



## Committee and Date

Council

23 July 2015

## **COUNCIL**

### **Minutes of the meeting held on 14 May 2015**

**In the Council Chamber, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND**

**10.00 am - 12.15 pm**

**Responsible Officer:** Karen Nixon

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### **Present**

Councillors Malcolm Pate (Chair) and Keith Barrow (Leader)

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

## **1 ELECTION OF SPEAKER**

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

It was proposed by Mr R Evans and seconded by Mrs V Parry that Mrs C Barnes be elected Speaker and Vice-Chairman of Shropshire Council for the 2015/16 municipal year.

It was then proposed by Mr M Pate and seconded by Mr B Williams, that Mr D Lloyd be elected Speaker and Vice-Chairman of Shropshire Council for the 2015/16 municipal year. On being put to the vote it was duly

### **RESOLVED:**

That Mr D Lloyd be elected Speaker and Vice-Chairman of the Council to hold office until the Annual Meeting of the Council scheduled to be held on 12 May 2016.

The Speaker then took the Chair and subscribed his Declaration of Acceptance of Office before being invested with the badge of office. He thanked the members for re-electing him and pledged to perform his duties in a firm and fair manner with due regard to all Councillors.

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

## 2 APOLOGIES FOR ABSENCE

The Chief Executive reported that apologies for absence had been received from Mr V Bushell, Mr G Butler, Mr G Dakin, Mr J Everall, Mrs T Huffer, Mr R Hughes, Mr M Kenny, Mrs C Motley and Mr M Williams.

## 3 ELECTION OF CHAIRMAN AND DEPUTY SPEAKER

It was then proposed by Mr K Barrow and seconded by Mr S Charmley that Mr M Pate be elected Chairman and Deputy Speaker of the Council for the 2015/16 municipal year.

### **RESOLVED:**

That Mr M Pate be elected Chairman and Deputy Speaker of the Council and hold office until the Annual Meeting of the Council scheduled to be held on 12 May 2016.

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

## 4 DISCLOSABLE PECUNIARY INTERESTS

Members were 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.

At item 12, Review of Non-Domestic Rates, Discretionary Relief and Council Tax Discretionary Discounts, the following declared various memberships as detailed:

Mr N Bardsley – Business Rates  
Mr T Barker – Director of a Charitable Company and two CIC's  
Mrs C Barnes – Business Rates and Member of a Social Enterprise Company  
Mr T Bebb – Business Rates  
Mr S Davenport – Business Rates  
Mrs P Dee – SHA Director  
Mr N Hartin - Director of a Charitable Company  
Mrs H Kidd – Community Interest Company  
Mr C Mellings – Personal and Director of a Charitable Company  
Mr A Moseley – Community Interest Company  
Mr J Price - Director of a Community Interest Company  
Mr D Roberts – Business Rates

Mrs M Shineton – Director of a Charitable Company  
Mr J Tandy – Adelphi Care and Community Interest Company  
Mr S West – Business Rates  
Mr M Wood - Community Interest Company  
Mr P Wynn – Business Rates

At item 17, Application for Section 32 Consent for Disposal of Land and Buildings at Monkmoor Recreation Ground, Shrewsbury, the following declared that they were members of Shrewsbury Town Council; Mr P Adams, Mr A Bannerman, Mrs A Chebsey, Mrs H Fraser, Mrs J Mackenzie, Mr A Mosley, Mrs P Moseley, Mr K Pardy, Mr M Price, Mr K Roberts, Mr P Nutting and Mr J Tandy.

## 5 MINUTES

**RESOLVED:** That the Minutes of the meeting held on 26 February 2015, as circulated with the agenda papers, be approved and signed as a correct record.

Arising thereon:

At Minute 107 (vi) on page 60, Mr Ted Clarke highlighted that to date, his supplementary question had not been answered. The Leader confirmed that he would respond to this following the meeting.

## 6 ANNOUNCEMENTS

### Chairman's Engagements

The Chairman referred Members to the list of official engagements carried out by himself and the Speaker since the last meeting of the Council on 26 February 2015, which had been circulated at the meeting.

## 7 PUBLIC QUESTIONS

### Petitions

The Speaker advised that there were no petitions.

### Public Questions

The Speaker announced that three public questions had been received in accordance with Procedure Rule 15 (a copy of the report containing the detailed questions and the formal responses is attached to the signed minutes):

- (i) Received from Mr J Woolmer and answered by Mr S Charmley, Portfolio Holder for Business Growth, ip&e, Culture and Commissioning (North), in relation to the intended closure of the Church Stretton Visitor Information Centre – copy attached to the signed minutes.

By way of a supplementary question Mr Woolmer asked if the Portfolio Holder felt that the action being taken by Shropshire Council was satisfactory; a sub-standard Visitor Information Service for the town of Church Stretton?

In response, the Portfolio Holder for Business Growth, ip&e, Culture and Commissioning (North) confirmed that there were no plans to close or reduce the visitor information services being provided in Church Stretton. However, it was possible that the Visitor Information Service might be looked at with a view to re-locating in the future. In the meantime discussions and consultation would continue.

- (ii) Received from Dr J Robertson and answered by Mr K Barrow, the Leader, in relation to how councillors can perform their role responsibly if they are denied information on the grounds of commercial confidentiality, given the transfer of services to ip&e – copy attached to the signed minutes.

By way of a supplementary question Dr Robertson asked if given that Mr Barrow was the sole shareholder of ip&e and also the Leader of the Council, did this not constitute a conflict of interest and if not, why not?

In response, the Leader confirmed that he represented Shropshire Council and the Council was the one shareholder in ip&e, not just himself as an individual. The course of action being taken had all been in the manifesto upon which the Council had been elected. The public sector was experiencing a financial crisis and Shropshire Council felt that ip&e was the way to deal with it.

- (iii) Received from Mrs J Brand and answered by Mr K Barrow, the Leader, in relation to ip&e – copy attached to the signed minutes.

By way of a supplementary question Mrs Brand asked why decision-making for the county had been put into one person's hands, whilst stating that she believed democracy within Shropshire was being destroyed.

In response, the Leader confirmed that every Conservative candidate had put their manifesto through doors which clearly explained what they intended to do if elected. The existing Council had been democratically elected taking 48 out of the 74 seats available. Unfortunately the Leader feared more budget reductions on the horizon and explained that he was trying to deal with a very difficult financial situation in the best way. Ip&e was part of that solution.

## 8 QUESTIONS FROM MEMBERS

The Speaker advised that the following three Member questions had been received in accordance with Procedure Rule 15 (copy of report containing the detailed questions and their formal responses is attached to the signed minutes).

- (i) Received from Mrs M Shingleton and answered by Mrs Claire Wild, Portfolio Holder for Highways and Transport about the new procedure for highways maintenance

which was not proving successful and what revised procedures might be recommended to improve this vital service.

By way of a supplementary question Mrs Shingleton stated that sadly the response did not address timeliness and quality issues and she asked what part would members have in the review scheduled for the end of May?

In response the Portfolio Holder said that on reflection she felt the best way forward would be to take this issue to the relevant Scrutiny Committee to be looked at.

- (ii) Received from Mr M Kenny and answered by Mrs Claire Wild, Portfolio Holder for Highways and Transport about the review of bus services currently being undertaken.

By way of a supplementary question, Mr R Evans, on behalf of Mr M Kenny, asked if the Portfolio Holder was satisfied that the consultation undertaken had been adequate?

In response the Portfolio Holder replied that yes she was.

- (iii) Received from Mr M Kenny and answered by Mrs Claire Wild, Portfolio Holder for Highways and Transport about progress in reducing the use of private motor car short journeys and the provision of secure cycle parking.

By way of a supplementary question, Mr R Evans, on behalf of Mr M Kenny, asked that in the light of no statistics being provided on monitored private car usage what are you doing to reduce this? He also expressed his thanks for the progress that had been made to date on cycle parking, and asked how this was being publicised?

In response the Portfolio Holder said they were doing all they could to publicise cycling to work and undertook to obtain the figures requested after the meeting.

## 9 CONSTITUTION OF COMMITTEES AND THE ALLOCATION OF SEATS TO POLITICAL GROUPS

It was proposed by the Speaker, and seconded by the Chairman, that the report by the Head of Legal and Democratic Services, a copy of which is attached to the signed minutes, and the recommendations contained therein, be received and agreed.

**RESOLVED:** That the constitution of committees and the allocation of seats to each of the political groups for the 2015/16 municipal year and the allocation of seats between the political groups, as set out in Appendices 1 and 2 of the report be approved.

## 10 AMENDMENTS TO THE CONSTITUTION

It was proposed by the Speaker, and seconded by the Chairman that the report, a copy of which is attached to the signed minutes and the recommendations contained therein, be received and agreed.

It was proposed as an amendment by Mrs C Barnes and seconded by Mrs H Fraser that at paragraph 5.5.k) the time allowed for petition organisers to speak be kept to 5 minutes and at paragraph 5.5.s) the length of speeches be kept to 5 minutes.

### **RESOLVED:**

A. That subject to the length of speeches in paragraphs 5.5.k) and 5.5.s) being kept to 5 minutes, the following amended procedure rules attached as appendices to the report, be approved and included in the Constitution to Council:

- a) Council Procedure Rules
- b) Access to Information Procedure Rules
- c) Budget and Policy Framework Procedure Rules
- d) Standing Orders Relating to Proceedings and Business
- e) Executive Procedure Rules
- f) Licensing Act Sub Committee Procedure Rules
- g) Standing Orders relating to Staff

B. That, in Part 3 of the Constitution – Responsibility for Functions, the functions of the Housing Review Panel be extended to include a provision to determine requests:

- a) by Flexible Tenants for a review of a decision:
  - i. as to the length of the tenancy offered; and
  - ii. to not grant a further flexible tenancy
- b) for a review of a decision to seek possession under the Anti-social behaviour, Crime and Policing Act 2014.

C. That the Head of Adult Social Care be authorised to issue notices, commence court proceedings and make decisions to gain possession of a flexible tenancy on one of more of the statutory grounds and that such authority be included in the Scheme of Delegation set out in Part 8 of the Constitution.

## 11 SCHEME OF DELEGATION

It was moved by the Speaker, seconded by the Chairman and duly

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

**12 REVIEW OF NON-DOMESTIC RATES, DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS**

It was proposed by the Portfolio Holder, Mr M Owen, and seconded by Mrs K Calder that the report of the Head of Finance, Governance and Assurance, a copy of which is attached to the signed minutes and the recommendations contained therein, be received and agreed.

Mr R Evans proposed an amendment that this matter be taken to the appropriate Scrutiny Committee at the earliest convenience for review and then taken back to Council for any amendments. The Portfolio Holder advised that that decision was not for Council to agree; it was up to the Scrutiny Chairman to decide. At this point the Leader expressed his support for this matter to go to scrutiny for consideration and Mr Evans duly withdrew his proposal

**RESOLVED:**

- A. That the Discretionary Relief Policy set out in Appendix A of the report be approved.
- B. That the Council Policy for Discretionary Business rates and Council Tax reductions be reviewed by Council every three years
- C. That this matter be referred to the appropriate Scrutiny Committee for review and then reported back to Council.

**13 FINANCIAL STRATEGY 2015/16 - 2016/17**

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

**RESOLVED:**

- A. That the financial implications of the proposed Inspire to Learn service transfers to ip&e which were to be considered by Cabinet on 20 May 2015 be approved.
- B. That the current budget for services which had been identified for future consideration for transfer to ip&e subject to Cabinet approval be noted.

**14 CARE ACT FEES, CHARGING AND DEFERRED PAYMENTS SCHEME**

It was proposed by the Portfolio Holder for Resources Finance and Support, Mr M Owen and seconded by the Portfolio Holder for Adult Services and Commissioning, Mr L Chapman that the report of the Director of Adult Services, a copy of which is

attached to the signed minutes and the recommendations contained therein, be received and agreed.

**RESOLVED:**

- A. That Shropshire Council charge a care arrangement fee (for care settings other than a care home placement) from June 2015 for those people who are not eligible for Local Authority funded care. The fee level will be set on a cost recovery basis with a cap of £1,000 per arrangement.
- B. That Shropshire Council charge a care arrangement fee (for care home settings) on a cost recovery basis from April 2016 for those people who are not eligible for Local Authority funded care. The fee level will be set at a later date.
- C. That Shropshire Council charge for care services from the week that care starts in both residential and non-residential settings.
- D. That Shropshire Council adopt a consistent approach to charging for all replacement care in both residential and non – residential settings.
- E. That Shropshire Council charge an administration fee for arranging a Deferred Payment on a cost recovery basis from June 2015. The fee level will be set at £610.
- F. That Shropshire Council charge interest on deferred payments at the maximum allowable (currently at around 2.65%) and that this be applied to both mandatory and discretionary deferred payments.
- G. That Shropshire Council consider on a case by case basis requests by adults to use interest in land or other property which is not their main or only home and where a first or second legal charge capable of registration as adequate security for a Deferred Payment.

**15 DATES OF COUNCIL MEETINGS**

It was proposed by the Speaker and seconded by the Chairman that the programme of dates for meetings of Shropshire Council for 2015/16, as set out below, be approved and that meetings commence at 10.00 a.m;

- 23 July 2015;
- 24 September 2015;
- 17 December 2015;
- 25 February 2015 and
- 12 May 2016 (Annual Council).



**16 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:**

That in accordance with the provisions of Schedule 12A of the Local Government Act 1972, and Paragraph 10.4(3) of the Council's Access to Information Procedure Rules, the public and press be excluded during consideration of the following items:

**17 APPLICATION FOR SECTION 32 CONSENT FOR DISPOSAL OF LAND AND BUILDINGS AT MONKMOOR RECREATION GROUND, SHREWSBURY (Exempted by categories 1, 3, 4 and 5)**

The Council received an exempt report by the Head of Legal and Democratic Services, a copy of which is attached to the signed minutes, requesting authority on behalf of the Council to authorise an application to the Secretary of State under Section 32 of the Housing Act 1985 for consent to the transfer of the Council's interest in land and buildings at Monkmoor Recreation Ground, Shrewsbury to Shrewsbury Town Council as part of the wholesale transfer of recreational land approved by Cabinet on 12 September 2012.

**RESOLVED:** That the exempt report and recommendation contained therein be approved.

**18 CHURCH STRETTON SECONDARY SCHOOL SPORTS AND COMMUNITIES FACILITIES (Exempted by categories 1 and 3)**

The Council received an exempt report by the Director of Commissioning, a copy of which is attached to the signed minutes, on Church Stretton Secondary School Sports and Communities facilities.

**RESOLVED:** That the exempt report and recommendations contained therein be approved.

Signed ..... (Chairman)

Date: .....