

Appendix 2 - Questions from members of the Council

Question Number	Questioner	Question	Question to
MQ 1	Cllr Roger Phillips, Arrow	Given the apparent changing circumstances with regard to the council's wetland policy can the cabinet member inform the council what engagement is taking place with private solutions that could delivery phosphate reduction in the Lugg catchment area and provide credits which would allow the building of homes.	Cabinet member finance, corporate services and planning
<p>Response: The Council is very keen to see private developers design and bring forward their own mitigation schemes and wants to work with them in a structured and systematic way. We welcome recent announcements regarding the encouragement of Developer-led mitigation schemes by government and, in support of this objective, we are currently looking to mobilise a project to do three things:</p> <ol style="list-style-type: none"> 1) To provide a series of guidance notes on key aspects of private schemes 2) To introduce an enhanced Pre Application process for developers to use at the concept stage that will bring together leads from our own Ecology team with Natural England and the Environment Agency to work together to provide early advice and guidance. 3) To develop a mechanism for Conservation Covenants - as set out in the Environment Act last year - which will provide a mechanism to ensure certainty of schemes once built out. <p>The project is being developed following a recent meeting with local developers, and is presently at the outline business case stage with further work required to confirm resource requirements and an appropriate timeline. We will keep members and developers informed on progress and will advise when we are able to move forward with this initiative.</p>			
<p>Supplementary Question: Some of the phosphate savings measures that the private sector have been submitting as planning application and pre-apps have Natural England agreement and legal agreements in place. There is no need to be held up by the council but this is what is happening. Now there are issues with the wetlands scheme we will need to find other options to facilitate building in North Herefordshire. This is having a huge impact on our local economy, on further jobs, revenue for the county, impact on rural schools with numbers of children declining. Can I urge the cabinet member to engage with private solutions which has not happened to date?</p>			
<p>Response to supplementary question (cabinet member finance, corporate services and planning) We are in discussions with the local building group and welcome the ideas and suggestions they are developing. I'm happy to provide assurance that engagement is happening and will continue. Recent statements by government have been positive and in support of developer-led solutions which is encouraging for the council.</p>			
MQ 2	Cllr l'Anson, Ledbury South	Herefordshire Children's Services teeter on the edge of a precipice. Since the Ofsted report Children's Scrutiny Meetings and Corporate Parenting Board meetings have been cancelled or postponed, time after time, Member's Calendars altering daily.	Cabinet member

		<p>Eg. Co-opted member's emails of 16th, 17th Nov. ask for meetings lists - no response. Co-opted member is struggling to plan work calendar around constant cancelling and rescheduling</p> <p>Email from Children's Scrutiny Committee member reflects "The lack of available reports is a huge frustration as well as the constant moving diary of events"</p> <p>LGA Peer Review scheduled 17th November, now proposed 10th January '23. Last meeting workshop was 1st Nov.</p> <p>Does not this lack of meetings represent a continuing failure of urgency, poor management and scrutiny, and why is the Administration not able to address the needs of Herefordshire's children more effectively?</p>	children and families
<p>Response:</p> <p>We all want the same thing - for our services to improve as fast as possible, and we are now on a clear path. Urgency always has to be balanced with the need for systems and structures to be solid and embedded, so we are working from foundations that are strong and lasting.</p> <p>No Corporate Parenting Board meeting has been cancelled or postponed since the Ofsted inspection. All meetings for 2023 have been timetabled and circulated.</p> <p>Progress in Corporate Parenting is long overdue, as long-standing members understand. Good focussed work is now moving us forward, as we will discuss in week's meeting.</p> <p>Members who are on the Board are encouraged to fulfil their role not simply in relation to Board meetings, for example engaging with LGA training and support and liaising with their political group.</p> <p>As far as Children's Scrutiny committee is concerned, one meeting was postponed, and a delay in producing reports was one factor that contributed to this. The work plans are a matter for committee members, led by the Chair and Vice-chair, supported by officers.</p>			
MQ 3	Cllr Shaw, Bromyard Bringsty	<p>Following a successful ballot of businesses in December 2021, the Cabinet approved a loan of up to £210,000 to the Herefordshire County Business Improvement District in May 2022, whilst they raised the £580,000 recorded in the officer decision of October 2020. Repayments were to be made from the funds collected, which were presumed due to be billed for the new financial year in April 2022. An apocryphal nine months have now passed so can the cabinet member responsible confirm that these invoices were raised, what the residual sum now owed to the Council by the HCBID is and what outputs have been achieved?</p>	Cabinet member finance, corporate services and planning
<p>Response:</p> <p>The cabinet approved an advance to the Herefordshire County Business Improvement District (BID) in May 2022, to enable the BID limited by guarantee company to become operational Decision - Herefordshire County Business Improvement District Advance Request - Herefordshire Council.</p>			

The loan has been paid in instalments of £35,000 per month to the BID company, with the final instalment to be drawn down in December.

The levy invoices have been prepared but not yet issued. We are working with the BID company to finalise the approach and timing of invoicing.

The Herefordshire BID has a website which contains information about its business plan and its delivery monitoring on behalf of its members:
www.herefordshirecountybid.co.uk

Supplementary Question:

I'm sure fellow councillors will be dismayed at the lack of delivery of the Herefordshire County BID (HC BID), it reflects poorly on the administration and this council, in its delivery of its economic strategy. Crucially, the member does not provide any explanation as to why these invoices were not issued in April and have to date still not been issued. A matter for scrutiny perhaps. Can the cabinet member confirm the amount that the HC BID is now expected to raise this year, the business plan shows a reduced sum of £431k being raised from invoicing from this financial year 2022 – 2023 and future years together with £80k, which I presume comes from council revenue. Will the £676k due to be spent by the end of March 2023 actually be expended or will just overheads for the organisation be paid? The business community demands and deserves answers.

Response to supplementary question (cabinet member finance, corporate services and planning)

A written response would be provided.

Written response to supplementary question – sent on 21 December:

The Herefordshire County BID and the council are currently seeking to finalise the list of businesses that should be included in the levy invoices. Until this is resolved the timing and total value of invoices is not known at this time. We hope this will be concluded in January 2023. The council's role as the business rates billing authority is to collect the levy on behalf of the BID company. Herefordshire County BID is a separate limited by guarantee company, and as such questions relating to level of funds being raised in their business plan, and their areas of expenditure should please be directed to them. The council has made a loan of £210,000 to the BID company to allow it to become operational until the levy can be collected. Other than the loan, the council has made no other revenue contribution to the BID company.

MQ 4	Cllr Durkin, Old Gore	<p>There are areas and residences of this county that do not have a reliable and efficient mobile phone or broadband service. The telephone analogue service change over to digital will be occurring, we are notified, anytime between now and 2025. Following this change over analogue emergency personal alarm buttons, worn on the body or as motion detection, will not operate over a digital line.</p> <p>I am informed that the Council are relying on the Telecare system to provide an effective safety response, post change over, for their customers. However, what is being done to identify, find and alert Herefordshire residents, as soon as possible before the changeover, who are dependent on their analogue personal alarm devices and who are not Telecare customers' but are dependent upon other providers?</p>	Cabinet member health and adult wellbeing
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Response:

The existing analogue telephone services in the country will be switching over to digital which is aimed to be completed by 2025. Nationally the telephone lines on which telecare services currently rely are being delivered by over 600 different telecommunications providers and over 300 different telecare alarm receiving centres. An estimated 1.8 million people in the UK currently use telecare services, of whom 1.3 million use alarms in their own homes, and 0.5 million in a range of care homes, supported housing and sheltered living arrangements. It is unknown how many people in Herefordshire have arrangements for the delivery of telecare services outside those sourced and supported by the council.

All of the council's telecare service users have been advised of the switch from analogue to digital telephony, and battery backups are being provided where power cuts would place people at risk through the non-operation of their telecare alarm. We are also assessing all the equipment used by the council's telecare users for digital compatibility and upgrading or replacing it as necessary.

The council has drafted a communication for people who use telecare outside the scheme offered by the council and will sharing it on the council's communications channels.

The Department of Health and Social Care's Policy Paper on the digital switchover was published on 5 December: [Telecare stakeholder action plan: preparations for the analogue to digital switchover - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/telecare-stakeholder-action-plan-preparations-for-the-analogue-to-digital-switchover). It advises that telecommunications providers are working on the best ways of informing telecare users about their migration and prompting them to contact their telecare service provider about any changes to their telecommunications arrangements. The Department has commissioned a range of information sheets to help prevent telecare alarm disconnections as part of this process. These information sheets will go to telecare service users and their carers, relatives or support network. The information drafted by the council for general information to residents will be informed by these information sheets and by the policy paper more broadly.

The Department for Digital, Culture, Media and Sport and the independent regulator for communications, Ofcom, are working with telecommunications providers to ensure consumers are prepared for the digital switchover, and protected against allied risks. In the telecare sector, the government's stated priority is to see action taken to mitigate any risks to users of telecare services before their switchover day.

Supplementary question

The changeover date is between now and 2025. The announcement that analogue is being changed over has been notified since mid to early 2021 and indeed known about before. I've been approached by residents who are who have had no proactive response from their service provider over the last 18 months. Our respective officers have been aware and have been urging and constantly reminding to address how these non-telecare customers in the county who could be in jeopardy will be identified and been unable to establish how other service providers will be dealing with the changeover. I'm aware that the government has now addressed this issue however there has been no proactive council strategy in place to establish, identify, locate and inform Herefordshire residents who are in potential jeopardy, who are not a client of telecare. Would the portfolio holder agree with me that the council needs to establish a communication plan to identify, locate and inform all service providers and their clients in Herefordshire of the changeover and how it may be dealt with?

Response to supplementary question (cabinet member health and adult wellbeing)

We have been waiting for government guidance on this and we could not put out any communication until we got official detail. A government policy paper was published on Monday 5 December so we are now working towards communications so that nobody suffers from this digital switchover.

MQ 5	Cllr Hewitt, Golden Valley North	Last Friday we heard from Jesse Norman that he is pushing for a "one river" regulatory approach for the restoration of the River Wye - an approach which elicited clear agreement amongst members.	Cabinet member finance, corporate
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	<p>What <u>written</u> evidence then can this LPA produce to validate recent assertion in planning committee that 'NE have told us that the Dore, Olchon and the Monnow' (the whole of the Lower Wye sub catchment) 'do not need assessment under Habitat Regulations?' These tributaries join the Wye at Monmouth and provide habitat for species designated under the SAC -eel, lamprey and salmon. Neglecting to assess whether a project in the lower wye sub catchment will affect these species also harms the main stem of the river for our neighbour Monmouthshire. As ward councillor for Golden Valley North may we see the advice on this matter from NE?</p>	<p>services and planning</p>
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Response:

In August 2022 Natural England (NE) published updated guidance to local authorities on catchments in which a Nutrient Neutrality approach is in effect, and where NE advises that nutrients have the potential to result in likely significant effects or adverse effects on the integrity of Habitats Sites. At that time Natural England added a considerable number of new catchments nationally to the list. Natural England's advice to Herefordshire Council in that update is that Nutrient Neutrality applies only to the Lugg Catchment and to the part of the River Clun catchment which sits in the county.

This advice, which has been provided to local authorities to assist them in their role as Competent Authorities for the purposes of Habitats Regulations Assessment, falls under Natural England's statutory duties and is part of a coordinated cross departmental response by government, supported by Defra and DLUCH. Natural England have provided technical background information on designated sites that have been identified as being within catchments where nutrient neutrality schemes are in effect and have, as part of their strategic approach, made an assessment of which catchments need to be covered by the approach.

Natural Resources Wales (NRW) have not written to Herefordshire Council to give their view on any catchments on which might similarly need to be subject to a nutrient neutrality approach.

On this basis Herefordshire Council are following advice which we possess from the statutory undertakers in applying a nutrient neutrality approach in catchments where NE/NRW have recommended that it IS necessary.

We are aware from our links with the Welsh local authorities that Natural Resources Wales have applied similar criteria to tributaries within the Welsh part of the Wye catchment, to those established by Natural England on the Lugg catchment, where the tributaries in Wales are identified as exceeding conservation targets.

To date we have not received any guidance from NRW on Habitats Regulations Assessment of development draining to the Dore/Olchen tributaries.

We rely upon both Natural England and Natural Resources Wales as the advisory bodies who undertake both the monitoring and condition surveys to advise as to how this cross-border catchment issue should be addressed and we would welcome an updated joint position statement to provide full clarity.

Supplementary question

What I asked for was written evidence of advice from natural England that we do not need to conduct an HRA in the Dore, Olchen and Monnow catchments as was recently asserted in planning committee. Your answer is that no information or advice has been received on the catchments. The

response implies that we as a competent authority do not comply with regulations unless we're told to, hopefully by the English conservation body and that we do not have a duty under the SAC to enquire. I think we can all agree that a large housing proposal, here 89 houses where the sewage treatment works do not have capacity, which is close to, and uphill from a tributary river might have a significant effect on that watercourse and as a result the main river body. This is what the habitat regulations say about duties of a competent authority, that is the body that protects the Wye, which is this local Planning Authority: ' you must carry out an appropriate assessment if there is risk of a proposal having a significant effect on the conservation objectives of a European site or if your plan or project may cause harm to the sites ecological function or its ability to survive damage and reduce its ability to support a designated species.' Why is this authority cherry picking the rules when it comes to HRA. We have areas where clear advice from any to apply a nutrient neutrality approach but that does not mean that elsewhere we can ignore likely significant effects which will reduce the ability of our tributaries to support designated species. We are the competent authority that means we have to use our intelligence and follow the process, risk means yes, which means consult the relevant body NE or NRW and seek advice. Can we now as a competent, proactive, as an LPA take a competent, proactive approach to all our tributary rivers to protect the ecological integrity of the SAC and where there is clear risk of harm to designated species consult with NE/NRW to mitigate harm, as government guidance tells us to do. We need a one river approach and to do less would make a mockery of working with our neighbouring authorities to protect the Wye.

Response to supplementary question (cabinet member finance, corporate services and planning)

I share a lot of your concerns and I'm still unclear about how Natural England and Natural Resources Wales operate effectively in terms of their respective responsibilities across the Border to protect the entirety of the catchment of the river system. I am keen to better understand the thought processes within our own planning service and also how we work with adjacent authorities when our river systems cross the border and there is a clear need to co-ordinate and to understand the overall impact on the total river system. I support your call for a one river approach and I'm very keen that we take a one catchment approach to the way that we work with adjacent authorities who have a stake holding in the total catchment footprint. I will be seeking further information on this and I'm hoping that both within my portfolio responsibilities and phosphate commission we can make improvement ensuring that we are ourselves joined up but also the three agencies and other stakeholders and statutory consultees take a similarly joined up approach.