



Date: Wednesday, 11 April 2018

Time: 12.30 pm

Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

Contact: Jane Palmer, Senior Democratic Services Officer  
Tel: 01743 257712  
Email: [jane.palmer@shropshire.gov.uk](mailto:jane.palmer@shropshire.gov.uk)

## CABINET

### TO FOLLOW REPORT (S)

#### **3 Minutes (Pages 1 - 6)**

To approve as a correct record and sign the Minutes of the Cabinet meeting held on 21 March 2018.

#### **6 Scrutiny Items (Pages 7 - 16)**

To receive feedback from the Performance Management Scrutiny Committee on issues considered at its meeting on 28 March 2018:

- i) The recent call ins on a) The Parking Strategy and b) Local Commissioning of Youth Activities [update report]

#### **8 Proposed Consultation on the Shropshire Council Better Regulation and Enforcement Policy (Pages 17 - 38)**

Lead Member – Councillor Robert Macey – Portfolio Holder for Planning and Regulatory Services

Report of the Director of Public Health

Contact: Professor Rod Thomson

Tel: 01743 258918

## **9 New Parking Strategy Framework Part 2 - Residents Parking Policy Framework (Pages 39 - 66)**

Lead Member – Councillor Steve Davenport – Portfolio Holder for Highways and Transport

Report of the Director of Place and Enterprise

Contact: George Candler Tel: 01743 258671



## Committee and Date

Cabinet

11 April 2018

## **CABINET**

**Minutes of the meeting held on 21 March 2018 in the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND  
12.30 - 12.55 pm**

**Responsible Officer:** Jane Palmer  
Email: jane.palmer@shropshire.gov.uk Tel: 01743 257712

### **Present**

Councillor Peter Nutting (Leader)  
Councillors Steve Charmley (Deputy Leader), Joyce Barrow, Lezley Picton,  
David Minnery, Nicholas Bardsley, Lee Chapman and Steve Davenport

### **168 Apologies for Absence**

Apologies for absence were received from Councillors Robert Macey and Nic Laurens.

### **169 Disclosable Pecuniary Interests**

None were made.

### **170 Minutes**

#### **RESOLVED:**

That the Minutes of the Cabinet meeting held on 28 February 2018 be approved as a correct record and signed by the Leader.

### **171 Public Question Time**

There were no public questions.

### **172 Member Questions**

No questions were raised by any member of the Council.

## 173 Scrutiny Items

In presenting this item, the Portfolio Holder for Highways and Transport paid tribute to the work of the Environmental Maintenance Grant [EMG] Programme Task and Finish Group and drew attention to the additional information that had been tabled on behalf of the Chairman of the Task and Finish Group, Councillor C Motley [and included with the formal record of the meeting].

Supporting the recommendations from the EMG Programme Task and Finish Group and subsequently the Communities Overview Committee, the Portfolio Holder commented that progress on the revised EMG Programme should be reported back to scrutiny in 12 months' time in order to monitor the efficacy of the revised design and delivery.

### **RESOLVED:**

That the recommendations from the Environmental Maintenance Grant Programme Task and Finish Group as supported by the Communities Overview Committee, be approved.

## 174 Ludlow Assembly Rooms - Lease Review, Community Asset Transfer and Improvement Works

The Deputy Leader and Portfolio Holder for Corporate Support presented a report from the Director of Place and Enterprise summarising the assessment of an application made by the Ludlow and District Community Association Ltd [LAR] to progress to transfer by way of a two part 125 year lease in accordance with the Council's Community Asset Transfer [CAT] Policy.

Members noted section 3 of the report that detailed the various funding streams and projects that were coming together to provide the opportunity to put the building into a good state of repair and redevelop the ground floor section of the building to include a new box office and a café/restaurant. He added that the goal to fully transfer this asset would result in the welfare of the Arts in Ludlow being placed fully in the hands of those who would be delivering it.

### **RESOLVED:**

- i) That Ludlow Assembly Rooms are granted a 30 – year lease (Lease1) as explained in 4.3 of the report, of the whole building on terms which as far as possible mirror the existing 1992 lease in terms of user restrictions and repairing obligations, with delegated authority to the Head of Business Enterprise and Commercial Services to agree final terms of the lease and to complete the transaction.
- ii) That the Landlord and Tenant will, within 3 months of satisfactory completion of the said three projects highlighted within the report, enter into a 123 year CAT lease (Lease 2) on full repairing and insuring terms, with the Head of Business Enterprise and Commercial Services to agree final terms of the lease and to complete the transaction.

**175 Amendment to Hackney Carriage and Private Hire Licensing Policy 2015 to 2019**

The Deputy Leader and Portfolio Holder for Corporate Support presented a technical report from the Director of Public Health setting out the proposed amendment to the Hackney Carriage and Private Hire Vehicle Policy.

**RESOLVED:**

That the amendments to the Hackney Carriage and Private Hire Vehicle Policy be agreed with effect from 22 March 2018 as set out in Appendix A to the report.

**176 Modern Anti-Slavery and Human Trafficking Statement**

The Leader presented a report from the Head of Human Resources and Development detailing the Statement and Policy to fulfil the Council's legislative requirements under the Modern Slavery Act 2015 for the Council to have a Modern Slavery and Human Trafficking statement.

**RESOLVED:**

That the draft Statement and Policy be considered and approved.

**177 Proposals for the Future of Education Improvement Support for Schools**

The Portfolio Holder for Children and Young People presented a report from the Director of Children's Services on the proposals for the future of the Education Improvement Support for schools. The Chair of the People Overview Committee was present and reported that the Scrutiny Committee had been in support of the recommended approach once the detail had been fully explained and examined.

The Portfolio Holder stated that the proposal would allow statutory obligations to be fulfilled and the retention of the current service level would require over £250k that was not in the core budget. He paid tribute to the helpful approach that had been taken by the Shropshire Schools Forum that would allow a degree of service to be retained as detailed in paragraph 5.15 of the report.

A Member commented that consideration of such a proposal was deplorable given the detrimental impact and associated risks. The Portfolio Holder commented that neighbouring authorities in the West Midlands region were largely following the same route. The Leader added that this reflected the changing world of local government and particularly the impact of the academisation of schools.

**RESOLVED:**

- i) That sustaining the Education Improvement Service solely through grant funding from central government and de-delegated funds from Shropshire Council maintained schools be approved.

- ii) That, as a result of the above, a traded Education Improvement Service professional training development programme be maintained through to April 2019, at which point the Council will cease to deliver this traded service to Shropshire schools.

#### 178 **Self-Build Register [Charging and Eligibility Criteria]**

The Deputy Leader and Portfolio Holder for Corporate Support presented a report from the Director of Place and Enterprise on the need for the Council to publish a self-build register of individuals and associations of individuals seeking to acquire serviced plots of land in the local authority's area to develop a self or custom house build.

##### **RESOLVED:**

- i) That the need for the Council to publish a self-build register and meet its duty to grant planning permission for sufficient serviced plots be agreed and the charging schedule detailed in the report, as per the requirements of the Self-build and Custom Housebuilding Act 2015 (as Amended) be agreed
- ii) That an initial £30.00 (+ VAT) registration fee be agreed for new applicants to register on the Council's newly updated and developed Self Build register.
- iii) That a £30.00 (+ VAT) registration fee be agreed for all existing applicants (359) currently on the self build register who are to be transferred to the new register.
- iv) That a £15.00 (+ VAT) annual renewal fee be agreed for all who wish to remain on the register.

#### 179 **Minimum Income Guarantee**

The Portfolio Holder for Health and Adult Social Care presented a report from the Director of Adult Services on the proposed consultation on the Council's reduction of its current level of Minimum Income Guarantee [MIG] for people of pensionable age to that of the statutory minimum. He stressed that Adult Social Care was means tested and those most vulnerable in the community would not have to make a contribution to their care.

Responding to a Member's comment that the consultation did not include an option for the status quo, the Portfolio Holder reiterated that those who did not have sufficient finances would not have to make a contribution.

##### **RESOLVED:**

That a public consultation is carried out into the proposals set out below, following which a recommendation will be made to Cabinet:

- a) That the Personal Budgets Contribution Policy is updated for 2018/2019, reducing Shropshire Council's existing levels of Minimum Income Guarantee for

pension aged individuals to the governments' statutory minimum of £189.00 per week for a single person and £144.30 per week for a member of a couple.

- b) That, subject to a means tested assessment, the non-residential care contribution charges to this group of individuals be increased in line with the changes to the Minimum Income Guarantee.

Signed ..... (Leader)

Date: .....

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<u>Committee and Date</u>
Cabinet
11 <sup>th</sup> April 2018

**Performance Management Scrutiny Committee additional recommendations to ‘Local commissioning of youth activities - proposals for changes to the funding of targeted geographical provision’**

**Responsible Officer** George Candler, Director of Place & Enterprise  
e-mail: george.candler@shropshire.gov.uk Tel: 01743 255003

**1. Summary**

The report ‘Local commissioning of youth activities – proposals for changes to the funding of targeted geographical provision’ was taken to Cabinet on 28th February 2018 and the recommendations within it were agreed.

A request for a call-in of the decisions was made and accepted. This was considered by the Performance Management Scrutiny Committee on 28th March 2018.

**2. Recommendations**

- A. That the decision of Cabinet on 28<sup>th</sup> February 2018 be upheld.
- B. That officers meet with representatives of Shrewsbury Town Council to discuss the availability of transitional funding to support youth activity provision in Shrewsbury.

**REPORT**

**1.0 Risk Assessment and Opportunities Appraisal**

As detailed in the original Cabinet report of 28<sup>th</sup> February 2018.

**2.0 Financial implications**

- 2.1 The total funding allocation for the commissioning of youth activities in 2018/19 agreed by Cabinet on 28<sup>th</sup> February 2018 is £174,500.
- 2.2. Any additional funding allocated to the Shrewsbury wide LJC area and delegated to Shrewsbury Town Council will come from the balance of the 2017/18 figure of £234,950 and the 2018/19 figure of £174,500.

### 3.0 Background

- 3.1 The Cabinet report of 28<sup>th</sup> February 2018 stated at 1.3 that “should any specific local challenges arise, the Council will consider what transitional support it may be able to provide’.
- 3.2 Shrewsbury Town Council, on 27<sup>th</sup> March 2018, has said that it would like to see what transitional measures can be put in place to mitigate the reduction in Shrewsbury’s funding allocation and the potential for a reduction in their planned work with young people, specifically at Kynaston Road Community Centre, the senior session at The Grange and diversionary activities over the summer period.

### 6.0 Conclusions

- 6.1 A call-in of the decisions made by Cabinet on 28<sup>th</sup> February 2018 regarding the 2018/19 funding allocation for youth commissioning was considered by Performance Management Scrutiny Committee (PMSC) on 28<sup>th</sup> March 2018.
- 6.2 The Cabinet report stated at 1.3 that ‘should any specific local challenges arise, the Council will consider what transitional support it may be able to provide’.
- 6.3 This element of the report informed the PMSC’s recommendation to Cabinet that ‘that officers meet with representatives of Shrewsbury Town Council to discuss the availability of transitional funding to support youth activity provision in Shrewsbury’.

<p><b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b></p> <p>Document detailing the reasons for call-in.</p> <p>Response to the call-in to the Cabinet Report – ‘Local commissioning of youth activities - proposals for changes to the funding of targeted geographical provision’ – presentation to PMSC on 28<sup>th</sup> March 2018</p>
<p><b>Cabinet Member:</b> Cllr Nick Bardsley – Portfolio Holder for Children and Young People</p>
<p><b>Local Members:</b> All Members</p>
<p><b>Appendices:</b></p> <p>‘Local commissioning of youth activities – proposals for changes to the funding of targeted geographical provision’ – report to Cabinet 28th February 2018</p>



<u>Committee and Date</u>
Cabinet
28 <sup>th</sup> February 2018

**APPENDIX**

**Local commissioning of youth activities - proposals for changes to the funding of targeted geographical provision**

**Responsible Officer** George Candler, Director of Place & Enterprise  
e-mail: george.candler@shropshire.gov.uk Tel: 01743 255003

**1. Summary**

A report was brought to Cabinet on 18<sup>th</sup> October 2017 with proposals to change the arrangements for the future commissioning of youth activities. It was agreed by Cabinet to consult on the proposals made within the report.

A public consultation on the proposed changes to the Local Joint Committee (LJC) funding allocations to support the commissioning of youth activity ended on 5<sup>th</sup> January 2018.

335 individual responses plus responses from youth groups and local councils were received. The vast majority of these responses were not in agreement with the proposals within the consultation. A summary of the responses can be found at 4.0 within this report and the full feedback is attached as Appendix 1

The consultation feedback demonstrated that there was strong support for the council continuing to fund youth activities in rural areas, keeping rurality considerations in the funding formula and continuing to offer grants to small voluntary clubs.

The feedback also showed that whilst respondees would like to see all the council's funding for youth activities continue at current levels, they particularly would like funding in rural areas to be protected.

In the context of reduced available budget it is proposed that there is a reduction in the funding for activities in some of our largest market towns. A number of the larger town councils have suggested that they are in a position to financially support youth activities in their area.

It is proposed that the current rurality grants are brought together into one centrally held pot that groups and clubs delivering activity in LJC areas currently eligible for rurality funding can bid into. The application process would need clear criteria and an assessment process that continues to involve local elected members and the LJsCs.

## 2. Recommendations

- A. To acknowledge the feedback from the recent consultation on the LJC funding allocations for the commissioning of youth activity proposed in the Cabinet Report of 18<sup>th</sup> October 2017
- B. To confirm the proposed LJC funding allocations for the commissioning of youth activities in 2018/19 that have been revised as a result of the feedback received through the consultation (as detailed at 5.9 within the report)
- C. To approve the intention to work with partners over the next 12 months to develop an integrated approach to the provision of universal and targeted youth activities within the context of the wider review of early help services, recognising that there will be new arrangements from 2019/20 onwards, which could include a further budgetary reduction.
- D. To confirm a delegation to the Head of Infrastructure and Communities in consultation with the Portfolio Holder for Children and Young People to confirm the final design of the revised rurality needs grant scheme

## REPORT

### 1.0 Risk Assessment and Opportunities Appraisal

- 1.1 Local authorities have a duty to secure, so far as reasonably practical, equality of access for all young people aged 13 to 19 (24 for those with learning difficulties). The “local offer” should be the best possible to meet local needs and to improve young people’s well-being and personal and social development within available resources. Local authorities must also take steps to gain the views of young people and to take them into account in making decisions about services and activities for them.

Visit: <http://dera.ioe.ac.uk/15549/1/statutory%20guidance%20on%20la%20youth%20provision%20duty.pdf>

Our assessment is that within the context of diminished resources and a large rural county the Council is meeting its statutory requirements with respect to provision.

- 1.2 However, the Council is currently less effective at taking the views of young people into account in making and reviewing decisions about provision, particularly at a county wide, strategic level. Previously Members of The Youth Parliament and Speak Out Group were among a number of initiatives, which helped young people to share their thoughts, opinions and ideas. These are no longer in place in Shropshire.
- 1.3 An Equality and Social Inclusion Impact Assessment (ESIIA) has been updated and is available on request. Reducing funding in some of the market towns has the potential to result in a negative impact to young people. However,

arrangements to enable additional funding that will mitigate these proposed reductions will be discussed with the relevant town councils.

If this additional funding can be secured we do not anticipate that any clubs currently supported by the Council through the local commissioning approach will need to close because of the funding proposals outlined within this report.

Should any specific local challenges arise, the Council will consider what transitional support it may be able to provide.

The Council will continue to engage an “infrastructure support provider”, the Shropshire Youth Association (working with Energize), to support the development of safe and effective voluntary sector youth club providers., Community Enablement Team Officers will also continue to support local youth clubs to access funding and provide sustainable delivery.

- 1.4 Child safeguarding and welfare matters are paramount in our approach and appropriate safeguards will continue to be included in all arrangements.  
Visit: <http://www.safeguardingshropshireschildren.org.uk/scb/>
- 1.5 Supporting early help and early prevention is a key driver for the Council<sup>1</sup>. Support for youth activities as a “universal offer” alongside more targeted support for young people with particular needs underpins the Council’s approach to commissioning support for young people.

## 2.0 Financial implications

- 2.1 The table below shows the available Council budget from April 2017 across the three overlapping areas of youth activity - infrastructure support, geographically targeted provision, and Special Needs Groups.

	<b>Budget from April 2017</b>
Infrastructure support	£97,500 (25.7%)
Geographically targeted provision	£234,950 (62%)
Special Needs Groups	£46,500 (12.3%)
	<b>£378,950</b>

- 2.2 In the context of reduced available budget the proposals within this report would result in a reduction in the budget for geographically targeted provision from £234,950 in 2017/18 to £174,500 in 2018/19.

## 3.0 Background

- 3.1 At its meeting on 19<sup>th</sup> October 2016 Cabinet recommended that proposals for the future commissioning of youth activities – universal support, geographically targeted support and thematically targeted support - should be reviewed by the Young People’s Scrutiny Committee, and that recommendations should be brought back to Cabinet.

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<sup>1</sup> Shropshire Early Help Strategy, helping children have a safe, happy and healthy family life, June, Shropshire Council, 2014

- 3.2 A Task & Finish Group met three times and heard a variety of evidence from LJsCs, youth activity providers, youth forums, the Council's Infrastructure Support Provider partner, neighbouring local authorities, potential "partner organisations" and others.
- 3.3 Subsequently at its meeting on 28<sup>th</sup> June 2017, the Young People's Scrutiny Committee confirmed the positive impact of youth work, universal and targeted, on young people's lives, and made a number of recommendations.
- 3.4 The Scrutiny Committee recommended back to Cabinet that work was undertaken with a broad range of interested partners over the next 18 months to develop an integrated approach to the provision of universal and targeted youth activities within the context of a wider review of Early Help provision.
- 3.5 The proposals made by Scrutiny were to introduce revised funding proposals in support of geographically targeted youth activity provision from April 2018. These proposals were based on a simplified "funding formula" and local intelligence, described within a proposed "hierarchy of Council support for youth provision". The consequences of this approach would have been a reduction in the number of LJsCs allocated money from 18 to 12, and an overall reduction in the budget from £234,959 to £167,000. This reduction would have been as a result of the proposed removal of rurality funding from 12 existing LJsCs, and a slight redistribution of needs funding away from the main market towns to include three new LJsCs. These proposals have been consulted on and revised as a result of the feedback received.

#### 4.0 Summary of the feedback received through public consultation

##### 4.1

<b>335 responses received</b>	<b>YES number</b>	<b>NO number</b>	<b>YES %</b>	<b>NO %</b>
Q2 - do you agree with the proposal to reduce council funding in support of youth activity	10	325	2.99%	97.01%
Q3 - do you agree with the proposal to remove rurality considerations from the funding formula	15	320	4.48%	95.52%
Q4 - do you agree with the proposal to allocate funding to the larger market towns?	34	301	10.15%	89.85%
Q5 - do you agree with the proposal to remove grants to small voluntary clubs?	16	319	4.78%	95.22%

- 4.2 In addition to the responses made directly through the council's consultation web portal, written feedback was received from a number of local councils and

representatives of the youth clubs that would have been affected by the proposals. This feedback reflected the majority of that received, i.e. that funding in support of youth activities in rural areas should be retained.

## **5.0 Geographically targeted support**

- 5.1 Geographically targeted support is delivered via a local commissioning approach. LJsCs, local elected members, together with young people and supported by the Community Enablement Team, are responsible for making commissioning recommendations. LJsCs base their recommendations on a consideration of local needs, an understanding of existing youth provision, conversations with young people and stakeholders, and their local knowledge. Community Enablement Team officers support LJsCs with this work and are responsible for procuring youth activity within the Councils' Constitution and Contract and Financial Rules.
- 5.2 In Shrewsbury, the full responsibility for the commissioning and delivery of youth activities has been transferred within a formal delegation agreement from Shropshire Council to Shrewsbury Town Council.
- 5.3 If additional funding from local councils to support their local activity can be agreed, the impact of these proposed savings on the current delivery can be mitigated.
- 5.4 It is proposed that the smaller settlements serving a rural hinterland retain funding at similar levels to their current amount. Reviews of the activity taking place in these areas is positive and there are examples of parish councils providing financial support.
- 5.5 It is proposed that the rurality grants are brought together into one centrally held pot, with a value of £33,000 that groups and clubs delivering activity in LJC areas currently eligible for rurality funding can bid into.
- 5.6 Communities within the LJsCs that have previously received a rurality grant of £3,000 will be able to apply to a centrally held pot to a total maximum amount per LJC of £3,000 within 2018/19.
- 5.7 The rationale for changing to a centrally held grant pot is that it will reduce the administrative work for the individual Community Enablement Officers (CEOs) as this work will be done centrally, whilst ensuring that local members and LJC members continue to contribute to the application assessment process. The CEOs will still be able to provide the necessary support in bringing applications forward.
- 5.8 Applications will be asked to evidence how the funding will be used to achieve the council's recognised good outcomes for young people – ensuring the emotional wellbeing of children and young people by focussing on prevention and early intervention and keeping more children and young people health and reducing health inequalities.
- 5.9 In allocating funding and establishing the value of the total funding pot, the feedback received through the recent consultation has been considered and this is summarised below within a proposed **hierarchy of council support for youth club provision**.

Local Joint Committee Area (in descending order of needs score)	Current Rurality Funding	2018		
		Current needs funding £	Needs score	Proposed needs and rurality funding in 2018 £
<b>Tier 1 – Partner delivery commissioned by Shropshire Council</b>				
Shrewsbury	0	81,500	15.1%	25,000
Market Drayton	0	24,060	6.6%	14,500
Oswestry	0	24,640	6.0%	14,500
Bridgnorth, Worfield, Alveley and Claverley	1,500	10,120	5.6%	14,500 *
Whitchurch	0	15,580	4.5%	14,500
Ludlow and Clee area	0	10,850	5.0%	14,500
<b>Tier 2 - Community partnership youth provision supported by Shropshire Council</b>				
Wem and Shawbury	3,000	9,450	4.6%	8,000 *
Craven Arms and Rural	3,000		4.1%	4,000 *
Bishop's Castle, Chirbury, Worthen and Clun	3,000		3.0%	4,000 *
Ellesmere	3,000		3.9%	4,000 *
Gobowen, Selattyn, St Martins and Weston Rhyn	0	12,120	3.9%	12,000
Longden, Ford, Rea Valley and Loton incl Pontesbury and Minsterley	3,000	13,630	3.8%	12,000 *
<b>Tier 3 – Community provision supported by the Shropshire Youth Association</b>				
Shifnal and Sherrifhales	0		3.4%	0
Five Perry Parishes	0		3.3%	0
Broseley and Rural	0		3.2%	0
Tern and Severn Valley	3,000		3.2%	*
St Oswald	3,000		3.1%	*
Albrighton	0		3.1%	0
Strettondale and Burnell	3,000		3.0%	*
Highley and Brown Clee	1,500		2.8%	*
Cleobury and Rural	3,000		2.5%	*
Much Wenlock and Shipton	3,000		2.4%	*
Bayston Hill	0		2.4%	0
Centrally held rurality grant pot				33,000
<b>Total funding</b>	<b>33,000</b>	<b>201,950</b>		<b>£ 174,500</b>

\* LJC area able to access rurality grant funding pot

- 5.10 The funding allocation for Gobowen, Selattyn, St Martins and Weston Rhyn LJC and Longden, Ford, Rea Valley and Loton LJC (incl Pontesbury and Minsterley) are higher as a result of their significantly higher population and numbers of young people aged 10 to 19 years.
- 5.11 The Council is committed to supporting the development of sustainable youth activity provision free, where possible, from direct Council financial support. This reflects the ongoing challenging financial context. It also provides the best chance for the long-term provision of youth activities to be embedded within the local community, using the resources of that community.

Council-supported youth activity provision aims to be inclusive to children and young people of varying needs, while recognising that this will sometimes require bespoke support. For example, a number of dedicated groups provide opportunities for young people who have a disability (Special Needs Groups), are LGBT or are young carers, and who might otherwise find it difficult to attend mainstream clubs, groups or facilities.

The council will continue to fund the Shropshire Youth Association and Energize to provide proactive support to youth clubs across Shropshire, notably in the Tier 2 and Tier 3 groupings. We recognise this as being crucial to the long-term sustainability of an active and dynamic voluntary community sector.

Within the Tier 1 and Tier 2 groupings Local Joint Committees will continue to advise on the details of commissioned provision based on their local knowledge of need. For the immediate future, it is likely that Tier 1 clubs, i.e. clubs within the main market towns and within the areas of greatest need, will continue to be directly commissioned by Shropshire Council. In the smaller Tier 2 market towns, the Council aims to develop and support existing youth club infrastructure within a sustainable partnership framework.

## **6.0 Conclusions**

- 6.1 The revised funding proposals will result in 18 LJCs continuing to receive a funding allocation in 2018/19 at broadly similar levels to the status quo. The exceptions are Shrewsbury, Oswestry and Market Drayton LJCs. Where the town council within these areas has previously indicated that they will consider financially supporting youth activity, this intention will now be discussed in response to the proposed reduction in funding allocations.
- 6.2 Should any specific local challenges arise, which will impact upon the current provision, we propose to consider what transitional support could be provided.
- 6.3 The council's Infrastructure Support Provider partner will continue to provide proactive support for universal youth activity provision within existing contractual arrangements. Its focus will be on supporting clubs that have no alternative support and are vulnerable to potential closure. The Infrastructure Support Provider will continue to work with Community Enablement Team Officers and local partners to develop new clubs in response to local need.
- 6.4 We have suggested different levels of council support within a hierarchy of delivery. We acknowledge that the aim should be to support clubs to become

sustainable within their local communities outside the need for direct council support.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Future vision for youth support services in Shropshire, Cabinet, 8 December 2010

Shropshire Children's Trust Children, Young People and Families Plan 2014

Changes to Youth Services, Young People's Scrutiny Committee, 30 April 2014

Future Commissioning and provision of youth activities, Portfolio Holder Decision, 2 July 2014

Update – Future Commissioning and Provision of youth activities, Children & Young People's Scrutiny Committee, 22 October 2014

Local Joint Committees – Update on youth commission and boundaries, Cabinet, 10 December 2014

Youth Commissioning Update, Children & Young People's Scrutiny Committee, 24 June 2015

Delegation of the responsibility for the commissioning and delivery of youth services within Shrewsbury to Shrewsbury Town Council and recommendations for Broseley Youth Club, Cabinet, 29<sup>th</sup> July 2015

Support for Youth Activities update, Young People's Scrutiny Committee, 4 November 2015

Support for Youth Activities update, Young People's Scrutiny Committee, 3 February 2016

Proposals for the future commissioning of youth activities within the context of reduced funding, Cabinet, 19 October 2016

Proposals for the creation of a Task & Finish Group to consider the local commissioning of youth activities, Young People's Scrutiny Committee, 14 December 2016

Recommendations for the future commissioning of youth activities, Young People Task & Finish Group, 26 April 2017

Report from the Task & Finish Group on the future commissioning of youth activities, Young People's Scrutiny Committee, 28<sup>th</sup> June 2017

Local Commissioning of Youth Activities – proposals for consultation on changes to the funding of targeted geographical provision, Cabinet, 18 October 2017

**Cabinet Member:**

Cllr Nick Bardsley – Portfolio Holder for Children and Young People

**Local Members:**

All Members

**Appendices:**

Appendix 1 – Feedback on the public consultation on the proposals on changes to the funding of targeted geographical provision – end date 5<sup>th</sup> January 2018



## Committee and Date

Cabinet

11 April 2018

### **Proposed Consultation on the Shropshire Council Better Regulation and Enforcement Policy**

Responsible Officer: Professor Rod Thomson, Director of Public Health  
e-mail: rod.thomson@shropshire.gov.uk Tel: 01743 258918

#### **1. Summary**

- 1.1 The current Better Regulation and Enforcement Policy, adopted on 27 February 2014, has been updated and revised to better reflect the current Regulators' Code and regulatory practices / functions for which Shropshire Council has responsibility.
- 1.2 This report sets out a draft Better Regulation and Enforcement Policy upon which it is proposed a short consultation is undertaken.

#### **2. Recommendation**

- 2.1 That Cabinet agrees, with any necessary amendments, the draft Better Regulation and Enforcement Policy as detailed in **Appendix A** and instructs the Trading Standards and Licensing Operations Manager to undertake an eight week period of consultation and that the consultation feedback and a proposed policy is brought back before Cabinet for consideration prior to presentation to Council for adoption.

### **REPORT**

#### **3. Risk Assessment and Opportunities Appraisal**

- 3.1 The preparation and publishing of the policy is not in itself a legal requirement. However, the Regulators' Code, issued in accordance with section 22 and 23 of the Legislative and Regulatory Reform Act 2006, requires regulators to have regard to this Code. The policy is considered best working practice and will assist Shropshire Council to demonstrate that it has regard to the Code.
- 3.2 If the Council fails to prepare and publish such a policy the Council will be open to criticism; in particular from those parties whom the Council seeks regulatory compliance. The Council will face greater difficulty in justifying regulatory action and responding to challenges about the way it has reached regulatory decisions. This may lead to a failure to achieve compliance, service complaints to the Local Government Ombudsman, judicial review and an increased risk of legal challenge

and allegations of 'abuse of process' to any civil and criminal proceedings instituted by the Council given the expectation to have such a policy. The reputation and professionalism of the Council would clearly be at risk.

- 3.3** Conversely, by preparing and publishing a policy, the Council demonstrates that it takes its regulator role seriously and that it will work with businesses and the community to secure compliance. It creates transparency for all stakeholders providing the manner in which the Council intends to operate through promoting consistency and proportionality in all aspects of regulation. It further provides the Council with a basis for a robust defence to any challenges that may be encountered and demonstrates commitment to compliance with the Regulators Code.
- 3.4** An Equality and Social Inclusion Impact Assessment (ESIIA) has not been undertaken as the proposed policy is a minor revision of a policy that was previously adopted by Shropshire Council on 27 February 2014 and which took effect on 1 April 2014. The proposed policy is consistent with national guidance on regulation.
- 3.5** There is no anticipated environmental impact associated with the recommendation in this report.
- 3.6** The recommendation is not at variance with the Human Rights Act 1998 and is unlikely to result in any adverse Human Rights Act implications.
- 3.7** No legal duty is specifically placed on the Council to consult with respect to this policy. However, it is clearly good practice. To date, informal consultation has been carried out across relevant Council services. Initial feedback has informed the draft policy as it is currently set out in **Appendix A**. It is now proposed that an eight week period of wider external consultation be undertaken.

#### **4. Financial Implications**

- 4.1** There are no financial implications associated with the recommendation.

#### **5. Background**

- 5.1** Shropshire Council is responsible for the regulation and enforcement of a wide range of legislation covering a broad spectrum of functions and service areas.
- 5.2** The proposed policy sets out the Council's approach to regulation across all functions and service areas and explains the principles aimed at securing compliance. The emphasis is on advice and guidance with escalation to informal and formal enforcement sanctions dependent on each individual situation. The policy identifies and explains these sanctions.
- 5.3** It is recognised that achieving compliance at any cost is not acceptable. However, effective regulation promotes economic growth and prosperity and protects individuals, the community and the environment from harm. The policy continues to recognise that this is achieved more effectively through cooperation with the community and individuals and forging closer links between regulators and businesses. It continues to emphasise the need to target regulatory activity and

resources away from those who are considered largely compliant towards those who give rise to the highest risk and cause the greatest detriment and harm.

**5.4** It is accepted that on rare occasions the Council may need to deviate from the proposed policy. Where this is the case, it must be clearly justified, authorised by a senior manager and fully documented.

**5.5** The current Better Regulation and Enforcement policy was adopted by Council in February 2014 prior to the introduction of the new Regulators' Code. Whilst this policy was and continues to be compatible with the Regulators' Code, the proposed policy has been redrafted to better reflect this Code. It has also been updated to include a new sanction type, namely a 'Civil Penalty', but otherwise, the proposed policy principally remains the same and does not change the approach to be taken by the Council when considering or undertaking enforcement activity.

## **6. Additional Information**

**6.1** The policy is not subject to a legal review period. It will be monitored on an on-going basis to ensure it remains fit for purpose. Where it becomes clear that this is no longer the position appropriate steps will be taken to revise it accordingly.

<p><b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b></p>
<p>1. Current Better Regulation and Enforcement Policy <a href="https://shropshire.gov.uk/media/7021/better-regulation-and-enforcement-policy-aug-13.pdf">https://shropshire.gov.uk/media/7021/better-regulation-and-enforcement-policy-aug-13.pdf</a></p>
<p>2. Regulators' Code <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf</a></p>
<p><b>Cabinet Member (Portfolio Holder)</b> Cllr Robert Macey</p>
<p><b>Local Member</b> County wide application</p>
<p><b>Appendices</b> Appendix A – Draft Better Regulation and Enforcement Policy</p>

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**DRAFT**

**Shropshire Council**

**Better Regulation and Enforcement  
Policy**

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## 1.0 Introduction

1.1 The Better Regulation and Enforcement Policy ('the policy') provides guidance to officers, businesses, residents and the general public on the range of options that are available to achieve compliance with all legislation enforced by Shropshire Council. The policy has been agreed by Shropshire Council on xx

1.2 This policy is an overarching policy that applies to all Council services where there are enforcement duties and responsibilities; however, certain services may have additional legislative guidance and considerations that set out specific enforcement requirements in their service areas with relevant policies and guidance developed to run in parallel with this policy.

1.3 We are committed to promoting efficient and effective approaches to regulatory interventions and enforcement without imposing unnecessary burdens. Intelligence-led and targeted regulation is essential to promote fairness, to reduce risk and to protect individuals and communities from harm. Shropshire Council fully recognises that effective regulation needs to be proportionate and flexible to assist people to be healthy, to promote and encourage resilient communities and to support a prosperous economy through maintaining fair competition and engendering public confidence, whilst ensuring the highest level of protection for the public. The Council will therefore adopt a positive, proactive and balanced approach to ensure compliance with regulatory matters.

1.4 The Council has adopted the principles of good enforcement previously contained in the Enforcement Concordat and the current Regulators code April 2014:

<http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file10150.pdf>

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/300126/14-705-regulators-code.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf)

1.5 For Health and Safety related enforcement matters the Enforcement Management Model will be used as a framework, where appropriate, and the Health and Safety Executive's Enforcement Policy Statement is also taken into account:

<http://www.hse.gov.uk/pubns/hse41.pdf>

1.6 We will retain the discretion to depart from national guidelines and codes where doing so will better meet local priorities, the public interest and specific circumstances.

## 2.0 Purpose and scope of this policy

2.1 One of the functions of the Council is to act as a regulator and an enforcement body for a broad range of statutory duties and legislative functions. This policy sets out the standards that we will apply across the Council when acting as a regulator and/or

enforcement body and what residents, businesses and consumers can expect from officers and employees of Shropshire Council.

2.2 This policy is to be used by officers when undertaking their duties, roles and/or functions and sets out the approach to be followed when making decisions in respect of Council enforcement activities.

2.3 The Council is committed to ensuring that all authorised officers act in accordance with this policy. Where officers have considered it reasonable and appropriate to deviate from this policy, this will be properly recorded and documented.

2.4 This policy is an overarching policy that applies to all Council Services with enforcement duties and responsibilities and should be read in conjunction with any published service specific enforcement guidance, practice or policy. It outlines the approach Shropshire Council will take when undertaking enforcement and lays down the principals that will be followed when deciding upon and taking action.

2.5 This policy will apply to both criminal and civil enforcement actions undertaken by the Council.

### **3.0 Principals of good regulation**

3.1 Shropshire Council recognises that effective regulation and enforcement are critical to assisting people to be healthy, to promote and encourage resilient communities and to support a prosperous economy across Shropshire. The positive impact of good regulation is significant; however, it is also recognised that poor regulation is a burden on businesses and can also hinder the outcomes that the Council seeks to achieve.

3.2 This policy and the way it is implemented fully considers the need to support legitimate businesses by means of advice, guidance and information in order to provide businesses with the wherewithal to comply with their legal obligations. Our primary aim is to prevent non-compliance rather than be in a position where we have to take enforcement action. We will do this by developing our relationships with local business and responding to their needs by appropriate sign-posting to relevant sources of information and support outside the Council as well as officers providing accurate, pragmatic and robust advice directly to businesses.

3.3 In developing this policy the Council has had full regard to the provisions of the Legislative and Regulatory Reform Act 2006 and the associated Regulators Code that provides a flexible, principles based framework for regulatory delivery that supports and

enables specified regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

3.4 This means that the Council will look to target its regulatory activities towards those cases where action is needed in a way which is transparent, accountable, proportionate and consistent. In targeting its regulatory activities, officers will take account of any information/intelligence held, the risk and harm associated with any activity and the vulnerability of any persons affected or the effects on the environment.

### 3.5 **Being transparent**

3.5.1 We will ensure that those we regulate are able to understand what is expected of them and what they can expect in return. We will ensure that this policy is available for any interested party to consult. This will primarily be achieved through the Council's website. Hard copies and other forms of the policy will be produced on request; this may incur a charge.

3.5.2 Officers will clearly distinguish between requirements to comply with legal obligations and other recommendations which are best practice.

3.5.3 We will always be prepared to listen to any representations made by, or on behalf of, a defendant, and a decision to institute legal proceedings will be kept under review.

### 3.6 **Accountability**

3.6.1 Our activities will be open to public scrutiny with clear and accessible policies and fair and efficient complaints procedures.

3.6.2 The Council's corporate complaints and representations procedure sets out how to complain or express dissatisfaction about the services we provide.

3.6.3 Any applicable rights of appeal against enforcement decisions will be made known to affected persons at the time and in writing.

### 3.7 **Taking a proportionate response**

3.7.1 Our activities will aim to reflect the level of risk to the public, business, the environment and the seriousness of any behaviour. We will direct enforcement towards matters with the greatest risk in line with all relevant service strategies and Council priorities.

3.7.2 Where there is a shared enforcement role with another body, liaison will take place at an early stage.

### 3.8 **Consistency**

3.8.1 Shropshire Council will ensure our policies and practices are fully understood and applied by our officers on the ground.

3.8.2 Our advice to those we regulate will be robust and reliable. Officers will consider statutory codes of practice and other relevant 'good practice' guidelines or standards as well as current legislation. We will maintain information and guidance materials in an appropriate format to enable self-help. Where appropriate and practical to do so, officers will highlight forthcoming legal developments and proactively publicise new or emerging issues.

### 3.9 **Targeted interventions**

3.9.1 Shropshire Council will direct regulation and enforcement activity primarily towards those businesses or individuals whose activities give rise to the most serious risk, where risks are less well controlled or where potential victims are considered vulnerable. Action will be primarily focused on those directly responsible for the risk and establishing who is best placed to control it.

3.9.2 Shropshire Council will prioritise regulatory effort. Factors that will be considered include complaint levels from service users, matters of statutory nuisance, the existence of statutory powers including statutory duties placed on the Council, the nature of potential breaches, the assessment of risk and the vulnerability of any particular individual or group affected.

## **4.0 Effective regulation**

### 4.1 **Prevention**

4.1.1 A key focus of our approach to prevention will involve developing positive and constructive working relationships with local businesses and residents through existing networks and contacts and through our business support function and community groups with identified points of contact for regulatory enquiries. We recognise that small businesses, in particular, can be overwhelmed by the scale and complexity of legislation covering their business operations. Our approach is to provide easy access to advice, provide simple, clear and concise information and to provide follow-up advice where it is needed. Where national guidance exists, we will promote this to ensure consistency of application.

## 4.2 **Business intervention**

4.2.1 Many business premises, including Local Authority premises, are risk rated to inform an intervention programme or are visited as a result of an intelligence led approach of targeting premises where a need has been identified.

4.2.2 We will focus our interventions on regulated entities where risk assessment shows that both:

- any compliance breach/breaches would pose a serious risk to a regulatory outcome;
- there is high likelihood of non-compliance by regulated entities;
- there are little or no effective audit activities carried out by an appropriate and recognised trade organisation.

4.2.3 The Council recognises that planned pre-arranged visits to businesses including the provision of advice, results in the right person being available and helps bolster voluntary compliance. We will, therefore, make appointments to meet with the right people wherever possible.

4.2.4 However, interventions are also made to businesses for other reasons, including repeated non-compliance, because of an allegation or complaint, or for a sample or test purchase and these are likely to be unannounced.

4.2.5 Intelligence and/or complaint monitoring exercises may result in increased levels of interventions with the aim of achieving compliance without necessarily resorting to enforcement action.

4.2.6 Where inspection programmes are held to be appropriate, we will, wherever practicable, coordinate these so that businesses are not subject to multiple inspections from within the Council. We will also work collaboratively with other regulatory agencies to reduce unnecessary burdens where possible.

4.2.7 Council Officers may make combined visits with other agencies where there is a shared and complementary enforcement role and this will be explained at the time.

## 4.3 **Sampling/test purchasing exercises**

4.3.1 The purpose of sampling/test purchasing is to protect public health, for market surveillance purposes, to identify infringements and to prevent contraventions.

4.3.2 Sampling/test purchasing is undertaken in response to enquiries/complaints from service users, as part of planned exercises or because of proactive officer initiative. Planned exercises are determined based on a risk assessment of local, regional and

national statistics and any co-ordinated programmes, concentrating efforts into areas of trade or products to ensure the most effective use of resources.

#### **4.4 Home Authority and Primary Authority Framework**

4.4.1 We use the Home Authority principle for businesses which have their decision-making base in Shropshire and Primary Authority where a formal agreement is in place, and which act in accordance with the responsibilities outlined in this framework. We will abide by the requirements of Primary Authority guidelines and will actively seek to promote it with appropriate local businesses.

4.4.2 Officers will observe the above framework in respect of businesses with their decision-making base outside Shropshire by notifying the relevant Authority of our enquiries at the earliest practicable time and at their conclusion. Officers will undertake to make best use of this framework in determining the most appropriate way to deal with any particular issue.

#### **4.5 Statutory notifications**

4.5.1 Where appropriate the Council will report incidents and enforcement actions to relevant Government bodies and respond appropriately to notifications, such as alerts from the Food Standards Agency and other bodies. Information will be shared with other regulators where it is appropriate to do so.

#### **4.6 Intervention/Enforcement in Local Authority establishments**

4.6.1 Officers will carry out interventions/enforcement within Local Authority run premises in a manner consistent with any other business.

4.6.2 Any serious breaches of law that may be detected in such establishments will be brought to the attention of the Head of Paid Service as soon as is reasonably practical to agree on the enforcement approach to be taken.

4.6.3 Contract caterers operating within Local Authority establishments may from time to time be assessed in accordance with the Food Law Code of Practice and be inspected accordingly.

## **5.0 Dealing with non-compliance**

5.1 Shropshire Council recognises that the majority of businesses and residents are law abiding and want to engage constructively with regulators. However, it is also recognised that things do go wrong and, in certain circumstances, whilst we aim to achieve compliance through advice, information and/or guidance there will, at times, be a

need for a more prompt or robust form of intervention or enforcement action to achieve the level of compliance required.

5.2 Where it is considered necessary and appropriate, any form of intervention or enforcement by the Council will seek to:

- change the behaviour of the offender to prevent re-offending;
- eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that is associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- reverse the harm caused by regulatory non-compliance, where appropriate; and/or
- deter future non-compliance.

### 5.3 **No further action necessary**

5.3.1 There are circumstances where contraventions of the law may not warrant any action being taken. Consideration will also be given to whether the resultant cost of action outweighs the detrimental impact or severity of the contravention. A decision of no action may also be taken where enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or on medical grounds. In such cases we will advise the offender and any complainant of the reasons for taking no action.

### 5.4 **Escalating action**

5.4.1 Subject to paragraph 5.5 below, where any contravention identified by the Council requires any form of intervention or enforcement, the Council will consider the most appropriate course of action having taken into account the individual facts of any case. Whilst the Council will seek to secure compliance by using the most appropriate level of action, officers will be able to escalate this in cases where compliance has not been achieved. A decision to escalate will normally only be taken after reasonable efforts to secure compliance have been made.

5.4.2 Where evidence of legislative non-compliance has been established and considering its severity our aim is to achieve the behavioural change necessary in the person who is responsible for the non-compliance and to only escalate to the next level where reasonable efforts have failed to achieve that behaviour change. The following process of escalation will be used to achieve compliance in appropriate cases:

- **Advice, information and assistance** – we will seek to persuade, through negotiation, the adoption of good practice and to increase understanding of the legislation to secure improved levels of compliance. For minor breaches of the law we may give verbal or written, advice. We will clearly identify any

contraventions of the law and give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance. It may also be appropriate to consider making a referral to another Local Authority in line with the Home Authority/Primary Authority principles, or external agencies (for example Police, Environment Agency). Repeated failure to comply could however result in the escalation of enforcement action.

- **Informal warnings** - will be used when there is evidence of non-compliance but the nature of which is not deemed to warrant a more formal approach. The nature of the non-compliance together with the corrective action necessary to put the matter right will be explained in writing together with a deadline for completing the corrective action. The business or person affected will be afforded the opportunity to provide any explanation or comment as appropriate and these will be considered by a senior manager. Where it is considered appropriate a written warning may be issued which will be recorded and can be taken into account should any further legislative breaches be identified.
- **Enforcement action** – will be considered where compliance is not being achieved and where attempts to secure compliance by other means has failed. The Council may choose in such situations to use more robust measures and actions to achieve compliance with any statutory requirements. This can include many different approaches which are outlined in Chapter 6 and which will be utilised in line with any statutory legal procedures, relevant codes of practice and any national professional guidance in particular the Code of Practice for Crown Prosecutors.

## 5.5 **Circumstances where immediate enforcement action is necessary**

5.5.1 There are circumstances where immediate enforcement action is necessary. We recognise, as do the majority of the business community and local residents, there is no place for those who deliberately act illegally. This would include but is not limited to individuals/traders operating unfairly by targeting the vulnerable, noisy neighbours who constantly play music too loud, environmental crimes, for example littering and dog fouling, or any other illegal activity where individuals are acting with dishonesty or a lack of care or due regard. Therefore, our approach to achieving compliance will require a more direct, immediate and robust approach for residents, individuals or businesses who:

- knowingly operate or act in a fraudulent or unfair way whether or not for gain or competitive advantage;
- target unfair trading activity towards the vulnerable members of our society;
- breach road traffic legislative requirements and contravene parking restrictions;

- undertake activities that pose a serious risk to public health, safety and well-being, community safety, the environment or animal health or welfare;
- commit offences deliberately or negligently or which involve deception, or where there is significant economic detriment and/or
- behave in a manner which is considered antisocial having significant impact on the local community.

## 6.0 Types of enforcement activity

6.1 There are a large range of potential enforcement options available to the Council to consider utilising to secure compliance with the law and include the following:

### 6.2 Fixed Penalty Notices (FPN)

6.2.1 Certain offences may be dealt with by FPNs, where prescribed by legislation. FPNs are recognised as an effective and visible way of responding to low-level offending. A FPN provides an opportunity to discharge liability for an offence by payment of a penalty and can therefore be used as an alternative to prosecution.

6.2.2 Payment of the FPN avoids the creation of a criminal record for the defendant. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice we may choose to administer one on a first occasion, without issuing a warning. FPNs will only be issued when sufficient evidence is available to prove the offence and the nature of the offence is suitable for being dealt with in this manner. Non-payment of a FPN is not an offence in its own right, but if the penalty is not paid, the Council would consider prosecuting the offender for the original offence. FPNs are considered in matters including sales of alcohol to minors, littering and dog fouling.

### 6.3 Penalty Charge Notices (PCN)

6.3.1 PCNs are prescribed by certain legislation as a method of enforcement that provides for the offender to pay an amount of money to the enforcer in recognition of the breach. PCNs are primarily issued in respect of parking contraventions. Failure to pay the PCN will result in the offender being pursued by way of a Warrant of Execution issued by the county court that enables the Council to collect the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning.

## 6.4 **Civil penalties**

6.4.1 A civil penalty is a fine that can be used by an Authority as an alternative to prosecution for certain specified circumstances as specified by legislation. For example, the Housing and Planning Act 2016 introduces civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences.

6.4.2 Where a civil penalty is issued then the Authority may not undertake a criminal prosecution for the same offence. Unlike FPNs, where a civil penalty is not paid the Local Authority will need to undertake to recover the civil penalty as a debt as opposed to commencing a prosecution for the original offence.

6.4.3 The maximum amount for a civil penalty will be determined by the applicable legislation but it is the responsibility of local authorities to determine on a case by case basis how any penalty will be determined. Service areas will be responsible for developing their own internal procedures and policies where they decide to use civil penalties in lieu of criminal prosecutions and how any fee will be determined.

6.4.4 Whether issuing a civil penalty or prosecuting for the offence the same burden of proof will need to be met and accordingly civil penalties must not be issued in lieu of a prosecution where the usual burden of proof has not been met.

## 6.5 **Administrative penalty**

6.5.1 Under the Social Security Administration Act 1992 an administrative penalty may be issued as an alternative to a prosecution in matters relating to council tax benefit. A minimum penalty of £350 or 50% of the overpayment, whichever is greater (up to a maximum penalty of £2,000) may be offered for offences committed wholly on or after 08/05/12. For offences that are committed prior to, or span, 08/05/12 the administrative penalty is calculated at 30% of the determined overpayment.

6.5.2 In determining whether to offer an administrative penalty there must be sufficient evidence in which to consider commencing criminal proceedings. The offer of an administrative penalty is more likely in cases where dishonesty does not form part of the offence, it is the first time the customer had caused a fraudulent overpayment or there was a clear lack of intent on the part of the customer.

6.5.3 An administrative penalty cannot be imposed and there is no obligation on the part of any person to accept it. If accepted that person has 14 days to withdraw their agreement to pay the penalty ('cooling off period'). If the penalty is not paid then civil recovery of the debt will be initiated in the County Court.

6.5.4 Where an administrative penalty has not been accepted or a person has withdrawn their agreement to pay, then alternative enforcement action will be considered

in respect of the original breach. Administrative penalties are not recorded as a criminal offence.

## 6.6 **Formal Notice**

6.6.1 Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately. In other circumstances, they may specify a time limit for compliance. In these circumstances, the time allowed will be reasonable and will take into account the seriousness of the contravention and the implications of the non-compliance.

6.6.2 All notices issued will include details of any applicable appeals procedures.

6.6.3 Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (i.e. a breach of the notice) we may carry out any necessary works to satisfy the requirements of the notice ourselves. Where the law allows, we may then charge the person/business served with the notice for any cost the Council incurs in carrying out the work.

## 6.7 **Licence Review**

6.7.1 The ability to seek a review of an existing licence is an important part of the Licensing Act 2003. Any licensed premises operating in a manner that does not promote the four licensing objectives can be brought to the attention of the licensing authority by means of a licence review.

6.7.2 The parties able to call for a licence review are 'responsible authorities' and persons who live or are involved in a business in the licensing authority's area and who are affected by the operation of the premises ("other persons").

6.7.3 However, any application to have a premises licence reviewed must clearly show how the operation of the individual premises has not promoted, or has worked against, one or more of the licensing objectives namely:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

## 6.8 **Forfeiture Proceedings**

6.8.1 This procedure, dealt with through an application in an appropriate court, may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods to prevent them re-entering the market place or being used to cause a further problem.

## 6.9 **Seizure**

6.9.1 Certain legislation enables officers to seize goods, equipment or documents, for example unsafe food, sound equipment that is being used to cause a statutory noise nuisance, unsafe products or any goods that may be required as evidence for possible future court proceedings. When we seize goods, we will give a receipt to the person from whom the goods are taken and will deal with any seized goods in accordance with any relevant legislative requirements.

## 6.10 **Injunctive actions, interim orders, enforcement orders, etc.**

6.10.1 In certain circumstances, the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Failure to comply with a court order constitutes contempt of court; this is a serious offence that may lead to imprisonment.

6.10.2 Injunctive action includes agreements and formal undertakings to improve compliance, which, if breached, may lead to the obtaining of an injunction in the civil law courts.

## 6.11 **Simple caution**

6.11.1 A simple caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction.

6.11.2 For a simple caution to be offered there must be sufficient evidence available to prove the case, the offender must make a clear and reliable admission of the offence prior to the cautioning process, it must be in the public interest and justice will be better served without recourse to legal proceedings in the first instance. The offender must be 18 years or over and should not have received a simple caution for a similar offence within the last 2 years.

6.11.3 A record of the caution will be sent to the relevant government body if appropriate, and will be kept on file. If the offender commits a further offence, the caution may influence the Council's decision to take a prosecution. Further, where a person is subsequently convicted of a similar or relevant offence the caution may be cited in court for sentencing purposes and this may influence the severity of any sentence imposed. Simple cautions are an alternative to prosecutions in appropriate cases.

6.11.4 If the caution is not administered, because the offender refuses to accept it, the facts of the case will be reviewed again, without the option of a simple caution, and a decision to prosecute will be the likely result.

## 6.12 **Prosecution**

6.12.1 The Authority will use discretion and have regard to other enforcement agency policies in deciding whether to initiate legal proceedings against any individual or business. Any decision will take into account this policy, the public interest and criteria set down in the Code for Crown Prosecutor. A prosecution will normally ensue where the individual or organisation meets one or more of the following criteria:

- deliberately, negligently or persistently breached legal obligations;
- involves an element of deception, dishonesty, theft or fraud;
- made significant gain or caused significant loss;
- deliberately or persistently ignored written advice or formal notices;
- endangered, to a significant degree, the health, safety or wellbeing of people, animals or the environment; or
- assaulted or obstructed an officer in the course of their duties.

6.12.2 We will, where appropriate, publish the names of those prosecuted and convicted to help publicise the need for businesses and individuals to comply with the law, or to deter those tempted to disregard their legal responsibilities.

6.12.3 We will seek to recover our investigation and legal costs to ensure that the council tax payers do not suffer through the acts of a minority.

## 6.19 **Proceeds of crime applications**

6.19.1 In serious cases, applications may be made under the Proceeds of Crime Act for confiscation of assets. Proceedings are conducted according to the civil standard of proof with applications made after a conviction has been secured. The purpose is to recover the financial benefit that the offender has obtained from his criminal conduct.

# 7.0 Consideration of legal proceedings

7.1 We will attempt to administer the requirements of legislation by advice and assistance wherever possible. Occasionally, however, it will be necessary to consider instituting legal proceedings. Each case is unique and must be considered on its own facts and merits. However, we apply the same general principles to every case. When deciding whether to prosecute we will have regard to the evidential test in the Code for Crown Prosecutors:

[http://www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors/index.html](http://www.cps.gov.uk/publications/code_for_crown_prosecutors/index.html))

7.2 A decision to prosecute will not be made unless there is sufficient admissible and reliable evidence that an offence has been committed by an identifiable person or legal personality/entity, and unless there is a realistic prospect of a conviction. We will also

consider any lines of defence which are plainly open to or indicated by the accused and to the public interest.

### 7.3 **The Public interest test**

7.3.1 Factors for and against prosecution will be balanced carefully and fairly. Deciding on the public interest is not simply a matter of adding up the factors on each side but a consideration of how important each factor is in the circumstances of each case and an overall assessment made.

7.3.2 The following considerations are taken from the code and adapted for Shropshire Council. Factors that are less relevant to offences investigated by Shropshire Council are not repeated here; however, these factors will still be considered if they are relevant.

### 7.4 **Public interest factors in favour of prosecution**

7.4.1 A prosecution is more likely when:

- A conviction is likely to result in a significant sentence or to result in a confiscation or any other order
- There is evidence that the offence was premeditated
- There is evidence that the offence was carried out by two or more people acting together
- The victim of the offence was vulnerable or has been left frightened
- The offence was motivated by any form of discrimination against the victim's ethnic or national origin, disability, sex, religious beliefs, political views or sexual orientation, or the suspect demonstrated hostility towards the victim based on any of those characteristics
- The risk or nuisance presented to individuals, the public, the trade (including unfair competition between traders), the farming community, animal health & welfare, or the environment is significant or widespread
- The 'defendant' has acted fraudulently/dishonestly, wilfully or negligently, or insufficient steps have been taken to prevent the offence
- The 'defendant' was in a position of authority or trust, or the offence was committed in the presence of, or near to, a child
- The 'defendant's' prior behaviour, previous convictions or cautions are relevant to the present offence
- There are grounds for believing that the alleged offence is likely to be continued or repeated
- The outcome of the prosecution may serve an important, informative purpose, might establish an important legal precedent, might act as a warning to others or would have a significant positive impact on maintaining community confidence
- The defendant committed the offence while under an order of the court

## **7.5 Public interest factors against prosecution**

7.5.1 A prosecution is less likely to be needed if:

- The offence was committed due to a genuine mistake/ misunderstanding (this must be balanced against the seriousness of the offence)
- The loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement
- The 'defendant' has put right the loss or harm that was caused (but 'defendants' cannot avoid prosecution simply because they have offered compensation)
- The 'defendant' has already been made the subject of a sentence, and any further conviction would be unlikely to result in the imposition of an additional sentence or order.
- The 'defendant' is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is real possibility that it may be repeated.

## **7.6 Death at work**

7.6.1 Where there has been a breach of the law leading to a work-related death, we will consider whether the circumstances of the case may justify a charge of manslaughter. We will liaise with the police, coroners and the Crown Prosecution Service (CPS), and if they find evidence suggesting manslaughter, pass it on to the police or where appropriate the CPS. If the police or the CPS decide not to pursue a manslaughter case, we will bring a health and safety prosecution if that is appropriate. We will take account of "Work Related Deaths: A Protocol for Liaison".

# **8.0 Application of our policy statement**

8.1 This policy statement applies to all officers when making enforcement decisions. Shropshire Council commits to ensuring that all officers are appropriately trained on this policy and other relevant aspects of enforcement.

8.2 Any departure from this policy must be exceptional, capable of justification and be fully considered by a relevant manager with the appropriate level of seniority before a final decision is taken. This proviso shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made.

8.3 In cases of emergency or where exceptional conditions prevail, the Head of Paid Service may suspend all or part of this policy, but only when necessary to achieve effective running of Council services and/or where there is a risk of injury or to the health of employees or members of the public.

## 9.0 Review

9.1 This policy will be reviewed periodically or in line with changes in relevant legislation or codes of practice. Any review will take account of any responses received from affected persons and any other relevant comments received.

**Date Policy Approved:**

**Approved by:**

**Date of Implementation:**

**Review Date:**

DRAFT



<u>Committee and Date</u>
Cabinet
11 April 2018

## **New Parking Strategy Framework Part 2 – On-street Residents Parking Policy**

**Responsible Officer** Chris Edwards, Head of Infrastructure & Communities  
e-mail: [chris.edwards@shropshire.gov.uk](mailto:chris.edwards@shropshire.gov.uk) Tel: 01743 255474

### **1. Summary**

At its meeting on 17th July 2017 Cabinet gave approval to undertake a public consultation exercise on a series of proposals for a new parking strategy. A 12-week public consultation was launched on the 22nd July 2017 and closed on 17th October 2017, a total of 2,486 responses and many additional individual comments were received.

Given the number and complexities of the issues raised during the consultation the reporting of the parking strategy framework was split in to 2 parts. Part 1: Implementation of the linear model was approved by Cabinet on 17th January 2018. A detailed assessment of the consultation returns is shown in the 17th January 2018 report.

This second report outlines the conclusions and recommendations for a new on-street residents parking policy. Estimated funding requirement for implementation of the policy is £30,000.

Formal TRO consultation will be required prior to both implementation of the new policy criteria for permit allocation on existing residents' parking schemes and again for amendment / introduction of any new schemes.

Implementation whenever possible will be dovetailed with the implementation programme for part one of the strategy which is as shown below.

In the larger market towns assessment and feasibility is estimated to take around 12 months.

## **2. Recommendations**

That Cabinet give approval for the implementation of Part 2 of the new on-street Residents Parking Policy as follows:

- i. That the proposed On-Street Residents Parking Policy detailed in appendix 1 of this report is adopted (including the increase of permit costs).
- ii. That the requests for residents parking schemes detailed in appendix 2 of this report are assessed and a programme for implementation is developed that best fits with the implementation of both parts 1 and 2 of the new parking strategy framework.

## **REPORT**

### **3. Risk Assessment and Opportunities Appraisal**

#### **Equality and Social Inclusion Impact Assessment (ESIIA)**

An initial Equality and Social Inclusion Impact Assessment (ESIIA) was carried out by the Council in June 2017, prior to the public consultation exercise, and is available with the Cabinet papers from July 2017. As per corporate practice ahead of any such consultation on proposed service changes, this sought to identify possible impacts on the community and on Protected Groupings within the community, pending the views of communities, partner organisations and stakeholders.

Additional statutory Traffic Regulation Order consultation will shortly be undertaken regarding implementation of Part One of the proposed Car Parking Strategy. In addition, approval was given in Part 1 for several additional consultations to be undertaken e.g. a review of existing park and ride services.

Related service area strategy development about the Local Transport Plan is also underway, taking account of national, regional and sub-regional policy developments around physical transport infrastructure, including cross border access considerations.

A second equality and social inclusion impact screening assessment focuses on the development and implementation of the proposed residents parking policy. This considers potential equality impacts, either negative or positive. The screening assessment is a stocktake that draws upon the 2017 consultation. It acknowledges that more targeted effort is needed to seek the views of the groupings most likely to be affected by the introduction of a new

policy. The identified groupings who could face practical and physical access issues are; Age and Disability, Pregnancy and Maternity, Disability, plus the Social Inclusion grouping in which the Council needs to consider vulnerable households and those with caring responsibilities. Introduction of the policy will enable identified groupings to partake in TRO consultations, ensuring the impact of each proposed scheme under this policy is fully considered. The Council also needs to have particular regard to current and future demographic changes amongst the resident population.

A fundamental review of the existing Parking Strategy has identified risks, benefits and opportunities in many fundamental areas. The key risks have been identified and captured below.

<b>Risk</b>	<b>Mitigating actions</b>
<p>Parking strategy proposals fail to meet Disability Discrimination Act (“DDA”) requirements. Proposals fail to account for Equality Act requirements around consideration of likely negative and positive impacts of proposed service changes on Protected Characteristic groupings and on those at risk of social exclusion.</p>	<p>An initial part One and stage two Equality and Social Inclusion Impact Assessment (ESIIA) screening assessment has been carried out and considers potential impacts. Further screening assessments at timely points in the development and implementation of the Car Parking Strategy, alongside specific consultation and ongoing engagement, and analysis of feedback will be considered. This is to seek to ensure that evidence about likely impacts in equality terms is garnered and utilised in refining the Strategy to minimise any negative impacts and enhance positive impacts for groupings in the community and the wider community.</p>
<p>Forecast of increase in demand for car parking provision</p>	<p>A TEMPRO analysis, the Department for Transport tool for forecasting traffic and transport growth for Shrewsbury and Shropshire between 2015 and 2026 has been undertaken. The TEMPRO data predicts traffic growth in Shrewsbury to rise just below 5% and around 8.3% in Shropshire between 2015 and 2026. These are not large increases, but there should be a corresponding increase in car park utilisation. However, the new strategy framework is intended to promote transport mode hierarchy, with patterns of usage intended to change, away from car parks with current high demand into car parks with current surplus capacity compensating for any potential increase in use.</p>

<b>Risk</b>	<b>Mitigating actions</b>
	The data demonstrates that the current and projected future demand can be accommodated within the existing and projected future supply of car parks.
Delay in the development of the new residents' parking policy impacts on the effectiveness of the parking strategy as a whole	Priority and resources need to be directed to ensure activities for the implementation of both parts one and two of strategy for each market town are programme co-ordinated.

#### **4..Financial Implications**

**The financial implications of the Resident's On-Street Parking Policy are comprised of two elements; policy implementation and provision of new schemes.**

##### **Policy implementation**

The total estimated funding requirements for the new on-street residents parking policy is £30,000. This includes the implementation of a new virtual permitting process as shown below.

<b><u>Commission</u></b>	<b>18/19</b>	<b>19/20</b>
TRO consultation and revisions	£10,000	£5,000
New virtual permitting – system development and implementation	£10,000	
Marketing and PR	£5,000	
	<b>£25,000</b>	<b>£,5000</b>

Further commissions are required and detailed in the report with respect to required Traffic Regulation Order (TRO) consultation.

The implementation of the new virtual permitting process will allow the customer to change and update their details such as change of vehicle, without further charge, online and by telephone.

Resident permit holders will also now receive, without any additional charge, an annual visitor permit allowance. Further details of the new visitor permit proposals are detailed in appendix 1.

## **Provision of new or existing resident parking scheme amendment**

It is estimated that on average the cost of consultation, design and implementation of a new scheme will cost £88,000.

It is proposed to increase the cost of on-street resident's permits from £50 to £100 per annum, the additional income received from resident's permits over 3 years can cover the implementation costs and the additional demand on enforcement required for Part 2 of the strategy.

A breakdown of permit costs is shown in appendix 1.

It should be noted that legislation does not allow surpluses to be generated from on-street permit provision.

### **5 Background**

At its meeting on 17th July 2017 Cabinet gave approval to undertake a public consultation exercise on a series of proposals for a new parking strategy. A 12-week public consultation was launched on the 22nd July 2017 and closed on 17th October 2017, a total of 2,486 responses and many additional individual comments were received.

Given the number and complexities of the issues raised during the consultation the reporting of the parking strategy framework was split in to 2 parts. Part 1: Implementation of the linear model and associated elements was approved by Cabinet on 17<sup>th</sup> January 2018.

The Liberal Democrats called the report in, and the Performance Management Scrutiny Committee considered the matter at its meeting on 28th March 2018. The report was approved by scrutiny, to pass without change.

Since completion of the consultation exercise and after approval of part 1, requests, comments and enquiries have continued relating to both the nature and the progress of part 2.

This second report outlines the conclusions and recommendations for implementation of the new On-street Residents Parking Policy.

#### **Existing On-street Residents Parking Policy**

The existing on-street residents parking policy consists of two types of residents' parking schemes:

Type A- areas or streets where existing or proposed parking restrictions are believed to be unduly restrictive on the residents of the area and the orders can be changed to be of greater benefit to the residents.

Type B- areas or streets where the demand for parking, by the residents and/or other visitors to the area, is greater than the number of potential spaces and restrictions are required to provide a better opportunity for residents to park within the area.

The type and limits of restrictions of proposed schemes should be defined at a site meeting with the local council member and the champion for the scheme. The local champion for the scheme is responsible for identifying the level of support for a scheme by obtaining signatures from the residents in the proposed scheme area.

The main criteria for justifying a residents' parking scheme is that there is insufficient space in which the residents of the scheme (being considered) can park because of existing restrictions and/or the presence of vehicles because of visitor or commuter parking.

Schemes are only prioritised once the Champion has obtained signatures from representatives of at least 30% of the properties within the proposed scheme

The requests are then prioritised, depending on the type as detailed above and the findings of the initial investigations. Type A schemes are given priority over Type B schemes as they are normally more urgently needed and easier to implement. These requests will be prioritised simply by the number of residential properties to be included within the scheme that have indicated support for the scheme via the champions, with the higher number being given the highest priority.

This ensures that the Councils resources are targeted to give the maximum benefit in terms of need indicated by the level of support and the number of properties that will benefit from a scheme.

Once a scheme has been prioritised and funding allocated to that scheme the Council are committed to the implementation of the scheme subject to the successful consultation and continued support for the scheme by the residents. A new scheme with a higher priority will not supersede a scheme that has already been committed to.

The number of schemes to which the Council can commit is subject to the size of the schemes and the available budget for Residents' Parking.

Informal Consultation is carried out when a draft proposal for the scheme has been drawn up to allow residents to have an input into how the scheme will look.

The new residents parking policy is designed to give the flexibility required to integrate with the linear parking proposals within part 1 of the parking strategy framework.

### Existing On-street Residents Parking Schemes

There are currently on-street schemes operating in Bridgnorth, Ludlow and Oswestry (permits in Oswestry are currently available free of charge).

## **6. Consultation exercise and responses received relating to part 2 -On-street Residents Parking Policy Proposals.**

Details of the proposed new on-street residents parking policy were included with the consultation and are shown in full within appendix 9 of the 12<sup>th</sup> July Cabinet Report.

The resident parking policy proposals presented within the public consultation questionnaire are summarised in Appendix 3 of this report. Opportunity was given to express support or not, as well as provide additional comment for each proposal.

Over the course of the consultation period a total of 2,486 responses were received. There were 159 responses / comments received during the consultation relating to the Residents Parking Strategy proposals.

The following table shows the numbers in support or against each of the individual on-street residents policy proposals.

*Table 1: Summary of consultation responses relating to residents parking*

Resident parking	Yes	No	Responses
S3.1 Alternative prohibitions, restrictions and/or traffic measurement measures	65%	35%	139
S3.2 Feasibility proposal	72%	28%	123
S3.3 Parking spaces greater than properties	71%	29%	114
S3.4 On-street spaces less than properties	77%	23%	117
S3.5 Parking space capacity	64%	36%	115
S3.6 Parking scheme exclusions	68%	32%	105
S3.7 Resident survey questionnaire	73%	27%	108
S3.8 Public exhibition	88%	12%	111
S3.9 Twelve month review	91%	9%	108

Full details of the consultation exercise including methodology, publicity, returns profile and a detailed analysis of the results are shown in Appendix 1 of the 17<sup>th</sup> January Cabinet Report.

## **7. Conclusions relating to on-street residents parking**

### **Consultation Proposal S3.1: Alternative prohibitions, restrictions and /or traffic measurement measures.**

It is proposed that prior to any consideration for any Residents' Parking Scheme, the potential for the introduction of alternative prohibitions, restrictions and/or traffic management measures such as yellow lines, limited waiting should first be considered to address the issues raised.

Residents parking schemes are often perceived by residents as the most appropriate traffic management control measure when often it is more appropriate and cost effective to provide alternatives such as yellow lines, limited waiting / disabled bays etc. to address issues such as maintaining access, reducing parking congestion and maintaining highway safety.

The need for a residents parking scheme needs to be demonstrated from the on-set. Residents' parking schemes should be avoided where most residents have off-street parking or where there is sufficient on-street space to accommodate both residents' and non-residents' parking and there is not a displacement / congestion issue.

Given a residents parking scheme is usually requested primarily to help residents park their vehicles where vehicles not belonging to residents are making this difficult, residents' parking scheme requests will not usually be considered within the process and prioritisation procedures as part of the programme of measures designed to promote road safety. Rather, scheme requests shall be prioritised based upon congestion and amenity.

65% of consultation returns supported this proposal with no adverse comments raised. It is therefore recommended that this section of the proposed residents parking policy be approved without change.

### **Consultation Proposal S3.2: Feasibility Proposal**

It is proposed that a feasibility proposal outlining the properties and streets for inclusion in any residents parking scheme shall be prepared by officers and the views of the Local Member, Town /Parish Council and any local resident groups sought. Appropriate funding for scheme development / consultation shall also be identified.

72% of consultation returns supported this proposal. However, requests were received during the consultation highlighting the need for direct scheme consultation with residents in order that issues can be directly highlighted and options for treatment can be better understood. It is therefore recommended that this section of the proposed residents parking policy be approved, when any local resident groups are not identified appropriate effort will be given to obtaining rounded views of residents in the area.

From an equality perspective, this may usefully be carried out through community engagement that seeks to reach the community through channels such via the Voluntary Community Sector Assembly (VCSA) and via publicity in local schools, churches, community halls, leisure centres, etc.

All proposals must be considered a viable proposal that is supported at a local level.

**Consultation Proposal S3.3: Number of parking spaces available more than the number of properties in the area, then resident parking schemes will only be considered if displacement of residents parking by commuter / non-residents is evident**

71% of consultation returns supported this proposal with no adverse comment made. It is therefore recommended that this section of the proposed residents parking policy be approved without change.

**Consultation Proposal S3.4: Number of on-street parking spaces available less than the number of properties then a resident only scheme should be considered**

77% of consultation returns supported this proposal. One comment was received suggesting that as with the existing policy, permit concessions to park on-street should not necessarily be available when off street private drive parking provision is evident.

It is recommended that this section of the proposed residents parking policy be approved without change to the proposal, but with recognition that if there is evidence of adequate off-street provision and usage, less stringent shared use residents permit /limited waiting restrictions may be introduced thereby giving greater opportunity for visitors.

**Consultation Proposal S3.5: Provision of visitor parking permits within a scheme proposal shall only be considered if parking space capacity is considered sufficient.**

To ensure appropriate parking provision is made available to residents within a reasonable distant of their property as a priority, the overall number of permits allocated will be primarily dictated by the overall capacity of the road or street, with due regard given to the level and nature of visitor parking in the area.

The existing policy allows residents to purchase books of parking permits which can be given to their visitors, each book contains 20 ½ day permits. The new policy proposal is that each registered property in the area shall be entitled to receive a maximum allocation of up to 200 hours of visitors parking per annum, and through use of the virtual permitting system this will give greater flexibility.

As highlighted for proposal S3.4 above, there should be recognition that visitor parking may also be managed by the implementation of appropriate restrictions. For example, shared use limited waiting and resident permit bays may be appropriate during the day, with permit holder only restrictions in the evenings and at weekends.

64% of consultation returns supported this proposal with no adverse comment made. It is therefore recommended that this section of the proposed residents parking policy be approved without change.

**Consultation Proposal S3.6: Option to exclude individual properties from a residents' parking scheme, as a part of the planning consent for that property, such as part of a section 106 agreement.**

To promote the use of residential parking schemes as a traffic / parking management tool for new inset development and safeguard existing on-street residents parking provision it is proposed within the policy to provide an option to exclude individual properties from a residents' parking scheme, as a part of the planning consent. This allows use as a tool to manage traffic congestion, amenity and in the interests of maintaining road safety.

68% of consultation returns supported this proposal and it is recommended that this section of the proposed residents parking policy be approved without change.

Comments were received outside of the scope of the residents parking strategy with regards to the use and potential revisions to planning legislation, such as requests to relax conservation planning rules to promote parking provision.

**Consultation Proposal S3.7: Residents survey questionnaire**

To ensure an appropriate proportion of residents surveyed within the scheme boundary support the scheme proposals before a scheme goes ahead, it is proposed that a survey questionnaire be distributed to all properties detailing the outline scheme feasibility proposals.

If the results of the survey indicate 50% or more of returns support and less than 50% of returns oppose the scheme (survey returns expressing a view that are neither for or against a scheme proposal shall be discounted), detailed proposals may be taken forward. If the overall response rate is less than 50% of all properties in the area the scheme may only proceed with the support of the Portfolio Holder for Highways and Transport.

Comments received from the consultation included concerns that returns to consultations are not normally that high, that the threshold for taking forward the scheme was too low and should be raised to 60%. There were also concerns raised with regards to allowing a scheme to proceed only with the support of the Portfolio Holder, with the suggestion that the decision should be at a local level, the local member is better placed. A further view was expressed that the policy should determine the parameters and there should therefore be no need for Member involvement at all.

Parking consultations are always an emotional subject, there are always those for and against change, and the best compromise needs to be found, the Local Member is usually well placed to articulate that balance. Experience suggests a high response rate is usually achieved and as such a high confidence level in the consultation results being representative of the views of the residents in the area can be expected.

73% of consultation returns supported this proposal. It is recommended that the proposal threshold to proceed of 50% or more of returns in support, be retained, but if the overall response rate is less than 50% of all properties in the area the scheme may only proceed with the support of the Local Member rather than the Portfolio Holder.

### **Consultation Proposal S3.8: Public exhibition**

Development of residents parking schemes requires extensive consultation and resource to implement. Comments received during the consultation included requests to ensure the community needs as well as residents parking needs are also addressed. A public exhibition will give opportunity for all parties to raise any issues or concerns that have not been previously addressed.

88% of consultation returns supported this proposal with no adverse comment made. It is therefore recommended that this section of the proposed residents parking policy be approved without change.

From an equality perspective, the public exhibition provides opportunity for people from Protected Characteristic groupings in the community to be made aware of the proposals and have opportunity to comment on them, and for these views to be recorded as potentially indicative of wider views about needs. Efforts will need to be made to ensure that material is clear in its content, and that the exhibition itself is set up in community places such as shopping centres to reach as many people as possible.

### **Consultation Proposal S3.9: Twelve-month review**

To ensure ongoing effectiveness and appropriateness of the scheme it is proposed that after 12 months have elapsed following the introduction of a residents parking scheme the effectiveness of the scheme shall be evaluated and reviewed and if necessary modifications considered.

91% of consultation returns supported this proposal with no adverse comment made. It is therefore recommended that this section of the proposed residents parking policy be approved without change.

## **8. Residents Parking Policy implementation and forward programme**

Subject to Cabinet approval of the recommendations, it is proposed to commence the required statutory TRO consultation in May 2018

Appendix 2 of this report lists by town the requests for residents parking schemes on record and identifies if:

- i. a customer service request has historically been received
- ii. a request was received through the public consultation feedback
- iii. if it is considered implementation is required to support the parking strategy framework

Formal TRO consultation will be required prior to both implementation of the new policy criteria for permit allocation on existing schemes and again for amendment / introduction of any new schemes.

Implementation whenever possible will be dovetailed with the implementation programme for part one of the strategy which is as shown below and scheduled permit renewals.

Phase 1	Shrewsbury
Phase 2	Ludlow
Phase 3	Bridgnorth
Phase 4	Oswestry
Phase 5	All other areas

Priority will be afforded if support for the effectiveness of the overall parking strategy framework has been identified.

Requests for new / amendment of existing schemes in the larger market towns is estimated to take around 12 months. Given there are no proposals for new schemes in Ludlow, only amendment, it is feasible the new policy including virtual permitting can be implemented at the same time as stage 1. Substantial feasibility and consultation will be required in Bridgnorth and Oswestry and there is also potential to introduce additional pay and display alongside residents parking schemes in Shrewsbury, Bridgnorth.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Shropshire Parking Review (Initial scoping review) – May 2014

Report on Shropshire Parking Strategy - Mouchel – January 2015

Shropshire Parking Proposal Executive Summary Mouchel - January 2015

Shropshire Parking Implementation Plan (Phase 1) Mouchel– November 2015

Shropshire Draft Parking Strategy Cabinet Report 12 July 2017

<http://shropshire.gov.uk/committee-services/documents/g3418/Public%20reports%20pack%2012th-Jul-2017%2012.30%20Cabinet.pdf?T=10>

Current Shropshire Parking Strategy Appendix A4 Parking Charge Structure.

<https://shropshire.gov.uk/media/1360/parking-strategy-Appendix-a4-parking-charge-structure.pdf>

Current Residents Parking Policy

<https://shropshire.gov.uk/media/1359/parking-strategy-appendix-a1-residents-parking-policy.pdf>

Shropshire Parking Strategy Framework - Part 1: Implementation of the linear model

and associated elements

<https://shropshire.gov.uk/committee-services/documents/b12014/Cabinet%20To%20Follow%201%2017th-Jan-2018%2012.30%20Cabinet.pdf?T=9>

**Cabinet Member (Portfolio Holder)**

Councillor Steven Davenport – Portfolio Holder for Highways and Transport

**Local Member**

County wide initiative – impacts on all local Members

**Appendices**

Appendix 1: Shropshire Council On –Street Residents Parking Policy Framework

Appendix 2: On-street residents parking scheme requests and implementation priorities

Appendix 3: Resident parking proposals presented within the public consultation questionnaire

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## **Appendix 1:**

### **Shropshire Council On –Street Residents Parking Policy Framework:**

#### **Proposed Scheme Criteria**

1. Prior to any consideration for any Residents' Parking Scheme, the potential for the introduction of alternative prohibitions, restrictions and/or traffic management measures should first be considered.

##### Reasons

To ensure any appropriate alternative traffic management control measures such as yellow lines, limited waiting / disabled bays etc. cannot be used to help:

- i. maintain access, reduce traffic congestion and maintain highway safety
- ii. residents to park their vehicles where vehicles not belonging to residents are making things difficult.

The need for a residents parking scheme is demonstrated from the on-set.

Residents' parking schemes should not be introduced and should be avoided where the majority of residents have off-street parking or where there is sufficient on-street space to accommodate both residents' and non-residents' parking.

There is a need for presumption against small isolated areas remote from other areas of parking enforcement. Such schemes would have a disproportionate cost in terms of enforcement, may create expectations that the Council is unable to meet and have limited traffic or parking management value for the surrounding area.

2. Residents' Parking Scheme requests will not usually be considered within the process and prioritisation procedures as part of the programme of measures designed to promote road safety. Rather, scheme requests shall be prioritised based upon congestion and amenity.

##### Reason

A residents parking scheme is usually requested primarily as a means to help residents park their vehicles where vehicles not belonging to residents are making this difficult.

3. A feasibility proposal outlining the properties and streets for inclusion in any residents parking scheme shall be prepared and the views of the Local Member, Town /Parish Council and any local resident groups sought (when any local resident groups are not identified appropriate effort will be given to obtaining rounded views of residents in the area). From an equality perspective, this may usefully be carried out through community engagement that seeks to reach the community through channels such via the Voluntary Community Sector Assembly (VCSA) and via publicity in local schools, churches, community halls, leisure centres, etc. Appropriate funding for scheme development / consultation shall also be identified.

All outline feasibility proposals should be designed with a strategic holistic approach (offer all-encompassing solutions to traffic and parking congestion issues across town centres /urban areas rather than not individual streets) and should be expanded to include any adjacent and surrounding streets likely to be impacted by the scheme proposal.

#### Reasons

There is a history in Shropshire in operating small residents parking schemes, some on an individual street basis. Schemes of this nature can be difficult to enforce and can create further parking congestion in adjacent streets.

Development of residents parking schemes requires extensive consultation and resource to implement. All proposals must therefore be considered a viable priority proposal that is supported at a local level.

For any scheme to be considered there needs to be formal recognition of an observable and persistent problem. There should be a presumption against the introduction of schemes to manage minor sporting events or other occasional community events and major events must be frequent and cause significant disturbance, as judged by all parties involved.

4. When the number of vehicle parking spaces available in any proposed residents parking scheme is equal to or greater than the number of properties registered in the area, then resident parking schemes will only be considered if displacement of residents parking by commuter / non-residents is evident (or potential displacement of existing residents parking that may result from any proposed new development).

Reason

To ensure priority is maintained in scheme purpose; improving parking and traffic management, including potential displacement of existing residents parking availability that may result from proposed new development by discouraging commuter/shopper/non-residents parking in residential streets.

5. When the number of on-street parking spaces available in any proposed scheme is less than the number of properties registered in the area a resident only scheme should be considered;

Reason

Many requests for residents parking schemes are for areas with little or no off-street parking provision with demand for residents parking exceeding supply, priority must therefore be afforded to providing a minimum level of on-street parking provision to all those who have a legitimate need, reduce parking/traffic congestion hence maintaining scheme overriding scheme objective and purpose.

6. Provision of visitor parking permits within a scheme proposal shall only be considered if parking space capacity is considered sufficient

Reason

To ensure appropriate parking provision is made available to residents within a reasonable distance of their property as a priority. The overall number of permits allocated will be primarily dictated by the overall capacity of the road or street, with due regard given to the desirability of visitor parking in the area.

7. The number of vehicle parking spaces available shall be calculated after allowing for driveways and statutory prohibitions.

Reason

To maintain priority for access to properties / off street parking/ emergency vehicles and other safety issues

8. Within residents parking schemes no parking shall be permitted and prohibition of parking restrictions (double yellow lines) implemented:
  - a. Within 10m of a junction
  - b. Within turning heads.
  - c. Within 25m (80ft) of a traffic signal controlled junction or a round-about, (not mini roundabouts)
  - d. Within 20m (64ft) of a bend, hump backed bridge or similar obstruction to the driver's line of sight.
  - e. Outside of a school, hospital or similar establishment as and when appropriate.
  - f. On the approaches to zebra or signal controlled crossings.

This may result in restrictions being placed where some people normally park and a loss in the number of parking spaces available to residents.

Reason:

These rules are in accordance with the Highway Code, Traffic Signs and General Directions and the Traffic Signs Manuals. The Council as the Highway Authority cannot encourage parking in an unsafe location or anywhere vehicles may obstruct emergency vehicles.

9. Within a residents' parking scheme, individual properties on roads which are part of the scheme can be excluded from eligibility for residents' parking permits if that exclusion was a specific part of the planning consent for that property, such as part of a section 106 agreement.

Reasons

To provide the ability to safeguard existing on-street residents parking provision that may be impacted by new development proposals

To promote the use of residential parking schemes as a traffic / parking management tool for new inset development in the area, hence manage traffic congestion and in the interests of maintaining road safety.

10. Prior to going ahead with a scheme, a survey questionnaire shall be distributed to all properties proposed to be included in the scheme, detailing the outline scheme

feasibility proposals. If the results of the survey indicate 50% or more of returns support and less than 50% of returns oppose the scheme (survey returns expressing a view that are neither for or against a scheme proposal shall be discounted), detailed proposals may be further developed and taken forward.

If the overall response rate is less than 50% of all properties in the area the scheme may only proceed with the support of the Local Member.

Reason

An appropriate proportion of residents surveyed within the scheme boundary must support the scheme proposals for the scheme to go ahead.

11. Prior to commencement of any formal Traffic Regulation Order consultation for any residents' parking scheme proposal, a public exhibition outlining the detailed scheme proposals shall be undertaken and comments received.

Reason

To present the proposals to the public (not just the residents within a scheme proposal) and give opportunity for comments to be received and if appropriate adjust the scheme proposals in advance of formal consultation processes hence reduce the potential for delay and repeat expensive formal consultation with amendment.

12. After 12 months, have elapsed following the introduction of a residents parking scheme the effectiveness of the scheme shall be evaluated and reviewed and if necessary modifications considered.

Reason

To ensure ongoing effectiveness and appropriateness of the scheme.

## **Proposed Operational Details**

### Permit allocation

1. Permit allocation for each scheme including a definitive list of properties shall be laid down in an appropriate Traffic Regulation Order(TRO)

#### Reason

To ensure authority is maintained

2. The issue of a permit does not guarantee the availability of a parking space

#### Reason

Residents parking schemes are intended to give priority that will enable residents to park within a reasonable distance of their property most of the time

3. Only one vehicle registration may be registered on a permit

Note: Subject to compliance with allocation criteria there are no restrictions on change of vehicle.

#### Reason

To ensure appropriate scheme management and enforcement whilst offering flexibility

4. Permits will only be issued to a designated vehicle identified by a Vehicle Registration Mark (VRM).

#### Reason

To ensure appropriate scheme management and enforcement

5. Permits will only be issued to a vehicle, the length of which does not exceed 6.0 metres, and width does not exceed 1.8 metres

Reason

To ensure availability of parking space in the area and that road safety /quality of life/amenity in residential areas is maintained

6. When the number of on-street parking spaces available in any proposed residents parking scheme is less than the number of properties registered in the area, resident permit allocation shall be limited to a maximum of one per property.

Reason

In streets that were not designed for significant car ownership (areas of traditional housing), a significant factor in parking and congestion issues is that there simply is not enough space on-street to accommodate residents' vehicles. Limiting each property to 1 permit will ensure a minimum provision is made available to all properties whilst promoting the use of alternative parking arrangements for households with multiple vehicles hence giving scheme service and functionality.

7. When the number of vehicle parking spaces available in any proposed residents parking scheme is equal to or greater than the number of properties registered in the area, residents of properties designated within a residents parking scheme will be entitled to purchase a maximum of 2 residents' permits per property.

Reasons

To ensure that parking for all residents with a permit is made available within a reasonable distance of their residence hence maintain service provision and functionality.

8. Visitors permits will only be allocated to a scheme if laid down in the scheme Traffic Regulation Order(TRO), in which case each registered property in the area shall be entitled to receive a maximum allocation of up to 200 hours of visitors parking per annum.

Reason

To ensure authority, service provision and functionality is maintained with priority afforded to residents parking provision whilst maintaining a level of flexibility for bona fide visitors.

## Permit Costs

### Residents Permits

It is proposed to increase the cost of on-street resident's permits from £50 to £100 per annum.

The £100 cost of the permit comprises:

Administration and permit provision costs	£ 19
Enforcement Costs	£ 31
Scheme Implementation & maintenance	£ 50*

Permits are not transferable with change of occupancy.

\*Scheme implementation and maintenance is calculated by taking the average estimated set up cost of a typical scheme divided by the estimated number of properties in a typical scheme, with these costs spread over a 5-year period.

		Number of properties:	348
Project Management & Design	£38,000	Cost per property:	£252.87
Build	£50,000		
	<hr/>	Spread over 5	
Total:	£88,000	years:	£50.57
	<hr/> <hr/>		

### Visitors Permits

Each property registered in a scheme who purchases an annual residents parking permit shall be entitled to receive an allocation of 200 hours' free visitors parking permits per annum.

Residents with a registered property in a scheme who do not take up the annual residents' parking permit allocation are entitled to receive an allocation of 200 hours' visitors parking permits per annum. Annual registration cost for this service is £5.

#### Change of vehicle

There is no charge for change of vehicle registered on permits.

Appendix 2: On-street residents parking scheme requests and implementation priorities

Town	Location	Type	Customer Service Request	Received at Public Consultation	Implementation required to support strategy	Implementation Priority Score
Albrighton			No known requests			0
Bishops Castle			No known requests			0
Bridgnorth	Listley Street, High town	Extend existing	✓	✓	✓	3
	Railway Street High Town	Extend existing	✓	✓	✓	3
	High Street (High Town)	New	✓	✓	✓	3
	Wells Close (Low Town)	Extend existing	✓		✓	2
Broseley			No known requests			0
Church Stretton				✓		1
Cleobury Mortimer			No known requests			0
Clun			No known requests			0
Craven Arms			No known requests			0
Gobowen			No known requests			0
Ellesmere	Brownlow Road	New	✓			1
	Scotland Street	New	✓			1
	St John's Hill	New	✓			1
	Wharf Road	New	✓			1
Highley			No known requests			0
Ludlow	Red Zone	Amendment	✓	✓	✓	3
	Blue Zone	Amendment	✓	✓	✓	3
Market Drayton	Charter Court	New	✓			1
	Cheshire Street	New	✓	✓	✓	3
	Dairy Close	New	✓			1
	Great Hales Street	New	✓			1
	Longslow Road/Manor Gardens	New	✓		✓	2
	Stafford Street	New	✓		✓	2
	The Burgage	New	✓	✓	✓	3
Much Wenlock	Town centre adjacent residential streets	New		✓	✓	2
Oswestry	Albert Road	New	✓		✓	2
	Arundel Road	Amendment	✓		✓	2
	Brynhafod Road	New	✓		✓	2
	Edward Street	New	✓		✓	2
	Ferrers Road	Amendment	✓	✓	✓	3
	Greenfield Square, Morda	New	✓		✓	2
	Holbache Road	New	✓		✓	2
	King Street	New	✓		✓	2
	Lakeholme Gardens	New	✓		✓	2
	Llys Lane	New	✓		✓	2
	Lord Street	Amendment	✓		✓	2
	Lorne Street	New	✓		✓	2
	Lower Brook Street	New	✓		✓	2
	New Park Road	New	✓		✓	2
	Oak Street	New	✓		✓	2
	Orchard Street	New	✓		✓	2
	Park Avenue	New	✓		✓	2
	Prince Street	New	✓		✓	2
	Stewart Road	New	✓		✓	2
	Upper Brook Street	New	✓		✓	2
	Victoria Road	New	✓		✓	2
	Vyrnwy Road	New	✓		✓	2
	Welsh Walls	New	✓		✓	2
Willow Street	Amendment	✓		✓	2	
York Street	New	✓		✓	2	
Prees		New	No known requests			0
Shifnal		New	No known requests			0
Shrewsbury	Mountfields	New	✓		✓	2
	The Abbey	New	✓		✓	2
	Benbow Quay	New			✓	1
	Belle Vue	New	✓	✓	✓	3
	Coleham	New	✓	✓	✓	3
	Castlefields	New	✓	✓	✓	3
	Cherry Orchards	New	✓		✓	2
	RSH residential streets	New				0

Appendix 2: On-street residents parking scheme requests and implementation priorities

Town	Location	Type	Customer Service Request	Received at Public Consultation	Implementation required to support strategy	Implementation Priority Score
Wem	Aston Street	New	✓		✓	2
	Noble Street	New	✓		✓	2
	Chapel Street	New	✓		✓	2
	Barnard Street	New	✓		✓	2
	New Street	New	✓		✓	2
Whitchurch	Dodington	New	✓			1
	Bridgewater Street	New	✓			1
	Claypit Street	New	✓			1
	Bark Hill	New	✓			1
	Roman Way	New	✓			1
	Park Road	New	✓			1

### Appendix 3. Resident Parking Proposals presented within the public consultation questionnaire

Proposal	Why
3.1 Before a residents' parking scheme is considered, the potential for the introduction of alternative prohibitions, restrictions and/or traffic management measures should be considered.	To ensure any appropriate alternative traffic management control measures such as yellow lines, limited waiting/disabled bays etc. cannot be used to address the issues raised, and the need for a residents' parking scheme is demonstrated from the onset.
3.2 A feasibility proposal outlining the properties and streets for inclusion in any residents' parking scheme will be prepared and support for the proposal should be obtained from the local councillor for the area and from the Cabinet member for highways and transport. Appropriate funding for scheme development / consultation will also be identified.	The development of residents' parking schemes requires extensive consultation and resource to implement. Therefore, for any scheme to be considered there needs to be formal recognition of an observable and persistent problem.
3.3 When the number of vehicle parking spaces available in any proposed residents' parking scheme is equal to or greater than the number of properties registered in the area, a scheme won't be taken forward unless there is sufficient evidence of on-street parking by commuters or non-residents	To ensure priority for residents is maintained
3.4 When the number of on-street parking spaces available in any proposed residents' parking scheme is less than the number of properties registered in the area a residents-only scheme should be considered.	Many requests for residents' parking schemes are for areas with little or no off-street parking provision, with demand for residents' parking exceeding supply. Priority must therefore be given to providing a minimum level of on-street parking provision to <i>all</i> who have a legitimate need.
3.5 Provision of visitor parking permits within a scheme proposal will only be considered if parking space capacity is considered sufficient.	To ensure appropriate parking provision is made available to residents within a reasonable distance of their property as a priority. The overall number of permits allocated will be primarily dictated by the overall capacity of the road or street, with due regard given to the desirability of visitor parking in the area.
3.6 Within a residents' parking scheme, individual properties on roads that are part of the scheme can be excluded from eligibility for residents' parking permits if that exclusion was a specific part of the planning consent for that property, such as part of a section 106 agreement.	To provide the ability to safeguard existing on-street residents' parking provision that may be impacted by new development proposals, and to promote the use of residential parking schemes as a traffic/parking management tool for new development in the area (and hence manage traffic congestion and maintain road safety).
3.7 Prior to going ahead with a scheme, a	An appropriate proportion of residents

<p>survey questionnaire will be distributed to all properties that are proposed to be included, detailing the outline scheme feasibility proposals. If the results of the survey indicate 50% or more support the scheme and less than 50% oppose it, detailed proposals may be further developed. Survey returns expressing a view that is neither for nor against a scheme proposal will be discounted. If the overall response rate is less than 50% of all properties in the area the scheme may only proceed with the support of the Cabinet member for highways and transport.</p>	<p>surveyed within the scheme boundary must support the scheme proposals for the scheme to go ahead.</p>
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