

Title of report: Motions on notice

Meeting: Council

Meeting date: Friday 28 July 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 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 – County Athletics Track

(Proposed by Councillor Jim Kenyon, Seconded by Councillor tbc)

This Council asks the cabinet to reconsider the decision made by council back in February, at the budget meeting, regarding funding for the County Athletics Track in Hereford. Since that meeting they have attracted additional funding from the levelling up government fund and the local community following the initial pump prime funding from Hereford City council of £70k the short fall for the project to be fully funded is £70k the total project cost is £450k.

Motion 2 – Climate and Ecological Emergency

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

In March 2019 Herefordshire Council unanimously passed a motion recognising the climate emergency. This was updated in December 2020 to include recognition of the ecological emergency.

Since that time the scale of the challenge has become greater, and the need for action more urgent. Climate change is driving extreme weather such as heatwaves that cost lives. Wildlife is under extreme pressure, and species loss is accelerating.

Here in Herefordshire we can see the effects of the climate and ecological emergency very clearly at local level. Climate change contributed to the unprecedented flooding in February 2020 that caused immense damage and disruption. Pollution has caused a collapse in biodiversity in our precious Rivers Lugg and Wye, to the great concern of local residents, as well as impacting on our county's reputation and economy.

This motion therefore offers members the opportunity to renew Herefordshire Council's commitment to taking action to tackle the climate and ecological emergency.

Motion

That this Council resolves to declare its recognition of the climate and ecological emergency, and calls on the executive to:

- a) Integrate consideration of climate mitigation and adaptation, and nature recovery, into all council decision-making; and ensure that all decisions are compatible with the goal of a zero-carbon, nature-rich Herefordshire by 2030;**
- b) Commit to further accelerating reduction of the council's own carbon footprint towards the target of net zero by 2030, including taking every opportunity to reduce use of fossil fuels;**
- c) Commit to taking every opportunity to improve wildlife protection and better management of land for nature, including on council-owned land;**
- d) Support and strengthen action with partners towards the goal of a zero-carbon, nature-rich Herefordshire by 2030, including through the Herefordshire Climate and Nature Partnership Board;**
- e) Provide the necessary resources for officers to deliver on the council's carbon reduction and nature protection commitments, and to develop evidence based indicators to enable the council to monitor and report annually on the county's position.**

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
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
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> <p>1. Request of government that:</p> <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:
 - 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
9 December 2022	Multi-storey car park (Bus Station)	The Parking Service is seeking to undertake a review of parking in the city, this review will help to inform plans for future parking provision. Once the review is complete then we will be in a position to determine the future parking requirements and whether or not a new multi

		storey car park on the Bus Station site would be a part of the solution.
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.		

Date of meeting	Motion	Current Status
3 March 2023	River Wye byelaws	Please see update under the Leader's report.
<p>RESOLVED: 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.</p> <ol style="list-style-type: none"> 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. 		

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