

Minutes of the meeting of Cabinet held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Thursday 16 November 2017 at 2.00 pm

Present: Councillor AW Johnson (Chairman)
Councillor JG Lester (Vice-Chairman)

Councillors BA Durkin, DG Harlow, PD Price, P Rone and NE Shaw

Group leaders in attendance Councillors JM Bartlett, TM James, RI Matthews and AJW Powers

Scrutiny chairmen in attendance Councillors PA Andrews and WLS Bowen

Other councillors in attendance: Councillors ACR Chappell, EPJ Harvey, J Hardwick and Anderson

Officers in attendance: Alistair Neill, Geoff Hughes, Martin Samuels, Chris Baird, Claire Ward and Andrew Lovegrove

56. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Bramer.

57. DECLARATIONS OF INTEREST

None.

58. MINUTES

Resolved: That the Minutes of the meeting held on 26 October 2017 be approved as a correct record and signed by the Chairman.

Item 7 on the agenda was taken out of order at the request of the cabinet member health and wellbeing.

59. HEREFORDSHIRE'S BETTER CARE FUND (BCF) AND INTEGRATION PLAN 2017-2019 AND EXTENSION OF S.75 AGREEMENT

The cabinet member health and wellbeing introduced the report and highlighted the interdependence between health and social care. He set out the requirement for councils and clinical commissioning groups (CCG) to prepare joint plans for the delivery of key community services, funded through a pooled budget known as the Better Care Fund. The cabinet member reported that Herefordshire's integration plan had been signed off by the health and wellbeing board and formally approved by NHS England. The CCG had therefore been given the authority to enter into a legally binding section 75 (S75) agreement with the council for the transfer of funds from the NHS budget to social care. The draft agreement was before the cabinet.

The cabinet member stated that although funding was pooled, there was no risk share as part of the agreement. The CCG and council retained responsibility for their own services and any additional demand cost pressures placed on them.

For the first time targets had been set nationally for the number of delayed discharges from hospital. The council had met its target for September, being the last month for which data was available, and initial analysis suggested performance had improved further since then. Cabinet members commended staff in achieving and exceeded these targets.

Group leaders were invited to present the views of their group.

The leader of the independent group asked what the backup plan would be if one partner in the agreement failed. The leader of the council agreed that a written answer would be provided.

The leader of the green group noted that paragraph 7 point c of the report set a measure of having an increasing proportion of people aged 65 and over who were still at home 91 days after discharge from hospital. She stated that there were pressures around this target and asked if the council was still meeting that target. The leader of the council agreed that a written answer would be provided.

The leader of the it's our county group confirmed that questions from his group had been submitted in writing ahead of the meeting. The IOC group recognised and commended the work of the council and its partners in reaching the current point. The risks of additional costs incurred through winter pressures such as flu outbreaks were noted and the group asked for reassurance that the council would not be directly liable for additional financial contributions or that BCF grants would not be jeopardised.

The director for adults and wellbeing confirmed that the contributions by the council and the CCG to the BCF were fixed and that a number of the services included within the plan operated under fixed price contracts. Where services were linked to demand the council and the CCG each bore their own risk. There would be no expectation of additional contributions to the BCF. If there were demand led pressures on the NHS these would be for the NHS to manage.

The cabinet member for finance, housing and ICT asked what opportunities there were for either partner to withdraw from the S75 agreement during its term and whether the terms of the agreement could be changed midway through.

The director for adults and wellbeing explained that under section 75 of the NHS Act 2006, NHS bodies and councils were able to pool budgets so that by working together they could deliver better health outcomes. The BCF used that power to enable a significant transfer of funding from the NHS to the council. This was roughly £5m in the financial year 17/18. One of the conditions of the funding being transferred was that this be done through a S75 agreement. The legislation stated that it was for NHS England to decide whether to make the funding available or not and the plan had therefore been through a national assurance process. The legislation also gave NHS England the power to set the conditions of the grant.

Resolved that:

(a) the council's contribution to the better care fund of £20.147m revenue and £1.706m capital for 2017/18 and £20.530m revenue and £1.853m capital for 2018/19, as set out in paragraph 26 of the report below, be agreed;

- (b) the option to enact the extension of the existing section 75 agreement to 31 March 2019 is agreed; and
- (c) the director for adults and wellbeing be authorised, following consultation with the solicitor to the council and s151 officer, to take all operational decisions necessary to approve the scheme level detail within the extended s75 agreement.

The cabinet member health and wellbeing left the meeting.

The chief finance officer raised a point of order to make a correction to item 8 on the agenda. Note 5 to Appendix B should have stated that £1.698m was to be reprofiled, not repaid.

60. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 24)

Questions received and responses given are attached as appendix 1 to the minutes.

61. QUESTIONS FROM COUNCILLORS (Pages 25 - 26)

Questions received and answers given are attached as appendix 2 to the minutes.

62. SOUTH WYE TRANSPORT PACKAGE

The cabinet member infrastructure introduced the report. He referred to the decision of cabinet made on 20 October 2016 which agreed in principle the use of Compulsory Purchase Orders (CPO) and Side Roads Orders (SRO), if required, for the acquisition of land along the route of the Southern Link Road (SLR). The cabinet member reported that negotiations with landowners were progressing fairly well but it was felt that arrangements for CPOs and SROs should now be put in place to avoid future delays in the delivery of the project.

The report also recommended the establishment and implementation of a procurement strategy to inform a decision on the awarding of a contract for the construction of the SLR.

The leader of the council queried what the total cost would be. The head of infrastructure delivery responded that financial implications were set out in report as being £1.8m estimated cost for land acquisition and compensation, £500k for the CPO / SRO public enquiry process and £150k for the procurement process to cover profession fees to produce tender documents, manage the tender process and undertake detailed reviews of the submitted tenders.

The cabinet member for transport and roads asked how negotiations were faring in respect of acquiring land. It was confirmed that the council was in contact with all relevant landowners and had made offers to each of them. Officers were pleased with the progress that had been made and were hopeful that negotiations would be concluded with all landowners. However the CPO process needed to run alongside the ongoing negotiations to give certainty to timescales.

The cabinet member for finance, housing and ICT asked whether the legal costs for the CPO would be paid up front or paid along the process of the CPOs. He asked whether costs would reduce if negotiated settlements were reached with landowners.

The head of infrastructure delivery confirmed that the costs were those that the council would incur if it went through a CPO process including legal support to defend and make the council's case for the scheme, the costs of setting up an inquiry locally and the costs of the independent inspector appointed to hear the CPO inquiry. The more objections there were to a CPO then the longer and more complex the inquiry would be which would have an impact on costs. There would still be some legal costs if all land was acquired by negotiation.

The leader of the its our county group confirmed that he had submitted the views of his group in writing prior to the meeting and thanked the cabinet member and officers for their responses. He queried the claim that there had been no overspend on the city link road. He also queried the status of funding from the Marches LEP growth deal for the south wye transport package citing a lack of clarity as to whether this was a loan or not. Reference had been made in documents to paying back the £1.7m allocated, although the earlier correction confirming that the sum was to be reprofiled not repaid was noted. The chief finance officer agreed to provide a written response.

The leader of the green group asked for assurance that when the package of documents was sent to the secretary of state, the background to the claims in paragraph 13 of the report would be available to the public. She also sought assurance that individuals would not be disenfranchised or put out in terms of the value of their property if the business case did not go ahead.

The cabinet member for infrastructure confirmed that the process would follow government guidelines about who received compensation and for what.

The leader of the independent group asked what the level of risk was that the CPOs and SROs not be agreed by the secretary of state.

The head of infrastructure delivery responded that previous uses of CPOs by Herefordshire council had been successful. Mitigation of the risk would involve setting out a robust case for the road.

The leader of the liberal democrat group stated that he had always been supportive of the western route for the bypass. He warned that past experience had shown that the costs of CPOs could spiral beyond the estimate. He expressed concern over the lack of clarity regarding the funding from the Marches LEP.

The leader of the council stated that the source of the money was a grant via the LEP. Reprofiting of such grants usually related to circumstances where the rate of work varied or there was another call on LEP funds.

The head of infrastructure delivery confirmed that the grant secured for the SWTP remained unchanged at £27m. The council had drawn down some funding earlier than originally planned and the discussions referenced related to the reprofiling of the grant as a consequence of that early drawn down. This was expected to be the subject of further discussions with the LEP.

Resolved that:

- (a) the Director for Economy, Communities and Corporate be authorised to arrange for the making of the County of Herefordshire District Council (South Wye Transport Package – Southern Link Road) Compulsory Purchase Order 2017 pursuant to sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 for the acquisition of the land interests and new rights within the areas coloured pink and blue respectively shown on the plan attached at appendix A (subject to any minor or technical**

amendments to the said plan as the Director for Economy, Communities and Corporate considers) and for compensation payments to be made in accordance with the relevant legislation;

- (b) the Director for Economy, Communities and Corporate be authorised to arrange for the making of the County of Herefordshire District Council (South Wye Transport Package – Southern Link Road) Side Road Order 2017 under Section 14 and 125 of the Highways Act 1980 as shown in the plan attached at Appendix B (subject to any final amendments of the said plan the Director for Economy, Communities and Corporate considers necessary);
- (c) the Director for Economy, Communities and Corporate be authorised to arrange for the making of the Compulsory Purchase Order and the Side Road Order and to take all the necessary and ancillary steps, including the publication and service of all statutory notices and the presentation of the Councils case at any public inquiry, to secure the confirmation of the orders by the Secretary of State;
- (d) the Director for Economy, Communities and Corporate be authorised to implement the Orders, including the acquisition of all necessary land and interests and new rights, and to pay compensation including acquisitions agreed by negotiation and to carry out any other additional steps needed for the implementation of the Orders for the Southern Link Road;
- (e) the Director for Economy, Communities and Corporate be authorised to take all operational decisions necessary to establish and implement a procurement strategy to inform and enable a decision to award a contract to the best value tender for the construction of the SLR within a budget up to £150,000.

63. END OF SEPTEMBER CORPORATE BUDGET AND PERFORMANCE REPORT 2017/18

The cabinet member for economy and corporate services introduce the report and noted that it was in the usual style. He highlighted the following points from the report:

- the latest budget projection forecast an overspend of £2.172m, much of which was due to meeting children's needs
- the number of internal and external placements for children in care continued to be higher than expected
- an invest to save project was beginning to increase capacity to support the reduction in numbers of looked after children over the next 18 months
- 39% of performance measures where data was available showed an improvement compared to the same period in the previous year, a drop from the previous performance report
- directorates were putting in place measures to address the reduced performance in key areas
- maintaining performance while delivering savings was a measure of improved efficiency
- the unauthorised capital spend on the Blueschool House project was a cause for concern, in addition to the audit and governance committee overseeing actions that should offer assurance of internal processes the chief executive had approached the LGA to establish a peer review of governance and culture to take place early in 2018
- the number of people who had attended an NHS healthcheck had increased by 8% in the previous quarter and was the second best for comparable authorities

- the majority of new social work assessments in children's wellbeing were completed within statutory timescale, a notable improvement from the same period the previous year
- provisional exam results showed Herefordshire's youngest pupils achieved improved outcomes in the full range of assessments
- the £5m investment from the challenge fund in maintaining three strategic roads in the county was expected to be very beneficial in the long term
- the council had exceeded the target for the sale of council assets, this released £1m of planned savings which were being delivered a year early
- road deaths were unacceptably high and were an area of concern
- the unemployment rate in Herefordshire was down to a record low of 1,135.

The cabinet member for infrastructure noted that the overspend was a projected outturn rather than an actual overspend. He asked whether the children's wellbeing directorate could continue to keep children safe while addressing the projected overspend.

The cabinet member for young people and children's wellbeing responded that one of the councils priorities was to keep children safe and give them the best start in life. Decisions were made on individual children rather than having a blanket approach. Work had been done to reduce the number of children subject to child protection plans and the numbers were now appropriate compared with statistical neighbours. Measures had also been put in place to ensure that where children were taken into care this was an appropriate decision. The number of children coming into care was now comparative with statistical neighbours. Plans were being developed to achieve permanency for children currently in care where this was appropriate over the next 2 years. This would reduce costs while also continuing to meet the needs of the children.

The cabinet member for finance, housing and ICT noted that with the exception of the looked after children budget, all other savings within children's wellbeing were in line with budgets. He noted that nationally children's wellbeing budgets were expected to be overspent by around £2bn. He asked whether anticipated savings would continue to be delivered in future years and noted the rebasing of the budget for 2018/19 to reflect the true nature of the looked after children population.

The cabinet member for young people and children's wellbeing responded that he felt the council was right to budget in the way it had for the majority of services that the children's wellbeing directorate provided. He was confident that savings could be continued in future. Achieving long term solutions for children in care took a long time given the complexities of need and this was why services were overspending nationally.

The cabinet member for finance, housing and ICT asked the chief executive for an update on the report into the unauthorised overspend and whether anything else was being done to review processes.

The chief executive confirmed that the report by the council's internal auditors had been completed and published in September. A separate external investigation on the circumstances around the unauthorised spend had been commissioned which required interviewing of personnel involved. The report was expected shortly but would not be published as it would contain confidential information about the discussions with individuals. The report would provide information to inform decisions about whether any consequential action should be pursued.

An overview of existing processes with a view to strengthening governance was taking place. A full LGA corporate challenge was being arranged for early in 2018. The report arising from that piece of work would be made public.

Group leaders were asked to present the views of their group.

The leader of the independent group asked whether the number of children being adopted or returned home had increased as a result of the new approach. The cabinet member for young people and children's wellbeing responded that there would be natural variation in figures depending on the individual circumstances of the children in the system at any one time.

The leader of the independent group asked for further information on the internal control improvement board. The chief finance officer explained that the board was looking at a number of areas for improvement including the 13 recommendations made in the report from the internal auditors on the Blueschool House project. Within the process the terms of reference of a further project had been agreed to look at how the council accounts for capital projects and reports to cabinet and external partners. A working group of councillors from the audit and governance committee had observed a meeting of the board and were reviewing papers. A report would go back to the audit and governance committee in January 2018.

The leader of the green group noted that although the economy, communities and corporate directorate had a nil variance on the budget projection, many performance measures were red which might indicate some tension.

The leader of the it's our county group raised queries on a number of points regarding the capital budget forecast:

- clarification on the meaning of the word slippage for capital projects,
- what the adj column referred to,
- where the £7.1m overspend on the city link road was shown or included.

A written response was promised.

Resolved that:

The projected financial outturn and performance for the first six months of 2017/18 were reviewed and cabinet determined any additional actions required to achieve improvement.

The meeting ended at 4.20 pm

Chairman

PUBLIC QUESTIONS TO CABINET – 16 November 2017

Question 1

Ms K Seekings, Hereford

To: cabinet member: infrastructure

Regarding page 50 para 3.3.7

Please could the Council commission an updated traffic analysis including a mass transit option using modern technology and reducing our dependence on car travel for short journeys asap, and certainly before any further progress on the bypass/southern link road road building?

Response

It is not clear what document the questioner is referring to.

The council has already commissioned detailed surveys and modelling of the transport movements in and around Hereford to update the transport model for the city and assess the transport effects and benefits of the proposed scheme and options, including mass transit options.

There is a need to reduce our dependency on cars for short journeys, however the established case for a city by-pass doesn't rest solely on reduction of city centre congestion, but also on enabling the growth of the city and supporting the economic sustainability of the county. Both the by-pass and other transport options must be progressed.

Question 2

Mr D Pitt, Hereford

To: cabinet member: infrastructure

Why are there no plans to improve buses or mass transit systems as an alternative to short car trips? The last analysis was in 2001 before modern electric systems were developed.

Response

I refer to my response to public question number 1.

Question 3

Prof. R Wise, Breinton

To: cabinet member: infrastructure

What happens to A49 total traffic volumes if 10% or 20% of M5/M6 traffic uses the improved A49 and have the communities along the route been fully consulted on such an outcome.

Response

The A49 forms part of the strategic road network for the Midlands managed by Highways England, which is responsible for maintaining journey times for longer distance traffic. Modelling of the strategic road network to 2040 identifies increasing congestion on the M5/M6

corridor with only limited deterioration on the A49 corridor, most notably in the vicinity of Hereford city. This modelling information is available on the government's website.

With a bypass for Hereford, the A49 could have an enhanced role and provide an alternative for some traffic on the parallel M5/M6 (although the comments regarding volumes being up to 20% is just speculation). As modelling work is progressed the scale of this will be established and will be made available when it is completed and agreed with Highways England, and will inform future consultation.

Question 4

Ms J Wise, Breinton

To: cabinet member: infrastructure

How would the outcome of traffic modelling look if most school traffic (say 90 per cent), were to be replaced by public transport?

Response

Such a shift would clearly have an effect upon the overall traffic movements. However, given that the choices made by parents in relation to the school their child attends and the way in which they travel to that school are complex across a large rural county, such a target is not feasible.

The reduction in traffic during school holidays is a combined effect of less commuter traffic (as many families take time off work) as well as no school run traffic. Transport modelling work undertaken in relation to the development of major transport projects, in accordance with the Department for Transport's guidance, ensures that options are compared against typical traffic conditions experienced during neutral periods outside of school holiday periods. All schools should have their own travel plans in place.

Question 5

Mr B Jenkinson, Hereford

To: cabinet member: infrastructure

Please explain how a bypass and southern relief road that constrains access for ten years and draws in more motorway traffic and has no mass transit system for the city can be considered, in any way to minimise adverse economic and environmental impact?

Response

I am not clear what ten year access 'constraint' is being referred to.

The Hereford Transport Package (bypass plus measures to encourage walking and cycling within Hereford) will provide significant economic benefits through helping to deliver the housing and employment growth identified in the adopted core strategy. It will also help to address the existing environmental problems of noise and air quality along the A49 corridor through the city. The development of the business case in accordance with Department for Transport guidance will establish the benefits and the transport implication of the project.

Question 6

Mrs C Protherough, Birch Hill

To: cabinet member: infrastructure

Given that transport technology has changed substantially since previous studies, what thought has Herefordshire Council given to improving public transport systems, removing need for school and commuter car journeys, for a future proof pollution free solution to city congestion?

Response

The Hereford Area Plan, and the new university project, are considering future design options for the city, including those which make use of new and emerging technologies which are less polluting. We will never be able to remove the need for school car journeys whilst parents have the choice of which school their child attends.

I refer to the response given to public question number 1 and note that the studies referred to in that response will inform future plans for commuter car journeys.

Supplementary question

Is Herefordshire council aware that since 2001 modern technology has radically altered the potential cost and energy efficiency of tram routes, that 46 tram systems have been installed in Europe since 2000, not all in big cities, and 268 million passengers a year use tram and light rail systems in the UK and that in combination with electric buses and integrated modern low carbon high frequency sustainable transport system accessible to all would considerably reduce the number of private cars on the road for local journeys in line with your local transport policy and vision for Hereford?

Response

Yes I understand your sentiment of trams etc. We have looked at trams for Hereford a number of times and found so far that they would not offer any economic benefit. However we have looked at other means of using new technology and emerging technologies and only in the last week have I met at the highways UK conference and spent a very long time talking about driverless vehicles, autonomous vehicles, electric buses etc. and how we would try to integrate the emerging technologies with the development of the university and the plans to upgrade the city centre that is still to happen as part of the city link road scheme. I take on board your points. We are certainly with you on looking to try to reduce pollution, have better movement of vehicles using new technologies in the city. We hope to achieve that within the timescale of the other things that are happening in and around. I do take on board your point but I am afraid trams are not going to be considered because they are not cost effective and too much capital expense to show a business case return for Hereford.

Question 7

Mr A Gilliat, Breinton

To: cabinet member: infrastructure

If a Bypass is essential, what environmental/conservation considerations ruled out an Eastern Route compared to similar considerations for the proposed Western Route, taking full account of its much higher likely cost and distance from the city's growth areas?

Response

The relative merits of western/eastern routes were explored during the development and adoption of the council's core strategy and are available on the council's website. It is acknowledged that there are environmental impacts associated with a western route; these are, however, less significant than those of an eastern route.

Question 8

Mr E Morfett, Breinton

To: cabinet member: infrastructure

Should the Cabinet proceed with these CPOs without a comprehensive professional analysis of the increase in HGV and total traffic volumes, safety issues, in health issues and from fine particulate pollution from the relief traffic from the M5/M6 congestion and the traffic from the completion of A465 dual carriageway to Abergavenny?

Response

I refer to the response given to public question number 3.

Supplementary question

I have looked at the Highways Agency data for traffic volumes for the M5/M6 and A49. The figures for the A49 are 10% of that for motorways. What evidence has been used in terms of pollution and increased traffic volumes?

Response

I think I have already made reference to the fact that Highways England are looking out to 2040 on their strategic transport routes and the impact it might have and as such we won't know yet as to what the impact would be on the A49. However it is quite clear that from interventions from Midlands Connect which is the Midlands Engine arm for transport that they see the A49 as being an enabler to allow local traffic from the Marches corridor, South and North Wales as being a necessary part of that strategic route. The impact from the M5/M6 is party to the debate going forward to 2040 so I can't be any more specific than that to answer your specific question but I hope that I have answered at least some of it.

Question 9

Dr P Ronan, Breinton

To: cabinet member: infrastructure

Can the Cabinet explain why CPOs are required without a comprehensive professional analysis of the impact from increased fine particulate pollution on Herefordshire's long term healthcare costs and why those costs are not included in the cost benefit analysis?

Response

Although negotiations are proceeding well with landowners, the cabinet is considering the making of the orders to ensure progress is maintained.

The option appraisal carried out during the development of the South Wye Transport Package consider the environmental and other factors in the selection of the preferred option. The provision of the southern link road and package of active travel measures is expected to have a positive impact upon air quality within the urban area. These issues and other impacts and benefits of the package will continue to be assessed during the development of the full business case in accordance with Department for Transport guidance.

Supplementary question

What then are the total current budget and costs of the CPOs relating to the southern link road and can you give me an included breakdown for the costs of the care of people who will suffer from long term health related conditions?

Response

You have made some assumptions that I don't recognise, I can't have a figure for and I don't think anybody can at this moment in time. The cost of the whole CPO process is in the papers at £500,000.

Question 10

Mr R Palgrave, How Caple

To: cabinet member: infrastructure

In January 2017 the Southern Link Road had indicative scheme costs of £23Million. If the cost of this road should exceed the provisional budget allocation of £27m like Blueschool House and the City Link Road, how will this cost overrun be funded?

Response

I am not clear where the figure of £23m that is quoted is sourced from as the medium term financial strategy considered by cabinet in January 2017 (and subsequently approved by Council) included indicative costs of £27m for the south wye transport package during the medium term financial strategy period within an overall scheme estimate of £35m. There is no cost overrun for the city link road.

As major schemes are developed it is entirely normal for budget estimates to change as scheme details are refined and contracts are procured; any such changes to costs or budgets will be reported and necessary approvals sought openly and transparently.

Supplementary question

Can we have an assurance that if there is a shortfall it will not be taken from the budget for the active travel measures in the SWTP?

Response

You get my assurance on that. The active travel allowance in the budget that is what we expect to spend on doing exactly the purpose for which it was there for.

Question 11

Ms B Johnson, Ledbury

To: cabinet member: infrastructure

Traffic-free towns and cities are increasingly the norm in continental Europe. By diverting expenditure from road building to active travel infrastructure and public transport, they demonstrate very significant and enviable commercial, environmental, health and social benefits.

HC's Core Strategy prioritises active travel over private car use. New technologies such as electric bikes have great potential to reduce car dependency. What progress is there with the active travel measures proposed in 2015?

Response

I refer to the response given to public question number 1. Cabinet is scheduled to consider a report in December 2017 setting out next steps regarding active travel measures. Hereford cannot deliver a traffic free city centre without a satisfactory strategic network around it; the by-pass will be an essential element of that network.

Supplementary

Continuing on this theme of the need to reduce car dependency which is a key objective of the core strategy and it appears in all six of the vision and objectives in the local transport plan, one would expect that the budget priorities should follow policy priorities. Why therefore is Herefordshire Council prioritising expensive road transport infrastructure that will lead inevitably to an increase in car dependency rather than funding much more cost effective car free projects to alleviate Hereford's congestion.

Response

The simple answer is that we have to have a strategic network of roads to support car and travel in or around Hereford but to be able to make the environmental wonderland that everybody wishes for the city centre we have to consider a couple of other things. One is that it has been a high priority from many people is that the working population that need to be in Hereford that come from outside the city have to get to the city before they can walk, cycle, use electric buses and all of the other things that we wish to provide. We are in a place whereby some more capital expenditure will be necessary as to parking of vehicles that have to travel 10, 20 miles to be able to come to their place of work. It would be great to be able to think that once they get to Hereford we can walk and cycle and enjoy the city centre in a pollution free atmosphere. I am with you in some ways but I am afraid that the strategic network of roads in and around Hereford are not yet in a place to be able to cope with giving the city centre the space that it needs.

Question 12

Ms K Sharp, Hereford

To: cabinet member: infrastructure

The Southern Link Road project, like the City Link Road, is now several years behind schedule. DfT recognises that active travel measures such as improved walking & cycling facilities can be delivered much more quickly and cheaply than new road projects. After the success of Destination Hereford & other active travel projects, why is Herefordshire Council delaying implementation of the walking & cycling elements of the South Wye Transport Package?

Response

I refer to the response given to public question number 11. Where improvements can be made to the cycling and walking network in advance of the by-pass these are being progressed, for example the Holme Lacy Road cycle route opened earlier this year, funded through the local transport plan, is part of the network south of the river.

Supplementary Question

What is the budget within the Southern Wye Transport Package for the active travel measures and will this budget be protected against any cost overruns that might occur on the construction of the Southern Link Road?

Response

The budget for the active travel is £8 million and will be used for that purpose. Some of the active travel measures can only be delivered once a weight limit has been placed on the A465. A weight limit cannot be placed on the A465 until the heavy duty vehicles that use it regularly have an alternative route to go on. Until that route has a weight limit on it, the south wye area of Belmont will not be able to have satisfactory arrangements put in place to be able to meet the active travel arrangements that you seek.

Question 13

Ms J Tonge, Hereford

To: cabinet member: infrastructure

Why is the Council debating a compulsory purchase order today when a comprehensive traffic analysis by an independent organisation hasn't yet taken place?

Most traffic entering Hereford will not use a relief road as its local traffic, which drops during school holidays. Provisions need to be made with regard to this. To stop the heavy traffic and lorries from using The Marches as a short cut, so avoiding motorways.

Response

I refer to the response given to public question number 9.

The A49 forms part of the strategic road network for the Midlands managed by Highways England, and as such is an essential element of the region's plans to support economic growth. We cannot implement weight restrictions on heavy vehicles in the city without the bypass.

Question 14

Mr T Geeson, Hereford

To: cabinet member: infrastructure

The Hereford City Centre Transport Package includes delivery of a transport hub, improvements to Commercial Road, Blueschool and Newmarket Street as well as building the new City Link Road. Would the Cabinet member responsible please detail how the £40.6m budget is split between these very different transport elements?

Response

The total cost of the package is £40.6m. This is split between the city link road at £34.1m and £6.5m for the package of complementary measures referred to in the question.

The actual construction of the city link road is less than the original forecast with land acquisition and professional fees above forecast. Taking into account the risk and inflation allowance the scheme comes within the business case budget agreed.

Currently it is predicted the total cost to the council of the city centre transport package (estimated at £40.6m), taking account of the LEP growth fund monies is on target to be £2.3m less than the £27m contribution in the capital programme agreed by Council in February 2017.

The remaining elements of the package (the transport hub, Commercial Road, Blueschool Street and Newmarket Street) are being developed within the budgeted figure of £6.5m to inform a report to cabinet in 2018.

Supplementary question

Given that the Hereford Transport Package has transport in its title and includes the items I've listed, will the cabinet member agree that this is first and foremost a transport scheme and that its success should be judged on that basis.

Response

I take your point. It is a transport scheme and it has been delivered as a transport scheme but it has also been delivered with thinking around the Hereford Area Plan and all of the further capital growth and monies expected in the city to be an area where that capital expenditure incorporates any move for the previous pollution free sustainable travel types I have previously mentioned. Whether it is electric bikes, electric buses, driverless vehicles we will incorporate in the design for the further expansion that type of transport.

Question 15

Ms G Parker, Breinton

To: cabinet member: infrastructure

What basis is the congestion going to decline if the Bypass must accommodate M5/M6 relief traffic and increase freight transport from new enterprise zones along a proposed single carriageway relief road /bypass?

Response

I refer to the response given to public question number 3.

Question 16

Mrs E Morawiecka, Breinton

To: cabinet member: infrastructure

The Planning Inspector for the City Link Road Compulsory Purchase Orders said in his 2014 report, "The scheme has been costed following expert advice, and risk adjustments have been made to both income and cost projections to represent a prudent total scheme cost estimate." However, Cllr Price recently claimed that the £27m budgeted cost for the Road had been a "stab in the dark". Can he justify this claim?

Response

In my view estimates, however educated and well informed, can be referred to as 'stabs in the dark'.

The total budget for the Hereford City Centre Transport Package is currently £40.6m. This is split between the city link road at £34.1m and complementary measures at £6.5m. I fully expect the final actual figures to differ from these estimates – that is normal and to be expected on a project of this scale being developed over a period of time and in accordance with relevant guidance. Any changes will be authorised and reported as they arise. Please also refer to my response to public question 14.

Supplementary question

With the full business case for the Southern Link Road due to be with the Department for Transport in a matter of months, what are the current estimated costs of the Southern Link Road including land purchased under the CPOs and has this been expertly calculated to represent a prudent scheme cost bearing in mind the views of the waste management officer?

Response

At this moment in time there is £27m in the budget for delivery of that road. Until we have gone out and got the procurement, which is part of the decision making of today to set a strategy for procuring a contractor, we shan't have an absolute cost for delivery. There is estimated costs done on industry standard specifications. Normal land transaction costs, we would expect the land costs to be slightly higher because there will be some increasing costs which are I think somewhere I've seen in the last days, however we expect it all to be met within the budget that was set that the business case that was put to the LEP in 2015 came up with the figures.

We have got a budget for land purchase and that is going ahead and at this moment in time we are hopeful to conclude within that budget under negotiated powers that the officers have. We are going into the CPO process to align with the negotiations to ensure that we do it in a timely manner and that will be part of the debate on the agenda item shortly to follow.

Question 17

Mr M Harries, Breinton

To: cabinet member: infrastructure

The report to cabinet refers to the South Wye Transport Package, whose main component is the proposed Southern Link Road. As planned, this has no walking/cycling provision, so where are the transport measures that will promote active travel in South Hereford? This is of particular interest to me as my main mode of travel around Hereford and the local district is bicycle, although I do have access to a car.

Response

The report on today's agenda only addresses one element of the package – namely the road. A further report, scheduled for consideration by Cabinet in December will consider the results of the 2016 consultation on active travel measures which include measures to support and enhance the existing network of cycle and walking routes in the area.

Question 18

Mr A Morawiecki, Breinton

To: cabinet member: infrastructure

The Council is over £2m overspent on its current revenue budget and over spent on major elements of its capital programme. How much has been spent by Hereford Council so far on the "Western Relief Road" and how has this been funded?

Response

The council is not currently overspent by £2m on its revenue budget; that is our currently predicted end of year outturn and action is being taken to bring this projection into line with the budget.

Whilst one project in the capital programme (Blueschool House) had an overspend, there is no overspend of major elements of the capital programme.

The development of the western relief road has taken place over a period of many years, through a number of options appraisals, strategy development and planning. Since the decision to commence work on the by-pass in 2015/16, the council has progressed the development of the Hereford transport package using transport revenue budgets and external grants from both Highways England and more recently Midlands Connect. To the end of October 2017 £2.6m has been spent on the project, funded by annual revenue budgets, reserve funding of £0.6m and external funding contributions of £0.7m.

From the Leader of the Council: I believe that at about this time last year we were projecting a £1.7m overspend for the end of that year and we finished that year within budget, as we have done in each of the five previous years. It is worth noting that our external auditors,

most unusually, chose to describe the financial performance of this council as outstanding given the circumstances under which we work.

Question 19

Mr M Langford, Hereford

To: cabinet member: infrastructure

If as expected 10% to 20% of the M5/M6 traffic uses the improved A49, what are the human health implications to residents of a fivefold increase in fine particulate pollution volumes?

Response

I refer to the response given to public question number 3. There is no evidence to indicate there would be a fivefold increase in fine particulate pollution volumes along the planned A49 route, and government plans to reduce diesel usage will inevitably impact on future modelling.

Question 20

Mrs P Churchward, Breinton

To: cabinet member: infrastructure

Herefordshire Council were given an advance of £1.697million by the Marches LEP for the South Wye Transport Package. Repayment of this loan during this financial year was requested in August 2017. When is this going to be repaid?

Response

The council has not received a loan from the Marches LEP. At the request of the Marches LEP, the council submitted eligible grant claims against its approved allocation earlier than scheduled. No repayment is required.

Supplementary question

What was this funding be spent on?

Response

In full detail I can't say exactly but it is on the work leading up to the point of preparation, design and consultation and all of the work that goes along to prepare a project of this nature and it was spent ahead of the schedule that was laid out as the money that was received by the LEP from the Department of Transport.

Question 21

Dr N Geeson, Hereford

To: cabinet member: infrastructure

Ancient woodlands provide numerous ecosystem services, but are rare in England. In the business case for the Southern Link Road, what economic value has been given to natural landscapes, and unusual habitats and species (for example in ancient Grafton Wood), including the value of their health and well-being benefits?

Response

The business case for the link road is currently being developed in accordance with Department for Transport guidance. Any relevant woodland or landscapes will be valued in accordance with this guidance.

Supplementary question

Mitigation for loss of part of ancient Grafton Wood should seek to recreate a similar habit. The proposed eastern building compound for the new road is the proposed site for this, but disturbed, compacted or contaminated soils are not suitable and doomed to failure. So where can satisfactory tree planting be located instead?

Response

I am afraid as a lay person and not qualified in environmental issues I would take the view that our experts that will be looking into this and it will be part of the delivery of the project that adequate measures are taken to deal with the points you raise. I do have a question about the authenticity of it being described as ancient woodland. At the time that we were discussing this, this was not described as an ancient woodland, this particular woodland at Grafton, at the time. It has since been in the system to be registered as ancient woodland but it wasn't at the time the decision was taken. I do take on board your points.

Question 22

Ms H Vince, Breinton

To: cabinet member: infrastructure

Where are all the new homes being built that the Southern Link Road is supposedly enabling?

Response

The strategic housing sites are shown in the core strategy available on the council's website. Development of these sites is contingent on the by-pass being built.

Question 23

Mr A Elliott, Hereford

To: cabinet member: infrastructure

The 'Parsons Brinckerhoff Woodland Botanical Survey Nov 2014', used in all subsequent planning decisions is verifiably inaccurate in its description of Grafton Wood. Mitigation for the destruction of this ancient woodland cannot be proposed until true diversity has been accurately recorded. P.B. ecologists failed even to spot native Bluebells. How can the council proceed with C.P.O when the cost of mitigation and compensation has not been established?

Response

I refer to the responses given to public questions number 9 and 21.

We have no evidence to suggest the report referenced is inaccurate; it has been considered by Planning Committee in 2016; Natural England were consulted and offered no objection.

Supplementary question

The 2017 report which has only just appeared gives a species count for Grafton Wood of 200 species - this is extremely high, it is not low botanical diversity. They have accepted that there are over 200 species. The two susceptible and local rare species previously unrecorded were important enough to have their own survey. Why did the council not follow its own and national planning guidelines by failing to produce a botanical report at the optimum time of spring and early summer. It has taken three years and decisions were made on false or incorrect information.

Response

I do not have an answer to give to you in relation to the process that we followed at the time of planning. I would just ask if any of the officers have specific answers in this context to give it now or if not a written answer will be provided in due course.

Mairead Lane – the 2014 report referred to was considered by planners, was consulted on with Natural England who offered no objection to the report that was produced. The 2017 report and surveys completed and recently submitted to planners for consideration haven't lead the consultants to change their recommendations from that of the 2014 report. That's being considered by planners and will be consulted on with Natural England again.

From the Leader of the Council: We ourselves are not expert in the field that you are describing. We pass this on to professional companies to give us advice on these things. They do take such advice. They pass it also to Natural England and we acted on their advice. I cannot accept that we deliberately avoided our responsibilities.

Question 24

Mrs C Palgrave, How Caple

To: cabinet member: infrastructure

The Herefordshire Council Core Strategy Infrastructure delivery plan showed that the South Wye Transport Package would be partially funded by developer contributions. With the road enabling new homes and jobs, what is the value of developer contributions secured to date for this road?

Response

As yet no developer contributions have been secured. We will seek such contributions from appropriate developments that may come forward as the project progresses. However the scheme is not dependent on such contributions. An allocation of £27m growth funding has been secured through the Marches LEP and the £8m balance could be met from capital transport allocations; developer contributions secured would reduce the call on those allocations.

Question 25

Mr A Sharp, Hereford

To: cabinet member: infrastructure

Despite the claims of Herefordshire Council, the South Wye Transport Package, including the Southern Link Road, is a standalone project and has to be justified as such. Please provide a breakdown of the detailed financial benefits of this road vs the costs of the loss of rare species, ancient woodland & high grade agricultural land?

Response

The council recognises the South Wye Transport Package is an integral part of the by-pass; however we have always acknowledged it should be assessed as a standalone project in funding terms.

The full business case for the link road is currently being developed in accordance with Department for Transport guidance. This will provide detail of the benefit cost ratio of the project and will be considered by cabinet when the detailed work is completed.

Question 26

Mrs J Priddle, Hereford

To: cabinet member: infrastructure

In order to avoid further extreme overspending, can the Cabinet confirm that construction work on the SLR will not commence on the basis of an “estimated cost”, as with the City Link Road, but rather on an agreed, fixed price for the work, which is normal, best practice in the case of engineering projects?

Response

The city link road construction contract was not let on the basis of an estimate but using the industry standard form of target cost contract. That contract is being delivered within the budget set out in the project business case.

As set out in the report elsewhere on today’s agenda, a procurement strategy will be developed for the southern link road and the most appropriate contract model for the southern link road will form part of that consideration.

Question 27

Ms D Toynbee, Hereford

To: cabinet member: infrastructure

Despite misleading statements from Herefordshire Council, the South Wye Transport Package is a standalone project and has to be justified as such.

The costs of the project are clear: the loss of rare species, ancient woodland, rural landscape and high grade agricultural land. The benefits are less clear. Please would you now provide a detailed breakdown of the financial benefits of the Southern Link Road?

Response

I refer to the response given to public question number 25

I need to consider a written response to your question. I will take on board again and look at your question and give you a fuller answer than what is currently available at this moment in time.

Supplementary question

Why are decisions being made now before we have all the necessary evidence and information?

Response

The decisions made today have been taken with regards to the delivery of this project. The CPO is just a part of the project to move it along. The decisions today are not relevant to any of the things you ask but I will respond to you in writing to the specific questions you ask. Today is about the CPO and the process for procurement of a contractor.

Further information provided following the meeting

The benefits of the South Wye Transport package project have been set out in the strategic outline business case for the scheme. This is available on the council's website by following the link below:

https://www.herefordshire.gov.uk/downloads/file/13070/south_wye_transport_package_strategic_outline_business_case

These benefits were considered strong enough to secure £27m Growth Fund grant from the Department for Transport / Marches LEP to enable the scheme to be progressed including the making of the necessary orders and procurement of contractors to tender for the road scheme. The decision is taken today based on the benefits of the scheme and the full business case will provide further detail of these benefits and the benefit cost ratio of the project.

Question 28

Mr P Chapman, Breinton

To: cabinet member: infrastructure

Herefordshire Council claim that the South Wye Transport Package is a standalone project, and is justified as such. In order that can be clarified please provide a breakdown of

1. detailed financial benefits of this road vs risks to the Herefordshire economy
2. quantify costs of the loss of rare species, ancient woodland & high grade agricultural land, including the projected loss to the Herefordshire economy of managed agricultural land.

Response

I refer to the response given to public question number 25.

I will provide a written answer.

Supplementary question

I am very surprised in the linkage that you have made between this project and the by-pass in general and you have said that detailed work has not yet been completed on these business costs, how can you make a decision today?

Response

The issue of the full business case, you or I as lay people we might consider a business case is something you prepare at the start of a project. In the case of major government sponsored and funded capital projects, the full business case is ongoing until the delivery of the project. Within it all of the points you raised will be addressed as that business case goes through. Further details will be included in the written answer.

Further information provided following the meeting

The benefits of the South Wye Transport package and the Hereford Transport Package have been set out in the strategic outline business case for each of these projects. These are available on the council's website by following the links below:

https://www.herefordshire.gov.uk/downloads/file/13070/south_wye_transport_package_strategic_outline_business_case

https://www.herefordshire.gov.uk/downloads/file/13069/hereford_transport_package_strategic_outline_business_case

The benefits of the South Wye Transport package were considered strong enough to secure £27m Growth Fund grant from the Department for Transport / Marches LEP to enable the scheme to be progressed including the making of the necessary orders and procurement of contractors to tender for the road scheme. The decision is taken today based on the benefits of the scheme and the full business case will provide further detail of these benefits and the benefit cost ratio of the project.

The projects must progress to enable the full business case for each of these projects to be developed. The full business case needs to demonstrate that consents are in place to deliver the road and this decision will enable the necessary statutory orders for the SLR to progress.

Question 29

Ms H Priday, Breinton

To: cabinet member: infrastructure

Can the Cabinet explain why CPOs are going ahead when there is no evidence to show that the building of the Southern Link Road will improve the congestion of traffic in Hereford City?

Response

I refer to the responses given to public questions numbers 1 and 9.

I would again say that the southern link road is linked to the bypass and the two together will bring a relief to the congestion of traffic in Hereford City.

Supplementary question

Presumably as this is ongoing, can the cabinet member please point me to where I will find the evidence either in the outline business case or elsewhere, that the construction of the Southern Link Road will reduce traffic congestion in the city?

Response

I will prepare links to places where you will be able to find it and give it to you in a written answer.

Further information provided following the meeting

A transport assessment document was one of a suite of documents submitted as part of the planning application for this scheme and this can be found on the council's website by following the link below. This sets out the traffic benefits of the scheme.

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=151314&search=southern%20link%20road

Question 30

Mr B Wallace, Breinton

To: cabinet member: infrastructure

By how much will my council tax increase to fund the estimated cost of the South Wye Travel Package Route until its completion and beyond to pay back loans taken out to fund it?

Response

I refer to the response given to public question number 24.

No loans have been taken out to date, and it is currently anticipated that no borrowing will be required. It is expected that the scheme will be funded by government grant and developer contributions and in that case there will be no impact on council tax levels arising from this project.

COUNCILLORS QUESTIONS TO CABINET – 16 November 2017

Question 1

Councillor PP Marsh

To: cabinet member: contracts and assets

How can the proposal to massively reduce disposal at Council sites by St Michaels hospice be sensible given the many tonnes of county resident's waste they reuse and recycle through their shops and their major local contribution to the wellbeing of vulnerable county residents and their families?

Written response provided by cabinet member

The case for placing limits on the number of free waste deposits Herefordshire based charity shops may make in any year is fully explained in the decision report on the council's website and took account of feedback received during consultation.

The highly valued work of St Michaels Hospice, and the many other charities operating charity shops in the county, is not in question. However, to address the impacts of the phased removal of central government funding, the council must consider generating income in accordance with its charging principles. The new permit scheme will enable St Michaels hospice to make use of 48 free waste disposals a year; this new limit will be phased in over a period of three years.

