

**Minutes of the meeting of Environment and Sustainability
Scrutiny Committee held at Herefordshire Council Offices,
Plough Lane, Hereford, HR4 0LE on Tuesday 26 July 2022 at
10.00 am**

Committee Members Present:	Councillors: Carole Gandy, Jennie Hewitt, Trish Marsh (Vice-Chair), Louis Stark (Chair), Elissa Swinglehurst, Yolande Watson and William Wilding
Other Members Present:	Councillors: Liz Harvey, David Hitchiner, Jeremy Milln and David Summers
Officers Present:	Statutory Scrutiny Officer, Interim Delivery Director Waste Transformation & Wetland Project

1. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Chowns, Cabinet Member for Economy and Environment.

2. NAMED SUBSTITUTES

None.

3. DECLARATIONS OF INTEREST

None.

4. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

5. QUESTIONS FROM MEMBERS OF THE COUNCIL

There were no questions from councillors.

6. ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE ROLE AND OBJECTIVES

The Committee gave consideration to the draft role and objectives for the period 2022-2023, as set out on pages 3-6 of the agenda supplement.

The Interim Statutory Scrutiny Officer introduced the report.

The Committee noted that the proposed framework was consistent across each of the Council's Scrutiny Committees, therefore it would provide a good measure of effectiveness when this comes to be reviewed.

The Committee noted in particular Objective 3, and stressed that adequate support needed to be in place to assist the Committee with delivery of its ambition to make clearly evidenced reports to key audiences. More widely, the Committee reiterated that

the Scrutiny function as a whole needs to be adequately resourced to ensure that it can operate effectively, particularly in view of the increased number of Committees and the likely requirement for additional work in the form of spotlight reviews and/or task and finish groups. It was also emphasised that Scrutiny needs to be taken seriously at all levels of management within the Council, with key Officers attending meetings and responding to requests for information as directed.

It was unanimously resolved that:

The Environment and Sustainability Scrutiny Committee role and objectives 2023-2023 be approved.

7. RESTORATION OF THE RIVER WYE - OPTIONS FOR PUBLIC INQUIRY AND POLICY REVIEW

The Committee gave initial consideration to the options available for public inquiry and policy review in relation to restoration of the River Wye. One option under consideration, as per the work plan, was the establishment of a task and finish group, however whilst membership had been identified, draft terms of reference had not been placed in the public domain and it was not clear at this stage how a task and finish group could complement the work of a proposed Cabinet Commission, rather than duplicating its work. On that basis the Chair advised the Committee that the meeting should engage in a general discussion, with the potential establishment of a task and finish group deferred to the next meeting of the Committee.

The Committee noted the proposal by Cabinet to establish a Commission with the aim of bringing key stakeholders together to address a number of long standing issues, and the Leader and Deputy Leader of the Council were in attendance for the item to answer questions from the Committee.

One particular area of concern for the Committee was how the proposed Commission would achieve buy-in from partners, given that the Council was one of numerous stakeholders and there was no authority to compel participation. The Leader stated that a lot of the work to be carried out by the Commission will revolve around fact-gathering, and it was hoped that if a sound evidence base with universally accepted facts could be established, this would make achieving buy-in easier. It was acknowledged that the goal was ambitious, but the effort to achieve it was justified on the basis that inaction would be far worse. It was similarly noted that the neighbouring local authorities of Forest of Dean, Gloucestershire, Monmouthshire and Powys each had an interest in these issues and therefore the Committee sought assurance that they would be engaged with the Commission's work. The Leader advised that the Council is already well engaged with these authorities and there is political will to work together. Given the existence of cross-boundary issues, it was suggested that further consideration be given as to how the working relationship between partners is best shaped.

A discussion was held around what role a potential Scrutiny task and finish group could adopt, with the Leader suggesting that it could receive updates and provide suggestions to further the work of the Commission. The Committee felt however that it would be unproductive to have a group established simply to monitor the work of a Commission, and instead felt that the role of a task and finish group should be to study what the Commission does not intend, or does not have the capacity, to look at. This could, for example, encompass a 'horizon scanning' role looking at emerging national thinking and identifying gaps in current analysis and regulation, and feeding this through to the Commission. It was noted that in addition to the proposed Commission, there is already a wide body of work continuing in this area, including the Nutrient Management Board and the local MP's group 'Save the Wye', therefore it was also important to overlap productively with these bodies.

A further concern was raised in relation to capacity of the proposed Commission to deliver upon its objectives, particularly as it indicated that Cabinet members would be serving on it, adding to their already considerable responsibilities. The Leader suggested that the Cabinet are keen to demonstrate ownership of the issue and felt that capacity of Officers to support the Commission was a more significant issue. The Committee felt however that whilst understanding of the Cabinet's rationale for taking political ownership, there were members of the Council with more knowledge of this area than some serving on the Cabinet, and it was felt that the membership of the Commission should be based on subject knowledge rather than seniority. It was felt that involving other members of the Council would also help to maintain political consensus and momentum. The Deputy Leader stated that it was recognised that the subject area is emotive and whilst the Cabinet were taking ownership, it was not their wish to exclude those members who could add constructive value to the Commission.

It was unanimously resolved that:

The following recommendations be submitted to Cabinet:

- i) That the proposed Cabinet Phosphates Commission on the Restoration of the River Wye include in its membership councillors from across the Council who have a particular knowledge of the subject matter; and**
- ii) That the Cabinet ensure that every effort is made to promote active participation from neighbouring local authorities in the work of the proposed Commission.**

8. ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE ANNUAL WORK PLAN 2022-2023

The Committee gave consideration to the draft annual work plan 2022-23, which had been drawn up in earlier consultation with members of the Committee.

Following deferral of the establishment of a potential task and finish group to explore restoration of the River Wye earlier in the agenda, it was agreed that this matter would be added to the work plan for consideration at the September meeting.

It was suggested that Flood Risk should potentially be looked into earlier than November in order to receive assurance prior to the heightened period of risk in the winter months, however this was decided against on the basis that the September meeting was the opportune moment to focus on the Local Plan, given that analysis of three rounds of consultation would be available for scrutiny at that time.

In respect of the January meeting, it was requested that the Waste and Recycling item should include a particular focus on the themes of reduce, reuse and recycle, with Andrew Wood from Herefordshire Recycling and Reuse Group invited as an external witness.

It was moved that the work plan 2022-23 be approved, subject to the following amendments:

- i) Inclusion of the 'River Wye – Options for Public Inquiry and Policy Review' item on the September meeting agenda;
- ii) The Herefordshire Local Plan item on 21 September 2022 to include consideration of the analysis of the public consultation on the Local Plan and the mechanism by which the consultation was undertaken; and
- iii) The 16 November 2022 meeting to include the additional areas of Drought and Fire Risk alongside the Herefordshire Local Flood Risk Management Strategy,

including invitation of Hereford and Worcester Fire and Rescue Service as an external witness.

It was unanimously resolved that:

The annual work plan 2022-2023 be approved, as amended.

9. DATES OF FUTURE MEETINGS

The Committee noted the meeting dates for the remainder of the 2022/23 municipal year.

The meeting ended at 12.03 pm

Chairperson