

Title of report: Motions on notice

Meeting: Council

Meeting date: Friday 28 January 2022

Report by: Monitoring Officer

Classification

Open

Decision type

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 Two motions have been received and will be debated at the meeting. The motions for discussion are set out below:

Motion 1 – Water Protection Zone for River Wye System

(Proposed by Councillor Louis Stark, Seconded by Councillor Toni Fagan)

Our rivers are under attack:

- **45000 fish dead from a pollution incident in the River Llynfi – a Wye tributary – and NRW unable to bring a prosecution against those responsible;**
- **Raw sewage continues to pour in to our rivers unchecked with the Government failing to provide strong and consistent leadership on it;**
- **Intense agricultural practices continue to expand with the impact of excessive phosphates and nitrates leaching through the soil in to our rivers;**
- **The EA remains thinly spread and unable to cope with the challenge it faces here;**

What should the Council do:

- **Put polluters on notice that we are serious about enabling effective action to be taken against their practices;**
- **Build on our previous Council motion to investigate bathing status for our rivers – a good start but not a complete answer;**
- **Push for a comprehensive regulatory framework for the medium term that would envelop our river systems in a protective cloak and give the EA and NRW real teeth to enforce it;**

So this Council urges the executive to re-engage with both the EA and NRW, consulting Powys and Monmouthshire CCs and other interested parties as necessary, to press for nothing less than a Water Protection Zone (WPZ*) for the whole of the River Wye system.

This should include pushing both Agencies for work to start asap on detailed modelling to demonstrate the need for a WPZ, in order to put a business case to DEFRA; Also for funding for this work to go ahead; And for the Executive to provide regular reports to Council on progress.

Background information to motion 1 - Water Protection Zone for River Wye System

Under the EU Water Framework Directive, member states are obliged to take action to bring surface and groundwater within their territory into good condition, also known as achieving 'good status'. This is assessed against a number of targets, including chemical status and ecological status. This was kept in UK law after Brexit.

The Secretary of State for Environment, Food and Rural Affairs has powers to establish a Water Protection Zone (WPZ) and set out the restrictions that apply in that area. The Environment Agency is then responsible for regulating the WPZ.

WPZs work by prohibiting, or imposing conditions on, specific activities which are thought to be causing pollution in the area concerned. The activities in question may not otherwise be subject to any regulation, or the WPZ may impose tighter restrictions than any existing regulations. These restrictions are backed up by criminal penalties, thereby providing additional legal powers to deal with activities which are believed to be causing pollution.

The exact restrictions which are to be imposed through the WPZ will vary because they will be tailored to fit the local circumstances; so a WPZ in one area may look very different to a WPZ in another because the sources of the pollution, and potentially also the nutrients involved, may be very different.

When can a WPZ be used?

A WPZ may be established where it is considered necessary to prevent or control the entry of “poisonous, noxious or polluting matter” into controlled waters. Controlled waters include inland fresh waters and ground waters, as well as certain coastal waters and sea waters. Where implemented, WPZs sit alongside existing regulatory tools, such as Environmental Permitting and other pollution control legislation, as an additional layer of control.

In areas where there are particular problems with achieving good status using current regulatory tools and voluntary measures, the Environment Agency is starting to assess whether the use of a WPZ is needed. Formal recommendations have been made in relation to the Poole Catchment area, and there may be others in other areas in the future.

The Government is increasingly coming under pressure to address water quality issues, particularly in areas which are also designated as Special Areas of Protection or Special Areas of Conservation.

To date, one WPZ has been designated in the River Dee catchment, but this applies only to certain sectors, which does not include agriculture. Within the River Dee WPZ, the keeping or use of certain substances in specified situations requires a consent from the Environment Agency. I understand Poole Harbour is under consideration for a possible WPZ to be introduced.

Motion 2 – Fireworks and Animal Welfare

(Proposed by Councillor William Wilding, Seconded by Councillor John Harrington)

The Fireworks Act 2003 and the Fireworks Regulations 2004 (as amended) were introduced with the aim of reducing noise, nuisance and injuries caused by the misuse of fireworks. Section 2 of the Act gave powers for the Secretary of State to make Regulations to ensure there is no, or minimal, risk that fireworks will cause: death, injury, alarm, distress or anxiety to people, or death, injury or distress to animals, and destruction of or damage to property.

People throughout the year may use fireworks to mark different events. While they can bring much enjoyment to some people, they can cause significant problems and fear for other people and animals. They can be a source of fear and distress for many animals (including pet animals, farm livestock and wildlife). Animals affected not only suffer psychological distress but can also cause themselves injuries – sometimes very serious ones, as they attempt to run away or hide from the noise. The RSPCA believes the law is failing and seeks local authorities support to raise the awareness about the impact that fireworks will have as well as asking local authorities to change their firework regulations.

This Council therefore resolves to ask the executive to:

- 1. Encourage organisers of public firework displays to use ‘silent’ fireworks, and where large displays are planned, to notify Herefordshire Council’s Safety Advisory Group at least two months in advance to allow for advertisement in the interest of public protection and animal welfare.**
- 2. Actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks.**
- 3. Write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays and for fireworks to specify noise levels on their labelling.**
- 4. Encourage local suppliers of fireworks to stock ‘silent’ fireworks for public display.**

5. **Prohibits fireworks displays on Council owned grounds except where ‘silent’ fireworks are used.**

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
12 July 2019	Community Infrastructure Levy	<p>The decision taken on the update to the Core Strategy on 9th November, see:</p> <p>http://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7296</p> <p>This included resolution as follows: (e) work on progressing a Herefordshire Community Infrastructure Levy should be put on hold pending the outcome of the significant proposals for reform of planning obligations in the White Paper</p> <p>The outcome of the Planning White paper is still awaited, we remain unsure when a new Planning Bill will be published by the Government or a new system implemented</p>
<p>RESOLVED:</p> <p>That 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
17 July 2020	Tree Strategy	<p>The Council is currently developing a new Nature Strategy as a holistic approach to protecting and enhancing biodiversity. This strategy will form an important part of the development of the wider Nature Recovery Strategy which is a new obligation from the recent Environment Act.</p> <p>This will encompass the further development of the draft tree strategy and include measures to ensure the further protection of hedgehogs.</p>
<p>RESOLVED:</p>		

We call upon the executive to expedite the delivery of a detailed tree strategy for the county. A 2014 draft document exists that might provide the basis for a new strategy which will reinforce our commitment to the environment and align with our declaration of a climate emergency.

The Government is currently consulting on an England Tree Strategy and we ask for the council to respond to this consultation.

Furthermore, in the interim and as a matter of urgency, we ask the executive to consider what can be done to protect existing trees and to take immediate action by planting, maintaining and protecting trees in order to have established growth by 2030.

Date of meeting	Motion	Current Status
9 October 2020	Decline in hedgehog population	<p>The Council is currently developing a new Nature Strategy as a holistic approach to protecting and enhancing biodiversity. This strategy will form an important part of the development of the wider Nature Recovery Strategy which is a new obligation from the recent Environment Act.</p> <p>This will encompass the further development of the draft tree strategy and include measures to ensure the further protection of hedgehogs.</p>
<p>RESOLVED: That –</p> <p>A recent study has shown that the UK population of Hedgehogs has declined from around 30 million to only 1 million. Whilst it is not yet a European Protected Species it is a British mammal where the population is in steep decline and I am calling upon our executive to please consider ways in which Herefordshire Council can include measures for adaptation, mitigation and for the protection of Hedgehogs to a level comparable to that required for European Protected Species.</p>		

Date of meeting	Motion	Current Status
8 October 2021	Belmont	<p>The council is currently reviewing the resource required in order to undertake an appraisal of Belmont.</p> <p>The process required is set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 and will require a formal process which comprises an appraisal followed by a public consultation.</p>

[Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(legislation.gov.uk\)](#)

The Act (para 69) also advises the council has a duty to review all existing conservation areas of which there are currently 64 within the county.

In addition to a full review of existing designations, requests have been made by a number of parish councils to consider further historic settlements for consideration.

We are therefore considering the resources and timescales required to invest in a full review of conservation areas across the county which would be beneficial in providing a consistent approach to the process, an executive response for which will be brought forward in the new year.

The need to undertake this work proposed for Belmont and to address the need for conservation area assessments across the county is on the list of works to find one-off funding from within the discretionary funds we are prioritising separate from the budget process. The timeline for getting to an agreed position and public decision on the funding options for these and other works is Feb/March.

RESOLVED: That –

That in recognising the importance and potential of Belmont, this Council calls on the Executive to appraise Belmont for designation as a new Conservation Area to include the House, Abbey and Park on the south side of the River and the adjacent hamlets of Warham and Breinton on the north side, seeking funding to support this work; and

This council calls upon the executive to appraise all sites of significant historic interest that are not currently conservation areas with a view to reviewing whether more conservation areas should be approved.

Date of meeting	Motion	Current Status
8 October 2021	Wye and Lugg Bathing Water	Officers will look for funding opportunities for the additional resources necessary to investigate whether or not there are any suitable locations on the Rivers Wye and Lugg which could be put forward as adoptable bathing areas. To do this the environmental health service will initially require additional resource for up to 3 months to firstly survey the river for any suitable locations and if any can be found this resource will then need to be extended for at least a further 15 months to undertake the statutory consultation process and, if necessary, proceed with the formal

	<p>designation of such areas in conjunction with the government agencies.</p> <p>Officers are already actively working to lobby the English and Welsh governments to increase their regulatory enforcement resource to protect the Wye catchment. In doing so all five Members of Parliament and all four councils responsible for the Wye and Lugg have been approached to support this and will be also be made aware Herefordshire's intention to investigate the possibility of bathing water quality status.</p>
<p>RESOLVED: That –</p> <p>This Council therefore resolves to call upon the executive to:</p> <p>Investigate seeking designation of appropriate stretches of the Wye and Lugg to be officially identified as bathing water;</p> <p>Urge concerned residents to support the River Action petition, which asks the English and Welsh governments to double the Environment Agency and Natural Resources Wales's regulatory budgets so that they can more effectively enforce the existing legal protections for the Wye and Lugg;</p> <p>Forward this resolution to the Members of Parliament in Herefordshire, to ask them to support the campaign by River Action for increased funding for the Environment Agency;</p> <p>Forward this resolution to other English and Welsh councils in the Wye Valley to ask them to support the campaigns for bathing water status and for increases in regulatory budgets.</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