

Title of report: Motions on notice

Meeting: Council

Meeting date: Friday 4 March 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 – Award Scheme for the Built Environment

(Proposed by Councillor Jeremy Milln, Seconded by Councillor Phillip Howells)

This Council wishes to promote high standards in design, conservation and sustainability in the built environment, both for new build and for the care of existing stock.

Therefore:

Council requests the Executive to investigate setting up a County of Herefordshire award scheme to encourage and recognise exemplary work in the areas of design, conservation and sustainability for the built environment.

Design. Best new building, group of buildings, extension to existing building, designed landscape or garden demonstrating exceptional flair and quality. Form, function, materiality and layout, whether in a modern or a traditional idiom, are considered, especially where they contribute to good place-making.

Conservation. Best restoration, repair or reuse of a historic building, garden or monument, especially where the work contributes to public understanding and place-making.

Sustainability. Best new build, retrofit or repurposing of a building meeting high standards in energy efficiency, renewability, connectivity and resource economy. Schemes which are designed to favour modal shift to active and public transport are welcomed.

Motion 2 – Rural Impact Assessment and Rural Proofing

(Proposed by Councillor Yolande Watson, Seconded by Councillor Roger Phillips)

The recently published Levelling Up report mentions rural proofing but fails to specify how rural counties like Herefordshire can be ‘levelled up’ or have the same opportunities as more urbanised and more populated counties.

Rural counties face many challenges and opportunities from leaving the EU, declining farm profitability, changing consumer and live/work patterns, an ageing population, housing affordability, access to public transport services, training provision, banking and high speed broadband in certain areas, climate change and new technology.

The recent debacle with the Gigaclear contract revealed the challenging geography, sparsity of population and lack of existing infrastructure in Herefordshire’s rural wards were not considered by the contractor. As such, this motion is to ensure that doesn’t happen again.

This motion asks to refer to the executive at Herefordshire Council consideration of the undertaking of a Rural Impact Assessment from the outset of every budget and contract whether for service or products, which includes engagement with rural

stakeholders. The results of the Rural Impact Assessment (RIA) are to be included in all future reports.

Rural proofing will ensure the needs of rural communities will become transparent and would demonstrate whether Government or local policies address the needs of rural communities and rural economies like Herefordshire. It is the first step towards developing a Rural Strategy for Herefordshire.

This motion considers a reformed approach to rural proofing should be introduced and that the executive should take into account the following during its considerations:

- a) A rural assessment should take place at the start of the policy process, including engagement with rural stakeholders, and be treated as integral, rather than as an adjunct to urban-focused policy. No budget or service should be brought forward without an accompanying rural assessment statement;
- b) The impact of new policies on rural areas should be systematically and consistently monitored as they are implemented. This would include an update on the performance of rural proofing across Herefordshire Council;
- c) The executive at Herefordshire Council is required to monitor and report annually on the rural impacts of relevant policies and services, and to encourage its strategic partners to do the same; and
- d) The executive at Herefordshire Council agrees to write to the Government and MPs in response to this motion that:
 - Government should put in place the appropriate structures to facilitate a more robust rural proofing regime; and
 - Government needs comprehensively to rethink and reform the rural proofing process across Government, to ensure that relevant policies and legislation are attuned to the needs of rural communities and rural economies like Herefordshire.

- 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</p>

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

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> <p>Planning (Listed Buildings and Conservation Areas) Act 1990 (legislation.gov.uk)</p> <p>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.</p> <p>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.</p> <p>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 Spring.</p>

		<p>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 March.</p>
<p>RESOLVED: That –</p> <p>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</p> <p>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.</p>		

Date of meeting	Motion	Current Status
8 October 2021	Wye and Lugg Bathing Water	<p><i>(Update to 28 January Full Council)</i> 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 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><i>(Update – as of 22 February)</i> A business case for staff resourcing is currently being finalised by the Environmental Health Service Manager to take forward the</p>

		<p>initial consultation, survey and review phase required within the legislative framework.</p> <p>In order for the council's regulatory service to gather sufficient evidence for presentation and submission to DEFRA, an additional staff revenue commitment and approval of approximately £35K will be required within financial year 2022/23.</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>		

Date of meeting	Motion	Current Status
28 January 2022	Water Protection Zone for River Wye System	<p>In November 2021, the Leader wrote to the Under Secretary of State for Defra setting out the case for an independent review of the Wye Catchment Nutrient Management Plan and Board. For many years present progress of the plan through the NMB has been under resourced and inadequate, water quality continues to deteriorate. The Motion to Council for a Water Protection Zone confirmed the view that the Environmental challenges in the Wye Catchment could best be progressed by an independent review.</p> <p>The Leader therefore wrote again to the Undersecretary of State for Defra setting out the case that the best way to achieve progress would be for an independent review through a Phosphate Commission. Such a commission would develop a robust action plan with a glide path to a</p>

		<p>Water Protection Zone as has been granted to Poole Harbour.</p> <p>Whilst a new plan is developed through the Phosphate Commission, Herefordshire's considerable support for the NMB would continue with an emphasis on assisting it in refocussing on enhanced performance management to deliver the present plan.</p> <p>We will continue to press all parties and stakeholders that an independent Phosphate Commission represents the best hope for developing a robust plan with a glide path to a Water Protection Zone.</p>
<p>RESOLVED: That –</p> <p>So this Council urges the executive to press-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.</p> <p>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.</p>		

Date of meeting	Motion	Current Status
28 January 2022	Fireworks and animal welfare	<p>Herefordshire's multi agency Safety Advisory Group (SAG) will explore all mitigations necessary to reduce the impact of organised firework displays they review in line with the resolution. The stakeholder group includes Hereford and Worcester Fire and Rescue Service, West Mercia Police, Herefordshire Council (Health Safety and Resilience, Property Services, Public Health, Licensing, Environmental Health and Trading Standards), Balfour Beatty Living Places, and West Midlands Ambulance Service. Operational outcomes will include clarity on acceptable firework types (indicative of noise level), time, duration and location of events and review of current SAG guidance issued to organisers reflecting the requirements: see</p> <p>Safety Advisory Group Guidance</p> <p>Regulatory officers will also work with the council's communication team to ensure that there are public awareness campaigns about the impact of fireworks on animal welfare and vulnerable people around the time of known events likely to promote the use of fireworks.</p>

		<p>Regulatory officers will also write to the government to urge them to introduce legislation to limit the maximum noise level of fireworks and also write to local stockists to encourage them only to supply silent fireworks.</p> <p>Officers from our regulatory service will also work with our Property Services team to devise a consenting system that will ensure that council land is only subjected to silent fireworks, when fireworks are to be used.</p>
<p>RESOLVED: That –</p> <p>This Council therefore resolves to ask the executive to:</p> <ol style="list-style-type: none"> 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. Investigate the feasibility of implementing a formal consent regime for the use of fireworks on sites in council ownership. 		

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