

Agenda

Environment and Sustainability Scrutiny Committee

Date: **Tuesday 26 July 2022**

Time: **10.00 am**

Place: **Herefordshire Council Offices, Plough Lane, Hereford,
HR4 0LE**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Steve Tucker, Democratic Services Officer on 01432 260239 or e-mail Steve.Tucker@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Environment and Sustainability Scrutiny Committee

Membership

Chairperson **Councillor Louis Stark**
Vice-chairperson **Councillor Trish Marsh**

Councillor Carole Gandy
Councillor Jennie Hewitt
Councillor Elissa Swinglehurst
Councillor Yolande Watson
Councillor William Wilding

Agenda

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES

To receive details of members nominated to attend the meeting in place of a member of the committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.

HOW TO SUBMIT QUESTIONS

The deadline for the submission of questions for this meeting is 9.30am on Thursday 21 July 2022.

Questions must be submitted to councillorservices@herefordshire.gov.uk. Questions sent to any other address may not be accepted.

Accepted questions and the responses will be published as a supplement to the agenda papers prior to the meeting. Further information and guidance is available at www.herefordshire.gov.uk/getinvolved.

4. QUESTIONS FROM MEMBERS OF THE PUBLIC

To receive any written questions from members of the public.

5. QUESTIONS FROM MEMBERS OF THE COUNCIL

To receive any written questions from members of the council.

6. ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE ROLE AND OBJECTIVES

To consider and note the role of the Scrutiny Committee, in accordance with the Council's Constitution, the key strategic objectives for the Committee and the overall strategic objectives for scrutiny agreed by the Scrutiny Management Board on 16 June 2022.

To Follow

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

To Follow

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

9 - 22

To review and agree the Environment and Sustainability Scrutiny Committee Work Plan 2022-23, drawn up in consultation with members of the Committee.

9. DATES OF FUTURE MEETINGS

Scheduled meetings for the remainder of the 2022/23 municipal year:

Pages

Wednesday 21 September 2022 10.30am
Wednesday 16 November 2022 10.30am
Thursday 19 January 2023 10.30am
Wednesday 8 March 2023 10.30am



The public's rights to information and attendance at meetings

In view of the continued prevalence of Covid, we have introduced changes to our usual procedures for accessing public meetings. These will help to keep our councillors, staff and members of the public safe.

Please take time to read the latest guidance on the council website by following the link at www.herefordshire.gov.uk/meetings and support us in promoting a safe environment for everyone. If you have any queries please contact the governance support team on 01432 261699 or at governancesupportteam@herefordshire.gov.uk

We will review and update this guidance in line with Government advice and restrictions.

Thank you for your help in keeping Herefordshire Council meetings safe.

You have a right to:

- Attend all council, cabinet, committee and sub-committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting. Agenda and reports (relating to items to be considered in public) are available at www.herefordshire.gov.uk/meetings
- Inspect minutes of the council and all committees and sub-committees and written statements of decisions taken by the cabinet or individual cabinet members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting (a list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all councillors with details of the membership of cabinet and of all committees and sub-committees. Information about councillors is available at www.herefordshire.gov.uk/councillors
- Have access to a list specifying those powers on which the council have delegated decision making to their officers identifying the officers concerned by title. The council's constitution is available at www.herefordshire.gov.uk/constitution
- Access to this summary of your rights as members of the public to attend meetings of the council, cabinet, committees and sub-committees and to inspect documents.

Recording of meetings

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make a recording of this public meeting or stream it live to the council's website. Such recordings are made available for members of the public via the council's YouTube channel at www.youtube.com/user/HerefordshireCouncil/videos

Public transport links

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station.

The location of the office and details of city bus services can be viewed at:
www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services-

The seven principles of public life

(Nolan Principles)

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.



Title of report: Environment and Sustainability Scrutiny Committee Annual Work Plan 2022-2023

Meeting: Environment and Sustainability Scrutiny Committee

Meeting date: 26th July 2022

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose:

This report presents the Environment and Sustainability Scrutiny Committee Annual Work Plan 2022-2023, drawn up in consultation with members of the Committee, for review and agreement by the Committee.

Recommendation

That the Environment and Sustainability Scrutiny Committee Annual Work Plan 2022-2023 be agreed.

Alternative options

1. The alternative is for the Committees not to agree an Annual Work Programme. This is not recommended as it would undermine the ability of the Committee to plan its work effectively, delay Committee business and provide less transparency and notice to council departments, elected members, the general public and other stakeholders.

Key considerations

2. Each Scrutiny Committees is agreeing its respective work plans for 2022-2023, which now need to be brought together into the Annual Scrutiny Work Programme 2022-2023. The Work Programme will enable better planning ahead by the Committee in receiving requested reports, arranging attendance and inviting any external witnesses identified.
3. It has been agreed with members of the Scrutiny Management Board that Herefordshire Council's Scrutiny Committees will produce an Annual Scrutiny Work Programme 2022-2023, made up of the work plans of each of the Council's Scrutiny Committees. The Work Programme sets out the issues that the Scrutiny Committees will consider during the year, including any in-depth scrutiny inquiries (or scrutiny task groups). The Work Programme should thereafter direct the work of the Committee.
4. The Council has five Scrutiny Committees:
 - i). Scrutiny Management Board
 - ii). Children and Young People Scrutiny Committee
 - iii). Connected Communities Scrutiny Committee
 - iv). Health, Care and Wellbeing Scrutiny Committee
 - v). Environment and Sustainability Scrutiny Committee.
5. The remit of the Scrutiny Committees are set out in the council's Constitution under Part 3, Section 4 - Scrutiny Functions.¹ The remit of the Environment and Sustainability Scrutiny Committee is:
 - i). Core strategy
 - ii). Waste and recycling
 - iii). Transport incl. active travel
 - iv). Climate & ecological emergency
 - v). Climate and nature impact assessment on infrastructure proposals
 - vi). Environmental and energy efficiency standards
 - vii). Nature strategy - Stewardship of natural resources & green spaces
 - viii). Integrated wetlands and water quality
 - ix). Statutory flood risk management scrutiny powers.
6. The Scrutiny Committees will each ordinarily meet formally four to five times a year and the topics identified are timetabled across the year.
7. The work plan for each Committee is considered and agreed by the respective Committees, and the Annual Scrutiny Work Programme 2022-2022, in accordance with the Council's Constitution.

The Annual Scrutiny Work Programme

8. Each year, the Scrutiny Committees should consider and agree a programme of work for the municipal year ahead, after considering the key issues facing the Council and local community where consideration by a Scrutiny Committee might add most value in accordance with its statutory functions. Usually, the work programme is for the municipal year period following the Council Annual Meeting, for June to May the following year.

¹ Herefordshire Council Constitution, Part 3, Section 4 - Scrutiny Functions.

9. In drawing up their work plans, the Committees should consult the relevant Council directorates on the key issues for the Council that may usefully be considered by the Scrutiny Committees.
10. The identified topics can then be combined into an annual work programme for the Scrutiny Committees which can be agreed by the next formal meeting of the Scrutiny Management Board, reported to full Council and used to plan the meetings of the Committees throughout the year ahead.

The Role of Scrutiny Committees

11. The role of Scrutiny Committees is set out in the Local Government Act 2000², but broadly speaking, topics for scrutiny should either be to:
 - i). Hold the Executive (Cabinet) to account
 - ii). Contribute to strategic policy development and review.
12. Generally speaking, topics where a Scrutiny Committee is making recommendations for policy development may lend themselves to questions to seek evidence, which usually require more complex consideration and development of the proposals before they are agreed by the committee.
13. Topics identified for policy development should be timed to be considered before the matter needs to be agreed by the Cabinet or Full Council (or external decision maker). These topics may also be programmed across more than one meeting, to allow time for key findings and scrutiny recommendations to be drawn up in a considered way and for proper consideration of legal, equalities and financial implications, before being agreed by the Committee, or may be considered by a Scrutiny Task Group, which reports back to the main Committee with a report and recommendations to the Executive.
14. In addition, consideration may also be given to other ways in which consideration by the Committee may add value through the scrutiny process, such as stakeholder engagement and consultation, pre-decision consultation with councillors, performance review and improvement, efficiency and best value review.

The Powers of Scrutiny Committees

15. Scrutiny Committees may call Cabinet Members and senior officers to answer questions in committee and may request reports to committee on the issues under review. They may also invite external witnesses, for example from partner organisations, community stakeholders or expert witnesses.
16. Scrutiny committees may make requests for information from Council departments, and from external organisations, with specific statutory powers to request information from certain partner organisations, e.g. NHS bodies and the Community Safety Partnership.
17. Scrutiny Committees may make recommendations to Cabinet or external organisation's decision makers on matters they consider in Committee. The Cabinet has a duty to respond to scrutiny recommendations, setting out what, if any, actions it will take in response.

Outcomes from Scrutiny Work

² The Local Government Act 2000 F19f, Overview and scrutiny committees: functions.

18. At the end of the municipal year, the scrutiny committees should aim to demonstrate that they have added value to the decision making process for the organisation and community, in terms of their statutory functions and wider implicit opportunities, such as to improve transparency, partnership working and more inclusive decision making.
19. Specifically, the Scrutiny Committees should help the Council and Executive to demonstrate accountability through the scrutiny process, as well as to provide opportunities for non-executive members to participate in policy development, including through their power to make reports and recommendations to the Executive, external agencies (and full Council where appropriate).

Community Impact

20. In accordance with the adopted code of corporate governance, the Council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents.

Environmental Impact

21. Whilst this is an update on the work programme and will have minimal environmental impacts, consideration has been made to minimise waste and resource use in line with the Council's Environmental Policy.

Equality duty

22. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
23. A public authority must, in the exercise of its functions, have due regard to the need to –
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
24. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this report concerns the administrative function of the Environment and Sustainability Scrutiny Committee, it is unlikely that it will have an impact on our equality duty.

Resource Implications

25. The costs of the work of the Committee will have to be met from within existing resources. It should be noted the costs of running scrutiny can be subject to an assessment to support appropriate processes.

26. The councillors' allowance scheme contains provision for co-opted and other non-elected members to claim travel, subsistence and dependant carer's allowances on the same basis as members of the council. If the committee agrees that co-optees should be included in an inquiry they will be entitled to claim allowances.
27. It is suggested that a Scrutiny Committee should only have one in-depth scrutiny task group inquiry running at a time.

Legal Implications

28. Sections 9F – 9FI of the Local Government Act 2000 requires council's that have Executive arrangements (Cabinet and Leader) must have in place a committee that provides an overview and scrutiny function for the council. The development of a work programme which is focused and reflects those priorities facing Herefordshire will assist the Committee and the Council to deliver a scrutiny function.
29. The Scrutiny Rules in Part 4 Section 5 of the Council's constitution provide for the setting of a work programme, the reporting of recommendations to the executive and the establishment of task and finish groups within the Committee's agreed work programme.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the development of the work programme should help mitigate this risk.

Consultees

The Chairperson of the Environment and Sustainability Scrutiny Committee.

Appendices

Appendix 1 – The Environment and Sustainability Scrutiny Committee Annual Work Plan 2022-2023.

Background papers

None identified.

DRAFT Environment and Sustainability Scrutiny Committee Work Plan 2022-2023

Agreed by the Environment and Sustainability Scrutiny Committee on 26th July 2022

Tuesday 26th July 2022

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>Restoration of the River Wye – Options for Public Inquiry and Policy Review To consider the options being considered for Public Inquiry and Policy Review on the Restoration of the River Wye.</p> <p style="text-align: center;"><i>Deadline for draft reports: 13th July 2022</i> <i>Report deadline: 18th July 2022</i></p>	<p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Mark Averill, - Interim Service Director Environment, Highways and Waste</p> <p>Rachael Joy - Interim Delivery Director Waste Transformation & Wetland Project</p>	

Wednesday 21st September 2022

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>The Herefordshire Local Plan To consider the Herefordshire Local Plan 2021- 2041, which includes the planning framework for the county, housing provision, the economy, retail and town centres, infrastructure provision and the environment. Specifically to consider:</p> <ul style="list-style-type: none"> • Does the preferred spatial option lead to sustainable communities, including promoting active travel and reducing car journeys? • Is the rural assessment scoring system used for allocating housing development across rural wards robust and supported by evidence? <p>www.herefordshire.gov.uk/local-plan-1</p> <p><i>Deadline for draft reports: 8th September 2022</i> <i>Report deadline: 13th September 2022</i></p>	<p>Councillor Liz Harvey Finance - Corporate Services and Planning</p> <p>Councillor Ellie Chowns - Cabinet Member for Environment and Economy</p> <p>Councillor John Harrington - Infrastructure and Transport</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Tracey Coleman – Service Director, Planning & Regulatory</p>	<p>{name} – {role, job title or designation}, {organisation or area of interest}</p>

Wednesday 16th November 2022

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>The Herefordshire Local Flood Risk Management Strategy To consider the Herefordshire Local Flood Risk Management Strategy, flood planning and resilience. Specifically:</p> <ul style="list-style-type: none"> • What the Council and its statutory partners are doing to manage flood risk in the county. • Is there a resilience plan in place covering HCC assets and infrastructure and enabling residents and businesses to adapt to future extreme weather events? <p><i>Note:</i> Herefordshire Council is a Lead Local Flood Authority (LLFA) and it has the lead role in managing flood risk from surface water, groundwater and ordinary watercourses across the county. As part of this role it must develop, maintain, apply and monitor a local flood risk management strategy. This is an important document for the on-going management of flood risk throughout the county. The strategy sets out the framework for how the council will work with other local flood risk management authorities and the general public to better understand and manage existing and future flood risks from all potential sources of flooding.</p> <p style="text-align: right;"><i>Deadline for draft reports: 3rd November 2022</i> <i>Report deadline: 8th November 2022</i></p>	<p>Councillor John Harrington - Infrastructure and Transport</p> <p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p> <p>Councillor {Name}- Cabinet Member for {Portfolio}</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Mark Averill, - Interim Service Director Environment, Highways and Waste</p> <p>Rachael Joy - Interim Delivery Director Waste Transformation & Wetland Project</p>	<p>Welsh Water</p> <p>Severn Trent Water</p> <p>The Environment Agency</p> <p>Internal Drainage Boards: The River Lugg IDB The Lower Severn IDB</p> <p>Joel Hockenhull - Senior Drainage Engineer, Balfour Beatty Living Places</p>

Thursday 19th January 2023

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>Waste and Recycling To consider waste disposal, (waste and recycling), including the new waste collection contract and procurement. Specifically:</p> <ul style="list-style-type: none"> • Is there sufficient resource being deployed to encourage residents and businesses to reduce waste (particularly food) through education and engagement with manufacturers, retailers and public institutions, such as schools? • Is our waste disposal strategy and new contract going to ensure we meet our targets to reduce waste to landfill to 1% and to ensure that recycled material is recycled? <p style="text-align: right;"><i>Deadline for draft reports: 6th January 2023</i> <i>Report deadline: 11th January 2023</i></p>	<p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p> <p>Councillor Gemma Davies - Commissioning, Procurement and Assets</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Mark Averill, - Interim Service Director Environment, Highways and Waste</p> <p>Rachael Joy - Interim Delivery Director Waste Transformation & Wetland Project</p> <p>Ben Boswell - Head of Environment Climate Emergency and Waste Services</p>	<p>{name} – {role, job title or designation}, {organisation or area of interest}</p> <p><i>ask Rachael Joy</i></p>

<p>Review of the Climate and Ecological Emergency Review Scrutiny Report and Recommendations To review the implementation of the Executive Response to the Climate and Ecological Emergency Review Scrutiny Report and Recommendations carried out in 2021.</p> <p style="text-align: right;"><i>Deadline for draft reports: 6th January 2023</i> <i>Report deadline: 11th January 2023</i></p>	<p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Mark Averill, - Interim Service Director Environment, Highways and Waste</p>	
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Wednesday 8th March 2023

Agenda item	Cabinet Member/s	Officers	External Witnesses
<p>Herefordshire Farming To consider the farming industry in Herefordshire. Specifically:</p> <ul style="list-style-type: none"> • What plans are in place to promote improved agricultural practices and the planting of buffer vegetation, including trees and hedgerows to reduce the risk of flooding and meet our biodiversity gain requirements? • What plans are in place to promote better land use, including increasing local food production and sufficiency? <p style="text-align: right;"><i>Deadline for draft reports: 23rd February 2023</i> <i>Report deadline: 28th February 2023</i></p>	<p>Councillor Ellie Chowns Cabinet Member for Environment and Economy</p> <p>Councillor Liz Harvey Finance - Corporate Services and Planning</p> <p>Councillor John Harrington -</p>	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>{Name} - Corporate Head of {Department}</p>	<p>Farm Herefordshire - Farm Herefordshire is a group of organisations that have formed a collaborative partnership to support farming in Herefordshire through the promotion of</p>

	Infrastructure and Transport		good practice, training and advice. Farm Herefordshire The Wye and Usk Foundation (wyeuskfoundation.org)
<p>Restoration of the River Wye – Review</p> <p><i>Deadline for draft reports: 23rd February 2023</i> <i>Report deadline: 28th February 2023</i></p>	Councillor Ellie Chowns Cabinet Member for Environment and Economy	<p>Ross Cook - Corporate Director, Economy and Environment</p> <p>Mark Averill, - Interim Service Director Environment, Highways and Waste</p> <p>Rachael Joy - Interim Delivery Director Waste Transformation & Wetland Project</p>	

Reserve Items

Energy Security

In the push for increasing renewables, eg solar farms, are we allowing for the impact on increasing the risk of flooding?
Will the policies and the additional development in the emerging revised local plan exacerbate energy security and how are we going to mitigate that risk through renewables generated locally?

The Green Economy

To consider how Herefordshire Council supports the green economy.

Economy and Environment Organisation and Objectives

To consider the extent to which the Economy and Environment organisational arrangements are configured to deliver the environment and sustainability objectives set out in the County Plan.

