PUBLIC QUESTIONS TO CABINET – September 2023

Question 1

Carla Boyle, Deputy Town Clerk, Ross on Wye

To: Cabinet Member, Environment

The Broadmeadows/Tanyard site in Ross-on-Wye is an extremely significant and complex site. As you will see on the map below, this area is a significant proportion of the whole built area of Ross. It is an undeveloped and mostly poor quality environment (other than the area around the ponds) across a considerable 'wedge' of the town and, as such, is a clear priority for development. Development of this site would also help to create a strong link to any developments east of the A40. Demonstrating the deliverability of a project of this scale and complexity is a key factor in determining whether it might proceed to successful completion. Ross-on-Wye Town Council requests that Herefordshire Council produce a single, overall masterplan for this site, based on the principle of financial equalization between all parts of the site.

Response
We recognise that this area of land has been identified in your Neighbourhood Development plan as a strategically important site. This will also be considered through the current countywide Local Plan Review, including the REG 18 consultation. The site is also in multiple private ownerships. Therefore at this stage there are no plans to commission a masterplan, until the longer term Local Plan is finalised, and subsequent engagement with the land owners as to how the land can be brought forward.

No supplementary question

Question 2

Steve Kerry, Hereford

To: Cabinet Member, Finance and Corporate Services

Does the cabinet member agree that when any changes are made to governance processes that affect the workload or operations of parish councils there should be full discussion with the parishes before the changes are implemented?

Response
The council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. Operational changes to governance practices sit with the Monitoring officer. This is an operational/administrative matter. It is not a political/policy decision.
Recent operational changes were introduced in May 2023, following local elections. Discussions with Parish clerks have been established to move away from Herefordshire Council publishing all DoIs on our web-site, to Parish Councils publishing them to their web-sites.
Herefordshire Council's Democratic Services have been working closely with Parish Clerks to introduce this change. A strong public interest underpins this. It:

- Gives practical support to national calls to bring alignment on practices and behaviour standards at all tiers of local government;
- Strengthens public engagement, openness, transparency and accountability; and

- Aligns more closely with what the law intended. Whereby '*A parish council must, if it has a website, secure that its register is published on its website'.*

Work is continuing. Approximately half of all parish councils have implemented this change in practice. The council cannot, and is not, imposing this change. This has to be shared endeavour toward strengthening compliance and public access to information on parish council business. Ongoing advice and support is being offered with remaining parishes providing an excellent response to this change in practice.

Supplementary question
The answer does not address the broad issue of policy which I raised and is clearly an attempt by officers to deflect this into a specific matter I did not mention. Nor did I refer to changes being imposed, I said implemented. Will the cabinet member now answer the question I actually asked, in his own words"

Supplementary Response:
Thanks for your supplementary question. Yes I agree that all councils should speak with each other when there are proposed changes to Governance, processes or anything to help and support each other. I understand that working relationships between Herefordshire Council and the various parishes is very good and long may this continue.

Question 3

John Harrington, Leominster

To: Cabinet Member, Transport and Infrastructure

It has been reported that Cllr. Price met with members of the DfT and Network Rail a few weeks ago and in that meeting Cllr. Price said that "Herefordshire Council has no interest in a railway station at Pontrilas". Can he confirm that statement was made by him and if so, can he confirm, when he says 'Herefordshire Council', whether he means himself as Cab Member, his Cabinet or the Conservative minority administration? It is important, particularly with a by election in an adjoining ward coming up, to know this administration's position on a community project that was being supported and driven forward by the previous administration.

Response
During my time as Cabinet Member I have received briefings from officers and have reviewed the report that was created supporting the additional station at Pontrilas as well as the response from DfT on that report.

As it stands the project offers poor value for money as, should it be built, it is likely that the scheme will not create additional capacity but will simply transfer journeys from other stations or the bus network. In addition it will also slow journeys as trains will be required to stop more frequently.

Experience for other parts of the country has shown that where a local authority wishes to promote the creation of a new station facility then it is the local authority that is expected to provide the financial security should the scheme fail to deliver the additional patronage expected. In light of the evidence presented thus far I would be unwilling to saddle the council with the additional financial risk that building a new station would present at this time. I will however ask the Marches Forward Partnership to add this piece of work to their work programme so that we

can further explore the options for the future and to consider what other schemes will be required to allow for a successful project to be delivered.

Supplementary question

Although you did not directly answer my question, I thank you for your response and I am very heartened to hear that you will ask the Marches Forward Partnership to add this to their work programme, especially as both Monmouthshire and Powys CC are on record as fully supporting a new station at Pontrilas, as are the respective MPs, adding to the support of our own MP, Jesse Norman.

There is good news on the feasibility front too. The scheme promoters, having met with senior members of the DfT, Transport for Wales and Network seem assured that there is time on the network (6 mins) to allow a stop and also that the economic case will be considered alongside that of new journeys. We would be very grateful if the Cabinet member would agree to meet the promoters ASAP with Jesse Norman MP to discuss this new development.
Finally, projects or proposals that have budget lines may be considered policy. So like the Eastern Crossing, the New Station proposal at Pontrilas should be discussed in the appropriate manner regarding due process and decisions then made by the Cabinet and full Council rather than potentially being made defacto by inference or back channels. I am sure the CX and the Monitoring Officer will, and should, be able to offer advice on this - and my apologies if I am misinterpreting the chain of events.
Thank you very much.

Supplementary Response –

I would thank you for your response and as a consequence have asked our team to arrange for a meeting with the necessary people as suggested.

Your comments regarding due process etc. are noted and I can assure you that this council takes very seriously the need to ensure that we adopt and follow proper process to change if necessary any of the council's pre-existing policies.

Question 4

Herefordshire Construction Industry Lobby Group, Herefordshire

To: Cabinet Member, Environment

This is the 6th year of housing moratoriums over the past decade. During which The Lugg declined.

Moratoriums don't address causes of pollution, and mitigation options have been very hard to access.

A Lichfields report (2022) identified that Herefordshire was suffering heavy financial, employment, housing and community impacts as a result of the planning ban, including lost s106, council tax and New Homes Bonus, plus lost Affordable Housing and Education contributions. This is in addition to the local sector losses.

The economic and social effects of long moratoriums are crippling, but sadly have not produced ecological improvements or protection.

Would Cabinet consider revising its position to reflect scientific evidence and utilise the willingness of local developers to purchase/deliver more mitigation (council and private)? Is there a more ambitious approach where together we can deliver sustainable homes AND accelerated ecological mitigation?

Response
Ms Albright thank you for your question and your work in continuing to highlight the needs of house builders in the County. The Council contributed to the development of the Lichfield's report which sets out the wider economic and social impact and is pleased to see its position reflected in the report you quote.

At present, we estimate that circa 800kg of Phosphate Credits will be needed to mitigate the entire 4400 homes targeted for the Lugg sub catchment within the County. That's comprised of 340kg for the existing waiting list and a further 460kg to meet likely future housing need.

Our site at Luston has secured 180kg of Phosphate Credits and our Schools Septic Tank Programme we believe will secure a further c250kg. Last week, the site we purchased at Tarrington achieved planning approval which will provide a further c90kg and I am minded to take a formal decision to build a Wetland there which will see the immediate release of a significant tranche of further credits this autumn.

Overall we have good prospects of c520 kg of credits and have a further strategic reserve of c40kg of credits available from our Titley Site (which would be more expensive to build).

At this stage, there is ample mitigation available for immediate, near and medium term use, a stark contrast to where we were six years ago. The main constraint now is resourcing the complex processes involved in determining all the homes held on the waiting list which is an intensive piece of work for the Council and developers on their side too.

As an administration we have recently undertaken a careful review of our approach to available mitigation opportunities. We have looked at whether there are any alternative sources of mitigation. We have reached the conclusion that Wetlands and Riparian buffers remain the most economic and effective approach to mitigation at scale. A conclusion consultants working for on 37000 blocked homes for five Council's in Norfolk have also reached.

I am therefore looking at one further Wetland site and riparian buffers to get us to the 800kg we will need over the next ten years. I hope to be able to say more on a further large Wetland site soon but cannot for commercial reasons at this stage.

We have submitted a funding bid of £2.1m to DLUHC and remain in discussion with them about the need for mitigation which if successful will keep the cost of credits down.

Finally, we recognise that private schemes have a part to play and have proposed a joint pre application advisory portal with Natural England and the Environment Agency which I hope they will become more positive about participating in.

Herefordshire has blazed the way nationally in solving the challenges involved in delivering Wetlands and trading credits and when it comes to housing we are now very much open for business again. I would suggest that the situation regarding available credits for immediate and medium term use is very healthy and we now need to place more attention to working with developers to clear the backlog.

Our Wetlands reserve a proportion of the phosphate captured for river betterment and bring other nature benefits too which I know is important to all at HCLG.

Supplementary question

This is all excellent news. Thank you.

We are very grateful for the specific detail you have provided and the 'trailblazing' approach that will no doubt offer some hope for beleaguered businesses in the county after many dark years.

We are also grateful that you are seeking ways to reduce the cost of the credits, speed up accessibility, support private mitigation schemes. HCLG are also very supportive of the additional ecological betterment that is being created by the mitigation as this is very important to us as purchasers of the credits.

Given the incredibly difficult trading circumstances of the past years would it be possible to rapidly expediate the credit purchases by making the backlog a priority focus and streamline the process? HCLG would be happy to help.

Would it also be possible for a public statement to be issued to explain that there are now ample credits available, and to celebrate the collaborative endeavours of Herefordshire Council and Herefordshire homebuilders? It would be beneficial that any statement explains that developers are funding the mitigation strategy entirely, but that this initiative will sadly not restore the catchment.

Thank you again.

Supplementary Response –
The council has already brought in additional planning resources to expedite the processing of the backlog of applications which can now be taken forward with the credits, prioritising those that have been impacted by the delays. So far we have made decisions on 6 applications, 17 are in the process of agreeing section 106 agreements and we have written to the remaining 128 applicants to give them the option to purchase credits when they become available. We will continue to promote the availability of the credits as the construction lobby group has helpfully suggested. Whilst the private sector income from the credits will pay for the future management of the wetland sites, there has also been significant public sector investment in establishing the wetlands in the first instance. I thank them for their question.

Question 5

Ms Reid, Hereford.

To: Cabinet Member, Children and Young People

From the Q1 Budget and Performance Report and its appendices:

The forecast overspend of the Children and Young People Directorate is £10,669,000 - £7,772,000 on Looked After Children. Also, all of the directorate's "Approved Savings" of £4,500,000 are at risk.

The Children's Commissioner's report (March 2023) stated:
"Most of the additional funding has met the cost of increased number of placements for looked after children and the cost of many more agency workers …"

From the above-mentioned meeting's report:
"Continued focus on reunification to support the step down of care …"

However, according to the latest version of Herefordshire Children's Services Improvement Plan (7/6/2023), the Draft Reunification Guidance is not due to be completed until December 2023 (6.6).

To reduce the overspending on Looked After Children, should reunification be rolled out at a much quicker pace with greater focus?

Response
Thank you for your question.

The current projected overspend in children's services is significant but it should not be concluded that this is all associated with the costs of Looked After children. The Cabinet report provides more detail on the breakdown of the projected overspend (para 24).

We have a 'Reunification Practice Guidance' which is part of a refreshed overarching Permanence Policy. The Reunification Practice Guidance was developed in accordance with the NSPCC (2015) 'Evidence-Informed Framework for Return Home Practice' which is a well-established framework used in many other local authorities. The most recent update of the Improvement Plan was presented to the Improvement Board in September and reflects the completion of this activity (6.6).

Children in care have an Independent Reviewing Officer who chairs Children Looked After Reviews where the care plan, including the plan for permanency, is considered. There is an established Permanence Panel which ensures that there is an appropriate permanence plan in place and this includes children who are 'potentially suited' to a plan of reunification. There is a Permanency Champion in post who has a dedicated team of Social Workers specifically focussing on the discharging of care orders and supporting children to go home to the care of their parents and/or family members where this in their best interest and in line with their care plan.

As a culmination of work that began earlier in the year, eight Care Orders were discharged in August and a number of others are expected to be taken to court before the end of December. We do not however embark on this activity with families as a cost-cutting exercise. It is very much about doing what is in the best interests of the particular child(ren) where circumstances may have changed.

Our focus on this in recent months has included extending our capacity to support Family Group Conferences, and creating additional posts and resources to support reunification activity, alongside close liaison with CAFCASS and the local Courts to minimise delay.

Supplementary question
Directorate is £10,669,000. Looked-After Children (LAC) has increased by £7,772,000, from £26,617,000 to £34,390,000) ie 72.8% of the overspend. The council's total forecast overspend is £13,500,000, ie 79.0% is from directorate.

The Looked-After Children rate is about twice that of the county's Statistical Neighbours' average (source: LAIT). 396 children were in care (at 18/9/2023). The average cost of <u>each child</u> in care for <u>one year</u> was:

- Fostering: over £16,000
- Fostering agencies: over £46,000
- Children's homes: over £260,000

Source: Freedom of Information, FOI2022/01890, January 2023

The above with anecdotal evidence indicate the necessity for greater pace and focus on reunification. Recruitment of permanent social workers and foster parents are also essential.

The Cabinet may choose to refer the “under-performance” to the CYP Scrutiny Committee (Paragraph 1). **Will the Cabinet consider this option?**

Supplementary Response –
Thank you for the question and your supplementary question. With specific regard to your reference to underperformance, it’s important to recognise there is scrutiny in terms of governance, from not only the young person’s scrutiny committee but also Ofsted as the inspectorate, and the detail of the discussion from the children improvement board and the content of the children improvement plan. Those are important foundations of the governance progress against the required improvements. With specific reference to under performance of Children’s services leaders and staff, they are working hard to deliver the improvements from what have been acknowledged as a very low base. They are determined to secure best value for money moving forwards, as they build on the improvement activity which has already been seen since the inspection last year. So those are wholly documented in previous Ofsted reports. Those service leaders and staff have my full support.

It’s for members of the children and young people’s scrutiny committee and other scrutiny committees to determine their own forward work plans.