

Title of report: Leaders report to Council

Meeting: Council

Meeting date: Friday 9 December 2022

Report by: The Leader of the Council

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

To provide an update on the work of the Cabinet since the meeting of Council held on 21 October 2022.

Recommendation(s)

That:

- (a) **the report be noted.**

Alternative options

1. There are no alternative options; the constitution requires the Leader to provide Council with reports on the activities of the executive.

Key considerations

2. It is a constitutional requirement that the Leader of the Council provides a report to each ordinary council meeting, other than the budget meeting, on the work of cabinet since the last meeting. In my report I include a summary of the matters decided by the cabinet and the cabinet members, any decisions taken under the urgency provisions and those subject to call in.
3. It is customary for all of the decisions to be listed in an annex to this report (appendix A). These decisions have been made available on the council's website. All councillors and members of the public have the opportunity to review these decisions as they are being made.
4. Of the decisions taken since my last report to Council, one key decisions was taken under the general exception provisions (giving more than five but less than 28 calendar days' notice) and none were taken under the urgency provisions (less than five days' notice).

5. Included in my report is a summary of what I consider the most significant decisions supporting the achievement of the County Plan, as well as some additional subjects that I hope will be of interest. Each is themed around our County Plan commitment 'Respecting our past, shaping our future'.

Cabinet Commission - Restoring the River Wye Catchment

6. The Cabinet Commission, given formal approval to proceed in September, is now mobilising its work programme. I am pleased to say Powys, Monmouthshire and Forest Dean Councils have all nominated Executive Members to join the Commission so that the entire Catchment is represented. The Commission has now met twice and will continue to meet monthly. At the last meeting of the Commission there was a presentation from the Wye Agri Partnership which is working with WRAP (The Waste Resources Action Programme) and all of the major national retailers and suppliers who are each developing their own programmes and action plans to manage waste created by their supply chains.
7. Preparatory work has commenced for the governance review of the Nutrient Management Plan Delivery Board (NMB). Herefordshire's commitment to hosting the Board and the efforts of members across all parties here, and with our partner councils, demonstrates our clear leadership and commitment to addressing this most pressing of issues in our and surrounding counties within the Wye catchment areas. However, it is increasingly important for the Environment Agency and Natural England to bring meaningful progress to the present plan to a level needed to make the difference the plan was supposed to deliver when it was formed 8 years ago. This makes the work of our Commission even more significant. We all want to see a rapid shift from research and analysis to tangible delivery.
8. A working group has been established with representatives of Farm Herefordshire, the National Union of Farmers and the Country Landowners Association who are meeting fortnightly to develop plans to better manage manure on farms themselves. The working group has no decision making authority and informs the work of the Commission. I am pleased to see that there is growing commitment from the sector to investigate and champion changed farm practices for themselves and I am very keen we provide them with all the support we can through the work of Cabinet Commission.
9. Alongside this a review of enforcement practice has commenced and Commissioners will be receiving proposals and recommendations on enforcement. Our Agricultural Supplementary Planning Document is now [out for consultation](#)¹ which represents the limited steps we can take to achieve change at this stage. Commissioners will want to make recommendations on how the Planning Framework can strengthen environmental protection across the catchment ahead of our own Local Plan update in 2023.
10. Cabinet members continue to meet with interested bodies including farmers and housebuilders

Children's Improvement Plan

11. Improving the outcomes for children in our care continues to be a focus for Cabinet. Cabinet receives regular updates from the Chief Executive and the Director of Children's Services.
12. Councillors will recall that in March 2022 Cabinet authorised expenditure of up to £11.489m for improvement activity which could be drawn down in two tranches to support the improvement plan. On 24 November, Cabinet approved the drawdown of tranche two funding against progress of the transformation programme of £6.49m. This includes the £1m as approved under delegation from the Director of Resources and Assurance in July 2022 for Children's Transformation in an immediate response to the Ofsted Inspection in July 2022.

¹ See: https://hc-webdev01.herefordshire.gov.uk/info/200142/planning_services/66/planning_services/12

13. Precise details of the expected allocation and spend are still in development, pending the development and submission of the Ofsted Improvement Action Plan. Tranche 2 funding, however, will take into account the recommendations and advice of the Commissioner for Children's Services. The Commissioner is expected to make her recommendations to the Secretary of State before Christmas. Subject to Cabinet approval, it is proposed that a further update, detailing agreed spend after the submission of the Ofsted Improvement Action Plan is provided in January 2023

2023/24 Budget

14. The Chancellor's Autumn Statement last week outlined the Government's plans to address what is acknowledged by Central Government as a crisis. Little attention was paid to address pressures facing almost all local authorities. According to reports I have seen, the budget increased the tax burden imposed by Central Government. It also gave local authorities the ability to increase Council Tax. Additional funding is to be provided to address adult social care pressures, and further investment in schools. Both are welcomed but leave Local Authorities with other significant pressures which Cabinet and officers are considering.
15. The Cabinet continues to work to identify mitigating actions to deliver a balanced budget for 2023/24 and sustained financial resilience in the medium term and this will include consideration of the impact of the measures announced in the Autumn Statement and anything that might emerge when the provisional local government finance settlement is announced on 21 December. Work continues to identify recovery plans to manage in year pressures and develop detailed plans to deliver efficiencies and savings to reduce the budget gap for 2023/24.
16. We will be engaging with residents and businesses throughout December to consult on a range of options that could contribute towards balancing the budget for 2023/24. These face to face events will take place at venues across the county and will be supported by an online consultation. The views collated from these events will inform the budget setting process and help us to align savings proposals with local priorities.

Five Year Housing Land Supply – recent appeal

17. Councillors will recall from my October report that there was a forthcoming appeal in regard to the council's 5 year housing land supply. I reported our position to be 6.19 years. This was recently challenged in a planning appeal against the refusal of an application. Evidence was given at a hearing on 23rd August and the appeal was dismissed on 7th November. The Inspector concluded that whilst some of the housing sites that the council had counted towards the supply may not be deliverable, the Inspector remained confident that a supply of at least 5 years can be demonstrated by the council.

Rural Area Designation under the Housing Act 1985

18. An application to Department of Levelling Up, Housing and Communities is being prepared to designate a number of areas within the county as 'rural'. National Planning policy indicates that affordable housing can only be requested on development sites over 10. Designation of a 'rural' area will give the council the ability to investigate different site thresholds for affordable housing within the emerging Local Plan 2021-2041.

Rural Services Network

19. I would like to congratulate Cllr Phillips on his appointment as Chair of the Rural Services Network. This is an important position, especially for Herefordshire being such a rural county and with

councillors on the ground who know only too well some of the difficulties our rural business and communities face. The Chief Executive has offered to provide support for the work he is doing. Using Herefordshire as an example can only help us.

Community impact

20. The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken. Reporting to Council the activities of the executive demonstrates the council's commitment to the code of corporate governance principle of implementing good practices in transparency, reporting and audit to deliver effective accountability.

Environmental Impact

21. The environmental impacts of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken. Reporting to Council the activities of the executive demonstrates the council's commitment to the council's [environmental policy commitments](#) and aligns to the following success measures in the County Plan.
- Increase flood resilience and reduce levels of phosphate pollution in the county's river
 - Reduce the council's carbon emissions
 - Work in partnership with others to reduce county carbon emissions
 - Improve the air quality within Herefordshire
 - Improve residents' access to green space in Herefordshire
 - Improve energy efficiency of homes and build standards for new housing
 - Increase the number of short distance trips being done by sustainable modes of travel – walking, cycling, public transport

Equality duty

22. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

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.
23. 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 provides a summary of activity undertaken, we do not believe that it will have an impact on our equality duty. These considerations are set out in each of the relevant reports informing the decisions listed at appendix A, and will inform any future decision making.

Resource implications

24. There are no new resource implications arising from the recommendations of this report. The resource implications of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform any future decision making.

Legal implications

25. The council and committee, and cabinet rules within the constitution require the Leader to provide a report to Council on the work of the cabinet since the last meeting of Council and, at the first meeting to follow the annual meeting of Council (except in a year when there are ordinary elections), on the priorities of the cabinet and progress made in meeting those priorities. This report ensures these requirements are met.
26. There are no legal implications arising from the recommendations of this report. The legal implications of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

Risk management

27. There are no risks arising from the recommendations of this report. The risks of any decisions of the executive listed at appendix A have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform future decision making.

Consultees

None

Appendices

Appendix A: List of executive decisions taken since 13 October to 1 December.

Appendix B: Herefordshire Council: Respecting our past, shaping our future. Delivery Plan for 2022/23

Background papers

None Identified