

Meeting:	Council
Meeting date:	12 July 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 7 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 the area.
- 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 Two motions will be debated at the meeting. The motions for discussion are set out below:

Motion – Zero carbon citizens assembly

(Proposed by Councillor Ellie Chowns, Seconded by Councillor ...)

That this Council asks the executive to conduct a citizens assembly on how Herefordshire can transition to zero carbon, timetabled to coordinate with the national citizens assembly on the same topic.

Motion – Community Infrastructure Levy

(Proposed by Councillor Paul Symonds, Seconded by Councillor ...)

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.

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.

This Council asks the executive to investigate and recommend to Council the adoption of the Community Infrastructure Levy as a matter of urgency, ensuring it is implemented for Herefordshire no later than 1st April 2020.

7 The constitution provides that the report to Council containing those notices of motion to be debated at the meeting 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. 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, in the new Council term, to recommend the appointment of an approved supplier.
8 March 2019	Eastern City Bridge Protective Corridor	A formal executive response to the resolution is currently being prepared and will be published shortly.
8 March 2019	Climate Emergency	A formal executive response to the resolution is currently being prepared and will be published shortly. A briefing session has been arranged for Tuesday 16 July 2.00 p.m. 4.00 p.m. Council Chamber: Members briefing on

		Herefordshire Council Climate Emergency Declaration. This will be followed by a full-day Members Climate Emergency Workshop on Monday 21.
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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