

Title of report: Motions on notice

Meeting: Council

Meeting date: Friday 29 July 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 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 1 – Cabinet Commission on Phosphates

(Proposed by Councillor Toni Fagan, Seconded by Councillor Jennie Hewitt)

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) that will inform and enable consideration of the cumulative impact of development.
2. **Request of agency partners 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.
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*', 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.**

- 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
12 July 2019	Community Infrastructure Levy	<p>The decision taken on the update to the Core Strategy on 9th November 2020, 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>In respect of the first resolution on the Community Infrastructure Levy I would advise that the recently published Levelling Up Bill included proposals to introduce a new infrastructure levy to ensure that developers contribute their fair share to the local area. This is intended to replace the current Community Infrastructure Levy and amend the approach to Section 106 agreements. The Government have indicated that the levy would ensure a local authority can set a sum that it can use for local infrastructure and that they will consult on what provisions there should be to ensure that a fixed proportion of affordable housing can be created.</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 development of a new countywide tree strategy and a Herefordshire Council tree management plan are included with the priority actions for the approved £1.3m budget following the Citizens Climate Assembly and a business case is currently in development.</p> <p>The Council is also finalising 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>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 the autumn of this year.</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 a cabinet decision on the funding options for these works has been extended.</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>A business case for staff resourcing the team to undertake this work was submitted by the Environmental Health Service Manager.</p> <p>As a consequence the officers were asked to make a business case for the additional £35K for next financial year 2023/24. This request has been made.</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>Following the motion on the 28th January 2022, the Leader immediately wrote to the Undersecretary of State for Defra on the 2nd February 2022, 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 Water Protection Zone as has been granted to Poole Harbour.</p> <p>On the 13th April 2022 a response was received from Parliamentary Undersecretary of State indicating she did not yet wish to proceed with a Water Protection Zone. Here reasons are as follows,</p> <p style="padding-left: 40px;">“Moving to the issue of Water Protection Zones (WPZ) you raised in your letters, whilst a WPZ is one of the available solutions, I would stress that it is important to assess whether this is the</p>

appropriate mechanism to achieve nutrient reduction in the catchment. The introduction of a WPZ would impose new and distinct regulatory obligations on the farmers and businesses within the catchment. This would lead to additional regulatory burdens on those operating within the WPZ in comparison to businesses in other areas of the country. Furthermore, since a WPZ is a bespoke solution for a designated catchment, a sizeable amount of evidence would be required to design effective regulations, and a formal assessment on the impact for the agricultural industry in the area would need to be carried out. WPZs are not quick solutions.”

Since receiving the letter in April, the Leader, the Chief Executive and Officers have met with our partners at Natural England, Natural Resources Wales the Environment Agency and Powys Council on a number of occasions. There is broad agreement among partners that the Council could provide additional strategic leadership and capacity to unlocking the wider structural and systemic issues which are needed for river restoration. This would free the NMBs Technical Advisory Group to focus on essential and urgent incremental improvements within the present delivery systems at a practitioner level.

Cabinet at its meeting on the 27th July will be asked to consider and agree proposals for a Cabinet Commission to gather the evidence necessary for a Water Protection Zone and bring forward a package of measures that the Council can undertake now to improve water quality on the Wye and Lugg, particularly but not exclusively through its Planning, Economic Development, Enforcement and Community Leadership functions. Arrangements will be put in place to ensure regular engagement with the Chair of NMB, the Chair of TAG, our statutory partners and Cabinet Commission leads to ensure the work adds capacity. Cabinet will also be asked to agree a budget allocation to enable the Cabinet Commission to bring in additional expertise to support and facilitate its work.

RESOLVED: That –

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.

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.

Date of meeting	Motion	Current Status
28 January 2022	Fireworks and animal welfare	<p>Herefordshire's multi agency Safety Advisory Group (SAG) will consider the impact of noise from organised firework displays as and when they receive event management plans showing that the event will include fireworks.</p> <p>Regulatory officers also now work much more closely with the council's communication team to raise the awareness of fireworks and their impact on animal welfare and vulnerable people around the time events are likely to promote the use of fireworks.</p> <p>Regulatory officers are also writing to local stockists to encourage them only to supply silent fireworks.</p> <p>Officers from our regulatory service will support our Property Services team in the consenting of any council land to be used for fireworks.</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. 		

Date of meeting	Motion	Current Status
4 March 2022	Ukraine	<p>The Government launched the Homes for Ukraine Sponsorship Scheme on the 18th March 2022. There has been an extraordinary response to the scheme and the wider plight of Ukrainian people from communities across Herefordshire.</p> <p>The Council has established an operations team to lead on all of the essential checks that are required on sponsors and their families, including DBS and home checks to make sure that the host accommodation is safe. The team also ensure that all of the prescribed payments are made to both hosts and guests as they arrive. The operational team are also managing the tremendous work of collection, distribution and support based at unit 37 on the Three Elms Trading Estate, co-ordinating the support for Ukraine response.</p> <p>Herefordshire Council will receive a grant of £10,500 per person. Of this sum £200 is paid to each individual arriving as an initial payment. The remaining £10,300 is to be used to cover costs incurred by the local authority as a result of the scheme and to facilitate and extend community based support and integration through voluntary, community and public sector organisations.</p> <p>As of w/c 11/07/22:</p> <ul style="list-style-type: none"> • There are 211 unique sponsors from Herefordshire on the Governments Foundry System. • There are 615 unique guests seeking to come to Herefordshire. • 340 guests have arrived to-date, coming to a total of 125 sponsors located across the county. • A total of 98 children and young people have been placed in schools through the county by the Councils schools admissions team.
<p>RESOLVED:</p> <p>This motion calls on the executive to consider and put in place whatever facilities as may be reasonably expected to receive Ukrainian refugees, subject to direction from national government and an evaluation of council resources required, to ensure that schooling and health services are alerted and to inform the government in Westminster, immediately, that Herefordshire will not be found wanting in our welcome. And to extend a wider request to our residents to be willing to welcome any refugees that they can into their homes, and to be ready to facilitate such organisation and support as these actions may require.</p>		

Date of meeting	Motion	Current Status
4 March 2022	Award scheme for the built environment	The Built and Natural Environment Service recognises the merit in raising standards of design and restoration of the built environment through an award scheme. The conservation team are in the process of drafting the detail of the scheme; categories for awards, resource required, assessment of awards and key stakeholders in the scheme. An executive response setting out an overview of the project is to follow in autumn of this year.
<p>RESOLVED:</p> <p>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.</p>		

Date of meeting	Motion	Current Status
4 March 2022	Rural impact assessment and rural proofing	This work is now being led by the new Corporate Director Community Wellbeing and the work is being progressed.
<p>RESOLVED:</p> <p>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.</p> <p>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.</p> <p>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:</p> <p>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;</p>		

- 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.

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