

MINUTES of the meeting of Overview and Scrutiny Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Monday 21 February 2011 at 9.30 am

Present: Councillor PJ Edwards (Chairman)
Councillor WLS Bowen (Vice Chairman)

Councillors: PA Andrews, AE Gray, KG Grumbley, TM James, RI Matthews, PM Morgan and AT Oliver

In attendance: Councillors WU Attfield, H Bramer (Cabinet Member - Resources), MAF Hubbard and JG Jarvis (Cabinet Member – Environment and Strategic Housing)

52. APOLOGIES FOR ABSENCE

Apologies were received from Councillor PJ Watts.

53. DECLARATIONS OF INTEREST

Councillors PA Andrews and RI Matthews declared personal interests in agenda item 7: Local Development Framework and Local Transport Plan as members of the Council's Local Development Framework Task Group

Councillor PJ Edwards declared a prejudicial interest in agenda item 7: Local Development Framework and Local Transport Plan as the matter related to decisions made when he was a member of the Executive.

54. MINUTES

RESOLVED: that the Minutes of the meeting held on 14 January 2011 be confirmed as a correct record and signed by the Chairman.

55. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY

There were none.

56. INTEGRATED CORPORATE PERFORMANCE REPORT - QUARTER 3 2010-11

The Committee considered an overview of performance against the Joint Corporate Plan 2010-13 for the first nine months of 2010-11.

The report to Cabinet on 17 February was appended.

The Policy Officer presented the report. He highlighted that of the 77 indicators where data was available in this quarter 52 were on track to achieve the target. He referred to a number of areas set out in appendix 2a to the report where performance was ahead of target and a number of areas set out in appendix 2b to the report where performance was behind target.

In discussion the following principal points were made:

- Performance against HPS.3.2: the percentage of initial assessments for children's social care carried out within 7 working days of referral (NI 59) was discussed. The Policy Officer commented that a new model of working had been introduced in the relevant team and improved performance was forecast. Members requested a breakdown of performance against this target to seek assurance that the target was not being missed by a substantial margin in individual cases.
- Concern was expressed that performance against target HPS.2.3: average weekly rate of delayed transfers of care from hospitals/100.000 population aged 18 or over (NI 131), continued to be behind target. The Policy Officer commented that whilst performance was behind target it had improved in the last quarter and that trend was expected to continue. Members recognised that considerable thought had been given to this issue and that improvement measures had been put in place. It was proposed that the Health Scrutiny Committee should include an examination of the effectiveness of these measures later in the year.
- The difficulties being faced by 16-18 year olds not in education, employment or training were discussed noting that provisional performance against the target HPS.3.4: the percentage of 16-18 year olds who are not in education, employment or training (NEET) (NI 117) showed a worse picture than in the previous year. The Policy Officer commented on action being taken to improve the monitoring of training undertaken by this cohort. He added that performance for 2009/10 against this target had been in the upper half of authorities. The national data would not be available until later in the year.

Whilst recognising that the national economic climate was a key factor, Members urged Cabinet to encourage efforts to improve the situation of this group to ensure that everything was being done that could be done. It was also requested that a briefing note be circulated showing how the Council's performance compared with other authorities when the national data was available.

- The commentary in relation to target HPS.2.1, 4.3 and 4.6 the number of alcohol-related admissions to hospital/100,000 population (NI 039) referred to an "alcohol needs assessment" being undertaken. It was suggested that the County was awash with alcohol and that the problems it caused were well known. Action including a comprehensive education programme was required now.
- The Cabinet Member – Environment and Strategic Housing informed the Committee that a considerable amount of work was being undertaken to address the issues associated with alcohol abuse including consideration of the licensing hours. In response to concerns expressed by a Member about police enforcement he added that the police were working closely with the Council on this issue.
- It was noted that a number of projects listed in appendix 2b to the report that would provide employment opportunities were behind schedule.
- In relation to target HPS.5.3: the number of affordable homes delivered (NI 155) the Director of Sustainable Communities commented that following a reduction in the number of prescribed national targets this indicator was one of those which it was intended to retain locally. The number of affordable homes provided was dependent on private sector activity, the Council's current requirement being that 35% of homes in any development should be affordable housing. A review of Council owned land that might be suitable for development had been undertaken and a progress report would be made to the Committee in March. It was noted that in considering any proposals there were a number of funding issues to be addressed including the availability of funding from the Homes and Communities Agency and the Council's need to generate capital receipts.

- It was noted that it was intended that new homes bonus funding would be held as part of a central budget to be allocated with regard to the Council's overall priorities.

RESOLVED:

- That (a) **the Health Scrutiny Committee be requested to include an examination of performance in reducing delayed discharges from hospital in its work programme later in the year;**
- (b) **the Committee's concerns about the difficulties being faced by 16-18 year olds not in education, employment or training be registered and Cabinet urged to encourage efforts to improve their situation;**
- (c) **a briefing note be circulated showing how the Council's performance against the target HPS.3.4: the percentage of 16-18 year olds who are not in education, employment or training (NEET) (NI 117) compared with other authorities, when the national data was available;**
- (d) **a breakdown be provided of performance against HPS.3.2: the percentage of initial assessments for children's social care carried out within 7 working days of referral (NI 59).**
- (e) **the ongoing work to tackle alcohol abuse and its effects be supported and a report on the outcome of the executive's review of the licensing hours be included in the relevant scrutiny committee work programme;**
- (f) **it be noted that a progress report on affordable housing provision and the review of Council owned land that might be suitable for development would be made to the Committee in March; and**
- (g) **Cabinet be advised of the Committee's comments.**

57. BUDGET MONITORING REPORT 2010/11

The Committee considered the forecast financial position for both revenue and capital to 31 March 2011 and an update on Directorates' recovery plans instigated to address projected overspends.

The report to Cabinet on 17 February was appended.

The Head of Financial Services presented the report. She highlighted that the overall budget position for 2010/11 showed a projected £2.2m overspend, approximately 1.5% of the revenue budget. Recovery plans were in place but the full benefit of these might not take effect in the current financial year.

The most significant overspend related to Integrated Commissioning. The availability of additional government funding to NHS Herefordshire was being investigated with £800k potentially available to support social care.

In discussion the following principal points were made:

- That there had been no indication that the Government was planning to make additional funding available to authorities under the Bellwin Scheme in recognition of the additional costs incurred as a result of the severe winter weather.

- Questioned about slippage in the capital programme, the Head of Financial Services stated that action had been taken to try to ensure that external funding for schemes was not lost. Members requested that every effort be made to ensure that this was the case.
- Members reiterated concerns about the seemingly perpetual overspend on the Integrated Commissioning budget and emphasised the need to ensure that the additional funding made available in the 2010/11 budget was used effectively.
- It was noted that questions had been received from the public about the land charges budget. The questions and answers were circulated to the Committee as set out below.

Q "Please tell us how the Council have calculated the £70k impact to income for the Landcharges section stated at point 52 under Major Budget Exemptions"

A The loss of income has arisen from the abolition of the Personal Search statutory fee. The loss was calculated by identifying the number of searches by the statutory fee of £22.00.

Q "Please tell us when the impact assessment covering Landcharges income (stated at point 54) will be completed and where may we see the details"

A An exercise has taken place to deliver a new price list for the CON29 questions, the process is now to gain approval for these new tariffs in readiness for the new financial year.

RESOLVED: That officers be requested to make every effort to ensure that external funding granted for capital schemes was not lost.

58. LOCAL DEVELOPMENT FRAMEWORK AND LOCAL TRANSPORT PLAN

(Councillor PJ Edwards declared a prejudicial interest in this item and left the meeting.)

Councillor WLS Bowen (Vice Chairman) in the Chair.

The Committee considered Cabinet's recommendations to Council on the preparation of the Local Development Framework (LDF) and arrangements in respect of the Local Transport Plan (LTP).

The report to Cabinet on 17 February was appended.

A number of questions had been received in addition to those appended to the report. The questions and answers prepared by officers were circulated at the meeting and are appended to these Minutes.

The Chairman thanked the public for submitting questions. However, he emphasised that the purpose of this particular meeting was to discuss Cabinet's recommendations to Council on the timing of the preparation of the LDF and LTP, not the detail within those two documents as currently drafted. He therefore proposed to refer the questions to Cabinet to be taken into consideration as part of Cabinet's deliberations.

He also proposed that the scrutiny function should review the LDF process later in the year.

The Director for Sustainable Communities, the Planning Policy Manager and the Transportation Manager presented the report.

The Cabinet Member – Environment and Strategic Housing commented that he considered the Council had followed the correct process in preparing the LDF and welcomed scrutiny of it.

In response to a question the Director for Sustainable Communities commented that while landowners may well be considering their options, he was not aware of any negotiations by the Council to acquire land along the line of the relief road proposed in the LDF. Some land had previously been acquired some years ago by the former Hereford and Worcester County Council when an eastern bypass route had been under consideration. He undertook to provide a briefing note to Members.

RESOLVED:

(a) That Cabinet's recommendation to Council on 17 February as set out below be supported:

- (i) the Local Development Framework timetable be revised as set out in the table at paragraph 11 of the report to Cabinet;**
 - (ii) the linkage between the Local Development Framework and Local Transport Plan, and the consequent impact on the Local Transport Plan timetable be noted;**
 - (iii) the existing Local Transport Plan 2 be adopted as the Council's interim Local Transport Plan³ pending finalisation of the Local Development Framework submission;**
- (b) to recommend that the whole Local Development process be scrutinised and reviewed by the scrutiny function at the appropriate time having regard to the Local Development Framework timetable as approved by Cabinet; and**
- (c) that the questions from the public submitted to the Committee be referred to Cabinet to be taken into consideration as part of Cabinet's deliberations on the Local Development Framework.**

59. WORK PROGRAMME

The Committee considered its Work Programme.

It was noted that a report on affordable housing was scheduled to be submitted to the March meeting,

RESOLVED: That the work programme as amended be approved as a basis for further development.

The meeting ended at 11.22 am

CHAIRMAN

Questions from Mrs M Morawiecka for Overview and Scrutiny Committee – 21st February 2011

Question 1

The Sustainability appraisal (Sept 2010) states that “the employment land provided within the new livestock market development is to be accessed via the planned western relief road, which indicates that car use may remain high in terms of employee transport.” Is it appropriate that this council should consider a plan for a “relief” road which directly benefits this council especially in respect of land which it only recently acquired and had previously been used purely for agriculture?

Response:

The Sustainability Appraisal related to the published Preferred Option for the strategy which specifically made provision for a “Blended package” of transportation measures including both Sustainable Transport measures in the City (such as improved bus, cycle and pedestrian facilities) and an outer Relief Road. The supporting documentation in both the LDF and the LTP made it clear that the blended package need to be considered as a whole because any one element on its own (for example just restricting traffic movement in the centre without providing additional highway capacity elsewhere) would not offer a comprehensive solution to such issues as air quality on the existing A49 through the City, traffic congestion or the economic needs of the City and County. Hence it is inappropriate to try to separate out one aspect of the blended package without considering its relationship to the whole scheme. The question of the ownership and previous use of the cattlemarket site is not linked to the justification of the policy.

Question 2

With the City water intake now a short distance downstream from the proposed relief road, it seems surprising that no risk assessment has been made of the risk of pollution of the city’s water supply. Pollution could happen in a number of ways but in particular, spray from vehicles and lorries travelling high over the river being carried on the prevailing winds which funnel down that part of the Wye Valley, and also from a vehicular accident on the western high level bridge overspilling to the river below. What is the risk of contamination of the City’s water supply from a western river crossing and how does the committee feel about exposing the residents of Hereford to such a risk?

Response:

The risk of an accident on a road bridge resulting in pollution down wind and down river applies to all bridges over all rivers. For example the replacement bridge at Bridge Sollers is upstream of the Broomy Hill intake and does not represent a pollution risk in the manner suggested. It is a matter of designing in appropriate road drainage. In terms of pollution risk overall it is worth considering the current situation of Greyfriars Bridge – where, at present, one of the key impacts of congestion on Greyfriars Bridge is the poor air quality in Victoria Street

and other residential streets that form part of the A49 – and the resultant Air Quality Management Area. By distributing traffic between the existing bridge and a new purpose built bridge elsewhere significant environmental advantages can be gained for existing City residents.

Question 3.

The movement policy makes no reference to improving access to rail services at locations such as Pontrilas; Tram Inn; Withington and Moreton-on-Lugg where regular trains already operate. Access at these locations could generate a modal shift from the car for people in more rural areas, on routes which, as they converge on Hereford, become heavily congested. These might be more cost beneficial than an Outer Distributor Road (ODR). Natural England report on the Multi modal study reports that “The ODR does not appear to be financially viable. Although the outputs of the model are presented in terms of generalised time savings, TRL calculated that the ODR would produce journey time saving benefits of around £46.5M over fifteen years; this is small compared with the projected costs of the ODR of £130M, and suggests that, when estimated, the Benefit to Cost Ratio for the scheme is likely to be low.” (Page 3 para 6).

Is a western relief road the best use of public money for improving movement within Hereford and the wider county?

Response:

In respect of the potential for additional railway stations, there is no realistic prospect of passenger railway stations being opened at any of the sites proposed. Withington is the closest to being viable (as acknowledged in the Unitary Development Plan) but the others have been demonstrated to fall a very long way short of economic viability.

At Moreton on Lugg there is a railhead which is mentioned in the Preferred Option but only in the context of the minerals policies. It remains an important railhead for the shipment of aggregates and will be a protected facility in future.

The Natural England review pre-dated the Amey Study of Options and the source of its financial data is uncertain. The basis for the cost of the road is the Amey Study which was based on a secure study of routes and their transport implications.

Question 4.

“Our farmland is a national resource for future generations and the very foundation of our food security. However, under Labour the protection of our best farmland has been downgraded and the Government has rejected councils’ calls to keep in place local protection of this valuable asset. We will introduce into our national planning framework rules preventing the development of the most fertile farmland, in all but exceptional circumstances.” (**Conservative Green Paper on Planning; Policy Paper No 14**)

“The development planned lies outside of the existing built up area, and will take place mainly on Greenfield land which may offer few opportunities for reusing existing buildings, therefore having a negative effect on the efficient use of land”. (Sustainability Appraisal page 23 Sept 2010). “ The housing growth is to accommodate further inward migration” (Preferred Option page 4) With the RSS no longer mandatory and a change in central government is the housing growth proposed by the Preferred Option the best use of high grade agricultural land for this county and the country?

Response:

The quality of farmland remains a material planning consideration but it does not have the same prominence in plan-making that it once had. Effectively the issue of agricultural land quality has been subsumed into wider sustainability issues and dealt with through such mechanisms as the Sustainability Appraisal. The RSS is currently, as a matter of law, still mandatory until such time as it is revoked by an Act of Parliament – which is expected to happen later this year. The evidence base behind the RSS is however secure and the overall growth for the County (of 18,000 houses over the twenty year period 2006 to 2026) is actually slightly less than the growth over the previous twenty years (18,571 for the period 1986 to 2006).

Question 5

Any residences built in the western area of Hereford will lie under the flight path of Forces aircraft. This can cause considerable disturbance to residents, often in the early hours of the morning. What consideration has been given to this in allocating new housing to the west of Hereford and how will future residents of these new estates be protected from such disturbance?

Response:

The same issue applies to all housing in Hereford – even more so to those communities much closer to the Credenhill base than the proposed housing areas. It is controlled by measures outside the planning system.

Question 6

Many of the freewrite responses to the March 2010 consultation were not summarized and published before the preferred option was issued. How were these responses considered by the planning department and were any incorporated into the final preferred option? With an overwhelming rejection of the Hereford preferred option at the latest consultation, how will these responses be used to inform the next LDF proposal now due to go to consultation in July-October 2011.

Response:

The freewrite responses were all considered as part of drawing up the Preferred Option – the results have been published in summary form on the Council's website in the form of analysis schedules – and they are all available for public inspection. The responses will be given due weight alongside all of the responses received at the different stages of the LDF consultation.

Question 7

I attended a workshop on Saturday for Sustainability and resilience in Herefordshire, and many people attending, who were well informed on many matters relating to planning, development and sustainability felt that their views had not been sought or even considered through the LDF process. When will this committee review the LDF process to date to assess the performance of the Council and that the residents are getting best value for the increasing sums spent on this project, especially in light of the increase in reserves for the LDF of £270,000 at a time of significant financial constraint?

Response:

The suggestion that the public's views had not been sought on the LDF is not supported by the facts. Herefordshire Council has carried out more comprehensive publicity and consultation than any other local planning authority on an equivalent policy document. The money spent, of course, increases with each round of publicity and consultation. It is open to the Committee to review development of the LDF as it sees fit, taking into account progress with the timetable for the LDF.