

## **Title of report: Motions on notice**

**Meeting: Council**

**Meeting date: Friday 11 October 2024**

**Report by: Director of Governance and Law**

### **Classification**

Open

### **Decision type**

This is not an executive decision.

### **Wards affected**

Countywide

### **Purpose**

To consider motions received on notice.

### **Recommendation**

**THAT: the motion listed at paragraph 6 is 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 One motion has been received and will be debated at the meeting. The motion for discussion is set out below:

### **Motion – Flooding and Drainage**

(Proposed by Councillor Ed O’Driscoll, Seconded by Councillor *tbc*)

**Recent heavy rainfall has highlighted significant drainage issues around the County. It has become evident the current maintenance schedule for drains, gullies and culverts needs major improvement and this motion calls upon the Executive to:**

- 1) Ensure all drains, gullies and culverts that fall under the responsibility of Herefordshire Council are accurately mapped**
- 2) Undertake an urgent programme of rectifying and repairing drains, gullies and culverts where they have been damaged by the recent unprecedented period of rainfall**
- 3) Develop a full Countywide maintenance schedule that anticipates the likelihood of heavier rainfall in the future**
- 4) Publish the maintenance schedule so that ward members, city, town and parish councils and local people can have confidence in the plans**
- 5) Ensure that areas most at risk of flooding are prioritised for maintenance**

### **Updates – outstanding resolutions**

- 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 motions considered at earlier meetings of full Council; updates of progress against these resolutions are provided below:

| Date of meeting | Motion                           | Current Status   |
|-----------------|----------------------------------|--|
| 29 July 2022    | Cabinet Commission on Phosphates | The Cabinet Commission met in June with attendance from Monmouthshire, Powys, Herefordshire and Brecon Beacons National Park to review the progress against the Cabinet Commission Plan issued 2022/2023. All parties confirmed the Commission provided a useful forum to share progress updates and to identify constraints at officer level in delivering the desired progress on river restoration, growth and interpretation of Habitats Regulations. It was agreed that the CC has the ability to provide a political platform to lobby central government in respect of issues raised. |

A progress report was provided on the current work being undertaken by members and the wider catchment partners:

The development of the Diffuse Water Pollution Plan derived from a consent order as a consequence of a judicial review in 2014, led by the Environment Agency and in lieu of a Water Protection Plan. Phase 1 encompasses an update of evidence and modelling of source apportionment, phase 2 of the plan is an options appraisal engagement from all partners including Herefordshire Council, it will consider all potential mechanisms for tackling diffuse pollution include regulatory and enforcement measures. Phase 3 is an identified action plan to address diffuse pollution and target compliance with conservation objectives for the River Wye SAC agreed by all partners.

The Nutrient Management Plan has undergone a recent progress update undertaken by Natural England. Welsh government has latterly confirmed funding of £80k to Herefordshire Council for the purpose of data gathering of Welsh evidence, to be reviewed and incorporated into the Nutrient Management Plan, as well as wider catchment plans including the Wye Catchment Plan and the Diffuse Water Pollution Plan in order that evidence based modelling of apportionment and targeted actions reflects the entire cross border catchment.

Powys and Monmouthshire provided an update on the Upper Wye Restoration Project led by Natural Resources Wales with 10 million investment over a 5 year period the project will initiate a series of targeted projects to delivery improvements to the condition of the Wye, the project is due to be formally launched at the forthcoming Royal Welsh Show.

Herefordshire provided an update on the review of the Local Plan; regulation 18 consultation had been undertaken with feedback provided from Natural Environment team on Nutrient Neutrality policy, with a formal consultation from Natural England provided. It was noted that catchment Ecologists meet quarterly to review their interpretation of the implementation of Habitats Regulations and that there is scope to broaden this out to encompass a catchment wide approach to planning. With Herefordshire Council having now allocated resource to a Nutrient Mitigation Lead further work to develop this can be progressed.

#### **Actions**

- Members agreed to review the ToR and feedback at the next meeting any updates required.
- Members agreed to draft a letter to the new Secretary of State and the Cabinet Secretary for Climate Change & Rural Affairs in the Welsh office to request joint engagement on the delivery of the DEFRA River Wye Action Plan. Expressing a further need for joined up working between the statutory agencies on interpretation of both Water Quality and guidance on Nutrient Neutrality to local planning authorities.

Implementation of catchment wide Planning and Ecology teams to review interpretation of Habitats Regulations

RESOLVED: We welcome all the actions that Herefordshire Council and other statutory partners have taken and continue to take to address the issue of phosphate over-loading of the River Wye SAC.

As scientific research now exists which indicates that further impactful and coordinated responses are required to save the river catchment from permanent eutrophication, this motion calls upon the executive to:

Consider including the following areas of urgent action in the remit of the proposed Cabinet Commission on Phosphates:

1. Request of government that:

- the new Minister in charge of Defra clarifies what additional evidence they require before they would be prepared to reconsider the Council's Water Protection Zone request for the Wye;
- DEFRA commission the catchment-wide appraisal of nutrient flows in the Wye (and all other river systems within Herefordshire) that will inform and enable consideration of the cumulative impact of housing, agricultural and industrial development.

2. Request that:

- the Environment Agency improve the effectiveness of their regulatory and enforcement actions and their work with partners, to deliver best practice in sewerage treatment and manure management and to encourage and support the ongoing work of compliant farm businesses.
- Natural England update their current (2011) River Wye water quality data in relation to the SSSI and SAC targets in a timeframe which is aligned to the current update of the Herefordshire Local Plan; and provide guidance on appropriate conditioning of permissions to achieve the necessary reduction targets.

3. Identify now how best to use the update of the Local Plan to:

- recognise and address proportionately the legacy and ongoing contribution to phosphate pollution made by each development sector;

- promote and support best practice nutrient actions across all sectors;
  - encourage and incentivise catchment restoration through alternative, restorative and regenerative land use; and
  - decommission intensive poultry units that have reached the end of useful life.
4. Using the 'precautionary principle' explore immediately the adoption of a planning position statement for all future development which accurately reflects the sector risks identified in research; and reinstating the consideration of '*cumulative impact*', in co-ordination with Powys County Council, to ensure that the Supplementary Planning Document on Agricultural Development, which is already in progress, enables officers to exercise the full extent of the council's planning powers in these regards.
5. Consider urgently how data sharing, data management and data visualisation can support science-led and evidence-based decision-making at all levels and across all stakeholders.

| Date of meeting  | Motion                              | Current Status   |
|--|-------------------------------------|--|
| 9 December 2022  | Multi-storey car park (Bus Station) | Phillip Jones Associates have been procured via tender to deliver a report detailing existing and a proposed car parks strategy, to include any mitigation provision required to release the Merton Meadows surface car parks for development. The contract was awarded on the 2 <sup>nd</sup> September with the final report due in December 2024. |
| The Council, therefore, calls on the Executive to explore the construction of a new multi-storey car park on the current bus station site to serve the needs of Hospital Staff, visitors and contractors as well as to provide additional car parking capacity to support the railway station and town centre. |                                     |  |

| Date of meeting | Motion             | Current Status   |
|-----------------|--------------------|--|
| 8 December 2023 | Affordable Housing | <p>Membership of the cross party housing working group has been confirmed and a meeting date is being arranged. Dates are also being considered for the strategic summit with registered providers. Connected Communities Scrutiny Committee will be considering the issue at its meetings in July and October 2024.</p> <p>Following agreement from The Connected Communities Scrutiny Committee, the council have commissioned a review of good practice in housing delivery provided directly by local authorities and third parties. Three</p> |

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|---|--|---|
|   |  | <p>Dragons were been appointed on 2<sup>nd</sup> September , they will be providing an interim report for the Connected Communities Scrutiny Committee and will present their interim findings at the meeting on the 15<sup>th</sup> October, to enable the committee to make recommendations to Cabinet on 24 October 2024. The final report is due at the beginning of November 2024.</p> |
| <p>Council therefore resolves to:</p> <ul style="list-style-type: none"> <li>• Request the cabinet develop a programme to deliver an ambitious number of units of social housing, market-rent lifetime tenancies, affordable home ownership and market sale properties, funded through the prudent use of borrowing, capital receipts and the management of council assets in time for this to be agreed by Council as part of next year’s capital programme.</li> <li>• Request that the Connected Communities Scrutiny Committee undertake a review of good practice in housing delivery provided directly by local authorities and make recommendations to Cabinet by June 2024.</li> <li>• Request that the Leader of the Council to provide an update on housing delivery at each meeting of the Council.</li> </ul> |  |   |

## 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**