

Shropshire Council  
Legal and Democratic Services  
Shirehall  
Abbey Foregate  
Shrewsbury  
SY2 6ND  
Date: Tuesday, 29 April 2014

**Committee: Council**

**Date: Thursday, 8 May 2014**

**Time: 10.00 am**

**Venue: Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND**

You are requested to attend the above meeting.  
The Agenda is attached

Claire Porter  
Head of Legal and Democratic Services (Monitoring Officer)

Malcolm Pate (Chairman)	Steve Davenport	Peggy Mullock
David Lloyd (Speaker)	Andrew Davies	Peter Nutting
Keith Barrow (Leader)	Pauline Dee	Mike Owen
Ann Hartley (Deputy Leader)	David Evans	Kevin Pardy
Peter Adams	Roger Evans	William Parr
Andrew Bannerman	John Everall	Vivienne Parry
Nicholas Bardsley	Hannah Fraser	Malcolm Price
Tim Barker	Nigel Hartin	David Roberts
Charlotte Barnes	Richard Huffer	Keith Roberts
Joyce Barrow	Tracey Huffer	Madge Shingleton
Tudor Bebb	Roger Hughes	Jon Tandy
Martin Bennett	Vince Hunt	Robert Tindall
Thomas Biggins	John Hurst-Knight	Dave Tremellen
Andy Boddington	Jean Jones	Kevin Turley
Vernon Bushell	Simon Jones	David Turner
Gwilym Butler	Miles Kenny	Arthur Walpole
John Cadwallader	Heather Kidd	Stuart West
Karen Calder	Christian Lea	Claire Wild
Dean Carroll	Robert Macey	Brian Williams
Lee Chapman	Jane MacKenzie	Mansel Williams
Steve Charmley	Chris Mellings	Leslie Winwood
Anne Chebsey	David Minnery	Michael Wood
Peter Cherrington	Pamela Moseley	Tina Woodward
Ted Clarke	Alan Mosley	Paul Wynn
Gerald Dakin	Cecilia Motley	

Your Committee Officer is:

**Karen Nixon** Committee Officer

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# AGENDA

## 1 Election of the Speaker

To elect a Speaker and Deputy Chairman for the ensuing year.

## 2 Apologies for Absence

## 3 Election of Chairman and Deputy Speaker

To elect a Chairman and Deputy Speaker for the ensuing year.

## 4 Portrait Presentation: HRH Princess Royal

Dr. David Llewellyn from Harper Adams University, Newport, will present Cllr Malcolm Pate and the Council with a photographic portrait of HRH the Princess Royal.

## 5 Disclosable Pecuniary Interests

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

## 6 Minutes (Pages 1 - 22)

To approve as a correct record the minutes of the previous meeting held on 27 February 2014 attached marked 6.

Contact Penny Chamberlain 01743 252729 or Karen Nixon Tel 01743 252724.

## 7 Announcements

To receive such communications as the Chairman, Speaker, Leader and Head of Paid Service may desire to lay before the Council.

## 8 Public Questions

To receive any questions from the public, notice of which has been given in accordance with Procedure Rule 14.

Four separate petitions, each bearing over 1,000 signatures have been received as follows, under the Council's Petition Scheme;

- a) Petition to the Council to become a Living Wage Accredited Employer - Unison
- b) Petition to the Council for Free Public Access to new Shrewsbury Museum and Art Gallery – Prof. Lalage Bown
- c) Petition to the Council to Save the Quarry Swimming and Fitness Centre for the People of Shropshire – Mr Bernard Wills
- d) Petition to the Council to develop adequate Transport Solutions for projected traffic volumes expected in and around Shifnal – Mr Chris Broderick

Each petitioner will be allowed 5 minutes to outline their case, after which there may be a

debate of up to 15 minutes maximum.

**9 Questions from Members (Pages 23 - 28)**

To receive any questions from Members, notice of which has been given in accordance with Procedure Rule 15.2, is attached marked 9.

**10 Returning Officer's Report (Pages 29 - 30)**

Report of the Head of Legal and Democratic Services is attached, marked 10.

Contact Claire Porter Tel 01743 252763.

**11 Constitution of Committees and the Allocation of Seats to Political Groups (Pages 31 - 36)**

To agree the constitution of Committees and the allocation of seats between political groups.

Report of the Head of Legal and Democratic Services is attached, marked 11.

Contact Claire Porter Tel 01743 252763.

**12 Revised Code of Conduct for Members (Pages 37 - 42)**

Report of the Head of Legal and Democratic Services is attached, marked 12.

Contact Claire Porter Tel 01743 252763

**13 Amendments to the Constitution - Part 4 - Licensing and Safety Sub Committee Procedure Rules (Annex B)**

Council is requested to approve an amendment Part 4 of the Constitution which refers to the procedure followed by the officer making decisions under delegated powers. The procedure as it is currently appears is at Annex B at page D59 of Part 4 of the council's Constitution "Matters of Procedure for Licensing Officers" ("the Procedure"). The delegated power is currently mostly used in connection to applications concerning hackney carriages and private hire vehicles (and drivers) and scrap metal dealers.

The Delegated officer is required to consult with a legal advisor and any other officer he or she thinks appropriate – see paragraph 1 of the Procedure. The Procedure currently requires decisions that are adverse to an applicant to be re-considered by a more senior officer and a legal officer for a second time. Officers consider that there is no longer a necessity to re-consider decisions. It is therefore recommended that the Constitution is amended to remove the final two sentences of paragraph 4 of the Procedure so that the particular paragraph only refers to the need to take all relevant matters into account.

**14 Dates of Council Meetings**

To agree that in 2014/15 the meetings of the Council will be held on the following Thursdays commencing at 10.00 am:

- 17 July 2014 (provisional)
- 25 September 2014

- 18 December 2014
- 26 February 2015
- 14 May 2015 (Annual Council)

Contact Penny Chamberlain Tel 01743 252729.

## 15 Motions

The following two motions have been received in accordance with Procedure Rule 16:

15.1 The following motion has been received from Councillor Miles Kenny:

“Promotion of alternatives to the private motor car for short journeys:

So as to improve public health, tackle climate change and its consequences, reduce traffic congestion, lower the cost of travel, enhance air quality and lower highways maintenance expenditure this Council will promote alternatives to the private motor car such as walking, cycling or using public transport for short journeys of under five miles from the present 2/5ths of short journeys to 4/5ths short journeys in Shropshire by 2020.

Nationally:

- Around 11 percent use a car for journeys under a mile
  - 29 percent use a car for journeys between one and two miles
  - 60 percent use a car for journeys two to five miles.
- (source - Sustrans)

In Shropshire:

- Around 20 percent use a car for journeys under a mile
  - 62 percent use a car for journeys between one and five miles
  - 85 percent use a car for journeys of two to five miles
- (Source - national travel survey)

It is understood that a target of 4/5ths short journeys is easily achievable in urban areas but more of a challenge in rural areas as for example public transport is less available. There are safe and accessible walking and cycling routes in urban and rural areas which are being extended and promoted; further development can encourage more investment in the network.”

15.2 The following motion has been received from Councillor Alan Mosely.

“The recent Court of Appeal judgement to the effect that the Council had failed to consult service users and their carers about the closure of Hartleys Day Centre, and that this was unlawful, was extremely damaging to the Council and its Administration.

It is clear that:

- The Council was in breach of its common law duty to users of its services and their carers;
- There is enormous adverse reputational impact on the Council arising from the decision;
- There will be very significant cost implications especially if the appellant’s costs have to be paid by the Council;
- There has been great, and ongoing, distress caused to users and carers arising from the Administration’s actions in this case;
- There were several occasions when the Administration could have reconsidered

it's approach and rectified its errors, e.g. by following proposals made at Council in July, at the private portfolio holder session 1 August and the meeting to discuss the call-in thereafter.

Hence this Council calls for the Administration to establish an all party investigation into this matter with a mandate to report on:

- What lessons can be learned from this case and whether there are other circumstances where a similar situation may arise;
- Whether the Council's policy on consultation and consideration of responses is fit for purpose, and if not how should it be changed;
- Any other related matters which may arise."

A background document will follow.

**16 Report of the Shropshire and Wrekin Fire and Rescue Authority (Pages 43 - 50)**

To receive two reports from the Shropshire and Wrekin Fire and Rescue Authority arising from its meetings held on 11 December 2013 and 26 February 2014.

Reports attached marked 16a and 16b.