

SUPPLEMENT TO THE AGENDA FOR

General Overview & Scrutiny Committee

Tuesday 18 June 2013

5.00 pm

The Council Chamber, Brockington, 35 Hafod Road, Hereford

Questions from the Public and Responses by Officers

Supplementary Questions from the Public and Responses from Officers

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QUESTIONS FROM THE PUBLIC

Agenda item 6 invited the public to submit questions for consideration at the meeting so long as the question is directly related to an item listed on the agenda. The following questions have been received and responses provided by officers.

AGENDA ITEM 7 - LOCAL DEVELOPMENT FRAMEWORK

Following questions received from Mrs E Morawiecka

Answers provided by Andrew Ashcroft, Assistant Director Economic, Environment & Cultural Services

Question 1: The draft Core Strategy states on page 235 “Local authorities should have clear evidence about planned infrastructure, its cost, timing and other likely sources of funding to underpin their development strategies. This will be provided through an Infrastructure Delivery Plan (IDP) which will sit alongside the Core Strategy”. The IDP presented as background evidence for the consultation on the draft Core Strategy omitted many cost figures; had no schedule of timings of delivery and did not identify likely sources of funding, where shortfalls were indicated. No infrastructure was included in the IDP to underpin the housing growth planned for rural areas in the draft Core Strategy.

- a) As a result of the consultation on the draft Core Strategy and the responses received, has Herefordshire Council corrected any of the omissions identified in the Infrastructure Delivery Plan?
- b) Has Herefordshire Council now calculated the total amount of Community Infrastructure Levy (CIL) required over the plan period to fund the shortfall on infrastructure projects identified, so that the final Core Strategy will be both “sound” and “economically viable”?

Answer 1: a) *The report to Cabinet on 4 July and Council on 20 July 2013 will identify the consultation responses received to policy ID.1 Infrastructure Delivery and whether any amendments are needed to the policy in the Infrastructure Delivery Plan.*

- b) *The Community Infrastructure Levy will not specifically fund a shortfall on the delivery of infrastructure projects. It will however be used to bridge a funding gap. The Council will continue to be reliant on public and private funding to deliver infrastructure.*

Question 2: In the letter to parish councils dated 11th April 2013, from Cllr Russell B Hamilton and Cllr A Seldon, on the consultation on the Community Infrastructure Levy (CIL) which ran alongside the consultation on the Core Strategy, the letter states “We would like you to know that the Overview and Scrutiny Task & Finish Group chaired by Cllr Harvey and her group is performing a valuable role as part of the democratic process and that all of the recommendations contained in its interim report in December 2012 were accepted by the Cabinet member (Cllr Russell B Hamilton). This included a further piece of work that is now in the final stages of being completed by the Task & Finish Group. The outcome of which will be considered by the main Overview & Scrutiny committee and Cabinet member in May along with feedback from the consultation”.

- a) Where is the feedback from the CIL consultation (which ran alongside the draft Core Strategy consultation) to be found?
- b) When is the feedback on the CIL consultation due to be considered by the Overview & Scrutiny committee and Cabinet member, as proposed in the joint letter?

Answer 2: a) The CIL consultation responses have not been published.

During the consultation on the CIL preliminary draft schedule and following the closure of the consultation on 22 April 2013, the Government published new documents in relation to CIL. In detail these are the Growth and Infrastructure Bill, new statutory guidance on CIL, reforms around the delivery of affordable housing and a consultation on further reforms to the Community Infrastructure Levy. These documents relate directly to the CIL. The Council will need to consider these documents in progressing with the CIL.

In addition, the General Overview & Scrutiny CIL Task & Finish group will be meeting with the Council's consultant who undertook the work to produce the preliminary draft charging schedule. Their work will constitute a response to the consultation.

b) There will be a three to six month lag between progress on the Core Strategy and the CIL.

Question 3: The Local Transport Plan (2013/14-2014/15) Consultation Report was part of the evidence base for the draft Core Strategy consultation. The Transport Consultation report showed that public transport was viewed as "most important" by the majority of respondents (35%) and was consistent with previous transport consultations. Furthermore, the transport consultation stated at para 3.1 "Generally respondents welcomed the change in emphasis towards walking, cycling and public transport. However, a number of respondents felt that our approach to this consultation was limited and were frustrated by the exclusion of certain schemes. This principally related to the Hereford Relief Road and the Aylestone Hill to Edgar Street Link Road".

a) Are the draft Core Strategy consultation responses consistent with the responses of the previous Local Transport Plan consultations?

b) Will the Core Strategy be amended to take into account the rejection of expensive new road schemes, in preference for improving existing road infrastructure and promoting more sustainable modes of transport, as previously requested by local residents?

Answer 3: a) The Herefordshire Local Plan – Core Strategy and the Local Transport Plan consultation are not comparable. The Core Strategy covers a 20 year plan period from 2011 to 2031, incorporating a relief road with sustainable transport measures, including walking, cycling and public transport. The Local Transport Plan covers a two year period from 2012 to 2015 and incorporated short term schemes.

b) The evidence underpinning the Herefordshire Local Plan – Core Strategy 2011 – 2031 demonstrates the need for a relief road in conjunction with sustainable modes of transport.

Following question received from Mrs J Morris

Answers provided by Andrew Ashcroft, Assistant Director Economic, Environment & Cultural Services

Question 4: a) Can you please tell me how has this latest consultation succeeded in reaching Herefordshire Council's identified target audience compared to previous consultations? By 'target audience' I am referring to this vast array:- staff, older people, people with learning difficulties, stakeholders, disabled people, voluntary groups/organisations, community groups/organisations, neighbouring authorities, service users, young people, women, men, businesses, councillors/MPs/MEPs, all residents, black and minority ethnic people, gay, lesbian, bisexual and transgendered people, expert stakeholders, general public, parent, carers and guardians, internet users, students, children, Faith groups, Central Government, BME - including gypsies and travellers, and Equalities (other than BME above).

- b) In view of the way in which this consultation required people to respond via electronic media, can you please clarify how had this improved Herefordshire Council's response rates from in particular -the elderly, people with learning difficulties, disabled people, children and all those on lower incomes or who live in isolated rural areas where there is little or no broadband provision?

Answer 4: a) *The latest consultation used a range of methods to reach the target audience. These are set out at paragraph 10.14 of the report on the Local Development Framework process to the General Overview and Scrutiny Committee.*

- b) *The consultation did not 'require' people to respond via electronic media. There were three ways to comment on the Core Strategy as set out in the questionnaire (online, hard copy or by letter). This flexibility is reflected both in the number of comments received and their range, type and source.*

Following question received from Ms. V. Wegg-Prosser

Answers provided by Andrew Ashcroft, Assistant Director Economic, Environment & Cultural Services

Question 5: Ref 10.13 of the LDF Report to be tabled: In view of the fact that it appears that only the online responses to the recent survey on the draft Local Plan have been made available in advance of this meeting (except by inspection by Councillors in the Members' Room, presumably on the day of the meeting), how can the Committee be assured that their comments on the draft Local Plan survey responses will be comprehensive and meaningful in the hopes of taking the draft Local Plan forward as a Plan that will pass the test of soundness at Examination in Public?

Answer 5: *Full responses to the questionnaire, which includes both electronic and written, were made available on the Council website on 6 June 2013.*

Question 6: The deadline for publication of the draft Local Plan with regard to its presentation to Council on 19th July is 21st June, three days away from now. What do the Committee propose to do if this deadline is not met?

Answer 6: *The publication of the agenda for Council is 11 July 2013. At this stage there is no suggestion that this timetable will not be achieved.*

Question 7: Reference the Infrastructure Delivery Plan and the CIL Charging Schedule survey, could the Committee please advise when further information about this will be published?

Answer 7: *The Infrastructure Delivery Plan is a 'living' document and will be updated on an on-going basis.*

During the consultation on the CIL preliminary draft schedule and following the closure of the consultation on 22 April 2013, the Government published new documents in relation to CIL. In summary these are the Growth and Infrastructure Bill, statutory guidance on CIL, delivery of affordable housing and a consultation on further reforms to the Community Infrastructure Levy. The Council will need to consider these documents in progressing with the CIL.

In addition, the General Overview & Scrutiny CIL Task & Finish group will be meeting with the Council's consultant who undertook the work to produce the preliminary draft charging schedule. Their work will constitute a response to the consultation.

There will be a three to six month lag between progress on the Core Strategy and the CIL.

Question 8: Now that S.106 draft agreements are making reference to supporting community services such as libraries and playing space in some detail (see, for example, that attached to Planning Application S 123592/O), what assurances can the Committee seek that (a) the potential revenue from such levies will be spent as designated despite impending cuts to these services? and (b) that these levies will continue to be chargeable even if the CIL Charging Schedule fails

to meet its deadline for implementation, April 1st 2014, after the adoption of the Local Plan?

Answer 8: Section 106 agreements have consistently made reference to the delivery of community infrastructure, including libraries and open space in accordance with the Council's Supplementary Planning Document on Planning Obligations. The monies have to be spent on the infrastructure identified in the individual section 106 agreements.

The Government has announced further reforms to the CIL which proposes an extension to the implementation of CIL from 1 April 2014 to 1 April 2015. Section 106 agreements will continue to operate up to that point.

Following questions received from Mr. R. Stow

Answers provided by Andrew Ashcroft, Assistant Director Economic, Environment & Cultural Services

Question 9: Viability and deliverability of infrastructure

The Council's Questionnaire stated that the Core Strategy "...also identifies what services, facilities and infrastructure are needed, and when and how these will be achieved". One of the consultation's key documents was the "Infrastructure Delivery Plan"(IDP), and its project schedule called Appendix 1.

Many of the infrastructure projects in Appendix 1 were uncosted and unfunded. In particular, the two major road projects of the ESG Link Road and the Western Relief Road showed "funding gaps" of £21m and £115m respectively.

Why did the Council consult on the Core Strategy without providing evidence of the economic viability and deliverability of the necessary infrastructure, as required by NPPF paragraph 177?

Answer 9: The Council employed 3 Dragons consultants to produce evidence with regards to viability. This evidence can be found on the Council website at <https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/local-plan-evidence-base/>

The Infrastructure Delivery Plan is a living document and will be updated as information is available. Work on viability will continue with the Council's consultants. Funding opportunities will continue to be explored for the delivery of the strategic infrastructure and in parallel with the eventual submission for independent examination.

Question 10: Community Infrastructure Levy (CIL) Budget to 2031

The Community Infrastructure Levy (CIL) will be a critical source of infrastructure funding.

A CIL Budget would be a financial plan showing the forecast receipts from CIL each year, matched against spending of those receipts each year on the specific infrastructure projects in Appendix 1. This would show how CIL receipts actually contribute to the timely delivery of the Infrastructure Development Plan over the period to 2031.

Why did the Council consult on CIL without providing a CIL Budget to 2031? Does the Council know how much revenue the CIL will deliver each year? And within each year, what specific infrastructure projects will the CIL be spent on?

Answer 10: The Council is in the first stages of producing a Community Infrastructure Levy Charging Schedule. The Council has only consulted on a preliminary draft charging schedule at this stage. In due course, and in accordance with the regulations, the Council will need to produce a CIL 123 list that identifies what CIL monies will be used to fund. Once CIL is adopted the Council will need to publish an annual report identifying how CIL monies have been used to assist in funding specific projects.

AGENDA ITEM 8 – COUNCIL BUDGET 2013/14

Following questions received from Mrs E Morawiecka

Answers provided by David Powell, Chief Officer: Finance and Commercial

Question 11: Regarding the Budget 2013/14 and both Council leaders this year requesting better ideas on how to manage the local public finances, how have the responses from the “Your Community, Your Say” budget consultation held in January 2013, been incorporated into the Herefordshire Council budget revisions?

Answer 11: “Your Community, Your Say” consultations held in 2012 were considered as part of priority setting and the budget. The budget revisions were made with an awareness of the results of last year’s consultation.

Question 12: Where can members of the public find the detailed budget for 2013/14 by department and a comparison against actual expenditure for 2012/13?

Answer 12: The budget by service was included in Appendix C of the February budget report and showed a comparison against the 2012/13 budget. The council tax leaflet also includes information and is available on-line.

Question 13: Could the chief finance officer confirm that the capital reserve now includes a full provision for the £500,000 due to be repaid to Stanhope, in accordance with the contractual changes agreed on the Old Livestock Market?

Answer 13: Answer: We have set aside the £500k as a creditor (so netted down the capital receipt in the cap receipt reserve)

Following question received from Ms K Rogers

Answer provided by Kathy McAteer, Social Care Lead for Open Book Review

Question 14: The NATIONAL report from Wilkins Kennedy Accountants have confirmed that there was a 12% increase in care homes "going bust" the firm directly blames local authority fees for the closures. The result 67 Care homes closures in 2012 compared to 28 in 2008. Michelle Mitchelle from age uk has advised people who are choosing care homes to always ask for details about the number of local authority clients as the more local authority funded clients the more likely a closure will happen. In light of these facts are members still in favour of the proposed cuts and quality reduction in services?

Answer 14: The new fees are a fair price and cover the cost of providing the care. Some home owners will have a fee increase. Those who have a fee reduction will have a lower profit margin that at present. However, this needs to be seen in the context that Hereford are currently paying significantly more for services than other LAs and will continue to pay more for nursing home care than benchmarked authorities. The Open Book Review methodology ensures that there is a clear understanding of the actual costs of providing the care and as such there should be no risk of homes going out of business. This should not reduce quality and the new contract will align cost to quality."

SUPPLEMENTARY QUESTIONS FROM THE PUBLIC

Agenda item 6 invited the public to submit questions for consideration at the meeting on 18 June 2013. The Chairman also invited supplementary questions at the meeting, with written responses to be supplied in due course. The responses received are provided below.

AGENDA ITEM 7 - LOCAL DEVELOPMENT FRAMEWORK

Question 1 Mrs Morawiecka did not consider that a satisfactory response had been provided to her question 1 a), the question being 'As a result of the consultation on the draft Core Strategy and the responses received, has Herefordshire Council corrected any of the omissions identified in the Infrastructure Delivery Plan?'

Question 2 Mr Stow, also linking to question 1 a), re-iterated the key elements of his question (9) 'Why did the Council consult on the Core Strategy without providing evidence of the economic viability and deliverability of the necessary infrastructure, as required by NPPF (National Planning Policy Framework) paragraph 177?' and given the absence of timings.

**Response to
Questions 1
and 2**

Planning Obligations Manager:

The IDP schedule cannot specify the entire infrastructure to be provided, when it is delivered or how it is to be funded in the county to 2031. The IDP is not intended as a one off document. Changed requirements may become apparent as new areas of development are designed in more detail and or ways of delivering services or facilities are reviewed. In addition, the strategies of service providers and the introduction of new technology will have implications for infrastructure requirements and their costs over the plan period.

Public funding levels are also likely to vary over the life time of the Plan. As part of the annual budget the Council sets a Treasury Management Strategy that covers Capital Financing Requirement for the forthcoming year. This covers one year only and is based on agreed schemes.

It is important to note that capital expenditure can be financed in a number of ways including government grant, capital receipts and borrowing. Until specific schemes are brought forward for agreement through the capital budget process it is not possible to indicate funding sources.

The information contained in the IDP schedule will therefore be kept under review and updated. This is why it is called a 'live' document.

In response to the consultation, Councillor RB Hamilton has invited his Cabinet colleagues to a future review of the IDP to include the prioritisation of identified infrastructure, projected timescales for delivery and potential funding mechanisms. The outcome of this review will be fed into the IDP for the independent examination.

With regards to the phasing/delivery element of the IDP, the Council will be working with the Environment Agency, Natural England and Welsh Water to finalise the Nutrient Management Plan and the Highways Agency on a phasing road study. These pieces of work will assist in completing the phasing element, if needed, within the IDP.

The Council is actively engaged with the process of Neighbourhood Planning. The production of Neighbourhood Development Plans or an alternative lower tier plan will assist in identifying the infrastructure required for an area, including rural areas. This will then be identified in the IDP.

AGENDA ITEM 8 - COUNCIL BUDGET 2013/14

Question 3 Ms. Rogers commented on Herefordshire's ageing population, the supplementing of underfunded care by family members, and the underfunding of adult social care locally and nationally. She asked whether Members and officers were aware of the impact that the proposed cut to baseline fees would have on families.

Response to Director for People's Services:

Question 3

The Open Book Review of Residential and Nursing Home fees for Older People which the Council is undertaking, will enable the Council to reach a transparent and fair Maximum Usual Price for care. In forming its views, the Council has conducted a careful process, engaging with all current providers. Over half the providers have supplied information about the actual cost of care.

The Council is currently consulting providers individually and collectively on the implications of its proposed Maximum Usual Price to ensure it is clear about these implications before reaching its final decision.

The Council will also be clarifying the position on voluntary top ups so that families and providers are clear what those top ups would be purchasing above and beyond the services purchased by the Council.'

Document updated: Tuesday, 16 July 2013