

Minutes of the meeting of Cabinet held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Thursday 2 March 2023 at 2.30 pm

Cabinet Members Physically Present and voting: Councillor David Hitchiner, Leader of the Council (Chairperson)
Councillor Liz Harvey, Deputy Leader of the Council (Vice-Chairperson)

Councillors Ellie Chowns, Pauline Crockett, Gemma Davies, John Harrington and Diana Toynbee

Cabinet Members in remote attendance Councillors Ange Tyler

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 Peter Jinman

Group leaders / representatives in attendance Councillors Terry James, Jonathan Lester, Bob Matthews, Toni Fagan and William Wilding

Scrutiny chairpersons in attendance Councillors Elissa Swinglehurst and Jonathan Lester

Other councillors in attendance: Councillors Jeremy Milln and David Summers

Officers in attendance: Chief Executive, Director of Resources and Assurance, Corporate Director - Children & Young People, Corporate Director - Economy and Environment, Corporate Director Community Wellbeing and Head of Legal Services and Deputy Monitoring Officer

213. APOLOGIES FOR ABSENCE

There were no apologies from members of the cabinet.

214. DECLARATIONS OF INTEREST

None.

215. MINUTES

Resolved: That the minutes of the meeting held on 23 February 2023 be approved as a correct record and signed by the Chairperson.

216. QUESTIONS FROM MEMBERS OF THE PUBLIC (Pages 9 - 14)

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

Cllr Davies arrived at 2:40pm.

217. QUESTIONS FROM COUNCILLORS (Pages 15 - 18)

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

218. REPORTS FROM SCRUTINY COMMITTEES

There were no reports from scrutiny committees for consideration at this meeting.

219. DRAFT HEREFORD CITY MASTERPLAN

Cabinet members considered a report seeking approval to begin consultation on the draft Hereford City Masterplan. The cabinet member infrastructure and transport introduced the report and explained the importance of a long term plan for the city.

Cabinet members discussed the draft plan and noted that:

- While the plan focusses on the city, what happens there does impact on the wider county’;
- Wide ranging consultation is important and particularly with young people as this plan sets out a long term vision;
- The plan will support future bids for grant funding, aligning with government priorities.

Group leaders gave the views of their groups. The overall aspiration of the plan was welcomed but concerns were expressed about some elements. In particular transport schemes and the reliance on public transport and active travel measures caused concern for some groups while others wanted to see more emphasis on park and ride schemes. In response to queries raised it was noted that:

- the plan will be refined based on the consultation feedback received;
- there will still be disabled parking bays and parking provision in the city centre for those that need it;
- the plan seeks to encourage visitors to the city to stay longer;
- the plan links into other strategic documents such as the Big Economic Plan.

The ward member for the central ward welcomed the plan and the prioritisation of public transport and active travel options. It was recognised that some schemes will need to be brought forward ahead of others and that it would be useful to see details of the implementation plan.

It was unanimously resolved that:

- a) The Cabinet approve commencement of consultation in respect of the Draft Hereford City Masterplan; and**
- b) To delegate to the Corporate Director Economy and Environment authority to agree minor amendments prior to formal publication of the draft plan, subject to consultation with the Cabinet Member for Infrastructure and transport.**

220. EASTERN RIVER CROSSING AND LINK ROAD

Cabinet members considered a report setting out for approval the project objectives of the proposed Eastern River Crossing and Link Road. The strategic outline business case is in development and the agreed objectives will form the basis against which the scheme will be assessed as it is progressed.

The cabinet member infrastructure and transport introduced the report and highlighted the importance of the additional river crossing for resilience. An eastern crossing will provide access to the enterprise zone at Rotherwas and links to the most densely populated quadrant of the city. The link road will not cross the sensitive environments of the Lugg flats and will not be a bypass.

Cabinet members discussed the report and noted that the timescales set out in the report were cautious but based on the known processes required by the Department for

Transport. Cabinet members stressed the need for dedicated support from officers and consultants to ensure the project stayed on track.

Group leaders gave the views of their groups. There was general support for a river crossing to the east of the city, but views differed as to whether this should form part of a wider package with a western crossing and bypass. Concerns were raised by some groups that the proposed eastern link road will not relieve congestion in the city and will not attract government funding. Others believed that the eastern crossing is the right solution when supported by wider investment in transport schemes across the city.

It was unanimously resolved that:

- a) Cabinet approves the project objectives as set out in this report;**
- b) Cabinet notes the progress in developing the Strategic Outline Business Case (SOBC) for the Eastern River Crossing and Link Road; and**
- c) The Service Director for Highways and Transport in consultation with the Cabinet Member for Transport and Infrastructure is authorised to take operational decisions associated with progressing the SOBC in respect of the project.**

221. NEW HEREFORDSHIRE LOCAL TRANSPORT PLAN

Cabinet members considered a report setting out the proposals and proposed timetable for development of the new Local Transport Plan. The cabinet member infrastructure and transport introduced the report and highlighted that all councils were required to have a Local Transport Plan and to keep it under review. The LTP will reflect the current government direction on travel, de-carbonisation and modal shift. A Local Cycling and Walking Infrastructure Plan (LCWIP) will be included for the first time to provide a strategic, prioritised plan in support of improving levels of active travel across the county.

Group leaders gave the views of their groups. In response to queries raised it was noted that:

- There is still some space remaining to be developed at the Hereford Enterprise Zone and this will be supplemented by employment land in the market towns brought forward as part of the market town investment plans;
- A business and industrial sector similar to the enterprise zone is being explored for the west of Hereford in conversation with major employers;
- The allocation of employment land will also be dealt with through the local plan and these documents will fit together.

It was unanimously resolved that cabinet:

- a) Approves the draft timescale for producing the new Local Transport Plan;**
- b) Notes the proposals for developing the new Local Transport Plan; and**
- c) Agrees to delegate the authority to take operational decisions during stages 1 to 4 as set out in the report associated with the development of the Local Transport Plan to the Service Director for Transport and Highways in consultation with the Cabinet member for Transport and Infrastructure.**

222. PUBLIC REALM SERVICES FUTURE OPERATING MODEL

Cabinet members considered a report setting out the outcome of the midpoint review of the public realm services contract and a proposal that the future operating model be

selected as an in house client and technical staff, with the existing provider for top up professional services and works.

The cabinet member infrastructure and transport introduced the report and explained that issues had been raised about value for money, quality of work and client control. Extensive discussions had taken place regarding the key objectives of the council and which operating model would best meet these. Best efforts were made to ensure that as many councillors as possible across all parties were able to contribute.

Cabinet members discussed the report and it was noted that:

- There was nothing essentially wrong with the current contract but the key performance indicators were now out of tune with the county plan and the operating model needed adjustment;
- Officers and the contractor have engaged positively in the discussions;
- The proposed model will give tighter control of quality and a friendly but sufficiently tense relationship between the council and the contractor;
- Locality stewards are highly valued;
- The contractors involved are all keen to do more to support the council's priorities around social value and role as a corporate parent in generating opportunities for young people;
- The proposed change to the operating model will not resolve all the issues identified in the past but will give the council the ability to check and challenge the work done by the contractor.

Group leaders generally welcomed the report and the closer monitoring that the proposed operating model will allow. In response to queries it was noted that the new contract model has flexibility to get more local suppliers involved and to work with parish councils to do some of the smaller jobs differently. The council will have to take back some risk but this approach presents opportunities for delivering parts of the public realm programme differently.

The chairman of the connected communities scrutiny committee commented on the discussion held at the scrutiny committee as part of the discussion of the options for the future operating model. The committee flagged the importance of clarity on who was responsible for what and that communication with the public is absolutely key. The proposed option was seen as a step in the right direction.

It was unanimously resolved that:

- a) Cabinet note the outcome of the midpoint review of the public realm services contract;**
- b) Cabinet approve the selection and development of Future Operating Model Five being "In house client and technical staff with existing provider (single contract) for top up professional services and works";**
- c) Cabinet note and support the commitments and initiatives in paragraph 28 a-h to be developed between the council working in partnership with the Public Realm Services Contractor;**
- d) Cabinet delegate the design and development of Future Operating Model Five to the Corporate Director of Economy & Environment in consultation with the s151 Officer and the three Cabinet Members for Infrastructure and Transport, Commissioning, Procurement and Assets and Finance, Corporate Services and Planning; and**

- e) **Cabinet approve the executive response to the scrutiny recommendations as set out in appendix L to the report.**

223. SECTION 106 PORTFOLIO OF WORKS - SECTION 106 DELIVERY PROPOSALS

Cabinet members considered a report setting out an update on delivery of the Section 106 portfolio of works in relation to the decision taken by Cabinet in November 2021, and seeking further appropriate delegations to approve the spend, processes and resources required in connection with the future delivery of Section 106 schemes.

The cabinet member finance, corporate services and planning introduced the report and explained that this decision adds the contributions received since the last decision into the pipeline for delivery and delegates authority to the relevant directors for delivery of projects within the various categories of contribution received.

Cabinet members discussed the report and it was noted that:

- the mitigation required for development sites should be considered as they are identified;
- the local plan is in the process of being updated and it is important that communities respond to consultations to identify what is needed;
- parish councils can update their wish lists to inform the contributions sought and infrastructure needs can also be recognised as part of the neighbourhood planning process;
- the council has made changes to its financial rules so that it is able to deliver improvements alongside developments, rather than in arrears;
- the webpages are being improved and updated to show more information and to make it easier to access than before;
- the neighbourhood development process needs to strike a balance between satisfying growth needs with a single larger development which will generate contributions rather than multiple small sites which are below the threshold for contributions.

It was suggested and agreed that the delegation for public art contributions should sit with the service director communities as they are responsible for culture.

Group leaders gave the views of their groups. The improvements in the process were welcomed and the need to progress spend of contributions promptly and in consultation with communities was emphasised.

It was unanimously resolved that:

- a) **Cabinet approves the implementation of the new delivery proposals, as set out in Section 106 Delivery Proposals, including the resources required, to spend all Section 106 developer income and future income received;**
- b) **The council scheme of delegation is updated to authorise the spend of section 106 monies and to delegate all operational decisions relating to the above recommendation in accordance with the table at appendix 1, with an amendment to delegate responsibility for public art planning contributions to the Service Director Communities.**

The meeting adjourned at 4:47pm and resumed at 4:57pm.

224. CABINET COMMISSION PROSPECTUS FOR OUR RIVER RESTORATION

Cabinet members considered a report setting out the progress made by the Cabinet Commission on Restoring the Wye and seeking approval for further development of an Outline Business Case for submission to DEFRA and the Welsh Government. The

cabinet member finance, corporate services and planning introduced the report and explained the background to the establishment of the Cabinet Commission and the progress to date.

The cabinet member highlighted that:

- The aim of the commission is to develop a strategic plan to restore the river catchment to favourable conservation status, working with the three other councils with responsibility for parts of the Wye catchment;
- The commission has met four times to receive evidence and information from experts, and reports from officers on progressing the commission's objectives with government departments, agencies and regulatory bodies;
- The report sets out the case for exploring more robust monitoring and regulatory options, with a further progress report to follow in July 2023;
- Insufficient progress has been made through the nutrient management plan and the report recommends that the plan is significantly revised and a reconstructed nutrient management plan delivery vehicle be proposed;
- Herefordshire Council unanimously voted to petition the Secretary of State at DEFRA to implement a full Water Protection Zone (WPZ) but this request was refused as being premature or without required justification, so the council needs to make progress by other means;
- The report sets out options which show potential to achieve nutrient certainty and the recommendations to Cabinet for this meeting seek approval for the next steps to explore, amongst other things, whether there is a willingness and commitment for all stakeholders and agencies to work to achieve a regulated voluntary scheme which is compliant with statutory requirements;
- Should the necessary progress not be made through co-operation then the regulatory threat of a WPZ remains and the work done with partners and stakeholders will provide evidence to build a robust case and show that we have explored and dismissed the reasonable alternatives;
- The pollution of the river is damaging for the communities of Herefordshire, its environment and its economy, and on the council through lost revenue from council tax;
- There is no suggestion that the council should fund a scheme for farmers or assume any of the powers belonging to the regulators and other statutory bodies, the report proposes that the council make some contribution to the work that needs to be done to put a better scheme in place while continuing to encourage and challenge government and regulators to exercise their statutory powers to their full extent;
- The next steps are to explore whether more regulated options are feasible and deliverable including, as a particular solution, a regulated voluntary scheme across the Wye catchment farming community and a further report will come to cabinet in July 2023.

Cabinet members discussed the report. Some cabinet members did not believe the proposed approach to be the best way forward and argued that the money set aside by the council should be invested in a scientifically based case for a Water Protection Zone. They suggested the proposal for a trading scheme was premature and that the cabinet commission needed to provide its formal report first. In response it was argued that the work proposed in the report would need to be done anyway to gather the evidence to support any future request for a WPZ. The government and statutory bodies are not protecting the rivers as they should be and the council is looking to learn from the Poole example and work with a broad spectrum of stakeholders. The trading scheme is one of the options to be explored but others will likely emerge over the next few months and will be reported on in the next progress report.

Group leaders gave the views of their groups. It was generally recognised that more work and consultation is needed but views were mixed on best way to achieve improvements. In response to queries it was noted that:

- The report could be better structured and the learning from this would be applied to future reports;
- A more structured timetable of meetings for the commission may be needed going forward;
- The need to see progress is recognised but the complexity of the different options must be explored before a solution can be identified in which everyone can have confidence.

The recommendations were put to the vote and it was resolved by a simple majority that:

- a) Cabinet notes the progress made to date by the Cabinet Commission;**
- b) Authority is delegated to the Corporate Director for Economy and Environment to allocate up to £250,000 of the total allocation of £480,000 to the continued work of the Commission, following consultation with the Chief Executive and the Director of Resources and Assurance;**
- c) Herefordshire Council be the accountable body where submissions for external funding are successfully secured from partners;**
- d) The Chief Executive is authorised to continue the council's work with stakeholders and to prepare a draft submission considering all potential options to DEFRA and Welsh Government;**
- e) The Chief Executive is authorised to work with statutory partners to take forward the Commission's recommendations for a newly reconstituted Nutrient Management Plan Delivery Board to undertake a critical assessment of the draft submission to DEFRA and Welsh Government, and a revised Nutrient Management Plan; and**
- f) Cabinet review further progress made in July 2023.**

The meeting ended at 5.35 pm

Chairperson

PUBLIC QUESTIONS TO CABINET – 2 MARCH 2023

Question 1

From: Helen Hamilton, Marches Planning and Environment
To: cabinet member, finance, corporate services and planning

The Cabinet Commission report refers to the WWF et al case of 2015 and says there was no specific outcome for the Wye but an order was made to introduce a trading scheme at Poole Harbour

This is wrong The Lugg was one of the test catchments in the case and the Poole trading scheme was one of several measures in a plan to address nitrogen pollution in the Poole catchment, the contents of which were not mandated by the court. The Court order required DEFRA to produce Diffuse Water Pollution Plans (DWPP) for the affected Natura 2000 catchments, including the Wye.

QUESTION – How do the Cabinet Commission proposals fit into a DEFRA-produced DWPP for the Wye and Lugg catchments?

Response

Ms Hamilton thank you for your question, Natural England tell us in their DWPP theme guidance that their first their priority is to continue to update and implement DWP Plans to ensure they provide a live, user-friendly evidence-led approach to delivery. We see our proposals as a further possible building block for inclusion in a DWPP along with a strengthened Nutrient Management Plan. We are in contact with the agencies over our proposals and will want to discuss with them how the proposal could contribute to the DWPP framework prior to the submission to the Secretary of State and Welsh Government.

Supplementary question

In response to my question as to how the Commission proposals would fit within the Diffuse Water Pollution Plan DEFRA is legally bound to produce, the Council quotes a single line from a 31-page document as Natural England's view on the proposals and says that it will discuss the plans with the agencies, indicating it has not done so yet. The Natural England document dates from 2015, before either the WWF/Fish Legal or the Dutch Nitrogen judgements and is now unlikely to be compliant with NE's duties under the Habitats Regulations.

Why should Herefordshire Council devote funds to work that DEFRA must carry out as soon as reasonably practicable and which it is not certain will be accepted as part of a DWPP?

In responding to this question, please be aware that the courts have said in both the Fish Legal case and Harris v Environment Agency* that a shortage of resources is not a justification for failing to produce a DWPP or meet the requirements of the Habitats Directives.

Response

I would like to provide assurance that we will be continuing our ongoing discussions with the agencies about the work of the Commission which predate your questions. We have accepted an offer from them to discuss next steps following cabinet's consideration of this report today. As your questions also raise legal considerations we will take further advice. We will respond to the points you raise once we have the benefit of this advice and have discussed further with our partner agencies which I anticipate that because of diary commitments will be towards the end of March.

Question 2

From: Mark Franklin, Bromyard

To: cabinet member, infrastructure and transport

Re item 8 – Eastern River Crossing, I would like to know:

- How much traffic (%) is expected to be removed from the current A49 corridor as compared with the previously proposed Western Bypass and SLR?
- How does the anticipated completion date (2029-31) compare with the previously forecast completion dates for the Western Bypass and SLR?
- With no extension of the corridor through to the A49, how is additional congestion to the north of the river to be avoided?
- What potential funding sources have been identified?
- From which earmarked reserve has the £1 million been allocated?

Response

Dear Mr Franklin, thank you very much for your question. At the time of the Hereford Transport Strategy Review (HTSR) in 2020, the analysis of options suggested that the Western Bypass would initially deliver a 21% reduction in traffic flows on roads in the Air Quality Management Area (AQMA) in the city (*page 114 of the HTSR Technical Report*) and the Eastern Link would initially deliver a 14% reduction in flows on roads in the AQMA (*page 117 of the HTSR Technical Report*). The current work, more detailed, work being undertaken for the Eastern River Crossing and Link Road (ERiC) is at an early stage, however, early analysis suggests that traffic relief on the A49 could be up to 20%, which is extremely encouraging. The ERiC supports the Hereford Masterplan ambitions and the council's commitment to net zero and is also aligned with central government's decarbonisation agenda. The Western Bypass, as well as being the most environmentally damaging option, had an estimated cost of £190 million compared to an Eastern Link cost of £55 million.

The completion date for the western bypass was circa 2030 (as per HTSR), and ERiC is anticipated to also be completed by circa 2030. We have been careful to factor in allowances for a strict business case development process set by the Department for Transport. There will be opportunities to truncate that timeline but that is a conservative estimate. It must be noted that work on the Western Bypass also comprised several years, if not a decade, under the previous Conservative administration and so, in totality, the time estimated for a Western Bypass is considerably more than the Eastern Link we are working on.

ERiC is not seeking to remove all through traffic from the City, this is a common misunderstanding and we need to look at the data. The HTSR showed that only 7% of trips pass through the city, beginning and ending out of city (*p23 of HTSR report*) and so we are more focused on providing resilience with an additional river crossing and access to residential areas in the north eastern quadrant of the City, as well as providing the conditions which will increase modal shift to walking, cycling and public transport as set out in the City Masterplan.

A number of funding sources have been identified for ERiC, including those set out below. However, further work is anticipated in later business case development to provide more detail on a likely funding package.

- DfT Major Road Network fund.
- DfT Local Growth Fund.
- DCLG Housing Infrastructure Fund.
- DLUHC Levelling Up Fund.
- DCLG Housing Infrastructure Fund (HIF).
- Developer contributions and Community Infrastructure Levy (CIL).

- County council / local authority capital programmes.
- Prudential borrowing by the local authority, paid back over the long term by business rates.

The £1m for the further development of the Eastern River crossing business case project is funded from the settlements monies ear marked reserve, as per the cabinet decision on 29th September 2022

<https://hc-modgov.herefordshire.gov.uk/ieListDocuments.aspx?CId=251&MId=8394&Ver=4>

Supplementary question

Many thanks to the Cabinet Member for a most detailed and informative response. The 7% figure has been much quoted but excludes those whose necessary journeys begin in the city and end outside, or vice versa, and those whose journeys begin and end within the city but must use personal motor transport. Thus a group much larger than the 7% may experience considerable delays in crossing the city, particularly at peak times. What reduction in journey times might they expect following completion of the ERiC?

Response

The cabinet member noted that the seven percent figure is traffic technically bypassing Hereford. In relation to the other traffic, the cabinet member highlighted the 14% reduction in traffic flows and 23% reduction in congestion as set out in the original response. He agreed to follow up with a figure on reduction in journey times.

Question 3

From: Philip Price, Preston on Wye

To: cabinet member, finance, corporate services and planning

Legacy P was previously blamed on ploughing up swards in the Second World War. Now you are saying that the deposition of legacy P is so great that there is no swift route to river recovery. The views expressed that you don't understand the subject and much has to be done, yet you are going to train and support farmers in the use of appropriate tools to rectify the problem.

Can the Cabinet please explain to the farming community based on this report, how they will engage with them, when this report suggests that the scientific evidence on the movement of Phosphate is so poorly understood?

Response

Mr Price thank you for your question, the Rephokus Report published last year specifically identifies need for further research and tool improvement in a number of areas. At the Commission's suggestion, DEFRA have brought together Lancaster University, the Scottish Rural College, Rothampstead Research and the AHDB to better understand the evidence gaps and develop the tools needed to enable farmers to make better choices about the application of nutrients in the catchment.

EA, NE, NRW and Welsh Government, together with the supply chain, Farm Herefordshire and the Council also participated in these discussions with leading national specialists. They have agreed to take an end to end approach to the scientific evidence and how it can be applied to on-farm solutions.

As of last week their agreed position is, *'We don't have enough evidence of measures that have been and are being taken or required on the levels and movements of P (both legacy and present) to drive community engagement and enact change.'* The DEFRA sponsored group are working up a project proposal to address the evidence gap through new on-farm tools and training. Around this, a comprehensive farmer-to-farmer engagement and consultation process will also

be commissioned to work through the challenges presented by managing down Phosphates including legacy P.

Supplementary question

I have specific interest in the reasons for wanting a clean and healthy River Wye. After at least nine years and hundreds of thousands of pounds spent, all the experts, specialists, consultants and academics across two countries conclude that, as of last week, we don't have enough evidence of measures that have been and are being taken or required on the levels and movements of P, both legacy and present, to drive community engagement and enact change. It is an insult to the farming community, who are making strides to resolve phosphate leach, for you to regularly state that farming is the cause of 70 percent of the problem and only 30 percent to human waste. When there are such gaps in knowledge of how phosphate moves, your omission does not support this spurious claim. Will the cabinet address this statement and deal with the issue of human waste entering the catchment from every public sewer in the River Wye catchment?

Response

Government has made a number of statements recently about the action that it's wanting to take to regulate the release of sewage into river systems by water treatment works by the water companies. Defra is about to consult shortly on proposals to hypothecate the fines that they are capable of issuing to water companies in order to provide a funding source to assist with the clean-up. That's all government activity and as a council we're implementing mitigation measures against phosphate pollution from water treatment works through things like the recently implemented wetland at Luston and wetlands that are planned in the pipeline at Titley and at Tarrington, and hopefully in other places in the county as well, but we don't have the ability to deal with the water companies ourselves. I will investigate what options are open to us and we'll provide a full written response to you.

Question 4

From: Ms Reid, Hereford

To: cabinet member, children and families

Two priorities of the Cabinet are improving Children's Services and wise expenditure on CS etc.

Local Government Interactive Tool show rates of Children Looked After (CLA) per 10,000 children of:

	2021-2022	2020-2021
Herefordshire:	112.0	87.0
Statistical Neighbours' average:	64.3	60.2
England:	70.0	67.0

Respectively for the years the number of CLA in Herefordshire has increased to 378 from 312 (392 at 31/10/22, 24/11/22 Cabinet meeting).

The base budget for CLA in 2023-24 is £28.724m net (£32.671m gross). Average cost per child is expensive (residential: £263,432pa).

Roughly, the number of children in care could be halved thus halving expenditure on CLA.

The rate of care proceedings is about double that of SNs – cost could be slashed.

What is the current number and rate of CLA in Herefordshire (with date) and latest rates for Herefordshire compared with Statistical Neighbours' average (with date)?

Response

We do not accept your assertion in the question that the number of children in care could be halved and that if that were to happen, the budget would similarly be halved.

In answer to your question:

As at Monday 27 February 2023 the number of children in our care was 406 (including 25 Unaccompanied Asylum Seeking Children) giving a rate per 10,000 of 113).

Excluding the number of Unaccompanied Asylum Seeking Children there are 381 children in our care, which equates to a rate per 10,000 of 105.

We receive and support Unaccompanied Asylum Seeking Children as a part of the National Transfer Scheme and the number in our care has doubled in the past twelve months.

England and statistical neighbour averages are published annually and the most recently available data is as you have presented in your question.

Supplementary question

In 2021-22, the rate of Children Looked After (CLA) per 10,000 for Herefordshire was 112.0 but the Statistical Neighbours' average was 64.3. Both rates would have included similar rates of Unaccompanied Asylum Seeking Children (UASC). Herefordshire's very high rate of children in care could be substantially reduced thus slashing expenditure.

The high rate is highlighted in the Commissioner's report. It states:

"Most of the additional funding has met the cost of increased number of placements for looked after children ..."

Will the concerns of the Children's Commissioner about number and cost of children in care be prioritised by at pace implementing Family Group Conferences, increased investment in relatively cheap family support and reunification?

Response

The concerns of the children's commissioner are being prioritised absolutely. As far as unaccompanied asylum seeking children are concerned, it's quite difficult to compare rates between different areas because the mandatory national transfer scheme is fairly recent and not all councils did offer homes to these children so we just have to be a little bit careful about comparing rates. As far as family group conferencing is concerned, yes we are committed to introducing that and to working faster on exploring reunification and all of this is outlined in the improvement plan.

COUNCILLOR QUESTIONS TO CABINET – 2 MARCH 2023**Question 1****From: Councillor Jeremy Milln, Central Ward****To: Cabinet Member, finance, corporate services and planning**

The Cabinet Commission report recommends setting up a Phosphate trading scheme for the agricultural sector with a legally binding MoU. It claims that such trading schemes promote nutrient efficiency.

While it is being discussed in relation to Poole and a scheme was set up in 2017 in Holland specifically to manage dairy cattle manure, the UK has no experience of such a scheme for phosphates.

Commodifying pollutants, so the purchase of permission credits become a business cost to continue polluting, does not strongly incentivise change, at least not the rapid progress we need to make on phosphates (or indeed on emissions).

Given the novelty, complexity and risks associated with such a scheme would the Cabinet member agree that it would be better the Commission not progress this aspect, unless it can be demonstrated beyond doubt that it would be effective?

Response

Thank you Councillor Milln, the proposal before Cabinet is to move to the development of an outline business case, during the course of which the further assessments will be undertaken which would be necessary to answer your questions in more detail.

I agree with you - the right regulatory driver needs to be part of the solution.

In such a scheme, the EA could be asked to use the Environmental Permit Regulations to set a mandatory target and require all farms to report annually on their progress to report the leaching of phosphate. With criminal penalties if data is not reported or is falsified.

The link between changing inputs and managing down phosphates is subject to many variables and so a scheme allowing farmer's time to phase in the adjustments would aid transition and secure better buy-in by those impacted.

Such a scheme would represent an inter-farm trading approach during the managed reduction "glide path" phase to delivery of the end-state nutrient targets. Ultimately, all farms would be required to reach the end-state targets, or face prosecution and the imposition of a WPZ at the end of the scheme period - which in Poole's case is ten years - ensuring that trading is only an interim solution between farmers to a complex pan-catchment challenge. All farms will ultimately be required to reach end-state targets.

This is the regulated voluntary approach in operation for the Poole scheme and would be explored as an option during the business case development phase of a viable scheme for the Wye.

Supplementary question

I asked in my original question if the Cabinet member agrees that it would be better the Commission not progress Phosphate trading for the agricultural sector given the novelty, complexity and risks associated with such a scheme. In her response she says she agrees, then enthuses about voluntary 'inter-farm trading', managed as an 'interim solution'. There is no track record for agricultural P trading and the Poole scheme, which is for nitrates, is very different.

Given the fierce objections from FoUW, the Wye Salmon Association, CPRW, the Citizen Science Group and others, would the cabinet member now agree unambiguously that this should not be progressed?

From the joint statement from CPRW and FoUW (1st March 2023):

A phosphate trading scheme will not be sufficient to "restore the Wye to favourable conservation status", the headline aim of the Commission (see ToR). WE DO NOT HAVE 12 YEARS TO DO THIS. There is a high risk that ticking the partial phosphate-trading "solution" box, will actually prevent effective, timely, integrated effort to restore the Wye to favourable conservation status.

Response

I think it's far too early to be ruling anything out. This is a difficult problem where the options need to be considered properly, and my feeling is that it's appropriate that we continue to keep everything on the table including doing difficult things like getting agreement to voluntary phosphate reduction schemes alongside increased regulation and oversight. I wouldn't wish to rule anything out at this stage and so we're continuing to recommend that options are considered and reported back to the July council meeting on an improved view of which options are showing prospect for delivering certainty for our river.

Question 2

From: Councillor Nigel Shaw, Bromyard Bringsty Ward
To: Cabinet Member, Infrastructure and transport

Can I be provided, perhaps in the form of a table, with the amounts that the authority has spent on Beryl bikes, by year, with the source of the funding, and how many bikes were purchased and whether they are still in service?

Response

Summary Table of City Bike Share Spend

19/20	20/21	21/22	22/23
£69,067	£177,390	£88,188	£86,942
<i>Grant: DfT Access Fund</i>	<i>Grant: DfT Access Fund & Towns Fund accelerated projects</i>	<i>Grant: DfT Access Fund</i>	<i>Directorate Revenue</i>

200 pedal power bikes and 72 electric bikes are available to the public. The number of electric bikes is set to increase to 102 over the next few months.

Supplementary question

Thank you for the information provided, can you specifically identify how many pedal power bikes and electric bikes were purchased by each of the funds in each year? In particular how many were purchased against the Towns Fund accelerated projects and how much was expended from that fund?

Can the Cabinet member confirm that all of the bikes purchased are still available?

Response

The short answer is we don't own any bikes at the council, Beryl own the bikes. Our costs are associated with infrastructure put in as part of the deal. I've given him the detail on the spend, I can provide him a little bit more detail if you like it. In relation to bikes that are still available, I think in the entirety of the scheme we've lost two bikes - which is fantastic - one ended up in a tree on fire and one was thrown in the river right at the beginning and since then we have had the lowest level of vandalism in the entire country and world where Beryl have bikes including America and they praise Herefordians and they're very grateful that the phrase 'I'll Beryl it' has entered into our lexicon. Can I take this opportunity to thank the Conservative administration for bringing in the Beryl bikes, I think it was a fantastic scheme, we were very happy to continue and support it. When we have consultations even people who are very let's say road-minded are praiseworthy of Beryl and would like to see more bays so we're working very hard on that.

Question 3

From: Councillor Jennie Hewitt, Golden Valley North Ward

To: Cabinet Member, finance, corporate services and planning

Re proposed phosphate commission Scheme

Please can you describe in outline how this scheme will deal with the legacy phosphate issue in the Wye catchment?

Response

Phosphates can only usefully leave fields by uptake into livestock or uptake in crops, sometimes small amounts are windblown in soil too, otherwise Phosphates remains in situ or leach into water courses, so it is vital that legacy P is managed correctly.

At the Commission's suggestion, DEFRA have brought together Lancaster University, the Scottish Rural College, Rothampstead Research and the AHDB to better understand the evidence gaps and develop the tools needed to enable farmers to make better choices about the application of nutrients in the catchment. EA, NE, NRW and Welsh Government, together with Farm Herefordshire and the Council have participated in these discussions.

Two tools are under development - one of which better measures total phosphates in soils including legacy P, and the other measures leaching of phosphates from farms. Discussions have commenced as to whether these tools can be trialled on the Wye later this year when research reaches that phase.

