

**Agenda item no. 5 - Questions from members of the public**

Question Number	Questioner	Question	Question to
PQ 1	Ms Borley, Monkhide	<p>Herefordshire Council has been made aware of the condition of Elmhurst on Venns Lane which it had operated as a nursing home until 2008. It was subsequently disposed of to Lynhales Care Homes Ltd (now Rotherwood Healthcare Ltd) and has lain unused and unoccupied for 15 years in spite of a now lapsed scheme for refurbishment approved in 2015.</p> <p>Given that protection of our heritage and culture is a key commitment of the Herefordshire County Plan 2020-24, is it not time the Council used its powers to ensure that this important listed building in the Aylestone Hill Conservation Area deteriorates no further?</p>	Cabinet member environment
<p><b>Response:</b>                      Protection of our heritage remains a key commitment of the council, and this is an important local asset. However, there are restrictions as to when and how the council can intervene. A member of the planning enforcement and Conservation teams visited the property on 25<sup>th</sup> July 2023. There was no current evidence of any breach of planning regulations, though the building is clearly in need of some repair/maintenance. Planning enforcement and heritage conservation officers will continue to monitor the building on a regular basis and assess whether planning and/ or other breaches have occurred, utilising our relevant statutory powers to take appropriate action where required.</p>			
<p><b>Supplementary Question:</b>                      At the meeting in July '23 I understand repair works were agreed with the owner's representative. I believe these works to be extensive, both internally and externally. Why was a Repairs Notice not issued?  <i>Section 48 of The Town &amp; Country Planning Act enables local authorities to serve a Repairs Notice on the owner of a listed building specifying those works which it considers reasonably necessary for the proper preservation of a building. If two months pass and no reasonable steps have been taken, the local authority can begin CPO proceedings under Section 47.</i>                      I understand that there are many buildings such as Belmont House, The Royal Oak in Leominster and the Hop Pole in Bromyard deteriorating and I now ask you to use your notice powers under the Town &amp; Country Planning Acts to protect Elmhurst.                      I now have The Victorian Society, SAVE Britain's Heritage and Woolhope Naturalists' Field Club asking questions about this important building. We need to stop further deterioration or the temptation of thieves/vandals to further destroy this fine example of architecture.</p>			
<p><b>Response to supplementary question from cabinet member environment:</b>                      Thank you for the question and for highlighting these long standing issues. Initially council officers will work with owners of heritage buildings to understand plans and support repair work. The council will utilise its powers if works are not forthcoming within reasonable timeframes. Senior officers</p>			

have been asked to meet with these owners of these heritage buildings and if no repairs are forthcoming enforcement action will be taken. We are determined to reassess all such cases and will do all we can to ensure the preservation of the historic environment. This may well include use of our statutory powers where appropriate.

PQ 2	Mr Symonds, Ross-on-Wye	Residents and businesses in Ross-on-Wye have suffered months of disruption while Welsh Water carry out work on the A40 at Hildersley, currently repeating work that was done weeks ago. What action has the Council taken to address the significant overrun on these permitted highway works?	Cabinet member roads and regulatory services
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**Response:**  
 Works are being undertaken by a private developer to facilitate a housing site, which involves various utility connections.

Works started in February 2023 and were originally expected to last 22 weeks, but were extended for various technical and unforeseen reasons.

The final duration of the works is expected to be around 43 weeks with work currently scheduled to finish by Friday 8th March.

The Council has been monitoring the works and liaising with the developer as appropriate. Whilst an extension of time has been granted for some of the overrun, we will be issuing a fixed penalty notice once the works are complete.

PQ3	Mr Banks, Hereford	Has the Council granted planning permissions for 5G telecom masts to entities not listed on OFCOM's register or based on invalid safety compliance certificates from 'Three UK Limited', a dissolved company unrelated to telecoms? If so, could these actions render the permissions invalid and potentially result in financial liabilities for the Council and Councillors? The Planning department has evidence of invalid certificates from Three UK Limited. Could the Council confirm if any 5G mast permissions might be affected? Will it conduct a thorough review of the relevant records to identify and revoke any potentially invalid permissions, as allowed by Section 97 of the Town and Country Planning Act 1990?	Cabinet member environment
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**Response:**  
 The Council is aware of a small number of mast applications for prior approval where the applicants name and the safety compliance certificates were incorrect and the named organisations were not recorded on the latest OFCOM register of code operators. In all cases where approval for the siting and appearance was given, the operator has been contacted and invited to submit applications with corrected certificates. In response to these requests the operators have instead submitted corrected compliance certificates. This approach has been accepted by the Planning Inspectorate in relation to a number of subsequent appeals and the Council considers that the correction of the certificates is a proportionate response to the health and safety concerns. The Council cannot revoke a prior approval determination as the legislation states that such installations are permitted development and in effect grants a deemed approval subject to the Council's consideration of the siting and appearance of the mast, nor would it be a

proportionate response. Accordingly the Council does not propose to take any further action but has reviewed its internal processes, an instruction has been issued to all Planning Service officers and administration staff to ensure that this situation is not repeated and an extensive briefing note sent to all Councillors.

**Supplementary Question:**

Thank you for providing the Council's response. While some corrected compliance certificates have been submitted by the operators, could you please clarify the potential financial liabilities for the Council and Councillors arising from granting permissions to entities not listed on OFCOM's register or based on invalid safety compliance certificates?

Additionally, could the Council elaborate on the specific steps or measures it plans to take to mitigate these potential liabilities and ensure compliance with regulations in future mast applications?

Furthermore, to ensure transparency and public accountability, would the Council be willing to make the briefing note sent to all Councillors publicly available? This would allow residents to have a comprehensive understanding of the issue and the advice provided to Councillors regarding potentially invalid planning permissions for 5G masts.

**Response to supplementary question from cabinet member environment:**

With respect to financial liabilities if these were to arise they would be considered on a case by case basis subject to the nature and basis of any claim.

With respect to steps taking, the business support and development management teams have been briefed by their respective service managers as to the checklist and registration requirements and the Planning Service will publish its 5G Mast Telecoms Briefing Note on the Council's website.

PQ 4	Mr Wood, Hereford	<p>When I met with yourself and the Leader in July last year we discussed what your predecessor had done to ensure that there were dropped curbs installed on roads in Hereford that didn't have any already. I would like to know why nothing has been done to lower the curbs that haven't been already on Barrie Road and Westfaling Street in Hereford despite bringing it to the attention of officers on the 6th of October 2022.</p> <p>I would also be interested to know why Herefordshire Council has failed to respond to a letter from the Department for Transport dated the 20<sup>th</sup> of March, 2023, have you seen the letter that I am referring too and how do you plan on responding to the Department for Transport?</p>	Cabinet member transport and infrastructure
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**Response:**

Thank you for your question.

Whilst we are sorry that schemes on Barrie Road and Westfaling Street have yet to be delivered, since 2022/23, the Council has invested £250k into matters such as this, with 9 schemes having been delivered across the county. Further money is being invested during 2024/25 that will help deliver some of the 90 further, similar requests that have been received.

With regard to Barrie Road and Westfaling Street, requests have been recorded for further dropped kerbs on both roads. Officers are currently reviewing and ranking all requests from across the county to determine the programme of works for 2024/25. At this stage it is not possible to state whether Barrie Road and Westfaling Street will form part of the programme, but I have asked that Officers contact Mr Wood directly in due course with the outcome.

In terms of the letter that was received in March 2023 from the Minister for Roads and Local Transport, we have noted its content and we can confirm that we are aware of our duties as a highway authority. As I am sure you can appreciate, like other highway authorities, we have many competing demands that we must balance across our highway network in Herefordshire each year. The recent announcement by central government, following the changes to HS2, that a further £106 million will be invested over the next 10 years into local roads, alongside the £14 million that we receive from government each year to maintain our road network, is welcomed and, when coupled with our own investment in highway infrastructure across the county, will greatly assist us. I have asked officers to look at how this investment could be used to provide an accelerated programme of accessibility improvements to deliver more schemes in 2024/25, such as those requested by yourself on behalf of others.

PQ 5	Ms Banks, Hereford	<p>The Council has an anti slavery policy</p> <p>“There is the need to identify and support victims, safeguard individuals, bring perpetrators to justice, develop information and data flows, increase awareness and create long-term, sustainable changes to behaviours, practice, skills and expertise”.</p> <p>How does the Council ensure there is no breach of this policy in its day to day purchasing and within its own policies?</p>	Cabinet member finance and corporate services
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**Response:**  
As part of the procurement process, bidders are required to agree a statement relating to modern slavery based on suppliers and contractors understanding their obligations under the Modern Slavery Act 2015. The council contracts and framework agreements include clauses which require suppliers to demonstrate their commitment to ensuring that slavery and human trafficking are not taking place in their own business, sub-contractors and supply chains. The council can terminate the contract where the provider breaches their obligations under the contract. Contract breaches are monitored as part of contract management arrangements.

**Supplementary Question:**  
Cobalt is required for re-chargeable batteries and solar panels, 70% of cobalt is mined using children as young as 4. Eco-mines present awful conditions for children and academic opinion is ‘there is no clean cobalt’. Are you aware of the use of children and labour camps to mine cobalt for EV batteries and solar panels?

**Response to supplementary question from cabinet member finance and corporate services:**  
I am aware and it is wrong and through our policies we do not use those types of organisations in our contracts.

PQ 6	Ms Price, Hereford	The excess LED Lighting throughout the county including rural areas is unwarranted No taxpayer has asked for these installations. Their ugly appearance is a minor issue in relation to the un-researched health effect on us all but especially for our children. Can the council explain the reason behind this planning and assure everyone of their safety with their research?	Cabinet member environment / adults, health and wellbeing
<p><b>Response:</b> Thank you for your question.</p> <p>Street lighting provides a number of important benefits. It can be used to promote security and to increase the quality of life by artificially extending the hours in which it is light so that activity can take place. Street lighting also improves safety for drivers, riders, and pedestrians. Where additional street lighting is proposed, then we have an established highway design guide in place, which seeks for street lighting to be of minimal impact in rural areas.</p> <p>With regard to your question around impact on health, I can confirm that all of the lights installed on the Herefordshire network comply with the various standards that are applied to them, from actual light output to the electromagnetic emissions that all electrical appliances are expected to conform with. As such we are not aware of any health disbenefits associated with the adoption of LED street lights.</p>			
PQ 7	Mr Papadakis, Hereford	<p>The council reports its emissions in terms of tonnes of Carbon Dioxide equivalent shown as tCO<sub>2</sub>e.</p> <p>Please provide the methodology and data used to calculate how many petrol and diesel cars would need to be off the road to make a noticeable difference to tCO<sub>2</sub>e in Hereford and how you arrive at this figure?</p>	Cabinet member environment
<p><b>Response:</b> 4610 tonnes of CO<sub>2</sub>e or roughly 45% of Herefordshire Council's emissions come from transport. Transport covers a range of vehicles including contractors' fleets, school transport, business mileage and staff commuting, etc. meaning that the emissions will need to be reduced across all modes of transport. In addition to any reductions in emissions made, sequestration will be taken into account as net zero recognises that emissions are unlikely to reduce to absolute zero across all sectors.</p> <p>We are therefore not looking to specifically remove cars from the roads to reach net zero but rather we have produced an overall plan as to how we will reduce our emissions in their totality before finally offsetting any residual emissions to achieve net zero. Our carbon management plan which sets out this approach as well as our annual reporting (including methodology) can be found here: <a href="https://www.herefordshire.gov.uk/climate-2/climate-change/2">https://www.herefordshire.gov.uk/climate-2/climate-change/2</a></p>			
<p><b>Supplementary Question:</b> Has it been independently verified?</p>			

**Response to supplementary question from cabinet member environment:**

Whilst the information is not independently verified, the Council does follow a recognised protocol to measure its impact. The protocol we follow has been defined by DEFRA and can be found here: <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2023>

PQ 8	Mrs McGeown, Dilwyn	<p>Herefordshire Council borrows a lot of money with interest payments swallowing significant amounts of annual council tax.</p> <p>Some of the current borrowing burden is through the much questioned LOBO Loans (<a href="http://lada.debtresistance.uk/what-is-a-lobo/">http://lada.debtresistance.uk/what-is-a-lobo/</a>)</p> <p>These appear to require a high % interest rate to service and if I understand correctly the terms of loan repayment can be changed by the lender.</p> <p>Most of the current borrowing burden is through the long standing and much respected PWLB, Public Works Loan Board. An independent and unpaid statutory body: (<a href="https://www.dmo.gov.uk/responsibilities/local-authority-lending/history-of-public-works-loans/">https://www.dmo.gov.uk/responsibilities/local-authority-lending/history-of-public-works-loans/</a>).</p> <p>These appear to require a much more modest % interest rate to service and have clear terms.</p> <p>Why were LOBO Loans taken out, as opposed to PWLB, and have potential changes to LOBO loan terms been allowed for in the 2024 budgeting?</p> <p>Is there any other council borrowing from other sources?</p>	Cabinet member finance and corporate services
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**Response:**  
Total borrowing at 31 March 2023 of £123.9m comprises Lender Option Borrower Option (LOBO) loans of £12.5m and £111.4m of Public Works Loan Board (PWLB). The council does not have any other borrowing from other sources.  
LOBO loans of £12.5m were taken out in 2004, in line with the approved Treasury Management Strategy and following recommendation from external Treasury Management Advisors. Interest payments are included in the 2024/25 approved budget with estimates informed by historical transactions and advice from external Treasury Management Advisors.

**Supplementary Question:**  
Council loan repayments are influenced by bank base rate, currently 5 1/4%.

Your external Treasury Management Advisors, I presume these are the Link Group, forecast an optimistic base rate of 3% in March 2026.

But we have recently experienced a massive increase in UK money supply, Government Money Printing

Now basic schoolroom economics and history lessons teach that:

When governments print money, interest rates rise.

So what contingency plans are in place to cope with the base rate rising to say, a very realistic 6 or 7%?

What strategic reserve of funds can the council call upon if their Treasury Management Advisors have got the forecast wrong?

Their forecast from 2022 was over 5X wrong!

**Response to supplementary question from cabinet member finance and corporate services:**

All loans are on fixed rates and the council is protected from rate rises.

PQ 9

Mr Parkinson,  
Leintwardine

On the agenda is amendments to the constitution. I am disappointed that councillors will be voting on abolishing the families' representative co-optee. As councillors say that they want to listen to families, please justify this gagging of the voice of families.  
We need more communication.

Chairperson  
children and  
young people  
scrutiny  
committee

**Response:**

The Children and Young People Scrutiny Committee has recommended changes to the constitution to ensure that its committee's co-opted member positions were open to as wide a pool of expertise as possible, rather than limiting one position to families who had been supported by social workers and another to teachers. This change continues to enable anyone who has been supported by Herefordshire Council social workers to apply for the co-opted member positions when positions become available.

Being a co-opted member is not the only way that a member of the public can be involved with scrutiny, and it is important that this committee considers how to hear from and work with families as it carries out its work. In addition, the committee has a role to play to ensure that these voices are heard throughout the council. I believe that there is more work to be done to in this regard, and this committee will continue in its work to ensure that Herefordshire Council continues to improve how it works with and supports families.

**Supplementary Question:**

I hope councillors will vote against the proposed abolition of the families' representative co-optee of the children's scrutiny committee. The families' representative co-optee would give a unique perspective to help to improve inadequate children's services.

The proposed change to the constitution is quote 'Two further appointments with such skills and experience as determined by the committee', unquote. So the committee could determine skills and experience which could exclude those who could have been appointed as a families' representative co-optee.

Also councillors should communicate more about children's services. How can they have more voice about the top priority of the council?

**Response to supplementary question from chairperson children and young people scrutiny committee:**

Councillors are directly elected to represent the people and therefore have to consider not just the interests of their ward, but those throughout the whole county. Your councillors are responsible for making sure that the services that the council provides meet the needs of residents and those who work in Herefordshire. All members are corporate parents. The corporate parenting strategy sets out our commitment to work together to improve outcomes for care experienced children and young people, and care experienced adults for whom we all have a special responsibility.

PQ 10	Mr Milln, Hereford	<p>On 4<sup>th</sup> March 2022 Council passed a motion for setting up an award scheme to encourage and recognise exemplary work in the areas of design, conservation and sustainability for the built environment. The NoM set out the parameters of the scheme and in the debate members contributed usefully of their experience and of examples across the County. It was supported because it chimes with the objectives of the County Plan 2020-24 and because it was seen as being very low cost.</p> <p>It is disappointing that there has since been no executive response to this, still less updates on progress. Can we please now have a progress report?</p>	Cabinet member environment
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**Response:**  
 We welcomed this motion as we firmly believe that such an initiative can only have a positive impact on the Built and Natural Environment of Herefordshire, driving a culture of innovative and high quality development across the county.

With this in mind the Built and Natural Environment Service has drafted a proposal to set out the detail of this award scheme and we are proposing to engage with local partners to seek their views to enable us to finalise this document.

**Supplementary Question:**  
 My question asked for a report of progress on the Award Scheme for design, conservation and sustainability for the built environment since Council gave unanimous approval to the initiative two years ago. The response references a document setting out the detail for engaging with local partners without providing any actual detail. I ask again for a report of progress please which should at minimum include a timetable for consultation and implementation.

**Response to supplementary question from cabinet member environment:**  
 The proposal for the Design Awards Scheme has been drafted by the Building Conservation Team for comment. We anticipate this will be shared with all interested parties shortly and we propose to put an initial meeting in the diary in mid April, subject to diary commitments, to collate feedback and set out a timescale for implementation of the scheme.

PQ 11	Ms Currie, Hereford	The Leader's Report states:	Cabinet member
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		<p><i>'A central underpinning to our budget is ensuring local children, young people and their families in receipt of our services experience improved outcomes with those services. This remains a top priority. At their most recent meeting (31 January) the Improvement Board met to consider the required quickening of pace in a number of areas of improvement identified by Ofsted.'</i></p> <p>One such area of improvement per the <i>Herefordshire Children's Services Improvement Plan</i> (updated 22-11-2023) is:</p> <p><i>'Monitoring and tracking to prevent drift and delay. This includes the monitoring and tracking of children in the Public Law Outline (PLO), permanence planning ...'</i></p> <p>However, there is anecdotal evidence that even after a judge decides that a child should be returned to their family, sometimes they are still not reunited months after the judge's timescale. To what extent is this true?</p>	children and young people
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**Response:**

There has been significant progress in ensuring drift is minimised as much as possible for children, young people and their families. The table below provides some examples of areas where such improvements have been made although it is accepted that we need to continue to improve and some areas

Area of Improvement	Performance April 2022	Current Performance
Completion of child and family assessment within timescales (45 working days)	55%	83%
% Strategy Meetings taken place within 2 working days	54%	96%
Initial Child Protection Conferences convened within timescales (15 working days from strategy meeting)	62%	96%
Proportion of Children in Need seen by their social worker within the last 6 weeks	52%	76%
Proportion of children subject to a Child Protection Plan seen by their social worker within the last 4 weeks	83%	97%
Rate (per 10,000 children) of children leaving care	28	32

We are working in a restorative way with parents and children subject to PLO pre-proceedings, helping parents to appreciate the concerns whilst supporting them to make changes in a timely manner so the child(ren) remain safe and can remain living with the family where possible. We have improved our systems and management oversight for families subject to PLO pre-proceedings to minimise drift whilst working alongside families. By ensuring effective engagement we have seen a reduction in the issuing of care proceedings subject to PLO pre-proceedings from 60% in April 2023 to 17% in January 2024.

In respect of the anecdotal evidence noted in the question, it would be inappropriate for us to comment on individual cases or circumstances. However, should the respective parent(s) wish for us to respond to their individual case in private we are of course more than happy to do so.

The rehabilitation of children to the care of their parent(s) often happens in a phased manner to ensure that sufficient support is in place and to ensure that both children and families can adjust. A balance is needed to ensure that the arrangements to rehabilitate the child back to the care of parent(s) is successful as a breakdown at this point can result in the child staying in care rather than the parent(s) being able to care for the child. Due to the individuality of the families involved it is not possible to provide a typical timescale for such reunification to be completed as these vary widely from family to family but timescales will generally be agreed with and monitored by the Courts.

There are commonly two legal basis on which a child can be looked after; through section 20 and through a care order being granted by the Courts.

Where a child is subject to Section 20, a parent can revoke this at any time and the child would return to the care of parent(s) as there is no legal basis for the child to remain in care.

Where a care order is in place the Courts broadly have two options:

- The Court can revoke the care order which effectively removes the legal mechanism for the child to remain in care and child would return to the care of the parent(s).
- The Court can continue the care order which effectively continues the child being a looked after child. Typically this happens where assessments or a support package such as a parenting course remain outstanding. In these cases a phased return home over a period of time is common. The court continues to exercise oversight, parents continue to be legally represented and children continue to have access to an independent Guardian and an Independent Reviewing Officer. Any potential drift will be scrutinised by the Courts.

**Supplementary Question:**

With respect I have to disagree with the response given. There is anecdotal evidence that even after a judge decides that a child should be returned to their family, sometimes they are still not reunited months after the judge's timescale.

Other families report a similar disregard for judges clear instructions when they go against the LA position and arguments in court. This is the sort of toxic, overreaching behaviour the council has been accused of during the past decade.

When will you take action and what action will you take against the staff that clearly defy court instructions when they conflict with Children's Service's Aims?

**Response to supplementary question from cabinet member children and young people:**

Thank you for your follow-up question

Performance against court timescales and directions are monitored weekly and regular performance meetings with the children and family court advisory service and local family justice board. In your question you refer to anecdotal evidence and behaviour displayed in the past. It would be inappropriate to discuss specific cases in this forum but if you would like to provide me details, I shall certainly look at this.

PQ 12	Mr McGeown, Dilwyn	<p>Herefordshire Council has a strategy that prioritises active travel measures, better known as walking.  <a href="https://committees.parliament.uk/writtenevidence/38323/html/">(https://committees.parliament.uk/writtenevidence/38323/html/)</a></p> <p>Great things are made of this in the draft masterplan that's soon to be consulted on.</p> <p>Now I live in the parish of Dilwyn and my nearest shop, library etc is in the village of Weobley.</p> <p>A footpath (PROW) DW20 links the two Parishes and I would love to actively travel to Weobley to buy bread and milk.</p> <p>But the footbridge, over 7meters long, spanning the brook, requires repair and the path has been officially closed by Herefordshire Council for over two years.</p> <p>How long should a reasonable person allow before concluding that the fine words "prioritise active travel" have no substance and Herefordshire Council no ability to deliver?</p> <p>When are you going to fix our bridge?</p>	Cabinet member transport and infrastructure
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**Response:**  
 Thank you for your question. The path in question is Public Right of Way DW20 and is closed due to a need to replace an existing 10m bridge. Bridges of this size do need to be installed by competent and capable contractors and so are not suitable to local delivery.

In line with all our work for maintaining assets on the network we do operate a prioritisation process, with the structure on DW20 currently ranking 42 on our list. That said, it is our intention is to make significant progress in terms of the replacements that currently sit on our programme, and have allocated funding to deliver this.

This council does recognise the importance of the Rights of Way network, both in terms of active travel and the impact that the network has on the visitor economy. We have therefore allocated some £450k of additional funding for works this year and aim to focus this spend on the reopening of closed parts of the network. We will work with local groups to empower them to undertake work as well as the more formal supply chain for large bridge replacements and the like. By adopting this approach, we will be able to ensure that the funding is spent to best effect.

I have asked that every effort is made to reopen DW20 as soon as possible for the benefit of all.

**Supplementary Question:**

If I understand correctly.

A long time ago the parish council was prepared to repair the bridge using their own resources.

The Parish Lengthesman, assisted by Dilwyn Craftsmen, undertaking the work.

This was prohibited by the County Council.

Dilwyn's Craftsmen are not only competent and capable, they also possess infinite resource and sagacity.

They would have delivered a 10 meter bridge that would have lasted into the next century.

All the County Council would have needed to do, was inspect the work and tick it off as job done.

I welcome the offer to reopen DW20 as soon as possible for the benefit of all.

**So**

Will I be able to lead Leominster Rambling Club over it on their summer solstice walk?

Please do say yes, then I can put it down on the walking program today.

**Response to supplementary question from cabinet member transport and infrastructure:**

I would like to say yes but currently the council is putting in place a framework agreement for suppliers to undertake such works from April. Competent suppliers should seek inclusion on the framework, including suppliers who can provide 10 foot bridges. There is a backlog of repairs and we have funding for the work but a lack of suppliers to carry it out. I suspect that the work is unlikely to be done in time for this year.