



<u>Committee and Date</u>
COUNCIL
28 February 2013

<u>Item</u>
3
Public

MINUTES

MEETING OF SHROPSHIRE COUNCIL

HELD ON THURSDAY 13 DECEMBER 2012

AT 10.00 AM

PRESENT:

Mr P Adams
Mrs B J Baker
Mr A Bannerman
Mr T Barker
Mrs C A Barnes
Mrs J B Barrow
Mr K R Barrow
Mr M Bennett
Mr W Benyon
Mr T H Biggins
Mrs K Burgoyne
Mr V Bushell JP
Mr G H L Butler
Mrs K D Calder
Mr L Chapman
Mr J E Clarke
Mr G L Dakin
Mr S Davenport
Mr A B Davies
Mr T Davies
Mrs P A Dee
Mr A Durnell
Mr D W Evans
Mr R A Evans

Mr E J Everall
Mrs H Fraser
Mr J B Gillow OBE
Mr N J Hartin
Mrs E A Hartley
Mr R Huffer
Mr V J Hunt
Mr J Hurst-Knight
Dr J E Jones
Mr S P A Jones
Mr J M W Kenny
Mrs H M Kidd
Mr C J Lea
Mr D G Lloyd MBE
Mr C J Mellings
Mr A N Mosley
Mrs C M A Motley
Mrs E M Nicholls
Mr P A Nutting
Mr M J Owen JP
Mr W M Parr
Mr M G Pate
Mr M T Price
Mr K Roberts

Mrs D M Shineton
Mr J Tandy
Mr M Taylor-Smith
Mrs R Taylor-Smith
Mr G F Tonkinson
Mr A E Walpole
Mr S J West
Mr M Whiteman OBE
Mrs C Wild
Mr B B Williams RD
Mr J M Williams
Mr M L Wood
Mrs T Woodward

78. APOLOGIES

The Speaker reported apologies for absence had been received from Mr J T Bebb, Mrs A Caesar-Homden, Mr S F Charmley, Mrs A M Chebsey, Mrs T Huffer, Mr R Hughes, Mr D J Minnery, Mrs M Mullock, Mrs E A Parsons, Mr D W L Roberts, Mr R Tindall, Mr L Winwood and Mr P A D Wynn.

79. DISCLOSABLE PECUNIARY INTERESTS

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

- Mr P Adams, Mr A Durnell, Mrs H Fraser, Mr J M W Kenny, Mr A N Mosley, Mr P A Nutting, Mr M J Owen, Mr M T Price, Mr K Roberts and Mr J Tandy asked that it be recorded that they left the room prior to the commencement of the discussion and voting on the item on Shrewsbury – New Riverside Development Compulsory Purchase Order (Agenda Item 11).

80. MINUTES

RESOLVED:

That the Minutes of the meeting held on 22nd November 2012, as circulated with the agenda papers, be approved and signed as a correct record.

81. ANNOUNCEMENTS

81.1 Chairman's Engagements

The Chairman referred members to the list of official engagements carried out by himself and the Speaker since the last meeting of the Council on 22nd November 2012, which had been circulated at the meeting.

81.2 Christmas Celebrations

The Speaker indicated that 40 choir members from Greenfields School, Shrewsbury would be attending to sing a medley of Christmas carols in the Foyer outside the Council Chamber from 12.00 noon onwards.

The meeting would be adjourned at that point if the business had not been completed, so that Members could enjoy the carols and partake in a festive glass of mulled wine with himself and the Chairman of the Council.

82. PUBLIC QUESTION TIME

The Speaker indicated that there were no public questions.

83. QUESTIONS FROM MEMBERS

The Speaker advised that the following question had been received in accordance with Procedure Rule 15 from Mr J M Williams:

“Shrewsbury South Sustainable Urban Extension Masterplan.

Council having adopted the “Master Plan”; the devil will be in the detail.

My questions are as follows -

- What standards of ecological sustainability will be specified? Considering that Code 3 is regarded as a minimum standard - will this be the case in this development?
- Will photo-voltaic panels be the norm on house roofs? And insulation above minimum standards? We are aware that developers are reluctant of such innovations for a range of reasons and planners are generally not sympathetic and cause obstacles. I trust this will not be the case at the SUE.
- What use is being made of locally sourced materials and locally produced constructional units e.g. SIPs etc.? Also, has the use of ecologically sustainable materials been considered?
- Are we allocating plots for self-build projects considering the generally high levels of design, construction and energy efficiency associated with such projects?
- Will the percentage of “affordable and social “housing be specified?
- What provision is being made for peripheral space: storage of children’s equipment, bicycles etc, indoor clothes drying?
- Have any percentages, placing’s, specifications been made regarding recreational space, public footpaths, wildlife corridors?
- Is there to be a major investment in high quality cycle-paths within the development and especially from the development into town. Who will specify such provision?
- Design of homes: - Can we be assured of a mixture of styles so as to avoid entire swathes of land being covered with a bland rash of “Little Boxes” period pastiche.

Whilst it is the case that some house buyers may prefer traditional styles, it would not enhance the townscape or the countryside for such to become a standard default. Developers are able to produce a variety of homes and it would be a great pity if we were to accept the lowest common denominator of 'bog-standard' architecture. Modern style homes, featuring a range of varied exteriors, can enhance the built environment."

Mr M T Price, the Portfolio Holder for Strategic Planning replied:

(What standards of ecological sustainability will be specified? Considering that Code 3 is regarded as a minimum standard - will this be the case in this development?)

Linked to Core Strategy Policy CS6 Sustainable Design and Development Principles, the Council will require, as a minimum, the national Building Regulation standards applying at the time that any planning applications are determined. The Government appears to be moving away from the Code for Sustainable Homes towards reliance on Building Regulations. However, the Council's approach is to encourage developers to apply the highest standards appropriate and affordable.

(Will photo-voltaic panels be the norm on house roofs? And insulation above minimum standards? We are aware that developers are reluctant of such innovations for a range of reasons and planners are generally not sympathetic and cause obstacles. I trust this will not be the case at the SUE.)

It will be for the developers to put forward their proposals through planning applications, which the Council will then consider in the context of Policy CS6 and the national Building Regulations standards applying at the time. Policy CS6 and the adopted Sustainable Design SPD actively encourage integration of resource and energy efficiency measures, as well as on site renewable energy generation.

(What use is being made of locally sourced materials and locally produced constructional units e.g. SIPs etc.? Also, has the use of ecologically sustainable materials been considered?)

It will be for the developers to put forward their proposals through planning applications, which the Council will then consider in the context of Policy CS6 and the national Building Regulations standards applying at the time.

(Are we allocating plots for self-build projects considering the generally high levels of design, construction and energy efficiency associated with such projects?)

No, the Council is not proposing to allocate land in the SUE area specifically for self-build projects. However, the Council is pro-actively engaging in the delivery of self-build housing, including promoting the concept and exploring the use of Council-owned land for projects.

(Will the percentage of “affordable and social “housing be specified?)

The SUE Masterplan includes the objective that ‘between 20% and 25% of all new homes will be affordable, subject to the operation of the Council’s affordable housing policy and viability considerations’. So, as planning applications are received for the different areas/phases of development, the percentage will be specified. The Council is currently seeking contributions of 13% affordable housing on open market housing developments – the percentage is reviewed annually having regard to the Council’s dynamic viability index.

(What provision is being made for peripheral space: storage of children’s equipment, bicycles etc, indoor clothes drying?)

It will be for the developers to put forward their proposals through planning applications, which the Council will then consider in the context of Policy CS6 and the national Building Regulations standards applying at the time.

(Have any percentages, placing’s, specifications been made regarding recreational space, public footpaths, wildlife corridors?)

The SUE Masterplan sets out objectives and design principles regarding the Green Infrastructure Framework, including provision for functional recreational open spaces, pedestrian and cycle routes, an environmental network of integrated green spaces and safeguarding biodiversity. It will be for developers to put forward their proposals through planning applications to be considered with regard to the Masterplan and the relevant policies of the Core Strategy (and SAMDev Plan once in place).

(Is there to be a major investment in high quality cycle-paths within the development and especially from the development into town. Who will specify such provision?)

Yes, this is set out in the Masterplan, to be taken forward through planning applications and informed by infrastructure requirements identified in the Shrewsbury Area Place Plan and the LDF Implementation Plan. A co-ordinated approach to sustainable transport provision is integral to the development of the SUE, to be funded through a combination of on-site design, Community Infrastructure Levy proceeds and additional Section 106 Agreement contributions as may be specified linked to the grant of planning permissions.

(Design of homes: - Can we be assured of a mixture of styles so as to avoid entire swathes of land being covered with a bland rash of “Little Boxes” period pastiche.

Whilst it is the case that some house buyers may prefer traditional styles, it would not enhance the townscape or the countryside for such to become a standard default. Developers are able to produce a variety of homes and it would be a great pity if we were to accept the lowest common denominator of ‘bog-standard’ architecture. Modern style homes, featuring a range of varied exteriors, can enhance the built environment.)

The SUE Masterplan sets out design objectives and principles, including a character areas approach. It will be for developers to put forward their proposals through planning applications to be considered with regard to the Masterplan and the relevant policies of the Core Strategy (and SAMDev Plan once in place).”

Mr J M Williams thanked the Portfolio Holder for his answer and asked, by way of a supplementary question, the following:

1. With regard to the key details of the SUE Masterplan will Council agree, prior to the start of the development, to establish, with the developer, a Community Development Trust (as Taylor Woodrow have at Laybourne Grange, in Kent) to explore matters of architectural/environmental design and sustainability, wildlife corridors, recreational spaces etc? This will result in obtaining best value for the Council and for the future residents of the new estates.
2. With regard to the 1,000+ cars to be generated from the Oteley Road & Sutton Grange Developments, which will necessarily have to be accommodated on already congested road space, will Council actively explore (possibly with a Community Development Trust) the creation of a designated (segregated) urban cycle-way from the new developments into the Town?
3. Please can you clarify the percentage of affordable and social rented housing which Council is designating for the developments; is it 20 – 25% or 13%?

In response, Mr M T Price indicated that he would be pleased to look, with the officers, at the establishment of a Community Development Trust; give further consideration to the creation of a designated cycleway from the new developments into the town; and provide clarification on the percentage of affordable and social rented housing to be designated for the developments.

84. APPOINTMENT OF OPERATIONS DIRECTOR AND HEAD OF PAID SERVICE

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

In seconding the proposal, Mrs Dee indicated that she was pleased to see the new post of Operations Director being filled internally.

Mr Mosley welcomed the appointment of Clive Wright to the post of Operations Director. He raised the changes being made to the Council's senior management structure and expressed concern at the costs being incurred in the process, including redundancy payments, the appointment of the managing director for i, p and e ltd, and consultants fees incurred during the Council's transformation.

Mr Gillow queried the absence of a member of the Liberal Democrat Group from the appointment panel. In response, Mr Hartin indicated that the Liberal Democrat Group supported the appointment of Clive Wright to the post of Operations Director but had not taken up the invitation to join the appointment panel as they had had reservations about how the process had been brought forward by The Leader.

Mr Nutting stated that he had found Clive Wright to be excellent to work with and supported his appointment to the post of Operations Director which he considered would be a very demanding position but was confident that Clive Wright would perform very well in the role.

The Leader, Mr K R Barrow, thanked David Taylor for recently undertaking the role of Interim Head of Paid Service. He stated that he considered Clive Wright to be an excellent appointment to the post of Operations Director and that he was more than able to meet the challenges ahead. He expressed disappointment that the Liberal Democrat Group felt unable to accept the open and honest offer to participate in the appointment process. With regard to the use of consultants, Mr Barrow indicated that the use of consultants by the Council continued to reduce but stressed that consultants had to be used when specific expertise was required that could not be provided internally.

RESOLVED UNANIMOUSLY:

That Clive Wright be appointed to the position of Operations Director/Head of Paid Service.

85. TREASURY STRATEGY 2012/13 – MID YEAR REVIEW

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.

Mr Mosley highlighted paragraph 6.5 of the report lamenting the continued problematic state of the UK economy.

Mr Kenny contended that the Government should make changes to the planning process to promote an increase in building activity in an effort to aid economic recovery.

Mr B Williams drew attention to the performance of the Council's treasury management team in achieving a return on the Council's cash balances that amounted to additional income for the Council of approximately £400,000 and congratulated the officers on their excellent efforts.

The Leader, Mr K R Barrow, concurred with the sentiments of Mr B Williams and praised the officer's exceptional work that had been achieved in difficult economic circumstances.

RESOLVED:

That the mid-year position in respect of the Treasury Strategy as set out in the report be accepted.

86. INCOME REVIEW – FEES AND CHARGES FOR 2013/14

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

Mr M Kenny proposed the following amendment which was duly seconded by Mrs H Kidd:

“That no charge be made for pest control services for those on income support of housing benefit.”

Mr Kenny and Mrs Kidd expressed concern at the potential for public health issues to arise, should residents in financial difficulty be deterred from having pest control problems attended to due to costs.

The Leader, Mr K R Barrow, and Mrs Hartley assured Members that nobody would be charged for the services if they were really unable to afford them.

Mr Mosley considered that the waiving of charges for those recognised to be in financial distress needed to be made clearer and more widely known.

Mr R Evans contended that, for the wellbeing of the people of Shropshire, any pest infestation that posed a potential health risk should be attended to by the Council without charge

On being put to the vote the amendment was lost, with 18 Members voting in favour and a large majority of Members voting against.

A second amendment was proposed by Mr N Hartin and duly seconded by Mr R Evans as follows:

“That the following recommendation be deleted from the proposition:

Agree that in future, provided proposed increases do not exceed CPI for the preceding November, Shropshire Community Leisure Trust Ltd. be permitted to alter fees and charges in relation to the outsourced leisure facilities simply by notification to the Leisure Management Partnership Officer and without seeking full council approval.”

Mr Hartin expressed concern that acceptance of the recommendation would result in the responsibility for setting fees and charges for leisure facilities being taken away from the Council and passing to an external organisation.

On being put to the vote the second amendment was lost, with 18 Members voting in favour and a large majority of Members voting against.

Several Members spoke to the proposition and drew attention to the effect of increasing charges on service users. Mr Bannerman indicated that user groups were struggling to meet the costs of facilities at Theatre Severn. Mrs Barnes questioned the need for large increases in charges for wedding/civic partnership ceremonies at Shrewsbury Castle and queried whether the fee for hiring the grounds would be levied on such occasions. Mrs Fraser referred to the high charges for the Shropshire Music and Arts Service which was becoming expensive and stressed that every effort needed to be made to ensure that the service remained accessible. Mr R Evans expressed concern about the charges for day centres and asked that Members be provided with details of the charges at each day centre and be notified of day centre attendances in 2012/13 to obtain an early indication of the effect of the charges.

Mrs Woodward confirmed that there would be no charge for the use of the grounds at Shrewsbury Castle during wedding/civic partnership ceremonies and indicated that the charges for the ceremonies were benchmarked with the charges being levied at other councils.

The Leader, Mr K R Barrow, stated that nobody would be charged for the use of day centres unless they could afford it and with personalised budgets people were able to choose how best to use their money on the services they required. Mr Barrow emphasised that the Council had very limited funds available to meet continuing financial challenges, and the fees and charges were a vital component of the income the Council needed to raise to support the budget.

On being put to the vote, the proposition was carried by a large majority of Members, with 18 members voting against.

RESOLVED:

- (a) That the breakdown of the total income for 2012/13 and in particular that the charges for discretionary services represent only £17.091m of the £61.261m of income derived from Fees and Charges be noted
- (b) That the principles to be considered when reviewing charges, as identified in section 7 of the report, be approved.
- (c) That the charges for 2013/14 as detailed in Appendix 3 to the report be implemented as soon as possible, but no later than 1 April 2013, recognising that managers have proposed varying policies for 2013/14 fees and charges ranging from a freeze in certain areas to above inflation level increases in others, based on the nature of the service, market forces, customer reaction and competition from other providers as well as the state of the economy, be approved.
- (d) That the changes to fees and charges proposed by Shropshire Community Leisure Trust Ltd. in relation to the outsourced leisure facilities, as detailed in Appendix 3 to the report, be approved.

- (e) That, provided proposed increases do not exceed CPI for the preceding November, the permitting in future of Shropshire Community Leisure Trust Ltd. to alter fees and charges in relation to the outsourced leisure facilities simply by notification to the Leisure Management Partnership Officer and without seeking full council approval be approved
- (f) That monitoring reports will identify adjustments required to income budgets in the financial strategy which may or may not be offset by corresponding adjustments to expenditure budgets be noted.
- (g) That the impact of the Council's policy decisions on income should be clearly identified and adjustments made as required to the financial strategy be noted.

87. SETTING THE COUNCIL TAX TAXBASE FOR 2013/14

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.

In presenting the report, the Leader, Mr K R Barrow, referred to making provision for the new local council tax support scheme, to be introduced from 1st April 2013, in the Council Tax taxbase and the implications for town and parish councils in setting their precepts. He indicated that consultations would be held with town and parish councils accordingly.

Mr Nutting sought an assurance that subsidy received to assist in providing for the new local council tax support scheme would also be passed on to town and parish councils.

Mr Mellings indicated that town and parish councils were aware of the impact of the new local council tax support scheme and that their Council Tax taxbases would need to be adjusted. He sought information on discussions with town and parish councils and the sum that would be available for them to mitigate the impact.

Mrs Shingleton requested that communications with town and parish councils on the implications for Council Tax taxbases of the new local council tax support scheme be made in a way that was easy to follow and understand.

Mr Clarke expressed the view that should the proposed Council Tax collection rate of 97.5% be exceeded, a mechanism needed to be provided to enable the proportion of surplus that was town and parish council precept to be credited to them.

The Leader, Mr K R Barrow, confirmed that arrangements would be made for subsidy received, to assist in providing for the new local council tax support scheme in the Council Tax taxbase, to be passed on to town and parish councils. He indicated that letters to be sent shortly to town and parish councils would attempt to make the position, on the implications for Council

Tax taxbases of the new local council tax support scheme, as clear as possible. In addition, Members noted that town and parish councils would be informed of the grant amounts they would receive and the precepts that would be required; and also that it was uncertain whether the subsidy to be provided in 2013/14 would continue thereafter.

RESOLVED:

- (a) That in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by Shropshire Council as its Council Tax taxbase for the 2013/14, as detailed in Appendix A to the report, totalling 99,279.65 Band D equivalents be approved.
- (b) That the exclusion of 12,313.19 Band D equivalents for the first time from the taxbase as a result of localised Council Tax Support be noted.
- (c) That the inclusion of 605.72 Band D equivalents in the taxbase for removal of the second homes discount in accordance with recently approved Council policy be noted.
- (d) That the inclusion of 1,089.50 and 120.49 Band D equivalents in the taxbase for abolition of Class C and Class A exemptions and introduction of Council Tax discount policies of 25% and 50% respectively be noted
- (e) That the revision of the long-term empty properties discount to 25% be approved.
- (f) That the inclusion of 137.11 Band D equivalents in the taxbase for implementation of a long-term empty properties discount of 25% be noted.
- (g) That a collection rate for 2013/14 of 97.5% be approved.

88. SHREWSBURY – NEW RIVERSIDE DEVELOPMENT COMPULSORY PURCHASE ORDER

It was proposed by Mr T Barker and seconded by Mrs K Burgoyne that the report, a copy of which is attached to the signed minutes, and the recommendations contained therein, including the amended recommendation (a) in paragraph 2.1 of the report to ensure consistency with other key documents to be used in the Compulsory Purchase Order, be received and agreed.

In presenting the report Mr Barker indicated that the Compulsory Purchase Order was being pursued for the wider public benefit to enable the assembly of land interests required for the redevelopment scheme to proceed should the land interests be unable to be assembled by agreement. He confirmed that the costs for the Compulsory Purchase Order would be underwritten by the developer.

Mr Mellings enquired whether the Council was confident that the developer had sufficient net asset cover available for the costs to be incorporated in the Indemnity Agreement with the developer.

Mr Barker considered that due diligence would deal with the issue and undertook to ask the Portfolio Holder to contact Mr Mellings on the matter.

RESOLVED:

(a) That subject to:

- i) the prior completion of an unconditional indemnity agreement with one or more UK Commercial Property Trust Retail Unit Trusts owning interests in the Riverside, Pride Hill and Charles Darwin Centres and their nominated Trustees (“the Indemnity Agreement”) and
- ii) the Council entering into a conditional land agreement with one or more UK Commercial Property Trust Retail Unit Trusts owning interests in the Riverside, Pride Hill and Charles Darwin Centres and their nominated Trustees (“the Land Agreement”)

a Compulsory Purchase Order (CPO) be made to acquire:

- (1) the land shown shaded pink on the plans appended to the report under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) for the purpose of the development, redevelopment or improvement of land by way of a retail-led mixed-use scheme, including the demolition of existing buildings and the construction of a new shopping centre (including retail, food and drink, office and other town centre uses), associated parking, landscaping and infrastructure, together with new connections and improvements to, and remodelling of the Pride Hill and Darwin Shopping Centres because it considers that the acquisition will facilitate the carrying out of the development or redevelopment or improvement on or in relation to the land, and the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social and environmental well-being of Shrewsbury and the surrounding district; and
 - (2) new rights in relation to the land shown shaded blue on the plans appended to the report under Section 13 of the Local Government Act (Miscellaneous Provisions) Act 1976.
- (b) That the Corporate Head of Legal and Democratic Services be authorised to take all necessary steps as considered appropriate to secure the making, confirmation and implementation of the CPO including the publication and service of all relevant notices and the presentation of the Council's case at any public inquiry.

- (c) That the Group Manager Facilities Management be authorised to take all necessary steps as considered appropriate to resolve any objections to the making of the CPO including the entering into of undertakings with affected landowners.
- (d) That the Group Manager Facilities Management be authorised to approve the terms for the acquisition of legal interests (including new rights) by agreement including for the purposes of resolving any objections to the CPO.

89. LOCAL GOVERNMENT OMBUDSMAN REPORT

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

In presenting the report Mr Price confirmed that the Ombudsman’s finding addressed a technical issue and no injustice to the complainant or others had been found.

RESOLVED:

That the content of the Local Government Ombudsman’s report be noted.

90. EXCLUSION OF THE PRESS AND PUBLIC

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

RESOLVED:

That in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and paragraph 10.4(3) of the Council’s Access to Information Procedure Rules, the press and public be excluded from the meeting during consideration of the following item.

91. FUNDING SHREWSBURY BUSINESS PARK PHASE II EXTENSION

It was proposed by Mr M Owen and seconded by Mr K Roberts that the exempt report and the recommendations contained therein be received and agreed.

RESOLVED:

That the new allocation of capital receipts and/or prudential borrowing of £1.5m for the development of Phase II extension of the Shrewsbury Business Park be approved.

Speaker

Date

The meeting closed at 11.35 p.m.