

Meeting:	Council
Meeting date:	11 October 2019
Title of report:	Motions on notice
Report by:	Solicitor to the Council

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To consider motions received on notice.

Recommendation

THAT: the motions listed at paragraph 6 are debated and determined by Council.

Alternative options

- 1 There are no alternative options to the recommendation; the constitution makes provision for motions on notice to be debated and decided by Council.

Key considerations

- 2 The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and submitted not later than midday on the seventh working day before the date of the meeting. A member cannot propose more than one motion on notice per meeting and a maximum of three motions will be debated at meetings of full Council.
- 3 Motions must be about matters for which the council has a responsibility or which affect Herefordshire.
- 4 Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 5 Up to one and a half hours will be allocated to debate motions on notice but that time may be varied at the discretion of the chairman.

- 6 Three motions will be debated at the meeting. The motions for discussion are set out below:

Motion – Review of Governance Models

(Proposed by Councillor Alan Seldon, Seconded by Councillor Felicity Norman)

Herefordshire Council is committed to maintain high standards of corporate governance in order to achieve the council's vision of 'People, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire'. Good corporate governance, covering our systems, processes, culture and values, ensures that we provide the correct services to the right people in a timely, open and accountable way; it encourages better informed, longer-term decision making, using resources efficiently and being open to scrutiny with a view to improve performance and manage risk.

The way in which our current Cabinet and Leader system operates means that many of our more significant decisions are taken by a very small proportion of the elected members. To ensure that our governance arrangements are as effective as possible in supporting fulfilment of our corporate governance commitments, and to maximise the engagement of all elected members in decision making, I call upon the Council to resolve that:

- a) The Audit and Governance Committee oversee a review of governance models for a recommendation to Council no later than October 2020.**
- b) The review be undertaken by a cross-party working group, reporting to the Audit and Governance Committee. To contain representation from each political group, from the executive, scrutiny and other functions. The Monitoring Officer be authorised to determine membership following consultation with political group leaders.**
- c) The review should follow guidance from the Local Government Association and from the Centre for Public Scrutiny guidance; 'Rethinking Governance: Practical steps for councils considering changes to their governance arrangement, and**
- d) The review be undertaken having regard to the following guiding principles;**
 - To maximise member engagement and participation in decision making**
 - Ensure decision making is informed, transparent and efficient**
 - Welcome public engagement**
 - Enable member and officers to perform effectively in clearly defined functions and roles**
 - To assess any resource implications for any proposed changes.**

Motion – Mental Health Awareness Day

(Proposed by Councillor David Summers, Seconded by Councillor Jim Kenyon)

Mental illness has a huge social and economic impact, its effects can predispose a person to a range of negative health issues which in turn leads to depression or worse

suicide. It's a matter of fact that mental health can affect a family member or anyone of us at any stage of life.

However, anyone who has been in crisis is well aware that there is still a stigma attached to it. For many of us simply having someone talk at us can increase those feelings of inadequacy and isolation. Conversely, just listening will allow a sense of being in charge.

Thankfully there is a wealth of mental health support already available in the county. To highlight this support and promote the need to listen without prejudice I call upon Council to resolve that:

The executive be asked to establish a designated annual mental health day to be named "Lets Listen Herefordshire" to be held every third Monday of each New Year from January 20th 2020 onwards.

Motion – General Permitted Development Order

(Proposed by Councillor Elissa Swinglehurst, Seconded by Councillor Yolande Watson)

This Council has declared a climate emergency and must align policy to reflect this – we have a number of policies designed to encourage sustainability in terms of locality, design and build but the use of class Q (General Permitted Development Order as amended) is undermining the effectiveness of these policies.

This Council resolves that: the executive is requested to write to government to ask them to review the policy regarding part 3 class Q (General Permitted Development Order as amended) applications under the General Permitted Development Order.

- 7 The constitution provides that the report to Council containing notices of motion on hand will also include detail of progress of all outstanding resolutions. There are outstanding resolutions with respect to three motions considered at earlier meetings of full Council. The resolutions and updates of progress against these resolutions are provided below:

Date of meeting	Motion	Current Status
9 March 2018	Video Casting of Council Meetings	A decision to initiate a procurement process has been delegated to the level of officer decision. A procurement process will be undertaken and a further report will be produced to recommend the appointment of an approved supplier.
RESOLVED: Recognising that, following It's Our County's proposal and after a nine month trial period, this council has recently decided to audio-cast public meetings and to adopt these recordings as audio minutes; and knowing that almost all our neighbouring authorities (Gloucestershire, Monmouthshire Powys and Worcestershire), and many others already routinely video-cat their meeting – an option originally rejected by this council on cost grounds. That, to align this council with best practice elsewhere, the executive is asked:		

- a) to consider again the merits of 'up-grading' from audio to live on-line video streaming so that the public meetings of Herefordshire Council and its elected members would be publically open and visible to those unable to attend, and that the recordings should be archived and made available on-line.
- b) To consider a trial period for live video streaming with the opportunity during the trial for feedback from elected members and the public.

Date of meeting	Motion	Current Status
8 March 2019	Eastern City Bridge Protective Corridor	The core strategy review is underway with initial work focussed on reviewing existing plan documents against the revised national planning policy framework and identification of evidence requirements. This work will inform a decision as to scope and timetable and that decision will also encompass a response to this motion.
RESOLVED: – that this council asks the executive to consider including in the forthcoming core strategy review a consideration of options for a route corridor for a full city ring road for Hereford to include an Eastern city bridge.		

Date of meeting	Motion	Current Status
12 July 2019	Community Infrastructure Levy	The core strategy review is underway with initial work focussed on reviewing existing plan documents against the revised national planning policy framework and identification of evidence requirements. This work will inform a decision as to scope and timetable and that decision will also encompass a response to this motion.
<p>RESOLVED:</p> <p>Legal powers for English Planning authorities to introduce in their areas a Community Infrastructure Levy have been in place since the Planning Act 2008 (1). The CIL provides among other things, for Parish and Town Councils to receive at least 15% of all proceeds, or 25% if a Neighbourhood Development Plan is in place.</p> <p>Herefordshire Council has paused the process by which CIL can be levied in the County, thus depriving Town and Parish councils of this potential income. Most neighbouring authorities have introduced the levy including Shropshire, Cheltenham Borough, Gloucester City, Tewkesbury Borough, Malvern Hills, Worcester City and Wychavon Councils. The longer this goes on, the more income is lost to Town & Parish Councils.</p>		

This Council asks the executive to investigate the adoption of the Community Infrastructure Levy as a matter of urgency, ensuring it is implemented for Herefordshire no later than January 2021.

Community impact

- 8 Herefordshire Council's adopted code of corporate governance provides the framework for maintaining high standards of corporate governance in order to achieve the council's vision of "people, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire."
- 9 In accordance with the code, the long-term nature of many of Herefordshire Council's responsibilities mean that we should define and plan outcomes and that these should be sustainable. Decisions should further the council's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

Equality duty

- 10 Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 11 The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. If any motion results in a request that the executive (cabinet) consider taking some action, the cabinet will have regard to the equality duty when determining its response to the request.

Resource implications

- 12 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

Legal implications

- 13 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

Risk management

- 14 None arising from the recommendation; if any motion results in a request that the executive (cabinet) take some action the risks associated with such action will inform any decision by cabinet.

Consultees

- 15 None.

Appendices — none

Background papers — none identified