



Committee and Date  
COUNCIL

5<sup>TH</sup> November 2009

Item

**3**

Public

## MINUTES

OF

MEETING OF SHROPSHIRE COUNCIL

HELD ON 24<sup>TH</sup> SEPTEMBER 2009  
AT 10.00 AM

PRESENT:

Mrs B J Baker  
Mr T Barker  
Mr K R Barrow  
Mr J T Bebb  
Mr M Bennett  
Mr W Benyon  
Mr T H Biggins  
Mrs K Burgoyne  
Mr V Bushell JP  
Mr G Butler  
Mrs A Caesar-Homden  
Mr S Charmley  
Mr J E Clarke  
Mr A B Davies  
Mr T Davies  
Mrs P A Dee  
Mr A Durnell  
Mr D W Evans  
Mr R A Evans

Mr E J Everall  
Mr J A Gibson  
Mr N J Hartin  
Mrs E A Hartley  
Mrs T Huffer  
Mr R Hughes  
Mr V J Hunt  
Mr J Hurst-Knight  
Dr J E Jones  
Mrs J Jones  
Mr S Jones  
Mr J M W Kenny  
Mr C J Lea  
Mr D G Lloyd MBE  
Mr C J Mellings  
Mr A N Mosley  
Mrs C M A Motley  
Mrs M Mullock  
Mrs E M Nicholls  
Mr P Nutting

Mr M J Owen JP  
Mr W M Parr  
Mrs E A Parsons  
Mr M G Pate  
Mr M T Price  
Mr D W L Roberts  
Mr K Roberts  
Mrs D M Shineton  
Mr M Taylor-Smith  
Mrs R Taylor-Smith  
Mr G F Tonkinson  
Mr A Walpole  
Mr M Whiteman OBE  
Mrs C Wild  
Mr B B Williams RD  
Dr M Winchester  
Mr L Winwood  
Mrs T Woodward  
Mr P Wynn

### **39. APOLOGIES FOR ABSENCE**

The Chief Executive reported apologies for absence had been received from Mr P Adams, Mrs J Barrow, Mrs K Calder, Mrs A Chebsey, Mr G Dakin, Mr S Davenport, Mr B Gillow OBE, Mrs H Kidd, Mr P Phillips, Mr J Tandy, Mr S West, Mr M Williams and Mr M Wood

### **40. DECLARATIONS OF INTEREST**

Mrs B Baker declared a personal and prejudicial interest in item 46 – Budget Virements 2009/2010 – Quarter One, in relation to the Centrally Retained Grant Funding within the Children and Young People’s Service due to her partner’s employment by that Directorate. She left the room during the consideration of and voting on this item.

### **41. MINUTES**

#### **RESOLVED:**

That subject to the inclusion of Mrs T Woodward in the list of those present at the meeting on Wednesday, 29 July, the minutes of the meetings held on 16 July and 29 July 2009 be approved and confirmed as a correct record.

### **42. ANNOUNCEMENTS**

#### **(a) Mrs Sheila Healy**

The Speaker reminded members that this was the Interim Chief Executive’s final Council meeting and on behalf of all of them, thanked Mrs Healy for the excellent manner in which she had steered the Council through an historic reorganisation and wished her well for the future.

Tributes were paid by the Group Leaders and the Chairman, all of whom spoke of the supportive and effective way in which, at very short notice, she had guided the authority, including members, through the unitary transition process over the last 9 months, and of their appreciation of her contribution and wished her well for the future.

#### **(b) Welcome**

The Speaker also welcomed to the meeting the Council’s new Chief Executive, Mr Kim Ryley, who would be taking up his new post on 1 October 2009.

(c) **Chairman's Engagements**

The Chairman referred members to the list of official engagements undertaken by himself and the Speaker since the meeting on 16 July 2009.

(d) **Replies to Motion**

Replies to the motion relating to the ending of the analogue radio signal had been tabled for Members' information.

(e) **Recent Deaths**

The Chairman referred to the recent death of Mr George Farr who was Mayor of Shrewsbury in 1972/1973 and had served as a former county councillor on several occasions between 1973 and 2001.

He stated that during his time as a county councillor, Mr Farr had served on a large number of committees and sub-committees, principally connected to highways, transport and planning services.

His funeral had been held at Shrewsbury Crematorium on 11 September 2009 and the Council's flag had been flown at half mast on that day to mark his passing.

Members and officers stood for several moments in memory of Mr Farr.

**43. PUBLIC QUESTION TIME**

The Speaker advised that no questions had been received from the public in accordance with Procedure Rule 14.

**44. QUESTIONS FROM MEMBERS**

The Speaker advised that no questions had been received from members in accordance with Procedure Rule 15.

**45. THE DEFINITIVE MAP AND PUBLIC RIGHTS OF WAY PRIORITIES STATEMENT**

It was proposed by Mr S Charmley and seconded by Mrs C Wild that the report, a copy of which is attached to the signed minutes and the two recommendations from Cabinet held on 23 September 2009 together with the following additional recommendation (c) be received and agreed:

- (c) That the review referred to in recommendation (b), also examines the whole way in which the Council managed its obligations under the 2000 Countryside Rights of Way Act and managed public rights of way.

Referring to the Definitive Map Review, Mr A Walpole asked whether the on-going reviews could be completed prior to any new reviews being commenced. Replying Mr D Lloyd indicated that appropriate officers would look into the matter and respond back to Mr A Walpole.

**RESOLVED:**

- (a) That Council approves the Statement of Priorities for reviewing Rights of Way and maintaining the Definitive Map for Shropshire, as set out in Appendix A to the report by the Assistant Director Culture and Leisure.
- (b) That the Community Services Scrutiny Committee be recommended to carry out a review into the processes and procedures associated with undertaking reviews of the Public rights of Way Network.
- (c) That the review referred to in recommendation (b) above, also examines the whole way in which the Council managed its obligations under the 2000 Countryside Rights of Way Act and managed public rights of way.

**46. BUDGET VIREMENTS 2009/2010 QUARTER ONE**

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

Mr Barrow drew attention to the Quarter One revenue budget monitoring report which had been submitted to Cabinet the previous day and which set out the overall financial position for the Council for 2009/2010. He indicated that the resources were being managed well and that whilst there were a number of pressures in respect of Adult Social Care due largely to transition cases when children who upon reaching the age of 18 years transferred across to Adult Services, the opportunity was being taken to provide appropriate packages to meet the needs of the young people concerned in a more cost effective way.

Mr A Mosley referred to a number of the proposed virements relating to the implementation of the new unitary authority, including the purchase of IT equipment for members and suggested that given their predictable nature, they should have been planned and included in the original budget rather than financed by way of a virement.

Mr N Hartin asked for further information about the asbestos surveys being carried out on council wide properties, particularly in respect of the details for older schools. Mr R Evans also asked for a more detailed explanation to be

circulated in the near future in relation to the virement suggested from the Performance Reward grant for the costs of an Employment Tribunal.

Responding to the above points, Mr Barrow indicated that there were numerous items in budget and their final means of financing could be made through several different methods. He also undertook that replies would be made to the two foregoing queries for information.

#### **RESOLVED:**

That the following virements be approved in accordance with the recommendations from Cabinet:

- (a) £500,000 from Centrally Retained Grant Funding within Children & Young People's Service to fund the pressures on out of county placements for Special Educational Needs
- (b) To fund the following "one off" costs of the transition to a unitary council from unallocated Performance Reward Grant:
  - 112,000 to fund the purchase of PCs for Members.
  - £70,000 to fund the introduction of Audio Visual Equipment for the Committee Rooms at Shirehall.
  - £365,000 to fund the office relocation costs and refurbishment works associated with the unitary council.
  - £465,000 for the licensing costs of the Revenue and Benefits System and costs associated with agency staff supporting the implementation of the new system.
  - £270,000 for the costs of asbestos surveys on council wide properties.
- (c) £100,000 from the Performance Reward Grant for the costs of an Employment Tribunal within Community Services;
- (d) £109,000 from the Performance Reward Grant to fund the additional budgets allocated to the Local Joint Committees.
- (e) £51,000 from the Performance Reward Grant for the Independent Policy Commission for Primary School Reorganisation;

#### **47. SHROPSHIRE COUNCIL PROCUREMENT STRATEGY**

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

In commending the report to members, Mr Barrow expressed satisfaction that 60% of all Council procured services came from local companies and that on-going efforts were being made to improve upon this excellent figure. He also

referred to concerns raised at the recent Cabinet meeting about promoting sustainability and dealing with the issues of climate change and indicated that the Strategy would be altered to address these matters.

Mr M Bennett referred to the procurement lifecycle and indicated that as a major principle, consideration should be given in the first instance to the question of whether the procurement was absolutely necessary, or if there was an alternative way to providing the goods or services.

Mr R Evans asked for an assurance that the Procurement Strategy was updated on a regular basis to enable newly established local businesses to be included without delay on the suppliers list.

Replying, the Leader confirmed that Mr Bennett's comments would be examined and undertook to look into the issue raised about the regular updating of the Strategy.

**RESOLVED:**

That the draft Amended Procurement Strategy for the Council, as set out in Appendix A to the report by the Director of Resources, be approved.

#### **48. ALLOCATION OF SEATS**

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

In addition to the proposals set out in the report, Mr N Hartin also gave notice of his wish for Mr T Davies to serve as his replacement on the Regional Planning Executive.

**RESOLVED:**

(a) That the appointments and substitutes for committees as set out in the report by the Democratic Services Manager be confirmed, namely:

- (i) Audit Committee
  - Mr A Davies – Substitute
  
- (ii) Strategic Licensing Committee
  - Mr T Bebb – Substitute
  - Mr G Butler – Substitute
  - Mr R Hughes – Substitute
  - Mr M Owen – Substitute
  - Mrs T Woodward – Substitute
  
- (iii) Central Licensing Committee
  - Mr T Bebb – Substitute

- Mr A Durnell – Substitute
  - Mrs Jo Jones – Substitute
- (iv) North Licensing Committee
- Mr G Dakin – Substitute
  - Mrs A Hartley – Substitute
  - Mr D Lloyd MBE – Substitute
  - Mrs M Mullock – Substitute
- (v) South Licensing Committee
- Mr D Evans – Substitute
  - Mr J Hurst-Knight – Substitute
  - Mr W Parr – Substitute
  - Mr G Tonkinson - Substitute
- (vi) Strategic Overview and Scrutiny Committee
- Mr N Hartin – Member (in place of Mr P Phillips)
  - One Conservative vacancy following resignation of Mr P Andrews
- Mr P Phillips – Substitute (in place of Mr C Mellings)
- (vii) Strategic Regulatory Committee
- Mrs A Chebsey – Member (in place of Mr N Hartin)
- Mr P Adams - Substitute
  - Mr T Barker – Substitute
  - Mrs J Barrow – Substitute
  - Mr J Gibson - Substitute
  - Mr N Hartin – Substitute
  - Mr V Hunt – Substitute
  - Mr P Nutting – Substitute
  - Mr M Price – Substitute
  - Mr M Wood - Substitute
- (viii) Central Regulatory Committee
- Mr P Adams – Substitute
  - Mrs K Burgoyne – Substitute
  - Mrs Jo Jones – Substitute
  - Mr M Owen – Substitute
  - Mr D Roberts – Substitute
  - Dr M Winchester – Substitute
- (ix) North Regulatory Committee
- Mrs J Barrow – Substitute
  - Mr T Biggins – Substitute
  - Mrs A Caesar-Homden – Substitute
  - Mr S Charmley – Substitute
  - Mr G Dakin – Substitute
  - Mr B Gillow OBE - Substitute

- Mrs A Hartley – Substitute
- Mr S Jones – Substitute
- Mr D Lloyd MBE - Substitute
- Mr B Williams RD - Substitute

(x) South Regulatory Committee

- Mr P Phillips – Member (in place of Mr N Hartin)
- Mr R Tindall – Member (in place of Mr L Winwood)
  
- Mr G Butler – Substitute
- Mr J Gibson - Substitute
- Mr N Hartin – Substitute
- Mr C Lea – Substitute
- Mrs C Motley – Substitute
- Mr M Pate – Substitute
- Mr M Taylor-Smith – Substitute
- Mr G Tonkinson - Substitute

- (b) That Mr R A Evans be appointed as Champion for Affordable Housing in place of Mr N J Hartin.
- (c) That Mr T Davies be appointed to serve on the Regional Planning Executive in place of Mr N Hartin.

#### **49. NON-VOTING CO-OPTees FOR SCRUTINY COMMITTEES**

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

#### **RESOLVED:**

That the following non voting co-optees for the Children and Young People's, Health Overview and Crime Reduction and Development Services Scrutiny Committees be approved:

##### Children and Young People's

- 1 x Secondary Head Representative (nominated on a rota basis)
- 1 x Primary Head Representative – Chris Huss
- 1 x Children's Trust Representative – Elaine Griffiths
- 1 x Shropshire School Governors' Council Representative – To be nominated (Substitute – Lucinda Burns)
- 2 x Members of the Shropshire Youth Parliament – (to attend 1 x meeting per year when the Committee was due to discuss the theme Make a Positive Contribution)

##### Health Overview and Crime Reduction

- 1 x Representative from Community Involvement in Health and care



- 1 x Representative from the Shropshire Association of Senior Citizens Forum
- 1 x Representative from Shropshire Childrens' Trust

#### Development Services

- 1 x Representative from the business community – Geoff Davies
- 1 x Representative from the environment community – Dave Green

### **50. COUNCILLOR CALL FOR ACTION: PROCESSES AND PROCEDURES**

It was proposed by the Chairman of the Strategic Overview and Scrutiny Committee, Mr T Barker and seconded by Mrs C Wild that the report, a copy of which is attached to the signed minutes and the recommendation contained therein, be received and agreed.

#### **RESOLVED:**

That the “gateway approach” to the Councillor Call for Action be approved.

### **51. REPORT OF THE POLITICAL STRUCTURES MONITORING GROUP**

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

A number of members commented favourably on the proposals including Mr T Clarke, Mr N Hartin, Mr A Mosley and Dr J Jones during which it was suggested that backbench meetings should be held on a more regular basis to react to issues and at various times. A member also highlighted the need to ensure that members were developed in order that they could carry out their responsibilities across the whole spectrum of service areas. In response Mrs A Hartley explained that she had been invited to be chairman of a Member Development Group which was due to hold its initial meeting in October and this group comprising, 9 other members, would welcome any comments or suggestions from all members.

Responding to the points raised during the debate, Mr Barrow indicated that these proposals were an initial step in the development of backbench activities and encouraged all non-executive members to discuss other matters not necessarily just those items being debated at Council. The timing of the meeting was a matter for consideration by the Chairman and members. Further, four members were scheduled to take part in the near future in leadership academy training.

#### **RESOLVED:**

- (a) That the following additional paragraph be added to the Executive Procedures Rules immediately after paragraph 2.5(3):

“Any non executive member may require that an item is placed on the next available meeting of the Executive, so long as the item has previously been agreed by a meeting of the backbenchers’ group. Items for Cabinet agreed by the Backbenchers’ group will be presented to Cabinet by the Chairman of the group, or his/her nominated representative.”

- (b) That the present arrangements for the backbenchers’ Group be codified by the inclusion of the protocol attached at Appendix 1 to the report in Part 5 (Codes and Protocols) of the Council’s Constitution.

## **52. ELECTION OF CHAIR OF SHROPSHIRE PARTNERSHIP**

It was proposed by Mr D Roberts and seconded by Mr M Bennett that the Council endorse the appointment of Mr Robin Thompson of Sansaw Estate, Hadnall as Chairman of the Local Strategic Partnership.

In response to a query from a member, the Leader, Mr K Barrow confirmed that there had been an open recruitment procedure for the position and commented that given Mr Thompson’s experience as past president of the Shropshire Horticultural Society, deputy Chairman of the Rural Development Commission and Chairman of South Shropshire Housing, he would make an excellent Chairman of the Partnership.

### **RESOLVED:**

That Council endorses the appointment of Mr Robin Thompson of Sansaw Estate, Hadnall as Chairman of the Local Strategic Partnership.

## **53. AUDITED ANNUAL STATEMENT OF ACCOUNTS 2008/2009**

It was proposed by Mr B Williams RD and seconded by Mr M Whiteman OBE that the report, a copy of which is attached to the signed minutes and the recommendations contained therein, be received and agreed.

### **RESOLVED:**

That the audited 2008/2009 Annual Statement of Accounts on which the District Auditor has given an unqualified opinion be noted.

## **54. REPORT OF THE MEETING OF THE WEST MERCIA POLICE AUTHORITY**

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

Responding to points raised during the discussion, Mr Kenny confirmed that he would look into the query regarding the priority being given by the Authority to speeding offences and the number of stolen vehicle convictions together with how many hours were spent on office duties compared to activities on the frontline in south Shropshire and respond back in writing to Mr Taylor-Smith. Further he advised members to contact him in advance of Council in future should they have any queries in order that he might investigate and report direct at the meeting.

**RESOLVED:**

That the report of the West Mercia Police Authority be noted.

**SPEAKER**

**DATE**

The meeting closed at 11.00 am.