

**SUPPLEMENT TO THE AGENDA FOR**

# **General scrutiny committee**

**Monday 19 July 2021**

**10.15 am**

**Herefordshire Council Offices, Plough Lane, Hereford, HR4  
OLE**

	<b>Pages</b>
<b>7. UPDATE ON EXECUTIVE RESPONSE CLARIFICATIONS TO THE COMMITTEE'S WASTE MANAGEMENT STRATEGIC REVIEW AND THE REVIEW OF THE CLIMATE AND ECOLOGICAL EMERGENCY</b>	<b>3 - 30</b>
<p>The decision documents relating to the executive responses are attached for ease of reference.</p>	



Issue reference: I50038122

**Written statement of a non-key decision**  
**Cabinet member commissioning, procurement and assets**

<b>Title</b>	<b>Executive response to General Scrutiny Recommendations Regarding the Waste Management Strategic Task and Finish Group Review</b>
Decision maker	Cabinet member commissioning, procurement and assets Information about cabinet, including the names and contact details of the cabinet members, can be found here: <a href="http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251">http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251</a>
Date of decision	16 July 2021
Report exemption class	Open
Purpose	To approve the executive response to recommendations made by general scrutiny committee regarding the Waste Management Strategic Review.  On 26 April the General Scrutiny committee made a further 7 recommendations after reviewing the executive response to the initial 23 recommendations in the Waste Management Strategic Review.
<b>Decision</b>	<b>That:</b>  <b>a) The response to the General Scrutiny committee's additional 7 recommendations regarding the task and finish group review concerning the Waste Management Strategic Review, as attached at appendix 1 is approved.</b>
Reason for the decision	As set out in the report. Documents relating to this decision are available at <a href="http://councillors.herefordshire.gov.uk/mgIssueHistoryHome.aspx?IId=50038122">http://councillors.herefordshire.gov.uk/mgIssueHistoryHome.aspx?IId=50038122</a>
Options considered	1. None proposed; it is a statutory requirement to provide a response to recommendations made by general scrutiny committee. It is open to the executive to accept, partially accept or reject a recommendation from scrutiny committee, should a recommendation not be accepted an explanation should be provided.

Declarations of interest (see ▪ below)	
Call-in expiry date (decisions are not subject to call-in where special urgency provisions apply)	22 July 2021

<p>Councillor: .....</p> <p>Cabinet member commissioning, procurement and assets (Councillor Gemma Davies)</p>	<p>Date 16 July 2021</p>
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- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;
- and
- in respect of any declared conflict of interest, a note of dispensation granted.

# **Title of report: Executive response to General Scrutiny Recommendations Regarding the Waste Management Strategic Task and Finish Group Review**

**Decision maker: Cabinet member commissioning, procurement and assets**

**Decision date: Friday, 16 July 2021**

**Report by: Waste operations team leader**

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

(All Wards);

## **Purpose**

To approve the executive response to recommendations made by general scrutiny committee regarding the Waste Management Strategic Review.

On 26 April the General Scrutiny committee made a further 7 recommendations after reviewing the executive response to the initial 23 recommendations in the Waste Management Strategic Review.

## **Recommendation(s)**

**That:**

- a) The response to the General Scrutiny committee's additional 7 recommendations regarding the task and finish group review concerning the Waste Management Strategic Review, as attached at appendix 1 is approved.**

## **Alternative options**

1. None proposed; it is a statutory requirement to provide a response to recommendations made by general scrutiny committee. It is open to the executive to accept, partially accept or reject a recommendation from scrutiny committee, should a recommendation not be accepted an explanation should be provided.

## Key considerations

2. In September 2020 the council's waste management task and finish group presented a report to the council's general scrutiny committee outlining the work that had reviewed the future of waste management options for Herefordshire. The report can be seen in appendix 2.
3. At the General Scrutiny meeting held on 28 September 2020, 4 additional recommendations were included.
4. On 22 April 2021 the executive responded to the review setting out a response to each recommendation.
5. The full executive response is available here:  
<https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7849>
6. On 26 April 2021 the General Scrutiny committee made a further 7 recommendations to the executive.
7. On 5 February 2021 the Cabinet member commissioning, procurement and assets approved a resourcing plan to take forward and implement the waste management review. This decision was informed by the recommendations of the task and finish group and allocated £821,000 from the dedicated waste reserve. The decision report can be viewed here:
  - <https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7589>
8. Resource Futures have been commissioned to develop a new Integrated Waste Management Strategy.
9. On 7 June 2021 the resourcing plan recruitment process was stopped following the appointment of a new Senior Project Lead and the decision to externally appoint a Programme Director to review the council's Waste Management Strategy. The Programme Director will review the resource requirement to deliver on the objectives of a new strategy and an external agency will be commissioned to deliver the communications work required.
10. A communications agency will be commissioned to plan and deliver all relevant communications for the promotion of the new Integrated Waste Management Strategy and new services implementation. The commissioning of this is anticipated to Summer 2021, will be supported by the Corporate Services Team and will be undertaken in line with the council's contract procedure rules.

## Community impact

11. In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working culture that accepts and encourages

constructive challenge and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review.

12. The executive response to the report supports the County Plan (2020-24) priorities:
  - Protect and enhance our environment and keep Herefordshire a great place to live
  - Minimise waste and increase reuse, repair and recycling
  - Build understanding and support for sustainable living
  - Invest in low carbon projects
  - Identify climate change action in all aspects of council operation
  - Support an economy which builds on the county's strengths and resources;
  - Seek strong stewardship of the county's natural resource
  - Develop environmentally sound infrastructure that attracts investment
  - Support an economy which builds on the county's strengths and resources and spend public money in the local economy wherever possible

## **Environmental Impact**

13. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
14. A key objective of the waste task and finish group was to ensure the council's future waste management services reflect the ambition set out in the declaration of a Climate and Ecological Emergency.
15. Further consideration to minimise the environmental impact of the county's resource management will be integral to the Integrated Waste Management Strategy and subsequent service designs. Future commissioning will include appropriate requirements on the contractor/delivery partner to minimise waste, increase reuse, reduce energy and carbon emissions and maximise recycling. This will be managed and reported through the future contract management arrangements.

## **Equality duty**

16. 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.
17. 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. For the recommendations that related to back office functions, we do not believe that it will have an impact on our equality duty. Where the recommendations relate to our providers they will be made aware of their contractual requirements in regards to equality legislation.
18. If approved by the executive, a further decision will be taken by Cabinet on the developed Integrated Waste Management Strategy therefore due regard will need to be given to the public sector equality duty within this report.

## **Resource implications**

19. On 5 February 2021 the Cabinet member commissioning, procurement and assets approved a resourcing plan to take forward and implement the waste management review. This decision was informed by the recommendations of the task and finish group and allocated £821,000 from the dedicated waste reserve. The decision report can be viewed here:
- <https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7589>
20. On 7 June 2021 the resourcing plan recruitment process was stopped following the appointment of a new Senior Project Lead and the decision to externally appoint a Programme Director to review the council's Waste Management Strategy. The Programme Director will review the resource requirement to deliver on the objectives of a new strategy and an external agency will be commissioned to deliver the communications work required.
21. Where there are additional cost implications as a result of the new recommendations they have been identified in the table below. All other actions will be met from existing budgets.
22. Where further decisions are required upon completion of the recommendations, these decisions will consider any resource requirements in future reports.
23. Existing resources within the Waste Management Team have been reduced therefore the possibilities for carrying out additional work within the existing contracts and under current circumstances are limited.

<b>Recommendation Number</b>	<b>Recommendation regards</b>	<b>Resource Implication</b>
<b>a</b>	The executive's review of link between collection and disposal be welcomed	Externally sourced Programme Director to be appointed.
<b>b</b>	A unified waste strategy be drawn up by the executive with an aim to provide an end to end waste service for residents spanning from repair and reuse right through to collection and disposal	Expenditure up to the value of £821,000 to fund temporary staff, technical expertise and future joint working opportunities allocated from the waste reserve.
<b>c</b>	There be greater clarity as to what happens to recycled waste generated within the County	External agency to be commissioned to deliver communications.
<b>d</b>	There be greater information and clarity as to what happens to all waste generated within the County	Expenditure up to the value of £821,000 to fund temporary staff, technical expertise and future joint working opportunities allocated from the waste reserve.
<b>e</b>	Any new contract should maximise the scope to reduce waste to landfill	Options appraisal to outline costs associated with disposal.  Expenditure up to the value of £821,000 to fund temporary staff, technical expertise and future joint working opportunities allocated from the waste reserve.
<b>f</b>	The executive explores options for disposal of waste likely to cause nuisance because of smell or other potential nuisance/hazard	Initial research to be carried out by Waste Management Team within existing resource but full options appraisal for disposal will be necessary.  Expenditure up to the value of £821,000 to fund temporary staff, technical expertise and future joint working opportunities allocated from the waste reserve.
<b>g</b>	(22) the executive be encouraged to explore the opportunity for the public to reuse material from HRCs on existing sites and elsewhere and via the website	Actions outlined will be delivered within existing capacity.

## Legal implications

24. There are no legal implications arising from this report which need to be brought to the attention of the Cabinet Member.

## Risk management

25. There are no risks associated with agreeing the content of this report as the Executive response provides information and indicates how the work is being taken forward.

### **Consultees**

26. None

### **Appendices**

Appendix 1 - Executive response to the further 7 recommendations from General Scrutiny Committee following the initial Executive response to the Waste Management Strategic Task and Finish Group Review.

Appendix 2 - General Scrutiny Committee Task and Finish Group report – waste management strategic review

### **Background papers**

None identified

## Summary of recommendations to the executive and executive responses [Waste Management Strategic Review]

On 28 September 2020 the general scrutiny committee considered the report of the Waste Management Strategic Review task and finish group. The executive response was published on 22 April 2021 and is available here: <http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7849>

On 26 April 2021 General Scrutiny Committee considered the executive response to the Waste Management Strategic Review where the following further recommendations were made to the executive

<b>Recommendation a</b>	The executive's review of link between collection and disposal be welcomed			
<b>Executive Response</b>	Accepted A new Waste Management Strategy for Herefordshire is being commissioned externally for development which will address resource management of the future, including collection and disposal of the county's municipal waste.			
<b>Action –</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
New Integrated Waste Management Strategy for Herefordshire be developed linking collection and disposal	Programme Director	Sept 2021	New Waste Strategy produced	

<b>Recommendation b</b>	A unified waste strategy be drawn up by the executive with an aim to provide an end to end waste service for residents spanning from repair and reuse right through to collection and disposal.			
<b>Executive Response</b>	Accepted. The Task and Finish group Waste Management Strategic Review has outlined recommendations for future resource management priorities. These will form the basis of a new Waste Management Strategy for Herefordshire which is being commissioned externally for development.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>

New Integrated Waste Management Strategy for Herefordshire be developed linking collection and disposal	Programme Director	Sept 2021	New Waste Strategy produced	
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<b>Recommendation c</b>	There be greater clarity as to what happens to recycled waste generated within the County			
<b>Response</b>	<p>Accepted</p> <p>Information is already available through our website and linked to our contractors website on what happens to waste collected for recycling from the green bins. This is available here: <a href="https://www.herefordshire.gov.uk/rubbish-recycling/recycle">https://www.herefordshire.gov.uk/rubbish-recycling/recycle</a></p> <p>Due to current resource constraints there is little capacity within the existing waste management team to greatly develop a campaign for existing services but a review will be undertaken to ensure that our website information is as up to date as possible and includes as much information as possible to provide clarity for our residents.</p> <p>An external agency is to be commissioned to deliver communications moving forwards until the implementation of new services. The scope of this work will include development of the key messages for the future of resource management and should incorporate clarity on what happens to recycled waste.</p>			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Review web site to ensure as much information as possible is available on what happens to recycled waste.	Nicola Percival	30 Sept 2021	Web site updated	KP / NH asked to review A-Z look up of waste items disposal
Scope of work for communications agency to outline the development of future key messages to include what happens to recycling	Programme Director	30 July 2021	Scope of work created and communications agency commissioned	
Waste Management Team to work with Communications team and commissioned agency to develop waste communications plan	Nicola Percival / Ben Boswell	30 Sept 2021	Communications Plan produced and approved	

<b>Recommendation d</b>	There be greater information and clarity as to what happens to all waste generated within the County			
<b>Executive Response</b>	<p>Partially accepted Information is already available through our website and linked to our contractor's website on what happens to waste collected by the council.</p> <p>The council does not have a statutory duty for all waste generated within the county and therefore cannot know what happens to all waste but the council's new Integrated Waste Management Strategy will outline objectives for waste treatment, having due regard to legislation, the national Resources and Waste Strategy, the county plan, the Minerals and Waste Local Plan and the climate and ecological emergency.</p> <p>An external agency is to be commissioned to deliver communications moving forwards until the implementation of new services. The scope of this work will include development of key messages for the future of resource management and should incorporate clarity on what happens to waste.</p>			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
New Integrated Waste Management Strategy for the county to set out clear objectives for how resource management will look in the future.	Programme Director	30 Sept 2021	New Waste Management Strategy produced and approved	
Scope of work for communications agency to outline the development of future key messages to include what happens to recycling to be drawn up with the Communications Team	Joni Hughes	30 July 2021	Scope of work created and communications agency commissioned	

<b>Recommendation e</b>	Any new contract should maximise the scope to reduce waste to landfill			
<b>Executive Response</b>	<p>Accepted</p> <p>The Task and Finish group Waste Management Strategic Review outlined a recommendation that the council adopts a zero waste to landfill policy, sending only waste that cannot be recycled or recovered, with a suggested target of no more than 1% of household waste to be sent to landfill from 2025.</p> <p>The Resource and Waste Strategy 2018 sets an ambition to eliminate food waste to landfill by 2030. It also includes a longer term target of limiting municipal waste to landfill to a maximum of 10%.</p> <p>The scope of any new service specifications will seek to minimise any waste to landfill.</p>			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Include this proposed priority as key considerations when designing future services	Ben Boswell / Nicola Percival	Jan 2022	Dedicated items included within service specification for future contracts	

<b>Recommendation f</b>	The executive explores options for disposal of waste likely to cause nuisance because of smell or other potential nuisance/hazard
<b>Executive Response</b>	Accepted

	Initial research to be carried out by Waste Management Team within existing resource but full options appraisal for disposal will include this.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Waste Management Team to conduct initial desk based research of other local authority services, their solutions, disposal options and costs.	Nicola Percival	30 Aug 2021	Report produced	RE allocated to research and produce report.

<b>Recommendation g</b>	(22) the executive be encouraged to explore the opportunity for the public to reuse material from HRCs on existing sites and elsewhere and via the website			
<b>Executive Response</b>	<p>Accepted, in part</p> <p>The council recognises that direct reuse opportunities are currently limited through existing contracts. Negotiations under existing disposal contract to increase reuse at HRCs could be lengthy.</p> <p>Options for increased reuse to be explored under the future contractual arrangements.</p> <p>The council website has been reviewed with alternative options for reuse updated along with the list of reuse organisations available across the county.</p>			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Opportunity to introduce a reuse container for items collected on the bulky waste service to be explored.	Nicola Percival / Naomi Halling	30 July 2021	Reuse container introduced for FCC bulky crew use	
Requirements of charities for acceptable items from HRCs to be discussed and improved signage at HRCs implemented.	Nicola Percival / Naomi Halling	30 Nov 2021	Improved signage implemented and outline of agreement with charities on required items and frequency of collection commitment.	

Include the development of a new re-use target in new Integrated Waste Management Strategy	Programme Director	Sept 2021	New target included within IWMS	
Waste Strategy Officer to conduct review of HRCs including possibilities for increasing reuse across sites	Nicola Percival	Sept 2021	Review report produced	Increasing reuse raised at Waste Disposal Contract meeting in March 2021.

**Written statement of a non-key decision**  
**Cabinet member environment and economy**

<b>Title</b>	<b>Executive Response to General Scrutiny Recommendations Regarding the Climate and Ecological Emergency Review</b>
Decision maker	Cabinet member environment and economy Information about cabinet, including the names and contact details of the cabinet members, can be found here: <a href="http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251">http://councillors.herefordshire.gov.uk/mgCommitteeDetails.aspx?ID=251</a>
Date of decision	16 July 2021
Report exemption class	Open
Purpose	To approve the executive response to recommendations made by general scrutiny committee regarding the climate and ecological emergency review.  On 26 April the General Scrutiny committee made a further 11 recommendations after reviewing the executive response to the initial 58 recommendations in the climate and ecological emergency review.
<b>Decision</b>	<b>That:</b>  <b>a) The response to the General Scrutiny committee's 11 additional recommendations regarding the task and finish group review concerning the Climate and Ecological Emergency, as attached at appendix 1 is approved.</b>
Reason for the decision	As set out in the report. Documents relating to this decision are available at <a href="http://councillors.herefordshire.gov.uk/mgIssueHistoryHome.aspx?Id=50038013">http://councillors.herefordshire.gov.uk/mgIssueHistoryHome.aspx?Id=50038013</a>
Options considered	1. None proposed; it is a statutory requirement to provide a response to recommendations made by general scrutiny committee. It is open to the executive to accept, partially accept or reject a recommendation from scrutiny committee, should a recommendation not be accepted an explanation should be provided.

Declarations of interest (see ▪ below)	
Call-in expiry date (decisions are not subject to call-in where special urgency provisions apply)	22 July 2021

<p>Councillor: .....</p> <p>Cabinet member environment and economy (Councillor Ellie Chowns)</p>	<p>Date 16 July 2021</p>
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- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;
- and
- in respect of any declared conflict of interest, a note of dispensation granted.

# **Title of report: Executive Response to General Scrutiny Recommendations Regarding the Climate and Ecological Emergency Review**

**Decision maker: Cabinet member environment and economy**

**Decision date: Friday, 16 July 2021**

**Report by: Head of environment, climate emergency and waste services,  
Principal Energy & Active Travel Officer**

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

(All Wards);

## **Purpose**

To approve the executive response to recommendations made by general scrutiny committee regarding the climate and ecological emergency review.

On 26 April the General Scrutiny committee made a further 11 recommendations after reviewing the executive response to the initial 58 recommendations in the climate and ecological emergency review.

## **Recommendation(s)**

**That:**

- a) The response to the General Scrutiny committee's 11 additional recommendations regarding the task and finish group review concerning the Climate and Ecological Emergency, as attached at appendix 1 is approved.**

## **Alternative options**

1. None proposed; it is a statutory requirement to provide a response to recommendations made by general scrutiny committee. It is open to the executive to accept, partially accept or reject a recommendation from scrutiny committee, should a recommendation not be accepted an explanation should be provided.

## **Key considerations**

2. On 8 March 2019 Herefordshire Council declared a Climate Emergency following unanimous support for a climate emergency resolution at Full Council.
3. This declaration was updated on 11 December 2020 when Herefordshire Council declared a Climate and Ecological Emergency (CEE) following support for a climate and ecological emergency resolution at Full Council.
4. General scrutiny committee established a task and finish group on 20 January 2020 to carry out a climate emergency review.
5. The general scrutiny committee met on 25 January 2021 to agree the report and made 58 recommendations to the executive.
6. On 25 March 2021 the executive responded to the review setting out a response to each recommendation.
7. The full executive response is available here:  
<https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7731>
8. On 26 April 2021 the General Scrutiny committee made a further 11 recommendations to the executive.

## **Community impact**

9. In accordance with the adopted code of corporate governance, Herefordshire Council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents.
10. The executive response to the report supports the council's environmental policy commitments and the County Plan's ambitions to:

- Protect and enhance our environment and keep Herefordshire a great place to live
- Support an economy which builds on the county's strengths and resources
- Improve and extend active travel options throughout the county (EN2)
- Understand and support sustainable living (EN3)
- Invest in low carbon projects (EN4)
- Identify climate change actions in all aspects of the councils operations (EN5)
- Seek strong stewardship of the county's natural resources (EN6)
- Protect & enhance the county's biodiversity, value nature and uphold environmental standards (EN7)
- Develop environmentally sound infrastructure that attracts investment (EC6)

## **Environmental Impact**

11. Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.
12. The objective of the Climate task and finish group was to ensure the council's operations reflect the ambition set out in the declaration of a Climate and Ecological Emergency and the setting of the 2030 net zero carbon targets for the council and county. Equality duty
13. 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.

14. 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.
15. For the recommendations that related to back office functions, we do not believe that it will have an impact on our equality duty. Where the recommendations relate to our providers they will be made aware of their contractual requirements in regards to equality legislation.

### Resource implications

16. Where there are additional cost implications as a result of these recommendations they have been identified in the table below. All other actions will be met from existing budgets. Where further decisions are required upon completion of the recommendations, these decisions will consider any resource requirements in future reports.

Recommendation Number	Recommendation regards	Resource Implications
2	Establishment of a new standing panel to monitor the executive response to the Committee's recommendations.	Officer time will be required to support the development and ongoing secretariat of the new standing panel, however this will be informed by the outcome of the Rethinking Governance review.

### Legal implications

17. Any recommendations or proposals made by general scrutiny committee to cabinet on a matter require by statute a response from cabinet whether that be to accept, partially accept or reject a recommendation. This decision is an executive one and is a non key decision. It is in line with the council's declaration of a Climate and Ecological Emergency in 2019 updated on 11 December 2020, and accords with the executive's response, to the council's resolutions, in September 2019.
18. There are no legal problems in doing what is proposed.

### Risk management

19. There are no risks associated with agreeing the content of this report as the Executive response provides information and indicates how the work is being taken.

### Consultees

20. None

## **Appendices**

- Appendix 1 – Executive Response to General Scrutiny Recommendations regarding the Climate and Ecological Emergency Review

## **Background papers**

- None identified

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

- Climate and Ecological Emergency (CEE)



## Appendix 1: Summary of recommendations to the executive and executive responses [climate and ecological emergency review]

Between 20 January 2020 and 25 January 2021 a scrutiny review concerning the climate and ecological emergency was conducted and 58 recommendations were made to the executive. The executive response was published on 25 March 2021 and is available here: <https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7731>.

On 12 April 2021 General Scrutiny Committee considered the executive response to the climate and ecological emergency review where the following further recommendations were made to the executive:

*(Number references in brackets is to the recommendations made to the initial executive to which this executive responses referred)*

<b>Recommendation 1</b>	The Committee requests the executive to reconsider its response to those recommendations that have been rejected or accepted in part and the recommendations made during the debate and an updated response be presented to the Committee's next scheduled meeting, clarifying in particular the misunderstanding that appeared to have been caused by the use of the word "rejected" which in several cases appeared misleading in the context of the detailed response;
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<b>Executive Response</b>	Accepted - 17 & 33 to be changed to be Accepted in Part and 14 & 34 to Accepted. 30D has been reconsidered and accepted (see recommendation 7 below).
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Action	Owner	By When	Target/Success Criteria	Progress
N/A				

<b>Recommendation 2</b>	Subject to confirmation from the solicitor to the Council, the committee establish a standing Panel to monitor the executive response to the Committee's recommendations, the members of the former task and finish group being invited to consider if they would wish to serve on this Panel in the first instance, with the Panel's terms of reference to be reported to the Committee's next scheduled meeting;
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<b>Officer Response</b>	Solicitor to the Council confirms no objection to this proposal.
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Action	Owner	By When	Target/Success Criteria	Progress
N/A				

<b>Recommendation 3</b>	Further consideration be given by the executive to whether sufficient resources have been allocated to implement the recommendations of the review, mindful also of the need to manage the workload of officers;
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<b>Executive Response</b>	All action owners have been further consulted and the executive can confirm actions are resourced as per the original executive response.
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Action	Owner	By When	Target/Success Criteria	Progress
N/A				

<b>Recommendation 4</b>	(17) It be noted that this recommendation has not in effect been rejected but partly accepted and particular re-consideration be given to the production of a local list more swiftly than currently proposed;
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<b>Executive Response</b>	Accepted in part – It is noted that recommendation 17 is accepted in part.  There is currently a significant implication on resources in the planning and built and natural environment teams due to a nationwide uplift in planning application submissions and staff resources. It is therefore not possible for the planning service to introduce a local list at the current time or the date for review to be brought forward.
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Action	Owner	By When	Target/Success Criteria	Progress
N/A				

<b>Recommendation 5</b>	Consideration be given to the extent to which notes of meetings between the council and the Environment Agency and others can be made public, even if an abbreviated form to avoid disclosure of confidential information and included in the NMB agenda papers;
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<b>Executive Response</b>	Accepted - The council will publish abbreviated notes from these meetings within the <a href="http://www.herefordshire.gov.uk/floods">www.herefordshire.gov.uk/floods</a> part of our website.
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Action	Owner	By When	Target/Success Criteria	Progress
Abbreviated notes to be published after each meeting.	Steve Hodges	Monthly	Notes published monthly.	

<b>Recommendation 6</b>	(20) Consideration be given to introducing a mechanism to seek responses from Parish Councils to measure the effectiveness of the advisory notes issued by the Neighbourhood Planning Team in effecting change;
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<b>Executive Response</b>	Accepted - The Neighbourhood Planning team do periodically issue a questionnaire to all parish councils regarding the service they have been provided by the team during the production of their neighbourhood plans. This includes a question about the effectiveness of the current guidance notes. The last questionnaire was sent to parish councils in Autumn 2019. Given that many parishes did not progress their NDPs during the pandemic, the questionnaire was not run in 2020. The team will issue a questionnaire in Autumn this year (2021) which will fit well with the new Planning Bill.  It should be noted that changes are expected to the National Planning Policy Framework (NPPF), the Planning Policy Guidance (PPGs) and all the neighbourhood planning guidance notes will need to be updated accordingly in due course.
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	It is the policies of the neighbourhood plans themselves which result in 'effecting change'. The guidance notes are only a small part of this development plan process.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
2021 Parish Council questionnaire issued.	Sam Banks	November 21	Responses reviewed.		
<b>Recommendation 7</b>	(30d) this recommendation should be revisited and explored more imaginatively and constructively, for example proactively working with Verging in Wild and any other groups within the County that can promote such schemes;				
<b>Executive Response</b>	Accepted - As part of the Annual Plan 21/22 and subsequent years – Balfour Beatty are committed to working with 'Verging on Wild' and other community groups to increase wildflower areas on Highway Verges in Herefordshire where suitable. Currently over 50 sites have been identified and assessed. Additionally, further to contacting all Parish Councils 19 responded this year identifying roads within their Parish which would be suitable for a reduced maintenance regime which would promote the growth of wild flowers and biodiversity. Verging on Wild, supported by Balfour Beatty can offer training on maintenance, identification and management of wildflower verges on the Highway Network to Parish/Town Councils and lengthsman.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	
Identify number of Parish Councils that would like support with wildflower verge management	Spencer Grogan/BBLP	April 2022			
Deliver wildflower verge training sessions	Spencer Grogan/Verging on Wild/BBLP	Nov 2022	Delivery of sessions		
<b>Recommendation 8</b>	(32b) greater clarification be provided on the operation of a phosphate trading platform and what it entails as a briefing to Councillors and the NMB be invited to review the merits of the proposal with a view to information being added to the relevant section of the council's website in due course;				
<b>Executive Response</b>	Accepted - The mechanism through which the phosphate trading platform can be secured and delivered is currently being developed by Ricardo consultants, this will be published on the River Lugg catchment area of the website when complete and signed off by the council in collaboration with Natural England. A non-technical summary will also accompany the report in full which can be shared with Councillors and also made publicly available on the website.				
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>	

Phosphate trading platform, full technical report and non-technical summary to be published on the Council's website.	Liz Duberley	July 21	Published on website	
<b>Recommendation 9</b>	(33) The committee encourages the executive to continue to explore all solutions to protecting the River Wye SAC catchment including that the possibility for a Water Protection Zone to be proactively discussed with the Environment Agency;			
<b>Executive Response</b>	Accepted			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Officers to continue exploring all solutions to protecting the River Wye SAC catchment area in partnership with the Nutrient Management Board.	Liz Duberley	Ongoing quarterly meetings	N/A	
Officers to continue proactive discussions with the Environment Agency to consider a Water Protection Zone.	Liz Duberley	Ongoing	N/A	
<b>Recommendation 10</b>	(42) work is undertaken in conjunction with the transport team to undertake surveys with schools, to identify barriers and opportunities for active travel. A full survey to commence and report back with opportunities and recommendations by November 2021; and			
<b>Executive Response</b>	Accepted – Additional questions covering mode of travel to school and barriers to and opportunities for active travel have been included into the Children & Young People's Survey. The Survey closed at the end of May and a summary report will be available in July. In addition, questions covering modal choice will be added to the Hereford Travel Survey that will report in late Autumn.			
<b>Action</b>	<b>Owner</b>	<b>By When</b>	<b>Target/Success Criteria</b>	<b>Progress</b>
Report findings to General Scrutiny	Richard Vaughan	November 21	Findings reported	
<b>Recommendation 11</b>	(54) That this response be reconsidered with a view to developing a county-wide policy.			
<b>Executive Response</b>	Rejected  The National Planning Practice Guidance at paragraph 38 of the section titled "When is permission required?" states;			

“When is it appropriate to use article 4 directions?”

The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address will need to be clearly identified, and there will need to be a particularly strong justification for the withdrawal of permitted development rights relating to:

- A wide area (e.g. those covering the entire area of a local planning authority, National Park or Area of Outstanding National Beauty)
- Agriculture and forestry development. Article 4 directions related to agriculture and forestry will need to demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty
- Cases where prior approval powers are available to control permitted development
- Leisure plots and uses
- The installation of microgeneration equipment”

As set out in the guidance it will be necessary to demonstrate that there is risk of potential harm or loss of amenity is over the Council’s entire administrative area. The guidance further states that there will need to be particularly strong justification for the withdrawal of permitted development rights related to a wide area.

Paragraph 53 of the NPPF also states;

“The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area”

It would therefore be necessary for the Council to have evidence to demonstrate that there is a significant risk to amenity or the local wellbeing of the area by the holding of motocross events across the County. There is no evidence of such an issue at present.

The Secretary of State has the power to modify or cancel Article 4 directions at any time before or after they are confirmed. Paragraph 49 of the National Planning Guidance also states it is important for local planning authorities to monitor any Article 4 directions regularly to make certain that the original reasons the direction was made remain valid. Where an article 4 direction is no longer necessary it can be cancelled. It would also be necessary for the Council to regularly review the position and whether there is still appropriate justification for making a county wide Article 4 direction.

An Article 4 direction would remove permitted development rights. However an application can still be made for planning permission for the use of the land for motocross. Any application would need to be considered in accordance with the

Council's local plan and any other relevant material considerations. Therefore some motocross use could still be allowed if it is in accordance with the Council's local plan.

Compensation can be payable for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted rights. Loss or damage directly attributable to the withdrawal of permitted development rights would include the depreciation in the value of land or buildings, when its value with the permitted development right is compared to its value without the right. The making of a county wide article 4 direction could therefore leave the Council with a significant liability to pay compensation to affected landowners.

Any action taken by the Council needs to be proportionate. A county wide Article 4 direction would not, without significant evidence being provided of a countywide threat to amenity, be proportionate and could not be justified in accordance with the requirements of the National Planning Practice Guidance and NPPF.

The Council has planning enforcement powers and environmental health powers which can be used to control unauthorised events. In the event a countywide Article 4 direction was made and an event held without planning permission the Council would need to issue an enforcement notice to control the breach.

It is considered more appropriate and proportionate to consider Article 4 directions on a case by case basis to ensure that there is appropriate justification. This will ensure that any making of an Article 4 direction cannot be successfully challenged by way of judicial review or modified or cancelled by the Secretary of State.

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Action	Owner	By When	Target/Success Criteria	Progress
N/A				