

Report of the Health, Care and Wellbeing Scrutiny Committee: The Impact of the Intensive Poultry Industry on Human Health and Wellbeing

Meeting: Cabinet

Meeting date: 12th January 2023

Report by: The Statutory Scrutiny Officer

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose:

The purpose of this report is to notify the Cabinet of the report and recommendations from the Health, Care and Wellbeing Scrutiny Committee on the Impact of the Intensive Poultry Industry on Human Health and Wellbeing, made at its meeting on 25th November 2022 and to request an Executive Response.

Recommendations

- a) **That the report on the Impact of the Intensive Poultry Industry on Human Health and Wellbeing made by the Health, Care and Wellbeing Scrutiny Committee at its meeting on 25th November 2022 be noted.**
- b) **That an Executive Response to the scrutiny report and recommendations be prepared for consideration by the Cabinet within two months.**

Alternative options

None proposed; it is a statutory requirement for the Cabinet to be notified and consider reports and recommendations made by a scrutiny committee.

Key considerations

1. Scrutiny committees have statutory powers to make recommendations to the Executive, and the Executive (Cabinet) has a statutory duty to respond. They may also make reports and recommendations to external decision making bodies.
2. Scrutiny recommendations are addressed to the Cabinet, as the main Executive decision making body of the council (or, where appropriate, an external agency).
3. Cabinet is being asked to note the scrutiny report / recommendations and that an Executive Response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.
4. The minutes of the meeting of the scrutiny committee provide the record of the scrutiny committee's consideration of the issue and the scrutiny recommendations made during the meeting.
5. The scrutiny committee will be notified of the Executive Response made in respect to the scrutiny recommendations and may track the implementation of the Cabinet decisions and any actions agreed. This enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and review any outcomes arising.

The Impact of the Intensive Poultry Industry on Human Health and Wellbeing

6. On 25th November 2022 the Health, Care and Wellbeing Scrutiny Committee considered a scrutiny report on the issue of the Impact of the Intensive Poultry Industry on Human Health and Wellbeing. The minutes of the meeting are available [here](#)¹.
7. The establishment of the Task and Finish Group on 'The Impact of the Intensive Poultry Industry on Human Health and Wellbeing' was agreed by the former Adults and Wellbeing Scrutiny Committee on 6 September 2021.
8. The Task and Finish Group was made up of four members of the council. It met several times to receive evidence, and then also to consider and agree its key conclusions and recommendations.
9. Witnesses to the scrutiny inquiry included representatives and researchers from Herefordshire Council's planning department, the National Farmers' Union, Avara Foods Ltd, the Food Farming and Countryside Commission and Councillor Peter Jinman, with written submissions of evidence received from the Environment Agency.
10. The conclusions of the scrutiny inquiry and recommendations to the cabinet are contained in the scrutiny report, attached at Appendix 1.

Scrutiny Recommendations

11. At the end of its consideration of this issue, the committee made 11 recommendations to the Cabinet, as set out at the beginning of the scrutiny report at Appendix 1.

Procedure for Recommendations from Scrutiny Committees

¹ <https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=1155&MId=8830&Ver=4>

12. Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an Executive Response. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.
13. Where scrutiny committees make reports or recommendations to full Council (e.g. in the case of policy and budgetary decisions), the same process will be followed, with a report to Cabinet to agree its Executive Response, and thereafter, a report will be prepared for Council for consideration of the scrutiny report and recommendations along with the Cabinet's Response.
14. Where scrutiny committees have powers under their terms of reference to make reports or recommendations to external decision makers (e.g. NHS bodies), where they do this, the relevant external decision maker shall be notified in writing, providing them with a copy of the committee's report and recommendations, and requesting a response.
15. Once the Executive Response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented (review date).

Community Impact

16. 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. There has been a drive to improve the scrutiny function at Herefordshire, further to the Rethinking Governance review undertaken in 2021-2022.

Environmental Impact

17. There are no direct environmental impacts connected with this report or the outcomes it seeks to deliver. Initiatives and programmes to promote a healthy weight will likely have a positive impact on the environment e.g. food sustainability, reduced carbon admissions, increased active travel. This was considered in the consideration of this issue by the scrutiny committee.

Equality Duty

18. There are no specific equalities impacts.
19. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
20. 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.

21. 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.

Resource Implications

22. This report provides notification to Cabinet on the scrutiny report and recommendations, which have been referred to the Executive (Cabinet) for an Executive Response.
23. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of resource implications should be undertaken.

Legal Implications

24. Section 9F (2) (b) of the Local Government Act 2000 provides that a scrutiny committee can make reports and recommendation to the Executive with respect to the discharge of any functions which are the responsibility of the Executive.
25. Section 9F (2) (e) of the Local Government Act 2000 provides that a scrutiny committee can make reports or recommendations to the Executive on matters which affect the authority's area or the inhabitants of that area.
26. The scrutiny report provides the scrutiny recommendations of the committee to be made to the Executive (Cabinet).
27. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of legal implications should be undertaken.

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 notification of recommendations from the scrutiny committees and agreement of an Executive Response should help mitigate this risk.

28. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of risk implications should be undertaken.
29. The Executive will then need to assess the risks arising from any executive decisions made in respect of the scrutiny committee's recommendations.

Consultees

The Cabinet Member for Health and Adult Wellbeing.
 The Chairperson of the Health, Care and Wellbeing Scrutiny Committee.

The organisations and individuals that provided oral and written evidence to the Scrutiny Task and Finish Group during the scrutiny inquiry are detailed in the Executive Summary of the scrutiny report at Appendix 1.

Appendices

Appendix 1:- The Impact of the Intensive Poultry Industry on Human Health and Wellbeing Scrutiny Report, report of the Health, Care and Wellbeing Scrutiny Committee 25th November 2022.

Background papers

The draft minutes of the Health, Care and Wellbeing Scrutiny 25th November 2022.
<https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=1155&MId=8830&Ver=4>