



<u>Committee and Date</u>
COUNCIL
22 September 2011

<u>Item</u>
3
Public

MINUTES

OF

MEETING OF SHROPSHIRE COUNCIL

HELD ON 21 JULY 2011
AT 10.00 AM

PRESENT:

Mr P Adams	Mr D W Evans	Mr M J Owen JP
Mr A Bannerman	Mr E J Everall	Mrs E A Parsons
Mr T Barker	Mr R A Evans	Mr M G Pate
Mrs J B Barrow	Mr J A Gibson	Mr M T Price
Mr K R Barrow	Mr J B Gillow	Mr D W L Roberts
Mr T Bebb	Mr N J Hartin	Mr K Roberts
Mr M Bennett	Mrs E A Hartley	Mrs D M Shineton
Mr W Benyon	Mr R Huffer	Mr M Taylor-Smith
Mr T H Biggins	Mr V J Hunt	Mrs R Taylor-Smith
Mr V Bushell JP	Mr J Hurst-Knight	Mr R Tindall
Mr G H L Butler	Dr J E Jones	Mr G F Tonkinson
Mrs A J Caesar-Homden	Mrs J Jones	Mr A E Walpole
Mrs K D Calder	Mr S P A Jones	Mr S J West
Mr S F Charmley	Mr J M W Kenny	Mr M Whiteman OBE
Mr J E Clarke	Mrs H M Kidd	Mrs C Wild
Mr G Dakin	Mr C J Lea	Mr B B Williams RD
Mr S Davenport	Mr D G Lloyd MBE	Mr J M Williams
Mr A B Davies	Mr C J Mellings	Mr M L Wood
Mr T Davies	Mr A N Mosley	Mrs T Woodward
Mrs P A Dee	Mrs C M A Motley	
Mr A Durnell	Mrs M Mullock	
	Mrs E M Nicholls	

29. APOLOGIES

The Chief Executive reported apologies for absence had been received from Mrs K Burgoyne, Mrs A M Chebsey, Mr R Hughes, Mrs T Huffer, Mr D J Minnery, Mr P A Nutting, Mr W M Parr, Mr P F Phillips, Mr J Tandy and Mr L J P Winwood.

30. DECLARATIONS OF INTEREST

No declarations of interest were made.

31. MINUTES

RESOLVED:

That the minutes of the meeting held on 23 June 2011, as circulated with the agenda papers, be signed as a correct record.

32. ANNOUNCEMENTS

32.1 Chairman's Engagements

The Chairman referred members to the list of official engagements carried out by himself and the Speaker and Vice-Chairman since the last meeting of the Council on 23 June 2011 which had been circulated at the meeting.

32.2 Chief Executive's Announcements

The Chief Executive referred members to the list of national pilot projects where the Council was leading the way in key innovations in service delivery for other local authorities, a copy of which had been circulated to members in advance of the meeting.

33. PUBLIC QUESTION TIME

In the absence of the questioners, Mr C Taylor and Ms C Barnes, the Speaker put the questions to the Portfolio Holder and the Leader of the Council.

a) On behalf of Mr C Taylor:-

"How many care package assessors did the council employ in the financial year of 2010 /11 and how many are employed in the current financial year 2011/12.

Can I also be informed of the average waiting time to be assessed in both periods of time and also what has been the longest time any one has had to wait to be assessed in these periods.”

Mrs E A Hartley, the Portfolio Holder for Health and Well Being (Safeguarding and Corporate Parenting), replied as follows:

“The Council employed 61 whole time equivalent assessors in 2010/11 and 56 in 2011/12. The reduction in 2011/12 was due to 5 staff being transferred to the Council’s access centre as a result of the introduction of the new First Point of Contact service. The average waiting time during each period is as follows:

In both years 94% of all assessments were completed within the 28 days target period. The longest wait in 2010-11 was 68 days and this was at the service users request, and in 2011/12 it was 75 days, due to the breakdown in the transfer of a case following a staff traffic accident.”

On behalf of Ms C Barnes

“6500 employees have been contacted and threatened with dismissal with no redundancy benefit if they don’t agree. What are the detailed and cumulative costs to date of this exercise? By way of example – the cost of the earlier consultation; of postage (in both), officer time preparing the case, officers time in negotiations, cost of specialist employment law advice, clerical hours etc etc. What were the costs of consulting the low paid in schools – a consultation subsequently to be invalid?

How much has been set aside by the Authority for redundancy payments?

What calculation/projection has been made for any appeals or contests by employees or other parties against the new terms? What sums have been set aside to deal with those potential challenges?

Is it the case that any employee who refuses the new terms will have the right of internal appeal against any decision to dismiss that employee? Will that employee also have the right to lodge a claim with the Employment Tribunal, presumably for unfair and/or constructive dismissal? Has any estimate of management time and cost been made for (i) internal appeals and (ii) at Employment Tribunals? Has any assessment been made of the cost of losing cases at Employment Tribunals?”

The Leader, Mr K R Barrow, replied as follows:

“The Council is going through a process of reducing employees’ pay which means changing employees’ contracts. The reasons for this were debated in July by the Council and form part of measures being taken to manage significant budget reductions. As we have been unable to gain joint agreement with the Trade Unions despite regular and constructive dialogue,

we are left with no alternative but to go through the legal process of giving notice to terminate the current contract and offer re-engagement on new terms (lower pay). No jobs are threatened. There is no redundancy situation as all posts remain and therefore no sums have been set aside.

The only direct costs in relation to the recent letters sent out were £5,335.00 for printing and £2,830.80 for postage. All other tasks and duties associated with the consultation into the terms and conditions were incorporated into the relevant Council officers' workloads, as are part of our requirement to introduce change to meet budgetary requirements. Time spent on this activity was not recorded separately and is, therefore, not available. However, such costs would not have been significant in comparison to the savings identified through pay changes.

Consultation with staff in schools was not invalidated by the subsequent decision not to apply the pay changes to these staff. School staff were consulted at the same time as the majority of the workforce and again using appropriate officer time.

In accordance with employment legislation staff have the right to an internal appeal which would be managed through appropriate processes. Again that would be a management activity which would be contained within officer workloads as part of their duties.

We consider that the approach we have taken has been very thorough and proper and complies with the requirements of legislation. Any employee has the right to lodge a claim at the Employment Tribunal who will determine if the case should be considered. We are very confident that the approach we have taken would lead a Tribunal to find in the Council's favour. In view of this no sums have been set aside.

Inevitably, the steps the authority has taken to manage its budgets will have taken up significant HR, internal legal and management time, however the indirect costs are more than proportionate to the savings these measures will achieve."

34. QUESTIONS FROM MEMBERS'

The Speaker advised that the following question had been received from Mr N J Hartin in advance of the deadline set in Procedure Rule 15:

"Could the Portfolio Holder advise Council how many complaints the Council has received over the last two years regarding private landlords' maintenance of property and how many of those complaints have proceeded to prosecution."

Mr M T Price, the Portfolio Holder for Housing, replied as follows:

“The Council, through the activities of the Private Sector Housing Team deals with a wide range of service requests relating to housing conditions. Although powers available to the Council cover all tenures, the vast majority of service requests relate to maintenance issues in private rented accommodation.

During the last two years there have been 1,269 service requests of this type. The Council’s own Private Sector Housing Enforcement Policy has adopted the principles of good enforcement which require any enforcement activity to be undertaken in a targeted, transparent, proportionate and consistent manner.

The Housing Act 2004 provides the basis for a progressive, risk based approach to dealing with housing conditions. The Act enables Housing Authorities to use a wide range of possible interventions including Informal Action, Hazard Awareness Notice, Improvement Notice, Prohibition Order, Emergency Remedial Action, Emergency Prohibition Order, Demolition Order, Interim or Final Empty Dwelling Management Order, Compulsory Purchase, Simple Caution, Works in Default and Prosecution.

The Council is initially encouraged to pursue an informal approach where immediate formal intervention cannot be justified. In the majority of cases this successfully resolves the poor conditions. Should it be necessary, the appropriate formal action is pursued. In extreme cases it is therefore theoretically possible to serve a formal notice, subsequently prosecute and, if necessary, carry out work in default with recovery of expenses.

In practice, prosecution does not in itself resolve unsatisfactory conditions for the benefit of the present or future occupant. In addition, the prosecution process is both time consuming and costly.

During the last two years, 21 statutory notices have been served by the Council in relation to resolution of unsatisfactory housing conditions. One of these has been the subject of an unsuccessful appeal by the owner to the Residential Property Tribunal which ruled in favour of the Council. This justified the service of an Improvement Notice and resulted in the owner carrying out the necessary work costing in excess of £60,000. None of the 1,269 service requests received over the last two years resulted in the formal prosecution of a private sector landlord.”

Mr Hartin thanked the Portfolio Holder for the reply but asked by way of a supplementary whether the Council had considered establishing a local landlords’ accreditation scheme.

Replying, Mr Price stated that the condition of property in Shropshire’s private rented sector was in relatively good condition and, rather than establishing a local landlords’ accreditation scheme, the Council preferred to rely on that established by the National Landlords’ Association which was of a good standard.

35. REPORT OF THE PORTFOLIO HOLDER FOR ICT, TRANSFORMATION AND ORGANISATIONAL DEVELOPMENT

It was proposed by Mr M Taylor-Smith and seconded by Mrs T Woodward that the report, a copy of which is attached to the signed minutes and the recommendations contained therein be received and agreed.

In presenting the report, Mr Taylor-Smith explained that it had been structured around the key areas of ICT, Organisation Development, Customer Care and Asset Management. He would address the first two areas, while his two Deputy Portfolio Holders, Mrs T Woodward and Mr R Tindall, would deal with one each of the remaining two.

Mr Taylor-Smith stated that a comprehensive report on the transformation programme would be considered by the Cabinet on 3 August 2011. This would incorporate the ICT Strategy which had been previously approved by the Cabinet and set the Council's strategic direction for the effective and efficient use of technology in the future. In this regard, the Council would be moving to a Microsoft Exchange platform to improve staff productivity and reduce costs. This would result in the email and calendar programmes being replaced for members and staff over the next couple of months. Over time more Council services would be rolled out and the website tailored to meet individual needs. Another important priority was improving the poor broadband connectivity across Shropshire for both businesses and local communities. Unfortunately, the Council's bid to Broadband Delivery UK (BDUK) to develop broadband across Shropshire had been unsuccessful. But the Project Team was now working closely with BDUK to resubmit proposals before the September deadline.

Replying to questions from Mr J M W Kenny, N J Hartin and Mr B B Williams, the Portfolio Holder confirmed that the Council's ICT strategy was in full compliance with the Disability Discrimination Act; that the Council would be working with the Association of Local Councils to inform the parish and town councils of the comprehensive roll-out of broadband in rural areas and that the Change Champions were staff members with knowledge and enthusiasm who were helping to communicate solutions to organisational problems amongst their colleagues.

Mrs H M Kidd asked whether the Portfolio Holder could provide the financial information relating to the identified savings in ICT and sought an assurance that the Council's Broadplaces would be retained and the equipment replaced as required.

Mr Taylor-Smith replied that approximately £12 million was spent on ICT each year. This had been difficult to isolate because the expenditure was spread over a large number of budget heads. He confirmed that there would be reinvestment in the Broadplaces where this was required but that they would be largely replaced over time as broadband on portable handheld devices develops.

Customer Contact

Mrs T Woodward outlined progress in a number of key areas, including the transfer of adult social care and anti-social behaviour calls to the customer call centre. Steps had also been taken to map the market town communities using the mosaic customer intelligence tool and piloting "Project Flex", as well as new ways of working within the revenues and benefits service. She advised that the Customer Relationship Management system would soon be replaced, thereby enabling the provision of enhanced business critical intelligence and integration with the Council's operational system. This would increase the resolution of queries at the first point of contact.

In response to a question from Mr J M W Kenny, Mrs Woodward advised that she would provide a written reply to his question regarding the implications for the elderly and infirm who were living alone following the transfer of adult social care calls to the customer services centre.

Dr J E Jones asked for clarification of the arrangements relating to calls to Children's Services, particularly whether there would be a dedicated number which would be answered as a priority, the level of specific training given to call centre staff and the need for greater training and signposting of services.

Responding, Mrs Woodward stated that she understood the need for careful handling of such calls. These would be undertaken in the same manner as those relating to Adult Services, although there would be a need to adapt the scripts for the staff concerned. The proposed implementation date was October 2011 but precise details would be sent to all members in due course.

In reply to a question from Mrs E M Nicholls regarding the effectiveness of the mosaic mapping tool, Mrs Woodward stated that it was still too early to give a general assessment. However, it appeared to have been warmly welcomed and gave sound information on where services could best be delivered. It was not intended to replace local knowledge, but could help to focus services in the future.

Asset Management

Mr R Tindall advised that the recently developed Asset Management Strategy would provide a strategic and decision-making framework for all major property and land decisions for the Council after taking account of local and national priorities. This would include a set of principles and criteria for rationalising and disposing of Council assets.

He advised that during Quarter 1 capital receipts of £1.1 million had been received against a target of £500,000. In addition, an estimated £6 million had been identified based on offers already received but subject to exchange of contract. New protocols and procedures had been put in place to ensure that all major property and accommodation decisions complied with the new Asset Management Strategy. This involved a review of the suitability of land and properties to meet corporate and service transformation provided for local members, senior managers and partner organisations. Property reviews would now take place without undue delay to inform the decision-making

process and would include advice from external professions regarding the best possible value to be achieved from the sale or investment.

RESOLVED:

That the Portfolio Holders' statement be approved.

36. REPORT OF THE PORTFOLIO HOLDERS FOR HEALTH AND WELL-BEING

It was proposed by Mrs E A Hartley and seconded by Mrs R Taylor-Smith that the report, a copy of which is attached to the signed minutes, and recommendations contained therein be received and agreed.

Mrs Hartley stated that the new Portfolio area drew together a number of functions which contributed to improving and maintaining the health and well being of Shropshire residents. She explained that she was directly responsible for the safeguarding of adults and children, corporate parenting and joint working with the health service. Mr S F Charmley was responsible for active and healthy lifestyles including sport, culture and leisure services, while Mrs C Wild was responsible for the provision of personalised services to the recipients of adult special care.

Mr A N Mosley stated that the concept of personalisation was to be applauded and supported. However, it must not be used as a way to implement cuts in service costs. He sought assurance that no undue pressure was applied to vulnerable people to accept personalised budgets and hoped that service users always had the choice of retaining existing service provision.

Replying, Mrs Wild outlined the various options for service users. She stressed that choice was the underlying concern and emphasised that the options available were explained to service users but they were not told how to use their personal budget.

Mrs H M Kidd highlighted the importance of ensuring that service users knew how to apply the new system. She sought confirmation that changes in the current arrangement would not result in a breakdown of the service to the detriment of users.

Mrs Hartley emphasised the necessity for all users to be clear about the available options and the manner in which the service operated.

Mr S F Charmley advised in response to a question that the Council had sold 21,000 "Be Active" cards during the 2010/11 financial year, 4,000 of which had been at the concessionary rate. In response to a question from Mr V J Hunt regarding use of the drug GHB in the Oswestry area, he stated that a multi-agency team had been set up to combat the problem. To date Operation Bubble had resulted in 12 arrests and drug testing kits had been issued to landlords since when no new cases had been reported and the supply of the drug significantly reduced.

Mr K Roberts asked whether recent changes had required the Council to change its eligibility criteria for Adult Services. Replying, Mrs Hartley gave an assurance that there had been no change in the eligibility criteria. And in reply to Mrs Kidd, that the joint approach involving the Council, NHS and PCT was making effective. However, she would monitor developments in the light of the practical experiences reported to her.

RESOLVED:

That the Portfolio Holder's statement be approved.

37. REPORT OF THE PORTFOLIO HOLDERS FOR EDUCATION AND SKILLS

It was proposed by Mrs A Caesar-Homden and seconded by Mr A E Walpole that the report, a copy of which is attached to the signed minutes and the recommendations contained therein be received and agreed.

Mrs Caesar-Homden stated that the Council should be proud of its record with regard to schools and schooling, given that the number of students achieving Level 4 standard was 2% above the national average in English and 3% above the national average in maths. In addition, the primary schools were found to be very good and the provision made for looked-after children considered it to be outstanding. However, there were rather too many schools classified as "satisfactory" and the Council would strive to improve the proportion judged as good or better.

Mrs H M Kidd asked whether the Council would be supporting the increasing number of rural pre-schools which were becoming unviable through the entry of 4 year olds to schools. She also asked whether the Council would consider what might be done for young people who had been given contracts to work 20 hours per week but were only getting 8 hours work and no further training opportunities. Replying, Mrs Caesar-Homden stated that the pre-school problem had been identified and that the Council would work with the providers to limit the impact of early school entry. However, the matter was a consequence of parental choice. With regard to the young people affected by the limited amount of work they were being offered, 14-19 year olds had the opportunity to register for training if they wanted to.

Mr A Bannerman asked how the pride in meeting parental preferences could be justified, given the decision to close the Wakeman School. Mrs Caesar-Homden replied that the decision on whether the Wakeman School should be closed had yet to be taken as the matter was still out for public consultation.

Mr A E Walpole referred to the funding provided for the "My Place" project in Oswestry and asked how matters were progressing.

Mr C J Mellings concurred with the Portfolio Holder's statement that too many schools were currently in the "satisfactory" category. But asked what effect

the establishment of free schools and the increased number of academies would mean for all other schools in the County. He also asked what support the Council was able to provide for the provision of new play areas within Shropshire.

Finally, Mr M Williams referred to the replacement of the Educational Maintenance Allowance by 16-19 bursaries targeted at the most vulnerable learners. He asked how the Council would ensure that support was given to this group of young people in the future.

Mrs Caesar-Homden undertook to provide the questions with written answers in due course.

RESOLVED:

That the Portfolio Holder's statement be approved.

38. ANNUAL REPORT OF THE HEALTHY COMMUNITIES SCRUTINY COMMITTEE 2010/11

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

Mr Dakin stated that the report provided an overview of the work, achievements and positive outcomes that the Healthy Community Scrutiny Committee had provided for local people during 2010/11. A range of ways of working had been employed over the year including Task and Finish Groups, site visits, interviews with a selection of partners, visits to other organisations, witness evidence, consultations with the public and research with other authorities. In addition, topics had been taken forward following public and members' questions at the committee meetings.

In planning for the future, members had been updated on key elements of the Health and Social Care Bill 2011 which devolved power and responsibility for commissioning of NHS services. Mr Dakin advised how members had worked jointly with Telford and Wrekin Council on proposals for the reconfiguration of hospital services in Shropshire following a history of debate without resolution on the shape of hospital services in Shropshire and Telford and Wrekin. The Joint Committee had recognised the need for vision and challenge on behalf of local communities to bring about excellent hospital services that would serve the future needs of the whole of the County. The proposals had been scrutinised vigorously and, whilst maintaining independence, members had worked constructively with NHS partners and both local involvement networks to address concerns on behalf of the public. Over a period of six months the Joint Committee had carefully considered a huge amount of information and care pathways to ensure proposals were best for the County as a whole. In March members had endorsed the decision made by the NHS Boards to ensure that health services remained within the County.

In reply to a question from Mr N J Hartin, Mr Dakin advised that a number of public questions received in advance of the usual deadline had not been included on the agenda for the forthcoming meeting because they were considered to be vexatious and ultra vires.

Referring to the reconfiguration of hospital services, Mrs H M Kidd remarked on this being a major issue and asked why ambulance response times had not been linked into the Scrutiny Committee's deliberations. She added that poor response times were a particular concern for expectant mothers in rural areas and it was a real concern that the West Midlands Ambulance Service barely met its targets in the south of the County.

Replying, Mr Dakin commented that the work of the ambulance service was very important and integral to successful health outcome. A Task and Finish Group would be reporting on the work of the West Midlands Ambulance Service shortly. However, he could give no assurance that it would provide satisfactory outcomes in all areas.

RESOLVED:

That the report of the Healthy Communities Scrutiny Committee be approved.

39. ANNUAL REPORT OF THE SAFE AND CONFIDENT COMMUNITIES SCRUTINY COMMITTEE 2010/11

It was proposed by Mrs J Barrow and seconded by Mr S J West that the report, a copy of which is attached to the signed minutes, and the recommendations contained therein, be received and agreed.

In presenting the report, Mrs Barrow congratulated her predecessor, Mrs C Wild, for the work undertaken by the Committee, particularly in relation to the schools reorganisation during 2010/11. She explained that this had dominated the Committee's work programme during the year and the outcomes would not be acceptable to all. Nevertheless, it was hoped that improved educational outcomes would result from the Scrutiny Committee's involvement.

Mr R A Evans asked why the Committee's discussion in relation to the cabinet decisions on individual school organisation proposals had been curtailed and whether additional time could be allocated for this if required in future.

Replying, Mrs Barrow stated that she would ensure that sufficient time was available for proper scrutiny of the proposals. However, this was not to say that the Council would provide a platform for objectors to repeat the same facts over an extended period.

RESOLVED:

That the report of the Safe and Confident Communities Scrutiny Committee be approved.

40. ANNUAL ASSURANCE REPORT

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

Mr Williams informed members of the enthusiastic way in which members of the Audit Committee undertook their duties and thanked the Head of Audit, Ms Ceri Pilawski, and her team for the support they provided to the Committee.

Mr R A Evans asked why the Council had recently attempted to collect discretionary rate relief, contrary to the Council's policies and whether an item could be included on the agenda for the next meeting to clarify the reasons.

Replying, Mr Williams advised that the function of the Audit Committee was to ensure that the Council acted entirely in accordance with the relevant accounting code. It had no responsibility for determining or applying policy. Questions in this area should more properly be referred to the relevant Scrutiny Committee.

RESOLVED:

That the Annual Assurance Report for 2010/11 be approved.

41. APPOINTMENT OF CABINET MEMBER TO THE WEST MERCIA SUPPLIES JOINT BOARD

RESOLVED:

That Mr S P A Jones be appointed to replace Mrs C A Motley as one of the Council's three representatives on the West Mercia Supplies Joint Board.

42. MOTIONS

The Speaker reported that the motion which had been received from Mr P F Phillips regarding support for the campaign to save the cheque from the banking industries plans to abolish it by 2018 had now been withdrawn.

43. REPORTS OF THE WEST MERCIA POLICE AUTHORITY

It was proposed by the Speaker and seconded by the Chairman that the reports of the West Mercia Police Authority, copies of which are attached to the signed minutes, be received and noted.

RESOLVED:

That the reports be noted.

44 REPORTS OF THE SHROPSHIRE AND WREKIN FIRE AUTHORITY

It was proposed by Mr S J West and seconded by the Speaker that the reports of the Shropshire and Wrekin Combined Fire Authority copies of which are attached to the signed minutes, be received and agreed.

RESOLVED:

That the report be noted.

Speaker

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Date

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The meeting closed at 12.15 p.m.