

Minutes of the meeting of Cabinet held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 29 February 2024 at 2.30 pm

Cabinet Members Physically Present and voting: Councillor Jonathan Lester, Leader of the Council (Chairperson)
Councillor Elissa Swinglehurst, Deputy Leader of the Council (Vice-Chairperson)

Councillors Barry Durkin, Philip Price and Pete Stoddart

Cabinet Members in remote attendance Councillors Graham Biggs and Harry Bramer

Cabinet members attending the meeting remotely, e.g. through video conferencing facilities, may not vote on any decisions taken.

Cabinet support members in attendance Councillors Dan Hurcomb

Group leaders / representatives in attendance Councillors Liz Harvey and Ellie Chowns

Scrutiny chairpersons in attendance Councillors Pauline Crockett, Louis Stark, Liz Harvey and Ellie Chowns

Other councillors in attendance:

Officers in attendance: Director of Resources and Assurance, Corporate Director - Economy and Environment, Director of Governance and Law and Corporate Director Community Wellbeing, Head of Environment Climate Emergency and Waste Services, Service Manager Built and Natural Environment, Senior Planning Officer, Head of Planning and Building Control, Interim Delivery Director Waste Transformation & Wetland Project, Head of Care Commissioning

86. APOLOGIES FOR ABSENCE

There were apologies from Cabinet, Councillors Carole Gandy and Ivan Powell.

Apologies were also received from Councillors Toni Fagan, Bob Matthews and Terry James.

87. DECLARATIONS OF INTEREST

None were declared.

88. MINUTES

Resolved: That the minutes of the meeting held on 25 January 2024 be approved as a correct record and signed by the Chairperson.

89. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 10)

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

90. QUESTIONS FROM COUNCILLORS (Pages 11 - 12)

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

91. REPORTS FROM SCRUTINY COMMITTEES

There were two reports from Scrutiny Committees.

- (a) Recommendations of the Environment and Sustainability Scrutiny Committee:
Nutrient Management Board

*Recommendations of the Environment and Sustainability Scrutiny Committee:
Nutrient Management Board*

The chairperson for the Environment and Sustainability Scrutiny Committee (ESSC) confirmed the meeting in January 2024 looked at the Nutrient Management Board (NMB) from the perspective of the Council and not from partners and advised the recommendations should be viewed in that same light. The chair of the ESSC highlighted that history of the board, the terms of reference, the business objectives, the governance structure, key performance indicators, achievements, relevance and whether value for money were considered when forming their recommendations.

The cabinet member for environment thanked the committee and advised the recommendations will be noted and responded to in due course.

- (b) Community-based support services – recommendations from Health, Care and Wellbeing Scrutiny Committee

*Recommendations of the Health, Care and Wellbeing Scrutiny Committee:
Community-based support services*

The chairperson of the Health, Care and Wellbeing Scrutiny Committee (HC&WBSC) explained that community based support services were considered by the scrutiny committee to explore the value of the service and ensure the Talk Community programme was understood by all new ward members. The chairperson highlighted that Talk Community has been operating since 2020 and a review of Talk Community is being undertaken which will be completed in March 2024. Government provided £8.2m of investment in community support and Talk Community is central to underpinning the main priority of strengthening communities and ensuring that everyone lives well and safely together. The Chairperson invited Cabinet to join in strengthening the community strategy by endorsing the proposed recommendations.

The Leader thanked the committee for their work in forming the recommendations and confirmed that Cabinet are interested in working through them. It was advised that Cabinet will be working with all Councillors to ensure Cabinet are focused on what's best for Talk Community and Cabinet will provide a response in due course.

92. ADOPTION OF THE HEREFORDSHIRE MINERALS & WASTE LOCAL PLAN

The Cabinet member for environment introduced the report. It was confirmed that the Minerals & Waste Local Plan has proceeded through four rounds of consultation and the modifications that were put forward by the Examiner did not materially change the document. Outlined that the Plan considered the circular economy, reflected the waste hierarchy, there was consideration of anaerobic digesters and the impact they can have with consideration of nutrient neutrality and environmental impacts.

No comments were made from Cabinet members.

Group leaders gave the views of their groups. There was support for the Plan and it was commented that up until now the Minerals and Waste Local Plan had been in a poor state. The Plan was welcomed and noted that it recognised agriculture, how it effects

land use, development and the communities. It was queried what the term 'agricultural unit' meant as previous concerns were regarding the impact on transporting agricultural waste on the local community.

In response to the queries it was noted that an 'agricultural unit' adopts a common sense interpretation and it is the farm where the AD unit is located as the aim was to avoid lorries transporting waste on local country lanes. It was further discussed that farms in practice may not consider an 'agricultural unit' as just the farm and field's adjacent but may be across a range of places. If the interpretation of an 'agricultural unit' is defined to the farm then this would impact on how anaerobic digesters operate. It was clarified that existing anaerobic digesters wouldn't be effected as they had already passed planning, this was regarding future planning policy.

It was unanimously resolved that:

That Cabinet recommend to Council for approval:

- a) The Herefordshire Minerals and Waste Local Plan Inspectors' Report 1 (at appendix 1) be noted;**
- b) The Herefordshire Minerals and Waste Local Plan(2) , incorporating the main modifications (at appendix 2), be recommended to Council for adoption; and**
- c) It be recommended to Council that delegated authority be given to the Head of Planning and Building Control to make any minor technical changes (e.g. typographical) to ensure that this development plan document is up to date at the time of adoption.**

93. Q3 BUDGET REPORT

The Cabinet member for finance and corporate services introduced the report. It highlighted that the 24/25 revenue budget approved by Council on 9 February included an additional £250k for the lengthsman scheme for the public rights of way together with £445k for drainage works. Details of how these schemes will operate will be released to Parish Councils by the end of March 2024. Noted that invoices for these schemes will be processed through the Council priority supplier programme.

The approved revenue budget is £193.3m which includes planned savings of £20m. At Quarter 2 the forecast overspend was £13.8m, as a result of management action alongside expenditure controls this had been reduced to £10.7m at Quarter 3. The Quarter 3 overspend variances were set out for each directorate and confirmed that each directorate were continuing with expenditure controls to support existing recovery actions in 23/24 and review of expenditure on goods and services, changes in staffing arrangements and increased rigor would continue for the rest of the financial year.

Highlighted that the management activity is expected to reduce the forecast overspend to £9.4m and each directorate will continue to identify further recovery action, options to mitigate their risk savings targets and develop recovery plans to manage delivery of services within the approved budgets. Noted there had been a saving of £0.7m within Children and Young People showing clear evidence that the directorate is turning a corner.

It was confirmed that Cabinet are fully committed to the delivery of savings to ensure that the 2023/24 outturn position is balanced and to prevent further pressures on future year's budgets. Noted that internal financial reporting had been strengthened to identify emerging pressures and key risks which will enable monitoring at monthly Cabinet meetings.

Council approved £14.1m directorate savings for 2023/24. A review of the status of the 23/24 savings has been undertaken and identified £6.5m of the target was at risk of in year delivery, these were outlined in Table 3 of the report. Progress on delivery of savings will be monitored and reported in the next budget monitoring report to Cabinet.

Noted the revised 2023/24 Capital budget of £147.8m had been re-profiled in line with expected delivery which had reduced the 2023/24 budget by £78.9m. The forecast position was now £53.2m which represented an underspend of £15.7m against a budget of £68.9m, the underspend breakdown was detailed.

There were no comments from Cabinet members.

Group leaders gave the views of their groups. The forecasted reduction in overspend was welcomed overall but concern was expressed regarding the assumptions that underpinned the projected savings and progress of the savings. Queried whether the 'capital development fund' could be unlocked as this was the second or third year where no monies have been spent from that fund. It was queried why the Home Upgrade Grant had an underspend of £1.5m and noted this was a repeating annual problem. It was requested for Cabinet to lobby for better funding from Government for this grant. Concern was raised regarding the lack of progress in shifting the balance between agency and permanent staff in Children's and Young People and the effect on staff costs. Noted that the savings in the Capital Programme are not truly reflective of the position due to money forecasted to be spent had been moved to be spent in future years which would be causing a delay in delivering infrastructure projects. It was also queried which earmarked reserves, that weren't specifically ring fenced, will be used to fund the £10m overspend.

In response to the points and queries raised it was confirmed that the Quarter 3 performance report provided a more reflective picture of how the Home Upgrade Grant is rolling out but noted the points regarding the criteria for these grants. It was confirmed that another scheme was coming forward which had a less restrictive criteria. In respect of agency staff in Children's and Young People it was confirmed that Appendix 2 showed there had been a reduction in cost pressure of £0.4m since Quarter 2. Lastly, regarding earmarked reserves it was confirmed that it has been normal practise for a review of earmarked reserves to be undertaken during Quarter 4 period and reported as part of the normal process. It was also clarified that Appendix 2 referred to was appendix A in the report.

It was unanimously resolved that:

Cabinet

- a) review the financial forecast for 2023/24, as set out in the appendices A-D, and identifies any additional actions to be considered to achieve future improvements;**
- b) Note the forecast revenue outturn position at Quarter 3 2023/24 of a £10.7 million overspend, before management action, and the potential impact of this overspend on the council's reserves;**
- c) Note the impact of the 2023/24 forecast outturn on the 2024/25 budget requirement and the future financial sustainability of the council;**
- d) Request that Scrutiny Management Board reviews the budget monitoring position and that relevant Cabinet Members provide explanation for key variances and actions identified to address key pressures; and**

- e) **Agree the continuation and strengthening of management actions to reduce the forecast overspend as identified in this report.**

94. Q3 PERFORMANCE REPORT

The Cabinet member for finance and corporate services introduced the report. It was highlighted that targets had been included in the appendix for greater transparency against the red, amber, green ratings. It was noted there had been a slight drop in the number of measures that remained on target in Quarter 3. The cabinet member highlighted that Midlands Engine and Midlands Connect visited the County and held positive conversations regarding inward investment in growing the local economy and infrastructure, refurbishment had been completed at Hillside Home, the number of people waiting home care services had significantly reduced, majority of staff in Children and Young People had undertaken the restorative practice training and there had been a reduction in the number of KSI casualties recorded on the Herefordshire road networks. Noted that the Office for Local Government (launched in July 2023) have highlighted performance measures in the Local Authority Data Explorer in Appendix B and its data will continue to evolve to provide meaningful comparisons between authorities.

Cabinet members commented that in respect of the Home Upgrade Grant 130 properties had been passed to the two contractors to be retrofitted and members will continue to see traction in this area.

Group leaders gave the views of their groups. The report was welcomed but clarification was sought as to why the Library, Museum and Art Gallery projects were marked as paused, why there had been slow progress regarding the Transport Hub, where projects had been delayed why they are showing as amber instead of red and why the money for the Highway Infrastructure Fund had not been signed off.

In response to the queries it was noted that neither of the projects highlighted were paused and they were progressing. It was acknowledged that better clarification was needed regarding the position. It was noted that assessment of risk can be subjective and further work was being carried out to create a more uniformed approach regarding assessment of risk for the next report. It was confirmed that Cabinet were not trying to sweep things under the carpet and will ensure there is better reporting in order to provide clarity on this issue to avoid any false impression that projects were stalling.

It was unanimously resolved that;

Cabinet

- a) **To review performance for Quarter 3 2023/24, and identify any additional actions to achieve future performance measures**

95. BLOCK CONTRACTED BEDS IN CARE HOMES

The Cabinet member for environment introduced the report in the absence of the Cabinet member for adults, health and wellbeing. It was highlighted that it would provide a better choice of care home beds at better value for money and reduce the need to spot purchase beds. It was highlighted that 30 beds would be obtained which would provide a saving of £870k over 5 years.

There were no comments from Cabinet members.

Group leaders gave the views of their groups. The proposal to block purchase beds was welcomed. It was queried if there will be an element of reduced utilisation to ensure availability at all times and if this had been included in the overall saving figure. Queried if the Council were considering to develop its own in house care capacity.

In response to the queries it was noted that the calculations have been based on what the Council currently spend on spot placements. It was confirmed the Council would look to fully utilise the block bed contract and would not be keeping spare beds available. It was also confirmed that a business case was being developed for the Council to provide its own in house care capacity and this would be brought to the cabinet member in April / May 2024.

It was unanimously resolved that;

- a) Approval is given to progress with option 2 in Appendix 3 of this report to commission thirty block purchased care home beds across Herefordshire for a period of up to 5 years with a maximum spend up to £6.82million.**
- b) Delegated authority be given to the Corporate Director for Community Wellbeing to take all operational decisions required to implement the above recommendation including all contractual arrangements.**

96. PHOSPHATE MITIGATION STRATEGY

The Cabinet member for environment introduced the report and highlighted that the strategy helps loosen the housing moratorium in the Lugg through a pioneering approach of using constructed integrated wetlands to mitigate the phosphate of the proposed developments. It was noted that the cost will predominantly be met by the house builders who would purchase credits at a rate of £14,000 per kilogram. It was hoped that the Levelling up and Regeneration Bill would have provided legislative change to remove the need for further investment but that amendment was not successful. It was confirmed that the Water Act does not cover Hereford because the sewage undertaker is Welsh Water. It was noted that there are plans to progress additional wetlands at Tarrington and Titley alongside plans to retrofit a septic tank in the area. It was confirmed that the Council are supportive of private schemes provided they are compliant with the need for reasonable scientific certainty and can be guaranteed for the required period of 80 years. It was noted that the Council have been granted £1.76m capital and £173k revenue from DLUHC and this will be sufficient for the projects to begin progressing. It was highlighted that the figures for houses released from the moratorium were cautious, the wetlands in Luston would release 1,112 houses initially, proposed phase two would release 1,159 houses and proposed phase three would release 1,200 houses. It was noted that whilst this will bring some relief for the local house builders caught in the moratorium it did not address the reason for the moratorium in respect of the river.

Comments from Cabinet members. It was commented that agriculture was an area suggested to be at fault, it was raised whether not putting phosphate on agricultural land would be worth £14,000 per kilo. It was confirmed that the local community in Luston are delighted with the proposed wetlands and whether access for local residents could be considered in the plans when the wetlands are progressed.

Group leaders gave the views of their groups. That whilst the strategy was welcomed in respect of the wetland programme concerns were raised that it was not a strategy for dealing with phosphate pollution. It was queried why there hadn't been a progress report (which was due in July 2023) and why progress had been slow in addressing the bigger phosphate pollution problem. It was raised that the strategy didn't address the water industry's contribution to the pollution of the river or the pollution from agricultural runoff. It was also queried why it didn't cover the need for a water protection zone, the need for a legally binding framework to ensure action is taken by all sources of pollution and why there is no mention of lobbying Government and its Environment Agency to take action to enforce incidents of pollution. It was noted that the development industry contributes a minimum amount to the phosphate issue in the rivers and more should be done to ensure they can operate effectively.

In response to the queries it was noted the phosphate mitigation strategy is part of the phosphate action plan and this strategy is mitigating the impact of houses on the river. Confirmed the Council have been taking action on the wider phosphate pollution issue, the Council have been making the case with partners and stakeholders to ensure meaningful actions are taken and the principle within the report is now being taken forward by them. Conversations have been taking place with ministers and solutions are being explored that work for everyone especially farmers who are the frontline of this issue. It was confirmed that it is a complex issue and the Council are not in charge of all of it, however action is being taken in the areas it can.

It was unanimously resolved that;

- (a) To note the successful completion of Phase 1 of the Council's Nutrient Trading Phosphate mitigation scheme.**
- (b) To authorise the Section 151 Officer to accept the capital and revenue grants from the Department for Levelling up Homes and Communities outlined in this report.**
- (c) To authorise Phases 2 and 3 of the Council's Nutrient Trading Phosphate Mitigation scheme**
- (d) To delegate authorisation to proceed with Phases 2 and 3 of the Council's Nutrient Trading Phosphate Mitigation Scheme to the Corporate Director of Economy and Environment in consultation with the Cabinet members for Finance and Resources and the Cabinet member for Environment.**
- (e) To work with partner Council's to undertake a review of the future role of the Cabinet Commission**

The meeting ended at 3.57 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 29 February 2024

Question 1

John Harrington, Herefordshire.

To: Councillor Price, Transport and Infrastructure

Can the Cabinet Member confirm that the shelters at the Country Bus Station are being replaced, and if so what are the timelines involved for the redevelopment of that site - and what are the plans for that site considering the hub is supposed to accommodate buses? Finally, are the shelters able to be repurposed if needs be?

Answer: Cabinet Member, Transport and Infrastructure

The shelters at the Country Bus Station are being replaced with sedum roofed shelters as a part of the Hereford City Centre Improvement scheme. These replacement shelters will improve the biodiversity of the space and will provide an improved experience for users. As a part of the replacement programme, those shelters that still have useful life remaining will be re-installed at other locations across the city.

The redevelopment of the Country Bus Station and the surrounding area/s was being considered under the auspices of the Hereford City Masterplan. The development of the Hereford City Masterplan has been paused, to allow for the Local Plan, the New Hereford Road Strategy and the Local Transport Plan to be progressed. Once this work is complete, the council will be in a position to review the City Masterplan, ensuring Hereford is well placed to play its critical role in realising the ambitions of the county wider strategies. Further information will be available in due course on the process and timescales for stakeholder consultation and public engagement for the Hereford City Centre Masterplan

Supplementary question:

Thank you, although you must be aware that the plans for redeveloping the Country Bus Station were part of Conservative proposals prior to the Masterplan and linked to the HCCTP, whose genesis and gross overspends you oversaw. Or perhaps singular focus on reviving a supine equine in the form of a Western Bypass has tunnelled your vision a tad.

Regards river crossings, can you tell me why the appendices of the Aecom ERiC report are still not available? It is for the people of Herefordshire, through their properly informed elected members, not you alone, to decide whether continuing with a short crossing in the East, already furnished with a SOBC is the way forward or whether a Western bypass with no business case, no planning permission, no funding and no hope is something to have another crack at.

Supplementary response:

Thank you for your supplementary question, it has nothing to do with your original question but I am told that the SOBC for the Eastern River crossing was published in December and the appendices can be found by searching Eastern River crossing and Link road hyphen strategic outline case report and it's been on the Council website since 8th February.

COUNCILLOR QUESTIONS TO CABINET – 29 February 2024

No questions from Councillors were submitted.

