

Shropshire Council
 Legal and Democratic Services
 Shirehall
 Abbey Foregate
 Shrewsbury
 SY2 6ND
 Date: Wednesday, 6 May 2015

Committee: Council

Date: Thursday, 14 May 2015

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)

David Lloyd (Speaker)

Keith Barrow (Leader)

Steve Charmley (Deputy
 Leader)

Peter Adams

Andrew Bannerman

Nicholas Bardsley

Tim Barker

Charlotte Barnes

Joyce Barrow

Tudor Bebb

Thomas Biggins

Andy Boddington

Vernon Bushell

Gwilym Butler

John Cadwallader

Karen Calder

Dean Carroll

Lee Chapman

Anne Chebsey

Peter Cherrington

Ted Clarke

Gerald Dakin

Steve Davenport

Andrew Davies

Pauline Dee

David Evans

Roger Evans

John Everall

Hannah Fraser

Ann Hartley

Nigel Hartin

Richard Huffer

Tracey Huffer

Roger Hughes

Vince Hunt

John Hurst-Knight

Jean Jones

Simon Jones

Miles Kenny

Heather Kidd

Christian Lea

Robert Macey

Jane MacKenzie

Chris Mellings

David Minnery

Pamela Moseley

Alan Mosley

Cecilia Motley

Peggy Mullock

Peter Nutting

Mike Owen

Kevin Pardy

William Parr

Vivienne Parry

John Price

Malcolm Price

David Roberts

Keith Roberts

Madge Shineton

Jon Tandy

Robert Tindall

Dave Tremellen

Kevin Turley

David Turner

Arthur Walpole

Stuart West

Claire Wild

Brian Williams

Mansel Williams

Leslie Winwood

Michael Wood

Tina Woodward

Paul Wynn

Your Committee Officers are:

Karen Nixon and Penny Chamberlain

Tel: 01743 252724 or 252729.

Email: karen.nixon@shropshire.gov.uk

AGENDA

1 Election of 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 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.

5 Minutes (Pages 1 - 14)

To approve as a correct record the minutes of the previous meeting held on 26 February 2015 attached marked 5.

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

6 Announcements

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

7 Public Questions

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

8 Questions from Members (Pages 15 - 20)

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

9 Constitution of Committees and the Allocation of Seats to Political Groups (Pages 21 - 26)

Report of the Head of Legal and Democratic Services is attached, marked 9.

Contact Claire Porter Tel 01743 252763.

10 Amendments to the Constitution (Pages 27 - 100)

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

Contact Claire Porter Tel 01743 252763.

11 Scheme of Delegation

To resolve that the Responsibility for functions, set out in Part 3 of the Constitution and the Scheme of Delegations, set out in Part 8 of the Constitution be agreed.

Contact Claire Porter, Head of Legal and Democratic Services, Tel 01743 252763.

12 Review of Non-Domestic Rates, Discretionary Relief and Council Tax Discretionary Discounts (Pages 101 - 138)

Report of the Head of Finance, Governance and Assurance is attached, marked 12.

Contact James Walton Tel 01743 255011.

13 Financial Strategy 2015/16 - 2016/17 (Pages 139 - 144)

Report of the Head of Finance, Governance and Assurance is attached, marked 13.

Contact James Walton Tel 01743 255011.

14 Care Act: Fees, Charging and Deferred Payments Scheme (Pages 145 - 230)

Report of the Director of Adult Services is attached, marked 14.

Contact Stephen Chandler Tel 01743 253704.

15 Dates of Council Meetings

To agree that in 2015/16 the meetings of the Council will be held on the following Thursdays commencing at 10.00 am:

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

Contact Penny Chamberlain Tel 01743 252729.

16 Exclusion of the Press and Public

To RESOLVE that in accordance with the provisions of Schedule 12A, 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 the 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)

Exempt Report of the Head of Legal and Democratic Services will follow, marked 17.

Contact Claire Porter Tel 01743 252763.

18 Church Stretton Secondary School Sports and Communities Facilities (Exempted by categories 1 and 3)

Exempt Report of the Director of Commissioning will follow, marked 18.

Contact George Candler Tel 01743 255003.



Committee and Date

Council

14 May 2015

COUNCIL

Minutes of the meeting held on 26 February 2015

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

10.00 am - 1.00 pm

Responsible Officer: Karen Nixon

Email: karen.nixon@shropshire.gov.uk Tel: 01743 252724

Present

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

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

102 Apologies for Absence

The Chief Executive reported that apologies for absence had been received from the following; Mr Andrew Davies, Mr John Overall, Mrs Jane MacKenzie, Mr Alan Mosely, Mr Dave Tremellen and Mr Kevin Turley.

103 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.

104 Minutes

RESOLVED:

That the Minutes of the meeting held on 18 December 2014, as circulated with the agenda papers, be approved and signed as a correct record.

105 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 18 December 2104, which was circulated at the meeting.

New Year's Honours 2015

The Chairman reported that the following Shropshire residents had been awarded honours in the Queen's New Year's Honours List 2015 and advised that he had written to each of the recipients to congratulate them on their achievement:

Order of the British Empire (OBE)

Mr Norman Dewis

For Services to the Motor Industry (Church Stretton)

Mrs Margaret Willcox

Commissioning Director for Adults, Gloucestershire County Council. For Services to Vulnerable people in the South West (Bridgnorth)

Mr Eric Arthur Windsor

Lately Chairman, National Bench Chairman's Forum. For Services to the Administration of Justice (Whitchurch)

Members of the Order of the British Empire (MBE)

Mr Derek John Hayward

For Services to Sport and Young People in Shropshire (Wem)

Dr Caron Morton

Accountable Officer, Shropshire CCG. For Services to Primary Care (Ruyton)

Mrs Carol Scott

Senior Executive Officer, Ministry of Defence. For Services in Support of Military Operations (Newport)

Mrs Heather Shepherd

Community and Flood Recovery Support, National Flood Forum. For Services to the Community, particularly those at risk of flooding (Pentre, Shropshire)

Medallist of the Order of the British Empire (BEM)

Mr Jack Andow

Fundraiser, Royal Naval Association. For Voluntary Service to Royal Navy Veterans (Ludlow)

Miss Eleanor Mary Jane Gilbert

For Services to the Community in Great Ness and Little Ness, Shropshire (Nescliffe)

Miss Jessie May Miller

For Services to the Community in Oswestry and to Women in Northern Ghana through Buttons for Africa (Oswestry)

Mrs Pamela Twitchell

Former Chairman, Ludlow Conservative Association. For Voluntary Political Service (Ludlow)

Mr Robert Stuart Wysome

For Services to Music in Shropshire (Wellington)

106 Public Questions

Public Questions

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

- a) Mrs Rosemary Abbiss, Chairman of Shropshire Association of Local Councils (SALC) asked a question about proposals to remove the allocation of council tax support grant to Town and Parish Councils for 2015/16 and urged the Council to reconsider.

Supplementary Question from Mrs Abbiss:

In a letter to Philip Dunne, MP, Kris Hopkins, Minister from Local Government stated:-

"... I expect Shropshire Council to work with each parish to ensure the appropriate level of funding is passed on in order to secure the best outcome for local taxpayers."

How now is Shropshire Council planning to achieve this and would the Council offer a compromise and pass a proportion of the grant to local councils."

Supplementary Answer:

Mr Mike Owen, Portfolio Holder for Resources, Finance and Support said he would consider this question and give Mrs Abbiss a written response following the Council meeting.

- b) Mr David Cooper, a Bridgnorth resident asked a question in two parts about council tax.

Supplementary Question from Mr Cooper:

My questions illustrate that in a budget of over £215m costs, and £215m income, there are many ways in which savings can be made or additional income generated.

As recently as last Thursday, the day the reports for this Council's budget and Business Plan were issued to members, Kris Hopkins the Minister for Local Government wrote to the leaders of all billing authorities about the payment of Council Tax Support Grant to Town and Parish Councils. The full text of that letter can be found on the DCLG's website. In it, the minister reiterated that the Government's funding to local authorities does include an element for Council Tax Support, and that some of that is attributable to Town and Parish Councils. He made it clear that the only circumstance in which Towns and Parishes should not receive Council Tax support from their billing authority is if there are no claimants in their area.

I assume the Leader will have received this letter, so I would like to ask him as a supplementary question, to which I hope he can give a simple yes or no verbal response, whether he is absolutely sure that going against the Government's wishes and removing £0.5m a year Council Tax Support Grant from Town and Parish Councils is the only realistic way in which this Council can balance the books?

Supplementary Answer:

Mr Mike Owen, Portfolio Holder for Resources, Finance and Support said this was an important matter and therefore he would consider the question and give Mr Cooper a written response following the meeting.

Petitions

The Speaker advised that two petitions, each bearing more than 1,000 signatures, had been received requiring a debate under the Council's Petitions scheme. Each petitioner was given 5 minutes to open the debate and outline their case, which were briefly as follows;

- a) Petition to retain Church Stretton Library on the present site and to abandon plans to move it to the School on Shrewsbury Road – Hazell Whitehouse on behalf of The Church Stretton Library Group, highlighted the huge response that had been made locally in support of this petition; over 1,100 signatures had been recorded to date which was approximately a quarter of the town's population. Mrs Whitehouse urged the Council to keep Church Stretton Library in the town centre instead of moving it to the town's secondary school. Its current location was ideally suited for the older population and was much more accessible than the school on the edge of town. It was also well suited to the concept of a community hub – in the town centre amongst the attractive mix of independent retailers and cafes in Church Stretton.

Following debate by Members, Mr Steve Charmley the Portfolio Holder for Business Growth, ip&e, Culture and Commissioning (North) responded during which he thanked the Support Group for their comments and confirmed that the Council was currently consulting with local people on this matter. He also welcomed the input of Church Stretton School. The consultation period closed at the end of March. He therefore proposed that no further action be taken which was seconded by Mr Lee Chapman and duly agreed.

- b) Petition to stop the proposed cuts to Shropshire's Museum Resource Centre, reducing access from 5 days a week to between 1-3 days - Lottie James, Chairman of the Friends of Ludlow Museum urged the Council not to remove three members of staff, who currently looked after world-renowned collections at Ludlow Museum Resource Centre. She also urged the Council to defer making more cuts and enter into talks with experts and volunteers across the region who could offer advice, ideas and volunteer manpower on the future delivery of these services across the whole of the county.

Ms James indicated the result of the planned cuts would be hugely detrimental to the access and maintenance of this vital historical, heritage, archaeological, educational and cultural resource and asked Shropshire Council to reverse their decision.

Following debate by Members, Mrs T Woodward the Deputy Portfolio Holder for Business Growth responded during which she thanked Ms James for her input and confirmed that the Museum Centre was the cornerstone to the Museum Service and that there were no plans to close the centre. However she also indicated that the way services would be managed in the future would have to change. The Council was already working with volunteers to remodel voluntary services. She therefore proposed that no further action be taken and that the Council and volunteers continue to work together. This proposal was seconded and duly agreed.

107 Questions from Members

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

- (i) Received from Mr M Kenny and answered by Mr S Charmley, Portfolio Holder for Business Growth, ip&e, Culture and Commissioning (North) about Fairtrade and the action being taken by Shropshire Council during Fairtrade Fortnight this year (23rd February to 8th March 2015).

By way of a supplementary question Mr M Kenny asked who acted as the Fairtrade Champion within the Council and queried if there was a Fairtrade Champion for green issues?

In response the Portfolio Holder said he would look into this following the meeting and let Mr Kenny have a written reply.

- (ii) Received from Mr M Kenny and answered by Mr S Charmley, Portfolio Holder for Business Growth, ip&e, Culture and Commissioning (North) about the Fairtrade Foundation and the action being taken to promote locally grown produce and thereby support local producers and reduce food miles.

By way of a supplementary question Mr Kenny asked what the Council was doing in order to sell local produce in local supermarkets in Shropshire.

In response the Portfolio Holder indicated that the Council did not control the sale of goods in local supermarkets.

- (iii) Received from Mr D Tremellen and answered by Mrs C Wild, the Portfolio Holder for Highways and Transport regarding 20 mph speed limits outside schools in Shropshire.

There was no supplementary question.

- (iv) Received from Mr R Evans and answered by Mr L Chapman, the Portfolio Holder for Adult Services and Commissioning (South) about the use of an online bidding system to find care homes for the elderly in Shropshire.

By way of a supplementary question Mr Evans asked if the Council would ever use such a system in Shropshire in the future.

In response the Portfolio Holder said he was unable to predict future plans.

- (v) Received from Mr R Evans and answered by Mr M Owen, the Portfolio Holder for Resources, Finance and Support about the monetary value of grants received so far in the current financial year.

By way of a supplementary question Mr Evans referred to the recent letter from Kris Hopkins and the £3.3 billion for Local Tax Support. He stated that in 2013/14 £17.9 million was given to Shropshire and he believed that it was just a little less this year. He asked for an assurance that this was correct and that the money was coming in to Shropshire Council.

In response the Portfolio Holder said he was unable to immediately answer the question but that he would look into this following the meeting and then send Mr Evans a written response.

- (vi) Received from Mr T Clarke and answered by Mr K Barrow, Leader of the Council, about what proportion of the overall collection fund surplus would be distributed to the Parish and Town Councils.

By way of a supplementary question Mr Clarke asked if the Leader could identify a recent time when the year end council tax collection had not been in surplus.

In response the Leader said no but that he would look into the finances and respond to Mr Clarke, whilst moving on to congratulate officers on their excellent work to date on the budget.

- (vii) Received from Mr A Boddington and answered by Mr S Charmley, the Portfolio Holder for Business Growth, ip&e, Culture and Commissioning (North) about staff reductions at Ludlow Museum Resource Centre and future policies over the next decade.

By way of a supplementary question Mr Boddington asked the Portfolio Holder if he was satisfied that the Ludlow Museum Resource Centre could maintain its accreditation in the face of proposed budget reductions.

In response the Portfolio Holder confirmed that the Museum Service's priority was to maintain museum accreditation.

108 Returning Officer's Report

The Leader, Mr K Barrow, presented a report by the Head of Legal and Democratic Services, a copy of which is attached to the signed minutes, advising that Mr John Price had been elected as Councillor to represent the Oswestry East Electoral Division on Thursday 13 February 2015.

109 Report of the Independent Remuneration Panel

It was proposed by the Leader, Mr K Barrow, and seconded by Mrs C Wild that the report of 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:

- (a) That the Special Responsibility Allowance paid to the Scrutiny Chairman be continued at its present level on the basis that further changes were expected to be made to the existing 5 Scrutiny Committee structure and were likely to be implemented in the near future.
- (b) That the Independent Remuneration Panel be invited to review the allowance paid to the Scrutiny Chairman, and if appropriate, to the other Members of the Committee, upon more firm details being known about the new Scrutiny Committee structure, and for this review to take place, if possible, prior to the implementation of the new arrangements.
- (c) That in the event of no new scrutiny committee arrangements being put in place in the near future, the Panel be reconvened by the Summer at the latest to continue their review of the level of payment made to the existing 5 Scrutiny Committee Chairmen.
- (d) That the remaining allowances in the current Members Allowances Scheme be continued in 2015/2016.

110 Business Plan and Financial Strategy 2015/16 to 2016/17

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

Mr R Evans proposed the following amendment on behalf of the Liberal Democrat Group which was seconded by Mr M Kenny;

‘That additional resource of £0.504m be allocated on a one-off basis and that this be funded from money in the General Reserve Fund, reducing the Council’s General reserve Fund Balance to an estimated £14.031m.’

After debate Mr K Barrow exercised his right of reply on the amendment to his proposition on the Administration’s budget.

On being put to a recorded vote, the amendment was lost with 43 voting against and 23 for as follows:

AGAINST (43)

Mr P Adams, Mr N Bardsley, Mr T Barker, Mrs J Barrow, Mr K Barrow, Mr T Bebb, Mr T Biggins, Mr G Butler, Mr J Cadwallader, Mrs K Calder, Mr D Carroll, Mr L Chapman, Mr S Charmley, Mr G Dakin, Mr S Davenport, Mr D Evans, Mrs A Hartley, Mr R Hughes, Mr V Hunt, Mr J Hurst-Knight, Mr S Jones, Mr C Lea, Mr D Lloyd, Mr R Macey, Mr D Minnery, Mrs C Motley, Mrs P Mullock, Mr P Nutting, Mr M Owen, Mr W Parr, Mr M Pate, Mr J Price, Mr M Price, Mr K Roberts, Mr R Tindall, Mr D Turner, Mr A Walpole, Mr S West, Mrs C Wild, Mr B Williams, Mr L Winwood, Mr M Wood, and Mr P Wynn.

FOR (23)

Mr A Bannerman, Mrs C Barnes, Mr A Boddington, Mrs V Bushell, Mrs A Chebsey, Mr P Cherrington, Mr T Clarke, Mrs P Dee, Mr R Evans, Mrs H Fraser, Mr N Hartin, Mr R Huffer, Mrs T Huffer, Dr J Jones, Mr M Kenny, Mrs H Kidd, Mr C Mellings, Mrs P Moseley, Mr K Pardy, Mrs V Parry, Mrs M Shingleton, Mr J Tandy and Mr M Williams.

Dr J Jones, Mr R Evans and Mrs P Dee then exercised their right as Group Leaders to speak to the budget proposition, with Dr Jones speaking on behalf of Mr A Mosely.

After further debate the Leader exercised his right to reply to comments made on the Administration’s budget proposals as a whole.

On being put to a recorded vote the proposition was carried with 45 Members voting in favour and 20 against as follows:

FOR (45)

Mr P Adams, Mr N Bardsley, Mr T Barker, Mrs J Barrow, Mr K Barrow, Mr T Bebb, Mr T Biggins, Mr G Butler, Mr J Cadwallader, Mrs K Calder, Mr D Carroll, Mr L Chapman, Mr S Charmley, Mr P Cherrington, Mr G Dakin, Mr S Davenport, Mrs P

Dee, Mr D Evans, Mrs A Hartley, Mr R Hughes, Mr V Hunt, Mr J Hurst-Knight, Mr S Jones, Mr C Lea, Mr D Lloyd, Mr R Macey, Mr D Minnery, Mrs C Motley, Mrs P Mullock, Mr M Owen, Mr W Parr, Mr M Pate, Mr J Price, Mr M Price, Mr K Roberts, Mrs M Shington, Mr R Tindall, Mr D Turner, Mr A Walpole, Mr S West, Mrs C Wild, Mr B Williams, Mr L Winwood, Mr M Wood and Mr P Wynn.

AGAINST (20)

Mr A Bannerman, Mrs C Barnes, Mr A Boddington, Mr V Bushell, Mrs A Chebsey, Mr T Clarke, Mr R Evans, Mrs H Fraser, Mr N Hartin, Mr R Huffer, Mrs T Huffer, Dr J Jones, Mr M Kenny, Mrs H Kidd, Mr C Mellings, Mrs P Moseley, Mr K Parry, Mrs V Parry, Mr J Tandy, Mr M Williams.

RESOLVED:

- a) That the refreshed Business Plan and Financial Strategy attached at Appendix 1 and the proposals for setting the Council's budget until 2016/17 be approved.
- b) That it be noted that the funding gap of £80m for the period 2014-17 identified in the Council Business Plan and Financial Strategy agreed by Council in February 2014 had been reviewed and retained for planning purposes
- c) That the initial savings proposals identified for achievement by 2015/16 of £66.333m be noted, including the progress made in achieving savings and therefore agree the amendments and approve the savings proposals identified as removed from base for 2015/16 of £58.909m service savings with the balance of £7.424m to be met by additional ongoing and one off resources.
- d) That the additional service pressures identified for 2015/16 of £7.644m to be met by additional ongoing and one off resources in 2015/16 be noted.
- e) That the removal by Council of any allocation of council tax support grant to Town and Parish Councils for 2015/16 and future year's council tax reduction scheme following consultation (as included in Recommendation c above) be approved.
- f) That the budget for 2015/16 of £576.379m noting an adjustment of £4.621m since Cabinet on 11 February 2015 due to reclassifications of budgets, savings allocations and recharges between income and expenditure, be approved.
- g) That the financial implications of the transfer of Fulcrum and Help2Change to ip&e be noted.
- h) That the revised Capital Programme for 2015/16 to 2016/17 as set out within the report be approved.
- i) That the Highways & Transport programme of schemes for delivery in 2015/16 be approved and delegated authority be given to the Area Commissioner South in consultation with the Portfolio Holder to approve any changes to the implementation plan of schemes for delivery in 2015/16, within the parameters of the outline capital programme.

- j) That the Statement of Chief Financial Officer on the Robustness of the Estimates and Adequacy of Reserves 2014-18 as set out in Appendix 2, noting the Council's general fund balance over this period, be approved.
- k) That the Pay and Reward Policy for all Council staff for 2015/16 as set out in Appendix 3, be approved.

111 Treasury Strategy 2015/16

It was proposed by the Leader, Mr K Barrow and seconded by Mr B Williams 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 Treasury Strategy for 2015/16 be approved.
- b) That the Prudential Indicators, set out in Appendix 1, be approved in accordance with the Local Government Act 2003.
- c) That the Investment Strategy, set out in Appendix 2, be approved in accordance with the CLG Guidance on Local Government Investments.
- d) That the Minimum Revenue Provision (MRP) Policy Statement, set out in Appendix 3 be approved.
- e) That the Section 151 Officer be authorised to exercise the borrowing powers contained in Section 3 of the Local Government Act 2003 and to manage the Council's debt portfolio in accordance with the Treasury Strategy.
- f) That the Section 151 Officer be authorised to use other Foreign Banks which meet Capita's creditworthiness policy and Money Market Funds again if required as money markets continue to stabilise.
- g) That it be noted that the proposed Prudential Indicators would enable the Authority to use the equivalent of up to 3% of Council Tax in 2015/16 or future years, to fund borrowing under the Prudential Code should the Council decide to do so.

112 Income Review of Fees and Charges for 2015/16

It was proposed by the Leader, Mr K Barrow and seconded by Mr D Turner 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 breakdown of the total income for 2014/15 be noted, and in particular that the charges for discretionary services represent only £15.570m of the £57.522m of income derived from Fees and Charges.
- b) That the charges for 2015/16 as detailed in Appendix 3 to be implemented 1 April 2015, recognising that managers have proposed varying policies for 2015/16 fees and charges ranging from a freeze in certain areas to above inflation level increases in others, based on the nature of the service, market forces, customer reaction and competition from other providers as well as the state of the economy. Any changes required further to ongoing reviews will be approved in line with the Council's charging policy, officer delegations and the financial rules.
- c) That as previously agreed, it be noted that any changes to fees and charges proposed by Shropshire Community Leisure Trust Ltd. in relation to the outsourced leisure facilities will only be referred to Cabinet and Council for approval if the proposed increases exceed Consumer Price Index (CPI) for the preceding November.
- d) To note that monitoring reports will identify adjustments required to income budgets in the financial strategy which may or may not be offset by corresponding adjustments to expenditure budgets, be noted.
- e) To note that the impact of the Council's policy decisions on income should be clearly identified and adjustments made as required to the Business Plan and Financial Strategy.
- f) That Social Housing Rents for 2015/16 be increased by September 2014 CPI plus 1% plus a final incremental step to achieve target rent.
- g) That Affordable Rents for 2015/16 be increased by September 2014 CPI plus 1% (2.2%) in line with Government revised guidance.
- h) That where individual rents do not reach their target by April 2015, the rent will switch directly to Target on re-let in accordance with Government revised guidance.

113 Council Tax Resolution 2015/16

It was proposed by the Leader, Mr K Barrow, and seconded by Mr M Wood 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.

On being put to a recorded vote the proposition was carried with 55 Members voting in favour and 7 against as follows:

FOR (55)

Mr N Bardsley, Mr T Barker, Mrs C Barnes, Mrs J Barrow, Mr K Barrow, Mr T Biggins, Mr A Boddington, Mr G Butler, Mr J Cadwallader, Mrs K Calder, Mr D Carroll, Mr L Chapman, Mr S Charmley, Mrs A Chebsey, Mr P Cherrington, Mr G Dakin, Mr S Davenport, Mrs P Dee, Mr D Evans, Mr R Evans, Mrs H Fraser, Mr N Hartin, Mrs A Hartley, Mr A Huffer, Mrs T Huffer, Mr R Hughes, Mr V Hunt, Mr J Hurst-Knight, Mr S Jones, Mr M Kenny, Mrs H Kidd, Mr C Lea, Mr D Lloyd, Mr R Macey, Mr C Mellings, Mr D Minnery, Mrs C Motley, Mrs P Mullock, Mr M Owen, Mr W Parr, Mrs V Parry, Mr M Pate, Mr J Price, Mr M Price, Mr K Roberts, Mrs M Shingleton, Mr R Tindall, Mr D Turner, Mr A Walpole, Mr S West, Mrs C Wild, Mr B Williams, Mr M Wood, Mrs T Woodward and Mr P Wynn.

AGAINST (7)

Mr V Bushell, Mr T Clarke, Dr J Jones, Mrs P Moseley, Mr K Parry, Mr J Tandy and Mr M Williams.

RESOLVED:

- a) That a 0% Council Tax rise be approved, resulting in a basic amount of council tax for a Band D property of £1,164.72 in the billing authority's area, calculated in accordance with the provisions of the Local Government Finance Act 1992 (section 44) and the Local Government (Structural Changes) (Further Financial Provisions and Amendment) Regulations 2008.
- b) That in accordance with the provisions of Section 40 (2) of the 1992 Act, the amount of Council Tax calculated for each category of dwelling in the billing authority's area to be as follows:

Property Band	2015/16 Charge £
A	776.48
B	905.89
C	1,035.31
D	1,164.72
E	1,423.55
F	1,682.37
G	1,941.20
H	2,329.44

- c) That a total precept of £119,280,524 be levied.
- d) That the formal council tax resolution as set out in Appendix 1 to determine the levels of Council Tax for Shropshire Council for 2015/16 be approved.

114 Appointments to Committees

It was proposed by the Speaker, seconded by the Chairman and

RESOLVED: That the following appointments to committees be confirmed:

Shropshire and Wrekin Fire and Rescue Authority

The appointment of Mr K Roberts to replace Mr M Bennett.

Performance Management Scrutiny Committee

The appointment of Mr D Minnery to replace Mr M Bennett.

Young People's Scrutiny Committee

The appointment of Mr J Price to replace Mr R Macey.

North Planning Committee

The appointment of Mr J Cadwallader to replace Mr M Bennett.

115 Motions

The following motion was proposed by Mr A Walpole and duly seconded by Mrs J Barrow:

"This Motion seeks the support of the Members of Shropshire Council, to reaffirm the Council's objection in principle to a 400kV High Voltage overhead power line crossing Shropshire to connect Windfarms in mid-Wales to the existing national grid.

The proposed overhead Power Line will have a detrimental impact in Shropshire with no perceived beneficial gain for Shropshire communities and will adversely affect our local communities our environment and our tourist economy. The construction phase including the impact of the construction traffic on our local roads and communities would have a detrimental effect on the quality of life and on property. This will leave a permanent legacy affecting our green and pleasant land.

This Motion furthermore registers concern at the anxiety that is being caused by National Grid pursuing formal consultation on the proposed Power Line predicated on the need to connect Windfarms some of which are the subject of a Public Inquiry and which may not be agreed.

Should the need for the Power Line be established then this Motion seeks the support of the members of Shropshire Council in pressing National Grid to re-examine the justification for the overhead pylon route and to present a feasibility case for a solution using underground cables.

This Motion endorses the need for the Council's Officers and Members to continue to engage in the due planning processes for the proposed High Voltage Power Line so as to ensure that the interests of our communities are fully and effectively represented."

The following members expressed their support for the motion; Mr S Charmley, Mr V Hunt, Mr K Barrow and Mr S Davenport.

On being put to the vote this motion was unanimously carried, with no abstentions and no votes against.

116 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.

117 Exempt Minutes (Exempted by categories 1 and 3)

RESOLVED:

That the Exempt Minutes of the meeting held on 18 December 2014, as circulated with the agenda papers, be approved and signed as a correct record.

118 Connecting Shropshire - Phase 2 (Exempted by category 3)

The Council received an exempt report by the Head of Economic Growth and Prosperity, a copy of which is attached to the signed minutes, seeking approval for a potential capital spend, subject to securing matched funding, against external funding being offered by BDUK and there being no financial cost to the Council.

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

Signed (Chairman)

Date:

MEMBERS' QUESTIONS

AGENDA ITEM 8

QUESTION 1

MRS MADGE SHINETON will ask the following question:

The new procedure for highways maintenance which has now been in use for twelve months has not proved successful for the everyday timeliness or quality of emergency or planned maintenance on the roads for which this Council is responsible. What revision of the procedures will the Portfolio Holder recommend for the future of this vital service which is a basic need for the whole county?

MRS CLAIRE WILD, the Portfolio Holder for Highways and Transport will reply:

The West and Shires Permit scheme, commonly referred to as WaSP, has been in operation since April 2014. It is a bespoke statutory instrument applicable to Shropshire and recognised nationally through award nominations and endorsement. Shropshire Council's scheme is recognised as one of the most successful in operation. Whilst there have been internal challenges with Highways staff and Ringway, our term contractor, adhering to the scheme as it was phased in, this should not detract from its overall success as detailed below.

Key elements of WaSP:

A reduction of approximately 13,000 days of roadwork durations by checking and challenging requested permit lengths (this is achieved by calculating the difference between the work providers permit application for work time i.e. 7 days to fix x, and what is actually negotiated and agreed with the provider i.e. new time period of y, or where existing closures by another provider can be utilised to minimise or prevent new disruption) Fostering closer relationships with stakeholder's utility companies such as BT or Severn Trent Water through collaborative working and inspections; and generation of c. £450,000 in permit fees annually. For information the Inspectors operate at nil cost, and generate a surplus over and above their costs, which has to be reinvested within Highways as a condition of the scheme.

In the 2014-15 financial year 520 sites were arranged for collaborative working between commissioners, undertakers & contractors through WaSP. This approach builds closer relationships between parties and allows an area of the network to be improved as much as can be during the same time period, minimising disruption to the network. Emergency works have not changed since phasing in a permit scheme. The same process of making a site safe for the public and retrospectively informing Street Works remains and true emergencies always take priority on the network.

The headline change since bringing in WaSP has been a shift to proactivity rather than passivity. All contractors and undertakers are treated with parity and scrutiny is a level field. The primary challenge is providing continual training and assistance to Ringway to ensure this requirement is met and all work is delivered in an efficient manner, this training and assistance is now bedding in.

Shropshire Council and Ringway have produced a programme of work for the current financial year. This has led to Highways being proactive in listing required works and allowing our term contractor to organise an annual programme and apply for permits with appropriate lead-in times. There are legislative timescales that all works must adhere to; for example all work that is part of the annual programme, take more than 10 days on site or require a road closure (exception to this is emergency work) have a 12 week lead time, this timescale helps ensure that legal orders are in place and any consultation and communication with residents can take place in a timely fashion. All other work that will be identified throughout the year by the highways teams only require 3-10 days lead in time depending on the length of time the work takes on site. The permit scheme does rely on pre –planning and prepared works in advance, which also support Ringway delivering directly or through their supply chain providers.

Working in this way, drives efficiency improvements, encourages financial savings and builds a collaborative approach for the betterment of our road network.

Examples of the scheme in practice, in the Member's area are:

- Park Close – Kinlet – carriageway resurfacing – extent of scheme 250 sq.m of carriageway resurfacing. Scheme is sited directly outside Kinlet C of E Primary School which required the scheme to be undertaken during school holidays. Works completed including advance notification to residents that the road would be closed whilst Ringway were on site.
- B4194 Kinlet to Catsley – carriageway patching – 1652 sq.m of carriageway patching works. Works required road closure due to width of existing carriageway and extent of carriageway repairs. Works completed on time.
- B4363 to Rays Farm – carriageway resurfacing – 430 sq.m of carriageway resurfacing. Scheme involved closure of carriageway to undertake resurfacing. Advanced notification to local businesses and residents required as a condition of the permit. All notification, consultation undertaken prior to commencement of works. Works completed on time.

As you will appreciate since the inception of the Permit Scheme there have been issues identified, the vast majority of these issues are in relation to a change of approach and process by Ringway, so they may be scheduling of the work, preparation and advance notice of work, resource or material availability.

Examples of this are:

- B4363 Wall Town Farm – drainage investigation and repairs – Shropshire Council had been made aware that following periods of heavy or persistent rainfall the highway drainage system in the vicinity of Wall Town Farm did not function correctly which allowed an area of standing water on the carriageway surface to form, this was a potential danger to the road user. The local Highway technician had arranged to investigate the blockage and found that the carriageway surface would need to excavate and a repair to the drain carried out. Due to the location of the excavation the B4363 would need to be closed. An order was raised and a permit applied to close the B4363. Permit would be granted as long as the conditions applied to the permit would be met. Local businesses were to be notified in advance of closure in order to discuss ramifications of closure and how any issues could be mitigated. Dialogue was then opened between client officers and proprietor of business. The permit for this work was then withdrawn due to the fact that a second order had been subsequently raised for carriageway resurfacing works which were located on the same section of carriageway which would require a second closure. It made sense to reorganise both elements of repairs under one closure, however this created a problem in delaying the repair to the drain and also the fact that communications had commenced between SC and local businesses in regards to the drainage repair, this delayed the scheme, but had to be balanced with the disruption that dis – joined scheduling of works could create.

Summary:

Following its first year, a review of the Permit Scheme and the approach by Highways and Contractors is being organised and will commence in May 2015, this has been agreed and is being prepared, also sight should not be lost that the Permit system allows for Shropshire Councils own appointed Network inspectors (financed via Permit application fees from contractors) to ensure that the integrity of any work by a utility company for example is completed safely, and re-instated appropriately to ensure health and safety and that future maintenance costs are minimised or prevented by ensuring the integrity of any repair or reinstatement to the highway network.

QUESTION 2

MR MILES KENNY will ask the following question:

In an era when we are told that things will be done differently why is it that the review of bus services is being carried out the same old way? Why cannot the review be carried out more imaginatively serving the user instead of serving the provider?

MRS CLAIRE WILD, the Portfolio Holder for Highways and Transport will reply:

As you will be aware the Council's approach to service development is Redesign. Public transport is a small element of the current and ongoing Transport Redesign. The Redesign approach works with users and non-users through an extensive consultation and data gathering process. We are going through this on a service by service basis, any developments in service are based on the user consultation period and also acknowledge the current budgetary pressures.

QUESTION 3

MR MILES KENNY will ask the following question:

In 2014 Council agreed to reduce the reliance of the use of the private motor car for short journeys from the then 2/5th of short journeys to 4/5ths:

- a) How much progress has been made towards achieving this target?
- b) How will stopping the Sunday bus service help us achieve this target?
- c) Following a spate of cycle thefts at the Shirehall some staff have been advised not to cycle to work. If Council can spend £500,000 on the 'West Wing' it can do more in providing secure cycle parking, which would cost considerably less and for which there is outside funding to bid for to do this. Why hasn't more secure cycle parking been provided?

MRS CLAIRE WILD, the Portfolio Holder for Highways and Transport will reply:

a) With reference to the Council Meeting on 8th May 2014 10.00 am, minutes show that the target was not adopted as part of Cllr Kenny's motion. However the Council's wider policy contained within the Local Transport Plan supports the use of alternative modes of transport to the motor car for such trips and as such this remains a key piece of work for the Council. Monitoring of such activity in the original motion was quoted from national survey statistics and at the time of writing we're not aware of any other update to the 2013/14 survey results. Officers will report to Council further on release of these statistics.

b) Although this target was not adopted by the Council, we still support the bus network with the aim of changing peoples' short journey travel habits. The Sunday bus network was supported by external LSTF funding and is over and above the minimum standard in the Council's adopted bus strategy. Were the Council to continue to fund the Sunday bus service network at its own expense, funding for this would have to be found from within the existing public transport budget.

c) The Council has not issued any advice stopping staff cycling to work. Staff have been advised to park their bicycles at North Entrance. Following the incidents of the 7th and 8th of April security guards were engaged to allow for contractors to be engaged to focus the CCTV camera over the North Entrance cycle store this has been completed. The Leader of the Council has also authorised the removal of a parking bay in the underground car park so that it can be assigned as cycle parking and work is in progress in this regard.

This page is intentionally left blank



<u>Committee and date</u>	<u>Item</u>
Council	9
14 May 2015	Public

CONSTITUTION OF COMMITTEES AND THE ALLOCATION OF SEATS TO POLITICAL GROUPS

Responsible Officer Claire Porter

Email: claire.porter@shropshire.gov.uk

Telephone: (01743) 252763

1.0 Summary

- 1.1 This report deals with the overall constitution of committees, the overall entitlement of seats for each of the political groups and the proportionate allocation of seats between the groups across all committees.

2.0 Recommendations

- 2.1 That the Council confirms 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 to this report.

REPORT

3.0 Local Government and Housing Act 1989

- 3.1 The provisions of the Local Government and Housing Act 1989 require the Council to review the representation of each political group on committees, panels etc. at each annual meeting or as soon as practicable after that meeting. The regulations require that all Scrutiny, Standing and Regulatory Committees are politically balanced across the total number of committee places. Subject to that overriding requirement, each committee must also be politically balanced, as far as it is reasonably practicable.
- 3.2 The Executive (Cabinet) is not subject to the political balance rules, but the Standards Committee is required to be balanced.
- 3.3 Advisory Committees and other ad hoc bodies and groups are not subject to the political balance rules either, but traditionally political proportionality has been applied to them outside the overall aggregate balance referred to in paragraph 2.1 above.

4.0 Constitution of Committees

- 4.1 The Council is requested to approve the overall constitution of committees.
- 4.2 This requires 90 seats to be allocated proportionately across all committees and the Council is requested to approve the overall constitution as set out below:

<u>Committee Name</u>	<u>Seats per Committee</u>
Health and Adult Social Care Scrutiny Committee	10
Performance Management Scrutiny Committee	10
Environment and Services Scrutiny Committee	10
Enterprise and Growth Scrutiny Committee	10
Young People's Scrutiny Committee	10
Pensions Committee	4
Audit Committee	5
Human Resources Committee	7
Strategic Licensing Committee	15
Standards Committee	9
Total	<u>90</u>

5.0 Allocation of Seats

- 5.1 The Council is required to approve the allocation of seats to the political groups for the coming year.
- 5.2 The maximum number of seats available to each group within the political balance rules will be:

<u>Group Name</u>	<u>Seats per Group</u>
Conservatives	58*
Liberal Democrats	16
Labour	11
Independent	5
Total	<u>90*</u>

- 5.3 * Although it is ultimately a matter for Council to determine the number and size of committees and the distribution of seats between political groups, legislation provides that the non-affiliated member is entitled to a Committee seat on the Council. In July 2014 Council agreed for the seat to be on the Performance Management Scrutiny Committee and for the status quo of membership to prevail. This position continues to be supported by the Leaders of the Conservative and Independent Political Groups who were primarily affected by the change.

- 5.4 The proportionate allocation of seats to the political groups across all committees is set out in Appendix 1 and the proposed allocation of these totals to individual members, in accordance with the wishes of the respective Group Leaders, is set out in Appendix 2 to this report (To Follow).
- 5.5 The Council is entitled to 11 seats on the Shropshire and Wrekin Combined Fire Authority. Under the present arrangements, the Conservative Group is entitled to 8 seats, the Liberal Democrat Group 2 seats and the Labour Group 1 seat.
- 5.6 The proposed allocation of seats meets the legal requirements, however, should the Council wish, it is possible to agree allocations which are not strictly politically balanced if no member dissents.

6.0 Appointment of Area Planning Committees

- 6.1 With regard to the allocation of seats on the area based Planning Committees (North, South and Central – 11 members of each) the Constitution requires members to be drawn from each of the individual areas, North, South and Central and for this reason the political balance rules have been disapplied. However, it has been agreed by Council that in order to recognise the local representation of each of the areas, the members of each of the Area Planning Committees will reflect the political balance of each local area.

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

Local Government and Housing Act 1989 and Regulations made thereunder.

Human Rights Act Appraisal

The contents of this report are compatible with the provisions of the Human Rights act 1998.

Environmental Appraisal: Not Applicable

Risk Management Appraisal

The Council is obliged to ensure that the membership of committees and related bodies is proportionate to individual group membership.

Community / Consultations Appraisal

Not Applicable

Cabinet Member: Keith Barrow

Local Members: All

Appendices

Appendix 1 – Constitution of Committees and Allocation of Seats to Political Groups

Appendix 2 – Proposed Allocation of Seats to Political Groups (To Follow)

This page is intentionally left blank

ALLOCATION OF SEATS TO POLITICAL GROUPS

Group	Cons	Lab	Lib Dem	Ind	Total
	46	10	13	4	73

SCRUTINY

Health and Adult Social Care	6	1	2	1	10
Performance Management*	7*	1	2	0	10*
Environment and Services	6	2	2	0	10
Enterprise and Growth	6	1	2	1	10
Young People's	6	1	2	1	10

STANDING AND REGULATORY

Pensions Committee	3	0	1	0	4
Audit Committee	3	1	1	0	5
Human Resources Committee	5	1	1	0	7
Standards	6	1	1	1	9
Strategic Licensing Committee	10	2	2	1	15
Aggregate No Seats Required	58*	11	16	5	90*

- One seat allocated on Performance Management Scrutiny Committee to non-affiliated Member

This page is intentionally left blank



<u>Committee and Date</u>
Council
14 May 2015
10.00 am

<u>Item</u>
10
<u>Public</u>

AMENDMENTS TO THE CONSTITUTION

Responsible Officer Claire Porter

e-mail: claire.porter@shropshire.gov.uk

Tel: 01743 252763

1. Summary

- 1.1 A review of Part 4 of the constitution has been undertaken by a small working group with a view to amendments being presented to Council for approval. Following discussion in relation to the Council Procedure Rules by the working group, two contentious issues were resolved at a meeting of the Political Structures Monitoring Group.
- 1.2 The Strategic Licensing Committee, at its meeting held on the 18th of March 2015, recommended a number of changes to the Licensing Act Sub Committee Procedure Rules.
- 1.3 In addition, at a Portfolio Holders Decision Making Session held on the 7th of April 2015, Cllr Mal Price took a decision to adopt a new Shropshire Council Tenancy Policy in respect of flexible tenancies. As a consequence of this, amendments are required to the constitution in Part 3, functions of the Housing Review Panel, and part 8, Delegation to Officers
- 1.4 The Anti-social Behaviour, Crime and Policing Act 2014 introduces a new absolute ground for possession of a property. In order to rely on this, amendments are required to Part 3 of the Constitution relating to the Housing Review Panel.

2. Recommendations

- 2.1 That the following amended procedure rules attached as appendices to the report be approved and be included in the Constitution of the 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

- 2.2 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.
- 2.3 That the Head of Adult Social Care is 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.

REPORT

3. Risk Assessment and Opportunities Appraisal

The Council needs to keep its procedures under review in order to ensure that they provide a legal basis for decision making in a manner that best suits the Local Authority.

4. Financial Implications

There are no financial implications to the Council as a result of this report.

5. Background

- 5.1 A review of Part 4 of the Rules of Procedure in the Constitution has been undertaken by a small working group of members comprising Councillors Keith Barrow, Pauline Dee, Roger Evans, David Lloyd and Mansell Williams, with a view to amendments being presented to Council for approval. Members of the working group agreed to take responsibility for ascertaining the wishes of and providing feedback to members of their respective groups. Following discussion by the working group in relation to the Council Procedure Rules, two contentious issues were resolved at a meeting of the Political Structures Monitoring Group.
- 5.2 On the 18th of March 2015 the Strategic Licensing Committee considered a proposed amendment to the Licensing and Safety Sub Committee Procedure Rules set out in Part 4 of the Constitution.
- 5.3 At a Portfolio Holders Decision Making Session held on the 7th of April 2015, Cllr Mal Price took a decision to adopt a new Shropshire Council Tenancy Policy in respect of flexible tenancies. As a consequence of this, amendments are required to the constitution in Part 3, functions of the Housing Review Panel, to ensure that the Local Authority has a mechanism in place through which a tenant can request that a decision to commence possession proceedings is reviewed, and part 8,

Delegation to Officers, to enable Officers to commence possession proceedings where appropriate.

5.4 The Anti-social Behaviour, Crime and Policing Act 2014 introduces a new absolute ground for possession of a property. There is a statutory right for the tenant to request a review of the decision to seek possession. The Council needs to have a mechanism in place in order to determine the review.

5.5 The revised Council Procedure Rules agreed by the working group and which reflect the decisions made at the meeting of the Political Structures Monitoring Group are attached at appendix 1. Amendments which have been made are as follows:

- a) References to Executive amended to read "Cabinet" and associated definitions updated [Para 1.6]
- b) Tidied up references to Speaker and Chairman [2.2]
- c) Remove reference to Standards Committee not to comply with political balance rules [2.5]
- d) Include reference to statements in public question time to remove inconsistency with other provisions [3.2 (vi)]
- e) Include specific reference to petitions [3.2 (vii)]
- f) Move authority of Chief Executive to more appropriate place [4.2(ii) to new 4.1(v)]
- g) Clarify term of office of committee chairman [5.1]
- h) Remove prohibition on appointment of substitutes re standards committee and remove reference to area licensing committees [7.2]
- i) Clarify rules on substitution [7.4]
- j) Clarification of appointment to fill casual vacancy in office of chairman or speaker [11.4]
- k) Reduce time allowed for petition organiser to speak from 5 to 3 minutes [14.1 (xi)]
- l) Extend reasons for CE to reject a question or petition [14.5]
- m) Clarify who can respond to question at Council [14.6]
- n) Enable Speaker to reject supplementary question [14.7]
- o) Clarify reference by council of question statement or petition to Cabinet or a committee [14.9]
- p) Extend questions to chairman by members of a committee to all members [15.3]
- q) Remove anomaly re notice for member questions at council
- r) Extend motions on notice to include a reference from a group leader (if he has the consent of all in the group) [16.1]
- s) Reduce length of speeches to 3 minutes [18.4]
- t) Remove unnecessary provisions [18.5 (g) in entirety and part 18.10 (b)]
- u) Members must be "present" and voting [20.1]
- v) Correct erroneous paragraph number re voting [20.3]
- w) Update required in consequence of legislative change [28.1 (ii) (a)]
- x) Correct application of rules to committees [32.2]

- 5.6 The amended Access to Information Procedure Rules agreed by the Working Group are attached as appendix 2. Amendments which have been made are as follows:
- a) References to Executive amended to read "Cabinet"
 - b) Clarification of rights relating to the protection of information [para 2]
 - c) Clarification of the right of the public to attend meetings [para 3]
 - d) Certain notices to be included on the Council website [paras 4 and 15]
 - e) Clarification of the exclusion of access by the public to attend meetings [para 10]
 - f) Extension of the application of the rules to include decisions taken by Portfolio Holders [para 12]
 - g) Extension of notice and content of Forward Plan [paras 13 and 14]
 - h) Requirement to give notice of reasons for failing to give notice [para 15]
 - i) Reasons to be given for special urgency [para 16]
 - j) Details of the content of a report to Council from the Cabinet [para 16]
 - k) Amended content to be included in Record of Decisions [para 18]
 - l) Clarification of rights to attend meetings of Cabinet [para 19.1]
 - m) New section on private meetings of the Cabinet [para 20]
 - n) Amendments to Portfolio Holders decision making session rules [para 21]
 - o) Scrutiny Committee to have access to documents relating to an officer executive decision [para 22]
 - p) Extension of additional rights of access for members [para 24]
 - q) Clarification of rules relating to disclosure of information [para 25]
- 5.7 The amended Budget and Policy Framework Procedure Rules agreed by the working group are attached at appendix 3. Amendments which have been made are as follows:
- a) References to Executive amended to read "Cabinet"
 - b) Inclusion of "Committee of the Cabinet" as appropriate
 - c) Clarification of roles relating to Budget and Policy proposals [para 2]
 - d) In absence of Chairman of Scrutiny Committee, provision for others to consider urgency of decision [para 4]
 - e) Extension to in-year changes to policy framework [para 6(e)]
- 5.8 The Standing Orders Relating to Proceedings and Business are attached at appendix 4. These are legislative requirements and have been reformatted for greater clarity.
- 5.9 The amended Executive Procedure Rules agreed by the working group are attached at appendix 5. Amendments which have been made are as follows
- a) References to Executive amended to read "Cabinet"
 - b) Clarification regarding the sub-delegation of executive functions [para 1.3]
 - c) Amendment to timing of meetings of Cabinet [para 1.5]
 - d) Inclusion of Decision Making sessions by members of the Cabinet [para 1.9]
 - e)

5.10 The Licensing and Safety Sub Committee Procedure rules agreed by the Strategic Licensing Committee are attached as appendix 6 and have been amended as follows:

- a) Paragraphs 6 and 7 References to 'Licensing Officer' amended to read 'Team Manager (Transactional Management)'
- b) Paragraph 7 - the powers delegated to the Team Manager (Transactional Management) extended to include decisions in respect of private hire operator licences.
- c) Annex A (Procedure Guidance Notes for Members) – all references to 'Licensing Team Leader' amended to read 'Team Manager (Transactional Management) or their appointed representative'
- d) Annex B (Matters of Procedure for the Licensing Decision Maker):
 - i. Reference to 'Licensing Officers' amended to read 'the Licensing Decision Maker'
 - ii. The Team Manager (Transactional Management) is specifically required, prior to making decisions, to consult with the Council's safeguarding lead officers for Adult and Children's Services and an appropriate officer from West Mercia Police. They may also consult with any other officer of the Council or a representative from any other relevant external agency or organisation as they consider appropriate.
 - iii. A decision may be made for immediate suspension of licences without the licence holder being informed prior to the decision being made however they will be informed following the decision and will be given the opportunity to make representations
 - iv. The time period for licence holders to submit representations to be amended to read '10 working days'

5.11 The Standing Orders Relating to Staff are attached at appendix 7. These are legislative requirements and have been reformatted for greater clarity.

5.12 The Overview and Scrutiny Procedure rules are not included at this stage as there is an ongoing wider review of the delivery of Overview and Scrutiny.

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

Strategic Licensing Committee agenda dated 18th March 2015

Cabinet Member (Portfolio Holder)

Local Member

All Members

Appendices

1. Council Procedure Rules
2. Access to Information Procedure Rules
3. Budget and Policy Framework Procedure Rules
4. Standing Orders Relating to Proceedings and Business
5. Executive Procedure Rules
6. Licensing Act Sub Committee Procedure Rules
7. Standing Orders relating to Staff

COUNCIL PROCEDURE RULES

1. GENERAL PROVISIONS AND INTERPRETATION

For the purpose of this Constitution, Rules and any Scheme of Delegation:-

- 1.1 Any reference to any legislation shall be deemed to include a reference to any statute incorporated therewith or any statutory instrument or Byelaws made thereunder and any enactment repealing, amending or extending the provisions thereof.
- 1.2 The power to appoint employees shall include (inter alia) the powers to dismiss, to discipline, to promote, to transfer, or to exercise any other personnel function.
- 1.3 Any references to “Shropshire” shall be deemed to be restricted to that area outside the Telford and Wrekin Council save where the context otherwise requires.
- 1.4 Any reference in this Constitution or in any relevant legislation (whether primary or secondary) to the “Head of Paid Service” shall (except where the content otherwise requires) mean the Chief Executive.
- 1.5 “The Proper Officer” shall refer generally to the Chief Executive or any other person that he/she nominates. Each Director, statutory officer or any other person so nominated within the Scheme of Delegations in Part 8 of this Constitution shall also be the “Proper Officer” for the purposes of the legislation relating to their service areas.
- 1.6 “Leader” and “Member of the Cabinet” shall have the meanings given to “Senior Executive Member” and “Member of the Executive” by section 9E and Schedule A1 of the Local Government Act 2000.
- 1.7 “E-mail” shall mean any communication by means of computer.
- 1.8 “Written notice” shall include a communication by computer.
- 1.9 “Agenda papers” shall include the agenda and any papers supplied in association with the agenda.
- 1.10 For the purposes of any proceedings brought before a court or tribunal, any provision in this Constitution or in any Scheme of Delegations requiring prior consultation with any Member or officer of the Council shall be deemed to have been complied with.
- 1.11 The term ‘Decisions List’ means a list of decisions of Cabinet, Portfolio Holders or Committees (other than Regulatory Committees) and those key decisions taken by officers under delegated powers and which is kept available for public inspection by the Monitoring Officer.

Part 4 – Council Procedure Rules

- 1.12 'Call in' means a request by a member of Council that a decision which has been published on the Decisions List be referred to a Scrutiny Committee for further consideration.
- 1.13 'Group Call in' means a request by a Group Leader (or a person authorised by them) to call in on behalf of all members of the Group a decision which has been published on the Decisions List and such a request shall be treated as if individual call in requests had been received from each and every member of that Group, a minimum of 12 members shall still apply.
- 1.14 The term "Clear Working Days" shall exclude the day on which the notice is received and Saturdays, Sundays or other days when the Council's offices are closed, and the day of the meeting itself.
- 1.15 The business of the Council (at whatever level it is conducted) shall be subject to any relevant statutory provisions and principles of common law whether or not they are set out or referred to in this Constitution or any Scheme of Delegations.
- 1.16 Except where the context otherwise requires, the term 'Committee' throughout this Constitution shall include any committee, panel, forum or ad hoc committee but shall not include informal working parties, site visits or other meetings which would not constitute a committee or sub-committee within the meaning of the Local Government Acts 1972 and 2000.

2. ANNUAL MEETING OF THE COUNCIL

Timing of the Annual Meeting

- 2.1 In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

2.2 Business at the Annual Meeting

The Business at the Annual Meeting will be to:-

- (i) elect a person to preside if the Speaker or Chairman is not present;
- (ii) elect the Speaker, such person to continue in office until immediately before the election of the Speaker at the next annual meeting unless he/she resigns (NB The Speaker shall be eligible for re-election)
- (iii) elect the Chairman of Council, such person to continue in office until immediately after the election of the Speaker at the next annual meeting unless he/she resigns. (NB The Chairman shall be eligible for re-election);
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chairman and/or Head of the Paid Service;

Part 4 – Council Procedure Rules

- (vi) elect the Leader (NB The Leader will be a Councillor elected for a term of four years to the position of Leader by the Council. See Part 2 - Article 7 - 7.3 Leader and Deputy Leader);
- (vii) appoint at least one Overview and Scrutiny Committee (the Council may decide that Overview and Scrutiny Committees should not be politically balanced, but this can only be adopted where no Member present votes against), a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3 of this Constitution);
- (viii) approve a programme of ordinary meetings of the Council for the year; and
- (ix) consider any business set out in the notice convening the meeting.

N.B For the purposes of Section 4 of the Local Government Act 1972 the Speaker is the Chairman of the Council and for the purposes of Section 5 of the Local Government Act 1972 the Chairman is the Vice-Chairman of the Council.

2.3 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

- (i) without prejudice to the powers of the Council to vary the Committee structure and Delegations, appoint the Committees or Panels with the powers referred to in Part 3 'Council Functions'.
- (ii) decide the size and terms of reference for those Committees;
- (iii) receive nominations of councillors to serve on each Committee and outside body; and
- (iv) appoint Councillors to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.
- (v) The Leader of the Council will approve appointments to outside bodies in the period between Annual Meetings of the Council regardless of how they occur and shall inform the Chief Executive accordingly. All Group Leaders will be informed of such appointments by email.

2.4 Appeal Panels

The Chief Executive shall from time to time establish such Appeal Panels as may be required, to be constituted as the Chief Executive shall determine subject only to any legal requirements attaching thereto. Membership of such Panels shall not be subject to political balance.

2.5 Compliance with the Political Balance Rules

Part 4 – Council Procedure Rules

- (i) When appointing Committees (other than Area Planning Committees, which will reflect the political balance of the local area itself, or Appeal Lists Panels), the Council shall determine the overall number of seats on each Committee or List and allocate numbers of seats to political groups and to independent members in accordance with the Local Government and Housing Act 1989 and shall keep the same under review in accordance with that Act.
- (ii) A political group may by notice to the Chief Executive require a change in the appointment of a Member or substitute Member to a seat allocated to that political group with immediate effect. The change will then be reported at the next Council meeting.

3. ORDINARY MEETINGS

3.1 Timing of Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting, and subject thereto as fixed by the Speaker.

3.2 Business at Ordinary Meetings

The Business at Ordinary Meetings will be to:-

- (i) elect a person to preside if the Speaker or Chairman are not present;
- (ii) deal with any business required by statute to be done before any other business of the Council;
- (iii) approve the minutes of the last meeting;
- (iv) receive any declarations of interest from Members;
- (v) receive any announcements from the Speaker, the Chairman, Leader or Head of Paid Service;
- (vi) receive questions and statements from, and, in respect of questions, provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vii) receive questions from Members
- (viii) receive petitions from the public in relation to matters which in the opinion of the Speaker are relevant to the Council's functions;
- (ix) deal with any business expressly required by statute to be done;
- (x) deal with any business left outstanding from the last Council meeting;

Part 4 – Council Procedure Rules

- (xi) receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (xii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Committees for debate;
- (xiii) deal with reports in relation to reviewing the functions of the Cabinet and Scrutiny in accordance with the protocol set out in Part 5.
- (xiv) consider motions;
- (xv) receive reports about, and for questions and answers on the business of joint arrangements and external organisations, and in particular the West Mercia Police Authority or the Shropshire and Wrekin Fire Authority.

4. EXTRAORDINARY MEETINGS

4.1 Calling Extraordinary Meetings

Those listed below may request the Proper Officer to call Council meetings in addition to Ordinary Meetings:

- (i) the Council by resolution;
- (ii) the Speaker of the Council (or the Chairman if the office of Speaker is vacant, or the Speaker is not available); or
- (iii) the Monitoring Officer; or
- (iv) Subject to the matter contained in the notice being the responsibility of the Council and not delegated under Part 3 of the Constitution, any eight members of the Council if they have signed a requisition specifying the nature of business and presented to the Speaker of the Council or the Chairman under Rule 4.1(ii) above and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- (v) The Chief Executive may, however, reject such a request if (in his/her opinion) it:
 - It is not a matter where the Council has had a responsibility, or a legitimate interest;
 - is defamatory, frivolous or offensive;
 - is substantially the same as a decision which has been considered, decided or rejected by a meeting of the Council in the past six months unless the notice of motion or amendment is signed by at least 24 members; or
 - requires the disclosure of confidential or exempt information.

Part 4 – Council Procedure Rules

4.2 Business of Extraordinary Meetings

- (i) No business shall be transacted at a meeting called by Members other than that specified in the notice published under Rule 9.1 below.
- (ii) The notice calling the meeting shall contain a motion which makes explicit the reason for calling the meeting and the action the Council is being asked to take.

5. CHAIRMAN AND VICE-CHAIRMAN OF COMMITTEES AND SUB-COMMITTEES

- 5.1 Every Committee shall at its first Ordinary Meeting following the Annual Meeting of the Council and before proceeding to any other business, elect a Chairman and Vice-Chairman who shall remain in office until the first meeting of the Committee after the next Annual Meeting of the Council (such meeting to be held within 28 days of the day of the Annual Meeting of the Council) unless he/she resigns or ceases to be a member of the Council.
- 5.2 The Chairman of a Committee may summon a special meeting of the Committee at any time.
- 5.3 The Chairman may cancel or rearrange the date of a meeting at any time before the agenda has been published, if he/she feels there is insufficient business to justify the meeting, or there is some other good reason why it would not be appropriate to hold the meeting on the day originally proposed.

6. ATTENDANCE BY MEMBERS AT COMMITTEES

- 6.1 A Member of the Council may attend a meeting of any Committee of which he/she is not a Member and “participate” in the discussion of an item, but not to vote upon an item on the agenda, provided the item concerns that Member’s electoral division. Such Members will observe the same confidentiality conventions as apply to Members of the Committee in question.
- 6.2 The Chairman may in his/her absolute discretion afford a “right of audience” to any member not falling within para 6.1 above provided the comments remain relevant to the item on the agenda and shall do so for Group Leaders and with the consent of the Committee or Panel extend the Member’s rights to allow them to “participate”.
- 6.3 Where a resolution is passed excluding the public from a meeting, that exclusion shall not be deemed to apply to any Member of the Council but all Members will be expected to observe the confidentiality conventions.

7. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

- 7.1 **Allocation**

Part 4 – Council Procedure Rules

As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members.

7.2 Number

For each Committee or Sub-Committee, the Council will appoint the same number of substitutes in respect of each political group as that Group holds ordinary seats on that Committee or Sub-Committee, with the exception of the Strategic Licensing Committee when considering Licensing Act 2003 matters where there will be no substitutes. Substitutes will be appointed on the Area Planning Committees, subject to those substitutes first receiving the necessary training.

7.3 Powers and duties

Substitute Members will have all the powers and duties of any ordinary member of the Committee but cannot exercise any special powers or duties exercisable by the person for whom they are substituting. If the ordinary Member named in the notice given in Rule 7.4(iii) below is the Chairman of the relevant Committee, then the Vice-Chairman shall preside or, if absent, the first item of business shall be the appointment of a Chairman for the meeting.

7.4 Substitution

Substitute Members may attend meetings in that capacity only:-

- (i) if it is impracticable for the named ordinary Member of the Committee to attend a specified meeting of the Committee;
- (ii) to take the place of the ordinary Member from the same Group for whom they are a designated substitute;
- (iii) where the ordinary Member will be absent for the whole of the meeting; and
- (iv) in respect of substitutes from the same political group, after the ordinary Member or the Group Leader of the Group to which that member belongs has notified the Chief Executive or his/her representative of the intended substitution prior to the commencement of the meeting.
- (v) in respect of substitutes not from the same political group, after the Group Leader of the Group to which that member belongs (or, in respect of ungrouped members, the ungrouped member) has notified the Chief Executive or his/her representative of the intended substitution prior to the commencement of the meeting

7.5 Announcement of Changes

The Chairman of the relevant meeting shall, at the commencement of the meeting, announce the name of any substitute Member(s) present and the name of the displaced ordinary Member(s).

8. TIME AND PLACE OF MEETINGS

Part 4 – Council Procedure Rules

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

9. NOTICE OF AND SUMMONS TO MEETINGS

9.1 Publication of Notice of Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence.

9.2 Contents of the Summons

The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

9.3 Service of the Summons

- (i) Want of service of a summons on any Councillor shall not affect the validity of a meeting or any decisions taken; and
- (ii) If a Councillor gives notice in writing to the Chief Executive that they desire summonses to attend meetings to be sent to them at some address other than their usual place of residence, any summons addressed to them and left at or sent by post to that address shall be deemed sufficient service of the summons.

10. AGENDA FOR MEETINGS OF COUNCIL

- (i) **Setting the Agenda - General**
The items to be included in the Agenda for a meeting of the Council shall, subject to compliance with this Constitution, the Scheme of Delegations and any statutory provision, be fixed by the Chief Executive in consultation with the Speaker.
- (ii) **Pre-consideration of Policy**
At up to four Council meetings a year, Council may receive a preliminary report from a Policy Commission to enable the whole Council to be involved in and debate the policies and proposals under consideration. The Policy Commission will then take the preliminary views of Council into account when presenting their final proposals to Cabinet and a subsequent Council meeting.
- (iii) **Resolution of Cabinet or a Scrutiny Committee**
By resolution of Cabinet or a Scrutiny Committee, or at the written request of any eight members and received not less than fifteen clear working days prior to the meeting of the Council at which it is proposed that the item of business be considered, then subject to these Rules any item of business shall be included on the Council Agenda.

Part 4 – Council Procedure Rules

11. CHAIRING OF MEETING

11.1 Speaker to Preside if present

The Speaker (if present) shall preside at a meeting of the Council.

11.2 Chairman to Preside in absence of the Speaker

If the Speaker is absent from a meeting of the Council, then the Chairman (if present) shall preside.

11.3 Appointment of Person to Preside in absence of Speaker and Chairman

If both the Speaker and the Chairman of the Council are absent, then the Members present at the meeting shall choose who shall preside for that meeting.

11.4 Casual Vacancies

Where a casual vacancy occurs in the office of Chairman or Speaker of the Council, the vacancy shall be filled by the election by the Council of one of its Councillors at its next meeting and the person so elected/appointed shall hold office until the date upon which the person in whose place they are elected/appointed would regularly have retired.

11.5 Powers of the Person Presiding

The person presiding at the meeting may exercise any power or duty of the Speaker. Where these rules apply to Committee and Sub-Committee meetings, references to the Speaker also include the Chairman of Committees and Sub-Committees.

11.6 Reports tabled at the meeting

It shall be at the discretion of the Speaker whether to allow reports tabled at the meeting to be considered. In the event that he does so allow, the Speaker shall ensure that sufficient time is afforded to Members to consider the report and any associated papers. If the matter is not urgent then it also remains within the discretion of the Speaker whether to defer the matter for consideration at the next meeting.

12. QUORUM

The quorum of a meeting will be one-quarter of the whole number of members. During any meeting if the Speaker counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Speaker. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

13. DURATION OF MEETING

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for eight hours (four hours if it is an evening meeting)

Part 4 – Council Procedure Rules

(including any adjournments) will adjourn immediately. Remaining business will be considered at a time and date fixed by the Speaker. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

14. QUESTIONS, STATEMENTS AND PETITIONS BY THE PUBLIC AT ORDINARY MEETINGS OF THE COUNCIL

14.1 General

- (i) Members of the public having given proper notice may ask questions of, make statements to the Leader, a Portfolio Holder or a Chairman of Committee or Panel on any matter in relation to which the Council has powers or duties or which affects the whole or part of the area at an Ordinary Meeting of the Council.
- (ii) A period of 30 minutes will be set aside at each meeting and normally a maximum of six questions will be heard. If notice of more than six questions is received for the same meeting, priority will be given to matters in accordance with the order in which they are received.
- (iii) The Speaker shall have discretion to extend the question period to allow any question in progress at the expiry of the 30-minute period to be completed and answered or to allow more than six questions to be heard where these relate to items on the agenda. Where more than six questions are raised and the matters do not relate to items on the agenda, the person shall be offered the option of a written reply or deferral to the next meeting of the Council.
- (iv) When matters are raised that relate to items on the agenda, the Speaker may decide to defer the question until that item is reached and take it before Councillors start their debate.
- (v) The Council has a duty to listen to the concerns of people who live, work and study in Shropshire. Where these are identified in a petition, the matter must be considered in accordance with its Petition Scheme. This provides for a petition containing 1000 or more signatures to be debated by the Council, unless the petition has been presented previously to members.
- (vii) The Chief Executive may reject any petition which in his/her opinion is considered to be vexatious, abusive or otherwise inappropriate.
- (vii) To be eligible for debate, a petition must identify the petition organiser, who shall not also be a member of the Shropshire Council. It shall contain the names and addresses or, alternatively, the names and place of work or study, as well as the signatures, of at least 1000 people. In addition the petition must have normally been received at least 10 working days prior to the Council meeting at which it is intended to be debated.

Part 4 – Council Procedure Rules

- (viii) Where these conditions have been satisfied, unless the petition requests that a Senior Officer gives evidence at a public meeting, the matter will be scheduled for debate at the next ordinary Council Meeting or such other date as determined by the Speaker in consultation with the Chief Executive. The petition organiser will be informed of the date as soon as is practicable.
- (ix) At the commencement of the debate the petition organiser will be given 3 minutes (unless the Speaker allows them additional time) in which to present the petition after which there shall be a debate of up to 15 minutes duration. The appropriate Portfolio Holder will then reply, after which a vote will be taken, where appropriate.
- (x) If the petition relates to a matter over which the Council has no control, unless the petition calls for action which is in conflict with the Council's own policy, Members will consider whether to make representations on behalf of the Community to the relevant body.

14.2 Order of questions, statements and petitions

Questions will be asked or petitions presented in the order that notice of them was received, except that the Speaker may group similar questions together.

14.3 Notice of questions, statements or petitions

A question may only be asked, a statement made and a petition presented, if notice has been given to the Chief Executive no later than two clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

14.4 Number of questions/statements

At any one meeting, no person may submit more than two questions, and no more than three such questions may be asked on behalf of one organisation.

14.5 Scope of questions, statements and petitions

The Chief Executive may reject a question or petition if (in his/her opinion) it:

- is not about the matter where the Council has a responsibility or a legitimate interest;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.
- relates to the determination of a planning or licensing application
- relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment

14.6 Asking the question at the meeting

Part 4 – Council Procedure Rules

Each question will be presented and the relevant Member will respond in turn after which the questioner if present will be asked whether he/she has a supplementary question. If the questioner is not present, the Speaker may permit someone to ask a supplementary question on his/her behalf.

14.7 **Supplementary questions**

A questioner asking a supplementary question may ask one question without notice of the Member who replied to the first question. The supplementary question must arise directly out of the original question or the reply. The Speaker may reject a supplementary question on any of the grounds set out in paragraph 14.5 above.

14.8 **Written answers**

Any supplementary question which cannot be dealt with during public question time will be dealt with by a written answer.

14.9 **Reference of question, statement or petition to the Cabinet or a Committee**

Unless the Speaker decides otherwise, no discussion will take place on any question but any Member may move that a matter raised by a question or a supplementary question, a statement or a petition be referred to the Cabinet, or the appropriate Committee, Sub-Committee or Scrutiny Committee. Once seconded, such a motion will be voted on without discussion.

14.10 **Speaker's Discretion**

The Speaker may in his/her absolute discretion allow a question to be put or a petition presented even where the requirements of this rule have not been complied with and may allow a Member of the public to make a statement which does not amount to a question.

15. **QUESTIONS BY MEMBERS**

15.1 **On reports of the Cabinet or Committees**

A Member of the Council may ask the Leader, portfolio holder or the Chairman of a Committee or Panel any question without notice upon an item of the report of the Cabinet or a Committee or Panel when that item is being received or under consideration by the Council.

15.2 **Questions on notice at full Council**

Subject to Rule 15.4, a Member of the Council may ask:

- the Chairman;
- the Speaker;
- a Member of the Cabinet
- the Leader; or
- the Chairman of any Committee, Sub-Committee or Panel

Part 4 – Council Procedure Rules

a question on any matter in relation to which the Council has powers or duties or which affects the area. All Members' questions and the appropriate answers will be despatched at least five clear days in advance of the Council meeting.

15.3 Questions on notice at Committees and Sub-Committees

A Member may ask the Chairman of a Committee, Sub-Committee or Panel a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that Committee or Sub-Committee.

A period of up to 30 minutes shall be set aside at each meeting when normally up to six questions will be heard. If notice is received of more than six questions for the same meeting, priority will be given to questions in accordance with the order in which they were received.

The Chairman shall have discretion to extend the question period to allow any question in progress of the expiry of the 30 minute period to be completed and answered, or to allow more than six questions to be heard where these relate to items on the agenda.

The Chairman may group similar questions together and where more than six questions are received he/she shall offer the questioner the option of a written reply or deferral to the next meeting of the Council.

A question may only be asked if notice has been given to the Corporate Head Legal and Democratic Services no later than two clear working days before the day of the meeting. At any one meeting, no person may submit more than two questions.

The Corporate Head Legal and Democratic Services may reject a question if (in his/her opinion) it:

- Is not a matter where the Committee has a responsibility or a legitimate interest;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question which has been put at a meeting of the Committee in the previous six months; or
- Requires the disclosure of confidential or exempt information.

A member asking a question will also have the right to ask one supplementary question without notice. The supplementary question must arise directly out of the original question or the reply.

Any supplementary question which cannot be dealt with during the time allotted for Members' Questions will be dealt with by a written answer.

15.4 Notice of questions

A Member may only ask a question under Rule 15.2 if either:

Part 4 – Council Procedure Rules

- (a) he/she has given at least 12 working days' notice before the day of the Council meeting, in writing of the question to the Chief Executive; or
- (b) the question relates to urgent matters, and he/she has the consent of the Speaker and the Member to whom the question is to be put, and the content of the question is given in writing to the Chief Executive no later than 9.30 a.m. on the day of the meeting.

15.5 Questions about the West Mercia Police Authority or the Shropshire and Wrekin Fire Authority

A Member of the Council may address questions on the discharge of the functions of the Police Authority or the Shropshire and Wrekin Fire Authority to the person nominated for that purpose by the Authorities during consideration of the Reports of the Authorities. (NB In the case of the West Mercia Police Authority, this shall be the person nominated under s.20 Police Act 1996.)

15.6 Response

An answer may take the form of:

- (a) a direct written or oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally or in writing on the day, a written answer circulated later to the questioner.

15.7 Supplementary question

A Member asking a question under Rule 15.2 or 15.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

16. MOTIONS ON NOTICE

16.1 Notice

Except for motions which can be moved without notice under Rule 17, written notice of every motion signed by at least four Members or a Group Leader (who must ensure that they have the consent of all group members) on behalf of all members of their group must be delivered to the Chief Executive at least than 10 clear working days before the date of the meeting.

16.2 Motion set out in agenda

Motions for which notice has been given will be listed towards the end of the Council agenda but prior to the Police and Fire Authority reports, unless the Member giving notice states, in writing that they propose to move it to a later meeting or withdraw it. The Speaker is given authority to vary the order of business if requested by the proposer of any motion which relates to an

Part 4 – Council Procedure Rules

important issue affecting the budget, plans or policies of the Council. A notice of motion which seeks referral of a motion or other matter to Cabinet, a Committee or Panel or where the proposer seeks such a referral in moving the motion, it shall, unless the Speaker otherwise directs, stand automatically referred without discussion.

16.3 Scope

- (i) Motions must be about matters for which the Council has a responsibility or which affect the area.
- (ii) No motion or amendment shall be discussed which if passed would commit the Council to expenditure or loss of income or to the incurring of liabilities unless a sufficient approved budget vote or virement or contingency is identified subject only to the motion or amendment being permitted on the grounds of urgency or expediency by the Speaker of Council.
- (iii) Background papers for motions shall only be provided by Officers in relation to motions relating to the work of the Council.

17. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Speaker of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda, or that particular items of business specified in the summons should have precedence;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;

Part 4 – Council Procedure Rules

- (m) that the meeting continue beyond eight hours in duration;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 25 or to exclude them from the meeting under Rule 25.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

18. RULES OF DEBATE

18.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

18.2 Right to require motion in writing

Unless notice of the motion has already been given, the Speaker may require it to be written down and handed to him/her before it is discussed.

18.3 Seconders' speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

18.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed three minutes without the consent of the Speaker.

At the Budget Meeting in February, each Group Leader may have one speech up to a maximum of ten minutes and presentations from outside bodies at Council shall normally be limited to a maximum of 15 minutes, subject to the Speaker's discretion, followed by a 15 minute question and answer session.

18.5 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;

Part 4 – Council Procedure Rules

- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

18.6 When an officer may speak

A chief or senior officer may speak in presenting a report or in presenting advice or answering questions of a factual nature during debate. Any other contributions will be at the invitation of the Chairman.

18.7 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words,as long as the effect of (ii) to (iv) above is not to negate the motion.
- (b) Any ruling by the Speaker on whether or not an amendment to a motion amounts to negation of the motion shall be final and not open to debate.
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion and becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Speaker will read out the amended motion before accepting any further amendments, or, if there are none, put it to the vote.

18.8 Alteration of motion

Part 4 – Council Procedure Rules

- (a) A Member may alter a motion including accepting an amendment of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

18.9 Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

18.10 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion, has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

18.11 Procedural motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond eight hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and

Part 4 – Council Procedure Rules

- (i) to not hear further a Member named under Rule 25.3 or to exclude them from the meeting under Rule 25.4

18.12 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Speaker thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Speaker thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Speaker thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

18.13 Point of order

A Member may raise a point of order at any time. The Speaker will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Speaker on the matter will be final and shall not be open to any debate or discussion.

18.14 Personal explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate, or to refute personal allegations. The ruling of the Speaker on the admissibility of a personal explanation will be final and shall not be open to any debate or discussion.

18.15 Respect for the Speaker

Part 4 – Council Procedure Rules

Whether specifically provided for in these Rules or not, the ruling of any person presiding at a meeting of the Authority on all questions of order and of matters arising in any debate shall be final and not open to discussion.

19. PREVIOUS DECISIONS AND MOTIONS

19.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 24 Members.

19.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 24 Members. Once the motion or amendment is dealt with, no-one can propose a similar motion or amendment for six months.

20. VOTING

20.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

20.2 Speaker's casting vote

If there are equal numbers of votes for and against, the Speaker will have a second or casting vote. There will be no restriction on how the Speaker chooses to exercise a casting vote.

20.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 20.4 and 20.6, the Speaker will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

20.4 Recorded vote

If 15 Members present at the Council meeting, or for Committees and Panels one-quarter of the total membership or three Members whichever is the greater, demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

20.5 Right to require individual (named) vote to be recorded

Part 4 – Council Procedure Rules

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

20.6 Voting on appointments

If there are more than two people nominated for any position to be filled (including any Chairmanship or Vice-Chairmanship) and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The voting may take place by ballot if the Council so determines and in the case of equality of votes for two or more candidates, then the Speaker shall have a second or casting vote in accordance with Rule 20.2 above.

20.7 The Division Bell

Where a vote is to be taken on any motion or amendment, the Division Bell will be rung, and the vote will take place 20 seconds thereafter.

21. MINUTES

21.1 Signing the minutes

The Speaker will sign the minutes of the proceedings at the next suitable meeting. The Speaker will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy, and no motion or discussion shall take place on the minutes except upon their accuracy.

21.2 No requirement to sign minutes of previous meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

21.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Speaker put them.

22. RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

23. FAILURE TO ATTEND MEETINGS

Part 4 – Council Procedure Rules

- (i) As required by Section 85 of the Local Government Act 1972, where a Councillor fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority (see Note below), then they cease to be a Member of the Authority unless the failure was due to some reason approved by, or on behalf of, the Council before the expiry of that period.
- (ii) Additional non-voting Members of Committees and Panels who fail to attend a meeting of the relevant body over a six month period, except for some reason agreed by the relevant body before the expiry of the said period, will cease to qualify as a Member of that body.

(Note: “Meetings of the Authority” as defined within the legislation includes the Council meeting itself, and meetings of Cabinet, Committees, Joint Committees, Panels, and outside body attendance where the Councillor is a “named Member” of that body.)

24. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules as set out in Part 4 of this Constitution or Rule 26 (Disturbance by the Public).

25. MEMBERS’ CONDUCT

25.1 Standing to speak

A Member when speaking at full Council shall stand and address the Speaker unless permitted by the Speaker to sit on account of disability or infirmity. If more than one Member stands, the Speaker will ask one to speak and the others must sit down. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

25.2 Speaker standing

When the Speaker stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent. The Speaker shall have power to control the meeting and generally to take such steps as he/she considers necessary to maintain order and the proper conduct of business.

25.3 Member not to be heard further

If a Member persistently disregards the ruling of the Speaker by behaving improperly or offensively or deliberately obstructs business, the Speaker may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

25.4 Member to leave the meeting

Part 4 – Council Procedure Rules

If the Member continues to behave improperly after such a motion is carried, the Speaker may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

25.5 General disturbance

If there is a general disturbance making orderly business impossible, the Speaker may adjourn the meeting for as long as he/she thinks necessary.

26. DISTURBANCE BY PUBLIC

26.1 Removal of member of the public

If a member of the public interrupts proceedings, the Speaker will warn the person concerned. If they continue to interrupt, the Speaker will order their removal from the meeting room.

26.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Speaker may call for that part to be cleared.

27. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

27.1 Suspension

All of these Council Rules of Procedure except Rules 20.5 (right to require individual vote to be recorded) and 21.2 (no requirement to sign the minutes of a previous meeting at an extraordinary meeting) may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

27.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

28. MEMBER'S RIGHT TO INSPECT DOCUMENTS

28.1 A Member of the Council may for the purposes of his/her duty as such Member, but not otherwise:-

- (i) Inspect any document which has been considered by a Committee or by the Council, and if copies are available shall on request be supplied for the like purposes with a copy of such document.
- (ii) Inspect any other document if in the opinion of the appropriate Chief Officer, Speaker, Chairman, Committee or the Council he/she has a genuine need as a Member to know what the document contains and if

Part 4 – Council Procedure Rules

in the judgement of that Chief Officer, Speaker, Chairman, Committee or the Council it is appropriate in all the circumstances, including the nature and contents of the document itself, that he/she should inspect it.

Provided that:-

- (a) a Member shall not knowingly inspect, or call for a copy of, any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any disclosable pecuniary interest within the meaning of the Code of Conduct for Members
- (b) a Member who is allowed to inspect any document which is on the face of it confidential or on condition that he/she respects its confidentiality shall not without the express consent of the Chairman, Speaker, Committee or the Council communicate the contents of the document or any part of it to any other person, and
- (c) this Rule shall not preclude the Corporate Head Legal and Democratic Services from declining to allow inspection of any document which is, or in the event of legal proceedings, would be legally protected by privilege.

All minutes kept for any Committee shall be open for the inspection of any Member of the Council during office hours.

29. INSPECTION OF LAND, PREMISES ETC

- 29.1 A Member unless authorised to do so by the Council or a Committee, shall not inspect any lands or premises which the Council has the right or duty to inspect, to enter upon or issue any order respecting any works which are being carried out by or on behalf of the Council.

30. CANVASSING ON APPOINTMENTS

- 30.1 Canvassing of Members of the Council or any Committee of the Council directly or indirectly for any appointment under the Council shall disqualify the candidate for such appointment. The purport of this paragraph of this Standing Order shall be stated either in the advertisement inviting applications for appointment or in any form of application or particulars supplied for use by candidates.
- 30.2 A Member of the Council shall not solicit for any person any appointment under the Council, or recommend any person for such appointment or for promotion; but this paragraph of this Standing Order shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character, for submission to the Council with an application for appointment.

31. RELATIVES OF MEMBERS OR OFFICERS

- 31.1 Candidates for any appointment under the Council shall when making application disclose in their form or letter of application to the appropriate

Part 4 – Council Procedure Rules

Chief Officer whether to their knowledge they are related to any Member of the Council or any Member of a body appointing persons who will be paid by the Council or any senior employee of the Council. A candidate who fails so to do shall be disqualified for such appointment and if appointed shall be dismissed. Every Member and senior employee of the Council shall disclose to the appropriate Chief Officer any relationship known to him/her to exist between himself/herself and a candidate for any appointment of which he/she is aware. The appropriate Chief Officer shall report to the Council or to the Chief Executive any such disclosure made to him/her if he/she considers such action to be necessary.

- 31.2 Where a relationship of a Member of the Council is disclosed, the relevant provision of the Code of Conduct for Members shall apply.
- 31.3 The purport of this Rule shall be stated either in the advertisement inviting applications for appointment or in any form of application or particulars supplied for use by candidates.
- 31.4 For the purpose of this Rule “Senior Employee” means any employee of the Council employed in a grade the maximum of which exceeds spinal column point 44 or the equivalent thereof, and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or grand-daughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

32. APPLICATION OF THE RULES

32.1 Application of Rules to Council

All of the Council Rules of Procedure apply to meetings of full Council.

32.2 Application of Rules to Committees and Sub-Committees

Rules 5-14; 16-22 (but not 20.7); and 24-26 (but not 25.1) also apply to meetings of Committees and Sub-Committees. Where necessary, any reference to specific Members in any of the above Rules shall be read as being reference to one-third of the Members present at any Committee or Sub-Committee or three Members, whichever is the higher.

32.3 Application of Rules to the Cabinet

Rules 14, 20 (but not 20.7) also apply to meetings of the Cabinet.

This page is intentionally left blank

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

Executive arrangements

These rules apply to all meetings of the Council, Overview and Scrutiny Committees, Local Joint Committees, the Standards Committee and Regulatory Committees and public meetings of the Executive (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law nor do these rules limit or diminish the Council's duties to protect certain information, including personal information. This includes rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998.

3. RIGHTS TO ATTEND MEETINGS

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these rules.
- 3.2 If a member of the public or the press interrupts the proceedings at any meeting the Chair may warn him. If he continues the interruption and a warning has been given, the Chair may order his removal from the meeting place.
- 3.3 In the event of a general disturbance in any part of the meeting place open to the public, the Chair may order that part to be cleared.
- 3.4 If the Chair considers the orderly dispatch of business impossible, he may without question adjourn the meeting.
- 3.5 The above powers of the Chair are in addition to any other power vested in him/her.

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at The Shirehall, Abbey Foregate, Shrewsbury SY2 6ND (Designated Office) and on its website at www.shropshire.gov.uk.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection for the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The Chief Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at The Shirehall, Abbey Foregate, Shrewsbury SY2 6ND.

As the Constitution must be available to the public then these Rules constitute the written summary.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

The public may only be excluded under 10.1 and 10.2 for the part of parts of the meeting during which it is likely that confidential or exempt information would be divulged.

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Such a decision to exclude the public is to be made by resolution of the relevant decision making body. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 **Meaning of exempt information**

Exempt information means information falling within the following seven categories, subject to the conditions in paragraph 10.5, and information is exempt if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order of direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

10.5 **Category Condition**

Information falling within any of the seven categories is **not** exempt information by virtue of those categories if it is required to be registered under,

The Companies Acts (as defined in section 2 of the Companies Act 2006).

The Friendly Societies Act 1974

The Friendly Societies Act 1992

The Industrial and Provident Societies Acts 1965 to 1978

The Building Societies Act 1986

The Charities Act 1993

Information is **not** exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and County Planning General Regulations 1992.

- 10.6 Where a resolution is passed excluding the public from a meeting, that exclusion shall not be deemed to apply to any Member of the Council but all Members will be expected to observe the confidentiality conventions.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked 'Not for publication' together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE EXECUTIVE (CABINET)

Rules 13 – 22 apply to the Cabinet and its committees and where appropriate individual decisions of Portfolio Holders. If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.3 of this Constitution.

If the Cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief Members.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of Forward Plan

Forward Plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Executive, officers, certain matters to be dealt with by the Area Planning Committees or under joint arrangements in the course of the discharge of an Executive function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.
- (h) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (i) that other documents relevant to those matters may be submitted to the decision maker; and
- (j) the procedure for requesting those details (if any) as they become available.

The Forward Plan must be made available for inspection by the public at the Council's offices and on the Council's website.

The Forward Plan must be published at least 14 days before the start of the period covered. The Proper Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the Plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

15. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next forward plan relates;
- (b) the Proper Officer has informed the chair of a relevant Scrutiny Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;

- (c) the Proper Officer has made copies of that notice available to the public at the offices of the Council and on the Council's website; and
- (d) at least 5 clear working days have elapsed since the Proper Officer complied with (b) and (c).
- (e) as soon as reasonably practicable after the Proper Officer has complied with (a)-(d) above the Proper Officer must make available at the offices of the Council and publish on the Council's website the reasons why compliance with Rule 14 is impractical.

Where such a decision is taken collectively, it must be taken in public.

16. SPECIAL URGENCY

- 16.1 If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant Scrutiny Committee, or if the chair of each relevant Scrutiny Committee is unable to act, then the agreement of the Speaker of the Council, or in his/her absence the Deputy Speaker will suffice.
- 16.2 As soon as reasonably practicable after the decision taker has obtained the agreement under Rule 16.1 the decision taker must make available at the offices of the Council and publish on the Council's website a note setting out the reasons that the meeting is urgent and cannot reasonably be deferred.

17. REPORT TO COUNCIL

17.1 When a Scrutiny Committee can require a report

If a Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant Scrutiny Committee Chair, or the Speaker/Deputy Speaker of the Council under Rule 16;

the Scrutiny Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Scrutiny Committee specifies. The report must include details of the decision and the reasons for the decision, the decision taker, and the reasons if any for the Cabinet believing that the decision was a key decision.

The power to require a report rests with the Scrutiny Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of

the Scrutiny Committee when so requested by (the Chairman or any 5 members of the Scrutiny Committee). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Committee.

17.2 Cabinet's report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

17.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

After any meeting of the Cabinet, or any of its committees whether held in public or in private, the Proper Officer or, where no officer was present, the person presiding at the meeting will produce a record of every decision taken at that meeting as soon as practicable. The record will include:

- 18.1 a record of the decision including the date it was made;
- 18.2 a record of the reason for the decision;
- 18.3 details of any alternative options considered and rejected by the decision making body at the meeting at which the decision was made;
- 18.4 a record of any conflict of interest relating to the matter decided which is declared by any member of the decision making body which made the decision; and
- 18.5 in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

19. MEMBER AND OFFICER ATTENDANCE AT PUBLIC MEETINGS OF THE CABINET

- 19.1 Meetings of the Cabinet and its committees will be held in public, unless it is likely that exempt or confidential information would be disclosed or whenever a lawful power is used to exclude a member of members of the public in order

to maintain orderly conduct or prevent misbehaviour at a meeting. The public may only be excluded for the part of parts of the meeting during which it is likely that exempt or confidential information would be disclosed.

19.2 CABINET MEMBERS

All members of the Cabinet are entitled to attend a private meeting of any committee of the Cabinet.

19.3 LOCAL MEMBERS

- (a) Notice of public meetings of the Cabinet and its committees will be served on a Member where that matter concerns that Member's electoral division.
- (b) Where a matter under consideration at a public meeting of the Cabinet, or a committee of it, does cover a Member's electoral division, that Member may attend that meeting, or committee of it, with the consent of the person presiding and speak.

19.4 SCRUTINY COMMITTEE MEMBERS

- (a) Notice of public meetings of the Cabinet and its committees will be served on the Chairs of all Scrutiny Committees, at the same time as notice is served on Members of the Executive. Where a Scrutiny Committee does not have a Chair, the notice will be served on all the Members of that Scrutiny Committee.
- (b) Where a matter under consideration at a public meeting of the Cabinet, or a committee of it, is within the remit of a Scrutiny Committee, the Chair of that Scrutiny Committee or in his/her absence the Vice-Chair may attend that public meeting with the consent of the person presiding, and speak.

19.5 ALL MEMBERS

Any Member will be able to address the meeting for a maximum period of three minutes provided the comments remain relevant to the item on the agenda. The Chairman shall also afford a "right of audience" for Group Leaders or their Deputies. The Chairman does however retain the right to limit such contributions by Members if in his/her view the efficient conduct of the meeting is compromised.

19.6 OFFICERS

- (a) The Head of Paid Service, the Directors, the Chief Financial Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet and its committees. The Cabinet may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.

- (b) A public Cabinet meeting may only take place in the presence of the Proper Officer or his/her nominee with responsibility for recording and publicising the decisions.

In all of the above examples, the provisions of Rule 18 (recording and publicising decisions) will apply.

20. NOTICE OF PRIVATE MEETINGS OF CABINET

- 20.1 Members of the Cabinet or its committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.
- 20.2 At least 28 days before a private meeting, the decision taking body must:-
 - (a) make available at the Council offices a notice of its intention to hold the meeting in private (a "Notice of Private Meeting"); and
 - (b) publish that notice on the Council's website.
- 20.3 At least five clear days before a private meeting, the decision taking body must:-
 - (a) make available at the Council offices a further notice of its intention to hold the meeting in private; and
 - (b) publish that notice on the Council's website.
- 20.4 A notice under paragraph 20.3 must include:-
 - (a) a statement of reasons for the meeting to be held in private
 - (b) details of any representations received by the decision taking body about why the meeting should be open to the public; and
 - (c) a statement of its response to any such representations.
- 20.5 Where the date by which a meeting must be held make compliance with this Rule impractical, the meeting may only be held in private where the decision taking body has obtained agreement from :-
 - (a) the Chair of a relevant Scrutiny Committee; or
 - (b) if there is no such person, or if the Chair of the relevant Scrutiny Committee is unable to act the Chairman of the Council; or
 - (c) where there is no chair of either the relevant Scrutiny Committee or of the Council, the vice Chairman of the Councilthat the meeting is urgent and cannot reasonably be deferred.
- 20.6 As soon as reasonably practicable after the decision taking body has obtained agreement under paragraph 20.5 to hold a private meeting, it must
 - (a) make available at the Council offices a notice setting out the reason why the meeting is urgent and cannot reasonably be deferred; and
 - (b) publish that notice on the Council's website.

21. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

21.1 Reports intended to be taken into account

Where an individual Member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear days have elapsed following notification of the Portfolio Holder decision making session on the Council's website.

21.2 Provision of copies of reports to Scrutiny Committee

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of every relevant Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

21.3 Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual Member of the Executive or a key decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare a report containing:-

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the member when making the decision;
- (d) a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political or mayor's assistant.

21.4 Inspection of documents following executive decisions

- (a) Subject to Rule 27, after a meeting of a decision taking body at which an executive decision has been made, or after an individual member or an officer has made an executive decision the Proper Officer must ensure that a copy of:-

- (i) any records prepared in accordance with Rules 18 or 21; and
- (ii) any report considered at the meeting, or as the case may be, considered by the individual member or officer and relevant to the decision recorded in accordance with Rules 18 and 21 or, where only part of the report is relevant to such a decision, that part,

must be available for inspection by members of the public, as soon as reasonably practicable, at the Council offices, and on the Council's website.

- (b) Where a request on behalf of a newspaper is made for a copy of any of those documents available for public inspection under Rule 21.4 (a), those

documents must be supplied for the benefit of the newspaper by the Council on payment by the newspaper to the Council of postage, copying or other necessary charges for transmission.

21.5 Inspection of Background Papers

Subject to Rule 27, when a copy of the whole or part of a report for a meeting is made available for inspection by members of the public in accordance with Rule 5 and or Rule 21.4 at the same time:-

- (a) a copy of the list compiled by the Proper Officer of the background paper to the report or part of the report must be included in the report or, as the case may be, part of the report; and
- (b) at least one copy of each of the documents included in that list,

must be available for inspection by the public at the Council offices and on the Council's website.

22 SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

22.1 Rights to copies

Subject to Rule 22.2 below, a Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

- (a) any business transacted or to be transacted at a meeting of the Executive or its committees; or
- (b) any decision taken or to be taken by an individual member of the Cabinet
- (c) any decision taken by an Officer of the Council in accordance with executive arrangements.

22.2 Limit on rights

Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

231 Material relating to previous business

- (a) All Members will be entitled to inspect any document (except those available only in draft form) which is in the possession or under the control of the Cabinet or its committees and contains material relating to any business previously transacted at a private meeting or to any decision made by a member of officer in accordance with executive arrangements unless either (a) or (b) below applies.
 - (i) it contains exempt information falling within paragraphs 1,2,4,5 or 7 of the categories of exempt information; or
 - (ii) it contains exempt information falling within paragraph 3 of the categories of exempt information and that information relates to any terms proposed by or to the Council in the course of negotiations for a contract; or
 - (iii) it contains the advice of a political adviser.
- (b) Any document required to be made available for inspection under Rule 22.1 must be made available when the meeting concludes or, where an executive decision is made by an individual member or officer, immediately after the decision has been made, and in any event, within twenty four (24) hours of the conclusion of the meeting or the decision having been made as the case may be.

23.2 Material relating to business transacted at a Public Meeting

- (a) All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which contain material relating to any business transacted at a public meeting unless paragraph Rule 23.1 (a) (i), (ii) or (iii)) above applies.
- (b) Any document which is required by Rule 23.2 (a) to be available for inspection by any member of the Council must be available for inspection for at least five (5) clear days before the meeting except that:-
 - (i) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
 - (ii) where and item is added to the agenda at shorter notice, a document that would be required to be available under Rule 23.2 (a) in relation to that time, must be available for inspection when the item is added to the agenda.

24 Nature of rights

These rights of a member are additional to any other right he/she may have.

25. CONFIDENTIAL INFORMATION, EXEMPT INFORMATION AND ADVICE OF A POLITICAL ADVISER OR ASSISTANT

- 25.1 Nothing in these Rules is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

- 25.2 Nothing in these Rules:
- (a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if in the opinion of the Proper Officer that document or part of document contains or may contain confidential information; or
 - (b) requires the Council to disclose to the public or make available for public inspection any document or part of document if in the opinion of the Proper Officer, that document or part of document contains or is likely to contain exempt information or the advice of a political adviser or assistant.
- 25.3 Where a member of the executive or an officer makes an executive decision in accordance with executive arrangements, nothing in these Rules:
- (a) authorises or requires documents relating to that decision to be disclosed to the public, or made available for public inspection where, the documents contain confidential information; or
 - (b) requires documents relating to that decision to be disclosed to the public, or made available for public inspection where the disclosure of the documents would, in the opinion of the member or officer making the decision, give rise to the disclosure of exempt information or the advice of a political adviser or assistant.
- 25.4 Nothing in these Rules requires a decision taking body to permit the taking of any photographs of any proceedings or the use of any means to enable persons not present to see or hear any proceedings (whether at the time or later), or the making of any oral report on any proceedings as they take place.

This page is intentionally left blank

Part 4 – Budget and Policy Framework Procedure Rules

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

NB – When the phrase ‘budget and policy framework’ is used here, it also refers to any constituent plan or strategy.

2. CABINET LEADS PROCESS; OVERVIEW AND SCRUTINY COMMITTEE INVOLVEMENT WITHIN CABINET CONSULTATION PROCESS; DIFFERENTIAL VOTING ON DISPUTES REGARDING BUDGET AND POLICY PROPOSALS

- (a) The Cabinet will publicise by including in the forward plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. All Members of the Council, including the chairmen of scrutiny committees will also be notified. The consultation period shall in each instance be not less than 6 weeks.
- (b) At the end of that period, the Leader will then draw up firm proposals having regard to the responses to that consultation. If a relevant scrutiny committee wishes to respond to the Cabinet in that consultation process then it may do so. It is open to the Scrutiny Committees to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Leader will take any response from a Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees.
- (c) Once the Leader has discussed his/her proposals with the Cabinet and Cabinet has approved the firm proposals, those proposals will be presented by the Leader to Council for decision.
- (d) In reaching a decision, the Council may adopt the Leader’s proposals, or may amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place.
- (e) If it accepts the recommendation of the Leader without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.
- (g) An in-principle decision will automatically become effective at least 5 days from the date of the Council’s decision, unless the Leader informs the proper officer in writing within 5 days that [he/she] objects to the decision becoming effective and provides reasons why.

Part 4 – Budget and Policy Framework Procedure Rules

- (h) In that case, the proper officer will call a Council meeting within a further 2 days. The Council will be required to re-consider its decision and the Leader's written submission within 5 days. The Council may:
 - (i) approve the Leader's recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.
- (i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.
- (j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive (Cabinet), in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) Subject to the provisions of paragraph 5 (virement) the Cabinet, a committee of the Cabinet, individual members of the Cabinet and any officers, area committees or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wish to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, a committee of the Cabinet, individual members of the Cabinet and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) if it is not practical to convene a quorate meeting of the full Council;

Part 4 – Budget and Policy Framework Procedure Rules

- (ii) the chair of a relevant Scrutiny Committee agrees that the decision is a matter of urgency (In the absence of the chair of a relevant Scrutiny committee the agreement of the Speaker of the Council or in the absence of both, the agreement of the Deputy Speaker will be sufficient); and
- (iii) after appropriate advice/consultation has been taken from the Chief Executive, Monitoring Officer, Chief Finance Officer and the relevant Director.

The reasons why it is not practical to convene a quorate meeting of full Council and why the chair of the relevant Scrutiny Committee consent to the decision being taken as a matter of urgency (in the absence of the chair of a scrutiny committee the consent of the Speaker of the Council or in the absence of both the consent of the Deputy Speaker will be sufficient) must be noted on the record of the decision.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. VIREMENT

- (a) The Council shall have budget heads which are set by full Council when approving the Council's annual budget in accordance with the Financial Rules in Part 4 of the Constitution.
- (b) Steps taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, area committees or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire within budget heads in accordance with the Financial Rules, ie up to £500,000. Approval to any virement across budget heads shall require the approval of the full Council, subject to the Financial Rules.

6. IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the budget and policy framework lies with the Council; any decisions by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, area committees or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but

Part 4 – Budget and Policy Framework Procedure Rules

where the existing policy document is silent on the matter under consideration;

- (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed changes; or
- (e) for which provision is made within the relevant policy

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) Where a Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Financial Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and/or Chief Financial Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or Chief Financial Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Committees may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 7 days of the request by a Scrutiny Committee or consider the matter at its next meeting depending on urgency of decision. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or Chief Financial Officer. The Council may either:
 - (i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;Or
 - (ii) amend the Council's financial rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

Part 4 – Budget and Policy Framework Procedure Rules

- (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

This page is intentionally left blank

Part 4 – Standing Orders Proceedings and Business

STANDING ORDERS RELATING TO PROCEEDINGS AND BUSINESS

1. In this Standing Order:

‘Cabinet’ and ‘Leader’ have the same meanings as ‘Executive’ and ‘Executive Leader’ have in Part 1A of the Local Government Act 2000; and

‘plan or strategy’ and ‘working day’ have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. Where the Cabinet of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.

3. Before the authority:

- (a) amends the draft plan or strategy;
- (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

4. Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least 5 working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:

- (a) submit a revision of the draft plan or strategy as amended by the Cabinet (the ‘revised draft plan or strategy’), with the Cabinet’s reasons for any amendments made to the draft plan or strategy, to the authority for the authority’s consideration; or
- (b) inform the authority of any disagreement that the Cabinet has with any of the authority’s objections and the Cabinet’s reasons for any such disagreement.

5. When the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when:

- (a) amending the draft plan or strategy, or if there is one, the revised draft plan or strategy;

Part 4 – Standing Orders Proceedings and Business

- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the authority's objections and the Cabinet's reasons for that disagreement, which the Leader submitted to the authority, or informed the authority of, within the period specified.

6. Where, before 8 February in any financial year, the authority's Cabinet submits to the authority for its consideration in relation to the following financial year:
 - (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ, of the Local Government Finance Act 1992;
 - (b) estimates of other amounts to be used for the purposes of such a calculation;
 - (c) estimates of such a calculation; or
 - (d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.

7. Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.
8. Where the authority gives instructions in accordance with paragraph 7, it must specify a period of at least 5 working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:
 - (a) submit a revision of the estimates or amounts as amended by the Cabinet ('revised estimates or amounts'), which have been reconsidered in accordance with the authority's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or
 - (b) inform the authority of any disagreement that the Cabinet has with any of the authority's objections and the Cabinet's reasons for any such disagreement.

Part 4 – Standing Orders Proceedings and Business

9. When the period specified by the authority, referred to in paragraph 8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992, take into account:
 - (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (b) the Cabinet's reasons for those amendments;
 - (c) any disagreement that the Cabinet has with any of the authority's objections; and
 - (d) the Cabinet's reasons for that disagreement,which the Leader submitted to the authority, or informed the authority of, within the period specified.
10. Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
11. In paragraph 10—
 - (a) "budget decision" means a meeting of the relevant body at which it—
 - (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992 ; or
 - (ii) issues a precept under Chapter 4 of Part 1 of that Act,and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;
 - (b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

This page is intentionally left blank

EXECUTIVE PROCEDURE RULES

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who May Make Executive Decisions?

- (i) the Cabinet as a whole;
- (ii) a committee of the Cabinet;
- (iii) an individual member of the Cabinet;
- (iv) an officer;
- (v) an area planning committee;
- (vi) joint arrangements including the Local Joint Committees; or
- (vii) another local authority.

1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council, a written record of executive delegations made by him/her for inclusion in the Council's Scheme of Delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (i) the names, addresses and electoral divisions of the people appointed to the Cabinet by the Leader;
- (ii) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Cabinet Committees as the Leader proposes and the names of Cabinet Members to be appointed to them;
- (iv) the nature and extent of any delegation of executive functions to Area planning Committees, any other authority or any joint arrangements and the names of those Cabinet members to be appointed to any joint committee for the coming year; and
- (v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-Delegation of Executive Functions

(i) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.

(ii) Unless the Leader directs otherwise, a committee of the Cabinet to whom a functions have been delegated by the Leader may delegate further to an officer.

(iii) Where the executive functions have been delegated that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 Conflicts of Interest

- (a) Where the Leader has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution;
- (b) If every member of the Cabinet has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.5 Cabinet Meetings - When and Where?

The Cabinet will meet on dates and times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.6 Public or Private Meetings of the Cabinet?

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public meetings. Other than the legal requirements, consideration should also be given to any principles of decision-making set out in Article 13 of this Constitution.

1.7 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be one quarter of the total number of members of the Cabinet (including the Leader), or 3 including the Leader, whichever is the larger.

1.8 How are Decisions to be taken by the Cabinet?

- (a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

- (b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

1.9 Decision Making Sessions by Members of the Cabinet.

- (a) Where a member of the Cabinet exercises functions delegated to him/her in accordance with the Portfolio Holders' Scheme of Delegation such sessions shall be conducted in accordance with the Decision Making Protocol in Part 5 of the Constitution.
- (b) All members shall be entitled to attend a decision making session and to address the member making the decision without being required to give notice.
- (c) Any members of the public wishing to submit a request to address the member making the decision or to ask questions of the member making the decision shall give not less than two clear working days' notice in writing in advance of the decision making session to the Chief Executive and the member making the decision shall decide whether to hear such persons and if so, the arrangements to be made.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who Presides?

If the Leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

2.2 Who May Attend?

The Access to Information Rules in Part 4 of the Constitution set out who may attend public and private meetings.

2.3 What Business?

At each meeting of the Cabinet the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) questions/address by members of the public; (if meeting in public)
- (iv) matters referred to the Cabinet (whether by the Scrutiny Committees or the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (v) consideration of reports from Scrutiny Committees; and

- (vi) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who Can Put Items on the Cabinet Agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a committee of it or any Member or officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

An item can be referred to the Cabinet:

- (1) Any member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request, the Proper Officer will comply.
- (2) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Scrutiny Committees or Full Council. However, there may only be up to 5 such items per Cabinet meeting.
- (3) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration and if the Leader agrees, the item will be considered at the next available meeting of the Cabinet.

The notice of the meeting will give the name of the councillor who asked for the item to be considered. **[This individual will be invited to attend the meeting, whether or not it is a public meeting.]** However, there may only be up to 3 such items per Cabinet meeting.

- (4) The Proper Officer will make sure that an item is placed on the agenda on the next available meeting of the Cabinet where an area committee has resolved that an item be considered by the Cabinet.
- (5) The Head of Paid Service, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer are of the opinion that a meeting of the Cabinet

needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Holding Cabinet Members and Scrutiny Chairs to Account

To enable Non-Cabinet Members to hold their colleagues on the Cabinet and also Scrutiny Chairs to account and to keep non-Cabinet members properly informed, Portfolio Holders and Scrutiny Chairs shall:

1. Report annually to Council on their work at their June / July / September Council meetings. Each Portfolio Holder and Scrutiny Chair shall have up to five minutes to introduce his/her report. This will then proceed under the normal rules of debate with the Portfolio Holder and Scrutiny Chair having a right of reply, as well as up to five minutes to sum up at the end of the debate.

This page is intentionally left blank

Part 4 – Licensing & Safety Sub-Committee Procedure Rules

LICENSING AND SAFETY SUB-COMMITTEE PROCEDURE RULES

1. Composition

The Licensing and Safety Sub-Committee shall comprise of 5 to 6 Members, decided by the Strategic Licensing Committee. Substitutes, as decided by the Committee, are permitted

2. Number of Meetings

The Licensing and Safety Sub-Committee shall meet every 4 weeks, or as and when necessary.

3. Quorum

The Quorum for the Licensing and Safety Sub-Committee shall be three.

4. Role and Function

The Licensing and Safety Sub-Committee shall be responsible for considering those functions conferred on the Council in part B of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to licensing and registrations (excluding Commons Registration), part C including functions in relation to Health and Safety at Work but limited to those set out in Annex A, and functions in relation to the power to make a closing order with respect to take away food shops under s4 (Local Government Miscellaneous Provisions) Act 1982.

5. Bias and Predetermination

Bias is an attitude of mind that prevents the decision maker from making an objective determination of the issues that he/she has to resolve. There is no need for proof of actual potential bias for there to be a “procedural impropriety”. It is sufficient that there is an appearance of bias. The test for bias is ‘whether a fair-minded informed observer, having considered the facts would conclude that there was a real possibility of bias’.

Where the decision to be made is quasi-judicial, as at the Licensing and Safety Sub-Committee, the key issue to ensure the legality of the decision is the ‘public perception of a probability of unconscious bias’. Members should therefore avoid participating as a member of the Licensing and Safety Sub-Committee where previous voting or statements of belief may alter that objective impression conveyed.

A member should not reach a final conclusion before he/she comes to take a decision on an issue. A member’s statements and activities should not create the impression that his/her views on a matter are fixed, and that he/she will not fairly consider the evidence or arguments presented to him/her, when he/she is making a decision.

‘Bias’ also includes the situation where it is felt that the decision maker has predetermined the case based on his/her own prejudices. An obvious

Part 4 – Licensing & Safety Sub-Committee Procedure Rules

example is where the impression is clearly given to, for example, members of the public or a lobbyist, beyond conveying a mere disposition, that ‘the member or authority will approach the matter with a closed mind and without impartial consideration of all relevant issues’.

A member must make a disclosure of his/her position regarding the possibility of political or structural bias, in advance, to the Licensing and Safety Sub-Committee which will consult with its Legal Advisor to decide if the member can participate in the decision-making.

6. Pre-Application/Pre-Decision Discussions

Whilst discussions between the licence applicant and the Team Manager (Transactional Management) prior to the submission of an application, or prior to a decision being made are often helpful to both parties, the Licensing Authority must ensure it is not open to accusations or appearance of bias. It must therefore ensure that such advice and assistance is clearly identified as being such and is not any type of ‘predetermination’.

Licensing and Safety Sub-Committee members should ensure that they DO NOT take part in any pre-application/pre-decision discussions and that applicants are referred to the Team Manager (Transactional Management).

7. Role of the Team Manager (Transactional Management)

- (a) That the Team Manager (Transactional Management) and those officers in posts above this level with line management responsibility use delegated powers to investigate and take any such action as the officer considers appropriate, including refusal of new licence applications, refusal to renew existing licences and revocation and suspension of existing licences, in relation to any matter concerning a hackney carriage or a private hire drivers licence or a vehicle licence or any matter concerning a private hire operator licence.
- (b) That where the officer referred to in paragraph 7 (a) above uses the delegated powers referred to in the said paragraph then the procedures set out in **Annex B** shall be followed.
- (c) When a matter is to be referred to the Licensing and Safety Sub-Committee, the officer referred to in paragraph 7 (a) above shall make recommendations to the Committee. A report shall be prepared by the officer summarising the application. Details of any representations received shall be included, together with, where it is appropriate to do so, the officer’s comments setting out how the representations relate to relevant legislation and current licensing policy and conditions.

8. Decision Making

Reasons for decisions made must be clearly documented so that any subsequent accusations of bias etc. can be defended. Decisions must be made according to the relevant legislation, policy and conditions.

Part 4 – Licensing & Safety Sub-Committee Procedure Rules

9. Site Inspection

Site inspections by Licensing and Safety Sub-Committee members are generally unnecessary and can put the members and the Licensing Authority at risk of accusations of bias. If a site inspection is required then the reasons will need to be set out to justify the visit.

10. Application of Council Procedure Rules

Council Procedure Rule 33.2 (Application to Cabinet, Committees and Sub-Committees) shall take effect subject to these Procedure Rules.

11. The guidance notes for the holding of hearings in respect of licensing matters are attached at Annex A.

12. The matters of procedure for licensing officers are attached at Annex B.

Part 4 – Licensing & Safety Sub-Committee Procedure Rules

ANNEX A - PROCEDURE GUIDANCE NOTES FOR MEMBERS

1. Apologies for absence.
2. Minutes to be confirmed and signed.
3. Public Question Time.
4. Declaration of any interests by members.
5. Consideration of non-exempt agenda items (if any).
6. The Sub-Committee to resolve that in accordance with the provisions of Schedule 12A, Local Government Act 1072 and Paragraph 10.4(1) of the Council's Access to Information Procedure Rules, the public and press be excluded during consideration of the following items.

STEPS FOR EACH CASE

7. Chairman to confirm that the applicant is happy to represent him/herself, if they have no representative present, prior to the case being heard.
8. Chairman to request Team Manager (Transactional Management) or their appointed representative to present the case and call witnesses (if any).
9. Questions may be asked of the Team Manager (Transactional Management) or their appointed representative and any witness called in the following order:
 - (i) Applicant
 - (ii) Members of the Committee
 - (iii) Legal Advisor
10. Chairman to request the Applicant to present their case to the Committee and call witnesses (if any).
11. Questions may be asked of the Applicant and any witness called in the following order:
 - (i) Team Manager (Transactional Management) or their appointed representative
 - (ii) Members of the Committee
 - (iii) Legal Advisor
12. Chairman to request the Team Manager (Transactional Management) or their appointed representative to sum up.
13. Chairman to request the Applicant to sum up.
14. The Committee will determine the application in private. The Legal Advisor will remain in the room to provide advice as required.
15. The meeting will be reconvened for the decision to be announced.

Part 4 – Licensing & Safety Sub-Committee Procedure Rules

16. Chairman to advise the applicant of the appeals procedure if their application is refused.

ANNEX B - MATTERS OF PROCEDURE FOR THE LICENSING DECISION MAKER

1. The officer deciding a matter will be making a quasi-judicial decision. There is a right of appeal to a court.
2. The officer making the decision shall carry out the delegated powers in consultation with a legal advisor, the Council's safeguarding lead officers for Adult and Children's Services and an appropriate officer from West Mercia Police. The officer may consult with any other officer of the Council or a representative from any other relevant external agency or organisation as the officer deciding the matter considers is appropriate.
3. The officer must of course act fairly. With the exception of circumstances where immediate suspension is held to be the appropriate course of action, the licence holder shall be informed of the case against them and be given an opportunity to make representations before any decision is made. Where immediate suspension is applicable, the licence holder shall be informed after the decision has been made but will nonetheless be given an opportunity to make representations.
4. It is open to the local authority to allow only written representations and this is how the officer deciding the matter shall deal with each case unless the officer considers the circumstances also warrant an oral hearing. The officer shall write to the relevant licence holder stating the case against them. The correspondence shall set out all relevant information and give to the licence holder a reasonable time (usually 10 working days) to reply in writing with their representations.
5. Following receipt of the licence holder's representations, or upon expiration of the time limit for replies, the officer shall, unless it is necessary to seek further information as a result of the representations already received, make a decision taking all relevant matters into account.
6. Where the officer considers it is necessary or appropriate, a case shall be referred to the Licensing and Safety Sub-Committee for consideration and decision.

This page is intentionally left blank

Part 4 – Standing Orders relating to Staff

STANDING ORDERS RELATING TO STAFF

1. In this Standing Order:

‘the 1989 Act’ means the Local Government and Housing Act 1989;

‘the 2000 Act’ means the Local Government Act 2000;

‘disciplinary action’ has the same meaning as the Local Authorities (Standing Order) (England) Regulations 2001;

‘Cabinet’ and ‘Leader’ have the same meaning as ‘Executive’ and ‘Executive Leader’ have in Part IA of the 2000 Act;

‘member of staff’ means a person appointed to or holding a paid office or employment under the authority; and

‘proper officer’ means an officer appointed by the authority for the purposes of the provisions of this part.

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against a member of staff of the authority, must be discharged on behalf of the authority by the officer designated under section 4(1) of the 1989 Act (designation and report of Head of Paid Service) as the Head of the authority’s Paid Service or by an officer nominated by him.

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against :

(a) the officer designated as the Head of the authority’s Paid Service;

(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);

(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;

(d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or

(e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

4. (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the Head of the authority’s Paid Service, the authority must approve that appointment before an offer of appointment is made to him, or as the case may be, must approve that dismissal before notice of dismissal is given to him.

(2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraphs (a), (b), (c) or (d) of paragraph 3, at

Part 4 – Standing Orders relating to Staff

least one member of the Cabinet must be a member of that committee or sub-committee.

5. (1) In this paragraph, 'appointor' means, in relation to the appointment of a person as an officer of the authority, the authority, or where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.
 - (2) An offer of an appointment as an officer referred to in sub-paragraphs (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until:
 - (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment.
 - (b) the proper officer has notified every member of the Cabinet of the authority of:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer; and
 - (c) either:
 - (i) the Leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the Cabinet has any objection to the making of the offer;
 - (ii) the proper officer has notified the appointor that no objection was received by him within that period from the Leader; or
 - (iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
6. (1) In this paragraph, 'dismissor' means, in relation to the dismissal of an officer of the authority, the authority, or where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the Authority, that committee, sub-committee or other officer as the case may be.
- (2) Notice of the dismissal of an officer referred to in sub-paragraphs (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:

Part 4 – Standing Orders relating to Staff

- (a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (b) the Proper Officer has notified every member of the Cabinet of the authority of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Proper Officer; and
 - (c) either:
 - (i) the Leader has, within the period specified in the notice under sub-paragraph b(iii), notified the dismissor that neither he nor any other member of the Cabinet has any objection to the dismissal;
 - (ii) the Proper Officer has notified the dismissor that no objection was received by him within that period from the Leader; or
 - (iii) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.
7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:
- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
 - (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

Standing Orders Relating to Disciplinary Action

8. In paragraph 9, 'Chief Finance Officer', 'disciplinary action', 'Head of the authority's Paid Service' and 'Monitoring Officer', have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and 'designated independent person' has the same meaning as in Regulation 7 of those Regulations.
9. No disciplinary action in respect of the Head of the authority's Paid Service, its Monitoring Officer or its Chief Finance Officer, except action described in paragraph 10, may be taken by the authority, or by a committee, sub-committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

Part 4 – Standing Orders relating to Staff

10. The action mentioned in paragraph 9 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of 2 months beginning on the day on which the suspension takes effect.



<u>Committee and Date</u>	<u>Item</u>
Council	12
14 May 2015	
10am	
	<u>Public</u>

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

Responsible Officer James Walton
e-mail: James.walton@shropshire.gov.uk Tel: (01743) 55011

1. Summary

The Authority has responsibility for the collection and administration of Business Rates and Council Tax revenues. There is complex legislation detailing how the amount due from Business Rates and Council Tax is calculated. Within the legislation and government guidelines, the Local Authority has certain discretions to award reliefs and discounts in certain circumstances. The current Business Rates Relief and Council Tax Discretionary Discount Policy for Council Tax was last considered by Cabinet in December 2011. Since then, there have been changes to the funding mechanism for Local Government and a number of new discretions which are 100% funded by Central Government announced as part of Autumn Budget Statements.

The report reviews the circumstances in which relief is awarded and the process to be followed.

2. Recommendations

It is recommended that

- A. Members are asked to approve the Discretionary Relief Policy set out in Appendix A.
- B. The Council Policy for Discretionary Business Rates and Council Tax reductions should be reviewed by Council every three years.

3. Risk Assessment and Opportunities Appraisal

The Authority has a statutory duty to bill and collect business rates. Prior to the introduction of the Rates Retention scheme on 1 April 2013 the way the cost of relief was met by Shropshire Council and the Government depended

on the type of relief being awarded. Under the rates retention scheme the Authority bears the cost of 49% of any business rate relief awarded. This is detailed in the amended policy attached.

4. Financial Implications

With effect from 1 April 2013, under the arrangements for Local Business Rate Retention, the cost of all Business Rate Reliefs is split between the Government (50%), Shropshire Council (49%) and the Fire Authority (1%). The cost of discretionary relief awarded in the attached policy is therefore funded 49% by Shropshire Council and the Council Tax payer.

The financial implications for the Council in 2014/15 of policy changes agreed by Cabinet in December 2011 are shown in section 6 for member's information.

There are no financial implications of the new discretions the Council is awarding following Autumn Statement announcements as these are all 100% funded by grants under Section 31 of the Local Government Finance Act 2003.

5. Background

- The Rate Relief Policy for Shropshire Council was agreed by Cabinet on 21 July 2010. The aim was to bring together the most common award elements from the policies that had been in operation from the previous five districts.
- The policy was amended by Cabinet on 14 December 2011 to award 100% discretionary rate relief to Social Enterprises under certain conditions, and 20% discretionary top-up relief that Charity Shops that evidence that 90% of their gross profit is invested in the local community.
- The link to the policy is below

<http://shropshire.gov.uk/committee-services/Data/Cabinet/20111214/Agenda/12%20NNDR%20Discretionary%20Rate%20Relief.pdf>

6. Changes to Local Government Funding Mechanism

- Prior to April 2013, business rate reliefs were funded as follows:
 - Mandatory Relief – fully funded by Central Government
 - Discretionary Top-Up Relief – 25% Government and 75% Shropshire Council

- Discretionary Relief – 75% Government and 25% Shropshire Council
 - Rural Mandatory Relief – fully funded by Central Government
 - Rural Discretionary Relief – 75% Government and 25% Shropshire Council
 - Hardship Relief (Section 49) – 75% Government and 25% Shropshire Council
 - Part Occupied relief (Section 44A) – fully funded by Central Government
 - Local Discounts – Fully funded by Shropshire Council
- Under the current Rates Retention Funding mechanism, Shropshire Council bears the cost of 49% of any relief awarded, central government bears 50% of the costs and the Fire Service bears the remaining 1%.
 - The cost to Shropshire Council in 2014/15 of the amendments made to the policy in December 2011 are as follows:
 - awarding relief to Social Enterprises £157,711.00.
 - awarding discretionary top up relief to Charity Shops £42,149.00.

7. New Discretions announced as part of Government Autumn Statements

- At the Autumn Statements in 2012, 2013 and 2014 the Government announced some changes to Business Rates where further reductions were offered to ratepayers in certain circumstances. These reliefs are awarded under Section 47 of the Local Government Finance Act 1988 (discretionary powers) but the Council are fully compensated for the cost of these reliefs through payment of grant under Section 31 of Local Government Act 2003. These changes include:-
 - Empty new build properties will be exempt from empty property rates for eighteen months
 - Ratepayers receiving Small Business Rate Relief that take on an additional property which would currently disqualify them from receiving relief will continue to receive their current relief for 12 months
 - A discount of £1000 for shops, pubs and restaurants with a rateable value of £50,000 for 2014-15 and a discount of £1,500 for 2015-16
 - A 50% business rates relief for 18 months for businesses that- between 1 April 2014 and 31 March 2016-move into retail premises that have been empty for a year or more
 - Discretionary relief to be given to ratepayers with a rateable value of £50,000 or less, in lieu of transitional relief for 2015-16 and 2016-17

- The awarding of these discretions has no financial implications for the Council as the awards are 100% funded through by Government Grant.

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

N/A

Cabinet Member (Portfolio Holder)

Mike Owen

Local Member

N/A

Appendices

Appendix A – Business Rate Relief and Council Tax Discretionary Discount Policy



Business Rate Relief and Council Tax Discretionary Discount Policy

PHIL WEIR – REVENUES AND BENEFITS SERVICE MANAGER

Table of Contents

Introduction	2
Background Information.....	2
Discretionary Charitable Top-Up Relief	3
Guidance.....	3
Community Amateur Sports Clubs.....	3
Charity Shops.....	3
Financial Implications.....	3
Approved Relief in Shropshire.....	3
Discretionary Relief for Charities	4
Guidance.....	4
Financial Implications.....	4
Approved Relief in Shropshire.....	4
Sports Clubs.....	5
Social Enterprises.....	5
Rural Discretionary Relief	6
Guidance.....	6
Financial Implications.....	6
Approved Relief in Shropshire.....	6
Hardship Relief	7
Financial Implications.....	7
Options.....	7
Local Discounts	7
Financial Implications.....	7
Options.....	7
Part Occupied Relief	7
Financial Implications.....	8
Options.....	8
Section 31 Grant Relief (Autumn Statements)	8
Financial Implications.....	8
Options.....	8
Council Tax Discretionary Discount	9
Financial Implications.....	9
Options.....	9
Process to consider applications to the authority to exercise its discretion.....	9
Recommendation.....	9
Appendix A – Table of Shropshire Council Discretionary Relief Policy	10
Appendix B – Shropshire Council Rural Settlement List	11

Introduction

The authority has discretion to award business rates relief and rural rate relief to certain qualifying businesses and a Business Rate and Council Tax discount in certain circumstances that it sees fit. This report recommends the circumstances in which these reductions are awarded and the process to be followed.

Background Information

1. The Local Government Finance Act (LGFA) 1988 provides that Local Authorities can award a discretionary relief to ratepayers in various circumstances. The Local Government Act 2003 extended the Council discretion to allow discretionary Council Tax discount to be awarded where the Council sees fit and the Localism Act 2011 extended the Council's power to award business rate discounts. The areas for discretionary consideration are listed below.

Discretionary Charitable Top-Up Relief (Section 47 LGFA 1988)
Discretionary Charitable Rate Relief (Section 47 LGFA 1988)
Rural Discretionary Relief (Section 47 LGFA 1988)
Hardship Relief (Section 49 LGFA 1988)
Local Business Rate Discounts (Section 47 LGFA 1988)
Part Occupied Relief (Section 44A LGFA 1988)
Section 31 Grants/Autumn Statement Relief (Section 47 LGFA 1988)
Council Tax Discretionary Discounts (Section 13A Local Government Finance Act 1992)

2. Up until 1 April 2013 business rate relief was funded in the following manner.

Mandatory Relief – fully funded by Central Government
Discretionary Top-Up Relief – 25% Government and 75% Shropshire Council
Discretionary Relief – 75% Government and 25% Shropshire Council
Rural Mandatory Relief – fully funded by Central Government
Rural Discretionary Relief – 75% Government and 25% Shropshire Council
Hardship Relief (Section 49) – 75% Government and 25% Shropshire Council
Part Occupied relief (Section 44A) – fully funded by Central Government
Local Discounts – Fully funded by Shropshire Council.

3. Under the current system of rates retention (post 1 April 2013) Shropshire Council bears the cost of 49% of any relief awarded, with the government bearing the cost of 50% and the Fire Authority 1%
4. Shropshire Council's discretionary relief policy was first approved by Cabinet on 21 July 2010. Two amendments to the policy were approved by Cabinet on 14 December 2011.

Discretionary Charitable Top-Up Relief

Guidance

5. On receipt of an application for charitable relief, billing authorities should first consider whether the institution or organisation is eligible for mandatory relief.
6. To qualify for mandatory relief the property must be wholly or mainly used for charitable purposes and the institution or organisation must be established for charitable purposes. Registration under the charities Act 1993 is conclusive evidence of charitable status.
7. Mandatory Relief of 80% of the full rate liability for charities and other organisations is provided for in sections 43 and 45 of the 1988 act.
8. Under section 47 of the 1988 Act Shropshire Council has the discretion to top-up this relief to 100%.

Community Amateur Sports Clubs (CASCS)

9. Registered CASCS are entitled to mandatory relief at the same level as charities. This provision came into force with effect from 1 April 2004.
10. CASCS are defined by Schedule 18 Finance Act 1988 and registration forms are available from the Inland Revenue Website.
11. As with charities, billing authorities are also allowed to top-up the remaining 20%.

Charity Shops

12. Charity Shops are entitled to 80% mandatory relief providing that they are registered charities and they are used wholly or mainly for the sale of donated goods and the proceeds of the sale of goods are applied for the purposes of the charity.

Financial Implications

13. With effect from 1 April 2013 and the introduction of the rate retention scheme the cost of all reliefs is split between the government (50%), the billing authority (49%) and the Fire Authority (1%).

Approved Relief in Shropshire

14. To award 20% top-up to those local or national charities that provide a benefit to the local community.
15. Award 20% top-up to sports clubs that can demonstrate that:
 - They are registered CASCS
 - Their membership is mainly composed of active membership rather than social membership

- The club is accessible to all.
 - The club has achieved the CLUBMARK accreditation standard
 - (CLUBMARK is the only national cross sports quality accreditation scheme for clubs with junior sections. It is built around a set of core criteria which ensure that accredited clubs operate to a set of consistent, accepted and adopted minimum operation standards).
16. Award charity shops with the 20% top up if they evidence that 90% of their gross profit is invested in the local community
17. To delegate the determination of applications for discretionary top up relief outside this policy to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Discretionary Relief for Charities

Guidance

18. Where the property does not qualify for mandatory relief authorities can still consider the award of a discretionary rate relief under section 47 of LGFA 1988. Authorities have discretion to award up to 100% to certain non-profit making bodies.
19. To be eligible for consideration the ratepayer:
- Must be a charity or trustees of a charity and the property must be wholly or mainly used for charitable purposes; or
 - The property is not an excepted property and all or part of it is occupied for the purposes of one or more institutions none of which is established or conducted for profit and each of whose objects are charitable or otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts: or
 - The property is not an excepted property and is wholly or mainly used for the purposes of recreation, and all or part is occupied for the purposes of a club, society or other organisation not established or conducted for profit.
20. Discretionary relief may not be granted where the hereditament is an excepted property, such as a billing authority or a precepting authority.

Financial Implications

21. With effect from 1 April 2013, under the arrangements for local business rate retention, the cost of all reliefs is split between the Government (50%), Shropshire Council (49%), and the Fire Authority (1%).

Approved Relief in Shropshire

22. To award Village Halls and Community Centres 100% discretionary rate.

23. To award other similar voluntary organisations (e.g. Senior Citizens Clubs, Scouts/Guide Huts) whose emphasis is on recreational activity rather than social activity 100% discretionary rate relief.

Sports Clubs

24. To award 75% relief to Sports Clubs that can demonstrate that
- Their membership is mainly composed of active membership rather than social membership
(Reference can be made as to whether the club has a bar or not).
 - The club is accessible to all.
 - The club has achieved the CLUBMARK accreditation standard
25. This will provide incentive for them to register with the Inland Revenue as CASCS
26. To award 25% discretionary relief to other sports clubs

Social Enterprises

27. To award 100% discretionary relief to social enterprises that are:-
- Community Interest Companies that provide benefit to the local community providing that they:-
 - Are registered as a Community Interest Company. Reference can be made to Gov.Uk website on Community Interest Companies and to Companies House
 - <https://www.gov.uk/government/organisations/office-of-the-regulator-of-community-interest-companies>
 - <http://www.companieshouse.gov.uk/>
 - Also the Company's Articles of Association or Memorandum should clearly state that any surplus of income over expenditure will be applied in a particular manner to ensure that no profit is actually made
 - Industrial and Provident Societies and Companies Limited by Guarantee that provide benefit to the local community providing that they:-
 - Are a not for profit company.
 - Provide benefit for the local community.
 - Not for profit companies are normally limited by guarantee (as opposed to shares)
 - Reference should be made to Companies House website above

- Also the Company's Articles of Association or Memorandum should clearly state that any surplus of income over expenditure will be applied in a particular manner to ensure that no profit is actually made.
28. To delegate the determination of applications for discretionary relief outside this policy to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Rural Discretionary Relief

Guidance

29. The Local Government Finance and Rating Act 1997 introduced a scheme of 50% mandatory rate relief for certain kinds of property with effect from 1 April 1998. To qualify businesses must be within a rural settlement with a population of not more than 3,000.
30. The Rural Settlement List for Shropshire is at Appendix B.
31. Mandatory rate relief applies to a qualifying property which is within a settlement identified in an authority's rural settlement list for the chargeable financial year where its rateable value is not, at the beginning of the year in question more than a relevant prescribed amount. The rateable value limits are as follows:
- For qualifying sole shop, general store or post office £8,500.
 - For qualifying sole petrol filling station or pub £12,500.
32. In addition discretionary rate relief may be allowed if:
- The property is in a rural settlement
 - The rateable value of the property is £16,500 or less.
 - The property is used for purposes which are of benefit to the local community:
and
 - It is reasonable for the Council to grant relief taking into account the interests of its council taxpayers

Financial Implications

33. With effect from 1 April 2013, under the arrangements for local business rate retention, the cost of all reliefs is split between the Government (50%), Shropshire Council (49%), and the Fire Authority (1%).

Approved Relief in Shropshire

34. To award 25% rate relief to qualifying post offices and general stores and to delegate the determination of applications for rural rate relief outside this policy to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Hardship Relief

35. Section 49 of the Local Government Finance Act 1988 provides that the Council may reduce or remit any amount that a person is liable to pay in respect of Non-Domestic Rates. The Council cannot act under this section unless it is satisfied that:

- The ratepayer would sustain hardship if the authority did not do so, and
- It is reasonable for the authority to do so, having regard to the interest of its council tax payers.

36. Any amount up to 100% of the rates liability can be remitted.

37. Government guidance on the award of hardship relief is that each case must be treated on its merits and a 'blanket policy' must not be adopted.

Financial Implications

38. With effect from 1 April 2013, under the arrangements for local business rate retention, the cost of all reliefs is split between the Government (50%), Shropshire Council (49%), and the Fire Authority (1%).

Options

39. The recommendation is to delegate the determination of non-domestic rate hardship relief to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Local Discounts

40. The Localism Act 2011 removed the previous restriction that discretionary relief could only apply to charities and other organisations of prescribed type. However discretionary relief may not be granted where the hereditament is an excepted hereditament such as a billing authority or a precepting authority.

Financial Implications

41. With effect from 1 April 2013, under the arrangements for local business rate retention, the cost of all reliefs is split between the Government (50%), Shropshire Council (49%), and the Fire Authority (1%).

Options

42. The recommendation is to delegate the determination of non-domestic rates local discounts to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Part Occupied Relief

43. This can be awarded where business premises are partly occupied or not fully occupied providing that the situation exists for a short time. When awarding the

relief Shropshire Council ask the Valuation Office to provide amended rateable values based on the occupied and unoccupied areas.

Financial Implications

44. With effect from 1 April 2013, under the arrangements for local business rate retention, the cost of all reliefs is split between the Government (50%), Shropshire Council (49%), and the Fire Authority (1%).

Options

45. The recommendation is to delegate the determination of non-domestic rate part-occupied relief to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Section 31 Grant Relief (Autumn Statement)

46. At the Autumn Statements in 2012, 2013 and 2014 the Government announced some changes to the business rate system where further reductions were offered to ratepayers in certain circumstances. These reliefs are awarded under Section 47 of the Local Government Finance Act 1988 (discretionary powers) but the Council are fully compensated for the cost of these reliefs through payment of grant under Section 31 of Local Government Act 2003. These changes include:-

- Empty new build properties will be exempt from empty property rates for eighteen months
- Ratepayers receiving Small Business Rate Relief that take on an additional property which would currently disqualify them from receiving relief will continue to receive their current relief for 12 months
- A discount of £1000 for shops, pubs and restaurants with a rateable value of £50,000 for 2014-15 and a discount of £1,500 for 2015-16
- A 50% business rates relief for 18 months for businesses that- between 1 April 2014 and 31 March 2016-move into retail premises that have been empty for a year or more
- Discretionary relief to be given to ratepayers with a rateable value of £50,000 or less, in lieu of transitional relief for 2015-16 and 2016-17

Financial Implications

47. As stated above the full cost of awarding these reliefs are covered by the Government through a Section 31 grant payment.

Options

48. The authority should delegate authority to award these reliefs and any future reliefs that are awarded under Section 47 Local Government Finance Act 1988 but fully compensated via Section 31 grant payment, to the Council's Section 151 Officer.

Council Tax Discretionary Discount

49. The Local Government Act 2003 introduced a new power as Section 13A of the Local Government Finance Act 1992, whereby a billing authority may reduce the liability of a council tax payer to such extent as it sees fit.
50. The power can be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced.

Financial Implications

51. Any cost associated with such a reduction is borne by the billing authority.

Options

52. The authority should have a due process for consideration of applications for discretionary council tax discount.

Process to consider applications to the authority to exercise its discretion

53. Government guidelines state that an authority may delegate the decision making process on applications for discretionary relief either to individual officers or committees.
54. The authority should have a mechanism that allows applicants to appeal against a decision by an authority to revoke, reject or restrict the award of discretionary rate relief. The same officials that made the original decision should not consider appeals. Guidelines suggest that it may be appropriate to refer any appeal to a panel of council members, especially where an officer of the council made the original decision under delegated powers.

Recommendation

55. The recommendation is to delegate the determination of council tax discretionary discount awards to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Appendix A – Shropshire Council Discretionary Relief Policy

Shropshire Council Discretionary Relief		
Relief Type	Relief Description	Award %
Top Up	Top up relief – to charity shops that commit 90% of gross profit to the local community Top up relief to sports clubs that are registered as Community Amateur Sports Clubs that can demonstrate that: - Their membership is mainly composed of active membership rather than social membership - (Reference can be made as to whether the club has a bar or not) - The club is accessible to all - The club has achieved the SPORT MARK accreditation standard	20%
Discretionary Relief	Village Hall and similar charitable organisation without bars	100%
	Organisations whose emphasis is on recreational activity rather than social e.g. - Senior Citizen’s Clubs - Scout and guide huts - Youth clubs	100%
	Sports clubs that are not registered as Community Amateur Sports Clubs that can demonstrate that: - Their membership is mainly composed of active membership rather than social membership - (Reference can be made as to whether the club has a bar or not) - The club is accessible to all - The club has achieved the SPORT MARK accreditation standard	75%
	Other sports clubs that are not registered as Community Amateur Sports Clubs	25%
	Social Enterprises: - Registered Community Interest Companies - Industrial and Provident Societies - Companies Limited by Guarantee - Where articles of association or memorandum clearly state not conducted for profit and surplus is applied for benefit for community	100%
Rural Rate Relief	25% to rural post offices that qualify for mandatory relief 25% to rural village shops that qualify for mandatory relief	25%
Hardship Relief	Applications to be considered by Section 151 Officer and any appeal to the General Appeals Panel	N/A
Local Business Rate Discounts	Applications to be considered by Section 151 Officer and any appeal to the General Appeals Panel	N/A
Part Occupied Relief	Applications to be considered by Section 151 Officer and any appeal to the General Appeals Panel	N/A
Section 31 Grant Relief	Approval to award relief that is fully funded by Section 31 grant payment delegated to Section 151 Officer	N/A
Council Tax discretionary discounts	Applications to be considered by Section 151 Officer and any appeal to the General Appeals Panel	N/A

Appendix B – Shropshire Council Rural Settlement List



**National Non Domestic
Rates**

**RURAL SETTLEMENT
LIST**

2015

1. Background

1.1 Legislation

With effect from 1st April 1998, the Local Government Finance and Rating Act 1997 introduced a scheme of mandatory rate relief for certain kinds of hereditament situated in 'rural settlements'. A 'rural settlement' is defined as a settlement that has a population of not more than 3,000 on 31st December immediately before the chargeable year in question.

The Non-Domestic Rating (Rural Settlements) (England) (Amendment) Order 2009 (S.I. 2009/3176) prescribes the following hereditaments as being eligible with effect from 1st April 2010:-

- Sole food shop within a rural settlement and has a RV of less than £8,500;
- Sole general store within a rural settlement and has a RV of less than £8,500;
- Sole post office within a rural settlement and has a RV of less than £8,500;
- Sole public house within a rural settlement and has a RV of less than £12,500;
- Sole petrol filling station within a rural settlement and has a RV of less than £12,500;

Section 47 of the Local Government Finance Act 1988 provides that a billing authority may grant discretionary relief for hereditaments to which mandatory relief applies, and additionally to any hereditament within a rural settlement which is used for purposes which are of benefit to the local community.

1.2 Current Discretionary Rate Relief Policy

Currently, Shropshire Council's discretionary rate relief policy, as amended by Cabinet in December 2011, allows the following awards to be made:-

- 25% to the sole post office within the rural settlement that qualify for mandatory relief;
- 25% to the sole village shop within the rural settlement that qualify for mandatory relief.

1.3 Source of Information

The population figures are currently based upon the 2011 Census, the relevant details of which are contained in Section 2.

The following tables in Section 3 details such rural settlements within Shropshire Council's area of responsibility.

2. Census 2011 Population Figures

Census Settlement	Population Estimate (unrounded)	Population Estimate (rounded)	Census Settlement	Population Estimate (unrounded)	Population Estimate (rounded)
Abdon	15	20	Bedstone	60	60
Ackleton	287	300	Bentlawnt	83	80
Acton Burnell	216	200	Berrington	57	60
Acton Round	29	30	Berwick	49	50
Acton Scott	27	30	Besom Woods/Wheathill	46	50
Adderley	206	200	Bettws-Y-Crwyn	4	5
Alberbury	109	110	Bicton	494	500
Albrighton (1)	4462	4500	Billingsley	129	13
Albrighton (2)	35	40	Bings Heath	57	60
Aldon	16	20	Binweston	12	10
All Stretton	288	300	Bishops Castle	1735	1700
Allfordgreen	37	40	Bitterley	104	100
Alveley	1566	1600	Bletchley	45	40
Angel Bank/Farden	227	250	Bomere Heath	1256	1300
Annscroft	228	250	Boningale	47	50
Arcscott	72	70	Boraston	38	40
Ash Magna/Ash Parva	247	250	Bouldon	33	30
Ashford Bowdler	45	50	Bourton	76	80
Ashford Carbonell	326	350	Bourton Westwood	17	20
Asterley	112	110	Brandhill	24	20
Asterton	22	20	Breadon Heath	37	40
Astley	114	110	Bridgnorth	12312	12300
Astley Abbots	79	80	Broad Oak/Six Ashes	46	50
Aston	70	70	Brockton	46	50
Aston Botterell	33	30	Brockton (1)	70	70
Aston Eyre	43	40	Brockton (2)	57	60
Aston Munslow	114	110	Bromfield	81	80
Aston Pigott	33	30	Bromlow	57	60
Aston Rogers	50	50	Brompton	21	20

Council, 14th May 2015: REVIEW OF NON DOMESTIC-RATES DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS

Aston-On-Clun	221	200	Bronygarth/Castle Mill	103	100
Atcham	127	130	Broome	98	100
Babbinswood	175	180	Broseley	4752	4800
Badger	107	110	Broughall	55	50
Bagley	74	70	Brown Heath	26	30
Barkers Green	47	50	Bryn	11	10
Barrow	17	20	Bucknell	405	400
Baschurch/Newtown/Prescot	1602	1600	Buildwas	143	140
Bayston Hill	4837	4800	Burford	1216	1200
Beambridge/Aston Mill	32	30	Burlton	114	110
Beckbury	221	200	Burwarton	108	110
Bedlam	76	80	Button Bridge	58	60
Bushmoor/Leamoor Common	82	80	Condover	526	550
Button Oak	81	80	Coppice Gate	50	50
Callaughton	41	40	Coreley	31	30
Calverhall	156	160	Corfton/Corfton Bache	68	70
Cardeston	38	40	Cosford/Donnington	954	950
Cardington/Gretton	124	120	Cound/Upper Cound	179	180
Castle Pulverbatch	120	120	Coundmoor/Evenwood Common	96	100
Catherton Common	124	120	Crackley Bank	34	30
Caynham	149	150	Craven Arms	2370	2400
Cefn Blodwel	18	20	Cressage	632	650
Cefn Einion	23	20	Crickheath	63	60
Chapel Lawn	32	30	Croesaubach	28	30
Chavel	41	40	Cross Houses	744	750
Chelmarsh	244	250	Cross Lane Head	56	60
Cheney Longville	39	40	Crowsnest	42	40
Chesterton	62	60	Cruckmeole	50	50
Cheswardine	625	650	Cruckton	90	90
Chetton	66	70	Culmington	131	130
Childs Ercall	492	500	Darliston	38	40
Chipnall	101	100	Deuxhill	9	10
Chirbury	220	200	Dhustone	91	90
Chirk Bank/Gledrid	622	600	Diddlebury	182	180
Chorley	121	120	Ditton Priors	408	400
Church Preen	41	40	Dobsons Bridge/Roving Bridge	65	60
Church Pulverbatch	35	40	Doddongton	269	250

Council, 14th May 2015: REVIEW OF NON DOMESTIC-RATES DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS

Church Stretton	3676	3700	Donnington/Charlton Hill	31	30
Claverley	672	650	Dorrington	606	600
Clee Hill/The Knowle	854	850	Dovaston/Knockin Heath	264	250
Clee St Margaret	84	80	Draycott	51	50
Cleeton St Mary	51	50	Dudleston	28	30
Cleobury Mortimer	2750	2700	Dudleston Heath/Gadlas	861	850
Cleobury North	30	30	Eardington	332	350
Clive	423	400	Eardiston	33	30
Clun	760	750	East wall	44	40
Clunbury	95	90	Easthope	59	60
Clungunford	200	200	Eaton Constantine	137	140
Clunton	120	120	Eaton Upon Tern	100	100
Cockshutford	29	30	Edge	20	20
Cockshutt	611	600	Edgebolton/Moreton Mill	176	180
Coed-Y-Go	63	60	Edgerley	52	50
Colebatch	68	70	Edgton/Basford	66	70
Colemere	71	70	Edstaston	43	40
Colemore Green	40	40	Ellesmere	3726	3700
Elson	63	60	High Hatton	48	50
Enchmarsh	20	20	Highley/Netherton	3158	3200
English Frankton	26	30	Hilton	179	180
Ensdon	22	20	Hindford	34	30
Exfords Green	27	30	Hinstock/Wood Lane	768	750
Eyton	21	20	Hinton	30	30
Eyton On Severn	16	20	Hints	148	150
Farley	23	20	Hodnet/Hodnet Heath	639	650
Farlow	15	20	Holdgate	22	20
Faulsgreen	108	110	Hollinwood	121	120
Felhampton	26	30	Homer	247	250
Felton Butler	24	20	Hookagate	114	110
Fenn Green	55	60	Hope	42	40
Fitz	31	30	Hope Bagot	30	30
Ford	595	600	Hope Bowdler	139	140
Ford Heath	52	50	Hopesay	65	70
Forton Heath/Mytton	118	120	Hopton Bank	77	80
Frodesley	126	130	Hopton Cangeford	11	10
Garmston	69	70	Hopton Castle	53	50
Glazeley	32	30	Hopton Heath	36	40
Gleedon Hill	16	20	Hopton Wafers	94	90

Council, 14th May 2015: REVIEW OF NON DOMESTIC-RATES DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS

Glynmorlas/Rhyn	65	60	Hopton/Valeswood	100	100
Gobowen/Rhewl	2747	2700	Hordley	28	30
Grafton	106	110	Horsebridge	32	30
Great Ness	73	70	Hughley	43	40
Great Sutton	24	20	Hungerford/Broadstone	66	70
Great Wytheford	33	30	Ightfield	199	200
Greete	33	30	Jackfield	112	110
Grimpo	51	50	Kemberton	194	190
Grindle	30	30	Kempton	61	60
Grindley Brook	118	120	Kenley	44	40
Grinshill	153	150	Kinlet	65	70
Habberley	68	70	Kinnerley	297	300
Hadnall	568	550	Kinton	83	80
Halfway House	142	140	Knockin	182	180
Halston/Plealey Road	60	60	Knowbury	344	350
Hampton Loade	150	150	Lea	13	10
Hanwood	603	600	Lea Cross	65	60
Hanwood Bank	371	350	Leaton	24	20
Harley	139	140	Lee	43	40
Harmer Hill	318	300	Lee Brockhurst	122	120
Hatton	17	20	Leebotwood	113	110
Haughton	36	40	Leighton	132	130
Haytons Bent/Up Lo Hayton	107	110	Lilyhurst	25	20
Heath	13	10	Little Brampton	15	10
Heath Hill	65	60	Little Ness	108	110
Heathton	60	60	Little Stretton	238	250
Llanfair Waterdine	36	40	Montford	40	40
Llanyblodwel	69	70	Montford Bridge	320	300
Llanymynech	418	400	Morda	1553	1600
Llynclys	281	300	More	20	20
Lockleywood	78	80	Moreton Corbet	40	40
Long Meadow End	50	50	Moreton Say	40	40
Longden	247	250	Morton/Morton Common	89	90
Longden Common	109	110	Morville	81	80
Longford	60	60	Much Wenlock	2242	2200
Longnor	284	300	Muckley	13	10
Longslow	27	30	Muckley Cross	18	20
Longville In The Dale	66	70	Munslow	99	100
Longwood	38	40	Myddle	450	450
Loppington	220	200	Nantmawr	56	60

Council, 14th May 2015: REVIEW OF NON DOMESTIC-RATES DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS

Loughton	16	20	Nash	33	30
Lower Frankton	61	60	Neen Savage	3	5
Lower Hordley/Bagley Marsh	102	100	Neen Sollars	76	80
Ludlow	10174	10200	Neenton	88	90
Lydbury North	234	250	Nesscliffe	221	200
Lydham	92	90	Netchwood Common	39	40
Lyneal	179	180	New Marton	17	20
Lyth Bank/Lyth Hill	218	200	Newcastle	152	150
Maesbrook/Maesbrook Green	160	160	Newtown	101	100
Maesbury	240	250	Noneley/Commonwood/Ruewood	78	80
Maesbury Marsh	252	250	Norbury	53	50
Mainstone	11	10	Nordley	38	40
Marchamley	196	200	Nordley Common	67	70
Market Drayton	11794	11800	Northwood	109	110
Marshbrook	39	40	Norton	151	150
Marton	118	120	Norton In Hales	296	300
Meadowtown	19	20	Nox	17	20
Melverley	31	30	Obley	21	20
Melverley Green	87	90	Oldbury	204	200
Merrington	33	30	Ollerton	46	50
Middle/Lower Hengoed	140	140	Onibury	112	110
Middlehope	13	10	Oreton	150	150
Middleton	95	90	Oswestry	17260	17300
Middleton Priors	48	50	Overton	65	70
Middleton Scriven	43	40	Pant Glas	57	60
Middleton/Aston Square	58	60	Pant/Pen-y-Coed	1199	1200
Mill Green	30	30	Park Hall	525	550
Milson	53	50	Peaton	24	20
Minsterley	1408	1400	Peatonstrand	29	30
Minton	30	30	Pennerley/The Bog	90	90
Monkhopton	90	90	Pentre	52	50
Peplow	29	30	Rushton	31	30
Petton	76	80	Ruyton XI Towns	940	950
Picklescott	38	40	Ryton	239	250
Pipegate	177	180	Sansaw Heath	59	60
Pitchford	129	130	Shawbury	1573	1600
Plaish	45	50	Sheinton	40	40
Platt Lane	53	50	Shelderton	16	20
Plealey	130	130	Shelve	19	20

Council, 14th May 2015: REVIEW OF NON DOMESTIC-RATES DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS

Ploxgreen	99	100	Shepherds Lane/Calcott	133	130
Pont Faen	42	40	Sheriffhales	261	250
Pontesbury	1665	1700	Shifnal	6179	6200
Pontesbury Hill	203	200	Shipley	22	20
Pontesford	90	90	Shipton	43	40
Porthywaen	137	140	Shorthill	42	40
Posenhall	37	40	Shrawardine	134	130
Prees / Prees Wood	1037	1000	Shrewsbury	71460	71500
Prees Green	84	80	Sibdon Carwood	9	10
Prees Heath	130	130	Sidbury	28	30
Prees Higher Heath	1013	1000	Siefton	53	50
Prees Lower Heath	69	70	Siefton Bache	26	30
Preston	23	20	Silvington	25	30
Preston Brockhurst	73	70	Snailbeach	234	250
Preston Gubbals	38	40	Snitton	16	20
Preston Montford	3	5	Soudley	39	40
Priest Weston	69	70	Soudley (Great)	130	130
Priors Halton	4	5	Spurtree/Hammerhill	59	60
Purslow	15	10	St Martin Moor	60	60
Quatford	266	250	St Martins/Ifton Heath	120	120
Quatt	70	70	Stableford	64	60
Queens Head	92	90	Stanley Green	106	110
Quina Brook	77	80	Stanmore Camp	169	170
Ratlinghope	13	10	Stanton Lacy	35	40
Rednal	32	30	Stanton Long	43	40
Rhoswiel	181	180	Stanton Upon Hine Heath	233	250
Rhyd-y-Croesau	9	10	Stanwardine In The Fields	55	60
Richards Castle/Batchcott	43	40	Stapleton	117	120
Romsley	58	60	Stapleton Common	68	70
Rorrington	38	40	Stiperstones/Perkins Beach	146	150
Rosehill	68	70	Stockton	14	10
Roughton	50	50	Stoke Heath	288	300
Rowton	23	20	Stoke St Milborough	67	70
Ruckley/Langley	52	50	Stoke Upon Tern	120	120
Rudge	36	40	Stokesay	28	30
Rudge Heath	7	5	Stoney Stretton	50	50
Rushbury/Roman Bank	44	40	Stottesdon	176	180
Stowe	23	20	Wattlesborough	142	140

Council, 14th May 2015: REVIEW OF NON DOMESTIC-RATES DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS

			Heath		
Street Dinas	46	50	Weirbrook	39	40
Strefford	48	50	Welsh Frankton/Perthy	196	200
Stretford Bridge	41	40	Welshampton	204	200
Stretton Westwood	30	30	Welsh End	31	30
Sutton	36	40	Wem	5813	5800
Sutton Maddock	89	90	Wentnor	66	70
Sweeney Mountain/Nant-Y-Caws	142	140	Wern Ddu	9	10
Ternhill	67	70	West Felton	1032	1000
Tetchill	293	300	Westbury	519	500
The Down	23	20	Westhope	48	50
The Hobbins	354	350	Westley	22	20
The Hope	31	30	Weston	46	50
The Sheet	214	200	Weston and Wixhill	161	160
The Smithies	20	20	Weston Heath	73	70
The Wern	76	80	Weston Lullingfields	102	100
Ticklerton	49	50	Weston Rhyn/Preesgweene	1512	1500
Tilley	60	60	Weston Wharf/Weston Common	142	140
Tilstock	401	400	Whitchurch	9297	9300
Tong	105	100	Whitcot	15	20
Tong Norton	118	120	Whitcot Keysett	53	50
Treflach	180	180	Whittingslow	17	20
Trefonen	746	750	Whittington	1509	1500
Tuckhill	29	30	Whitton	65	70
Tugford	26	30	Whittytrees/Duxmoor	43	40
Twichen	43	40	Whixall	72	770
Uffington	125	130	Wilcott	169	170
Upper Affcot	17	20	Wistanstow	147	150
Upper Astley	84	80	Wistanstow/Crickmerry	308	300
Upper Hengoed	49	50	Withington	152	150
Uppington	56	60	Wollaston	24	20
Upton Cressett	13	10	Wollerton	201	200
Upton Magna	148	150	Woodseaves	180	180
Vennington	39	40	Woofferton	68	70
Vernolds Common	48	50	Woolstaston	27	30
Vron Gate	17	20	Woolston	97	100
Walford	125	120	Woore/Irelands	696	700

Heath/Oldwood			Cross		
Walkmill	11	10	Wooton	27	30
Wall Under Heywood	105	110	Worfield	215	200
Wallbank	41	40	Worthern/Brockton	634	650
Walton	12	10	Wotherton	52	50
Waterloo	24	20	Wrentnall	33	30
Wroxeter	65	70			
Wyken	67	70			
Wykey	44	40			
Yeaton	52	50			
Yockleton	222	200			
Yorton	35	40			

3. Rural Settlements

i) Bridgnorth Parishes

Code	Parish & Designated Rural Settlement	Census Settlement	Census Settlement Population	Parish Population
NBN001	Acton Round	Acton Round	29	60
		Muckley	13	
		Muckley Cross	18	
NBN002	Albrighton	NOT RURAL	4462	4462
NBN003	Alveley	Alveley	1566	1650
		Fenn Green	55	
		Tuckhill	29	
NBN004	Astley Abbots	Astley Abbots	79	280
		Colemore Green	40	
		Cross Lane Head	56	
		Nordley	38	
		Nordley Common	67	
NBN005	Aston Botterell	Aston Botterell	33	33

Council, 14th May 2015: REVIEW OF NON DOMESTIC-RATES DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS

NBN006	Aston Eyre	Aston Eyre	43	43
NBN007	Badger	Badger	107	107
NBN008	Barrow	Barrow	27	84
		Posenhall	37	
		The Smithies	20	
NBN009	Beckbury	Beckbury	221	221
NBN010	Billingsley	Billingsley	129	129
NBN011	Boningale	Boningale	47	47
NBN012	Boscobel	Boscobel	0	0
NBN013	Bridgnorth	NOT RURAL	12079	12549
		Oldbury	204	
		Quatford	266	
NBN014	Broseley	NOT RURAL	4929	5041
		Jackfield	112	
NBN015	Burwarton	Burwarton	108	108
NBN016	Chelmarsh	Chelmarsh	244	430
		Hampton Loade	150	
		Sutton	36	
NBN017	Chetton	Chetton	66	89
		The Down	23	
NBN018	Claverley	Broad Oak/Six Ashes	46	836
		Claverley	672	
		Draycott	51	
		Heathton	60	
		Rudge Heath	7	
NBN019	Cleobury North	Cleobury North	30	30
NBN020	Deuxhill	Deuxhill	9	9
NBN021	Ditton Priors	Ditton Priors	408	495
		Middleton Priors	48	
		Netchwood Common	39	
NBN022	Donington	Cosford/Donington	954	954
NBN023	Eardington	Eardington	332	332
NBN024	Easthope	Easthope	59	59
NBN025	Farlow	Farlow	15	165
		Oreton	150	
NBN026	Glazeley	Glazeley	32	32
NBN027	Highley	NOT RURAL	3158	3158
NBN028	Kemberton	Kemberton	194	194
NBN029	Kinlet	Button Bridge	58	254
		Button Oak	81	
		Coppice Gate	50	
		Kinlet	65	
NBN030	Middleton Scriven	Middleton Scriven	43	43

Council, 14th May 2015: REVIEW OF NON DOMESTIC-RATES DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS

NBN031	Monkhopton	Monkhopton	90	90
NBN032	Morville	Morville	81	81
NBN033	Much Wenlock	Bourton	76	2669
		Bourton Westwood	17	
		Callaughton	41	
		Gleedon Hill	16	
		Homer	247	
		Much Wenlock	2242	
		Stretton Westwood	30	
NBN034	Neen Savage	Neen Savage	3	3
NBN035	Neenton	Neenton	88	88
NBN036	Quatt	Quatt	70	70
NBN037	Romsley	Romsley	58	58
NBN038	Rudge	Rudge	36	58
		Shipley	22	
NBN039	Ryton	Grindle	30	269
		Ryton	239	
NBN040	Sheriffhales	Crackley Bank	34	385
		Heath Hill	65	
		Lilyhurst	25	
		Sheriffhales	261	
NBN041	Shifnal	NOT RURAL	6179	6179
NBN042	Shipton	Shipton	43	43
NBN043	Sidbury	Sidbury	28	28
NBN044	Stanton Long	Brockton	70	113
		Stanton Long	43	
NBN045	Stockton	Norton	151	165
		Stockton	14	
NBN046	Stottesdon	Chorley	121	297
		Stottesdon	176	
NBN047	Sutton Maddock	Sutton Maddock	89	89
NBN048	Tasley	Tasley	0	0
NBN049	Tong	Tong	105	223
		Tong Norton	118	
NBN050	Upton Crescent	Upton Crescent	13	13
NBN051	Worfield	Ackleton	287	1447
		Chesterton	62	
		Hilton	179	
		Roughton	50	
		Stableford	64	
		Stanmore Camp	169	
		The Hobbins	354	
		Worfield	215	

	Wyken	67	
--	-------	----	--

ii) North Shropshire Parishes

Code	Parish & Designated Rural Settlement	Census Settlement	Census Settlement Population	Parish Population
NNS001	Adderley	Adderley	206	206
NNS002	Baschurch	Baschurch/Newtown/Prescott	1602	1953
		Stanwardine In The Fields	55	
		Weston Lullingfields	102	
		Weston Wharf/Weston Common	142	
		Yeaton	52	
NNS004	Cheswardine	Cheswardine	625	895
		Chipnall	101	
		Soudley	39	
		Soudley (Great)	130	
NNS005	Childs Ercall	Childs Ercall	492	492
NNS006	Clive	Clive	423	423
NNS007	Cockshutt	Cockshutt	611	637
		English Frankton	26	
NNS008	Ellesmere Rural	Dudleston	28	1547
		Dudleston Heath/Gadlas	861	
		Elson	63	
		Lee	43	
		New Marton	17	
		Street Dinas	46	
		Tetchill	293	
		Welsh Frankton/Perthy	196	
NNS009	Ellesmere Urban	NOT RURAL	3726	3726
NNS010	Grinshill	Grinshill	153	212
		Sansaw Heath	59	
NNS011	Hadnall	Hadnall	568	568
NNS012	Hinstock	Hinstock/Wood Lane	768	676
		Lockleywood	78	
		Mill Green	30	
NNS013	Hodnet	Hodnet/Hodnet Heath	639	1065
		Marchamley	196	
		Peplow	201	
		Wollerton	29	
NNS014	Hordley	Bagley	74	

Council, 14th May 2015: REVIEW OF NON DOMESTIC-RATES DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS

		Hordley	28	204
		Lower Hordley/ Bagley Marsh	102	
NNS015	Ightfield	Calverhall	156	355
		Ightfield	199	
NNS017	Loppington	Brown Heath	26	438
		Burlton	114	
		Loppington	220	
		Noneley/Commonwood/ Ruewood	78	
NNS018	Market Drayton	NOT RURAL	11794	11794
NNS019	Moreton Corbet	Lee Brockhurst	122	235
		Moreton Corbet	40	
		Preston Brockhurst	73	
NNS020	Moreton Say	Bletchley	45	239
		Longford	60	
		Longslow	27	
		Moreton Say	40	
		Tern Hill	67	
NNS021	Myddle	Harmer Hill	318	921
		Marton	118	
		Myddle	450	
		Yorton	35	
NNS022	Norton In Hales	Norton In Hales	296	296
NNS024	Petton	Petton	76	76
NNS025	Prees	Darliston	38	2349
		Fauls Green	108	
		Prees Green	84	
		Prees Higher Heath	1013	
		Prees Lower Heath	69	
		Prees/Prees Wood	1037	
NNS027	Shawbury	Edgebolton/Moreton Mill	176	1782
		Great Wytheford	33	
		Shawbury	1573	
NNS028	Stanton Upon Hine Heath	High Hatton	48	281
		Stanton Upon Hine Heath	233	
NNS029	Stoke on Tern	Eaton Upon Tern	100	862
		Ollerton	46	
		Stoke Heath	288	
		Stoke on Tern	120	
		Wistanswick/Crickmerry	308	
NNS030	Sutton on Tern	Rosehill	68	284
		Sutton	36	
		Woodseaves	180	

NNS031	Welshampton	Breaden Heath	37	491
		Colemere	71	
		Lyneal	179	
		Welshampton	204	
NNS032	Wem Rural	Aston	70	507
		Barkers Green	47	
		Edstaston	43	
		Newtown	101	
		Northwood	109	
		Quina Brook	77	
		Tilley	60	
NNS033	Wem Urban	NOT RURAL	5813	5813
NNS034	Weston Under Redcastle	Weston	46	280
		Weston & Wixhill	161	
		Weston Heath	73	
NNS035	Whitchurch Rural	Ash Magna/Ash Parva	247	833
		Broughall	55	
		Prees Heath	130	
		Tilstock	401	
NNS039	Whitchurch Urban	NOT RURAL	9297	9415
		Grindley Brook	118	
NNS041	Whixall	Dobsons Bridge/ Roving Bridge	65	472
		Hollinwood	121	
		Platt Lane	53	
		Stanley Green	106	
		Waterloo	24	
		Welsh End	31	
		Whixall	72	
NNS042	Woore	Pipe Gate	177	873
		Woore/Irelands Cross	696	

iii) Oswestry Parishes

Code	Parish & Designated Rural Settlement	Census Settlement	Census Settlement Population	Parish Population
NOW001	Kinnerley	Dovaston/Knockin Heath	264	825
		Edgerley	52	
		Kinnerley	297	
		Maesbrook/Maesbrook Green	160	
		Pentre	52	
NOW002	Knockin	Knockin	182	182

Council, 14th May 2015: REVIEW OF NON DOMESTIC-RATES DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS

NOW003	Llanyblodwel	Cefn Boldwel	69	275
		Llanyblodwel	69	
		Porthywaen	137	
NOW004	Llanymynech & Pant	Llanymynech	418	1898
		Llynclys	281	
		Pant/Pen-y-Coed	1199	
NOW005	Milverley	Milverley	31	118
		Milverley Green	87	
NOW006	Oswestry Rural	Coed-y-Go	63	2497
		Crickheath	63	
		Croesaubach	28	
		Maesbury	240	
		Maesbury Marsh	252	
		Middleton/Aston Square	58	
		Morda	1553	
		Morton/Morton Common	89	
		Rhyd-y-Croesau	9	
		Sweeney Mountain/Nant-Y-Caws	142	
		NOW007	Trefonen	
Treflach	180			
Trefonen	746			
Wern Ddu	9			
NOW008	Ruyton XI Towns	Eardiston	33	1017
		Ruyton XI Towns	940	
		Wykey	44	
NOW009 NOW010	Selattyn Gobowen	Gobewen/Rhewl	2747	3058
		Middle/Lower Hengoed	140	
		Pant Glas	57	
		Upper Hengoed	49	
		Glynmorlas/Rhyn	65	
NOW011	St. Martins	St. Martins/Ifton Heath	12	123
		St. Martins Moor	60	
		Grimpo	51	
NOW012	West Felton	Haughton	36	1231
		Queens Head	92	
		Rednall	32	
		Weirbrook	39	
		West Felton	1032	
NOW013	Weston Rhyn	Bronygarth/Castle Mill	103	2536
		Chirk Bank/Gledrid	622	
		Pont Faen	42	
		Rhoswiell	181	

		The Wern	76	
		WestonRhyn/Preesgweene	1512	
NOW014	Whittington	Babbinswood	175	2304
		Hindford	34	
		Lower Frankton	61	
		Park Hall	525	
		Whittington	1509	
NOW015	Oswestry Town	NOT RURAL	17260	17260

iv) Shrewsbury & Atcham Parishes

Code	Parish & Designated Rural Settlement	Census Settlement	Census Settlement Population	Parish Population
NSA101	Acton B, Frod, Pitch, Ruck, Lang	Acton Burnell	216	523
		Frodesley	126	
		Pitchford	129	
		Ruckley/Langley	52	
NSA102	Alberbury and Cardeston	Alberbury	109	454
		Cardeston	38	
		Halfway House	142	
		Rowton	23	
		Wattlesborough Heath	142	
NSA103	All Stretton, Smethcote & Woolstan	All Stretton	288	353
		Picklescote	38	
		Woolstaston	27	
NSA104	Astley	Astley	114	255
		Bings Heath	57	
		Upper Astley	84	
NSA105	Atcham	Atcham	127	176
		Berwick	49	
NSA106	Bayston Hill	Not Rural	4837	4837
NSA107	Berrington	Berrington	57	822
		Brompton	21	
		Cross Houses	744	
NSA108	Bicton	Bicton	494	630
		Preston Montford	3	
		Shepherds Lane/Calcott	133	
NSA109	Bomere Heath & District	Albrighton	35	1767
		Bomere Heath	1256	
		Fitz	31	
		Forton Heath/Mytton	118	
		Grafton	106	

		Leaton	24	
		Merrington	33	
		Preston Gubbals	39	
		Walford Heath/Oldford	125	
NSA110	Buildwas	Buildwas	143	143
NSA111	Cardington	Cardington/Gretton	124	189
		Enchmarsh	20	
		Plaish	45	
NSA112	Church Preen, Hughley & Kenley	Church Preen	41	128
		Hughley	43	
		Kenley	44	
NSA113	Church Pulverbatch	Castle Pulverbatch	120	188
		Church Pulverbatch	35	
		Wrenthall	33	
NSA114	Condover	Condover	526	1249
		Dorrington	606	
		Stapleton	117	
NSA115	Cound	Cound/Upper Cound	179	275
		Coundmoor/Evenwood Common	96	
NSA116	Cressage, Harley & Sheinton	Cressage	632	811
		Harley	139	
		Sheinton	40	
NSA117	Ford	Chavel	41	636
		Ford	595	
NSA118	Great Hanwood	Hanwood	603	974
		Hanwood Bank	371	
NSA119	Great Ness & Little Ness	Felton Butler	24	778
		Great Ness	73	
		Hopton/Valeswood	100	
		Kinton	83	
		Little Ness	108	
		Nesscliffe	221	
		Wilcott	169	
NSA120	Leebotwood & Longnor	Leebotwood	113	397
		Longnor	284	
NSA121	Leighton & Easton Constantine	Eaton Constantine	137	376
		Garmston	69	
		Leighton	132	
		Longwood	38	
NSA122	Longden	Annscroft	228	
		Exfords Green	27	
		Hook a Gate	114	

		Longden	247	1011
		Longden Common	109	
		Lyth Bank/Lyth Hill	218	
		Stapleton Common	68	
NSA123	Minsterley	Horsebridge	32	1558
		Meadowtown	19	
		Minsterley	1408	
		Ploxgreen	99	
NSA124	Montford	Ensdon	22	516
		Montford	40	
		Montford Bridge	320	
		Shrawardine	134	
NSA125	Pontesbury	Arcscott	72	2663
		Asterley	112	
		Cruckmeole	50	
		Cruckton	90	
		Edge	20	
		Farley	23	
		Habberley	68	
		Halston/Plealey Road	60	
		Hinton	30	
		Lea	13	
		Lea Cross	65	
		Plealey	130	
		Pontesbury	1665	
		Pontesbury Hill	203	
		Pontesford	20	
Shorthill	42			
NSA126	Uffington	Uffington	125	125
NSA127	Upton Magna	Preston	23	171
		Upton Magna	148	
NSA128	Westbury	Ford Heath	52	938
		Nox	17	
		Stoney Stretton	50	
		Vennington	39	
		Vron gate	17	
		Westbury	519	
		Westley	22	
		Yockleton	222	
NSA129	Withington	Withington	152	152
NSA130	Wollaston	Wollaston	24	24
NSA131	Wroxeter & Uppington	Donnington/Charlton Hill	31	
		Eyton on Severn	16	

		Rushton	31	199
		Uppington	56	
		Wroxeter	65	
NSA132	Shrewsbury Town	NOT RURAL	71460	71460

v) South Shropshire Parishes

Code	Parish & Designated Rural Settlement	Census Settlement	Census Settlement Population	Parish Population
NSS01	Abdon	Abdon	15	63
		Holdgate	22	
		Tugford	26	
NSS02	Acton Scott	Acton Scott	27	27
NSS03	Ashford Bowdler	Ashford Bowdler	45	45
NSS04	Ashford Carbonel	Ashford Carbonel	326	326
NSS05	Bitterley	Angelbank/farden	227	660
		Bedlam	76	
		Bitterley	104	
		Cleeton St Mary	51	
		Dhustone	91	
		Middleton	95	
		Snitton	16	
NSS06	Boraston	Boraston	38	97
		Spurtree/Hammermill Hill	59	
NSS07	Bromfield	Bromfield	81	85
		Priors Halton	4	
NSS08	Burford	Burford	1216	1216
NSS09	Caynham	Caynham	149	1347
		Clee Hill/The Knowle	854	
		Knowbury	344	
NSS10	Church Stretton & Little Stretton	Church Stretton	3676	3983
		Little Stretton	238	
		Marshbrook	30	
		Minton	39	
NSS13	Clee St. Margaret	Clee St Margaret	84	113
		Cockshutford	29	
NSS14	Cleobury Mortimer	Cleobury Mortimer	2750	2750
NSS15	Coreley	Coreley	31	179
		Hints	148	
NSS16	Culmington	Culmington	131	258
		Seifton	53	
		Seifton Bache	26	

		Vernolds Common	48	
NSS17	Diddlebury	Corfton/Corfton Bache	68	388
		Diddlebury	182	
		Great Sutton	24	
		Middlehope	13	
		Peaton	24	
		Peatonstrand	29	
		Westhope	48	
NSS18	Eaton Under Heywood	Hatton	17	66
		Ticklerton	49	
NSS20	Greete	Greete	33	33
NSS22	Heath	Heath	13	13
NSS23	Hope Bagot	Hope Bagot	30	30
NSS24	Hope Bowdler	Hope Bowdler	139	139
NSS26	Hopton Cangeford	Hopton Cangeford	11	11
NSS27	Hopton Wafers	Catherton Common	124	564
		Doddington	269	
		Hopton Bank	77	
		Hopton Wafers	94	
NSS29	Ludford	The Sheet	214	214
NSS30	Ludlow	NOT RURAL	10174	10174
NSS34	Milson	Milson	53	53
NSS35	Munslow	Aston Munslow	114	279
		Hungerford/Broadstone	66	
		Munslow	99	
NSS36	Nash	Nash	33	33
NSS37	Neen Sollars	Neen Sollars	76	76
NSS38	Onibury	Onibury	112	194
		Walton	12	
		Whittytrees/Duxmoor	43	
		Wooton	27	
NSS39	Richards Castle	Overton	65	176
		Richards Castle/Batchcott	43	
		Woofferton	68	
NSS40	Rushbury	East Wall	44	300
		Longville In The Dale	66	
		Rushbury/Roman bank	44	
		Wallbank	41	
		Wall Under Heywood	105	
NSS41	Sibdon Carwood	Sibdon Carwood	9	9
NSS43	Stanton Lacy	Haytons Bent/Upper & Lower Hayton	107	184
		Hopton Cangeford	11	

		Stanton Lacy	35	
		The Hope	31	
NSS44	Craven Arms	Aldon	16	2471
		Bouldon	33	
		Brandhill	24	
		Craven Arms	2370	
		Stokesay	28	
NSS45	Stoke St. Milborough	Stoke St. Milborough	67	67
NSS47	Wheathill	Besom Woods/Wheathill	46	87
		Loughton	16	
		Silvington	25	
NSS48	Whitton	Whitton	65	92
		Wooton	27	
NSS49	Wistanstow	Bushmoor/Leamoor Common	82	473
		Cheney Longville	39	
		Felhampton	26	
		Strefford	48	
		Upper Affcot	17	
		Whittingslow	17	
		Wistanstow	147	
		Woolston	97	
NSS51	Bedstone	Bedstone	60	60
NSS52	Bettws-y-Crwyn	Bettws-y-Crwyn	4	4
NSS53	Bishops Castle	Bishops Castle	1735	1735
NSS55	Bucknell	Bucknell	405	405
NSS56	Chirbury with Brompton	Chirbury	220	379
		Priest Weston	69	
		Rorrington	38	
		Wotherton	52	
NSS57	Clun & Chapel Lawn	Bryn	11	856
		Chapel Lawn	32	
		Clun	760	
		Whitcott Keysett	53	
NSS58	Newcastle	Newcastle	152	152
NSS59	Clunbury	Clunbury	95	370
		Clunton	120	
		Kempton	61	
		Little Brampton	15	
		Obley	21	
		Purslow	15	
		Twitchen	43	
NSS60	Clungunford	Clungunford	200	

Council, 14th May 2015: REVIEW OF NON DOMESTIC-RATES DISCRETIONARY RELIEF AND COUNCIL TAX DISCRETIONARY DISCOUNTS

		Hopton Heath	36	252
		Shelderton	16	
NSS61	Colebatch	Colebatch	68	68
NSS62	Edgton	Edgton/Basford	66	66
NSS63	Hopesay	Aston–On-Clun	221	466
		Beambridge/Aston Mill	32	
		Broome	98	
		Hopesay	65	
		Long Meadow End	50	
NSS64	Hopton Castle	Hopton Castle	53	53
NSS65	Llanfair Waterdine	Llanfair Waterdine	36	36
NSS66	Lydbury North	Brockton	27	261
		Lydbury North	234	
NSS67	Lydham	Lydham	92	92
NSS68	Mainstone	Cefn Einion	23	34
		Mainstone	11	
NSS69	More	More	20	20
NSS70	Myndtown	Asterton	22	22
NSS71	Norbury	Norbury	53	79
		Walkmill	11	
		Whitcot	15	
NSS72	Ratlinghope	Ratlinghope	13	13
NSS74	Stowe	Stowe	23	23
NSS75	Wentnor	Wentnor	66	66
NSS76	Worthen with Shelve	Aston Pigott	33	1442
		Aston Rogers	50	
		Bentlawnt	83	
		Binweston	12	
		Bromlow	57	
		Crows Nest	42	
		Hope	42	
		Pennerley/The Bog	90	
		Shelve	19	
		Snailbeach	234	
		Stiperstones/Perkins Beach	146	
		Worthen/Brockton	634	



<u>Committee and Date</u>	<u>Item</u>
Council	13
14 May 2015	
10am	
	<u>Public</u>

FINANCIAL STRATEGY 2015/16-2016/17

Responsible Officer James Walton

e-mail: james.walton@shropshire.gov.uk Tel: 01743 255011

1. Summary

The Council Business Plan and Financial Strategy 2014/15 to 2016/17 was agreed by Full Council on 26 February 2015. The Financial Strategy is a rolling plan which is revised throughout each financial year, usually quarterly, as more information becomes available about the level of resources, service pressures and service delivery changes. The projections on Resources and Expenditure and the progress in achieving savings in 2015/16 will be detailed in the financial strategy to be considered by Cabinet in July which will reflect the provisional 2014/15 outturn position and 2015/16 Quarter 1 monitoring. This report seeks approval to changes in the 2015/16 budget required as a result of proposals to transfer services to ip&e. The report also provides details of New Homes Bonus funding, current commitments against this funding and proposals for further commitments.

2. Recommendations

It is recommended that members:

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

REPORT

3. Risk Assessment and Opportunities Appraisal

- 3.1. The development and delivery of the Council's Business Plan and Financial Strategy for the next three years is the key process in managing many of the Council's strategic risks. The opportunities and risks arising are assessed each time the document is refreshed for Cabinet consideration. The Council's Strategic Risks are reported separately, but the Business Plan and Financial Strategy makes specific reference to the significant financial uncertainty across Local Government in the Medium Term.

Financial Uncertainty

- 3.2. The funding settlement announced in February 2015 provided the 2015/16 financial settlement information only. No financial information beyond 2015/16 has been confirmed. There is increased uncertainty around funding levels beyond the current parliamentary term. This increases uncertainty both in 2015/16 and future years as previously incoming governments have made in year as well as future year changes to local government departmental expenditure limits.
- 3.3. As government funding reduces, the Council becomes more reliant on locally retained business rates. As detailed in previous reports, a reduction in business rate income in any year would have to be around 10% before a safety net payment would be invoked. This drop is higher than the 7.5% indicated in the funding mechanism as the Council's budgeted business rate income is higher than the baseline level that the 7.5% drop would be measured against.
- 3.4. Locally retained business rates introduce uncertainty to the Council's in year available resources; previously the Council was informed of the amount of redistributed business rates it would receive before the start of the financial year, under the new system the resources the Council actually receives will only be estimated in advance and could vary significantly.
- 3.5. Variations from budgeted revenues for both Business Rates and Council Tax are dealt with through the relative collection fund account. The timing of the availability of the final figures means that adjustments required, i.e. deficits or surpluses on the collection fund, fall 2 years after the year in which they relate. To mitigate the risk of large variations in estimated Business Rates, monitoring of Business Rates income will be further

developed and reported regularly, reducing risk as the level and quality of data is increased.

- 3.6. The funding mechanism does not reflect any service needs changes from year to year. It is proposed that the system will not be reset for 7 years i.e. until 2020/21.
- 3.7. By creating a Financial Strategy that continues to look beyond the next three years at the longer-term and is regularly updated to reflect new information, the Council is in a stronger position to approach future challenges proactively, rather than reactively.
- 3.8. While the Financial Strategy represents our approach to the mitigation of the financial uncertainty we are faced with, the tight and uncertain financial climate over the medium to long term still presents a high risk to the authority. In addition to the known uncertainties we have planned for, there remains potential for further, as yet unrecognised, risks. For this reason, a prudent approach to the level of reserves held by the Council remains sensible and necessary. As the new Business Rates Retention system becomes embedded this will mean the revision of newly introduced provisions for rating appeals and other fluctuations.
- 3.9. The Council will need to keep a reasonable level of general reserve to help mitigate against the risk of delay in implementation of the significant savings proposals. It is essential that this is kept under review both in the current year and with a view to future years and balancing the budget.

Other Risks and Opportunities

- 3.10. The Business Plan and Financial Strategy sets the resource parameters within which the Council can commission services to meet its priority outcomes. All risks and opportunities which have a material monetary value are considered within the strategy.
- 3.11. The Council's Business Plan and Financial Strategy recognises that there are risks and opportunities associated with ip&e as it is a wholly owned company of the Council. The development of the Council's future financial strategy will be clear about the financial expectations of ip&e and how this will impact on the Council's budget.
- 3.12. Setting the Financial Strategy and agreeing the detailed changes necessary to deliver the agreed budget for the next financial year, will take into account the requirements of the Human Rights Act, any necessary

environmental appraisals and the need for Equalities Impact Needs Assessments and any necessary service user consultation.

4. Services transferring to ip&e

- 4.1. In February Council noted the financial implications of the transfer of the Fulcrum and Help2Change services which had been identified for transfer to ip&e in 2015/16.
- 4.2. Since February a considerable amount of work has been undertaken to agree service contract values and mechanisms for paying the Service Provider. These mechanisms recognise the requirement for the majority of income currently received for these services to continue to be received by the Authority and that staff within services transferring to ip&e will be seconded to work for ip&e in the first instance.
- 4.3. Since February, further services have been identified for consideration for transfer to ip&e within the 2015/16 financial year. Any transfer will be subject to agreement by Cabinet and the financial implications will then need to be reflected in the 2015/16 Budget.
- 4.4. Cabinet are due to consider the potential transfer of Inspire to Learn Services at their meeting on 20 May 2015 with the first phase of this transfer planned for 1 June 2015. The following tables identify the Gross and Net Budget identified for these services.

Table 1: I2L Proposed Phase 1 Services identified for Transfer on 1 June 2015

Service Area	Gross Budget £'000	Income from SLAs with schools £'000	Income from Other sources £'000	Net Council Budget £'000
Music Service	1,288	-913	-375	0
School Library Service	282	-282	0	0
School's IT Services (SIMS)	131	-131	0	0
School's Financial Services	309	-309	0	0
Total	2,010	-1,635	-375	0

The total gross budget identified above of £2.010m includes support costs of £0.132m which are currently only estimates but which are not expected to vary significantly. As can be seen there is a net nil budget for the Council with the services either being funded directly by schools or by an external grant.

- 4.5. For the second phase of transfers to ip&e Ltd the budgets are identified below. These services are partially traded services and are not planned for transfer until 1 September 2015:

Table 2: I2L Phase 2 Services identified for Transfer 1 September 2015

Service Area	Gross Budget £'000	Income from SLAs with schools £'000	Income from Other sources £'000	Net Council Budget £'000
Information, Advice & Guidance	951	-161	-112	678
Education Access & Equality	492	-169	0	323
Technical Support Services - Governor Services	260	-248	0	12
Education Improvement	1,699	-843	-367	489
Total	3,402	-1,421	-479	1,502

- 4.6. For this second phase, a substantial amount of the gross budget is funded from Education Services Grant (ESG) currently received by the Council. As this grant reduces to maintain the same level of gross spend, the services will need to secure alternative funding.
- 4.7. Other services which are currently in the early stages of consideration for potential transfer to ip&e are noted below with the net and gross budget including support services for 2015/16.

Table 3: Services for Potential transfer to ip&e during 2015/16- Gross and Net Budget

	Gross Budget £'000	Income from SLAs with Schools £'000	Income from Internal Market	Other income £'000	Net Budget £'000
Customer Service Centre	4,034		-3,787	-247	0
Shire Services	15,186	-13,336	-1,034	0	816
Employment Services	1,335	-328	-865	-142	0
HR Advice	1,646	-222	-1,271	-79	74

- 4.8. The Customer Service Centre Budgets identified above include Digital and Customer Service Quality Teams.
- 4.9. As the Business Cases for transfer of services are developed the budgets identified above will be refined to reflect the services being commissioned and the buyback of any support services. Any transfer of services is subject to the approval of a Business Plan by Cabinet.
- 4.10. As other services are considered for transfer to ip&e, the financial implications will be included in future Financial Strategies.

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

N/A

Cabinet Member (Portfolio Holder)

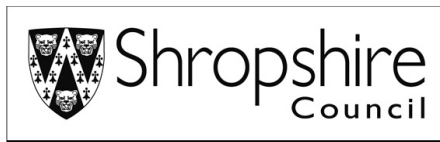
Keith Barrow – Leader

Local Member

All

Appendices

N/A



<u>Committee and Date</u>	<u>Item</u>
Council	14
14 th May 2015	
10.00 am	
	<u>Public</u>

CARE ACT: FEES, CHARGING AND DEFERRED PAYMENTS SCHEME

Responsible Officer: Stephen Chandler
E-mail: Stephen.chandler@shropshire.gov.uk **Tel:** 01743 253704

1. Summary

The Care Act is the biggest change to English adult social care law since the National Assistance Act in 1948 and it replaces a number of different pieces of legislation with a single legal framework. This new legislation has the wellbeing of individuals and carers at the heart of care and support services.

Whilst much of the Care Act is prescriptive there are a number of aspects to it that provide the Local Authority with some discretion.

These include aspects relating to Fees, Charging and the Universal Deferred Payments Scheme. The Care Act allows for Local Authorities to levy charges for areas of support and administration that has previously not been possible.

The proposals for fees and charging in Shropshire have been developed in the context of the Care Act Statutory Guidance, the need for the Council to use its resources effectively and the wish to ensure that people are treated fairly, equitably and consistently.

A consultation was carried out in relation to the proposals, the responses to which have informed the recommendations made in this report.

2. Recommendations

It is recommended that Council agree:

- 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 £1000 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 to apply this 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

REPORT

3. Risk Assessment and Opportunities Appraisal

The Care Act allows for Local Authorities to levy charges for areas of support and administration that has previously not been possible.

The introduction of the Care Act has additionally provided a natural opportunity to review fees and charges to ensure a consistent and equitable approach to charging.

As a result a number of proposals were developed for consultation and these are attached in Appendix 2. An easy read version of the consultation proposals was also developed, this is attached at Appendix 6.

3.1 Consultation Process /Activity

The consultation was originally planned to run for 6 weeks from 3rd March to 14th April 2015. However following request from various groups and individuals during the consultation, the consultation period was extended by two weeks to 28th April 2015 to allow an 8 week response period.

A wide range of views were sought through representative organisations. These included advice and advocacy organisations, Age UK, Community Council of Shropshire, the Senior Citizen Forum, Shropshire Partners in Care, Shropshire Voluntary and Community Sector Assembly, Learning Disability care providers and local town councils. We also involved the Learning Disability Partnership Board, the Family Carers Partnership Board, and the Making It Real Board. A survey was made available on the council's consultation portal. Paper and easy read versions of the survey were made available. Individual letters were also sent to approximately 300 carers who, because of the service they currently receive, would be directly affected by the proposal on charging for replacement care.

Full details of the consultation activity undertaken and the supporting documentation is attached in Appendices 3,4,5 and 6.

Consultation Responses

The recommendations made to Councillors in this report have taken account of the responses received during the consultation process.

Some responses focussed on matters that were outside the scope of the consultation and adult social care but which relate to other wider council decisions and activity.

Of the comments received that relate directly to adult social care some commented on the introduction of charging for an arrangement fee to people who are not eligible for Local Authority funded care.

The proposed fee does not mean that the local authority will arrange the care and make a charge for it. People, or their families, able and willing to arrange their own care may continue to do so and no fee would be payable.

Full details of the responses from the consultation are attached in Appendices 7 and 8.

Equality and Social Inclusion Impact Assessment (ESIIA)

An initial Equality and Social Inclusion Impact Assessment (ESIIA) was carried out on the proposals. This indicated that in relation to the Minimum Income Guarantee, younger people with disabilities may be impacted upon more negatively than other groups. A person who receives care and support outside a care home will need to pay their daily living costs such as rent, food and utilities. Therefore the charging rules must ensure that they have enough money to meet those costs. After charging, a person must be left with the minimum income guarantee (MIG) equivalent to Income Support plus a buffer of 25%. Whilst the actual MIG amounts are fixed in the legislation, the percentage of surplus income that an authority can take in to account is discretionary. Shropshire currently takes in to account 100% of the surplus income and is not proposing any change to that arrangement. The charging ceiling of £120 is not applied in Shropshire and again we are not proposing any change to that arrangement.

However we recognise that as a direct result of legislative change that reduces the threshold for 18-24 year olds there may be some negative impact on a group of up to a maximum of 90 existing service users. We will therefore consider on a case by case basis putting in place transitional arrangements to mitigate this for up to 6 months.

The ESIIA has been updated following this consultation to inform the council decision making.

A copy is attached as at Appendix 9.

4. Financial Implications

Fee levels

Under the Care Act the fees must be set at a level that would cover only the costs incurred in arranging the care and support (a cost recovery basis).

The fees proposed have been set in line with national guidance on what constitutes 'cost recovery'. They will be reviewed on an annual basis with adjustments made in the following year as required.

Deferred Payment Administration Fee has been based on the average costs of setting up an agreement. The fee will be £610. This rate appears to be in line with other local authorities. The fee will be added to the total debt unless an individual wishes to pay it separately

Care Arrangement Fee for setting other than a Care Home Placement will be set on a cost recovery basis with a cap of £1000 per arrangement

The arrangement fee for Care Home placement will not be charged until April 2016 (when the law allows) and will therefore be set at a later date.

Income Generation

The recommendation to charge fees and interest on deferred payments offer an opportunity to generate income. Income is a key part of the Council's financial strategy.

Income generation in this context though is based on taking an equitable approach to care and support provision in both residential and non- residential settings, from when care commences and also on a person's ability to pay.

5. Background

The Care Act is the biggest change to English adult social care law in over 60 years. It replaces a number of different pieces of legislation with a single legal framework that has the wellbeing of individuals and carers at the heart of care and support services.

The majority of the changes contained within the Act take place in April 2015, with the reform of funding (including the cap on care costs) to take effect from April 2016.

Much of the Act is prescriptive but there are a number of aspects to it that provide the Local Authority with some discretion. These include aspects relating to Fees, Charging and the Universal Deferred Payments Scheme as follows:

- The ability to charge a care arrangement fee to self-funders for those people who want the local authority to arrange their care.
- The requirement to have a single charging framework as between residential and domiciliary care and the potential to modify elements of the existing charging policy
- The ability to charge Carers for support provided to them so as to bring them onto an equal footing with service users.
- The ability to charge interest and to charge a fee for the arrangement of a Deferred Payment. (The fee charged must be on the basis of what it costs the local authority to administer the Deferred Payment Agreement).

As these changes are discretionary in nature at Portfolio Holder decision making meeting on 23rd February 2015 it was agreed to

- to carry out a consultation on the proposals detailed below
- for the consultation process to be for 6 weeks
- that the results of the consultation be evaluated and taken into account when finalising any proposals
- that an initial ESIIA has been carried out and this will be updated following the consultation to inform the council decision making
- that final council approval to be sought on any changes at full Council meeting on 14th May 2015.

Consultation Proposals

The proposals for consultation were developed in the context of the Care Act Statutory Guidance, the need for the Council to use its resources effectively and the wish to ensure that people are treated equitably.

Care Arrangement Fees and Deferred Payment Administration Fee

The local authority could choose not to charge care arrangement fees but that would mean that the time and resources used to support 'self funders' would not be available to support those who are entitled to local authority support

and whose financial assets fall below the capital limit. Individuals who fund their own care may still make their own arrangements, in these circumstances no fee would be payable to the Council.

Similarly we could choose not charge an administrative fee for a deferred payment but in the context of the current financial challenges we are proposing to do so in order to cover the costs of the administrative work associated with putting in place a deferred payment agreement.

This approach ensures an equitable approach to an individual who may pay a solicitor for arranging care or for equity release schemes to enable capital held in property to be made available to fund care.

It is the intention that the income generated goes into Adult Services budgets as a new income stream. This was a point that was raised by some consultee groups who felt that this was important that the income generated by social care went back to support people with care needs.

Consultees were also asking what the fees would be. These have now been determined for most areas and are included in this report.

Charging Carers

Under previous legislation as well as and under the Care Act if the local authority is meeting the needs of a carer by providing a service directly to that carer it has the discretion to charge the carer an assessed contribution. Previously carers have not been charged an assessed contribution in Shropshire, in keeping with most other local authorities. However as the Care Act puts services for carers on an equal basis as the cared for this has been revisited.

In considering whether or not to include the option to charge carers in the consultation proposals, we recognised the fact that carers help to maintain the health and wellbeing of the person they care for, support the person's independence and enable them to stay in their own homes for longer. In many cases carers voluntarily meet eligible needs that the local authority would otherwise be required to meet. We also took account of the likely impact of any charges on carers, particularly in terms of their willingness and ability to continue their caring responsibilities. We concluded that it would be very unlikely to be efficient or fair to systematically charge carers for meeting their eligible needs. Therefore in recognition of the significant contribution that carers make as valued partners in care we decided not to propose that carers be charged carers for services directly provided to the carer.

Replacement Care

In the context of the Care Act we reviewed carers' services including how they are charged for. 'Replacement Care' is care delivered to the cared for which replaces care that is usually provided by the family carer. It is sometimes referred to as 'respite care' or 'short breaks' and is provided to enable the

carer to look after their own health, to take a break, etc. Replacement care can be charged to the adult needing that care both under the Care Act and under previous legislation.

The review highlighted the fact that for some time in Shropshire, the majority of replacement care has been charged for but not all, resulting in inequity. The element of replacement care that has not been charged for has been replacement care provided in a carers own home provided under a long standing block contract commissioned service.

Therefore in order to ensure fairness and consistency it was proposed that all replacement care should be charged for with the adult making an assessed contribution based on their ability to pay and their level of income.

For this group of up to 300 people both receiving and waiting for the service, individual contact was made via a direct mailing to ascertain their views on the proposal and on the future redesign and re commissioning of carers services.

In response to concerns raised in the consultation that charging for replacement care that was not previously charged for might deter carers from asking for support, we will not implement these new charges until 1st November 2015 when the newly commissioned cares services will be in place.

An exception to charging for replacement care is in circumstances when an emergency occurs which prevents a family carer from providing care. Subject to a care being registered with the carers emergency response service it is proposed that the first 24 hours of replacement care provided under this scheme be provide free of charge. This suggestion has come back from carers groups who feel strongly about this and have also raised it during the re-commissioning consultation.

Charging for care from the week it starts

The previous regulations, now replaced by the Care Act, empowered local authorities to charge for residential care from the outset it arranged support and care for an individual. However under the previous regulations, local authorities were prevented from charging for non-residential care until the individual was notified how much their financial contribution would be.

This led to cases where some individuals, either through ill-health, or because they did not have appropriate financial representation which perhaps delayed them from providing the necessary financial information, had an extended period without having to contribute to their care. Others have provided financial information quickly, and so have been charged soon after their support started. The previous system for non-residential care therefore penalised individuals for acting efficiently.

Changes to the regulations under the Care Act allows for all care to be charged for from the start date. In order to be consistent and to be fair to all, we believe it is important to start charging everyone from the same point hence the proposal that both residential and non-residential services are charged for from the week that the support or care starts.

This may mean that some individuals could receive a large request for backdated contributions if they delay in providing the information.

In response to feedback from the consultation process we recognise that it is important people are made aware of this as well as being invoiced promptly and we will build this into the assessment process.

The majority of those who responded to the consultation agreed with this proposal.

Interest Rates and Security for Deferred Payments

The Care Act allows councils to charge interest on deferred payments at between zero per cent or any rate up to a maximum set by government (currently at around 2.65%) We could choose not to charge interest or to charge interest at a rate lower than the maximum allowed by government. However in the context of the current financial pressures we are recommending to charge the maximum allowed. This rate will be applied to both mandatory and discretionary deferred payments.

Where the adult has an 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 may be secured he/she may wish to use this as adequate security against a deferred payment.

We could decide not to accept any such requests but that would limit the flexibility of the scheme. On the other hand we could decide to accept all such requests but that might expose the Council to unacceptable risks for example if the equity was not adequate to cover the care costs incurred. We are therefore recommending that we consider such requests on a case by case basis to minimise the financial risk to the council.

The Care Act also allows councils to offer a deferred payment to those residents in supported living accommodation and to accept other forms of security rather than the client's property. However at this point we do not know how many people will take up the scheme and what the potential cost will be. We will therefore not be offering deferred payments to those residents living in supported living accommodation or accept other forms of security. We will review these aspects at a later date once we have assessed the overall impact of the mandatory requirements of the scheme.

6. Additional Information

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

Portfolio Holder Decision Making Session: Care Act: Fees, Charging and Deferred Payments Scheme 23rd February 2015 Appendix 1

Cabinet Member (Portfolio Holder)

Councillor Lee Chapman Portfolio Holder for Adult Services and Commissioning (South)

Mike Owen Portfolio Holder for Resources, Finance and Support

Local Member

All – this is a countywide matter

Appendices

Portfolio Holder Decision Making Document - Appendix 1

Consultation Proposals - Appendix 2

Consultation Activity/Timetable - Appendix 3

Consultation Documentation:

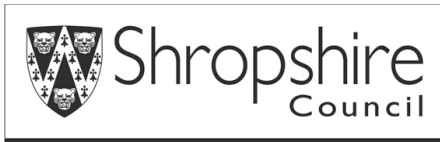
- Consultation Document - Appendix 4
- Consultation Survey – Appendix 5
- Easy Ready Version - Appendix 6

Consultation Feedback

- Analysis of survey Appendix 7
- Comments received at meetings Appendix 8

ESIIA - Appendix 9

This page is intentionally left blank



<u>Committee and Date</u>	<u>Item</u>
Portfolio Holder for Adult Services	1
23 February 2015	
10 am	<u>Public</u>

Care Act - Fees, Charging and Deferred Payments Scheme

Responsible Officer Ruth Houghton
e-mail: ruth.houghton@shropshire.gov.uk Tel: 01743 253093 Fax:

1. Summary

The Care Act received Royal Assent on 14th May 2014, and will be implemented over the next two years. The majority of the changes contained within the Act are set to take place in April 2015, with the reform of funding (including the cap on care costs) to take effect from April 2016.

There are a number of discretionary areas in the Act which require a local decision. These include aspects relating to Fees, Charging and the Universal Deferred Payments Scheme as follows:

- The ability to charge a care arrangement fee to Self Funders.
- The requirement to have a single charging framework and the potential to modify elements of existing charging policy
- The ability to charge Carers for support provided in line with bringing them onto an equal footing with service users.
- The ability to charge interest and a fee for the arrangement of a Deferred Payment (on a cost recovery basis).

This report brings forward options relating to the above and seeks approval to consult on those options. The outcome of the consultation will be reported back to full Council in May 2015 where final approval will be sought.

2. Recommendations

Agreement is sought on the following:

- to carry out a consultation on the proposals detailed below
- for the consultation process to be for 6 weeks

- that the results of the consultation be evaluated and taken into account when finalising any proposals
- that an initial EINA has been carried out and this will be updated following the consultation to inform the council decision making
- that final council approval to be sought on any changes at full council meeting in May

REPORT

3. Background

The Care Act received Royal Assent on 14th May 2014, and will be implemented over the next two years. The majority of the changes contained within the Act are set to take place in April 2015, with the reform of funding (including the cap on care costs) to take effect from April 2016.

There are a number of discretionary areas in the Act which require a local decision. These include aspects relating to Fees, Charging and the Universal Deferred Payments Scheme.

This report brings forward options relating to the above and seeks approval to consult on those options described below:

4. Proposals for Consultation

4.1 Care Arrangement Fees

Shropshire's approach is to ensure that individuals who fund their own care are enabled to make their own arrangements and that the system is easy to navigate. However there may be circumstances where a person asks the local authority to meet their eligible needs and the council is able to do so.

4.1.1 Care Arrangement Fees for Care Settings other than a Care Home Placement

Under the Care Act people with eligible needs and financial assets above the capital limit ('self funders') may ask the local authority to meet their needs. In cases where the needs are to be met by care and support other than in a care home the local authority must meet those needs but can charge an arrangement fee to cover the costs of putting in place the care and support required

This arrangement fee would only be charged to 'self funders' whose resources are above the financial limits and who are therefore not entitled to financial support from the local authority

The fees would be set at a level that would cover only the costs incurred in arranging the care

The fees would be put in place from 1st June 2015

The proposal for consultation is that

A care arrangement fee (for Care Settings other than a Care Home Placement) is charged on a cost recovery basis

4.1.2 Care Arrangement Fees for Care Home Settings

The duty for the local authority to meet the eligible needs of self funders where the needs are to be met by a care home placement does not come in to effect until April 2016

This arrangement fee would only be charged to 'self funders' whose resources are above the financial limits and who are therefore not entitled to financial support from the local authority

The fees would be set at a level that would cover only the costs incurred in arranging then care

The fees would be put in place from 4th April 2016

The proposal for consultation is that

A care arrangement fee is charged on a cost recovery basis from April 2016

4.2 Charging

The Care and Support (Charging and Assessment of Resources) Regulations under the Care Act give legal parity to both residential and non-residential care. It also unifies the approach for financial assessments.

The council will therefore develop a single charging framework for both residential and non-residential care in relation to charging.

This framework will incorporate the requirements of the existing Fairer Charging Disability-Related Expenditures.

As part of this single charging framework we are seeking to consult on the following proposals

4.2.2 Charging for Care from the week it starts

The local authority has the power to charge for meeting a person's care and support needs from the moment it starts to meet those needs.

In practice the local authority might not actually collect charges from day one for example because it has not yet completed the financial assessment of what the person can afford to pay. However it is expected that any charges are back dated to the date when care and support needs first started to be met.

The proposal for consultation is that

Services are charged for services from the week that care starts

4.2.3 Carers Charging

Where a local authority is meeting the need of a carer by providing a service directly to that carer it has the power to charge the carer.

In recognition of the significant contribution that carers make as valued partners in care we are not proposing to charge carers an assessed contribution.

'Replacement Care' is care delivered to the cared for which usually provided by the family carer. It is provided to enable the carer to look after their own health, take a break, etc. and can be charged to the adult needing that care. This has been the approach for some services in Shropshire for some time, however the recommendation is that this should now be applied consistently across all "replacement care".

The proposal for consultation is that

That replacement care will be charged to the cared for person.

4.3 Universal Deferred Payment Scheme

Shropshire already has a local scheme for deferred payments. The Care Act provides a national single legal framework for the establishment of a universal deferred payment scheme (UDPS).

4.3.1 Administrative Fee

The UDPS is intended to be cost neutral to local authorities, with the local authority able to recoup the administrative costs associated with the deferred payment.

The proposal for consultation is that

An administration fee should be charged for arranging a deferred payment on a cost recovery basis

4.3.2 Interest Charges

The Care Act allows councils to charge interest at between zero interest or any rate up to a maximum set by government (currently at around 3.25%)

For people with a current deferred payment agreement entered into prior to that date there will be no change to the terms of their agreement

Any changes approved by full council as a result of consultation process will be implemented from 1st June 2015

The proposal for consultation is that

The rate of interest to be charged for deferred payments will be the maximum allowable and applied to both mandatory and discretionary deferred payments.

4.3.3. Adequate Security

The Care Act allows councils to offer a deferred payment where the adult has an interest in land or other property which is not their main or only home and where a first legal charge capable of registration may be secured.

The proposal for consultation is that

Where the adult has an interest in land or other property which is not their main or only home and where a first legal charge capable of registration may be secured and wishes to use this as adequate security the Council will consider such requests on a case by case basis

4.3.4 Supported living accommodation

The Care Act allows councils to offer a deferred payment to those residents in supported living accommodation and accept other forms of security rather than the client's property. However at this point we do not know how many people will take up the scheme and what then potential cost will be We will review these aspects at a later date once we have assess the overall impact of the mandatory requirements of the scheme

4. The Consultation Process

The consultation will run for 6 weeks from 16 February to 27th March 2015. We are proposing to involve advice and advocacy organisations, Age UK, senior citizen forum, SPIC and VCSA We will use a monkey survey that can be accessed via the web. We will also involve

The Learning Disability Partnership Board, the Carers Partnership Boards, and the Making It Real Board.

5. Risk Assessment and Opportunities Appraisal

An initial EINA has been carried out and this will be updated following the consultation to inform the council decision making

6. Financial Implications

These will be reported to full council on completion of the consultation to inform the decision

7. Additional Information

7.1 Minimum Income Guarantee

A person who receives care and support outside a care home will need to pay their daily living costs such as rent, food and utilities. Therefore the charging rules must ensure that they have enough money to meet those costs. After charging a person must be left with the minimum income guarantee (MIG) equivalent to Income Support plus a buffer of 25%. Whilst the actual MIG amounts are fixed in the legislation, the percentage of surplus income that an authority can take in to account is discretionary. Shropshire currently takes in to account 100% of the surplus income and is not proposing any change to that arrangement. The charging ceiling of £120 is not applied in Shropshire and again we are not proposing any change to that arrangement.

However we recognise that as a direct result of legislative change that reduces the threshold for 18-24 year olds there may be some negative impact on existing service user. We will therefore consider on a case by case basis putting in place transitional arrangements to mitigate this for up to 6 months.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
EINA Part 1
Cabinet Member (Portfolio Holder) Lee Chapman
Local Member
Appendices

Consultation Proposals

In summary the proposals were as followed

Care Arrangement Fees

A care arrangement fee (for care settings other than a care home placement) is charged on a cost recovery basis from June 2015. (Proposal A)

A care arrangement fee (for care home settings) is charged on a cost recovery basis from April 2016 (Proposal B)

Charging for Care and Support

Services are charged for from the week that the support or care starts (Proposal C)

All replacement care will be charged to the cared for person (Proposal D)

Universal Deferred Payment Scheme

An administration fee should be charged for arranging a deferred payment on a cost recovery basis (Proposal E)

The rate of interest to be charged for deferred payments will be the maximum allowable and applied to both mandatory and discretionary deferred payments.

(Proposal F)

Where the adult has an 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 may be secured and wishes to use this as adequate security the Council will consider such requests on a case by case basis (Proposal G)

This page is intentionally left blank

CONSULTATION PLAN - 3rd March to 28th April 2015

Group	Activity
People with a Learning Disability LD providers : Pontesbury Project Derwen Adelphi Care Services Midland Heart Creative Support Macintrye Charity Perthryn Bethage LD Partnership Board	Link sent to 8 providers Attended Meeting
Carers Community Council of Shropshire Family Carers Partnership Board (FCPB) Crossroads	Distribution of survey via coffee/chat sessions Message on facebook/twitter/ website E mail survey to list of carers Informed members Consultation documents, Easy Read Sent by post to 175 people receiving care and 123 on the waiting list.
Making It Real Board	Details emailed to members
VCSA	Details sent to VSA members, In newsletter Attended VCSA meeting 12 th March Attended Pan Disability Forum 24 th March
CAAN(Citizen Advice Bureau)	Distributed through network
Age UK	Sent for inclusion in newsletter
Senior Citizen Forum (Shropshire Seniors)	Attending meeting on 12 th March
SPIC	Details on website /newsletter
Shropshire Council	Details on website
CCG	Notified
Social Media message	Tweet - live life you way
Shropshire Newsroom	Notified
Healthwatch	Information Sent
SALC	Information Sent
Shropshire Together	Website Newsletter
GPs	Newsletter
SaTH	Information Sent
Ludlow Council	Extraordinary Meeting – attended 20 th March

This page is intentionally left blank

The Care Act - fees and charges

We are seeking views from individuals and from representative organisations. Once you've read all the information on this page. Please complete the attached survey and return to us using the enclosed stamped addressed envelope.

Introduction

The Care Act is the biggest change to English adult social care law in over 60 years and will reform the law relating to care and support for adults and their carers. It will replace a number of different pieces of legislation with a single legal framework that will have the wellbeing of individuals and carers at the heart of care and support services.

The majority of the changes contained within the Act are set to take place in April 2015, with the reform of funding (including the cap on care costs) to take effect from April 2016.

Much of the Act is prescriptive but there are a number of aspects to it that provide the Local Authority with some discretion. These include aspects relating to fees, charging and the Universal Deferred Payments Scheme as follows:

- The ability to charge a care arrangement fee to self-funders
- The requirement to have a single charging framework as between residential and domiciliary care and the potential to modify elements of the existing charging policy
- The ability to charge Carers for support provided to them so as to bring them onto an equal footing with service users
- The ability to charge interest and to charge a fee for the arrangement of a Deferred Payment. (The fee charged must be on the basis of what it costs the local authority to administer the Deferred Payment Agreement)

As these changes are discretionary in nature we are keen to get views on the various proposals described below. These proposals have been developed in the context of the Care Act Statutory Guidance, the need for us to use our resources effectively and the wish to ensure that people are treated equitably.

The consultation process

The consultation will run for 6 weeks. We are seeking views from individuals and from representative organisations. These include advice and advocacy organisations, Age UK, Community Council of Shropshire, the Senior Citizen Forum, Shropshire Partners in Care, the Clinical Commissioning Group, Shropshire Voluntary and Community Sector Assembly, learning disability providers, and Shropshire Disability Network. We will also involve the Learning Disability Partnership Board, the Family Carers Partnership Board, and the Making It Real Board. We are using a survey that can be accessed via the Shropshire website. Paper and easy read versions of the survey will also be made available.

The results of the consultation will be evaluated and taken into account when finalising any proposals. Final approval will be sought on the proposals at full council meeting in May 2015 and implemented from 1 June 2015 other than the arrangement fee for Care Home placements which will be implemented from 4 April 2016.

An initial Equality Impact Needs Assessment (EINA) has been carried out and this indicated that in relation to the Minimum Income Guarantee, younger people with disabilities may be impacted upon more negatively than other groups. We are therefore considering putting in place transitional arrangements on a case by case basis to mitigate this for up to six months.

The EINA will be updated following the consultation to inform the council decision making

Proposals being consulted on

Care arrangement fees

Shropshire's operating model aims to ensure that individuals who fund their own care are enabled and encouraged to make their own arrangements and that the system is easy to navigate. However there may be circumstances where a person asks the local authority to arrange care to meet their eligible needs and the council is able to do so.

Proposal A: Care arrangement fees be charged for care settings other than a care home placement. These fees would be set on a cost recovery basis and would be put in place from 1 June 2015.

Proposal B: Care arrangement fees be charged for care home settings. These fees would be set on a cost recovery basis and would be put in place from 4 April 2016.

Proposal information

The Care Act allows people with eligible needs and financial assets above the capital limit ('self funders') to ask the local authority to make the necessary arrangements to meet their needs.

The local authority must meet these needs where requested to do so but can charge an arrangement fee to cover the costs of putting in place the care and support required. The fees must be set at a level that would cover only the costs incurred in arranging the care and support (a cost recovery basis).

The local authority could choose not to charge a fee but that would mean that the time and resources used to support 'self funders' would not be available to support those who are entitled to local authority support and whose financial assets fall below the capital limit.

Charging

The Care and Support (Charging and Assessment of Resources) Regulations under the Care Act give legal parity to the charges to be made for residential and non-residential care. It also unifies the approach to financial assessments. We will therefore, develop a single charging framework for both residential and non-residential care in relation to charging. This framework will incorporate the requirements of the existing Fairer Charging Disability-Related Expenditures. As part of this single charging framework we are consulting on the following proposals.

Proposal C: Services are charged for from the week that the support or care starts

Proposal information

The previous regulations empowered local authorities to charge for **residential care** from the outset it arranged support and care for an individual.

However Department of Health statutory guidance has previously prevented local authorities from charging for **non-residential care** until the individual was notified how much their financial contribution would be.

This led to cases where some individuals, either through ill-health, or because they did not have appropriate financial representation, have had an extended period without having to contribute to their care. Others who provided financial information quickly have been charged soon after their support started, meaning the system for non-residential care penalised individuals for acting efficiently.

Changes to the regulations under the Care Act allows for all care to be charged for from the start date making charging more consistent and fair.

Proposal D: Charging for all replacement care

Proposal information

'Replacement Care' is care which replaces care usually provided by the family carer. It's provided to enable the family carer to look after their own health, to take a break, etc. Replacement care can be charged to the adult needing that care.

In the context of the Care Act we have been reviewing carers' services and how they are charged for. This highlighted the fact that for some time in Shropshire some replacement care has been charged for but not all, resulting in inequity. Therefore in order to ensure fairness and consistency it is proposed that all replacement care should now be charged for with the adult making an assessed contribution.

Universal deferred payment scheme

A deferred payment scheme is an arrangement whereby the person agrees to pay some of their fees at a later date. A person usually repays the local authority following a sale of their property at a later date, or from their estate.

Shropshire already has a local scheme for deferred payments. The Care Act provides a national single legal framework for the establishment of a universal deferred payment scheme but allows some areas for discretion. These are the areas on which we are consulting.

Proposal E: Administrative fee for deferred payments

Proposal information

The Universal Deferred Payment Scheme is intended to be cost neutral to local authorities and the fee charged must be on the basis of what it costs the local authority to administer the Deferred Payment Agreement (a cost recovery basis).

We could choose not charge an administrative fee but in the context of the current financial challenges we are proposing to do so in order to cover the costs of the administrative work associated with putting in place a deferred payment agreement.

Option F: Interest charges at the maximum rate allowable for both mandatory and discretionary deferred payments

Proposal information

The Care Act allows councils to charge interest at between zero per cent and a maximum set by government (currently at around 2.65%).

We could choose not to charge interest or to charge interest at a rate lower than the maximum allowed by government. However in the context of the current financial pressures we are proposing to charge the maximum allowed.

For people with a current deferred payment agreement entered into prior to that date there will be no change to the terms of their agreement.

Proposal G: The use of other land/property as security for deferred payments on a case by case basis

Proposal information

The Care Act allows councils to offer a deferred payment where the adult has an interest in land or other property which is not their main or only home and where a first legal charge capable of registration may be secured.

We could decide not to accept any such requests but that would limit the flexibility of the scheme. On the other hand we could decide to accept all such requests but that might expose the Council to unacceptable risks for example if the equity was not adequate to cover the care costs incurred. We are therefore proposing that we consider such requests on a case by case basis.

Other areas

Carers charging

Under the Care Act if the local authority is meeting the needs of a carer by providing a service directly to that carer it can charge the carer an assessed contribution. The Council is not obliged to charge carers but it has a discretion to do so. In Shropshire we are not proposing to do this. This is in recognition of the significant contribution that carers make as valued partners in care.

In considering the option to charge carers we recognised the fact that carers help to maintain the health and wellbeing of the person they care for, support the person's independence and enable them to stay in their own homes for longer. In many cases carers voluntarily meet eligible needs that the local authority would otherwise be required to meet. We took account of the likely impact of any charges on carers, particularly in terms of their willingness and ability to continue their caring responsibilities. We concluded that it would be very unlikely to be efficient to systematically charge carers for meeting their eligible needs

Deferred payments - supported living accommodation

The Care Act allows councils to offer a deferred payment to those residents in supported living accommodation and accept other forms of security rather than the client's property. However at this point we do not know how many people will take up the scheme and what the potential cost will be. We will therefore not be offering deferred payments to those residents living in supported living accommodation. We will review these aspects at a later date once we have assessed the overall impact of the mandatory requirements of the scheme.

Minimum income guarantee

A person who receives care and support outside a care home will need to pay their daily living costs such as rent, food and utilities. Therefore the charging rules must ensure that they have enough money to meet those costs.

After charging, a person must be left with the minimum income guarantee (MIG) equivalent to Income Support plus a buffer of 25%.

Whilst the actual MIG amounts are fixed in the legislation, the percentage of surplus income that an authority can take in to account is discretionary. Shropshire currently takes in to account 100% of the surplus income and is not proposing any change to that arrangement. The charging ceiling of £120 is not applied in Shropshire and again we are not proposing any change to that arrangement.

However we recognise that as a direct result of legislative change that reduces the threshold for 18-24 year olds, there may be some negative impact on existing service users. We will therefore consider on a case by case basis putting in place transitional arrangements to mitigate this for up to 6 months.

The results of the consultation will be evaluated and taken into account when finalising any proposals. Final approval will be sought on the proposals at full council meeting in May 2015. The outcomes of the consultation will be made available on the Council website.

Contact

Susan Judson

- Adult Social Care
- susan.judson@shropshire.gov.uk
- 01743 253095
- Shropshire Council
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND



Please return to: Susan Judson, Adult Services,
Shropshire Council, The Shirehall, Shrewsbury.
(Using the attached stamped addressed envelope)

The Care Act - fees and charges

Care arrangement fees

1. To what extent do you agree or disagree with Proposal A that a care arrangement fee (for care settings other than a care home placement) is charged on a cost recovery basis from June 2015?

(Please tick one box)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

2. If you have any alternative ideas for care arrangement fees (excluding care home placements), bearing in mind the information contained in the consultation document, please tell us about them here:

(Please continue onto separate sheet if required)

3. To what extent do you agree or disagree with Proposal B - that a care arrangement fee for care home settings is charged on a cost recovery basis from April 2016?

(Please tick one box)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree

Strongly disagree

4. If you have any alternative ideas for care arrangement fees for care home placements, bearing in mind the information contained in the consultation document, please tell us about them here:

(Please continue onto separate sheet if required)

5. To what extent do you agree or disagree with Proposal C - that services are charged for from the week that the support or care starts?

(Please tick one box)

Strongly agree

Agree

Neither agree nor disagree

Disagree

Strongly disagree

6. If you have any alternative ideas relating to start dates for charging for services, bearing in mind the information contained in the consultation document, please tell us about them here:

(Please continue onto separate sheet if required)

7. To what extent do you agree or disagree with Proposal D - that all replacement care will be charged to the cared for person?

(Please tick one box)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

8. If you have any alternative ideas relating to charging for replacement services, bearing in mind the information contained in the consultation document, please tell us about them here:

(Please continue onto separate sheet if required)

9. To what extent do you agree or disagree with Proposal E - that an administration fee should be charged for arranging a deferred payment on a cost recovery basis?

(Please tick one box)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

10. If you have any alternative ideas relating to charges for deferred payment arrangements, bearing in mind the information contained in the consultation document, please tell us about them here:

Page 176

11. To what extent do you agree or disagree with Proposal F - that the rate of interest to be charged for deferred payments will be the maximum allowable and applied to both mandatory and discretionary deferred payments?

(Please tick one box)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

12. If you have any alternative ideas relating to interest rates charged for deferred payments, bearing in mind the

information contained in the consultation document, please tell us about them here:

(Please continue onto separate sheet if required)

13. To what extent do you agree or disagree with Proposal G - that where the adult has an 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 may be secured and wishes to use this as adequate security the Council will consider such requests on a case by case basis?

(Please tick one box)

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

14. If you have any alternative ideas relating to the use of other land or property being used to secure a deferred payment arrangement, bearing in mind the information contained in the consultation document, please tell us about them here:

(Please continue onto separate sheet if required)

Any other comments

15. If you would like to make any other comments relating to this consultation, please use this space to do so.

(Please continue onto separate sheet if required)

The questions on this page are for identifying trends only and can't be used to identify you in any way.

16. Are you:

- Are you: Male
- Female

17. What is your age?

- What is your age? Under 18
- 18 - 24
- 25 - 34
- 35 - 44

45 - 54

55 - 64

65 - 74

75 or order

18. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? (Include problems related to old age)?

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? (Include problems related to old age)? Yes limited a lot

Yes limited a little

No

19. Are you responding to this consultation as (tick all that apply):

Are you responding to this consultation as (tick all that apply): A user of care and support services in Shropshire

A family carer

An advocate of a user

A provider of care and support services in Shropshire

A member of a user or carer representative group

An elected councillor

A resident of Shropshire

This page is intentionally left blank

The Care Act

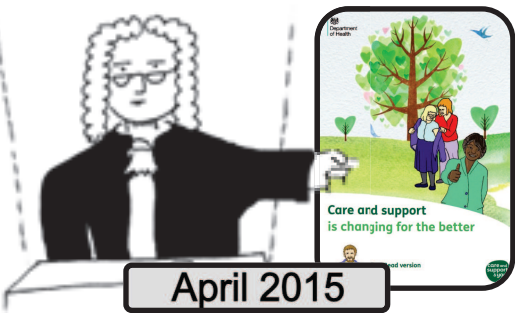


The Care Act is a new law about care and support for adults in England written by the Government.

Care and Support can include things like help to get out of bed, help with eating or cooking meals, help with caring for others.



The new law means that from April 2015 local Councils in England will have to do most of the things the Care Act says.



However, it introduces some new powers to councils to do things in a way they think is best. Shropshire Council will be able to make some decisions about how and how much they charge people who need care.



Shropshire Council have thought about what the Council can afford to do and what is fair for everybody.

We will be asking local people what they think of our ideas and what we plan to change for people who need care by 14th April 2015. We will listen to what people say before making a final decision.



Care Arrangement Fees

If you have to pay for your own care and support but need some help finding the right service that meets your needs, Shropshire Council can help you.

However, under the new law, the Care Act, Shropshire Council can ask you to pay for their help in finding support that meets your needs.

Do you think Shropshire Council should charge you to help you look for a service that can support you?



Agree



Disagree

Charging

If you live in a residential home or your own home and you need care, you may pay some money towards your care needs.

If you live in a residential home the day you start paying for your care begins the day you move in. However, if you live in your own home your payments for your care takes longer to sort out.

The Care Act gives Shropshire Council permission to ask you to pay towards your care, from the week it begins, no matter where you are living.

Do you think Shropshire Council should be able to do this?



Agree



Disagree



Replacement Care

Replacement Care is care that is usually provided by the family carer.

It helps the carer by giving them a break from the person they are caring for and helps them to stay healthy.

Replacement Care can be charged to the adult needing that care – ‘the cared for’.

We have found that some people are paying for Replacement Care and some are not. We would like all people who need Replacement Care to be pay for the care they need.

Do you...



Agree



Disagree



Deferred Payments

Deferred payments are an arrangement with the Council that enable people to use the value of their home to help pay for care home costs.

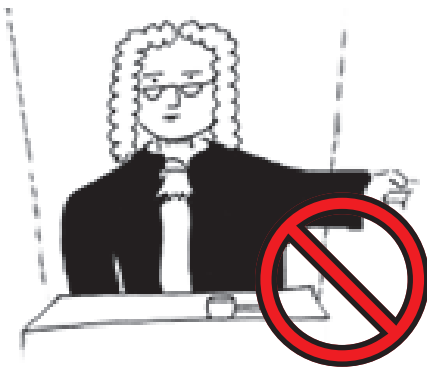
The Council then take back the cost of your care from your estate, (your home or other money), after your death.



At the moment the law does not allow the Council to charge people an administration fee for helping to set up a deferred payment scheme. An administration fee is a charge that pays for the work we do to put the legal agreement in place.

Under the Care Act the Council can charge what it costs us to put the arrangements in place.

We would like to charge an administration fee from June 2015.

Do you...



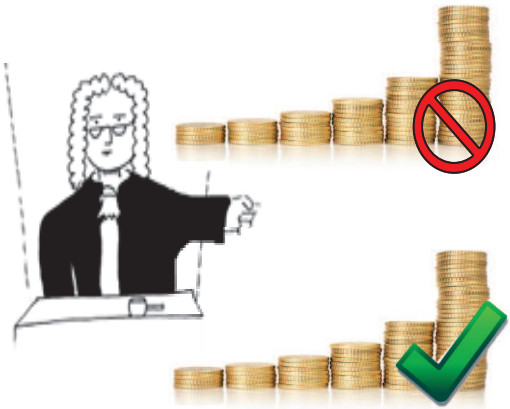
 Agree	 Disagree
--	--



Interest

Interest is extra money you pay when you have borrowed money.

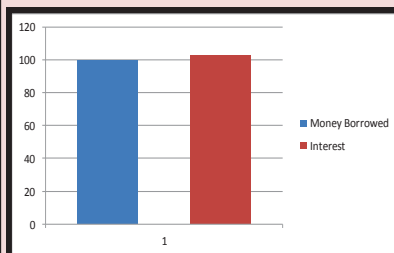
Some people cannot afford to pay money towards the care they may need during their life. At these times Shropshire Council can help pay for your care needs.



At the moment the current law does not allow the Council to charge people interest on the money they used to pay for a persons care. However, under the Care Act. Shropshire Council could charge a person interest when a person makes a deferred payment (see page 4).

June 2015						
	1	2	3	4	5	6
	8	9	10	11	12	13
4	15	16	17	18	19	20
1	22	23	24	25	26	27
8	29	30	None			

Shropshire council would like to charge people interest from June 2015.



Shropshire council want to charge interest at the maximum allowed by the government, this is currently around 2.65%.



If someone can afford to pay for their care needs whilst they are alive, they can still choose to defer their payment after death.

Do you agree or disagree that Shropshire Council should charge people interest on money the Council used to help pay for your care?



Agree



Disagree



Is there anything else you want to tell us about our proposals?

Return Address:
Susan Judson
Adult Services
Shropshire Council
The Shirehall
Shrewsbury
SY2 6BR

We would be grateful if you could tell us some information about you.



Your gender	Male	Female	Other	Prefer not to say
Please tick				



Your age	Under 18	18-24	25- 34	35-44	45-54	55-64	65-74	75+	Prefer not to say
Please tick									



Are the activities you can do limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? (Include problems related to old age).

	Yes limited a lot	Yes limited a little	No	Prefer not to say
Please tick				



Are you,

A user of care and support services in	
A family carer	
An advocate of a user	
A provider of care and support services	
A member of a user or carer repre-	
An elected councillor	
A resident of Shropshire	
Other (please say)	

This document is for Shropshire Council.



Made into Easy Read by Taking Part.

PHOTO
SYMBOLS **3**

With images used from Photosymbols 3

and

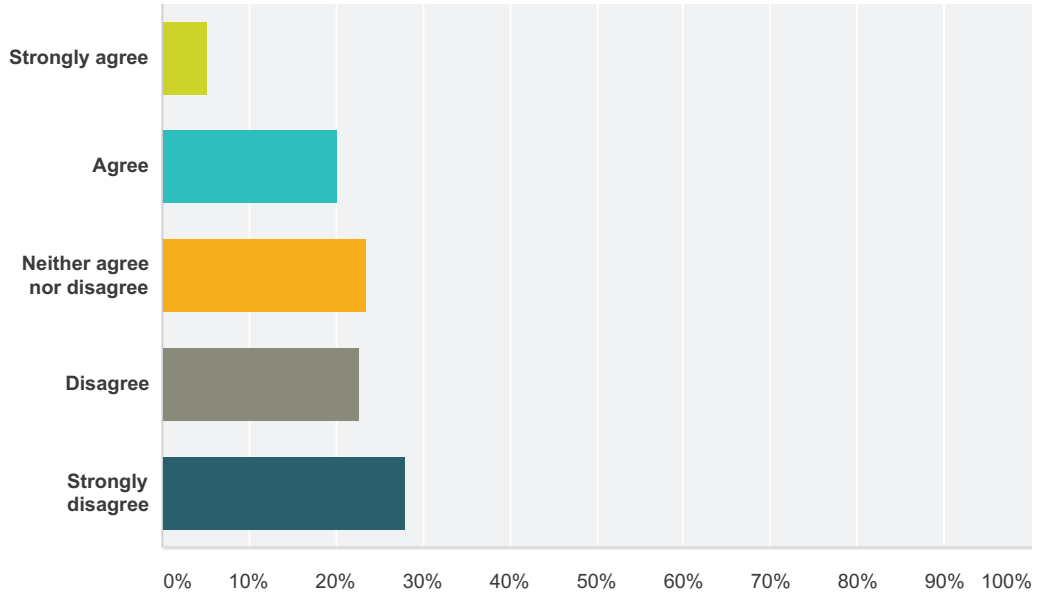


Change Picture Bank.

Return Address:
Susan Judson
Adult Services
Shirehall
Shrewsbury
SY2 6ND

Q1 To what extent do you agree or disagree with Proposal A that a care arrangement fee (for care settings other than a care home placement) is charged on a cost recovery basis from June 2015?

Answered: 114 Skipped: 3



Answer Choices	Responses
Strongly agree	5.26% 6
Agree	20.18% 23
Neither agree nor disagree	23.68% 27
Disagree	22.81% 26
Strongly disagree	28.07% 32
Total	114

The Care Act - fees and charges

Q2 If you have any alternative ideas for care arrangement fees (excluding care home placements) , bearing in mind the information contained in the consultation document, please tell us about them here:

Answered: 40 Skipped: 77

#	Responses	Date
1	Fees should not be charged for information available to other groups for free as this is discrimination. However, the way information is provided could be reviewed to allow for a 3rd person to take further action e.g. written/email/pamphlet etc. Information should include all know to departments within the council.	4/28/2015 3:21 PM
2	If the primary inquiry is about support and guidance to the customer regarding services available and finding contact for the customer to pursue this should not be chargeable. However, if there is an on going relationship between the council and customer using council services then some charge could be made.	4/28/2015 2:52 PM
3	How about ring fencing NI payments? This was supposed to cover our needs from cradle to grave. an insurance policy is just that not something governments can use for other purposes.	4/27/2015 3:43 PM
4	a lot depend on how honest people are in letting you know their finances.	4/27/2015 11:56 AM
5	I write from the perspective of a spouse of a dementia sufferer. Walking on hot coals is a daily occurrence. Help would only be asked for when the tethers end is reach. If the first thing a or carer says is "there will be a fee" it will have a negative impact. I appreciate that with a funding cap in place you will all have the desire to tap into funds asap.	4/27/2015 11:45 AM
6	It would depend on how much its going to cost. I don't know what costs recovery basis actually mean either.	4/27/2015 11:13 AM
7	At present full time carer.	4/24/2015 1:24 PM
8	My husband and I are in our 80's. My husband has been in the forces all his life but was silly enough to take our 3 private pensions to help us in our retirement. We had paid income tax and towards NHS costs too. Unfortunately last year he had a stroke and the council are now taking all his pensions to pay for carers. This I don't think is right. He still having to pay on the pensions which we don't receive.	4/24/2015 1:18 PM
9	I cannot understand how this system can work equitably. Those with complex care needs must have high costs, therefore sure will be charged higher. This surely will be charged higher . This deems pertinent to care in clients own home where multiple agencies might be involved.	4/24/2015 12:55 PM
10	While means testing is unfashionable these days. I think fees should be assessed on an individual basis and that everyone affected is given an opportunity to have their say and make suggestion one size does not fit all.	4/24/2015 11:58 AM
11	We agree to proposal A subject to charges for care service provided that self funders do not pay more for care than the local authority pay for the same service.	4/24/2015 11:55 AM
12	I care for my wife who has dementia. This is a demanding and take every minute of the week. This keeps us at home and my wife is not a draining health care placement. We are 80 and 81 years of age and have worked all our life paying national health and taxes for all our working life. The government should pay the money for this Care Service and any associated.	4/21/2015 11:33 AM
13	Submitted on behalf of Pan Disability Forum : Although the forum understand the reasons for making a charge members felt they could not endorse the proposal without having an approximate proposed costing for the care arrangement fee	4/21/2015 11:21 AM
14	I don't agree that I have to pay for Council to find me Care if i'm paying for the Care package i'm already saving the Council money by paying for care and if council are setting up care you cant guarantee excellent care package as most client want some times and same care staff and as a company in care they cant guarantee that but as a client paying you would expect it.	4/21/2015 11:02 AM
15	Why should anyone have to pay them when wales and everywhere else is free	4/20/2015 11:27 AM
16	Government should fund these charges	4/20/2015 11:06 AM

The Care Act - fees and charges

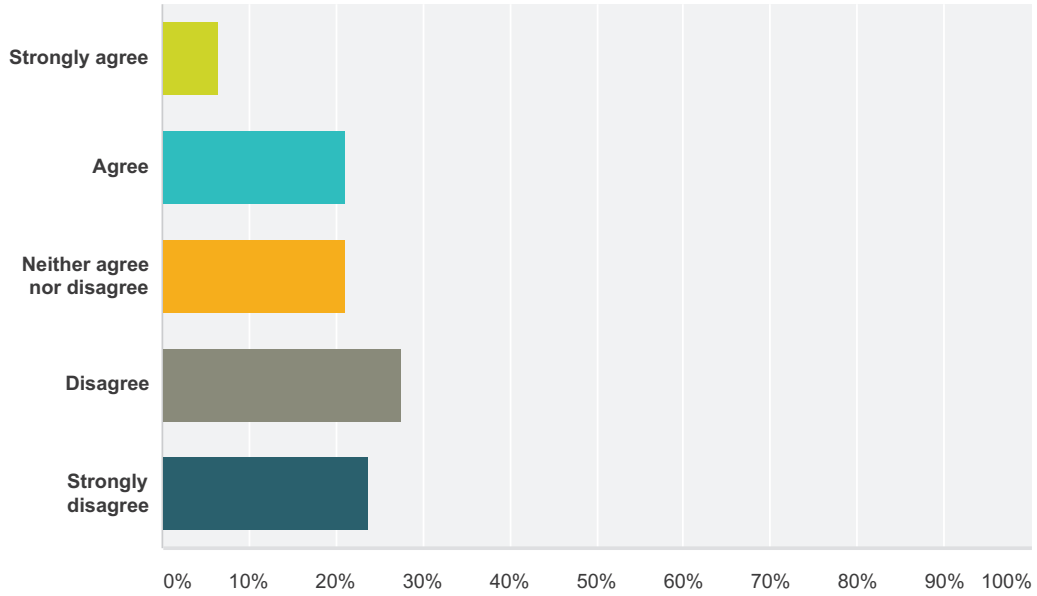
17	The proposal are misleading arrangement for carers at home must be universal and based on a persons pension alone. Councils do not represent either community or an electorate, in fact, they are not councils anymore but an executive invested with legal powers outside the norm.	4/17/2015 12:26 PM
18	I am opposed to all the proposed charges. I appreciate that i may be that those who can afford to pay for their care could also pay those various charges. But by virtue of need care service (at home or in residential/nursing home) there is considerable stress in families. It would be a set of community concern for the council to bear these costs. The cost of gathering in those charges must be significant. Furthermore, it is deeply worrying that each council is left to decide whether or not to levy such charges. Thus where you live determines whether or not you would have to pay. Post code charges NO NO NO. We are a nation let every be treated the same. Is Shropshire joining forces with all other councils to oppose this aspect of the Care Act?? There may be financial pressures on the Council but those could be eased by increasing the Council Tax. Those who are for whatever reason hurting needed help.	4/17/2015 12:00 PM
19	I think if my full time live in carer needs a break from caring there should be the option to ask a friend to care for me and get paid accordingly from Shropshire Council. this would be a cheaper option for the Council rather than respite care in a nursing home.	4/15/2015 2:35 PM
20	If a fee is charged it should be the same for all with a system for recovery of the fee from Central Government for those who have no money.	4/15/2015 2:28 PM
21	The reasons I disagree strongly about charging are that the council have given away generous redundancy package, only to have re-employed the same people on temporary contracts. Also the pension's arrangements of employees seem to have been protected. Any increase in council tax to cover expenditure regarding care is unwarranted. People have paid into the system all their lives and while we give billions away in Foreign Aid each year, our own citizens are having to fun themselves.	4/15/2015 9:53 AM
22	"We would like to point out that information was not set out to give time to take in all your information. We got this on 7th April due back 8th. Like a lot of older people we have to read more than once."	4/15/2015 9:52 AM
23	"We think we pay council tax to pay for local authority services."	4/15/2015 9:49 AM
24	"This service should be proved for the disabled person by Social Services."	4/15/2015 9:44 AM
25	"Staff already in place (paid for by council Tax) so no extra cost incurred for them to do their work."	4/15/2015 9:19 AM
26	Free of charge	4/14/2015 2:37 PM
27	We accept the rationale behind charging an arrangement fee for care settings other than care home placements but this must be explicit and clearly explained to customers/individuals. We also have the view that customers must know what these charges will be and how they are made up BEFORE they enter in to any agreement with Shropshire Council to arrange a placement. Shropshire Council must also provide good and clear information about alternatives if the customer does not wish to pay these arrangement fees	4/8/2015 2:01 PM
28	I don't have an alternative idea and this may be the way forward but without any indication of what that fee might be it is very hard to give any comment on question 1	3/23/2015 6:58 PM
29	Care arrangement should be provided free at point of contact. The "cost recovery basis" is merely another means of this council taking making from the vulnerable. And the appalling standard of social care in Shropshire is surely a matter of national concern.	3/23/2015 2:00 PM
30	Increase the Council Tax to pay for adequate care. We are all involved!	3/23/2015 12:48 PM
31	I believe this should be a charge against Council Tax revenues. If the latter are in adequate, increase the rate of Council Tax.	3/17/2015 6:03 PM
32	People are not getting the care and support they need unless they have a relative to fight their corner free of charge, if you start charging for the service people are going to be even less inclined to seek help for fear of the cost. It is always the self funders who are penalised, yet they may have lived a life paying all their dues supporting themselves, going without to ensure they have enough to live on then for one reason or another which no one can predict they end up needing help. Is it not enough that they have to fund this themselves whilst their neighbour may get it all free!	3/13/2015 2:25 PM
33	Shropshire Council is a public service body and should not be seeking "backdoor" means of making money out of those requiring their services! Social care is a consequence of an aging population and Shropshire Council should advise central government that they can no longer continue to reduce services to those that need them and must adjust council tax accordingly.	3/13/2015 1:33 PM

The Care Act - fees and charges

34	is there not a duty of care - you are funded by the government for this purpose and now you want to charge vulnerable people for it	3/11/2015 2:26 PM
35	Spend less money on free workshops for businesses and start fulfilling your duty of care to those less able.	3/8/2015 10:55 PM
36	Shropshire Council has consistently chosen not to increase council tax despite the rise in cost of living, despite the government's swingeing cuts in grants and despite the fact that there is a considerable amount of money in reserves. I suggest two measures : an increase in council tax and, given the enormous reduction in the amount of direct work of the council that the number of councillors in the county is halved - the savings going towards the needs of the most vulnerable in our county	3/8/2015 7:36 PM
37	These arrangements should not be at the discretion of a local authority. The arrangements should be identical to those of neighbouring authorities in order to be fair.	3/7/2015 8:31 PM
38	This should be part of the Service. The proposal seems to be an income generating one	3/5/2015 5:51 PM
39	yhyhyh	3/2/2015 1:32 PM
40	yhyhyh	3/2/2015 1:32 PM

Q3 To what extent do you agree or disagree with Proposal B - that a care arrangement fee for care home settings is charged on a cost recovery basis from April 2016?

Answered: 109 Skipped: 8



Answer Choices	Responses
Strongly agree	6.42% 7
Agree	21.10% 23
Neither agree nor disagree	21.10% 23
Disagree	27.52% 30
Strongly disagree	23.85% 26
Total	109

The Care Act - fees and charges

Q4 If you have any alternative ideas for care arrangement fees for care home placements, bearing in mind the information contained in the consultation document, please tell us about them here:

Answered: 29 Skipped: 88

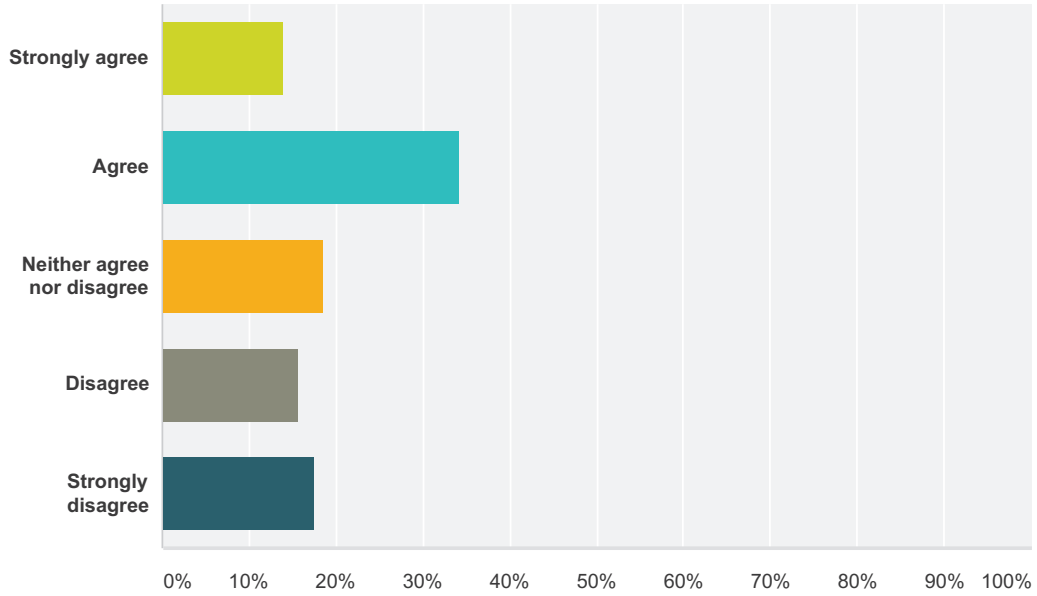
#	Responses	Date
1	No arrangement fee should be charged to self funders as any raised would be discrimination against them and how they chose to live their lives prior to need and savings acquired over that time. No costs should be charged or incurred by council on the basis of that when the system is in place (for non self funders) no additional work is required in accessing this date.	4/28/2015 3:21 PM
2	We pay nearly the limit now there is no way we can pay more for care fees.	4/27/2015 3:47 PM
3	People over the age of 65 do receive a state pension. They can also claim attendance allowance, carers allowance and disability living allowance. This money can be used for care arrangement.	4/27/2015 11:56 AM
4	I do not have alternative suggestions but we all pay council tax and should at very least received help and advice. Many of us will never reach the care cap having funds for 6-9 months F/t care. Self funding does not give an immediate awareness of services available. However a fee for services for day centers acceptable.	4/27/2015 11:45 AM
5	It would depend on how much its going to cost. I don't know what costs recovery basis actually mean either.	4/27/2015 11:13 AM
6	For question3 - It is not made clear who carers are to be payable to:	4/24/2015 1:24 PM
7	This seem to me more easy to arrange who multiple sources of care being need therefore more equitable.	4/24/2015 12:55 PM
8	While means testing is unfashionable these days. I think fees should be assessed on an individual basis and that everyone affected is given an opportunity to have their say and make suggestion one size does not fit all.	4/24/2015 11:58 AM
9	Submitted on behalf of Pan Disability Forum : Although the forum understand the reasons for making a charge members felt they could not endorse the proposal without having an approximate proposed costing for the care arrangement fee	4/21/2015 11:21 AM
10	Government should fund it all.	4/20/2015 11:06 AM
11	Government proposal are a two tier for care of the elderly. Anything else is a political deceit. Placing myself in the position of a younger person in the workplace there would be no incentive to get ahead in life, as they will surely find out what has become of the British system. Would rob them of any success or wealth created - they might have nothing in the end.	4/17/2015 12:26 PM
12	Reduce foreign aid by 80%. End membership of EU saving £60 million per day. Remove inefficient quangos	4/15/2015 9:53 AM
13	"We are staying at home with family help."	4/15/2015 9:42 AM
14	"Staff already in place (paid for by council Tax) so no extra cost incurred for them to do their work."	4/15/2015 9:19 AM
15	Free of charge	4/14/2015 2:37 PM
16	As above	4/8/2015 2:01 PM
17	As per question 2	3/23/2015 6:58 PM
18	Care arrangement should be provided free at point of contact. The "cost recovery basis" is merely another means of this council taking making from the vulnerable And the appalling standard of social care in Shropshire is surely a matter of national concern.	3/23/2015 2:00 PM
19	As above	3/23/2015 12:48 PM
20	See 2 above	3/17/2015 6:03 PM
21	As above	3/13/2015 1:33 PM

The Care Act - fees and charges

22	see above. you are not a profit making business but a statutory funded service social workers are government funded	3/11/2015 2:26 PM
23	Stop wasting taxpayers money on fly by night limited companies within the council and start governing rather than business managing	3/8/2015 10:55 PM
24	see above	3/8/2015 7:36 PM
25	These arrangements should not be at the discretion of a local authority. The arrangements should be identical to those of neighbouring authorities in order to be fair.	3/7/2015 8:31 PM
26	See above	3/5/2015 5:51 PM
27	The charging basis (cost recovery) should be transparent and based on a fixed set of costs which are published.	3/3/2015 12:23 PM
28	lolll	3/2/2015 1:32 PM
29	lolll	3/2/2015 1:32 PM

Q5 To what extent do you agree or disagree with Proposal C - that services are charged for from the week that the support or care starts?

Answered: 108 Skipped: 9



Answer Choices	Responses	
Strongly agree	13.89%	15
Agree	34.26%	37
Neither agree nor disagree	18.52%	20
Disagree	15.74%	17
Strongly disagree	17.59%	19
Total		108

The Care Act - fees and charges

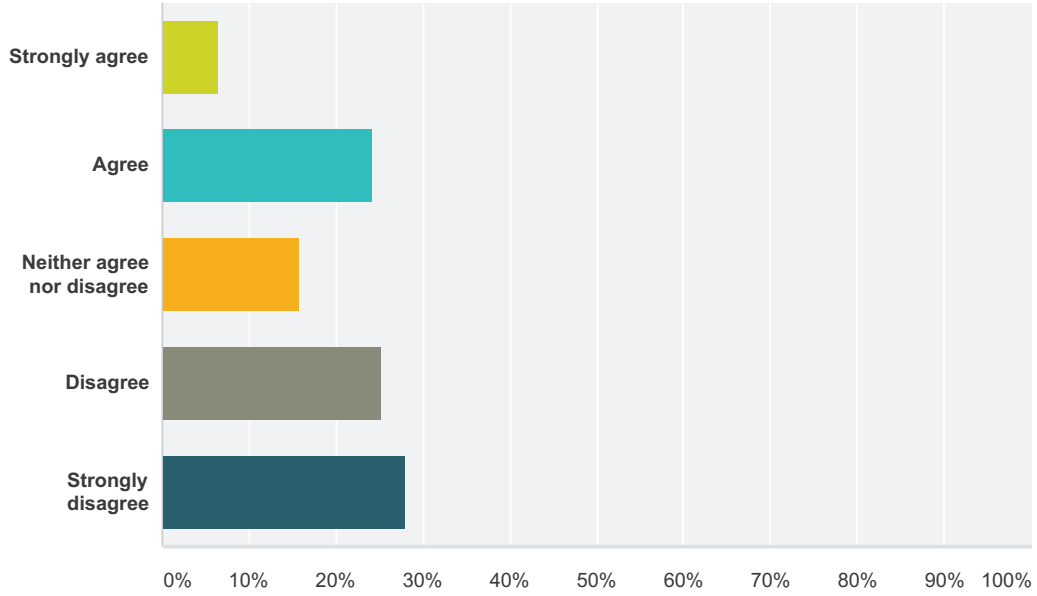
Q6 If you have any alternative ideas relating to start dates for charging for services, bearing in mind the information contained in the consultation document, please tell us about them here:

Answered: 15 Skipped: 102

#	Responses	Date
1	Although this could encourage sloth in sorting out over payment/charges it should be charged for at commencement being more equitable to all.	4/28/2015 3:23 PM
2	Proposal A information is muddled in content and not clear in meaning. As a F/T carer it is important to me to (a) know how much a service will cost prior to contracting service (b) Ensuring any financial support available such as the attendance allowance is in hand to help pay for said service as far as possible. This needs to be ensured under proposal C. Finally there should be a fair and clear system for all users.	4/28/2015 2:55 PM
3	Why is it all proposals consist of taking more money from the disabled/elderly. How about using our council tax/income tax/ NI more wisely? Treat our money as if it was coming out of your own pocket.	4/27/2015 3:45 PM
4	As long as awareness is in place that the fund may have to be unlocked elderly people tend not to keep large amounts of liquid funds.	4/27/2015 11:47 AM
5	This situation could come without warning and when everyone involved could be in shock. There needs to be a period of compassionate consultation - and sympathetic/empathetic discussions about fees. One size does not fit all.	4/24/2015 12:00 PM
6	Although members agreed in principle to the charges there were 2 areas of concern: 1). Services commencing without customer being advised up front what the services charges will be. 2). Concerns over delays in setting up payment arrangements and the potential for sizeable charges to be accrued in the meantime.	4/21/2015 11:25 AM
7	Reduce foreign aid by 80%. End membership of EU saving £60 million per day. Remove inefficient quangos	4/15/2015 9:54 AM
8	"Should not pay for services until received."	4/15/2015 9:20 AM
9	We are fully in agreement with this proposal BUT individuals/families MUST be informed of exactly what they will be required to pay and on a weekly basis and what aspects of service/care this includes. They should have this information from the outset and know what their options/alternatives are.	4/8/2015 2:18 PM
10	Means testing is important	3/23/2015 12:50 PM
11	A nominal fee could be charged at the outset so once they know what their contribution will be they will not be met with such a large bill.	3/13/2015 2:26 PM
12	As above	3/13/2015 1:34 PM
13	but you need to assess contributions quicker so people know what they have to pay and don't end up with a huge bill	3/11/2015 2:28 PM
14	such a suggestion implies that no period of assessment is required. In the business world the customer is not charged for the assessment of a service to be provided. See my proposal above for way of meeting the current financial short-fall	3/8/2015 7:40 PM
15	These arrangements should not be at the discretion of a local authority. The arrangements should be identical to those of neighbouring authorities in order to be fair.	3/7/2015 8:32 PM

Q7 To what extent do you agree or disagree with Proposal D - that all replacement care will be charged to the cared for person?

Answered: 107 Skipped: 10



Answer Choices	Responses
Strongly agree	6.54% 7
Agree	24.30% 26
Neither agree nor disagree	15.89% 17
Disagree	25.23% 27
Strongly disagree	28.04% 30
Total	107

The Care Act - fees and charges

Q8 If you have any alternative ideas relating to charging for replacement services, bearing in mind the information contained in the consultation document, please tell us about them here:

Answered: 22 Skipped: 95

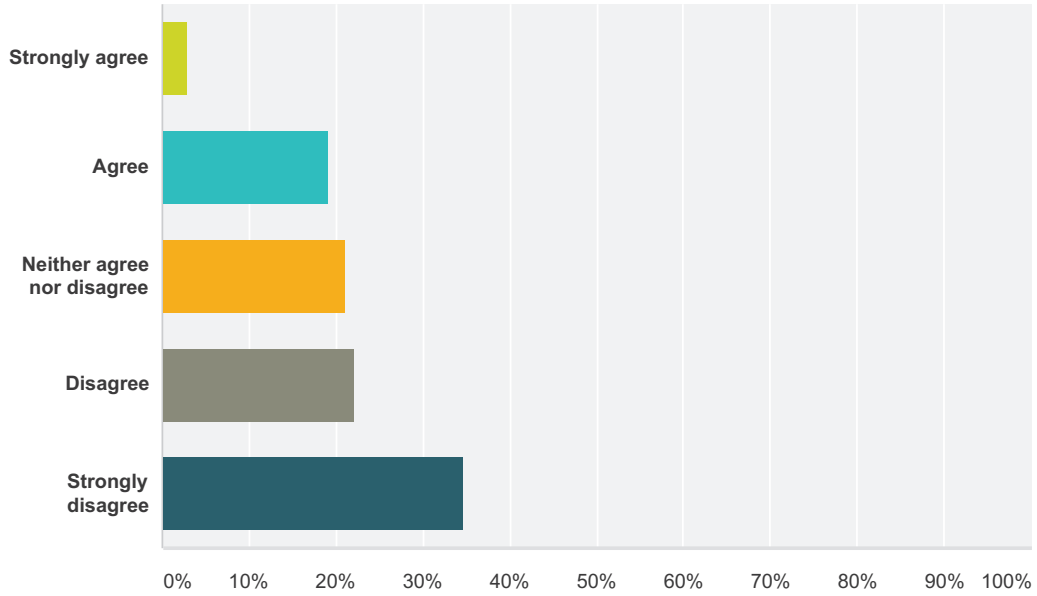
#	Responses	Date
1	No charge for replacement care should be raised as employees are entitled to time off.vacation. This should not be abused as carers are required to declare time off/away from caring and can loose benefit for excessive absence.	4/28/2015 3:23 PM
2	When we have people in this country dodging taxes (including NHS officials) healthy individuals drawing benefit for years with no penalty. I find it disgraceful that it is always the old and disabled who are targeted for more money!	4/27/2015 3:45 PM
3	This would be fine fro me as I operate all family finances. Could be a problem for dementia spouses where POA's are not in place and the cared for person refuses to pay.	4/27/2015 11:47 AM
4	No. I don't think its fair that my mum would have to pay for me to have a break. If I didn't care for her f/t she would cost social services a lot of money!	4/27/2015 11:15 AM
5	I can see carers feeling very pressured by this. Sometimes the family cares needs must trump those of the cared for and I don't think this recognises needs of families with difficult dynamic.	4/24/2015 12:56 PM
6	Discussion/consultation needs to take place in each situation. One size does not fit all.	4/24/2015 12:00 PM
7	Forum members view is that they could not endorse this proposal given the view that in many instances the cared for person would not be willing to pay for replacement care service, the risk being the Carer will not then have a much needed break and the consequential cost to the public purse greater than cost recovered through the proposal	4/21/2015 11:25 AM
8	I don't agree with having to pay for replacement care as i'm already saving the Council money by doing the caring roll and if you charge my wife its a joint account so you would be charging me.	4/21/2015 11:14 AM
9	How dare you propose to make any charged on any modest estate so that you our executive might lay your bloody hands on that which doesn't belong to you: or put another way I would make dammed sure that you could not.	4/17/2015 12:27 PM
10	Reduce foreign aid by 80%. End membership of EU saving £60 million per day. Remove inefficient quangos	4/15/2015 9:54 AM
11	"Family carers save the local authority thousands of pounds per annum. It is the La's duty to provide respite care."	4/15/2015 9:50 AM
12	"Replacement services providing care will probably be in an emergency situation and should be provided to the cared for person free of charge. This is a central government issues. The cared for person may have dementia or any number of problems – how can you give them a bill? If the person is a British Citizen who had paid their NI then they should receive emergency care."	4/15/2015 9:45 AM
13	"Should families not be asked to contribute?"	4/15/2015 9:37 AM
14	Should be free of charge	4/14/2015 2:37 PM
15	We have concerns that charging will prove a deterrent to carers in taking up the offer of replacement care, which we view as vital to carer health and well being and to having some life outside of caring.This could lead to preventable carer breakdown and therefore be a false economy. We would like to know what the financial assessment will involve. We would like to see a system that affords some minimum level of replacement care at no charge based on assessed need - to enable carers to recognise the benefits. We assume this charging will not apply to emergency respite.	4/8/2015 2:18 PM

The Care Act - fees and charges

16	I have concerns about the charge to the cared for person possibly being a barrier for some carers who really need the break. This may not be recognised by the cared for person and they may be unwilling to agree to pay for this. Perhaps a voucher scheme given directly to the carer could get round this? Also does this mean the cost of the replacement care comes off the cared for's personal budget?	3/23/2015 7:00 PM
17	This needs to be agreed with the individual receiving the care before the carer is charged and cost must be like for like.	3/23/2015 2:03 PM
18	See 2 above	3/17/2015 6:04 PM
19	As above	3/13/2015 1:34 PM
20	Tax money should be spent on making society a fit place to live for everyone and not wasted on so called business / entrepreneurial support	3/8/2015 10:57 PM
21	see my suggestion above	3/8/2015 7:40 PM
22	These arrangements should not be at the discretion of a local authority. The arrangements should be identical to those of neighbouring authorities in order to be fair.	3/7/2015 8:32 PM

Q9 To what extent do you agree or disagree with Proposal E - that an administration fee should be charged for arranging a deferred payment on a cost recovery basis?

Answered: 104 Skipped: 13



Answer Choices	Responses	Count
Strongly agree	2.88%	3
Agree	19.23%	20
Neither agree nor disagree	21.15%	22
Disagree	22.12%	23
Strongly disagree	34.62%	36
Total		104

The Care Act - fees and charges

Q10 If you have any alternative ideas relating to charges for deferred payment arrangements, bearing in mind the information contained in the consultation document, please tell us about them here:

Answered: 24 Skipped: 93

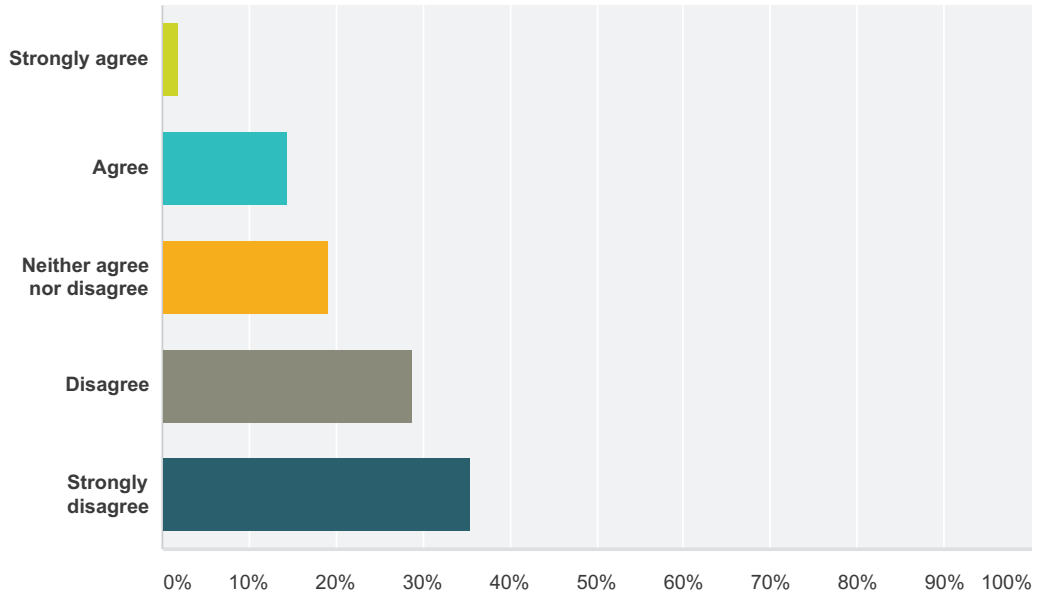
#	Responses	Date
1	Deferred payments should incur interest charges at Bank of England base rate interest. Unless otherwise negotiated. But as per any loan it should be repaid in full.	4/28/2015 3:25 PM
2	For question 9. Please can you charge to council tax.	4/28/2015 2:56 PM
3	I can imagine a whole new dept to administrate these fees thus cancelling out any gain.	4/27/2015 11:49 AM
4	For Item 9: It would depend on how much. £50 fixed fee okay but not much more.	4/27/2015 11:16 AM
5	If I was in this situation I would go to OHS agencies	4/24/2015 1:08 PM
6	Any administration fee needs to be discussed on a case by case basis - and clearly explained. One size does not fit all.	4/24/2015 12:02 PM
7	We agree to proposal A subject to charges for care service provided that self funders do not pay more for care than the local authority pay for the same service.	4/24/2015 11:56 AM
8	Although the forum understood the reason for making a change members felt they could not fully endorse the proposal without having an approximate proposed costing for administration fee for arranging deferred payment. Members also sought reassurance that arrangements would be set up in a timely manner with costs advised upfront and in writing.	4/21/2015 11:29 AM
9	I think that someone wealthy enough might make successful mega challenge opposed to your ideas for charging on admin fee against another estate you are going to plunder.	4/17/2015 12:30 PM
10	I think if people can afford to pay for care they should pay, and this would mean that those who cannot afford to pay for care the Council could pay for the care, using money from those who can pay for care services.	4/15/2015 2:41 PM
11	I believe that the admin fee should be added to the deferred payment and paid at the same time	4/15/2015 9:57 AM
12	Reduce foreign aid by 80%. End membership of EU saving £60 million per day. Remove inefficient quangos	4/15/2015 9:55 AM
13	"Need more time."	4/15/2015 9:52 AM
14	"If payment has to be deferred it will usually mean cash flow is tight. What's the point of putting more debt onto a person already struggling with health and financial problems? It would probably cost more to administer than in revenue."	4/15/2015 9:46 AM
15	"As before, this should be covered by Council Tax."	4/15/2015 9:22 AM
16	Free of charge	4/14/2015 2:38 PM
17	We agree with the rationale for this proposed change but again would view it as vital that the costs are clearly detailed and explained to customers from the outset. It should be possible to find information about these charges in literature , on the website and through all staff who give information, advice & guidance	4/8/2015 2:30 PM
18	Again without knowing a rough indicative costs for this it is not possible to agree or disagree.	3/23/2015 7:05 PM
19	This is a social care cost and as such should not be costed as if a commodity in a market.	3/23/2015 2:11 PM
20	As above	3/23/2015 12:52 PM
21	See 2 above	3/17/2015 6:06 PM
22	As above	3/13/2015 1:38 PM

The Care Act - fees and charges

23	I presume that this is a mechanism for creating income for IP&E. See my suggestion above	3/8/2015 7:45 PM
24	These arrangements should not be at the discretion of a local authority. The arrangements should be identical to those of neighbouring authorities in order to be fair.	3/7/2015 8:36 PM

Q11 To what extent do you agree or disagree with Proposal F - that the rate of interest to be charged for deferred payments will be the maximum allowable and applied to both mandatory and discretionary deferred payments?

Answered: 104 Skipped: 13



Answer Choices	Responses	
Strongly agree	1.92%	2
Agree	14.42%	15
Neither agree nor disagree	19.23%	20
Disagree	28.85%	30
Strongly disagree	35.58%	37
Total		104

The Care Act - fees and charges

Q12 If you have any alternative ideas relating to interest rates charged for deferred payments, bearing in mind the information contained in the consultation document, please tell us about them here:

Answered: 24 Skipped: 93

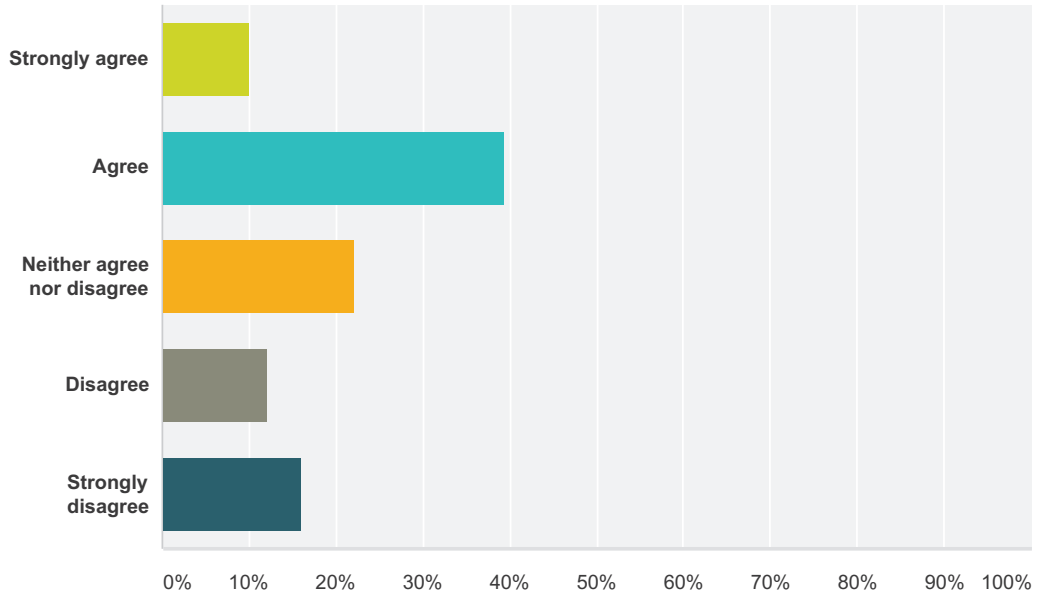
#	Responses	Date
1	Interest charges should be charged as interest rate as set by Bank of England base rate. as per any business recovering outstanding monies.	4/28/2015 3:25 PM
2	Should charge CPI interest p/a. If any Council Tax.	4/28/2015 2:56 PM
3	I can imagine a whole new dept to administrate these fees thus cancelling out any gain.	4/27/2015 11:49 AM
4	Are any other provides if deferred payment arrange in market and how do your costs and interest rates compare.	4/24/2015 1:08 PM
5	Charging the maximum allowable interest is inequitable. Either charge the medium rate or asses interest in a case by case basis. One size does not fit all.	4/24/2015 12:02 PM
6	Whilst Pan Disability Forum members understood the reason for charging interests it was felt unfair to charge the maximum rate possible, a reduced rate should be applied	4/21/2015 11:29 AM
7	In who's interest and on who's money would such a charge be made.	4/17/2015 12:30 PM
8	As above comments. I don't agree with all the cut backs lack of fund to pay for daycare. This should be paid by those who can afford to pay, and all they money should be put into the one pot which can be used solely for genuine cases of poor people who are already finding it hard financially.	4/15/2015 2:41 PM
9	Your proposal implies that you will seek to recover charges which are greater than the costs related to these deferred payments. This feel discriminatory again the most vulnerable members of our community. I think the rate should be set to recover the cost of borrowing."	4/15/2015 9:58 AM
10	I believe these should either be 0% or Bank of England rate +1%."	4/15/2015 9:57 AM
11	Reduce foreign aid by 80%. End membership of EU saving £60 million per day. Remove inefficient quangos	4/15/2015 9:55 AM
12	"No – don't hit a personal already down. Another central government issue".	4/15/2015 9:46 AM
13	"Should not be applicable."	4/15/2015 9:22 AM
14	No interest	4/14/2015 2:38 PM
15	We agree with the principle of charging interest. We do, however have concerns in relation to charging interest for deferred payments. This is because it is not possible to be clear about the length of time over which a deferred payment can be in place. There should be clear time scales over which the arrangement is spread with a review process if the deferment period needs to be extended.	4/8/2015 2:30 PM
16	There is a principle that care is not a money making opportunity for a council who currently takes money from the poor to subsidise the rich	3/23/2015 2:11 PM
17	There needs to be flexibility and discretion in the system	3/23/2015 12:52 PM
18	Interest should be no higher than the rate Council can borrow money at	3/23/2015 12:36 PM
19	See 2 above	3/17/2015 6:06 PM
20	As above	3/13/2015 1:38 PM
21	as no indication of what the charge would be unable to give a view	3/11/2015 2:29 PM
22	I believe it is not the role of local government to be a seller if vital adult care services but a provider of these services. I am appalled that elected representatives are even considering this	3/8/2015 11:01 PM

The Care Act - fees and charges

23	nothing	3/8/2015 7:45 PM
24	These arrangements should not be at the discretion of a local authority. The arrangements should be identical to those of neighbouring authorities in order to be fair.	3/7/2015 8:36 PM

Q13 To what extent do you agree or disagree with Proposal G - that where the adult has an 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 may be secured and wishes to use this as adequate security the Council will consider such requests on a case by case basis?

Answered: 99 Skipped: 18



Answer Choices	Responses
Strongly agree	10.10% 10
Agree	39.39% 39
Neither agree nor disagree	22.22% 22
Disagree	12.12% 12
Strongly disagree	16.16% 16
Total	99

Q14 If you have any alternative ideas relating to the use of other land or property being used to secure a deferred payment arrangement, bearing in mind the information contained in the consultation document, please tell us about them here:

Answered: 13 Skipped: 104

#	Responses	Date
1	This should be an individual basis, subject to review and pertinent consultation with relevant bodies regarding the equity. Once entered into it would be legal and binding.	4/28/2015 3:25 PM
2	I don't think it is the role of a council to act as a bank: if someone has other collateral, they can use to raise money through a bank or other financial institution, then they should use that avenue. I object to my council tax being used in this way. It also represents a default risk and I remain to be convinced that there is sufficient actuarial skill within the council to protect its own interests (and by extension, mine).	4/28/2015 11:04 AM
3	This might turn out to be a professional valuers dream and a SC nightmare. Property assets can decline in value as well as appreciate.	4/24/2015 1:08 PM
4	Concerning property, there ought to be a legal restraint placed on local council that any deal on assets of inheritance can only be obtained by them as a gift of the owners or the testator.	4/17/2015 12:30 PM
5	The people who own land, should not be having deferred payments. If they are rich enough to own land they are rich enough to pay for care needs, the same applies if they own property.	4/15/2015 2:41 PM
6	Reduce foreign aid by 80%. End membership of EU saving £60 million per day. Remove inefficient quangos	4/15/2015 9:55 AM
7	"The personal should be provided with appropriate legal help to dispose of their second property and release equity."	4/15/2015 9:46 AM
8	"We do not."	4/15/2015 9:43 AM
9	I think this is potentially a very thorny area and needs much more thinking through and understanding before putting this into place. This could have potential for some legal battles which could be costly for the council as well. Eg family heirlooms which get handed down from generation to generation. I think this needs more thought and understanding before the question can be answered.	3/23/2015 7:05 PM
10	Any assessments/costings must be carried out by parties with no monetary gain to be made.	3/23/2015 2:11 PM
11	As above	3/13/2015 1:38 PM
12	none	3/8/2015 7:45 PM
13	Care should be provided by the state no matter what the financial circumstances of the individual are unless they chose to opt out. No actual money should ever change hands. The care should be provided as part of the Health Service. Free at the point of use.	3/7/2015 8:36 PM

The Care Act - fees and charges

Q15 If you would like to make any other comments relating to this consultation, please use this space to do so. If not, click on next.

Answered: 39 Skipped: 78

#	Responses	Date
1	I think your proposal should tak individual needs into consideration. not one rule fits all.	4/28/2015 3:57 PM
2	I appreciated I have not completed you forms to a standard I would wish to achieve but I am very interested in your consultation and would be available for further discussion if required - 01902 373089, Peter Tomkinson, 34 Grange Park, Albrighton, Wolverhampton, WV7 3EH.	4/28/2015 2:58 PM
3	This form is too long and difficult to understand you are asking people who are already in a difficult position to comment on charging them. My parent were worried that they may loose the help they receive and filling in the form incorrectly would prejudice the Councils response to the care they need.	4/28/2015 2:50 PM
4	It would have been useful to have some idea of what the likely costs of arrangement fees would/could be. I hope this charging is not going to be outsourced to some private finance company who will be charging a large fee for administering the system. Could we please be told how this will be administered and who will be doing it.	4/27/2015 3:41 PM
5	Please consider the effect on a stressed carer of immediately talking finance. The difficulties when carer needs help, carer refuses.even if he cannot remember, later, why) The costs involved in administrating these fees and charges. I do appreciate your financial constraints.	4/27/2015 11:50 AM
6	This is a bit late. You started April 2015 and I received this consultation April too! I don't think my responses are going to make any differences, its just a was of money and resources that could be better spend on looking after carers.	4/27/2015 11:20 AM
7	This form has caused extra stress whilst try to produce constant care for my husband!!	4/24/2015 1:26 PM
8	Ludlow Town Council came on this consultation by change. We are not on list of consultees. Please do remember Town Councils and Parish Council are interested and will to comment on SC proposals. Thank you for coming and giving us briefing. It was very informative and reflected well on officer concerned for clarity of explanations.	4/24/2015 1:11 PM
9	No one person is the same and while it is probably impossible to assess everyone individually it is vital to keep some boundaries.One size does not fit all.	4/24/2015 12:03 PM
10	Some of these question have not been written in easy language for some people to understand!. People who have worked all their lives and paid taxes should not have to then pay such high care fees.	4/24/2015 11:53 AM
11	Most elderly people have gone without, and saved fro their old ages but try to be fair about costs	4/20/2015 11:22 AM
12	I would like to survive long enough to see the venal and corrupt British System challenged and destroyed ad that have failed to up uphold the state tried for high treason. Lord Kill Them.	4/17/2015 12:31 PM
13	This consultation implies that there will be an extra charge to pay for social services. Which will not be funded from the Council purse! May be we should just let people know they will have to pay and set up an interdependent business, or Fund Age UK and allow them to charge along with the other Voluntary Organisations who already help people with these problems	4/15/2015 2:33 PM
14	My thoughts re about the huge costs of self-funding to stay in a care home. My mother is currently in a home in Cheshire costing £900 a week. Although it is a nice environment to the girls are pleasant they do not seem to be highly trained. I know next year there will be a cap on fees but for my other who along with my father worked really hard and save their money for their old age it seems unfair that it should all disappear on care fees. I think she should contribute but £48,000 per annum seems excessive. Please excuse my rant I'm sure there must be a less expensive of providing care."	4/15/2015 10:08 AM
15	"I only take issue with your proposal to set the interest rate on deferred payment to the maximum allowed. I think this I unfair as it penalizes the most vulnerable members of society to offset a challenging financial situation."	4/15/2015 9:59 AM
16	"Returned but more information needed."	4/15/2015 9:52 AM

The Care Act - fees and charges

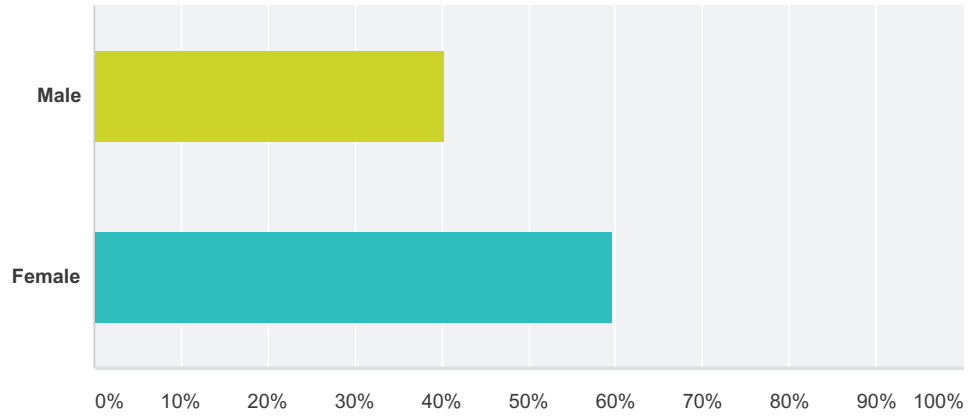
17	48 hours to consider the proposals and comment on them is not sufficient time. Consultation period inadequate.”	4/15/2015 9:50 AM
18	I realise local Councils are not getting appropriate funding from Central Government. Our Councillors need to push for more funding from the Gov in order to deal appropriate with an aging/disabled population.”	4/15/2015 9:47 AM
19	“I think that the elderly and disabled are being targeted by the Government as they do not care about us.”	4/15/2015 9:43 AM
20	“I believe there should be another option that the charge is paid when the estate is round up.”	4/15/2015 9:41 AM
21	“My thoughts re about the huge costs of self-funding to stay in a care home. My mother is currently in a home in Cheshire costing £900 a week. Although it is a nice environment to the girls are pleasant they do not seem to be highly trained. I know next year there will be a cap on fees but for my other who along with my father worked really hard and save their money for their old age it seems unfair that it should all disappear on care fees. I think she should contribute but £48,000 per annum seems excessive. Please excuse my rant I’m sure there must be a less expensive of providing care.”	4/15/2015 9:35 AM
22	“I think that Shropshire Council should use some of its cash reserves to fund part of its responsibility to social care.”	4/15/2015 9:27 AM
23	“When trying to look after my elderly mother, at her own home, with Alzheimer’s I was totally consumed with trying to get through each day. The situation became impossible, I was under the doctor for stress, I had no time or energy to try and understand where next to go. Everywhere I turned I was told you are self-funding it is up to you. This must change, I needed professional help and guidance, I have been happy to pay.”	4/15/2015 9:26 AM
24	“This form is difficult to fill in where there is no indication of the amount of fees payable. I feel that the local authority should pay administration fees, but I do understand that there is a limit pot of funds. I think the fees should be equitable between those in care or at home, but admin costs should be funded by the local authority.”	4/15/2015 9:24 AM
25	“It seems a backward step that people who have paid taxes for all of their working life and made savings etc. for their old age should risk losing it to pay for care, if needed.”	4/15/2015 9:22 AM
26	Hard to know what is really mean! One day I expect to be in need of more care.	4/14/2015 3:03 PM
27	My main comments is that while in principle what the council is seeking to do may be fair without and information on the likely financial costs & impact it is very hard to comment.	3/23/2015 7:05 PM
28	Having a mother who has been in a care home for over two years and having now spent nearly all her savings on this care, I feel very strongly about this. It is grossly unfair that someone who has been thrifty and saved throughout their life should be penalised so badly at the end of their life. I feel that everyone should have to take out insurance for this sort of eventuality and if they are on benefits then this should come out of the amount paid to them. This propping up of the feckless and workshy at the expense of the responsible citizen has got to stop. It is grossly unfair of the council to expect these poor souls to pay an arrangement fee on top of everything else they have to pay for.	3/23/2015 3:19 PM
29	Currently social care in this County seems to be an easy target for milking. This offers yet another opportunity to make money.	3/23/2015 2:13 PM
30	I very much hope that this exercise will be one of REAL CONSULTATION, and not just box ticking that is largely ignored by the powers-that-be - as has happened in the past on health and other issues. You can't claim that you have consulted if you do not take responses seriously and respectfully. Democracy is much more than government of the people by the Inner Cabinet.	3/17/2015 6:09 PM
31	Why are self funders paying extra for care when residents in the same care home who are state funded pay approximately £100 less for the same care/services. It will be illegal when the council requires a top up but nothing is mentioned about the self funders, once again lets make them pay despite the fact that my family have paid all their contributions throughout their life and taken very little back. Needing to go into a home at 90 surely these are the people who require a bit of respect, not just lets make them pay more to fund others!	3/13/2015 2:33 PM
32	It is time that the Council leaders realised that they have a first responsibility to provide an appropriate public service and not to seek to exploit every opportunity to pass the cost, or to reduce services provided, in order to satisfy their own ego or to gain further recognition.	3/13/2015 1:46 PM
33	please remember we are dealing with vulnerable people who through no action of their own find themselves in difficult situations. We should be treating them fairly and with dignity not as troublesome people who cost us money!!	3/11/2015 2:31 PM

The Care Act - fees and charges

34	<p>Whilst agreeing that most of what you propose is fair, I would like to make the point that even self funders may need some moral support in arranging care for their loved one, or in choosing a care home. I recently had to arrange for my husband to go into a care home and found it a terribly lonely decision to have to make, even though we were interviewed by the team at Craven Arms. When they discovered we were self funding we were told they could not help us in selecting a suitable care home. Unfortunately my husband has since died, so I am no longer a carer, but I speak on behalf of others who are.</p>	3/10/2015 9:11 AM
35	<p>I did not believe that Shropshire Council could get any worse in its rush to cut services to those vulnerable people who by dint of their situations are least likely to afford to pay for care. There really is no such thing as society any more. Those responsible for dreaming up this piece of 'legislation' should hang their heads in shame!</p>	3/8/2015 11:04 PM
36	<p>I had thought that Shropshire Council had reached an all time low when it chose to withhold the allocated money for town and parish councils. I was wrong - the proposals are disgraceful</p>	3/8/2015 7:46 PM
37	<p>Please consult with neighbouring authorities to make sure the people of Shropshire have the same system available to them which is not reliant on location. I should have the same care arrangements as my family members in Yorkshire, Northamptonshire and Gloucester.</p>	3/7/2015 8:41 PM
38	<p>The people who are now requiring care have grown old having paid National Insurance Contributions for a promised Cradle to Grave care system. They are not to blame for the failure of successive Governments to keep contributions in line with anticipated costs. If these charges are to be introduced, it should be only for those who still have time to make private arrangements for specific funds to be available when they need to use the services. A Penny Rate would help to resolve the chronic underfunding but Politicians are convinced that lower taxes are what everybody wants. They could not be more wrong and need to review their policies. Meantime, the elderly that are now needing care should not be persecuted.</p>	3/3/2015 6:43 PM
39	<p>As I understand it, the Council has recognised the high contribution carers' make to the life of the individual for whom they care and also the importance of enabling that carer to ensure that they have breaks etc. I fail, therefore, to see the justification for charging the 'cared for' person the costs of replacement care. I am extremely concerned that such an approach will limit the carer's willingness to take reasonable breaks and maintain a healthy life (assuming, of course, that such a choice is open to them).</p>	3/3/2015 1:40 PM

Q16 Are you:

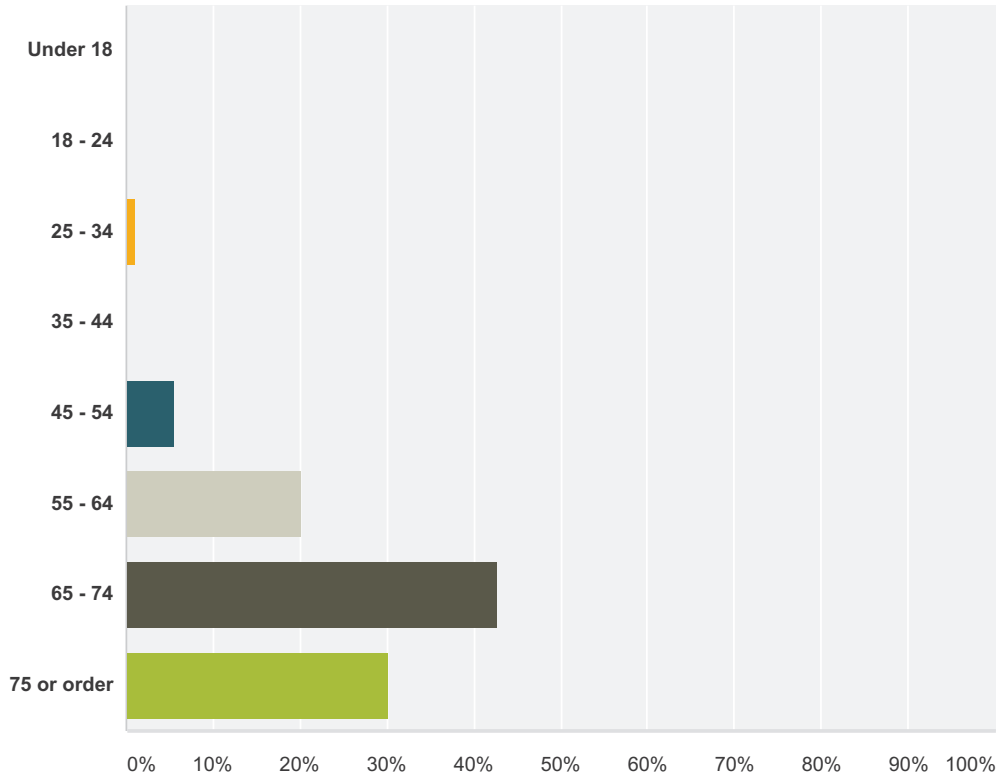
Answered: 87 Skipped: 30



Answer Choices	Responses
Male	40.23% 35
Female	59.77% 52
Total	87

Q17 What is your age?

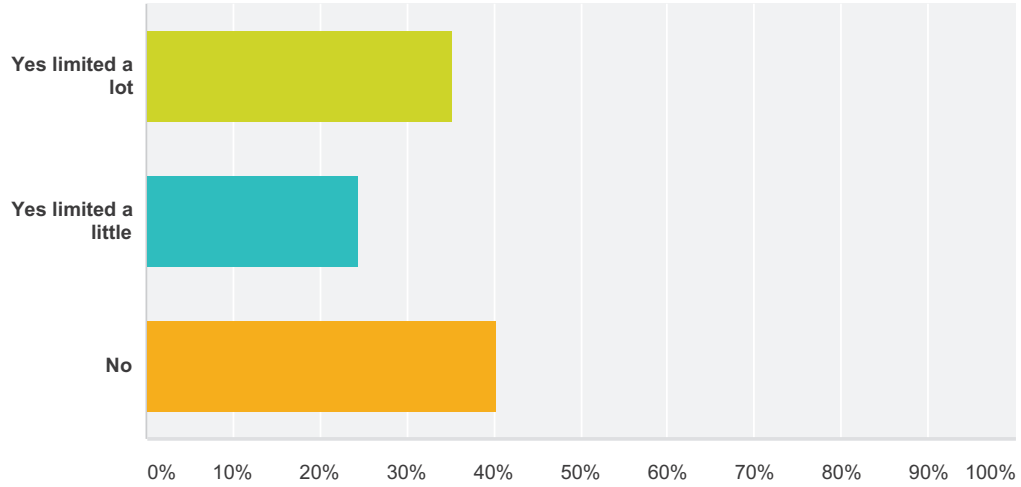
Answered: 89 Skipped: 28



Answer Choices	Responses	Count
Under 18	0.00%	0
18 - 24	0.00%	0
25 - 34	1.12%	1
35 - 44	0.00%	0
45 - 54	5.62%	5
55 - 64	20.22%	18
65 - 74	42.70%	38
75 or order	30.34%	27
Total		89

Q18 Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? (Include problems related to old age)?

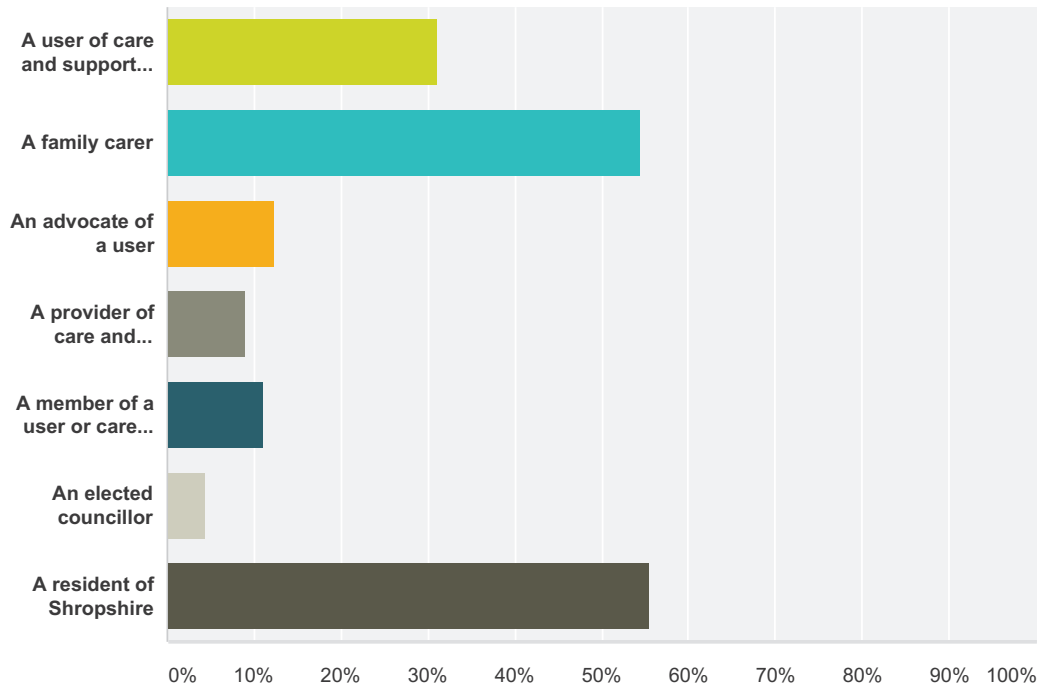
Answered: 82 Skipped: 35



Answer Choices	Responses	Count
Yes limited a lot	35.37%	29
Yes limited a little	24.39%	20
No	40.24%	33
Total		82

Q19 Are you responding to this consultation as (tick all that apply):

Answered: 90 Skipped: 27



Answer Choices	Responses	Count
A user of care and support services in Shropshire	31.11%	28
A family carer	54.44%	49
An advocate of a user	12.22%	11
A provider of care and support services in Shropshire	8.89%	8
A member of a user or carer representative group	11.11%	10
An elected councillor	4.44%	4
A resident of Shropshire	55.56%	50
Total Respondents: 90		

This page is intentionally left blank

Care Act Consultation - Fees Charging and Deferred Payments

Feedback from Meetings Attended

VCSA Board 12th March 2015 Lantern

How will 'cost recovery' be worked out?

Need to know what at what level the Care Arrangement Fees will be set at

Frequency of admin charge- 'one – off' short term vs long term - would it apply for a period or for each assessment?

Will the council be the only body that can make such arrangements?

Is it ethical that social workers carry out work that generates income for the council?

Fair to charge from the week care starts as long as financial assessments are done promptly otherwise people get hit with a big bill

What services do carers get in their own right that will not be charged for?

If replacement care is charged for - might that prevent care being asked and put caring arrangements at risk? Will there be special cases under the replacement care proposal? Will emergency care be charged for?

At what level will the Deferred Payment Administration Fee be set?

Good that transitional arrangements in place for 18-24 year olds are being put in place

Shropshire Seniors Management Committee 12th March 2015 Swan Hill Court

The consultation is not open – the council has already made up its mind – 6 weeks is too quick

Need to know what at what level the Care Arrangement Fees will be set at

Not fair that any care should be paid for when people have contributed all their lives

Wanted to know the social care budget and the cost of its administration.

Would like examples of what replacement care is.

Learning Disability Partnership Board 18th March 2015 - Shirehall

People need to know if they will have to pay something as soon as possible - must not come as a surprise

Can we be clear that 'replacement care' is? Is it the same as 'respite care'?

It is fair that people in care home or in their own home get charged from the same point

Is the deferred payment fee a one off payment? Can it be added to the debt or will it have to be paid upfront?

Easy Read version to be put on web

Can there be some specific consultation with people who attend day services?

Can the consultation period be extended for 2 weeks?

Documents will be taken to the Housing Support Group 16th April

VCS Pan Disability Forum The Lantern 2pm 24th March

No new/additional issues raised

Ludlow Town Council 30th March pm

Do we have an appeals process and is this on the web?

Are all our policies updated and on the website?

Will the interest being charged on deferred payments go into general council funds or be ring-fenced to adult social care. Same question about arrangement fees

Why has the council chosen the maximum amount of interest?

What is meant by cost recovery, how much will it be?

Comments on giving away assets and "7 year rule".

Lots of questions about 2016 funding changes and a further session requested on this when more information is known

Shropshire Equality and Social Inclusion Impact Assessment (ESIIA)

Contextual Notes 2014

The What and the Why:

The Equality and Social Inclusion Impact Assessment (ESIIA) tool replaces the Equality Impact Needs Assessment (EINA) tool previously in use by Shropshire Council. It is a tool to help us to identify whether or not any new or significant changes to services, including policies, procedures, functions or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

What we are now doing is broadening out such assessments to consider social inclusion. This is so that we are thinking as carefully and completely as possible about all groups and communities in Shropshire, including people in rural areas and people we may describe as vulnerable, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, eg Age, eg Gender Reassignment. We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging or delivering services.

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services, such as through a new policy or a change in procedure. Carrying out ESIIAs helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010 to have what is called *due regard* to the three equality aims in our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

The How:

The assessment comprises two parts: a screening part, and a full report part.

Screening (Part One) enables energies to be focussed on the service changes for which there are potentially important equalities and human rights implications. If screening indicates that the impact is likely to be positive overall, or is likely to have a medium or low negative or positive impact on certain groups of people, a full report is not required. Energies should instead focus on review and monitoring and ongoing evidence collection, enabling incremental improvements and adjustments that will lead to overall positive impacts for all groups in Shropshire.

A **full report (Part Two)** needs to be carried out where screening indicates that there are considered to be or likely to be significant negative impacts for certain groups of people, and/or

where there are human rights implications. If you are not sure, a full report is recommended, as it enables more evidence to be collected that will help you to reach an informed opinion.

Shropshire Council Part 1 ESIIA: initial screening and assessment

Please note: prompt questions and guidance within boxes are in italics. You are welcome to type over them when completing this form. Please extend the boxes if you need more space for your commentary.

Name of service change

Care Act - Fees, Charging and Deferred Payments Scheme

Aims of the service change and description

There are a number of discretionary areas in the Care Act (2014) which require a local decision. These include aspects relating to Fees, Charging and the Universal Deferred Payments Scheme as follows:

- The ability to charge a care arrangement fee to Self Funders.
- The requirement to have a single charging framework and the potential to modify elements of existing charging policy
- The ability to charge Carers for support provided in line with bringing them onto an equal footing with service users.
- The ability to charge interest and a fee for the arrangement of a Deferred Payment (on a cost recovery basis).

Intended audiences and target groups for the service change

Existing service users and carers
Potential future service users and carers
People who fund their own care
Advocacy organisations
Current providers
Future providers

Evidence used for screening of the service change

- Department of Health Impact Assessment of Care Act
- Care Act Statutory Guidance
- Consultation activity

Specific consultation and engagement with intended audiences and target groups for the service change

A specific consultation was carried out 8 weeks from 3rd March to 28th April 2015.

A wide range of views were sought through representative organisations. These included advice and advocacy organisations, Age UK, Community Council of Shropshire, the Senior Citizen Forum, Shropshire Partners in Care, Shropshire Voluntary and Community Sector Assembly, Learning Disability care providers and local town councils.

The Learning Disability Partnership Board, the Family Carers Partnership Board, and the Making It Real Board were also involved.

A survey was made available on the council's consultation portal. Paper and easy read versions of the survey were also made available.

Individual letters were also sent to approximately 300 carers who, because of the service they currently receive, would be directly affected by the proposal on charging for replacement care.

Potential impact on Protected Characteristic groups and on social inclusion

Guidance notes on how to carry out the initial assessment

Using the results of evidence gathering and specific consultation and engagement, please consider how the service change as proposed may affect people within the nine Protected Characteristic groups and people at risk of social exclusion.

1. Have the intended audiences and target groups been consulted about:
 - their current needs and aspirations and what is important to them;
 - the potential impact of this service change on them, whether positive or negative, intended or unintended;
 - the potential barriers they may face.
2. If the intended audience and target groups have not been consulted directly, have representatives been consulted, or people with specialist knowledge, or research explored?
3. Have other stakeholder groups and secondary groups, for example carers of service users, been explored in terms of potential unintended impacts?
4. Are there systems set up to:
 - monitor the impact, positive or negative, intended or intended, for all the different groups;
 - enable open feedback and suggestions from a variety of audiences through a variety of methods.

5. Are there any Human Rights implications? For example, is there a breach of one or more of the human rights of an individual or group?
6. Will the service change as proposed have a positive or negative impact on fostering good relations?
7. Will the service change as proposed have a positive or negative impact on social inclusion?

Guidance on what a negative impact might look like

High Negative	Significant potential impact, risk of exposure, history of complaints, no mitigating measures in place or no evidence available: urgent need for consultation with customers, general public, workforce
Medium Negative	Some potential impact, some mitigating measures in place but no evidence available how effective they are: would be beneficial to consult with customers, general public, workforce
Low Negative	Almost bordering on non-relevance to the ESIIA process (heavily legislation led, very little discretion can be exercised, limited public facing aspect, national policy affecting degree of local impact possible)

Initial assessment for each group

Please rate the impact that you perceive the service change is likely to have on a group, through inserting a tick in the relevant column.

Protected Characteristic groups and other groups in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive or negative impact <i>Part One ESIIA required</i>
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg young person with disability)				Low. Legislation reduces threshold for 18-24 -local mitigation to reduce negative impact.
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				Low – financial impact but as part of means tested arrangements.
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Low
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying)				Low

and harassment)				
Pregnancy and Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Low
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				Low
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				Low – further national research being undertaken into likely demand for Sharia-compliant scheme
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Low
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				Low
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people you consider to be vulnerable)				Carers – Low – decision taken not to charge carers for services Replacement care charges would ensure an equitable approach across all groups

Decision, review and monitoring

Decision	Yes	No
Part One ESIA Only?	√	
Proceed to Part Two Full Report?		√

If Part One, please now use the boxes below and sign off at the foot of the page. If Part Two, please move on to the full report stage.

Actions to mitigate negative impact or enhance positive impact of the service change
The assessment indicated that in relation to the Minimum Income Guarantee, younger people with disabilities may be impacted upon more negatively than other groups. Whilst the actual MIG amounts are fixed in the legislation, we will consider on a case by case basis putting in place transitional arrangements to mitigate this impact for up to 6 months.

--

Actions to review and monitor the impact of the service change

<p>The impact of the Care Act will be monitored through the Care Act Board which includes Shropshire Councillors</p> <p>A specific performance dashboard is currently being developed which will cover a range of performance indicators related to service users and carers.</p>

Activity at Part One screening stage

Names (list those involved in carrying out assessment)	Job titles	Contact details
Kathryn Downton Rob Price Simon Smith	Care Act Manager Benefit Options Team Senior Assessment Officer	Kathryn.downton@shropshire.gov.uk Rob.price@shropshire.gov.uk Simon.smith@shropshire.gov.uk
Date commenced	9 th February 2015	
Date updated		
Date transferred to ESIIA	20 th April 2015	
Internal Scrutiny by		

Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i>		
<i>Any internal support</i>		
<i>Any external support</i>		
<i>Head of service</i>		

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i>	?KD	
<i>Head of service's name</i>	?RH	

Shropshire Council Part 2 ESIIA: full report

Guidance notes on how to carry out the full report

The decision that you are seeking to make, as a result of carrying out this full report, will take one of four routes:

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

The Part Two Full Report therefore starts with a forensic scrutiny of the evidence and consultation results considered during Part One Screening, and identification of gaps in data for people in any of the nine Protected Characteristic groups and people who may be at risk of social exclusion, eg rural communities. There may also be gaps identified to you independently of this process, from sources including the intended audiences and target groups themselves.

The forensic scrutiny stage enables you to assess:

- **Which gaps need to be filled right now, to help you to make a decision about the likely impact of the proposed service change?**

This could involve methods such as: one off service area focus groups; use of customer records; examination of data held elsewhere in the organisation, such as corporate customer complaints; and reference to data held by similar authorities or at national level from which reliable comparisons might be drawn, including via the Rural Services Network. Quantitative evidence could include data from NHS Foundation Trusts, community and voluntary sector bodies, and partnerships including the Local Enterprise Partnership and the Health and Well Being Board. Qualitative evidence could include commentary from stakeholders.

- **Which gaps could be filled within a timeframe that will enable you to monitor potential barriers and any positive or negative impacts on groups and individuals further along into the process?**

This could potentially be as part of wider corporate and partnership efforts to strengthen the evidence base on equalities. Examples would be: joint information sharing protocols about victims of hate crime incidents; the collection of data that will fill gaps across a number of service areas, eg needs of young people with learning disabilities as they progress through into independent living; and publicity awareness campaigns that encourage open feedback and suggestions from a variety of audiences.

Once you have identified your evidence gaps, and decided on the actions you will take right now and further into the process, please record your activity in the following boxes. Please extend the boxes as needed.

Evidence used for assessment of the service change: activity record

How did you carry out further research into the nine Protected Characteristic groups and those who may be at risk of social exclusion, about their current needs and aspirations and about the likely impacts and barriers that they face in day to day living?

And what did it tell you?

Specific consultation and engagement with intended audiences and target groups for the service change: activity record

How did you carry out further specific consultation and engagement activity with the intended audiences and with other stakeholders who may be affected by the service change?

And what did it tell you?

Further and ongoing research and consultation with intended audiences and target groups for the service change: activity record

What further research, consultation and engagement activity do you think is required to help fill gaps in our understanding about the potential or known affect that this proposed service change may have on any of the ten groupings and on the intended audiences and target groups? This could be by your service area and/or at corporate and partnership level.

Full report assessment for each group

Please rate the impact as you now perceive it, by inserting a tick. Please give brief comments for each group, to give context to your decision, including what barriers these groups or individual may face.

Protected Characteristic groups and other groups in Shropshire	High negative impact	High positive impact	Medium positive or negative impact	Low positive or negative impact
Age (please include children, young people, people of working age, older people. Some people may belong to more than one group eg young person with disability)				
Disability (please include: mental health conditions and syndromes including autism; physical disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; HIV)				
Gender re-assignment (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Marriage and Civil Partnership (please include associated aspects: caring responsibility, potential for bullying and harassment)				
Pregnancy and Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Race (please include: ethnicity, nationality, culture, language, gypsy, traveller)				
Religion and belief (please include: Buddhism, Christianity, Hinduism, Islam, Judaism, Non conformists; Rastafarianism; Sikhism, Shinto, Taoism, Zoroastrianism, and any others)				
Sex (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				
Other: Social Inclusion (please include families and friends with caring responsibilities; people with health inequalities; households in poverty; refugees and asylum seekers; rural communities; people you consider to be vulnerable)				

ESIIA Full Report decision, review and monitoring

Summary of findings and analysis - ESIIA decision

You should now be in a position to record your decision. Please highlight in bold the route that you have decided to take.

1. To make changes to satisfy any concerns raised through the specific consultation and engagement process and through your further analysis of the evidence to hand;
2. To make changes that will remove or reduce the potential of the service change to adversely affect any of the Protected Characteristic groups and those who may be at risk of social exclusion;
3. To adopt the service change as it stands, with evidence to justify your decision even though it could adversely affect some groups;
4. To find alternative means to achieve the aims of the service change.

Please add any brief overall comments to explain your choice.

You will then need to create an action plan and attach it to this report, to set out what further activity is taking place or is programmed that will:

- *mitigate negative impact or enhance positive impact of the service change,*
AND
- *review and monitor the impact of the service change*

Please try to ensure that:

- *Your decision is based on the aims of the service change, the evidence collected, consultation and engagement results, relative merits of alternative approaches and compliance with legislation, and that records are kept;*
- *The action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.*

Scrutiny at Part Two full report stage

People involved	Signatures	Date
<i>Lead officer</i>		
<i>Any internal support</i>		
<i>Any external support</i>		
<i>Head of service</i>		

Sign off at Part Two full report stage

Signature (Lead Officer)	Signature (Head of Service)
Date:	Date:

Appendix: ESIIA Part Two Full Report: Guidance Notes on Action Plan

Please base your action plan on the evidence you find to support your decisions, and the challenges and opportunities you have identified. It could include arrangements for:

- continuing engagement and involvement with intended audiences, target groups and stakeholders;
- monitoring and evaluating the service change for its impact on different groups throughout the process and as the service change is carried out;
- ensuring that any pilot projects are evaluated and take account of issues described in the assessment, and that they are assessed to make sure they are having intended impact;
- ensuring that relevant colleagues are made aware of the assessment;
- disseminating information about the assessment to all relevant stakeholders who will be implementing the service change;
- strengthening the evidence base on equalities.

Please also consider:

- resource implications for in-house and external delivery of the service;
- arrangements for ensuring that external providers of the service are monitored for compliance with the Council's commitments to equality, diversity and social inclusion, and legal requirements including duties under the Equality Act 2010.

And finally, please also ensure that the action plan shows clear links to corporate actions the Council is taking to meet the general equality duty placed on us by the Equality Act 2010, to have due regard to the three equality aims in our decision making processes.

These are:

- Eliminating discrimination, harassment and victimisation
- Advancing equality of opportunity
- Fostering good relations

Note for 2014 refresh of our corporate equality impact assessment approach: Shropshire Council has referred to good practice elsewhere in refreshing the EINA material and replacing it with this ESIIA material. The Council is grateful in particular to Leicestershire County Council, for graciously allowing use to be made of their Equality and Human Rights Impact Assessments (EHRIsAs) material and associated documentation.

For further information on the use of ESIIAs: please contact your head of service or contact Mrs Lois Dale, Principal Rural Policy Officer and internal policy support on equality, via telephone 01743 255667, or email lois.dale@shropshire.gov.uk.