

Minutes of the meeting of Cabinet held at The Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 28 July 2022 at 2.30 pm

Cabinet Members Physically Present and voting:	Councillor David Hitchiner, Leader of the Council (Chairperson) Councillors Pauline Crockett, John Harrington and Diana Toynbee
Cabinet Members in remote attendance	Councillor Liz Harvey, Deputy Leader of the Council (Vice-Chairperson) <i>Cabinet members attending the meeting remotely, e.g. through video conferencing facilities, may not vote on any decisions taken.</i>

Cabinet support members in attendance Councillors John Hardwick

Group leaders / representatives in attendance Councillors Terry James, Jonathan Lester, Toni Fagan and Sebastian Bowen

Scrutiny chairpersons in attendance Councillors Christy Bolderson, Elissa Swinglehurst, Jonathan Lester and Louis Stark

Officers in attendance: Chief Executive, Director of Resources and Assurance and Senior Solicitor, Governance and Major Projects

137. APOLOGIES FOR ABSENCE

Apologies were received from the following cabinet members: Cllr Pauline Crockett, Cllr John Harrington and Cllr Ange Tyler.

138. DECLARATIONS OF INTEREST

None.

139. MINUTES

Resolved: **That the minutes of the meeting held on 21 July 2022 be approved as a correct record and signed by the Chairperson.**

140. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 5 - 6)

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

141. QUESTIONS FROM COUNCILLORS (Pages 7 - 8)

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

142. NUTRIENT CERTAINTY - LUSTON INTEGRATED WETLAND

The cabinet member infrastructure and transport introduced the report.

The interim delivery director waste transformation & wetland project summarised the content of the report and provided an update on progress on construction of the wetland at Luston. It was highlighted that the council would continue to explore what more it could do to address the issue of phosphate pollution and as part of this a cabinet commission was proposed.

Cabinet members welcomed the report as a first step in the journey and were pleased at the progress it represented.

The chairperson of the environment and sustainability scrutiny committee commented on the committee's recent discussion of the proposal for a cabinet commission. The scrutiny committee welcomed the leadership shown on this issue and had made two recommendations to the cabinet. The chairperson of the committee noted the responses of the cabinet to these recommendations, highlighted the scrutiny committee's desire to see as many councillors as possible given the chance to contribute and the need to continue to engage with national governments in Cardiff and Westminster as intervention and funding were required at a national level to fully address the issue.

The Cabinet member infrastructure and transport thanked all those who had worked on the project. He highlighted that the council was limited in what it could do to mitigate the impact of phosphate pollution and that it relied on national bodies to engage and to enforce national measures.

Group leaders and representatives presented the comments and queries from their respective groups. It was noted that:

- long term solutions would require government action and changes in farming practices and effluent discharge;
- the work of the nutrient management board should be recognised;
- developers at the head of the queue had already been informed about the trading process and others were in the process of being contacted;
- government proposals on nutrient trading schemes within the Levelling Up bill were welcomed and Herefordshire had offered to share the experience and expertise gained;
- the council could provide advice to anyone wanting to bring forward private wetland developments and would encourage them to seek pre-application advice;
- the trading system had tighter links than carbon credit trading as it was directly linked to the river;
- it was important to get other bodies involved, including on the Welsh side of the border to tackle impacts upstream;
- additional resources had been secured for the planning service in readiness for processing the planning applications as they were released;
- the terms of reference of the cabinet commission were still to be finalised and would address some of the points raised in the discussion.

The chairperson of the nutrient management board was thanked for the work of that body. She welcomed the progress made and the fact that as an early adopter, Herefordshire would be able to share knowledge and experience with others seeking to develop their own schemes.

It was unanimously resolved that cabinet:

- a) Agree that all necessary due diligence to confirm Nutrient Certainty has now been achieved;**
- b) Authorise the Corporate Director Economy and Environment to commence the trading of credits as outlined in the Phosphate Credit Pricing and Allocation Policy agreed by Cabinet on 26 May 2022;**
- c) Establish a Cabinet Working Group to be called the Phosphates Commission - Restoring the River Wye - to consider how the Council and its partners can**

progress the wider systemic and strategic issues needed to address Phosphate Pollution in the Wye;

- d) Agree that the Terms of Reference for the Phosphates Commission are agreed in writing by Cabinet with the Final Terms of Reference and Membership of the Phosphates Commission being reported to the next available meeting of Cabinet;**
- e) Approve the response to the recommendations of the environment and sustainability scrutiny committee as set out in appendix 4; and**
- f) To establish a Commissioning provision of £60k and delegate to the Corporate Director of Economy and Environment in consultation with the Deputy Leader of the Council commissioning expenditure decisions.**

143. UK SHARED PROSPERITY PLAN SUBMISSION TO GOVERNMENT

The leader of the council introduced the report and welcomed the allocated share of £7.6m from the UK Shared Prosperity Fund.

Cabinet members noted that while Herefordshire was an attractive place to live, it still had pockets of deep deprivation. It was important to plan how to deliver the projects identified so that they could start as soon as the funding was confirmed by government.

The director of economy explained that the proposed bid would build on activity already delivered and look ahead for the next two years. The projects would like to the economic plan and a further report would be brought to cabinet in the autumn with more detail on the activities and shape of the board.

Group leaders and representatives gave views and comments from their respective group. The funding was welcomed and it was noted that:

- The schemes would need to be able to achieve their aims within the funding currently available as the revenue funding would not necessarily continue beyond this point;
- Fuel poverty and energy efficiency were highlighted as key issues to address.

It was unanimously resolved that:

- a) Cabinet approve the submission of the Herefordshire UK Shared Prosperity Fund Investment Plan to government, in order to secure up to £7.6m of funding for the county;**
- b) Authority to make technical amendments to the final Investment Plan submission is delegated to the Corporate Director for Economy and Environment;**
- c) Should the Investment Plan be approved, Herefordshire Council agrees to be the accountable body for the implementation of the UK Shared Prosperity Fund allocation and the resulting projects; and**
- d) Authority is delegated to the Chief Executive Officer and the Section 151 officer to formally submit the bids by the 1 August 2022 deadline.**

144. 2023/24 BUDGET SETTING TIMETABLE

The cabinet member finance, corporate services and planning introduced the report. She explained that it set out the overall arc of the consultation process for the 2023/24 budget. Technology would be used to support the consultation process but, in addition, face to face consultations would be re-introduced in the market towns and large villages.

The chairperson of the scrutiny management board explained that the board was exploring how to include scrutiny of the budget in its work programme. It was noted that the contribution of scrutiny was important and that if the government spending review date slipped, this would be taken into account. Cabinet members were keen that scrutiny have an input at the start of the process.

Group leaders and representatives on behalf of their groups noted the proposed timetable and hoped for a good response rate. It was highlighted that it had proved difficult in the past for scrutiny to make comments early on as not enough information had been available. The need for longer term funding settlements was also noted.

It was unanimously resolved that:

That:

- a) the proposed timetable for the development and adoption of the Medium Term Financial Strategy and the 2023/24 budgets be approved; and**
- b) the proposed approach to the budget consultation is approved.**

The meeting ended at 4.02 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 28 JULY 2022**Question 1**

**From: Mr Les Fancourt, Three Shires Building, Monkhide
To: Cabinet Member, Infrastructure & Transport**

Are the council now going to commit to a confirmed release date for the long awaited and promised Phosphate credit scheme?

If so, is the amount of Phosphate credit proposed to be released going to cover the first eligible list? If not, it seems certain we are going to have to suffer another open ended, long period of extend moratorium, with no second release even on the horizon. This will be devastating for the construction industry that in some instances has already been on stop since 2019. This would be completely unacceptable in respect to the fact that the primary and biggest polluters continue virtually unchecked, and the moratorium on development has made little or no difference to the pollution problem. It is long overdue that this wrong is addressed.

Response

Thank you for your question. We agree completely more needs to be done to address pollution on the Wye and will continue to press all parties locally and nationally to play their part. As the Cabinet report, to be considered this afternoon explains, the Council has voluntarily chosen to assist developers by bringing forward a Phosphate Credit Scheme. Credits will start to be offered in August 2022 and a planning condition will ensure that new developments are only occupied when the site is actually able to deliver the Phosphate reduction. This condition is likely to be less than a year from now. Many design, engineering and environmental challenges have been overcome to get to the point in which Herefordshire Council has become the first to achieve this. At present, there are insufficient credits to meet the entire backlog and we are actively progressing further sites from which to offer credits close to Tarrington and Titley. We are also keen to learn from DEFRA whether the new support scheme announced last week will be available here. We are pleased to hear that government intends to ensure that pollution from the Water Industry must be rectified by 2030. Our Cabinet Commission on restoring the Wye will look further at what the Council can do to tackle wider pollution issues and further details of the Commission and its work will follow.

COUNCILLOR QUESTIONS TO CABINET – 28 JULY 2022**Question 1****From: Councillor J Milln, central ward****To: Cabinet Member, infrastructure and transport**

I welcome the Council's wetland project at Luston, worthwhile for its own sake to remove P from poorly performing treatment plant, though this is just 40 out of 3 million excess kg overall. If this unlocks the Lugg moratorium, I am delighted for the SME building sector.

Using Luston to excuse P pollution elsewhere (the effect of trading platforms), when we need to drive reduction to 'zero P', and singling out future house-builders to pay for it when the problem is not of their making, are questionable actions.

We need to be bolder. We are all domestic polluters, so can I ask a Cabinet Commission to consider a fairer (and administratively simpler) way of funding this via a precept on the water charge or Council tax according to band or discharge type augmented by s.106 moneys as recommended by EAC?

Response

Thank you for your question, the purpose of the Commission is to look at what further the Council can do to restore the River Wye by addressing the pollution challenges using the tools it has available. There is already a significant work programme envisaged to meet the emerging terms of reference. We are all polluters as you say but the moratorium is current and credits are offered, voluntarily – both in the sense of the developer purchasing them and also the Council doing the work at its own cost to find a mitigation method because of the failure of national government to adequately fund their agencies to do their job adequately. Looking at a retrospective taxation/mitigation payment could be more than a little difficult to progress. That said, I am happy for it to be considered a regulatory and financial impact assessment and will provide this to you.

