development and regeneration programme (DRP). The report currently before cabinet was to support the finalisation of the contract and set out the costs involved.

The programme director housing and growth summarised the report. He highlighted that:

- in June 2016 cabinet decided to carry out a procurement exercise to identify a strategic development partner;
- the objective of the programme was to achieve maximum benefit for the council from the land and assets it owned, particularly in relation to economic and housing growth;
- many authorities across the country were going through similar processes;
- in July 2017 cabinet approved a recommendation to appoint Keepmoat Homes as the preferred development partner;
- since that decision the council had undertaken due diligence in the relation to the contract and the stand still period set out in the procurement arrangements had been fulfilled; and
- the recommendations now put before cabinet sought to mobilise the contract and start work on the first phase of sites to be assessed for potential development.

The cabinet member finance, housing and corporate services asked whether, in light of the additional projects on the potential list for the development partner to assist in delivering, the council should consider allocating additional capital to this area of spend over the next two years. The current allocation being £20m.

The programme manager confirmed that there might be future requests for additional funding based on a case by case assessment of each site appraisal.

The cabinet member infrastructure queried how the figure of £503k for client side capital costs was arrived at. The programme manager responded that the figure was simply an assessment of the requirements as seen at the time.

Group leaders were asked to give the views of their group.

The leader of the Its Our County group asked for confirmation that full due diligence had been carried out, whether the preferred development partner had expressed an interest in delivering student accommodation and whether the council would have sufficient input or control over the dwelling mix on sites developed for housing to meet local housing needs.

The programme manager confirmed that full due diligence had been carried out, that Keepmoat Homes had expressed an interest in developing student accommodation and had previous experience of delivering such accommodation. He also confirmed that the mix of dwellings on housing sites would take account of the latest housing needs assessments at the time they were developed.

The leader of the green group sought assurance that due diligence had been carried out on Keepmoat Homes. She stated that detailed questions on the delivery of the objectives and of affordable housing would be sent outside of the meeting. The group leader reported that Keepmoat Homes had not performed well in dealing with the community when redeveloping the barons cross estate in Leominster. It was hoped that this bad experience was a one-off. The role of scrutiny in evaluating the performance of the contract was also queried.

The programme manager stated that the partnership would give the council the opportunity to work on improving relations with communities surrounding development sites. The input of scrutiny would be valuable in relation to the management of the contract including look at the progress, conduct and success of the partnership. There would be a number of key performance indicators agreed as part of the contract and these would be tested through council processes.

Resolved that:

- (a) legal and commercial support to finalise the contract (development and regeneration programme overarching agreement) with the development partner be procured at a cost of not more than £90k;**
- (b) subject to satisfactory completion of contractual arrangements the appointed development partner be requested to develop within 3 months of the formal request being made, a stage 1 submission, including a business case and estimated timescales for housing on the Bromyard depot land and paddock site;**
- (c) subject to satisfactory completion of contractual arrangements, to include the tranche 1 projects – county bus station and car park; Model Farm, Ross-on-Wye; Hildersley SUE, Ross-on-Wye – onto the programme subject to the council completing its internal (stage 0) approval, including options appraisal, for each site;**
- (d) the council's client side revenue costs, estimated at £155k annually, be funded from within existing operational budgets; the client side capital costs, including externally commissioned professional services, are estimated at £503k annually and are included in the council's capital programme; and**
- (e) the programme director growth be authorised, following consultation with the chief finance officer, to take all operational decisions necessary to allocate the**

above client side resources in accordance with contractual and client side requirements.

71. PUBLIC ACCOUNTABLE BODY FOR NMITE

The leader of the council introduced the item. He noted that the council had undertaken a great deal of work to support the proposed university. This included support in preparing documentation for bids for funding and a willingness to make appropriate sites available for consideration.

The cabinet member finance, housing and corporate services introduced the report. Following a green book business case funded by the council and a bid to the local enterprise partnership (LEP) the university had been awarded £15m from the department for education (DfE) and £8m from the department for communities and local government (DCLG) via the LEP. The requirements of the DfE and the LEP required the council to become the accountable body for this funding. The role of the accountable body would be to give assurance that the university was fulfilling its business case and meeting the key milestones. The accountable body would ensure that spending was in accordance with the conditions of the grants.

The chief finance officer confirmed that the arrangements for the two grants allocated were different. The council would be the accountable body for the £15m allocated from the DfE. The primary accountable body for the grant from the DCLG would be the LEP but the council would act as accountable body for the university project as a whole.

Group leaders were asked to relay the views of their group.

The leader of the Its Our County group commended all those who had worked to get the project this far and stated that his group had always supported the university project. It was understood that the council was the only acceptable accountable body in the eyes of the DfE but it should be made clear that the council's accountability was only for the public funding. Any subsequent private sector funding would not fall within this role.

The leader of the green group commented on the full debate at the general scrutiny meeting. She stated she was happy to see the project going forward with the checks and balances discussed at the scrutiny meeting.

The cabinet member finance, housing and corporate services expressed thanks to members of the scrutiny committee who had examined the request in detail. The recommendations of the scrutiny committee and responses to these that had been published as a supplement to the main report were referred to. The cabinet member also expressed thanks to the officers who had worked on producing the report in a short length of time.

Resolved that:

- (a) the responses to the recommendations of the general scrutiny committee at appendix 4 be approved;**
- (b) Herefordshire Council act as accountable body for public funding to support establishment of a new university in Hereford; and**
- (c) the chief finance officer be authorised, following consultation with the monitoring officer and cabinet member corporate strategy and budget, to complete such legal documentation as is appropriate to protect the council's interests and take all operational decisions necessary to implement the above recommendations.**

72. STRATEGIC APPROACH TO REFUGEES AND ASYLUM SEEKERS IN HEREFORDSHIRE

The cabinet member health and wellbeing introduced the item. He commented that the refugees the council had already accepted since 2015 had settled in well and integrated into their new communities. Fourteen families were now safe and happy in the county. Seven individuals were volunteering within the county and 4 had found employment. The home office was now asking the council to consider taking further refugees as part of its various resettlement schemes. The proposal was to accept a further 40 asylum seekers and 35 refugees in family groups. The cabinet member noted that in 2015 the council had little experience in this area. Officers had worked hard to develop professional skills and expertise.

The cabinet member finance, housing and corporate services noted that there were no immediate cost implications of the recommendations but asked what the longer term effect of the arrival of these groups might be on the economic welfare of Herefordshire.

The community capacity and wellbeing manager responded that with regard to refugees the numbers involved were fairly small but they were expected to have a positive economic impact in the long term. Herefordshire had the highest proportion of new arrivals in employment in the west midlands. Others were volunteering in the hope of securing employment in the future. There was the expectation that all those refugees who would normally be economically active would find employment in the long term.

The situation for asylum seekers was more complicated as they were not allowed to be employed while their application for asylum was processed. The council had no direct statutory duties to them in normal circumstances. It was possible that a small number would opt to remain in Herefordshire once their application for asylum had been approved. Where families chose to remain they would place some demand on public services such as schools and primary care. In a very small number of cases there could be short term problems in migrating refugees onto the benefit system.

The cabinet member finance, housing and corporate services asked whether unspent funds from the European social fund to support access to employment for disadvantaged groups could be used to assist refugees.

The refugee and asylum seeker coordinator responded that the building better opportunities fund would start from January 2018. All settled refugees were referred to that fund to support them in moving into employment.

The cabinet member young people and children's wellbeing stated that this was an example of Herefordshire doing the right thing and commended officers for the success to date. He asked what the risks were of volunteering to take additional refugees and asylum seekers where other authorities might not be willing or able to do so.

The community capacity and wellbeing manager explained that the council would expect to be asked to take additional numbers by the home office. Officers were aware of at least two other west midlands authorities who were considering voluntarily expanding the number of refugees they would take. The council could at any time decline to accept further refugees and there were currently no powers for the home office to compel the council to accept them. Powers did exist in relation to general asylum dispersal and if the council did not volunteer to accept this group then there was a real risk of being compelled to do so. By volunteering the council could exercise some control and it was expected that it would take time for numbers to grow up to the 40 proposed. There was an expectation that there would be future incremental increases.

Group leaders were asked to give the views of their group.

The leader of Its Our County stated that his group were happy to support the recommendations. He commended those involved in the success to date including the volunteers and families who had supported the scheme. It was asked whether there was any specific matching between the backgrounds of refugees and where they were settled.

The refugee and asylum seeker coordinator responded that the home office allocated refugees to the regional partnership which would look to match them to authorities. Lots of factors were taken into account in the matching process. When matched with a family the council could review their circumstances and make a decision as to whether it could offer the requisite support or not.

The leader of the green group stated that it was good to see clarification in the report on employment and volunteering. It was important for the council to learn from its past experience so that the process continued to be successful.

Resolved that:

- (a) Herefordshire Council's voluntary participation in the general asylum dispersal scheme is approved; and**
- (b) the extension of Herefordshire's commitment to resettlement of refugee families is approved, to include Syrian refugee families and those under the VCRS; and**
- (c) the director for adults and wellbeing be authorised, following consultation with the director for children's wellbeing and the relevant cabinet members, to take all operational decisions necessary to agree the specific terms of Herefordshire's participation in the general asylum dispersal scheme, to a maximum of 40 individuals at any time, and extend the resettlement of refugees families, from the existing pledge of 60 to a maximum of 95 individuals.**

The meeting ended at 3.30 pm

Chairman

PUBLIC QUESTIONS TO CABINET – 14 December 2017

Question 1

Mrs V Wegg-Prosser, Breinton

To: cabinet member: infrastructure

The purpose of the HTP bypass is to induce developers to build in areas adjacent to its route. Reference SMOTS, over 8,000 school children and their families in the Hereford area are being denied modal shift targets because the Council insist on building the bypass before setting the targets. How can this be justified when there is no sign of funding for the bypass and air quality continues to deteriorate?

Response

The purpose of the Hereford Transport Package (including the bypass) is not to induce developers to build, but to reduce congestion and improve journey times, improve regional connectivity, improve safety and health, and enable growth.

The Sustainable Modes of Travel to School strategy is scheduled for Cabinet consideration in January and will recognise the need for modal shift targets to be set as the Hereford Transport Package is defined.

It is wrong to suggest there is no sign of funding; indeed some contributions for the development of the Hereford Transport Package have already been secured.

The provision of an alternative route to the A49 which currently runs through the centre of Hereford will be the most significant opportunity to improve air quality for the many people living within the city, and children who go to school in central Hereford. In the meantime individual school travel plans will continue to encourage use of alternative modes of travel.

Question 2

Mr R Palgrave, How Caple

To: cabinet member: infrastructure

The January 2017 OAR for the SWTP gives one objective as, "reduce growth in transport related emissions". There is no objective to reduce actual emissions. How will the performance of the SWTP be measured against this very vague objective, and is it appropriate to be proceeding with a scheme that does not reduce actual emissions when UK carbon emissions rose last year and air quality continues to be poor?

Response

It is entirely appropriate to continue progressing development of the scheme. Air quality will be improved for residents along Belmont Road due to the removal of HGVs. A monitoring and evaluation strategy will be developed which will set out the scheme and will be evaluated against its targets and this will be signed off by the Department for Transport as part of the full business case for the scheme.

Supplementary question

Responses to the SWTP consultation indicated strong support for improved bus services. More people on buses should mean fewer cars and reduced emissions. Will the detailed design of the SWTP active travel measures look at improving bus services?

Response

Yes. Even though the consultation has thrown up responses with some actions being more preferred than others - the bus priority lanes in Belmont Road were quite lowly supported in relation to other schemes – but we will look at everything when the schemes are coming up as to what we think is the best value for money and serves the purpose for what the whole scheme is about, which is to try and get people out and about actively travelling walking cycling using buses and generally having better health.

Question 3

Prof R Wise, Breinton

To: cabinet member: infrastructure

Can the Council assure us that a new ,truly independent, report be produced as the earlier "2011 report by Parsons Brinckerhoff, Independent Review of Hereford Relief Road Technical Studies" was flawed in many respects ,but primarily because of the conflict of interest between HCC and Balfour Beatty and the legal consequences that would flow from relying upon that report.

Response

There is no need for a new report as the 2011 report is not flawed and there is no conflict of interest.

Question 4

Mrs J Wise, Breinton

To: cabinet member: infrastructure

If the Parsons Brinckerhoff Relief Road proposal (2011) did not include details of engineering feasibility or costs, could the council justify proceeding with the project irrespective of accurate costing and exact funding sources?

Response

Yes. The only way to obtain accurate costings is to progress development of the project. Any decision to deliver the project will be informed by accurate costings and available funding.

Question 5

Mr J Hull, Breinton

To: cabinet member: infrastructure

The volume of HGV traffic flowing on the M5/M6 currently is between 12 and 25 times greater than the A49. Even a small percentage of M5/M6 HGV relief will result in a marked increase in fine particulate pollution. Why has this not been made clear to County residents, particularly with respect to the proposed new housing developments which the road will pass through?

Response

The important regional role of the Hereford bypass is recognised in the Midlands Connect strategy. With a bypass for Hereford, the A49 could have an enhanced role and provide an alternative for some traffic on the parallel M5/M6. As modelling work is progressed the scale of this will be established, be made available when it is completed and agreed with Highways England, and will inform future consultation.

Supplementary question

What level of M5/M6 motorway relief traffic is considered to be acceptable and viable in the business case for the western relief road and on what basis was it estimated?

Response

I can't really give you a complete answer that you might expect for that because as you know when new roads come into being there will always be an immediate surge of extra traffic using it. However when the general motoring public want to go from a to b they will choose a route which is best suited for their purpose. This will all come out as part of the assessment from Midlands Connect and Highways England in their assessments going forward as to whether or not the bypass is the priority that they are now currently putting on it. We will be able to inform you better when we have the business case moving towards the delivery of this project.

Question 6

Ms K Seekings, Hereford

To: cabinet member: infrastructure

When will the planning regulations relating to the cost estimates for developments in full business plans be required to include the full long-term costs, such as the environmental costs associated with pollution, loss of habitat and loss of biodiversity?

Response

The business case will include analysis of the full range of costs and benefits of the scheme. Planning legislation already requires that for a scheme of this size a full Environmental Impact Assessment is undertaken and a detailed statement must be submitted with a planning application. The council will comply with all such legislation.

Supplementary question

I have to say I am ashamed to live in a county that it proposing such a backward step. 85% of journeys in Hereford are less than 3 miles by your own research. Why have you not already properly tried out the multiple options, imaginative and creative options for getting people out of cars for those short journeys? Electric light railway, electric buses, park and ride, proper cycling pathways. I am a cyclist, I cycled my 7 year old and 12 year old and every day we take our life in our hands. All you propose is to destroy one of the best parts of Hereford in green spaces and providing clean air. All that will result is an increase in traffic both in Hereford and in the county, why have you not already looked at other options and implemented them?

Response

I am of completely a different view to yourself in the context that Hereford has one river crossing to deal with all traffic. I am constantly bombarded by emails and conversations with people asking when are you going to deal with another bridge crossing that gives us a bypass around Hereford? I can tell you now that that comes at a much higher priority than

does the suggestions that you are putting forward. However we will be looking at the environmental and the other alternative actions as part of the active travel plans to try to make the city of Hereford and the neighbouring area a better place to live but we will be going ahead with the bypass, we will building a bridge across the river because it is far more supported than the likes of your suggestion. I am sorry to have to say it. I am very supportive of building the bypass and making sure that we have infrastructure to meet the needs of a growing economy.

Question 7

Mr J Trimble, Hereford

To: cabinet member: infrastructure

Will the cabinet be accountable for building the new road close to and upwind of Hereford Community Farm for the increased cost of healthcare from road pollution as we have 65 weekly attendees already with ill health and compromised immune systems?

Response

The route selection process aims to consider all constraints within the core strategy corridor and determine a short list of route options and then a preferred route which considers these constraints and which routes perform best across a range of criteria. In January Cabinet will consider route options for subsequent consultation. Cabinet is accountable for the decisions it takes.

Supplementary question

I don't quite understand your answer to my question. I asked you if you were accountable for the increased health cost that is going to affect people that I work with who already have ill health and other related problems. Can the cabinet explain the disparity with that answer to the air quality strategy for Hereford and Worcester, section 4.3, which states that the council commits to ensuring that the council actions do not have a detrimental effect on air quality? This is a duty that local authorities have to undertake under the Environmental Act 1995.

Response

As you have introduced some specific polices I will have to go and take a look at them and get the officers to come forward with an answer to meet your question precisely. You are introducing a technical question that wants a technical answer and I will endeavour to that in a written answer.

Question 8

Mrs C Palgrave, How Caple

To: cabinet member: infrastructure

The SWTP ATM consultation report shows that 20mph residential areas was the most strongly supported Possible Improvement. The report notes that this improvement had "High levels of strong support evenly distributed". Is there any reason why an immediate start cannot be made on introducing 20mph limits, without waiting for the Southern Link Road to be built?

Response

The report today seeks approval to develop the proposals for active travel measures. If they can be delivered in advance of the southern link road they will be.

Question 9

Mr E Morfett, Breinton

To: cabinet member: infrastructure

ATMs are designed to address the health issues of the population by reducing car use to reduce emissions which are causing lung cancer, kidney cancer, asthma, dementia and premature death. City planning recognises the need to address this issue but it appears to lack any real priority. Why is the priority in reducing emissions to reduce healthcare costs using modern transport solutions so low relative to building new roads?

Response

Addressing the health issues associated with transport is a priority. Each major transport package project includes a range of active travel measures which complement new infrastructure and together contribute to an improvement in air quality and improving health issues associated with congestion.

Supplementary question

When will this council recognise that building roads at any cost instead of mass transit non-polluting options is unsustainable? Economic progress and measuring the true cost of the impact of healthcare costs, legal costs and the environmental costs would render its strategy uneconomic, unreasonable, unrealistic and unpopular if the public were made aware of the true full costs. When will you recognise this?

Response

I believe that this council, its officers and its councillors fully undertake and understand exactly your sentiment. I had a conversation earlier this morning with the director for adult care and it is so difficult to be able to deal with health issues in a context of 'you do this what is the context of the health issues down the road from it'. We do take notice, we do care for the output of our decisions in trying to get better solutions for the residents of the county. Your question can have a multiple serious of answers but I do take on board that we do take notice of what you are suggesting.

Question 10

Ms B Johnson, Ledbury

To: cabinet member: infrastructure

Herefordshire Council policies prioritise active travel and public transport over private car use. Is the council working with the health authority to measure the health of the population regularly in order to ascertain whether their policies are having any effect on the physical and mental health of the population, and if so, exactly what does this entail?

Response

The council is the responsible body for public health functions. Each year the director of public health is required to produce a joint strategic needs assessment for approval by the Health and Wellbeing Board. The Herefordshire Clinical Commissioning Group are members of that board.

In addition the director of public health produces an annual report on the health of the county's residents.

The data and recommendations within these reports are used to inform scrutiny and decision-making.