

<b>Meeting:</b>	<b>Council</b>
<b>Meeting date:</b>	<b>6 March 2020</b>
<b>Title of report:</b>	<b>Motions on notice</b>
<b>Report by:</b>	<b>Solicitor to the Council</b>

## **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 – Car park passes**

(Proposed by Councillor Paul Rone, Seconded by Councillor Jeremy Milln)

**That all elected members that represent a city ward and live in the city should not have a car park pass as this only encourages use of a motor car.**

**Motion – 20 mph speed limits**

(Proposed by Councillor Felicity Norman, Seconded by Councillor Ange Tyler)

**Herefordshire Council recognises the benefits associated with a 20 miles per hour speed limit in residential areas rather than a default of 30 mph which exists in most parts of the town and County.**

**There are fewer fatalities and injuries, greater survivability in traffic collisions, improved air quality, reduced fuel use and greater willingness of the population to walk or cycle – which has associated health benefits.**

**Many councils have or are in the process of implementing area-wide 20mph speed limits on residential and urban roads without traffic calming.**

**Many bodies with a remit for public health support a reduction in speed limits to 20mph on residential streets.**

**Area-wide 20mph limits rarely need traffic calming measures. They are an affordable way to improve health equality by creating child, disability, elderly and dementia friendly streetscapes that help reduce inactivity, obesity and isolation.**

**This Council requests that the executive undertakes an investigation concerning the introduction of area-wide 20mph speed limits across Herefordshire’s towns and major villages.**

**Motion – Minor Injury Unit (MIU) Closures**

(Proposed by Councillor Paul Symonds, Seconded by Councillor Chris Bartrum)

**The repeated closure of Minor Injury Units in Herefordshire was scrutinised at this Council’s Adults & Wellbeing Committee on 13<sup>th</sup> January 2020.**

**The NHS Trust and CCG submitted a report to this meeting which was incomplete and misleading. No evidence was given that any serious consideration had been given to enhancing community services to take pressure off A&E. There appeared to be a perception that it was the communities’ fault for not using the MIUs sufficiently, as opposed to the Trust’s failure to develop and promote these facilities.**

**The reason given for not consulting stakeholders prior to closing the MIUs was that it was not a ‘significant’ decision, hiding behind the shroud of ‘urgent patient safety’. Whilst this may not be significant in terms of NHS budgets, it is significant to the 30,000**

or so residents of communities served by the MIUs in Herefordshire. Government guidance cites ward closure due to viral outbreak, not closures planned months ahead, as an example of urgent patient safety.

Assurances were given by the CCG & Trust to Ross Town Council that a public consultation on the future of community health services, including MIUs, would be forthcoming in February 2020. This has not happened.

Under The National Health Service Act 2006, the only power available to Herefordshire Council if it is not satisfied with service NHS provision is to refer such decisions to the Secretary of State for Health. The alternative to this is to accept at face value the decisions, statements and lack of consultation by Wye Valley NHS Trust and CCG, letting down the residents of Herefordshire.

This Council agrees that the decision by Wye Valley NHS Trust to close Minor Injury Units in Herefordshire for the last 3 winter periods be referred to the Secretary of State for Health because Herefordshire Council has not been consulted on these changes to service and is not satisfied with the reasons given by the Trust not to consult.

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.
<p>RESOLVED:</p> <p>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.</p> <p>That, to align this council with best practice elsewhere, the executive is asked:</p> <p>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.</p> <p>b) To consider a trial period for live video streaming with the opportunity during the trial for feedback from elected members and the public.</p>		

Date of meeting	Motion	Current Status
8 March 2019	Eastern City Bridge Protective Corridor	A decision to begin the review of the core strategy is expected to be taken by the end of the current financial year, and will include a response to this resolution.
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	A decision to begin the review of the core strategy is expected to be taken by the end of the current financial year. A decision regarding potential future implementation of a Community Infrastructure Levy will be taken as part of the decision to begin the review of the core strategy.
<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 &amp; Parish Councils.</p> <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.</p>		

Date of meeting	Motion	Current Status
11 October 2019	Review of Governance Models	The re-thinking governance working group has met on 27 January and 7 February 2020 and an all members' seminar will be held on 18 March 2020. A progress report

		is due to be presented to the audit and governance committee meeting on 25 March 2020.
<p>RESOLVED:</p> <p>The Council resolves that:</p> <p>a) The Audit and Governance Committee oversee a review of governance models for a recommendation to Council no later than October 2020.</p> <p>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.</p> <p>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</p> <p>d) The review be undertaken having regard to the following guiding principles;</p> <ul style="list-style-type: none"> <li>- To maximise member engagement and participation in decision making</li> <li>- Ensure decision making is informed, transparent and efficient</li> <li>- Welcome public engagement</li> <li>- Enable member and officers to perform effectively in clearly defined functions and roles</li> <li>- To assess any resource implications for any proposed changes.</li> </ul>		

Date of meeting	Motion	Current Status
11 October 2019	Mental Health Awareness Day	An executive response is being prepared.
<p>RESOLVED:</p> <p>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.</p> <p>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.</p> <p>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 the Council resolves that:</p>		

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.

Date of meeting	Motion	Current Status
11 October 2019	General Permitted Development Order	Officers have discussed the matter with MHCLG and a letter is being prepared.
<p>RESOLVED:</p> <p>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.</p>		

## 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