



<u>Committee and Date</u>
COUNCIL
19 July 2012

<u>Item</u>
<b>4</b>
Public

## MINUTES

OF

MEETING OF SHROPSHIRE COUNCIL

HELD ON 3 MAY 2012  
AT 10.00 AM

PRESENT:

Mr P Adams	Mrs H Fraser	Mr J Tandy
Mrs B J Baker	Mr J B Gillow OBE	Mr M Taylor-Smith
Mr A Bannerman	Mr N J Hartin	Mrs R Taylor-Smith
Mr T Barker	Mrs E A Hartley	Mr R Tindall
Mrs C A Barnes	Mr R Hughes	Mr G F Tonkinson
Mrs J B Barrow	Mr V J Hunt	Mr A E Walpole
Mr K R Barrow	Mr J Hurst-Knight	Mrs C Wild
Mr J T Bebb	Dr J E Jones	Mr B B Williams RD
Mr M Bennett	Mr S P A Jones	Mr J M Williams
Mr W Benyon	Mr J M W Kenny	Mr L Winwood
Mr T H Biggins	Mr C J Lea	Mr M L Wood
Mrs K Burgoyne	Mr D G Lloyd MBE	Mrs T Woodward
Mr V Bushell JP	Mr D J Minnery	M P A D Wynn
Mr G H L Butler	Mr A N Mosley	
Mrs K D Calder	Mrs C M A Motley	
Mrs A Caesar-Homden	Mrs M Mullock	
Mr S F Charmley	Mrs E M Nicholls	
Mrs A M Chebsey	Mr P A Nutting	
Mr J E Clarke	Mr M J Owen JP	
Mr S Davenport	Mrs E A Parsons	
Mr A B Davies	Mr M G Pate	
Mr A Durnell	Mr M T Price	
Mr D W Evans	Mr D W L Roberts	
Mr R A Evans	Mr K Roberts	
Mr E J Overall	Mrs D M Shingleton	

## **1. SIGNING OF THE COMMUNITY COVENANT WITH THE ARMED FORCES IN SHROPSHIRE**

The Chairman, Mr M G Pate, welcomed to the meeting the Lord-Lieutenant Mr Algernon Heber-Percy, Military Representatives, Police and Fire and Rescue Officers and representatives of the Public, Business and Voluntary sectors.

He indicated that the Council's special guests were present for the formal signing of the Community Covenant, which would take place as part of the Council meeting at the conclusion of that item (Minute 14 below refers).

## **2. ELECTION OF THE SPEAKER**

The Chairman, Mr M G Pate, took the Chair for this item and called for nominations for the election of Speaker and Vice-Chairman of Shropshire Council.

It was proposed by Mr K R Barrow and seconded by Mr M Bennett, that Mr D G Lloyd be elected Speaker and Vice-Chairman of Shropshire Council for the 2012/13 municipal year.

### **RESOLVED:**

That Mr D G Lloyd be elected Speaker and Vice-Chairman of the Council to hold office until the Annual Meeting of the Council scheduled to be held on 16 May 2013.

The Speaker then took the Chair and subscribed his Declaration of Acceptance of Office before being invested with the badge of office. He thanked the members for re-electing him and for their support and assistance during his third year in the role.

The Chief Executive then informed Council that he had just received the formal resignation of the Chairman and Deputy Speaker Mr M G Pate with immediate effect, thus enabling him to remain in the Chamber and vote in the event of his nomination for the office of Chairman and Deputy Speaker.

## **3. APOLOGIES**

The Chief Executive reported apologies for absence had been received from Mr G L Dakin, Mr T Davies, Mrs P A Dee, Mr J A Gibson, Mr R Huffer, Mrs T Huffer, Mrs H M Kidd, Mr C J Mellings, Mr W M Parr and Mr S J West.

## **4. ELECTION OF CHAIRMAN AND DEPUTY SPEAKER**

It was proposed by Mr K R Barrow and seconded by Mrs E A Hartley that Mr M G Pate be elected Chairman and Deputy Speaker of the Council for the 2012/13 municipal year.

**RESOLVED:**

That Mr M G Pate be elected Chairman and Deputy Speaker of the Council and hold office until the Annual Meeting of the Council scheduled to be held on 16 May 2013.

The Chairman and Deputy Speaker then subscribed his Declaration of Acceptance of Office and was invested with Chairman's badge of office. He thanked the Council for the honour it had bestowed on him.

**5. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

- (a) Mrs B J Baker declared personal interests in Item 17 (Strategic Commissioning – Our Preferred Response to New Challenges) and Item 18 (Delivering Change, Changing Delivery, A New Trading Company for Shropshire Council) as her husband was an employee of Shropshire Council.
- (b) Mr M Bennett declared a personal interest in Item 20 (Motions) as a member of a town council.
- (c) Mr J E Clarke declared a personal interest in Item 20 (Motions) as a member of Bayston Hill Parish Council.
- (d) Mr D W Evans declared a personal interest in Item 14 (Community Governance Reviews) as a member of Craven Arms Town Council.
- (e) Mr M Taylor-Smith declared a personal interest in Item 13 (Community Covenant with the Armed Forces in Shropshire) as president of the Ludlow Royal British Legion.

**6. MINUTES**

**RESOLVED:**

That the minutes of the meeting held on 23rd February 2012, as circulated with the agenda papers, be approved and signed as a correct record.

**7. ANNOUNCEMENTS**

**7.1 Chairman's Engagements**

The Chairman referred members to the list of official engagements carried out by himself and the Speaker and Vice-Chairman since the last meeting of the Council on 15th December 2011 which had been circulated at the meeting.

## 7.2 **Queen's Award for Enterprise**

The Chairman announced that the following Shropshire firms had been awarded the Queen's Award for Enterprise and that he would be writing to each of the recipients to congratulate them on their achievement:

### **Queen's Award for Enterprise – International Trade**

#### **Pathway Intermediates Limited, Clun, Craven Arms**

Pathway Intermediates had been operating since 2001 and manufactured a number of specialist chemicals, predominantly for the agriculture sector. It won the Award for the first time for its outstanding achievement in the implementation of a considered strategy which had resulted in a 314% growth of the organisation's overseas earnings over three years.

### **Queen's Award for Enterprise – Innovation**

#### **Grainger and Worrall Limited, Bridgnorth**

Grainger and Worrall Limited won an Innovation Award for introducing processes for the design, manufacture and verification of engine part castings for motorsport. The result had been the consistent development of high-quality castings and, consequently, the manufacture of light, strong and powerful engines that rarely failed. The innovations had contributed much to ensuring that most Formula-One engine suppliers manufactured their engines in the UK.

## 7.3 **Shrewsbury Town Football Club**

The Chairman congratulated Shrewsbury Town Football Club on winning promotion to Division One of The Football League.

## 7.4 **Lunch Arrangements**

The Speaker indicated that lunch would be held in the Shrewsbury and Oswestry Rooms at approximately 1.00 p.m. If the main business had not been completed before the adjournment, Council would resume after lunch at 2.00 p.m.

## 7.5 **Death of Professor Paulene Collins OBE**

The Speaker reported with great sadness on the death in early March of County Alderman Professor Pauline Collins OBE. A former County Councillor and North Shropshire District Councillor, Professor Collins was much involved in local government for many years and had most recently served Shropshire Council as a parish representative on the Standards Committee.

## 7.6 **Presentation – Relationship and Sex Education Award**

The Chairman presented Janet Graham (Group Manager – Care and Wellbeing), Kay Smallbone (Health Development Manager) and Alice Cruttwell (Health Development Officer) with the prestigious national award that the Council had recently won recognising the quality and effectiveness of its relationship and sex education programme for schools.

The award to the Council for its innovative education programme was part of the first ever UK Sexual Health Awards hosted by sexual health charities Brook and FPA and showcased some of the best creative and innovative work in sexual health. The Council had been awarded £1,000 worth of FPA resources as part of the prize.

The Shropshire Respect Yourself Relationship and Sex Education Programme recognised at the awards had been developed by Shropshire Council with Shropshire County Primary Care Trust (PCT) and primary and secondary schools in the county. It offered training and support to teachers, and included resources for delivering an interactive programme of relationship and sex education from year 6 to year 11, with the aim to ensure that teachers had the skills and confidence to deliver high-quality, effective relationship and sex education.

Shropshire was reaping the benefits of its approach and partnership working, achieving a year on year reduction in teenage pregnancies.

## **8. PUBLIC QUESTION TIME**

The Speaker indicated that there were no public questions.

## **9. QUESTIONS FROM MEMBERS**

The Speaker advised that the following questions had been received in accordance with Procedure Rule 15:

(a) Received from Mr D W L Roberts:

“When Wattlesborough and Yockleton schools closed the children from those catchment areas were all sent to Trinity School, Ford. The catchment area was altered to reflect the new area, but the nearest school to those villages which is Westbury wasn't included because at the time it was full. Things have changed and it would make sense for the catchment areas for both schools to be reviewed to ensure an efficient and cost effective use of school transport. Could I ask the portfolio holder to ask the officers to do this with utmost urgency?”

The Portfolio Holder for Education and Skills, Mrs C M A Motley replied:

“Thank you for raising this issue with us. The Council will consider undertaking a full review of catchment areas for schools in 2013.

We appreciate that the situation has changed since the catchment areas were agreed and we will make this a priority as part of the review in 2013.”

By way of a supplementary question, Mr D Roberts enquired if it was the intention for Westbury School to be closed in the future.

In reply, Mrs Motley assured Mr Roberts that there were no plans to close Westbury School and the school would be included in the review of school catchment areas. However, she warned that reviews of school catchment areas did not always result in school transport costs being reduced.

(b) Received from Mr N J Hartin:

“Given the Coalition Governments changes to Working Tax Credit removing this benefit from families working between 16 to 24 hours a week, can the portfolio holder give any indication of what work is going on to assess the impact of the change and, assuming it is likely to result in a significant increase in those families affected being in difficulties with rent & Council tax payments, can the portfolio holder agree to this issue being referred to the relevant scrutiny committee once we have clearer figures on the impact of this change.”

The Portfolio Holder for Housing Options, Mr M Price replied:

“Working Tax Credit is a national not local benefit scheme. The Government department responsible, in this case HMRC, will do the impact needs assessment on changes to the scheme and local councils cannot obtain information relating to the families affected by this change.

However, we do have changes in monetary entitlement reported to us and, if income from benefits reduces for families, this can result in an increased entitlement to Council Tax and Housing Benefit, which we can monitor from the point when changes in national benefits are implemented.

It is this local impact that can be reported to and monitored by the relevant Scrutiny Committee, if Members so wish, but an increase in applications to the Council for local benefits are likely to be the results of wider benefit changes, and of changes to individual family circumstances, rather than just to changes in Working Tax Credit.”

By way of a supplementary question, Mr Hartin asked that any further information on the matter be reported to the relevant scrutiny committee as early as possible.

In reply, Mr Price stated that concerns about the impact on local residents had been raised with the Department of Communities and Local Government. He indicated that the issue would continue to be monitored and taking the matter the scrutiny would be kept in mind.

(c) Received from Mr A N Mosley:

“Last year it was disclosed that some 529 posts have been deleted from the County’s establishment with more in the pipeline.

Would the portfolio holder now bring us up to date regarding:

The total number of posts deleted from the staffing establishment in the 36 months to 1 April 2012 and the number projected to 1 April 2013. These to be distinguished between school based and all others, part-time and full time and the grade of post.

Also, could you provide details of the gender and age of the previous incumbent of the posts and how many of these were subject to a redundancy package and whether that was voluntary or compulsory up to 1 April 2012. I would also like to know how many further redundancies, voluntary or compulsory are projected for the period to 1 April 2013.”

The Leader, Mr K Barrow replied:

“Despite having to reduce our spending by £85 million over the period from 2010 to 2014, the commitment I gave was to protect essential frontline services and the jobs of the key staff who provide them. At the same time, our goal is to boost growth in Shropshire’s economy, and to create more jobs for local people. We are delivering on those promises.

The figure of 529 posts referred to a reduction in the Council’s headcount of 529 between March 2010 and November 2011.

Below is a table which shows the staffing headcount according to the figures provided by the Council to the Office for National Statistics, for a number of periods between June 2009 (when the new unitary council was established) and March 2012. This shows the net picture, where the overall reduction in staff is much smaller. This is because, as well as deleting posts, the Council has also created a significant number of new posts, as our requirements have changed, in order to ensure that the Council is correctly structured to meet the changing needs of local people.

<b>Shropshire Council (including schools)</b>	<b>Total Headcount</b>
Jun-09	11065
Mar-10	11293
Mar-11	11348
Jun-11	11142
Sep-11	10853
Dec-11	10856
Mar-12	10837
Difference Between 2009 to 2012	-228

The most recent analysis of the national picture, done by the trade union GMB, was based on the change in headcount between Quarter 1 2010/11 and Quarter 3 2011/12. That survey showed an overall 9.3% reduction in the headcount of the Local Government workforce in England and Wales, and a 10.1% reduction in the West Midlands. Shropshire's reduction in headcount during this period was only 3.9%. This is one of the lowest figures for a council in the country.

We do not track the posts deleted from the staffing establishment, so I cannot provide grade or the part-time/full-time information on deleted posts.

In accordance with our commitment to provide relative job security for our current staff, we have made few compulsory redundancies compared to most other councils. I cannot provide the gender and age of the previous incumbent of (deleted) posts, as we do not track deleted posts in this way. The number of redundancies during this period 1 April 2011 to 31 March 2012 was:

	<b>Total Redundancies</b>	<b>Voluntary</b>	<b>Compulsory</b>
Schools	64	45	19
Non-Schools	286	149	137
Totals	350	194	156

In fact, we have acted successfully to avoid compulsory redundancies in many cases, and 205 staff were redeployed into alternative jobs in the first 9 months of 2011/12. The year-end figure is not yet ready, but it will be more than this, and I will get this figure to you as soon as it is ready.

We have served notice to 65 staff who will leave during 2012/13 – these are a mixture of voluntary and compulsory redundancies.

I am proud of this excellent track record in these difficult times, which shows how much we value our staff and the good work they do to benefit local people.”



By way of a supplementary question, Mr Mosley expressed concern that posts deleted from the establishment had not been tracked and asked that this now be done to ensure that the requested information was available in future.

In reply, Mr Barrow indicated that the tracking of any deleted posts would be introduced and emphasised the efforts continuing to be made to protect the Council's staff and how the reply to the question illustrated that.

## 10. RETURNING OFFICER'S REPORT

The Chief Executive reported that Mrs Hannah Fraser had been elected Councillor for the Abbey Electoral Division at the by-election held on Thursday, 1<sup>st</sup> March 2012.

## 11. CONSTITUTION OF COMMITTEES AND THE ALLOCATION OF SEATS TO POLITICAL GROUPS

It was proposed by the Leader, Mr K R Barrow, and seconded by Mrs E A Hartley that the report, a copy of which is attached to the signed minutes, be received and agreed.

### **RESOLVED:**

That the constitution of committees and the allocation of seats to each of the political groups be confirmed as set out in Appendices 1 and 2 to the report for the 2012/13 municipal year, namely:

### **Healthy Communities Scrutiny Committee (10)**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr P Adams Mrs K D Calder Mr G L Dakin Mr D J Minnery Mrs M Mullock Mr G F Tonkinson Mrs T Woodward	Mrs E A Parsons	Mrs T Huffer	Mrs D M Shineton
<b>TOTAL - 7</b>	<b>TOTAL - 1</b>	<b>TOTAL - 1</b>	<b>TOTAL - 1</b>

### Substitutes

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr J A Gibson Mr J B Gillow OBE Mr D G Lloyd MBE Mr P A Nutting Mr D W L Roberts Mr L Winwood Mr P A D Wynn	Mr V Bushell JP	Mrs A M Chebsey	Mrs P A Dee
<b>TOTAL - 7</b>	<b>TOTAL - 1</b>	<b>TOTAL - 1</b>	<b>TOTAL - 1</b>

### Performance and Strategy Scrutiny Committee (10)

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr T Barker Mrs J B Barrow Mr G L Dakin Mr S Davenport Mr V J Hunt Mr D G Lloyd MBE Mr B B Williams RD	Mr A N Mosley	Mr N J Hartin Mrs H M Kidd	
<b>TOTAL - 7</b>	<b>TOTAL - 1</b>	<b>TOTAL - 2</b>	<b>TOTAL - 0</b>

### Substitutes

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr M Bennett Mr E J Everall Mr D J Minnery Mrs R Taylor-Smith Mr M Whiteman OBE  + 2 Conservative Vacancies	Dr J E Jones	Mr A Bannerman Mr R A Evans	
<b>TOTAL - 7</b>	<b>TOTAL - 1</b>	<b>TOTAL - 2</b>	<b>TOTAL - 0</b>

### **Protecting and Enhancing our Environment Scrutiny Committee (10)**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr P Adams Mr J B Gillow OBE Mr R Hughes Mr V J Hunt Mr C J Lea Mr A E Walpole Mr L Winwood	Mr J E Clarke	Mr A Bannerman Mr J M W Kenny	
<b>TOTAL - 7</b>	<b>TOTAL - 1</b>	<b>TOTAL - 2</b>	<b>TOTAL - 0</b>

### **Substitutes**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
7 Conservative Vacancies	Mr J Tandy	Mr T Davies Mr R Huffer	
<b>TOTAL - 7</b>	<b>TOTAL - 1</b>	<b>TOTAL - 2</b>	<b>TOTAL - 0</b>

### **Enterprise and Growth (10)**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr W Benyon Mr S Davenport Mr E J Everall Mr W M Parr Mr D W L Roberts Mr B B Williams RD	Mr A N Mosley	Mrs B J Baker Mrs C Barnes	Mrs P A Dee
<b>TOTAL - 6</b>	<b>TOTAL - 1</b>	<b>TOTAL - 2</b>	<b>TOTAL - 1</b>

### **Substitutes**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr T Bebb Mr M Bennett Mrs C Wild + 3 Conservative Vacancies	Mr J M Williams	Mr C J Mellings Mr N J Hartin	Mrs D M Shineton
<b>TOTAL - 6</b>	<b>TOTAL - 1</b>	<b>TOTAL - 2</b>	<b>TOTAL - 1</b>

### **Safe and Confident Scrutiny Committee (10)**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mrs J B Barrow Mrs K D Calder Mr A Durnell Mrs M Mullock Mr K Roberts Mr M Whiteman OBE Mr P A D Wynn	Dr J E Jones	Mr R A Evans Mrs H M Kidd	
<b>TOTAL - 7</b>	<b>TOTAL - 1</b>	<b>TOTAL - 2</b>	<b>TOTAL - 0</b>

### **Substitutes**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr W M Parr Mr R Tindall Mr S J West Mrs T Woodward  + 3 Conservative Vacancies	Mr J E Clarke	Mrs B J Baker Mrs H Fraser	
<b>TOTAL - 7</b>	<b>TOTAL - 1</b>	<b>TOTAL - 2</b>	<b>TOTAL - 0</b>

### **Pensions Committee (4)**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr A B Davies Mr T H Biggins Mr M G Pate		Mrs A M Chebsey	
<b>TOTAL - 3</b>	<b>TOTAL - 0</b>	<b>TOTAL - 1</b>	<b>TOTAL - 0</b>

### **Substitutes**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mrs J B Barrow Mr S J West Mr M L Wood		Mrs E M Nicholls	
<b>TOTAL - 3</b>	<b>TOTAL - 0</b>	<b>TOTAL - 1</b>	<b>TOTAL - 0</b>

### **Audit Committee (5)**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr P Adams Mr M Whiteman OBE Mr B B Williams RD Mr M L Wood		Mr C J Mellings	
<b>TOTAL - 4</b>	<b>TOTAL - 0</b>	<b>TOTAL - 1</b>	<b>TOTAL - 0</b>

### **Substitutes**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr J B Gillow OBE Mr K Roberts Mr R Tindall  + 1 Conservative Vacancy		Mr R A Evans	
<b>TOTAL - 4</b>	<b>TOTAL - 0</b>	<b>TOTAL - 1</b>	<b>TOTAL - 0</b>

### **Human Resources Committee (7)**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mrs J B Barrow Mr K R Barrow Mrs C M A Motley Mr M J Owen JP Mr B B Williams RD	Mr A N Mosley	Mrs B J Baker	
<b>TOTAL - 5</b>	<b>TOTAL - 1</b>	<b>TOTAL - 1</b>	<b>TOTAL - 0</b>

### **Strategic Licensing Committee (15)**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr P Adams* Mr T Barker* Mrs J B Barrow Mr T Bebb** Mr W Benyon* Mr A B Davies* Mr R Hughes Mr K Roberts** Mrs R Taylor-Smith** Mr R Tindall**	Mr V Bushell JP* Mr J Tandy**	Mrs B J Baker* Mr R Huffer** Mr J M W Kenny	
<b>TOTAL - 10</b>	<b>TOTAL - 2</b>	<b>TOTAL - 3</b>	<b>TOTAL - 0</b>

\*Licensing and Safety Sub Committee Member

\*\* Licensing and Safety Sub Committee Substitute Member

### **Substitutes**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr M Bennett Mr G H L Butler Mr S F Charmley Mr S Davenport Mr A Durnell Mr V J Hunt Mr S P A Jones Mr M J Owen JP Mr D W L Roberts Mrs T Woodward	Mr J E Clarke Mr J M Williams	Mr A Bannerman Mr R A Evans Mrs E M Nicholls	
<b>TOTAL - 10</b>	<b>TOTAL - 2</b>	<b>TOTAL - 3</b>	<b>TOTAL - 0</b>

### **Central Planning Committee (11)**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr T Barker Mr T Bebb Mr A Durnell Mr E J Overall Mrs C Wild	Mr V Bushell JP Mr J E Clarke Mrs E A Parsons	Mr A Bannerman Mr R A Evans Mr J M W Kenny	
<b>TOTAL - 5</b>	<b>TOTAL - 3</b>	<b>TOTAL - 3</b>	<b>TOTAL - 0</b>

### Substitutes

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr P Adams Mrs K Burgoyne Mr M T Price Mr D W L Roberts Mr K Roberts	Mr A N Mosley Mr J Tandy Mr J M Williams	Mrs B J Baker Mrs A M Chebsey Mrs H Fraser	
<b>TOTAL - 5</b>	<b>TOTAL - 3</b>	<b>TOTAL - 3</b>	<b>TOTAL - 0</b>

### South Planning Committee (11)

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr D W Evans Mr J Hurst-Knight Mrs C M A Motley Mr W M Parr Mrs R Taylor-Smith Mr R Tindall Mr S J West Mr M Whiteman OBE		Mrs C Barnes Mrs E M Nicholls	Mrs D M Shineton
<b>TOTAL - 8</b>	<b>TOTAL - 0</b>	<b>TOTAL - 2</b>	<b>TOTAL - 1</b>

### Substitutes

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr G H L Butler Mr J A Gibson Mr C J Lea Mr M Taylor-Smith Mr G F Tonkinson Mr L Winwood Mr M L Wood Mrs T Woodward		Mr R Huffer Mrs H M Kidd	1 Vacancy
<b>TOTAL - 8</b>	<b>TOTAL - 0</b>	<b>TOTAL - 2</b>	<b>TOTAL - 1</b>

### **North Planning Committee (11)**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mrs J B Barrow Mr M Bennett Mrs K D Calder Mr G L Dakin Mr S Davenport Mr V J Hunt Mr D J Minnery Mrs M Mullock Mr A E Walpole Mr P A D Wynn			Mrs P A Dee
<b>TOTAL - 10</b>	<b>TOTAL - 0</b>	<b>TOTAL - 0</b>	<b>TOTAL - 1</b>

### **Substitutes**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mrs A J Caesar-Homden Mr S F Charmley Mr A B Davies Mr J B Gillow OBE Mrs E A Hartley Mr S P A Jones Mr D G Lloyd MBE Mr B B Williams RD + 2 Conservative Vacancies			Mr C J Mellings (Independent Representative)
<b>TOTAL - 10</b>	<b>TOTAL - 0</b>	<b>TOTAL - 0</b>	<b>TOTAL - 1</b>

### **Shropshire and Telford and Wrekin Fire Authority**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr P Adams Mrs J B Barrow Mr M Bennett Mr J Hurst-Knight Mr D J Minnery Mr M T Price Mr K Roberts Mr S J West	Dr J E Jones	Mr N J Hartin Mr C J Mellings	
<b>TOTAL - 8</b>	<b>TOTAL - 1</b>	<b>TOTAL - 2</b>	<b>TOTAL - 0</b>



## **West Mercia Police Authority**

Conservative Group	Labour Group	Liberal Democrat Group	Independent
Mr M G Pate Mr M L Wood			
<b>TOTAL - 2</b>	<b>TOTAL - 0</b>	<b>TOTAL - 0</b>	<b>TOTAL - 0</b>

### **12. SCHEME OF DELEGATION**

It was proposed by The Speaker, seconded by the Chairman and

#### **RESOLVED:**

That the Responsibility for Functions, as set out in Part 3 of the Constitution and the Scheme for Delegations, as set out in Part 8 of the Constitution, be approved.

### **13. MEETINGS OF COUNCIL**

It was proposed by The Speaker and seconded by the Chairman that the programme of dates for meetings of Shropshire Council, as set out below, be approved and that meetings commence at 10.00 a.m.

- 19 July 2012
- 27 September 2012
- 22 November 2012
- 13 December 2012
- 21 February 2013
- 18 April 2013
- 16 May 2013 (Annual Council).

### **14. COMMUNITY COVENANT WITH THE ARMED FORCES IN SHROPSHIRE**

It was proposed by the Leader, Mr K R Barrow, and seconded by Mr B Williams that the report, a copy of which is attached to the signed minutes and the recommendations contained therein, be received and agreed.

Mr Barrow indicated that he was delighted to support such a positive initiative which provided the opportunity for the Council to reinforce its links with the Armed Forces.

Mr B Williams stated that he considered it a privilege to second the proposal to sign the Community Covenant given the value and importance of the Armed Forces to the Country and its safety.

Mr Hartin, Mr Mosley and Mrs Shingleton expressed their support for the Community Covenant emphasising the high regard and pride in the Armed Forces amongst the people they represented.

A large number of Members, including those that had served in the Armed Forces, namely: Mr Benyon, Mrs Calder, Mr Everall, Mr Hurst-Knight, Mrs Nicholls and Mr Taylor-Smith, spoke in support of the Community Covenant and its role in assisting to strengthen the links and improve the understanding between the military, including the Territorial Army, and the wider community.

Mr Barrow stated that the sincere support for the Community Covenant indicated by Members clearly demonstrated how greatly the Armed Forces were valued by the Council.

**RESOLVED UNANIMOUSLY:**

- (a) That Shropshire Council formally signs the Community Covenant as a basis for further strengthening links between the Armed Forces and the community of Shropshire.
- (b) That the Council Leader be the lead member for the Community Covenant.
- (c) That, following formal signing of the Covenant, the Council and the Armed Forces, through a working level group, examine and develop proposals for how best to enact the Covenant with all prospective Stakeholders.

The Speaker, Mr D G Lloyd, then invited the Lord-Lieutenant Mr Algernon Heber-Percy, Military Representatives, Police and Fire and Rescue Officers and representatives of the Public, Business and Voluntary sectors forward to the podium for the formal signing of the Community Covenant.

## **15. COMMUNITY GOVERNANCE REVIEWS**

It was proposed by the Speaker, Mr D G Lloyd, and seconded by Mrs A Caesar-Homden that the report, a copy of which is attached to the signed minutes and the recommendations contained therein, be received and agreed.

**RESOLVED:**

- (a) That the recommendations of the Community Governance Working Party in respect of Clun, specified in Section 2 of Appendix 1 to the Report of the Senior Committee Officer be adopted.

- (b) That the recommendations of the Community Governance Working Party in respect of Craven Arms, specified in Section 2 of Appendix 2 to the Report of the Senior Committee Officer be adopted.
- (c) That the recommendations of the Community Governance Working Party in respect of Ruyton-XI-Towns, specified in Section 4 of Appendix 3 to the Report of the Senior Committee Officer be adopted, and the Local Government Boundary Committee for England be requested to make the Consequential Changes Order.

## **16. REVIEW OF AUDIT COMMITTEE TERMS OF REFERENCE**

It was proposed by the Leader, Mr K R Barrow, and seconded by Mr B Williams that the report, a copy of which is attached to the signed minutes and the recommendations contained therein be received and agreed.

Mr B Williams stressed that the Audit Committee was very serious about picking-up any wrongdoing and would be examining how the promotion of the whistleblowing policy and the details of who to contact and the telephone number to call could be improved across the Council.

### **RESOLVED:**

That the Audit Committee accepting responsibility for the monitoring and overview of the Whistleblowing arrangements and the resulting adjustments to the Audit Committee Terms of Reference to reflect this, as set out in Appendix A to the Report of the Head of Finance and Commerce and Section 151 Officer, be endorsed.

## **17. ESTABLISHMENT OF A POLICE AND CRIME PANEL FOR THE WEST MERCIA POLICE FORCE AREA**

It was proposed by the Leader, Mr K R Barrow, and seconded by Mr S F Charmley that the report, a copy of which is attached to the signed minutes and the recommendations contained therein, be received and agreed.

Some Members, including Mr Evans, Mr Kenny, Mr Mosley and Mrs Shingleton, expressed disappointment with the representation for Shropshire on the Panel and asked that equal representation for Shropshire be addressed by the Panel in the future. In addition, Mr Evans, Mr Hurst-Knight and Mr Mosley referred to the police's local branch level task group meetings and considered that there should be member involvement in the those meetings in future.

Mr Barrow and Mr Charmley paid tribute to the Chairman, Mr Pate and Mr Wood, the Council's representatives on the West Mercia Police Authority for their hard work and assistance in ensuring the representation for Shropshire on the Panel that had been achieved. In addition, Mr Barrow and Mr Wood assured members that, given the size of the Panel and number of local

authorities involved, the representation for Shropshire that had been secured was the best that could have been achieved.

Mr Wood stated that the relationship between the Panel and the police would be subject to further discussions.

**RESOLVED:**

- (a) That the establishment of a West Mercia Police and Crime Panel (PCP) as a joint committee of the 10 principal local authorities in the West Mercia Police Force area, to be administered by Worcestershire County Council as the lead authority, be approved.
- (b) That the proposed membership of the West Mercia Police and Crime Panel, the Panel arrangements and any consequential actions required under the Act be approved.
- (c) That on behalf of Shropshire Council the Chief Executive be authorised to agree the final details of the proposals in consultation with the Leader.

**18. STRATEGIC COMMISSIONING – OUR PREFERRED RESPONSE TO NEW CHALLENGES AND DELIVERING CHANGE, CHANGING DELIVERY, A NEW TRADING COMPANY FOR SHROPSHIRE COUNCIL**

(Committee Officer's note: In acknowledgement of the close connections between the two reports it was agreed that both items be considered simultaneously.)

It was proposed by the Leader, Mr K R Barrow, and seconded by Mr R Tindall, that the reports, copies of which are attached to the signed minutes, and the recommendations contained therein as amended following the Cabinet meeting on 2<sup>nd</sup> May 2012, be received and agreed.

The Leader, Mr K R Barrow, referred to the consideration of the reports by Cabinet on 2<sup>nd</sup> May 2012 and the contributions to the lengthy debate on the items made by the Group Leaders at that meeting; and drew attention to the updated recommendations to both reports arising from the Cabinet meeting, which had been circulated round the Chamber.

Mr Barrow explained that the reports concerned moving the Council's "core" future role to become a "strategic commissioner" of local public services and approval was being sought for a range of actions to implement that change progressively over the next 12 months, including the creation of a new Council owned company as a vehicle for delivering a range of public services in Shropshire, and beyond, in the future. He indicated that it was very likely that the Council would be faced with finding significant further savings in the next few years, whilst it tried to maintain quality services across the county, so such changes in service delivery were essential to achieve this, as had already been agreed by the Council in its Medium Term Financial Plan.

Mr Barrow emphasised the need to act quickly to respond effectively to the challenges facing the Council in a prolonged period of financial constraints for local public services and assured Members that, at this stage, they were being asked only to approve the setting up of a new company, with more detailed proposals to be determined in future as to how this would operate and which Council services might be transferred into the new entity.

It was proposed by Mr A N Mosley as a **first amendment**, and duly seconded by Mr J Tandy:

“That both items be referred back to the Cabinet.”

Mr Mosley expressed concern at the lack of consultation with the public, elected members, staff and stakeholders on both issues of fundamental importance. He commented that, if agreed, the proposals would change significantly the way the Council would work in future, and potentially could lead to an undermining of the principles of local democracy, with dire consequences for public services in the county, which he considered had not been fully understood and, therefore, he believed that the proposals should be referred back to Cabinet to enable full and proper consultation to be undertaken prior to any decision being taken on the matter.

Mr Tandy referred to the proposed checks and balances in the design of the new company, set out in paragraph 5 of the report on “Delivering Change, Changing Delivery – A New Trading Company For Shropshire Council” and raised queries on the future governance arrangements of the new company, the transfer arrangements for Council services and staff to the new company, and the specified exit provisions.

Mr J M Williams expressed concern at the speed at which such significant proposals were being progressed without the time for Members to properly consider and analyse the details and questioned whether such a fundamental change in the delivery of services was really necessary to address the funding constraints on local public services.

In response, the Leader, Mr K R Barrow, stated that the proposals had been under consideration for some time with Cabinet having given them lengthy thought prior to this stage, and discussions had taken place with both Members and staff during the Shared Services process, with consideration of the introduction of such changes continuing with Council staff, to keep them fully involved in taking the proposals forward. In respect of the changes being made in the way the Council operated, he contended that new solutions were required to maintain the delivery of public services, otherwise the only alternative would be to reduce the amount and level of public services available, which was not a desired course of action. On the future governance arrangements of the new company, Mr Barrow stated that the proposals were not a case of privatising public services and emphasised that the intention behind the proposals was to set up a company which would be owned 100% by the Council, with it retaining a majority shareholding in future, should it be

agreed to join with other partners outside the public sector. He then confirmed that it was the intention that a Cabinet Member be the Chairman of the Board of the new company with no more than 2 officers of the Council serving on the Board. Control of the new company would rest with the Shareholder Committee, which would comprise of the Cabinet, together with Members from other political groups if they wished. It was envisaged that the Board of Directors running the new company would be free to operate on a day-to-day basis within the direction of travel set by the Council, as owners of the company, in order to be competitive in the market place, and would be required to operate within the parameters of the Business Plan agreed by the Council. In the event of this healthy balance not being achieved, ultimately the Council could dissolve the company, thereby ensuring absolute control rested with the Authority. In response to a query on the transfer arrangements for Council staff to the new company, Mr Barrow confirmed that transferring staff to the new company would be protected under TUPE legislation regarding their terms and conditions of employment and pension arrangements.

**On being put to the vote the first amendment was lost, with 9 Members voting in favour and a large majority of Members voting against.**

It was proposed by Mr N J Hartin as a **second amendment**, and duly seconded by Mr J M W Kenny:

“That the decision to agree the creation of the NEWCO be deferred whilst a business case can be more fully developed involving a cross party group of Members. In addition, consultation be carried out with the voluntary and community sector, town and parish councils and other service providers.”

Mr Hartin expressed concern at the relatively short period of time that had elapsed since he was made aware of these significant proposals and their presentation for decision at Cabinet and Council. He considered that, given that the proposals would produce a fundamental change in the delivery of services and the resultant implications for the staff and public, further time was needed for Members to give proper consideration to the details.

Mr Kenny considered that further information on the proposals was required to ensure that the Council was taking the correct course of action, in view of alternative courses of action that could be explored.

Several Members, including Mrs Barnes, Mrs Baker, Mrs Chebsey, Mr Clarke and Mrs Fraser expressed concern that Members were being asked to make a decision at short notice, when careful consideration of the proposals was required, as it could not always be guaranteed that the new company would win the tender for the delivery of a service in the future! Furthermore, there was little clarity for Members on how savings in the delivery of services would be achieved and the Business Plan had not yet been finalised. They considered that such detail was vital before Members could consider whether to support the proposals.

Mr Mosley indicated his support for the second amendment, stating that the proposals challenged the principles of local democracy and the provision of public services based on their need. He indicated that the Labour Group would continue to work tirelessly to protect the rights of service users.

Mr R Evans stated that he appreciated that, given the difficult financial situation facing the Council both now and in the future, measures needed to be taken to ensure that the best possible services were provided for all. He indicated therefore that he was not necessarily against the proposals, particularly if they enabled resources to be placed back into frontline services, but that he was concerned that the Council was being hurried into making a decision on the matter after which only the Cabinet would be involved in taking it forward.

Mrs Woodward accepted that the Council's future commissioning role would be challenging, but this was how the Council had to adapt in the future, with no guarantees that the new company would secure the delivery of all services. Nevertheless, efforts had to be made to ensure that the provision of good public services for the community was maintained.

Mr Barker considered that there was no alternative for the Council in moving forward than to find more innovative ways for delivering services and the opportunity being presented, with creation of a new Council owned company as a vehicle for delivering a range of public services, needed to be taken without delay.

In response, the Leader, Mr K R Barrow, reaffirmed the lengthy time that the administration had taken in the consideration and preparation of the proposals and stressed that the time had now come to act without delay to ensure that the best possible services continued to be provided for the people of Shropshire. Referring to the Business Plan for the proposals he indicated that most of the detail concerning the position of individual services would be provided to support future decision making, once the new company had been formed, and detailed Business Cases would be considered by the Cabinet in each case.

In conclusion, Mr Barrow reiterated his offer to the other Group Leaders to become more directly involved in the process and join him on the Shareholder Committee of the new Council company, to help shape the consultation process with the public and staff.

15 members requested a recorded vote on the second amendment, the outcome of which was as follows:

For the second amendment: (16)

Mr A Bannerman, Mrs B J Baker, Mrs C A Barnes, Mr V Bushell, Mrs A M Chebsey, Mr J E Clarke, Mr R A Evans, Mrs H Fraser, Mr N J Hartin, Dr J E Jones, Mr J M W Kenny, Mr A N Mosley, Mrs E M Nicholls, Mrs E A Parsons, Mr J Tandy and Mr J M Williams.

Against the second amendment: (47)

Mr P Adams, Mr T Barker, Mrs J B Barrow, Mr K R Barrow, Mr J T Bebb, Mr M Bennett, Mr W Benyon, Mr T H Biggins, Mrs K Burgoyne, Mr G H L Butler, Mrs K D Calder, Mrs A Caesar-Homden, Mr S F Charmley, Mr S Davenport, Mr A B Davies, Mr A Durnell, Mr D W Evans, Mr E J Everall, Mr J B Gillow, Mrs E A Hartley, Mr R Hughes, Mr V J Hunt, Mr J Hurst-Knight, Mr S P A Jones, Mrs C J Lea, Mr D G Lloyd, Mr D J Minnery, Mrs C M A Motley, Mrs M Mullock, Mr P A Nutting, Mr M J Owen, Mr M G Pate, Mr M T Price, Mr D W L Roberts, Mr K Roberts, Mrs D M Shingleton, Mr M Taylor-Smith, Mrs R Taylor-Smith, Mr R Tindall, Mr G F Tonkinson, Mr A E Walpole, Mrs C Wild, Mr B B Williams, Mr L Winwood, Mr M Wood, Mrs T Woodward and Mr P A D Wynn.

**The second amendment was lost, with 16 Members voting in favour and 47 Members voting against.**

**On being put to the vote, the proposition was carried with 47 Members voting in favour and 16 Members voting against.**

**RESOLVED:**

(a) That on “Strategic Commissioning Our Preferred Response To New Challenges”, subject to the Action Plan for each being agreed in consultation with the Leader of the Council, the following actions be adopted:

1. The proposed new Strategic Commissioning Policy- linked to our strategic objectives of Economic Growth and Flourishing Shropshire Communities- be agreed and the Chief Executive prepare a single, clear and simple overview of our commissioning process, and communicate it widely to staff, partners, and the public.
2. Guidance, and training/support, be provided to elected Members on their new roles in the strategic and local commissioning process, as a key part of our on-going arrangements for Member development.
3. The Chief Executive review the roles and responsibilities of senior management and related specialist posts, to split commissioner and provider functions, and improve Risk Management and that he formally initiates consultation with the Trade Unions on the organisational changes involved.
4. The Chief Executive takes speedy and appropriate action to improve our capacity and capability to effectively ‘market make’, commission and procure, within our existing resources.
5. A new Shropshire Commissioners Forum (under the framework of the Shropshire Partnership) be established to align key decision making and resource allocation across all public services in the County.



6. Improved local governance frameworks be developed to improve accountability to local people and establish Community Budgets and integrated service provision locally.
  7. The Council's Scrutiny arrangements be enhanced, to cover all public service commissioning in Shropshire.
  8. The Chief Executive completes work in hand on our strategic outcomes, targets and measures – and realigns existing staffing resources to form a more effective Customer Intelligence Team, to inform our commissioning decisions.
  9. Dialogue be formally opened with the local Voluntary and Business sectors, and with Town and Parish Councils, to invite new providers, partners, and investors into our local marketplace.
  10. The Marches Local Enterprise Partnership be requested to put in place a new local supply chain framework, including provision for new community micro-businesses.
  11. The Council moves quickly to the use of outcome based contracts for all service provision, including payment by results where appropriate.
- (b) That on “Delivering Change, Changing Delivery – A New Trading Company For Shropshire Council”, the following actions be adopted and returned to Cabinet for implementation:
1. The creating of NEWCO, as a wholly owned Council company to act as the “umbrella” delivery vehicle for a range of new service provider solutions to better meet the needs of local people, be agreed.
  2. The proposed legal and contractual arrangements for the direction and oversight of the new company (as set out in Appendix 1 and sections 5-8 of the report), with the Cabinet acting as the owner's “shareholder” committee on behalf of the Council, be approved.
  3. Cabinet receives and approves a detailed paper on the governance arrangements for the new company. This must take into account that the role of the Chairman of the Board is undertaken by an elected Member, delivering guidance, direction, strategy and keeping the Board true to its democratic mandate. This report must be presented to the next Cabinet meeting.
  4. The Chief Executive, in consultation with the Leader of the Council, bring forward to Cabinet for decision proposals on those current services which should be the first to transfer to the new company within the next 12 months, subject to consultation with staff, stakeholders and the trade unions.

5. The Chief Executive similarly, in consultation with the Leader of the Council, bring forward to Cabinet for decision proposals on the future transfer of other Council services to NEWCO, progressively over the next 2-3 years, as well as identifying those current services that will remain in-house for the foreseeable future.

## **19. THE LOCALISM ACT 2011 – DRAFT CODE OF CONDUCT**

It was proposed by the Leader, Mr K R Barrow, and seconded by Mrs E A Hartley that the report, a copy of which is attached to the signed minutes and the recommendations contained therein, be received and agreed.

### **RESOLVED:**

That, subject to the inclusion by the Monitoring Officer of provisions for the withdrawal of members from the meeting room when an item of business is discussed in respect of which he/she has a Disclosable Pecuniary Interest, the draft Code of Conduct appended to the Report of the Monitoring Officer be approved and adopted with effect from the commencement date of the revised standards regime.

## **20. MOTIONS**

20.1 It was proposed by Mr M Bennett and seconded by Mr R A Evans:

“This Council requests Shropshire MP’s to lobby for a change in the law relating to Local Government Finance to enable those Parish and Town Councils who wish to make use of the BACS system for payments to creditors to do so.”

Speaking to the motion, Mr Bennett referred to the large quantity of cheques issued by parish and town councils each year and the financial charges incurred by them for doing so, when many organisations and individuals preferred to be paid by more cost effective electronic methods now available.

In seconding the motion, Mr R A Evans considered that parish and town councils should be allowed to take advantage of discounts offered by organisations for payment by the BACS system.

Mr P Nutting and Mr J E Clarke indicated their support for all parish and town councils to be able to utilise payment by the BACS system.

On being put to the vote, the motion was carried unanimously and it was

**RESOLVED ACCORDINGLY.**

20.2 Mrs C A Barnes withdrew her motion regarding the intention of Barclays Bank to close their Bishops Castle branch on 29<sup>th</sup> June 2012, as the Leader of the Council had already made an approach to Barclays Bank on the matter.

## 21. REPORT OF THE WEST MERCIA POLICE AUTHORITY

It was proposed by Mr M L Wood and seconded by the Chairman that the report of the West Mercia Police Authority, a copy of which is attached to the signed minutes, be received and noted.

Mr Wood referred to the Police Authority's budget for 2012/13 and the measures being taken to address the impact of funding reductions. With reference to the positive Audit Letter from the Audit Commission for 2010/11, Mr Wood congratulated Mr M G Pate for his efforts on behalf of the Police Authority which had contributed to the achievement.

In the absence of Mrs P A Dee, Mrs D M Shingleton asked the following question on her behalf:

"Are Shropshire Council and the general public aware that the Police have the power now to use what are known as 'out of court disposals'?"

Mr Wood indicated that he had received prior notice of the question and the related issues on which Mrs Dee sought a response and he and the Speaker indicated that these were matters on which the Chief Constable should comment. Mr Wood did indicate that out of court disposals were used to resolve minor crimes only; were pursued only with the agreement of the victims; and 6% of crime was being dealt with in this way. He assured Members that sexual offences were treated most seriously and the legislation did not provide for such crimes to be dealt with by means of out of court disposals.

### **RESOLVED:**

That the report be noted.

## 22. REPORT OF THE SHROPSHIRE AND WREKIN FIRE AUTHORITY

It was proposed by Mr D J Minnery and seconded by Mr J Hurst-Knight that the report of the Shropshire and Wrekin Fire Authority, a copy of which is attached to the signed minutes, be received and agreed.

### **RESOLVED:**

That the report be noted.

Speaker

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Date

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The meeting closed at 12.55 p.m.