

**Minutes of the meeting of Cabinet held at Three Counties Hotel,
Belmont Road, Belmont, Hereford, HR2 7BP on Thursday 24
June 2021 at 2.30 pm**

Present: Councillor David Hitchiner (chairperson)
Councillor Liz Harvey (vice-chairperson)

Councillors: Felicity Norman, Ellie Chowns, Pauline Crockett, Gemma Davies,
John Harrington, Diana Toynbee and Ange Tyler

Cabinet Support Members in attendance	None
Group Leaders and representatives in attendance	Councillors Elissa Swinglehurst, Jonathan Lester, Bob Matthews, L Tyler, M Lane, R Allonby and William Wilding
Scrutiny chairpersons in attendance	Councillors Jonathan Lester and Elissa Swinglehurst
Officers:	Chief Executive, Interim DCS, Acting Deputy Chief Executive, Acting Deputy Chief Executive (S151), Director for adults and communities and Interim Head of Legal Services, Head of Care Commissioning, Acting Assistant Director, Highways, Head of Transport and Access Services

9. APOLOGIES FOR ABSENCE

There were no apologies from members of the cabinet.

10. DECLARATIONS OF INTEREST

None.

11. MINUTES

Resolved: That the minutes of the meeting held on 3 June 2021 be approved as a correct record and signed by the Chairperson.

12. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 10)

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

13. QUESTIONS FROM COUNCILLORS (Pages 11 - 14)

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

14. HEREFORD TRANSPORT STRATEGY

The cabinet member for infrastructure and transport introduced the report

The head of transport and access services presented the report, details of which are outlined in the agenda pack.

In discussion of the report, the cabinet members noted that:

1. A new river crossing could take up to 8 years. One of the tasks would be to look at the programme and to identify work which could be brought forward. The aim would be 5 years, subject to this piece of work being undertaken
2. There were statutory processes to undertake which were not in the control of the council with regard to the new river crossing so the timetabling had taken a cautious approach.
3. There was now additional in-house capacity so other measures could now move with more pace rather than rely on consultants.
4. The school traffic was a major cause of congestion and funding had been identified to help with school travel plans and communications.
5. It was anticipated that as restrictions further eased, people would start to use buses more.
6. There were new regulations which allowed councils to work with bus providers.
7. There was a commitment to ensure that all transport projects had a detailed climate assessment undertaken.
8. There had been a motion at council which had broadly agreed a move to 20mph in all residential areas so there was a request that this was followed through as this lower speed reduced accidents and deaths.
9. There should be consultation with equality groups within the county, e.g. women's equality group.
10. There would be a need to identify public toilets so that there were sufficient numbers.
11. There needed to be consideration for better signage for travel around the city.

Group Leaders and representatives were invited to present their views and queries from their group. It was noted:

1. The commitment to the active travel measures and school travel plans were welcomed.
2. The improved connectivity between the A49 and A465 was positive.
3. Improved infrastructure between Bridge Sollars and Belmont may also take traffic out of the city.
4. There were mixed views on the river crossing. It was accepted that there was a need for resilience with an additional river crossing. It was also commented that an Eastern crossing may encourage more through travel.
5. In order to bid for capital funding from government, there would need to be a business plan and this would now be developed.
6. The effective use of the bus network was noted but there would be a need to understand the long term revenue impact for the council.
7. If there was more capacity to travel in different ways, there will be a reduction in traffic congestion.

RESOLVED that:

- (a) Cabinet confirms its priorities for progressing the Hereford Transport Strategy and allocates £1.24m one off revenue funds for 2021/22 as follows:**
- i. **£300k to progress feasibility and design for safer routes to school infrastructure schemes;**
 - ii. **£150k to develop a cycling and walking masterplan for the city;**
 - iii. **£90k to support a clear communications campaign and encourage more people to walk, cycle and use public transport and also supporting covid recovery;**
 - iv. **£400k to progress the eastern road link and river crossing; v. £100k to support the updating of the local transport plan; and**

- vi. **£200k to fund delivery director and project management support to ensure delivery of this programme at pace.**
- (b) **The additional transport proposals outlined in paragraph 13 be noted as providing potential benefits and that a budget of £250k from the Settlement Monies Reserve is allocated to fund the business case development, feasibility work and community support to assess the benefits and determine which projects should be taken forward and inform future decision making.**
- (c) **The Delivery Director in consultation with the cabinet member for transport and infrastructure and the chief finance officer is authorised to take operational decisions associated with the commissioning of technical support required to deliver proposals and activities determined by cabinet under recommendation (a and b).**

15. COVID 19 RECOVERY PLAN

The Leader of the Council introduced the report, details of which are set out in the agenda pack.

In discussion of the report, the cabinet members noted that:

- The recovery plan was positive and would build resilience.
- There would be health, environment and economic benefits.
- The current situation is affecting people's mental health and addressing issues as part of this recovery plan would assist.
- It was a good plan where each part reinforced the other.
- TalkCommunity would be expanding which would also support the plan.

Group Leaders and representatives were invited to present their views and queries from their group. It was noted:

- The recovery plan and the spending of the money was welcomed.
- The general scrutiny committee had looked at some length at the council's response to the pandemic and recommendations would be forthcoming.
- Tourism was important to Herefordshire. The sector was performing well and there was an opportunity to put Herefordshire on the map.
- There was a proposal to hold an economic summit over the summer for business leaders and the recovery plan could be used as a catalyst.
- There was a need to keep putting an emphasis on looking after the Herefordshire environment.

RESOLVED that

- a) **The Covid 19 Recovery Plan 2021/22 is approved, implementing up to £6.144m of Covid 19 funding to deliver the immediate actions required to enable short term economic, community wellbeing and organisational recovery; and**
- b) **The Director of Economy and Place, Director Adults and Communities, Director Children and Families and Director of Public Health be authorised to take all operational decisions to implement recommendation including, but not limited to, the procurement and commissioning of the identified projects (as set out in the detailed action plan in appendix A).**

16. **NEW ARRANGEMENTS FOR COMMISSIONED HOME CARE.**

The cabinet member for health and adult wellbeing introduced the report.

The head of care commissioning presented the report, the details of which are set out in the agenda pack.

In discussion of the report, the cabinet members noted that:

- There had been consultation with the smaller care providers. None had indicated that these new arrangements would impact on their business. These businesses did have a large numbers of self funders so the council was not their primary contract.
- There were safeguards in place to ensure that customers' eligible needs are met.
- Technology enabled living was not about replacing carers, but was to complement the customers' needs. The technology would be for the carer as well as those receiving care.

Group Leaders and representatives were invited to present their views and queries from their group. It was noted that the new commissioning arrangements were welcomed.

The adults and wellbeing scrutiny committee had scrutinised the arrangements. The committee had noted and praised the directorate for their engagement with the providers. It was noted that all the scrutiny committee recommendations had been accepted by cabinet. It was further noted that a self-funders' action plan would be forthcoming.

Resolved that:

- a) A framework for the purchasing of commissioned home care services be introduced from 1 November 2021;**
- b) The duration of the framework will be four years with the option to extend for a further 12 months;**
- c) Applicants admission to the framework will be determined via competitive tender;**
- d) The director for adults and communities is authorised to take all operational decisions necessary to implement the above recommendations.**
- e) That cabinet approves the response to the scrutiny recommendations in Appendix 2**

The meeting ended at 4.34 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 24 JUNE 2021**Question 1****Mr D Hill, Leominster****To: cabinet member, finance, corporate services and planning**

It has now been over 18 months since Natural England advised Herefordshire Council in July 2019 that the approach to allowing proposals that would increase phosphate levels in the Lugg catchment of the River Wye SAC was to be reviewing, effectively 'holding' all Planning Applications in the Lugg catchment.

Could the member advise how many planning applications Herefordshire Council are currently 'holding' and why the Planning Department are not determining these applications? There is no good reason to hold applications under the NPPF, noting paragraph 177, and the Development Management Procedures Order, as amended?

Response

There are 82 planning applications that cannot currently be determined in the River Lugg catchment for 1650 proposed dwellings. The reason for this is because Natural England have advised that they will object to any appropriate assessment supporting an application that will negatively impact upon the ecology of the River Lugg, in accordance with the Habitats Regulations. This follows a recent judgement referred to as the Dutch Case, which establishes UK case law and therefore Natural England's position on this. For Herefordshire Council to ignore such advice from a key statutory consultee would be dangerous and leave the local planning authority open to legal challenge, therefore unless the application can demonstrate that the development proposal is either phosphate neutral or provides betterment, it cannot be positively determined by the council.

Paragraph 177 of the NPPF confirms that the '*presumption in favour of sustainable development*' does not apply where the project is likely to have a significant effect on a '*habitats site*', such as the River Lugg Special Area of Conservation. Here, Natural England have to date objected to any appropriate assessment where the findings shows that the application may adversely affect the integrity of the habitat – which will be the case for most housing developments in the River Lugg catchment area and encompasses other types of proposals, including intensive agriculture due to manure application to the land.

Officers are working tirelessly to find a way forward by constructing wetlands adjacent to key village sewage works to remove phosphate entering the river and this is work very much in progress which the Council is financing through reserves. This is because we recognise the impact this has on both the communities as well as the ecology of the river itself.

I would also like to point out that the actual condition of the river is a matter for the Environment Agency, Natural England and Natural Resources Wales to regulate, rather than the local planning authority.

Question 2

Ms J Suter, Leominster

To: cabinet member, infrastructure and highways

I return to the question of the state of the pavements/streets of Leominster Town. Passing the buck to “reduced investment” does not cut it with me. I can only assume you travel the town by hovercraft! Your reply to my previous question stated that you regularly inspect and repair as necessary. Can I ask when and where the most recent and satisfactory repairs have been made. The “repairs” carried out in West St. have not lasted and the road is as bumpy and uneven as ever. The turning from High St into Corn Square via Victoria St is appalling. Money continues to be spent on unnecessary “improvements” to increase tourist trade but will people really come to our town to look at new waste bins and signage when everything else is so run down. I know the money came from a grant but that money came from us the tax payers it did not materialise out of thin air! Don’t blame the government for everything you cannot continually ignore problems and hope they will resolve themselves.

Response

Thank you for your question. I can tell you I don’t have a hovercraft but appreciate the point you make. I am afraid that the serious reduction in funding from central government has hugely impacted our budgets as a Council and our ability to do the maintenance on our roads and paths that we would like to do – this is not passing the buck, this is a cold hard reality. The government used to support authorities much more strongly (and fairly) in the past but since 2010 have pursued a policy of reduction in government grants to authorities like us. One important grant, The Revenue Support Grant, has been reduced from over £60 million a year in 2010 to approx. £600k this year and our road network and this reduction contributes to our roads and paths falling further and further into a state of disrepair. What precious funding we do have, we need to spend wisely and on a safety matrix laid out in our Highway Maintenance Plan which adopts the national code of practice advocated by the Department of Transport. . The busiest areas of Leominster town centre are inspected for safety on a monthly basis in line with national best practice. The resulting repairs are aimed at keeping these streets safe. I will provide a full list from the latest safety inspection.

What those safety repairs cannot do is address the underlying deterioration in the condition of these streets. It is no surprise that the pavements of Leominster have deteriorated with age, these streets are getting close to the end of their lifecycle. Without a substantial and sustained increase in the funds that we have available to maintain our roads, it will become ever more difficult and costly to make safety repairs.

I agree, the problem will not solve itself, we are not ignoring the issue but are working as a Cabinet and with Government departments to identify all available resources (such as the recently secured Heritage Action Zone grant) and focus them in a way that will have the greatest positive impact on the overall condition of our highways, over time.

It would help us as a Council and residents of Herefordshire if you could lobby your MP to fight for fairer funding for our county and a return to the funding streams we had prior

to 2010 which enabled us to maintain our county infrastructure to a much more satisfactory standard.

Question 3

Mr M Willmont, Hereford

To: cabinet member, commissioning, procurement and assets

Will the appropriate Cabinet Member explain why the Council continues to pay for scaffolding at the above [Jacobs Court, Commercial Road] privately owned building, how much it has cost to date, when it will end and will we get the money back?

Response

Jacobs Court has a long convoluted history. It has been approx. 10 years since the structure was deemed dangerous and scaffold erected, to protect the structure and glazing, which has remained in situ ever since.

Due to their historically being no resident management company the tower and communal areas fell to the crown. Due to concerns over the deterioration of the scaffold and the health and safety requirements monthly scaffold inspections were commissioned in 2015 at a cost of £400 + vat pcm ((£400x 12) 6years = £28k.)

There is a charge on the property in relation to the dangerous structure and the initial cost of the scaffold erection of (£32 890 + vat) which we hope to use as a mechanism to recoup the ongoing expenditure.

We are now currently in talks with the newly reformed residents management company to try and resolve this, which we hope will finally end the ongoing costs.

Question 4

Dr N Geeson, Hereford

To: cabinet member, infrastructure and highways

Every cyclist is likely to be one fewer car, with no emissions, and no road congestion. So, promoting cycling must be a priority. I read about Cycle schemes for St Owen Street, Holme Lacy Road, Aylestone Hill to be delivered 2021/22, but wonder what else could also be achieved rapidly, with segregation barriers and judicious imagination. I would love to ride my bike into town from Kings Acre, but cannot find a complete safe route. Being overtaken very closely on Kings Acre Road while also avoiding putting a wheel down a drain is too terrifying. Closer to town, the back streets around Whitecross are navigable, but then there is nowhere obvious to cross the A49 and ride safely to the town centre. What can be done to provide some of the key missing cycling connections much more quickly?

Response

Following the adoption of the Hereford Transport Strategy we will progress at pace the development of a cycling and walking masterplan for the city, whilst continuing to assess in parallel what practical measures that could be implemented for quicker results. We will have, if the decision taken by the Cabinet supports this, a significant increase in precious revenue which will allow us to collate the information needed and to control that process more tightly than we traditionally have done. This revenue will support extra Herefordshire Council staff who are experienced in project management and delivery and will provide much needed support to our existing teams. The Kings Acre/Whitecross road route into the central area referred to in your question is a priority because the demand for a good east west cycle route is high and good east west routes are not easily found in the City. The aim of the masterplan work will be to set out a pipeline of schemes to support funding bids to government by the end of the current financial year.

This financial year we also anticipate recommencing detailed work for the delivery of the transport hub and public realm improvements on Commercial Road and Blueschool Street to improve integration between rail, bus and active modes, as well as completing cycle schemes on St Owen Street, Holme Lacy Road and Aylestone Hill.

We have also been in discussion with Highways England through its designated funds programme to look to secure funding and support for improved crossings for pedestrians and cyclists along the A49 corridor through the city. We will continue to pursue this funding opportunity and our masterplan, even in early draft stages, will help us to make coherent and attractive bids for capital funding from government agencies and departments.

Question 5

Mrs. V Wegg-Prosser, Hereford

To: cabinet member, infrastructure and highways

Reference agenda item 6, Hereford Transport Strategy, my question concerns Table 1, Packages A and B, committed transport allocations for 2021/22, and the railway station hub. This is part of the fully-funded Hereford City Centre Transport Package. Its business case was agreed in November 2015, its City Link Road was built, but its essential Sustainable Transport Measures have yet to be implemented as regards the transport hub. Since 2009 English Heritage (now Heritage England) have been shocked by the Council's failure to proceed with an upgrade of the transport options at the railway station. It is truly shaming. What scope is there for hastening the construction of this hub using additional monies from the Stronger Towns fund and the national bus strategy revenue/capital source, as well as from the minimal sum of money mentioned in this Report?

Response

This administration is committed to progressing delivery of these capital projects. We are currently increasing resource and capacity to accelerate the delivery of key projects such as the transport hub.

The transport hub already has capital funding in place to progress as part of the Hereford City Centre Package. A report is due to be considered by cabinet in July to confirm the next steps to progress the initial design, consultation and construction costing for the Transport Hub and public realm on Commercial Road, Blueschool St and Newmarket St.

Problems we have inherited from the last administration, which will be discussed in detail at cabinet in July, make it extremely likely that we will need to seek to secure additional capital funds in order to deliver the package. We shall know better the scale of these additional funds when we have confirmed detailed costs and designs for the outstanding projects.

Supplementary Question

Thank you for this response to my question.

I note in your reply to Q 4 that you “anticipate recommencing detailed work for the delivery of the transport hub” and yet in your reply to my Q5 you indicate that “additional capital funds” may be required for this purpose. I asked if the Stronger Towns and national bus strategy Funds could be accessed to speed up delivery of the transport hub. Can you confirm that such funds will not be accessed to finance previous overcosts on the City Link Road element of the HCCTP, and that remaining sums of money earmarked for the transport hub from the original £40m HCCTP budget will also not be accessed for that purpose?

Response

The short answer is that we will have to reassess the budget. We won't be accessing the funds that she's referenced but we will have to do a piece of work which we're doing now to understand where the budget lies as I indicated in that reply there'll be a separate report coming shortly to cabinet to fully explain the situation in regards to the city centre transport package and part of that will explain what budget is left and where we will have to seek further funding but we are utterly committed to delivering the transport hub, improvements to Commercial Street, New Market and Blue School Street and all the other outcomes identified in that package

Question 6

Mrs E Morawiecka, Hereford

To: cabinet member, infrastructure and highways

The detailed cost analysis of the Hereford Transport Strategy is to be welcomed and shows exactly the funding needed for different transport elements and modes. This is much clearer to control budgets and assess Value for Money than the previously

aggregated transport schemes, such as the Hereford City Centre Transport Package, where the City Link Rd was merged with projects where money had been allocated for public realm, cycle infrastructure and a transport hub. With Active Travel schemes delivering wide benefits around health, wellbeing, independence, environment, economic and climate and giving higher dividends than new road schemes, it would be helpful in understanding the benefits of each of these options as well as their costs. Where are the detailed benefits of each of the options to be found please?

Response

The impacts (beneficial and adverse) of different transport options and packages of options were considered during the Hereford Transport Strategy Review to enable cabinet to determine its preferred overall strategy.

Package A, which comprised the active travel options, was assessed as having mainly large beneficial impacts across the 4 key objectives – climate emergency, economy, environment and society. This can be seen in the technical report at appendix 1 of the cabinet papers. The radar diagram on page 75 of the report provides a visual indication of performance and page 76 summarises the impacts.

All of the options considered in the Review were assessed individually and the details of the assessment outcomes are set out on pages 101 to 118 of the technical report.

COUNCILLOR QUESTIONS TO CABINET – 24 JUNE 2021

Question 1**Councillor Yolande Watson, Kerne Bridge Ward****To: cabinet member, finance, corporate services and planning**

How much money has been spent to date in renting out venues and equipment (including technology and plastic barriers) to ensure Councillors are safe to vote following the High Court Ruling. Please include the unseen expenses, e.g. the opportunity cost on staff time spent putting these measures in place.

Response

From 7 May 2021, the Covid 19 regulations that allowed public committees to take place virtually came to an end. Physical meetings resumed with appropriate social distancing and other measures to protect those attending.

In the early phases of planning for a return to physical meetings we were juggling several issues including:

- not having access to Shire Hall for the foreseeable future due to damage to the building and therefore needing to book up a suitable venue for the next known number of meetings of Council, Planning and Cabinet - our three big committees;
- knowing that Zoom won't work in a physical setting without some form of technological intervention (i.e. at least one fixed camera/PA/microphone system) we would not be able to live stream or record meetings.

Estimates for PA services were as high as £2,300 per meeting with costs of £270 half day and £360 full day hire of suitable meeting venues. We had 7 known council meetings running forward to May 2022 – so it was possible to quickly arrive at potential costs in excess of £40k, based on these numbers.

These projected costs justified an in-house investment in IT and audio equipment to avoid greater bought-in service costs after the first few meetings. A larger scale, long-term IT solution will be needed for our largest meetings and research is underway to ensure that any additional equipment purchased will also meet the council's needs when we return to hold meetings in the Shire Hall again.

To date, the council has spent the following amounts on venue hire, the hire of audio visual equipment/services and on the purchase of additional cameras and microphones.

Cost incurred:	Cost (Exclusive of VAT)
Hire of Venue	£1202.50
Hire of Audio and Visual Equipment and support services	£3935
Purchase Of PA Equipment	£946.16
	Total Cost: £6083.66

No additional expense was incurred as a result of providing Covid 19 screens, personal protective equipment (PPE) as this has been provided from the council's existing supplies.

Some additional staff time is required for set-up and clearing away of meetings, principally, in the form of running the camera/microphone and live streaming systems and ensuring PPE equipment is available and securely stored. To quantify the additional time spent, principally by democratic services, is as follows:

Smaller meetings – e.g. Audit and Governance, Scrutiny.

1. Set-up: name plates and Covid 19 security/safety – 2 X's DSO @ 1hrs = 2hrs
 2. During the meeting – clerking and live streaming – 2 X's DSO @ 3 hrs = 6 hrs
 3. After the meeting – packing away PPE- 2 X's DSO @ 1hrs = 2hrs
- Total: 10hrs per meeting**

Larger meetings – e.g. Full Council, Planning and Regulatory

4. Set-up: name plates and Covid 19 security/safety – 2 X's DSO @ 2hrs = 4hrs
 5. During the meeting – clerking and live streaming – 2 X's DSO @ 3 hrs = 6 hrs
 6. After the meeting – packing away PPE/Covid screens - 2 X's DSO @ 2hrs = 4hrs
- Total: 14hrs per meeting**

Normal practice would be to deploy just one DSO for meeting prep, attendance. This, effectively, represents a doubling of staff time per public meeting held.

As meetings are currently being held in non-council premises, there may be additional custodian staff time required for meeting set up and transportation of equipment. No costs have been incurred as of yet, but a £20 hourly rate will be applied if such services are required for future meetings.

Question 2

Councillor William Wilding, Penyard Ward

To: cabinet member, infrastructure and highways

In reference to package A - the active travel measures could you tell us when specific parts of this programme will be operational. In particular, with school travel plans. When will we actually see measures introduced to encourage an increase in students using public or school transport and with the 'Behaviour Change Programme', can you indicate what a comprehensive campaign would include and begin.

Response

The expansion of school travel plan support to cover market towns will be funded by the government's Capability Fund which should be confirmed by the end of June. On this basis we would expect to commission consultant support and be able to support schools to review and update their travel plans from September onwards through the year. This funding is also due to support a walk to school programme promoting walking for Hereford and market town schools.

A number of active travel measures are already progressing and these will inform the range of activities which schools can benefit from including:

- Pedestrian training for primary school children
- Bikeability cycle training – includes in school training, holiday activities and adult cycle training
- School travel grant scheme (schools can access funding cycle and scooter parking)
- School e-cargo bikes – As part of the Towns Fund we purchased 27 e-cargo bikes which are designed for commuting to school. Here we will be offering these on trial, free of charge to schools or directly to parents, to encourage behaviour change. If parents are keen to permanently purchase a bike themselves we aim to help facilitate that by, for

example, amongst other avenues, working with them and low or no interest loan providers.

Encouraging students and other riders back onto public transport will form part of the campaign to encourage behaviour change and support the recovery from covid. We will need to develop the messaging around this with regard to the government guidance on social distancing and will look to coordinate with government's planned national campaign to encourage people to get back on buses which was announced in the National Bus Strategy. Our intention will be to commission the support to develop and deliver this campaign as soon as possible following cabinet's determination.

Supplementary Question

Thank you for your answers.

I welcome the news on school transport and behaviour change.

Like us the vast majority of councils have declared climate emergencies and developed plans to get to zero carbon, but only 3 or 4 have clear and obvious links to these plans on their websites.

Sadly Herefordshire is not one of those. So, can we have assurance that the need to communicate to residents our commitment to zero carbon is of the utmost importance, because it leads to behaviour change.

Can I request that we insist on clearer and more obvious links and regular top banner headlines on the council website. Can I also ask that we plan a big push later this year when COP26 happens.

Response

Thank you Councillor Wilding for your question and I can confirm that a paper will be coming to Cabinet I hope at the end of July which will make proposals for the use of the climate reserve including setting aside funding for a major communications campaign so watch this space on that and I agree with you that very strong county-wide messaging on the need for urgent climate action will be important in line with the upcoming conference in Glasgow at the end of the year

