

Minutes of the meeting of Council held at Online meeting only on Friday 9 October 2020 at 10.00 am

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

Councillors: Graham Andrews, Paul Andrews, Polly Andrews, Jenny Bartlett, Chris Bartrum, Christy Bolderson, Dave Boulter, Tracy Bowes, Ellie Chowns, Pauline Crockett, Gemma Davies, Toni Fagan, Elizabeth Foxton, 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, Mark Millmore, Jeremy Milln, Felicity Norman, Roger Phillips, Tim Price, Paul Rone, Alan Seldon, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillett, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

Officers: Director for children and families, Director for economy and place, Democratic services manager, Chief executive, Director for adults and communities and Solicitor to the council

TRIBUTES TO COUNCILLOR BERNARD HUNT

At the start of the meeting members of the Council paid tribute to Councillor Bernard Hunt who had sadly passed away during the week. He was remembered for his hard work, good humour and serving his local residents with distinction.

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Barry Durkin.

11. DECLARATIONS OF INTEREST

There were no declarations at this stage of the meeting. Please see minute 20 below.

12. MINUTES

RESOLVED: That the minutes of the annual meeting held on 11 September 2020 be confirmed as a correct record and signed by the Chairman.

13. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS

Council noted the Chairman's announcements as printed in the agenda papers. Further to the announcements in his report, the Chairman explained that he had recently attended the Battle of Britain service at the Cathedral and visited the New Model Institute for Technology and Engineering (NMITE) at Blackfriars.

14. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 18)

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 19 - 22)

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. RE-THINKING GOVERNANCE

Council considered a report by the Chairman of the Audit and Governance Committee which recommended the implementation of a hybrid cabinet model at the council from May 2021. The report was introduced by the Chairman of the Audit and Governance Committee who proposed the recommendation and expressed his thanks for the work undertaken by the re-thinking governance working group and officers to produce a recommendation in accordance with the timelines. He noted that the working group had met on 10 occasions to discuss matters in depth and had sought to engage all members in its work. There would be further opportunity for member engagement ahead of the final structure that would be determined at the annual council meeting in May 2021.

The following principal points were raised during the debate:

- Disappointment was expressed that there had not been wider engagement with members in the development of the proposal. It was noted that a third of members had not participated in the survey or attended any workshops.
- Some members expressed disappointment that a committee system had not been recommended by the working group. It was felt that the hybrid cabinet model could be an interim position and the governance structure at the council could be reviewed again in the future.
- The quality of the work undertaken by the working group was commended.
- The proposed model was felt to incorporate positive elements from the committee system and the leader/cabinet model. It was noted that the new system would be subject to review 12 months after its implementation.
- The proposed model would increase the involvement of all members in decision-making processes and democratic accountability.
- A member claimed that the recommendation represented a 'U-turn' from the administration which had stood on an electoral platform of introducing a committee system. This claim was refuted by some members who explained that the recommendation had been resolved by a cross-party working group of the council and was a step towards realising a modern and accountable system of governance.
- There was concern that those members with full time employment might be restricted from participating fully in the new system.
- It was noted that a change to the governance structure would need to be accompanied by cultural change at the council in order to prove effective.

The Chairman of the Audit and Governance Committee explained that members had the ability to contribute to the executive decision-making process by exercising the call-in of decisions through the scrutiny committees. The importance of an efficient decision-making system had been proven during the COVID-19 pandemic and the proposed model ensured that streamlined decision-making would continue.

The Vice-Chairwoman of the Audit and Governance Committee seconded the recommendation and explained that the working group had been assisted by the Centre for Governance and Scrutiny. The recommendation had been the consensus of the

working group and had been agreed unanimously by the Audit and Governance Committee. Workshops would be hosted in the period up to May 2021 to assist in the development of the hybrid cabinet model and there would be a review of the model following its implementation.

The recommendation in the report was put to the vote and was carried by a simple majority of Council.

RESOLVED: That having regard to the work undertaken by the Re thinking Governance working group and the recommendation of audit and governance committee, a hybrid cabinet model of governance is approved with implementation from annual council in May 2021.

17. HEREFORD LEISURE POOL RE-OPENING

Council considered a report by the Cabinet Member Commissioning, Procurement and Assets which recommended the addition of a new capital budget to undertake reinstatement works to the Hereford leisure pool. The report was introduced by the Cabinet Member Commissioning, Procurement and Assets who moved the recommendation. She explained that the pool was an important facility to support health and wellbeing and its social value necessitated its prompt reopening. The location of the pool, on an area which was susceptible to flooding, would be reviewed in the core strategy and leisure strategy however whilst this review took place it was important that the pool was reopened as a facility for all Herefordshire residents.

The following principal points were raised during the debate:

- The pool was not just a leisure pool but was also used by competitive athletes who relied on the facility for training.
- It was recognised that it was essential that the pool reopened to ensure children could be taught to swim to protect against the risk of drowning in local rivers.
- The investment to reopen the pool was supported but it was noted that provision for similar facilities in Bromyard and Ross-on-Wye had not been forthcoming. There needed to be equitable investment across the county.
- Members had been approached by local residents calling for the prompt reopening of the pool.
- The reopening of the pool was supported whilst work was undertaken to investigate an alternative location for the facility.
- The health and wellbeing benefits of the facility were highlighted.
- There was concern that the works required had not been covered by insurance due to outstanding remedial works. It was hoped that lessons would be learned and that council assets would be reviewed to ensure they were insured.

The Cabinet Member Commissioning, Procurement and Assets explained that the inspection of assets would now be a proactive approach with full condition surveys undertaken. This would have implications to the budget to be determined in February 2021. The leisure strategy represented a Herefordshire approach to facilities throughout the county and would respond to the issues in the market towns raised during the debate.

The Cabinet Member Finance and Corporate Services seconded the recommendation and explained that there were lessons to be learned including the proper funding of asset maintenance and insurance cover. The lack of cover at the leisure pool was the consequence of historic budget cuts to maintenance and insurance budgets. There was also learning around where strategic assets were located to ensure they were fit for purpose in the long-term.

The recommendation in the report was put to the recorded vote and was carried by a simple majority of Council.

FOR (48): Councillors: Graham Andrews; Paul Andrews; Polly Andrews; Jenny Bartlett; Chris Bartrum; Christy Bolderson; Dave Boulter; Sebastian Bowen; Tracy Bowes; Ellie Chowns; Pauline Crockett; Gemma Davies; Toni Fagan; Elizabeth Foxton; Carole Gandy; Kema Guthrie; John Hardwick; John Harrington; Liz Harvey; Jennie Hewitt; Kath Hey; David Hitchiner; Phillip Howells; Helen l'Anson; Terry James; Peter Jinman; Tony Johnson; Graham Jones; Mike Jones; Jim Kenyon; Jonathan Lester; Trish Marsh; Mark Millmore; Jeremy Milln; Felicity Norman; Roger Phillips; Tim Price; Paul Rone; Nigel Shaw; Louis Stark; John Stone; David Summers; Elissa Swinglehurst; Paul Symonds; Kevin Tillett; Diana Toynbee; Yolande Watson; and William Wilding.

AGAINST (0)

ABSTAIN (2): Councillors: Alan Seldon and Ange Tyler (*both members voted to abstain due to loss of connection with the meeting during the debate*)

RESOLVED: That the addition of a new capital budget to fund un-insured regulatory and essential works required at the Hereford leisure pool is approved. To be funded by existing budgets wherever possible and, failing that, new prudential borrowing not expected to exceed £505k.

18. 2019/20 TREASURY MANAGEMENT OUTTURN

Council considered a report from the Cabinet Member Finance and Corporate Services which set out the treasury management outturn for 2019/20. The report was introduced by the Cabinet Member Finance and Corporate Services who proposed the recommendation and paid tribute to the work of officers to ensure cash reserves and money on deposit achieved good interest returns. Effective treasury management had contributed to the underspend in capital investment and a reduction in borrowing and long term liabilities. The council had used cash reserves for projects in order to reduce the requirement for borrowing and support the reduction of the total external debt.

The following principal points were raised during the debate:

- Treasury management officers were praised for their work to maximise returns and that the style of the report was easy to read and understand.
- The lack of an increase in average salaries in Herefordshire was raised. This was inconsistent with the trend in the West Midlands and it was queried whether this was the consequence of a lack of growth in the county.
- It was queried whether the council could apply for coronavirus business recovery loans to reduce liabilities.
- The problem of the relocation of individuals into the county from more affluent areas and the impact on the spending power of local residents was raised.

The Leader seconded the recommendation and explained that there was a concern about growth in the county. The slow rate of growth had endured for 10 years and was a problem which had been inherited by the new administration. The building of a new road would not immediately produce growth; road building programmes were being reviewed by the administration in the context of climate change.

The recommendation was put to the vote and was carried by a simple majority of the Council.

RESOLVED: That the treasury management outturn for 2019/20, as detailed in appendix 1, is approved.

19. LEADER'S REPORT TO COUNCIL

Council received and noted the Leader's report providing an update on the work of the Cabinet since the previous ordinary meeting of Council and an annual report on the priorities of the Cabinet and the progress made in meeting those priorities. The Leader introduced his report which included the following points:

- There was excitement over the project at Maylords and it was important to remain flexible with the rents chargeable to new tenants.
- There had been pleasing cross-party engagement on the phosphate issues and it was recognised that the issue was having a significant impact on house building targets.
- The work of the council and its response to the COVID-19 pandemic had been recognised at a national level.

The following principal points were raised during the debate:

- What responses had been received from business to shape developments at Maylords? *The Leader explained that social engagement was being undertaken and one unit at the centre was to be for wider community use. The Cabinet Member Commissioning, Procurement and Assets explained that a common theme in the feedback referred to a need to improve the street scene in the area and improvements to Brewer's Passage were planned.*
- Clarification was sought regarding the reason to not repay the £3.8m to the Marches Local Enterprise Partnership. *The Leader explained that the council did not want to repay the money and was attempting to use it in accordance with the initial objectives. The Cabinet Member Infrastructure and Transport explained that the outcomes for which the funding was allocated, including the creation of jobs, would be achieved but in a different manner to that proposed by the previous administration.*
- The Leader was encouraged to work with other areas to put pressure on the Department for Environment, Food and Rural Affairs (Defra) to resolve the phosphate issue. It was acknowledged that the issue needed action from the government to enforce restrictions on the use of land immediately adjacent to rivers. *The Leader explained that it was an issue for the whole county; its impact was also economic as it prevented development in the Lugg catchment which restricted growth. The Cabinet Member Infrastructure and Transport explained that the issue was being taken seriously by Powys and Natural Wales. Local MPs were helping represent the issue to government and it was agreed that pressure should be put on Defra. The new agricultural bill sought to provide subsidies to farmers for enhancements to the natural environment and to set land aside.*
- It was noted ceilings had collapsed on three occasions at Shirehall and it was queried when works would be completed. *The Leader explained that a precise date was not available and the repairs required to the Shirehall represented a long term maintenance issue. The Cabinet Member Commissioning Procurement and Assets explained that she would share the plan for the repairs to the Shirehall in an update to members.*
- The Leader was asked what losses would be associated with Maylords due to uncollected rent. *The Leader explained that a written response would be provided. The Cabinet Member Finance and Corporate Services explained that nationally rent collection in commercial properties stood at 35 – 41%; rent collection at Maylords was at 61% and concerns over Maylords had been addressed with the member concerned.*

- People moving into the county with a greater buying power than local residents was raised and the impact this placed on the availability of affordable housing. *The Leader recognised that more people wishing to relocate to the area put more pressure on local housing; the administration planned to build 1,000 more units of social housing.*
- The review of the public realm services contract was raised and whether contract management officers would be retrained and the project management team brought back in-house? *The Leader explained that there was an intention to develop project management at the council and it was recognised that the management of the contract had been poor. The Cabinet Member Finance and Corporate Services explained that the council would ensure value for money on the contract with more competitive tendering, particularly for local businesses. Shortcomings in the management of the contract would also be addressed.*
- Concerns were raised regarding the impact of the pandemic on children and the increase in demand for local services. *The Leader explained that there was a programme of cultural change in effect in children's services with the introduction of signs of safety. The new approach would help address an increase in demand and it was recognised that there may be a lag in the reporting of issues to social services. The Cabinet Member Children and Families explained that there were new approaches to ensure safety of children and young people including signs of safety and the location of the domestic abuse hub in the Multi-Agency Safeguarding Hub.*
- The construction of smaller and more sustainable housing was raised. *The Leader explained that it was important to work with local communities to understand what housing was preferred. The council was investigating best practice around the country with respect to principles concerning the construction of housing.*

20. NOTICES OF MOTION UNDER STANDING ORDERS

Motion – Decline in Hedgehog population

In moving the motion Councillor Elissa Swinglehurst made the following points:

- The level of hedgehog population had been estimated at 30m in the 1950s. An estimate of the population in 2012 was lower than 1m. It was likely that the hedgehog was already extinct from some areas of the country.
- The rate of decline was more pronounced in rural areas which was attributed to an increase in intensive farming practices which had resulted in a loss of habitat and food.
- The motion asked the executive to consider what it could do to consider the hedgehog as a protected species.
- It was encouraged that development take account of the impact of building on hedgehogs and measures were incorporated in applications to mitigate this impact.

In seconding the motion Councillor Yolande Watson explained the historic relevance of hedgehogs in Herefordshire. The council was encouraged to embed good practice in the planning system and protect biodiversity in the county.

Councillor Kevin Tillett declared an other interest as a member of the Hedgehog Preservation Society.

The following principal points were raised during the debate:

- The council could ban the use of slug pellets that were poisonous to hedgehogs by council workers and contractors.

- The use of hedgehog highways in new developments were important and the council could work with developers to encourage inclusion of the facilities in applications.
- It was confirmed that a wildlife protection kit was being considered for inclusion in planning arrangements and the Core Strategy.
- The council was working on a nature strategy which would address issues such as the use of slug pellets by contractors of the council.
- The motion was supported.

Councillor Swinglehurst, as the mover of the motion, closed the debate and thanked the Council for their support. The nature strategy was anticipated and how it could assist in the preservation of hedgehogs.

The motion was put to the vote and carried unanimously.

RESOLVED: That –

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.

The meeting ended at 2.06 pm

Chairperson

Agenda item no. 5 - Questions from members of the public and supplementary questions

Question Number	Questioner	Question	Question to
PQ 1	Mr Conod, Hereford	Please explain Herefordshire Council Cabinet's decision making process in the context of the changes to our county's roads, in particular decisions made to use the funds provided by central government in the Green Roads Policy. In the response please list the proposals that were tabled for how and where the expenditure should happen, what tests were discussed that could be used to assess the effectiveness of the measures, and please list the Councillors who voted on the proposal(s) and who is ultimately accountable for the decision that was made to enact the current suite of measures in place?	Leader

Response:

You have confirmed that you are referring to the Emergency Active Travel Measures (EATMs) which have recently been implemented. The measures implemented were developed in line with guidance published by the Department for Transport on 9th May which requested that councils reallocate road space and make additional provisions for cyclists and pedestrians, wherever possible, to facilitate the easing of the lockdown restrictions by introducing measures that support social distancing, including providing alternatives to public transport. The guidance set out that the measures should be implemented as swiftly as possible, and in any event within 8 weeks of the funding being awarded to provide for changed travel habits that occurred during lockdown and to enable these to continue as lockdown is relaxed. The development of the measures was undertaken by a team of officers supported by professional services provided through the Balfour Beatty Public Realm contract. As part of the development process ward members, town and city councillors, local business, traders, transport providers and other organisations were consulted on the proposals. The decision to implement the measures was taken by the Director for Economy and Place in line with section 3.7.9 all necessary decisions in the case of emergencies of the constitution. The decision was taken in consultation with the council's Chief Finance Officer, Solicitor to the Council and the Cabinet Member for Infrastructure and Transport. The decision report and associated appendices is published on the council's website and can be seen by following the link below.

<http://councillors.herefordshire.gov.uk/documents/s50081009/Development%20and%20delivery%20of%20emergency%20transport%20measures%20associated%20with%20the%20response%20to%20COVID%20-19%20o.pdf>

As set out in this report we have considered feedback following implementation of the measures and made some adjustments accordingly. There are two further reports on the council's website which set out these changes and the reasons why these adjustments were made and these can be seen by following the links below.

<http://councillors.herefordshire.gov.uk/documents/s50082181/Revision%20of%20emergency%20active%20travel%20measures%20EATM%20associated%20with%20the%20response%20to%20COVID%20-19%20outbre.pdf>

Supplementary Question

Mr Conod outlined his experiences of engagement with councillors concerning the EATMs. He believed that due to the responses he had received from Councillors Harvey and Milln both had been in breach of the Council's code of conduct. He queried what action would now be taken against the councillors.

Chairman's response

The Chairman explained that a process existed to make complaints against members of the Council. The questioner had been sent the paperwork to make a complaint.

PQ 2	Mr Thomas, Fownhope	Is the council aware that it is setting an expensive precedent in the county by replacing a historic lime mortared stone wall together with the nailing of the rock geology behind where there is no evidence of a landslide causing the failure of a poorly maintained old stone wall?	Cabinet member infrastructure and transport
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Response:

Engineering analysis concludes that the B4224 at this site will collapse if loaded with regular traffic – even alternate one-way traffic. Whilst the land may appear to be stable, this does not mean that it will remain so. It is important to consider all likely failure modes when engineering the solution, and we have taken independent expert engineering advice which has concluded that the Soil Nailing/Reinforced Soil Solution that we are taking forward is the most appropriate, effective and resilient repair. I acknowledge that this repair is not cheap, but the simple rebuilding of the failed section of wall will not provide an effective solution.

Supplementary Question

It would appear from the statement that the advice provided Council is flawed, as it is apparent the Authority had; firstly, assumed a slip-plane was present – this is not the case; secondly, believed up slope ground water threatened the stability of the wall – this is not the case; and thirdly, had not maintained the wall as part of regular maintenance of infrastructure assets – as other such walls in the county are being.

Is the Council therefore aware that as all structures yield under load that lime mortar is ideally placed (if maintained), to ensure the long term stability of an old wall – as lime mortar can accommodate heave, the migration of water, and self heal as they re-calcify in air. Whilst it is apparent BBLP appear to offer up overly technical and overly engineered solutions, without knowledge or understanding of historic lime mortar structure, perhaps BBLP can be encouraged to go on a course to understand the care and maintenance of lime mortar structures – if only to help save the Council millions of unnecessary expenditure and the disruption to the wider public.

Cabinet member's response

There had been previous correspondence with the questioner whose opinion was respected and there would be ongoing engagement. There was a difference of opinion between the questioner and the technical consultants of the council of the reasons for the movement of the wall during the heavy rainfall in February. The questioner's opinion would not be discarded but would be considered when an assessment of those lessons that could be learned from the event was undertaken. There was a current focus on completing the works as soon as possible and it was hoped the road would be open by February 2021.

PQ 3	Mr McKay, Leominster	<p>December 2015 Council Meeting advised that the Anomalies Report with Blue Triangle location markers on the public rights of way map were removed due to being a working document, viewable by appointment at BBLP. The Deregulation Act 2015 Schedule 7 provides for anomalies due to administrative error to be rectified when that legislation comes into effect, and I ask if would split this into two parts, being :-</p> <p>a) those inhand, or waiting Schedule 7, and which may be viewed by appointment at BBLP, and</p> <p>b) those remaining anomalies, with the Blue Triangle location markers reinstated, so that parishes, interest groups, etc., may be aware and have the opportunity to look at the details online to see if could help to resolve the anomaly before the CROW Act cut-off date 2026, after which this could become more complicated/costly?</p>	Cabinet member infrastructure and transport
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Response:

The Definitive Map with blue triangle location markers for anomalies is available and would normally be available to view by the public at the Balfour Beatty Living Places offices in Rotherwas. However, unfortunately, the BBLP offices are currently not open to the public due to Covid-19 restrictions. These restrictions will be reviewed regularly in line with the Government guidance. Whilst restrictions are in place, requests for information can be made by emailing HerefordshirePROW@bblivingplaces.com and if possible information / extracts will be provided. We will investigate whether these plans can be made available on the council's website subject to available resource. There are identified anomalies on the Definitive Map. These are a mixture of ones that may be resolved by the Authority under Schedule 7 of the Deregulation Act and the remainder will require research to resolve. The list of anomalies is not currently split or identified into these two groups as funding is required for this research. This will be undertaken when funding becomes available and when the list is amended this will be available on the council's website.

Supplementary Question

The DEC-Streets Version 4.1 section 8.1 says that the aspiration is to move to a single electronic recording method, with it expected that this Local Street Gazetteer guidance will develop, with it being anticipated that Local Street Gazetteers will form one of the data sets used to protect Highways from extinguishment under the provisions of the CROW Act 2000 in 2026. The Local Street Gazetteer is the most comprehensive data set and if these blue anomaly triangles could also be shown on this when website updated, we could expect to see the highway records in clearest format, minimising gaps, overlaps and duplications of work being undertaken to meet the 2026 cut-off date.

Cabinet member's response:

Mr McKay's questions have proved to be useful and a written update would be provided to the supplementary question.

Written response provided on 20 October 2020

The DEC-Streets Version 4.1 is a reference manual for guidance, not a statutory requirement. The aspiration to move to a single electronic recording method has benefits. The current list of anomalies requires funding to research and to put them into a format that can be viewed on the website. This work will be prioritised along with the other works required in managing and dealing with the Definitive map and will be undertaken as funding becomes available.

PQ 4	Mr Williams, Marden	<p>Several European Countries and a number of Local Authorities in the U.K. have banned the construction of Masts of any description within the vicinity of Schools and public playgrounds. Can you let us know what is this Authorities policy in respect of this matter?</p> <p>We have been advised by our Solicitor to write to you to clarify the situation.</p> <p>As you are aware we and many residents of Marden have concerns regarding the siting of the Mast in the playing field of Marden Primary School.</p>	Cabinet member health and adult wellbeing
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Response:

Herefordshire Council's planning service must follow national guidance when considering any application for mobile phone masts or the like. The mast in Marden was made as a 'Prior Notification' application in 2017, which is the appropriate 'fast track' procedure laid down in statute which our officers have no option but to follow. Planning officers were made aware of concerns from the local community and took this into account in the balance and determination of the application. However, having carefully considered all the information submitted in support of the application, the officers were satisfied that the mast and its location conformed to the nationally accepted safety standards.

Although I have much empathy with the local community on this matter, unfortunately Herefordshire Council would not be permitted to have a planning policy which enables it to ignore or overrule national planning policy.

The council is provided with expert advice from Public Health England on the latest evidence of potential health impacts of 5G masts, which is available on the councils website if further information is required. Public Health England is committed to monitoring the evidence applicable to this and other radio technologies, and to revising its advice, should that be necessary.

The full details are here: <https://www.gov.uk/government/publications/5g-technologies-radio-waves-and-health/5g-technologies-radio-waves-and-health>,

Supplementary Question

Many Countries and Counties within the U.K. are banning 5g until sufficient tests have been carried out to ensure it is safe.

Ultimately, as Councillor Bob Matthews asked the question last year at Full Council but to date have had no response, can you tell us what is Herefordshire's position on 5g and who will be held responsible for the effects on health and well-being - mental and physical, when these Masts are sited in close proximity to schools and public open spaces? Especially as Children are more susceptible to the effects of electromagnetic fields.

Cabinet member's response

The council received advice from Public Health England (PHE) who monitored evidence applicable to radio technologies and revised advice when necessary. The council had to follow the advice of PHE and had to act in accordance with national planning policy.

Director of Public Health's response

The latest evidence from PHE was published on the Council's website which guided the decisions taken by the council. There was reassurance that there was not evidence to support the impact on health.

PQ 5	Ms Wegg-Prosser, Breinton	The government is changing the Standard Method (SM) for assessing local housing need within its proposed planning reform legislation. The algorithm calculations for Herefordshire show a 38% increase in housing allocation as compared with the 2014 SM assessment. How comprehensive and detailed has Herefordshire Council's representation been to the government concerning this astonishing increase in the County's housing allocation?	Cabinet member infrastructure and transport
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Response:

Thank you for your question. The Council provided a comprehensive response to the recent Government consultation upon changes to the Standard Method of assessing Housing numbers in Strategic Plans. For information I have reproduced the response below:

Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

Response:

The council is not adverse to the latest household projections being used but does have wider concerns about the standard methodology approach. The outcome of the proposed methodology is to significantly increase the housing requirement from 846 dwellings per annum (dpa) to 1166 dpa. This is an unrealistic requirement for Herefordshire as it faces significant challenges in meeting lower housing figures as demonstrated below:

Between 1991 and 2000 we had an average of 989 dwellings per annum completed

Between 2001 and 2010 we had an average of 658 dwellings per annum completed

Between 2011 and 2020 we had an average of 475 dwellings per annum completed (note 2019-20 was the highest since 1999-2000 with 904 net completions)

This equates to an average of 724 dpa over the last 27 years.

For Herefordshire, the standard method requirement (1166 dwellings pa for 2020) shows an increased housing target of almost 60% against past delivery rates (475). The higher need generated by the proposed method is 41% above the annualised Core Strategy requirement of 825 dpa. However, it is noted that if the residual requirement of 1,070 dpa from 2020 onwards is considered, taking account of delivery against the Core Strategy requirement from 2011-20, the need generated by the new method is 9% higher. Additionally, the standard method proposals takes account of past under-delivery through the affordability adjustment.

However, the Council has not achieved a 5 year Housing Land Supply since the adoption of the Core Strategy in 2015. In a situation where there has been a deficit with the 5 year housing land supply for an extended period of time, raising the target even more is questionable as a mechanism to increase housing delivery. Due to the lack of a 5 year supply, the local authority operates on the basis of the presumption in favour therefore opportunities are there for developments to come forward. Herefordshire is a rural peripheral county in the west midlands area of England with an economy focused towards lower value/paid economic activities, and high house prices. ONS Regional Gross Value Added (GVA) Estimates, state that the county generated 15% below the West Midlands average and 29% below the national average.^[1] This all contributes to affordability issues in a high house price market.

The affordability adjustment will take time to have any meaningful impact in longer term annual targets. In a county like this there are more complex issues to housing delivery which cannot be addressed by raising housing numbers, it is over simplistic.

We are very concerned that the Government continues to place significant weight of the performance of Local Planning Authorities (LPA) in relation to under delivery of housing. Herefordshire Council has produced two housing delivery test Action Plans where it identifies areas that the Council can influence in order to improve building rates. However the Government should recognise that there are other reasons outside the remit of local councils that impact delivery touched on above. We are very concerned that the Government will be placing unfair burdens on some local councils to achieve unrealistic rates who will then be faced with penalties when these targets are not met.

Supplementary Question

Thank you for providing the Council's representation on the County's housing allocation. It is a shocking admission of their failure to deliver housing and in particular affordable housing. The rate of build completions in 2011 to 2020 was half the rate achieved in the decade 1991 to 2000. It seems the Council is prepared to rely on the argument that in the absence of a 5 year housing land supply, the housing supply can be increased simply through the presumption in favour of development. The opportunity for the Council to submit a representation proposing, for example, funded mitigation of climate change, funded clean-up of the River Wye, funded social housing, and a brave 'Build Back Better' commitment was missed. Why did the Council choose to complain about the government's proposals rather than pick them up and seize an initiative?

Cabinet Member's response

It was acknowledged that affordable housing had not been delivered over the previous 10 years and the administration was looking to build affordable housing to bridge this gap. There had been two consultations recently concerning planning arrangements; the questioners points would be discussed with officers to determine if they could be included in the response to the Planning for the Future consultation.

Leader's response

^[1] ONS Regional GVA Estimates, 2018

It was acknowledged that the rate of build was slow which called into question the targets set by central government and required the council to raise the deliverability of the targets with government. Officers were being tasked with a proposal to build more affordable housing in the county.

PQ 6	Dr Geeson, Hereford	In 2014 the Environment Agency and Natural England instigated a Nutrient Management Plan to ensure "that the River Wye Special Area of Conservation (SAC) achieves and maintains favourable condition with respect to phosphate". Herefordshire Council's 2015 Core Strategy based County development proposals on the premise that phosphate levels in waterways would improve, but now in 2020 it is clear that phosphate levels continue to increase and are actually prohibiting development. Sir James Bevan, CEO of the Environment Agency now says the EA 'lacks the powers and resources' to tackle farm pollution. For their part, has the planning department of Herefordshire Council tightened its scrutiny of rural and agricultural planning applications in order to prevent new issues with phosphate pollution, e.g. from intensive poultry units, silage clamps, new barns for livestock, septic tanks, etc.?	Cabinet member infrastructure and transport
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Response:

Thank you for your question concerning phosphates. The Environment Agency have just sent a letter to about 1200 farmers in the River Lugg catchment area reminding them of their new and enhanced regulatory powers under the 2018 Farming Rules for Water, which demonstrates to me that the Environment Agency should now have the appropriate legislative powers they require to protect our rivers. We have also been advised by their Area Environment Manager that they have the sufficient resource to enforce this but I do feel that the EA and other regulatory bodies have not been sufficiently funded up until very recently and even now the funding bias seem to favour flood but not pollution prevention in my opinion, which hampers the monitoring and enforcement of polluters, whatever section they originate from – we have and will continue to make those views clear to DEFRA and other government departments responsible for their funding.

In relation to your planning question, I can confirm that our planning officers consult in accordance with the relevant legislation prior to determining planning applications. These statutory consultees and the types of development consulted upon are referred to within the table at Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and, dependent on the type of development, can include both Natural England and the Environment Agency.

We are bound by national rules and existing local plan policies but we are working hard to make sure changes that can be made, by lobbying nationally or by revising local plans, will be made, and based on evidence and balance.

Supplementary Question:

It was reported this week that farmers on average receive a pollution inspection from the Environment Agency every 263 years*! This may strain credulity but it illustrates that letters to farmers and other potential polluters are the easy action, while enforcement needs much more commitment and resources; and that is lacking. I'm sure Herefordshire Council planning officers do abide by the relevant legislation with planning applications, but in the light of recent revelations isn't it time to introduce stronger supplementary planning guidance? For example, there could be a pause on determining all new applications of intensive livestock and poultry units until monitoring indicates the necessary falls in phosphate levels in waterways

have happened; and/or more detailed stipulations to ensure waste disposal conditions are adhered to; and recognition of the cumulative effects of neighbouring potential phosphate pollution sources.

*https://inews.co.uk/news/environment/farmers-pollution-inspection-environment-agency-chemicals-pollutants-659701?ito=twitter_share_article-top

Cabinet member response:

The capacity of the Environment Agency to monitor pollution levels had been diminished by funding cuts but the council was working with the EA to address pollution levels in local rivers. The nutrients management board had been effective in engaging interested parties and local MPs were representing the interest of the council to government. The council was responsible for granting planning permission for development in the county including facilities such as poultry units. The council had to abide by national regulations and follow the core strategy. It was not felt that the core strategy was robust to address pollution which was now being considered. Supplementary planning guidance was being considered on the issue of agricultural waste.

PQ 7	Mr Palgrave, How Caple	<p>Good practice requires capital projects to be evaluated on completion to confirm they deliver the claimed benefits and Value for Money. The Monitoring and Evaluation Plan for the City Link Road, opened Dec 2017, promised annual reporting of project delivery (outputs); and the monitoring of outcomes and impacts throughout the HCCTP delivery, leading to the production of 'One Year After' and 'Five Year After' reports.</p> <p>Are any reports available to confirm to what extent the City Link Rd has: a) taken traffic from the inner ring road in Hereford to reduce traffic on Newmarket and Blueschool Streets to allow them to be further upgraded for easier pedestrian movement; and b) enabled redevelopment of the area opening up land for residential redevelopment, particularly 800 new housing units, approximately 35% for affordable use?</p>	Cabinet member infrastructure and transport
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Response:

The Council undertook extensive multi-modal surveys in 2014 prior to construction of the city link road to provide a baseline for HCCTP evaluation. These surveys were followed up with further surveys in 2019 to provide interim evaluation results on the effects of the City Link Road. Full evaluation of the HCCTP will be carried out one year and five years after the full HCCTP has been delivered.

The results from a comparison of the 2014 and 2019 surveys and a draft report has been produced. That report will be published shortly on the councils website.

Supplementary question:

According to the Hereford City Centre Transport Package Programme Update of 23 November 2017, the projected costs for the 'public realm' components of the Package, i.e. improvements to Commercial Road, Blueschool and Newmarket Streets, and the construction of a Transport Hub at the railway station were - Professional Fees: £563k, and Construction & Statutory Utilities: £5927k. How much of the Professional Fees forecasted have now been spent? And given the slower than expected progress on these developments, are these forecast costs from 3 years ago still realistic?

Cabinet member response:

This was a technical question and a response from officers would be arranged.

Written response provided on 20 October 2020

The spend to date on professional fees for preliminary design of the Transport Hub and Public Realm element of the Hereford City Centre Transport Package is £297k. The next step for this element of the package will be to undertake a public and stakeholder engagement process to confirm the approach to these elements. The forecast costs for the remaining elements will be updated when the hub and public realm detail is further developed and will be the subject of a governance report at that time.

Agenda item no. 6 - Questions from members of the council

Question Number	Questioner	Question	Question to
MQ 1	Councillor William Wilding, Penyard	<p>Having seen an article on the 'Your Hereford' website this week, which attracted overwhelmingly positive comments about the Beryl Bike scheme, it seems that it is a great success. As I'm sure you are aware, praise for a council scheme that involves behaviour change and action to combat the Climate Emergency is as rare as hens teeth.</p> <p>We must credit the previous administration, particularly Councillor Durkin, with getting this scheme started, and hope the coalition continues to improve on it by providing more safe cycle lanes to encourage even more take up.</p> <p>One area of concern which was highlighted by resident Carole Protherough on the 'Herefordshire Coalition' facebook page was how we might give consideration to a parallel system involving improved Shopmobility for older and disabled people.</p> <p>Have you any thoughts or plans as to how we could address this?</p>	Cabinet member infrastructure and transport
<p>Response:</p> <p>We welcome the support for the Beryl Bikes, which as you say have been a tremendous success since July 2019. Over this time we have seen over 8,000 residents use the scheme and between them cycling over 71,000 trips and totalling 180,000 kilometres.</p> <p>We will explore the suggestion to broaden and improve the scheme, however it is worth noting that we also have a separate bike hire offer at the Halo Bike Cabin which includes a variety of adaptive bikes. The Bike Cabin is located next to the tennis courts on Bishops Meadows although this is temporarily closed due to Covid-19.</p> <p>In terms of the Shopmobility service, this has been operated privately since prior to 2013 when Herefordshire Council handed the Hereford scheme to Services for Independent Living (S4IL), having not operated any of the market town schemes. The service is now operated by Mills Mobility on Harrow Road (as S4IL could not afford to keep It running). Whilst the council continue to offer its support, further development or council involvement is not currently planned due to the operating costs of providing a countywide service.</p>			
<p>Supplementary question:</p>			

It was felt that it would add to the success of the Beryl bike scheme if it was broadened to be more inclusive, perhaps the council could undertake some research to understand how this could be achieved.

Cabinet member's response:

Officers and Beryl would be approached with the idea.

Written response provided on 2 November

The team are currently working with Beryl on a proposal to add eBikes to the existing bike hire scheme. The eBikes would operate in the same fashion as the current fleet of bikes, they would be available across the city for all scheme users. The addition of eBikes to the scheme will enable people to go further than they would normally feel comfortable doing so and over more challenging terrain. We hope their addition would enable more people to try the bike share scheme and cycling who otherwise may not have had the confidence or ability to do so.

MQ 2	Councillor Bob Matthews, Credenhill	<p>On 12 June 2020 the council purchased a large block of retail property in Maylord Orchard, Hereford for the sum of £4.4 million.</p> <p>Can you inform members what your plans are for this property and assure us that the taxpayer will benefit financially from this substantiate outlay?</p> <p>I am sure you will have noted that most city centre property owners are experiencing great difficulty at present in finding suitable tenants.</p>	Leader
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Response:

As you say, in June this year the council made a strategic purchase of the long leasehold interest held in respect of the Maylord Shopping Centre in order to secure outright ownership and control of the asset. Prior to the council taking control of this key site as the heart of the city centre, elements of the shopping centre had started to fall into disrepair with the previous owners looking to sell their interest. There was a significant risk that a new owner may only look to asset strip with no regard to what was in the best interest of the City and County.

I am confident that the local tax payer will benefit from this outlay. At the time of the acquisition the running and financing costs were well covered by the income. Nobody has a crystal ball so we do not have knowledge of the future, but indications so far are that the position can be maintained and is likely to improve as empty units are let and footfall increased. This brings additional income from a mixture of rents, service charge and local taxes. There are other less direct benefits to the taxpayer through giving businesses an opportunity to set up, opportunities for employment and making the place a more attractive place to shop, meet, eat and be entertained. These create social value which is difficult to measure in pure economic terms.

Every town and city centre across the country needs to consider how it can adapt to changing market circumstances, creating new opportunities to support their local economy. I think change is inevitable. In securing the site the council can ensure that Hereford has control of a key asset and so is well placed to respond to these challenges. With this free hand (which we did not have before) we are reviewing a wide range of options to regenerate this site to the benefit of the city centre as a whole. These are being considered alongside the development of the Stronger Towns plan which is due to be submitted early next year and has the potential to secure significant Government funding to support regeneration projects across the city.

As you say Cllr Matthews, the plight of many businesses in the City is a cause of considerable concern to us all. This is so not only economically but also socially with so many businesses being owned by individuals known to us and by business people who have spent many years building up their businesses. The Council is trying to do all it can. I would encourage the community to support these businesses by buying local whenever we can.

Supplementary question:

Have units in Maylords Orchard been let at an appropriate market rate or has the rent had been reduced to ensure they were occupied by tenants?

Leader's response:

It was confirmed that the previous owners had struggled to let units at the market rate. Each individual case was looked into and the intention was to occupy the units to show a vibrant project. The information would be provided after the meeting. Each unit that was occupied ensured rent, rates and a service charge which assisted the financial viability of the project. The social value of initiatives seeking a unit was considered and those with a wider community benefit were treated favourably.

Written response provided on 2 November

We are predominantly agreeing peppercorn rents in respect of the new lettings at Maylord, albeit the new tenancies tend to be short term or with break options. The objective is largely to mitigate costs in the current economic environment by way of at least making sure tenants pay service charge and overheads i.e. utilities and business rates. This approach is likely to be limited to locally owned businesses which add social value, and increase footfall within the area.

