

Meeting:	Council
Meeting date:	Friday 17 July 2020
Title of report:	Leader's report to Council
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 meeting of Council held on 6 March, 2020.

Recommendation(s)

That:

- (a) the report be noted.**

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. It is a constitutional requirement that the Leader of the Council provides a report to each ordinary council meeting, other than the budget meeting, on the activities of the work of the cabinet since the last meeting. In my report I include a summary of the matters decided by the cabinet, cabinet members, any decisions taken under the urgency provisions and those subject to call in.

3. It is customary for all of the decisions to be listed in an annex to this report (attached at appendix A). These decisions have been made available on the [council's website](#) as they are taken. All councillors and members of the public have the opportunity to study these decisions as they are being made.
4. During these times decisions, out of necessity, have been taken at pace. I am grateful to scrutiny and all members for demonstrating their trust in the openness and transparency of the decisions we have taken as the council manages our response to the Covid 19 public health emergency and the October and February floods.
5. Of the decisions taken since my last report to Council, two key decision were taken under the general exception (GE) provisions (giving more than five but less than 28 days' notice) and three were taken under the special urgency (SU) provisions (less than five days' notice). These were:
 - Parking Operations and Charges (SU)
 - Transfer of Local Growth Funds for new model in technology and engineering (NMITE) – (GE)
 - Adult Social Care Infection Control Fund (SU)
 - Decision on arrangement for the Discretionary (Covid 19) Business Grant Fund (SU)
 - Strategic Acquisition of property known as Maylord Shopping Centre in Herefordshire (GE)
6. Since my last report no decisions have been called in.
7. I now provide a monthly newsletter to all Councillors which I trust you find helpful. That letter is not intended to replace this report to Council as I do not wish to deprive council of the right to ask me questions on decisions made.
8. I am also including in my report a summary of what I consider the most significant decisions supporting the achievement of the County Plan, as well as some additional subjects that I hope will be of interest. As so many of the decisions cross over the three themes of Economy, Environment and Community, and threads of Sustainability, Wellbeing and Connectivity I have dropped those headings from this report.

Covid related issues

9. My last report to Council was to the meeting held on 6 March 2020 which was as the Covid - 19 crisis was emerging. On 24th March we began to use the emergency powers which enabled the Chief Executive and Directors to make decisions to tackle the Covid – 19 public health emergency at pace. The relevant Cabinet member was required to be informed of decisions before they were made and decisions have been published each evening on the Council website.
10. Throughout the crisis I have been in frequent contact with the Chief Executive, until recently at least three times a week. A pattern has been established where the Cabinet receives a briefing once each week with attendees including the Director of Public Health and the Directors. Conversations have concentrated on particular issues of the moment beginning with dealing with the especially vulnerable (shielding), moving to issues relating to the supply of PPE, care homes, reopening of schools and more recently the establishment of a Covid Outbreak Control Panel. The issues have been significant. The Cabinet has maintained close contact with the rapidly evolving situation whilst giving the necessary scope to officers to deal with the crisis itself.

11. A huge vote of thanks is due to all Council staff at all levels in the authority who have shown extraordinary commitment to our community. They have adapted quickly and effectively to working from home, changing roles and creating new services overnight.
12. I hope that you consider that the amount of communication to Councillors has been appropriate. From the beginning of April you have received from the Chief Executive a weekly briefing on Covid related matters which I hope has given you sufficient information. The Chief Executive has sent separate Situation Reports to the Cabinet and others, initially daily and now weekly. Recipients of this information has included our MPs.
13. I have attended mostly weekly video conference calls with the County Council Network (CCN) and the Shire Leaders. The first group (CCN) has provided useful insight into the national picture and the lobbying and information being gathered by this influential group. The Shire Leaders group is comprised of Herefordshire, Worcestershire, Shropshire and Warwickshire. Of particular help is that one of this group is on the national executive of the LGA so able to provide useful first hand updates.
14. The whole cabinet has been very engaged. I am very grateful for the extraordinary commitment of time made by my cabinet colleagues. None of us expected to have to address two national crises during our whole term of office, let alone three in one year. In all instances I, and my cabinet colleagues, have been hugely impressed with the rapid and positive action this council has taken to support our communities through these very challenging times. The actions of all members and officers – in my view – have created a shared sense of purpose and trust with our communities as we move – tentatively - into the recovery phases.
15. This report is about the work of the Council but I do not want to miss the opportunity to thank the partners with who we work: the police, fire, NHS, ambulance, community organisations (of whom there are so many), care home operators, suppliers. You have all contributed hugely. You have helped to make the community stronger. There is so much we can learn from this experience.
16. Overall we have shown how nimble and agile local authorities can be in a way which Central Government cannot. We also have the local knowledge which is so vital
17. Much of the report that follows concerns non Covid 19 related issues but for them all, Covid 19 is going to have an impact as we need to do things differently.

Discretionary Grant Schemes

18. After the 23 March 2020 announcement of a 'lockdown' in response to Covid 19, government provided a range of financial support to businesses. This included two schemes - the Small Business Grant Fund and the Retail, Hospitality and Leisure Grant Fund aimed at smaller businesses who were liable for business rates.
19. On 1 May 2020 a further discretionary scheme was announced providing support to small and micro businesses that do not have Business Rate liability but have fixed property costs. The guidance and financial arrangements which was updated on 22 May advised that Local Authorities may disburse grants to the value of £25,000, £10,000 or any amount under £10,000. The guidance gave Local Authorities the ability to take into account the level of fixed costs faced by the business in question, the number of employees, whether businesses have had to close completely and/or was unable to trade online. This in turn provided the means to calculate the scale of impact of COVID-19 losses.

20. The grant funding is also made available for businesses that are not eligible for other support from any central government COVID-related scheme (apart from Self-Employed Income Support Scheme). The government's guidance asked Local Authorities to prioritise small businesses in shared offices or other flexible workspaces, without their own business rates assessment; regular market traders with fixed building costs, such as rent, who do not have their own business rates assessment, Bed & Breakfasts which pay council tax instead of business rates, and Charity properties in receipt of Charitable Business Rates Relief.
21. The Herefordshire scheme focuses on the priority areas identified with applications invited in time limited windows, with all funding decisions taken at the same time the assessment of applications received. This has ensured all businesses have had an equal and fair chance to apply for the grant funding. The application and appraisal processes has ensured that only eligible businesses (as defined in the government guidance) have received funds. Any funds remaining at the end of the application round will roll forward in to future application rounds.
22. Through the appraisal process due diligence checks have been put in place to ensure businesses are trading and the evidence supplied is correct to avoid fraud or reputational risks.
23. The first application round for eligible businesses opened on the 15th June and closed on the 29th June. In total we received 200 applications from businesses have been received, 125 applications have been approved with over £534.5k of grant funding provided. The council is currently in the process of assessing those applications. As funds remain the council will launch a second application round as soon as possible, intending to broaden the eligibility of those businesses that can now apply.

Support and development of tourism and our valuable visitor economy.

24. Following a major campaign to help Herefordshire's tourism and visitor economy recover from the devastating impact of the Covid 19 lockdown and the flooding in February, the council has been awarded £440,000 by the Marches Local Enterprise Partnership. The money will help launch a co-ordinated drive to promote the county as a fantastic, safe destination for day trips and also 'staycations' if the lockdown restrictions ease sufficiently.
25. It is part of a £1.6million package of funding agreed by the Marches LEP across Herefordshire, Shropshire and Telford & Wrekin to support businesses hardest hit by the Covid-19 crisis and earlier flooding. Herefordshire Business Board and Herefordshire Council have worked together to promote the county's huge range of tourism attractions, retail and leisure opportunities to both local and national markets.
26. Initiatives will include developing a new destination website supported by a smartphone app, local and national marketing campaigns to attract visitors to enjoy staycations in the county, as soon as it is safe to do so. National government has indicated that for a number of tourism related sectors, this will be as soon as 4 July.

Acquisition of a leasehold of The Maylord Orchard Site and other adjoining freeholds

27. In June the council secured control of the Maylord shopping centre in Hereford. The council was already the freehold owner of much of the site, but it was previously subject to a long term lease to a third party. The site has over 145,000 sq ft of retail space, over 200

car parking spaces (in an underground car park) and circa 20 upper floor residential apartments. A price of £4.5m has been referred to. This figure was the budget for the purchase, stamp duty land tax, professional fees and associate land purchase costs. The price paid for the acquisition was within the valuation which was obtained.

28. The retail sector has been in decline for some time, and all cities and towns need to consider how they will diversify for the medium to long term. The previous leasehold owners were looking to sell their interest and we identified a very significant risk that a new owner could purchase it only to asset strip the remaining values, letting the shopping centre further decline with increasing numbers of vacant units. This would have created a real blight on the economic performance of the city centre. By securing control of this strategically significant site the council can ensure that we maximise its role in supporting the short term economic recovery of Hereford, and in the medium to long term consider how we can diversify the area to enable the development of a vibrant city centre for the future such as opportunities for inner city living, leisure/ culture and the arts, places for learning, flexible business space, for food and drink and hospitality etc.
29. I would like to congratulate the officers, and the s151 officer in particular, for their work on this transaction.
30. There is justified questioning by others about the timing. We see regular news items about the difficulties that shopping centres and high streets are faced with. They have been in decline for many years and facing particular difficulties with the Covid crisis. The Cabinet have taken these concerns seriously.
31. I have dealt with the financial aspects above. The Cabinet are satisfied that the price paid was a low one. The Vendor was going to sell. If we did not buy it someone else would. That other party would have purchased it to make a profit. I do not decry that approach, but in Council ownership other considerations can be taken into account including community and social value, and our ability to determine the future of a key asset in the centre of our town.
32. This piece of land is unique. Every piece of land is actually unique. We never know when a piece of land might become available to buy. This one might not have come on the market again for many years. So we seized the opportunity and acted quickly.
33. We are now working with Montague Evans, an independent property consultancy, on our short, medium and long term strategy. Over the next few weeks the council is keen to make currently vacant units in the shopping centre available for short term low cost rental periods for local pop up businesses and social enterprises from across the county to showcase their products and services, which will also drive new interest and socially distanced footfall into the city centre. Any businesses or social enterprises that would be interested should please contact Andrew Haughey (020 7866 7627) and John Prestwich (020 7312 7494) at Montague Evans (site managers).

The impact of Storm Dennis and the Council's response.

34. Storm Dennis hit Herefordshire during the weekend of 15 and 16 February 2020, resulting in significant damage and flooding, from both runoff and river overflow with many of the rivers reaching their highest levels in 200 years. A major incident was declared on 16 February meaning there was a danger to life as water levels peaked at record levels during the storm and remained high for an extended period after the storm. In total, 728 premises, comprising 524 residential properties and 204 businesses, were affected.

35. Around 80 roads were formally closed due to flooding and damage with many remaining closed in following weeks as water levels remained high restricting access.
36. Following the declaration of this as a major incident, the Bellwin scheme was announced for Herefordshire and this confirmed that all immediate response and damage repairs works that meet the Bellwin criteria which would be delivered within the spend period up to 28 March 2020 would be funded by central government. Costs incurred up to 28 March 2020 are set out below, Table 1:

Table 1: Damage repair works and costs undertaken by 28 March

Community Support	£750,000
Highways response to flooding including initial response to flood event and works to undertake emergency repairs completed by 28 March 2020	£2,400,000
Staff costs	£250,000
TOTAL:	£3,400,000

37. Significant flood repair works remain to be undertaken, and discussions are underway with Government as to whether these can also be funded through the Bellwin Scheme or whether other Government funding is available.
38. I, the Cabinet member for infrastructure and transport and the Chief Executive continue to argue strongly that these repairs should be allowable as part of our Bellwin claim, despite the fact that they could not, for reasons of scale and/or complexity, be completed within the spend period to the 28 March indicated for this scheme.
39. The following table provides a summary of the estimated cost of these further repair works. Government support is being sought to carry out these works. We are in active dialogue with local MPs

Table 2: Damage repair works and costs not completed by the 28 March timeline.

Fownhope Landslip	£1,565,000
Fownhope Retaining Wall Collapse	£1,000,000
Holme Lacy Causeway	£2,000,000
Whitney on Wye Instability	£500,000
Various damage Sites	£962,047
Sub Total	£6,027,047
Drainage Network clearance of blockages countywide.	£2,850,000
Flood investigation costs (as required by Section 19 of the Flood and Water Management Act)	£250,000
Total	£9,127,047

40. Of course, a priority for me as Leader of this council is to represent the interests of the communities of Herefordshire most affected by these adverse weather related events. I must ensure they are not disproportionately disadvantaged. So as a matter of urgency I have given my backing and support to progressing the most urgent of our repair schemes.
41. If external funding is not forthcoming, we will have to fund these works from the council's capital budgets. If this is the case, capital programme priorities will need to be

reconsidered for this and subsequent financial years. We are addressing this issue and are considering whether a request for an extraordinary Council meeting in August to present recommendations or alternatives for decision.

42. Two schemes at Fownhope have been identified as needing to be progressed as a matter of urgency to continue to ensure the safety of the highway asset, adjacent property and restore proper access via the B4224 which is the main route to Fownhope from Hereford. Work is ongoing, but we expect this vital part of the road network to be reopened in Autumn 2020.
43. The work listed in table 2 above will also need to be done. But for the time being they are less pressing - we have either made these locations safe or have inspected them to confirm that they do not pose an immediate threat to highway users, or create severance in any community. The funding, and progression of all works listed will need to be considered in future decisions once the outcome of discussions with Government regarding the availability of funding is known.

Update on Phosphate levels in the Lugg and Wye Catchment:

44. The council is continuing to liaise with all interested parties including; Natural England, The Environment Agency, Welsh Water and the National Farmers Union, through the Nutrient Management Board and its assigned technical working party. All parties are working to find an effective solution which will both seek to reduce phosphate levels within the River Lugg and River Wye Special Area of Conservation (SAC) and allow development to proceed in the north of the county.
45. It is envisaged that in the long term the solution will be provided through the revision of the Nutrient Management Plan (NMP) which will reflect the measures implemented by Welsh Water through their Asset Management Programme. In combination with more stringent requirements placed upon land owners to minimise diffuse pollution through appropriate infrastructure and updated environmentally friendly farming techniques.
46. Following consideration of a number of options to further reduce phosphate levels the council is allocating the approved £2m allocation in the Council's 2020/21 capital programme from the New Homes Bonus Scheme. The council is seeking to:
 - Design, construct and manage up to 8 integrated wetland sites set in strategic locations in order to provide tertiary treatment to waste water treatment works within the Lugg catchment.
 - Allocate £30,000 from the approved capital programme to commission an interim delivery plan including a phosphate calculator and a suite of recommended mitigation measures appropriate to the River Lugg. This will enable developers to calculate the phosphate load of their proposals and therefore agree measures independently with landowners to mitigate or offset the identified phosphate load. This has the potential to be further developed as a trading platform for offsetting identified loads in future developments.
 - To appoint an environment officer to lead on reductions in levels of diffuse pollution. To liaise with the regulatory bodies and carry out an audit in the Lugg catchment, identifying through mapping and farm visits where risk of pollution occurs and working with the farming community to introduce improvements to infrastructure and farming techniques. And,
 - Secure the acquisition and rewilding of existing agricultural land be considered as a complementary solution for reducing phosphate pollution in the river catchment
 - Funding is also being sought from central government through the LEP.

47. Of concern is the level of nutrients in rivers coming into our county. In this connection a meeting is proposed with MPs and MSs (Members of the Senedd - previously Assembly Members) to impress upon government ministers and statutory agencies the need for concrete action, resource and certainty - for environmental organisations and our construction industry.

Hereford Town Deal

48. In autumn 2019 Hereford was included in the first round of the governments £3.6bn "Towns Fund" programme. This brought the potential to access up to £25m of government support through the drafting of an Investment Plan and securing a Town Deal with government.
49. Guided by the governments Stronger Towns Prospectus Herefordshire Council has convened a Stronger Towns Board which will operate as an informal partnership of private and public representatives. They will be tasked with producing the Investment Plan and Town Deal for Hereford.
50. On Friday 19th June the first full meeting of the Hereford Town Deal Board was held. The Board has appointed a private sector chair (in line with the government guidance), Mark Stevenson the co-founder of Work Here in Hereford.
51. The submission deadline for the Town Investment Plan is January 2021 with business case development expected to take a further 6 to 12 months. The Board are fully committed to developing the plan through local partnership and public engagement. This is a great opportunity to put in place a long-term vision for the sustainable development of the city as a whole.
52. An initial grant offer of £750,000 has been made to Herefordshire Council to fund early projects that can support the foundations of the Town Investment Plan. Officers are engaging with the Stronger Towns Board on a variety of project ideas which will be considered by the Cabinet Member. .
53. Over the next few months the Board will oversee the development of a Town Investment Plan setting out the longer term vision for the city and the key areas for investment.

Transfer of Local Growth Funds for new model in technology and engineering (NMiTE) Phase 2.

54. In March, the Marches Local Enterprise Partnership (LEP) approved a £5.66m Local Growth Fund (LGF) grant to the New Model Institute for Technology and Engineering (NMiTE). This is part of an overarching £16m total project. This grant will enable NMiTE to develop a Centre for Advanced Timber Technology, Centre for Automated Manufacturing, and a Centre for Future Skills on the Hereford Enterprise Zone.
55. I am particularly pleased with the development of the Centre for Advanced Timber Technology which will provide a global leading timber engineering curriculum for its students on the modern applications and use of timber as a construction material.
56. The project will establish the teaching space required to enable NMiTE to grow to a point where they can become self-sustaining. The new buildings will provide facilities required to support the development of a wide range of higher level skills including high level

apprenticeships and continuing professional development, as well as degree and post graduate qualifications.

57. The accountable body, Shropshire Council, has agreed to delegate responsibility of the management of this grant and the relationship with the applicant (NMI TE) to Herefordshire Council. The accountable body confirms that neither it nor the Marches LEP will seek to clawback funding on the basis that any project failure is for Herefordshire Council to manage.

Communications

58. Our Communications Team have been working throughout the emergency response, to support and ensure that national, regional and local messages have been co-ordinated and effective. As the local lead agency for the emergency response communications, they have been hosting weekly multi-agency communication calls and co-ordinating the proactive and reactive media liaison and messaging from the Tactical Co-ordination Group.
59. Work with the LGA has developed into an opportunity for Herefordshire Council to be involved with a national pilot scheme for recovery communications. The case study will be included as part of the [LGA Rethinking Local annual conference](#)
60. A revised Communications Strategy to support the vision of the County Plan is in development, which is on the forward plan for decision at September's Cabinet meeting.

Financial Pressures

61. It would be remiss of me not to mention that the Cabinet is concerned about the extraordinary operational and financial challenges related to the ongoing pandemic and planning for recovery. To-date government funds provided have fallen significantly short of the costs incurred by this and many other council's. Presently we are experiencing a £15m+ shortfall and, allowing for what is anticipated to be further financial support from central government, are still forecasting an operating shortfall of getting on for £10m.
62. A working group of cabinet members and officers has been set up to consider options to close this gap in-year and to accelerate plans to deliver services in new ways and to realise new income streams for the council.

Community impact

63. 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.

Equality duty

64. 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.

65. 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 report provides a summary of activity undertaken, we do not believe that it will have an impact on our equality duty. These considerations are set out in each of the relevant reports informing the decisions listed at appendix A, and will inform any future decision making.

Resource implications

66. There are no new resource implications arising from the recommendations of this report. The resource 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

67. 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.

68. 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

69. 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

70. None

Appendices

Appendix A: Summary of executive decisions made from 6 March, 2020 to 17 July, 2020.

Background papers

None identified.