

Title of report: Motions on notice

Meeting: Council

Meeting date: Friday 3 March 2023

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 will be debated at the meeting. The motion for discussion is set out below:

Motion 1 – River Wye byelaws

(Proposed by Councillor Elissa Swinglehurst, Seconded by Councillor Jennie Hewitt)

This motion calls upon the executive to consider making an application to the UK government to recognise a byelaw drafted by Herefordshire Council to invest the River Wye and tributaries within the county of Herefordshire with the following rights from the rights of rivers declaration.

1. **The right to be free from pollution**
2. **The right to perform essential functions within its ecosystem**
3. **The right to flow**
4. **The right to feed and be fed by sustainable aquifers,**
5. **The right to native biodiversity**
6. **The right to regeneration and restoration**
7. **With an additional right to be protected from physical damage.**

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
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>In respect of the first resolution on the Community Infrastructure Levy the Levelling Up Bill includes 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.</p> <p>These changes are still to be enacted and the Government propose to update the National Planning</p>

		Policy Framework through a wider review to support the implementation of these changes later in 2023. More details will be set out in a future Government consultation on the details of the Infrastructure Levy. The new Herefordshire local plan will include an assessment of viability and an Infrastructure Development Plan so the Council will be well placed to respond to whatever system of developer contributions is in place and will be able to prepare for any change in a timely manner.
<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	Highlighted as a priority action within the Nature Strategy. Business case drafted to seek funding from Climate reserve for preparing tree strategy.
<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	Highlighted as a priority action within Nature Strategy. Hedgehogs prioritised within planning ecology response. Hedgehog habitat project recently undertaken as part of joint project to increase biodiversity with highways,

		delivering hedgehog habitats to primary schools across the county with information packs to educate students.
<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	Belmont Appraisal for Conservation Area; this piece of work is underway internally and being led by the building conservation team. The first phase is underway with site visits being undertaken and research of archives.
<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>Request was made and there has so far been no response. Therefore I would leave the update as last reported - unless of course there is an (unlikely) appetite to simply strike off those undeliverable motions without funding and resource.</p>
<p>RESOLVED: That –</p>		

This Council therefore resolves to call upon the executive to:

Investigate seeking designation of appropriate stretches of the Wye and Lugg to be officially identified as bathing water;

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;

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;

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.

Date of meeting	Motion	Current Status
28 January 2022	Water Protection Zone for River Wye System	Please see update under the Leader's report.
<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	1. The safety advisory group (SAG) are aware of the motion's request for organisers of public firework displays to use 'silent' fireworks and of the need to pre notify the SAG in advance. However, although encouraged this cannot be legally required as the group is an advisory one and cannot therefore enforce or formally require that such notifications are made.

	<ol style="list-style-type: none"> 2. The Communications Team are aware of the need to promote the use of silent and/or quiet fireworks and to forewarn neighbours of such events. Such publicity is best made through social media and is always timed before likely firework events, such as 5th November, New Year and other national celebrations as and when they arise. 3. A letter to the government's Office of Product Safety and Standards requesting tighter controls over the noise specification of fireworks was sent by the officers as requested, although no acknowledgement has so far been received in reply. Our letter followed an earlier petition from campaigning groups to the government which had also requested silent/quieter fireworks but which was not accepted. This would probably account for the lack of reply as the government will consider the matter closed. 4. A similar letter to the local suppliers was also sent as requested, although this is of course only advisory and cannot be enforced by the officers. 5. Property Services are aware of the request for there being a formal consent regime for fireworks and make such enquiries of potential hirers of council land.
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RESOLVED: That –

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. 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	The Government launched the Homes for Ukraine Sponsorship Scheme on the 18 th March 2022. There has been an extraordinary response to the scheme and the

		<p>wider plight of Ukrainian people from communities across Herefordshire.</p> <p>The operations team continues to lead on all 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.</p> <p>Herefordshire Council receives 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 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. The cabinet decision for the spend proposal of this grant funding has been approved Decision - Support for Ukraine - Herefordshire Council</p> <p>The Community Integration Grant Scheme is live for voluntary and not for profit community groups who are supporting Ukrainian arrivals and their sponsors.</p> <p>As at 7 November;</p> <ul style="list-style-type: none"> • 220 unique sponsors registered • 697 unique guests registered <p>524 guests have arrived (hosted by 195 sponsors)</p>
<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 preparation for this scheme is underway, but has not yet been finalised, it needs to be reviewed by the senior team and any financial implications assessed.

RESOLVED:

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.

Date of meeting	Motion	Current Status
4 March 2022	Rural impact assessment and rural proofing	A rural needs assessment has been drafted which, once approved, would form part of the policy process for the council. The template and accompanying guidance will be considered by Corporate Leadership Team for adoption in early March. The assessment will enable the council to consistently evaluate the impact of new policies on the rural areas as they come forward and to produce an annual report.

RESOLVED:

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.

Date of meeting	Motion	Current Status
29 July 2022	Cabinet Commission on Phosphates	Please see update under the Leader's report.
<p>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.</p> <p>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:</p> <p>Consider including the following areas of urgent action in the remit of the proposed Cabinet Commission on Phosphates:</p> <ol style="list-style-type: none"> 1. Request of government that: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • 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
21 October 2022	Cost of living crisis and energy efficiency	See update in the Leader's report.
<p>RESOLVED: This council believes that:</p> <ul style="list-style-type: none"> • Everyone has the right to a warm home that is affordable to heat; • Improving energy efficiency is central to tackling the energy crisis and cost of living crisis; • Fossil fuels should be left in the ground, and investment in energy supply should instead be targeted at renewables • All new homes and workplaces should be built to the highest possible energy efficiency standards. <p>This council notes that:</p> <ul style="list-style-type: none"> • Herefordshire Council unanimously declared a climate emergency on 8 March 2019. • Buildings account for 23% of UK greenhouse gas emissions 		

- Herefordshire Council has made significant commitments to supporting energy efficiency for homes and businesses in the county, but needs far more support from central government
- Current UK government investment in energy efficiency is nowhere near the level required to address fuel poverty or meet our legally binding UK climate targets.

The council therefore calls on the executive to write to the Prime Minister and to the Herefordshire MPs to call for:

- Immediate further direct financial support to help people to manage the cost of living crisis, with most support provided to low income households;
- A fully funded nationwide action plan to insulate all homes and businesses as quickly as possible to improve energy efficiency and reduce bills;
- A commitment to keep fossil fuels in the ground, and to invest instead in developing the renewable energy technologies and businesses that are essential for our future energy security;
- Immediate introduction of significantly improved energy efficiency standards for new buildings.

Date of meeting	Motion	Current Status
9 December 2022	Multi-storey car park (Bus Station)	Officers are currently assessing the proposal.
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.		

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