

Minutes of the meeting of General scrutiny committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Monday 19 July 2021 at 10.15 am

- Present:** Councillors Jonathan Lester (Chairperson), Sebastian Bowen, Louis Stark, David Summers and William Wilding
- In attendance:** Councillors Ellie Chowns (Cabinet Member - Environment, Economy and Skills, Vice-Chairperson of Employment Panel and Group leader for the Green Party), Gemma Davies (Cabinet Member - Commissioning, Procurement and Assets) and David Hitchiner (Leader of the Council)
- Officers:** Ben Baugh (Democratic services officer), Ben Boswell (Head of environment, climate emergency and waste services), Sarah Buffrey (Democratic services officer), John Coleman (Democratic services manager), Matthew Evans (Democratic services officer), Guy Goodman (Deputy solicitor to the Council), Rachael Joy (Interim programme director - waste initiative) and Neil Taylor (Interim director of economy and place)

10 APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bowes and Durkin.

11 NAMED SUBSTITUTES

No named substitutes were present.

12 DECLARATIONS OF INTEREST

No declarations of interest were made.

13 MINUTES

The minutes of the meeting held on 11 June 2021 were received.

Resolved: That the minutes of the meeting held on 11 June 2021 be approved as a correct record and be signed by the chairperson.

14 QUESTIONS FROM MEMBERS OF THE PUBLIC

No questions had been received from members of the public.

15 QUESTIONS FROM COUNCILLORS

No questions had been received from councillors.

16 UPDATE ON EXECUTIVE RESPONSE CLARIFICATIONS TO THE COMMITTEE'S WASTE MANAGEMENT STRATEGIC REVIEW AND THE REVIEW OF THE CLIMATE AND ECOLOGICAL EMERGENCY

The chairperson explained that, on 26 April 2021, the general scrutiny committee received an update on the executive responses to recommendations made in relation to the committee's waste management strategic review and the review of the climate and ecological emergency

(minute 62 of 2020/21 refers). At that meeting, the committee made seven further recommendations on waste management and eleven further recommendations on the Climate and Ecological Emergency. It was noted that decision notices for the executive responses to the further recommendations were published on 16 July 2021; the related documents were circulated in a supplement to the agenda for this meeting.

Waste management strategic review

The head of environment, climate emergency and waste services provided an overview of the executive responses. Questions and comments were invited from committee members, and responses were provided by the attending officers and the cabinet member - commissioning, procurement and assets. The principal topics of discussion included:

- a. Members of the former task and finish group were to be briefed on the new integrated waste management strategy, with a report due to be considered by cabinet on 29 July 2021. It was noted that the litter review task and finish group would need to be conscious of relevant linkages to the strategy in its own work.
- b. It was confirmed that consideration was being given to the current partnership with Worcestershire Council and any future joint working arrangements with neighbouring authorities. It was also confirmed that a waste communications officer had been appointed recently.
- c. The importance of contract monitoring in terms of the destination of waste collected for recycling and the need for further communications with residents about getting waste into the right place.
- d. There was a discussion about the potential for additional communications around identifying, separating and preparing materials for recycling; such as educating people to inform their purchasing choices and the use of visual guides on waste bins.
- e. It was confirmed that consideration was being given to increased reuse provision at household recycling centres (HRCs).
- f. It was acknowledged that the current booking system ensured that HRCs could only be used by Herefordshire residents but it was suggested that there should be greater flexibility in terms of access, especially during lower levels of demand.
- g. Comments were made about the need for the unified waste strategy to put the resident at the heart of it, in order to help them to reuse, repair and recycle. Reference was made to the national resources and waste strategy and the need to refine the approach locally to simplify and communicate key messages.
- h. There was a discussion about the waste generated by small holiday let businesses, including the current requirement to use plastic sacks. An overview was provided of the rules and regulations associated with commercial waste. It was commented that the council should help small businesses to comply with the objectives of the strategy and any issues with national legislation should be highlighted to the government.
- i. It was noted that suspected contaminated land should be reported to enable the council to carry out its duties under the Environmental Protection Act as necessary.
- j. The committee was advised that the current contract provided the ability for the contractor to landfill a maximum of 22%. The new strategy would contain a target of no more than 1% of municipal waste to be sent to landfill from 2025 and zero waste to landfill by 2035. It was suggested that there was a need to reflect upon learning and examine how

contracts could include sufficient flexibility, with appropriate review points and break clauses, to enable adaptation to changing circumstances without impacting upon commercial viability. It was also commented that the performance of contractors needed to be monitored and managed properly.

Climate and Ecological Emergency (CEE)

The head of environment, climate emergency and waste services provided an overview of the executive responses. Questions and comments were invited from committee members, and responses were provided by the attending officers and the cabinet member – environment, economy and skills. The principal topics of discussion included:

- k. It was reported that the re-thinking governance working group was reviewing the scrutiny committee structure and this may include a new committee focused on environmental issues.
- l. It was commented that more needed to be done in terms of the immediacy and profound challenges being faced. It was suggested that, rather than reporting through the scrutiny structure, there should be a standing advisory panel reporting directly to the executive.
- m. Attention was drawn to the executive response to recommendation 11 which rejected the development of a county-wide policy concerning the use of article 4 directions for the suspension of the general permitted development order relating to temporary events involving off-road motorsports. There was a discussion about the purpose and application of article 4 directions, and national guidance. Committee members considered that there was a need for the council to explore the potential to use this process to prevent environmental or ecological harm, albeit in a more specific and targeted way.
- n. It was considered that the council's website homepage rolling banner should reference the CEE explicitly and as soon as possible, with links to relevant information and resources.
- o. It was reiterated that issues with national legislation should be highlighted to government, including the view that the general permitted development order was too permissive and limited the ability to control potentially harmful activities. It was commented that the Local Government Association might be prepared to support the council on this matter. It was requested that the draft letter be circulated to committee members.
- p. It was suggested that the experiences of other local authorities could inform the council's own approach to article 4 directions.
- q. Comments were made about the challenges in terms of resourcing and prioritising planning enforcement activity, and keeping local people informed.
- r. It was suggested that the standing panel could consider whether the planning system was fit for purpose for dealing with the CEE.

The committee then reviewed and refined draft recommendations, and agreed the following resolution. It was noted that the executive responses to the additional recommendations could be brought back through the committee's work programme item, rather than as a separate agenda item, in due course.

The members of the former task and finish groups were commended for their dedication and hard work on these reviews.

Resolved:

Waste management strategic review

- 1. That the executive consider additional communications, such as visual guides on waste bins, to help residents to understand the different waste types that can be recycled and how to clean and separate materials properly.**
- 2. That the executive be encouraged to review the booking system for household recycling centres to enhance flexibility of use and access by the public.**
- 3. That the executive be asked to explore options for the treatment of waste from small holiday let businesses.**
- 4. That the executive be encouraged to examine how contracts can remain commercially viable but include sufficient flexibility to enable adaptation to changing circumstances.**
- 5. That it be recommended to the executive that the unified waste strategy puts residents and small businesses at the heart of it.**

Review of the Climate and Ecological Emergency

- 6. That, given the pressing and profound challenges facing the County from climate and ecological change, the executive urgently consider setting up a Climate and Ecological Emergency (CEE) standing advisory panel directly advising and supporting them and ensuring that the executive deliver our commitments to the Council's declared CEE. That this CEE standing advisory panel be responsible for keeping the appropriate scrutiny committee abreast of progress and thus enabling the executive to be held to account on progress on the CEE.**
- 7. That the general scrutiny committee believes that having signed up to our Climate and Ecological Emergency (CEE) that further action needs to be taken across Herefordshire to stop activities that are further damaging our environment and ecology and recommends:**
 - i. That the executive be invited to explore more fully those permitted development rights which could be subject to Article 4 direction;**
 - ii. That the executive be encouraged to write to the government and the Local Government Association to suggest that the General Permitted Development Order should be reviewed in terms of the potential environmental or ecological damage that some permitted activities can make; and**
 - iii. That the standing panel be invited to consider whether the planning system is fit for purpose for dealing with the CEE.**
- 8. That it be recommended to the executive that a banner about the Climate and Ecological Emergency, with appropriate links to relevant information, is displayed permanently on the council's webpages.**

17 COMMITTEE WORK PROGRAMME

It was reported that committee members had met informally on 12 July 2021 to discuss the work programme. The committee considered the outcomes of this session and prioritised items

of business for future meetings, including an additional meeting on 10 August 2021 for the pre-decision call-in of the forthcoming decision 'Freehold disposal of the Town Hall, St Owen Street', and agenda items for the following meeting on 13 September 2021.

There was a brief discussion about how the re-thinking governance proposals for the scrutiny committee structure could impact upon existing and emerging work programme items. It was considered that there was a need to prioritise future scrutiny activity on the New Model Institute for Technology and Engineering (NMITE) and on the Hereford City Centre Transport Package (HCCTP).

A draft scoping statement for the litter review task and finish group was considered, including the scope of the activity to be undertaken, the membership, chairperson, timeframe, desired outcomes and what will not be included in the work. It was reported that Councillor Bowes had suggested the inclusion of two co-optees from local litter picking groups and this was supported by the committee.

Resolved: That:

- a) **the work programme, as amended, be approved to include:**
 - i. **in accordance with Constitution paragraph 4.5.90, pre-decision call-in be undertaken of the forthcoming decision 'Freehold disposal of the Town Hall, St Owen Street' and an additional meeting be arranged on 10 August 2021 to examine the issues around it;**
 - ii. **agenda items on the Maylord Orchards shopping centre and on the disposal of the Holme Lacy school site be considered at the meeting on 13 September 2021; and**
 - iii. **priority be given in future scrutiny work programming to agenda items on the New Model Institute for Technology and Engineering (NMITE) and on the Hereford City Centre Transport Package (HCCTP).**
- b) **the litter review task and finish group be established and the scoping statement be confirmed, including the membership comprising: Councillors Bowes (chairperson of the group), Bowen, Milln, Probert, Summers, and one representative of the Liberal Democrats group; and two co-optees from local litter picking groups.**

18 DATE OF NEXT MEETING

Tuesday 10 August 2021 at 10.15 am.

The meeting ended at 12.39 pm

Chairperson