



## Committee and Date

Council

19 May 2016

## **COUNCIL**

### **Minutes of the meeting held on 25 February 2016**

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

**10.00 am - 12.40 pm**

**Responsible Officer:** Karen Nixon

Email: karen.nixon@shropshire.gov.uk Tel: 01743 257720

### **Present**

Councillors Ann Hartley and Malcolm Pate (Leader)

Councillors David Lloyd (Speaker), Steve Charmley (Deputy Leader), Peter Adams, Andrew Bannerman, Nicholas Bardsley, Tim Barker, Charlotte Barnes, Joyce Barrow, Thomas Biggins, Andy Boddington, Gwilym Butler, John Cadwallader, Dean Carroll, Lee Chapman, Anne Chebsey, Peter Cherrington, Ted Clarke, Gerald Dakin, Andrew Davies, Pauline Dee, David Evans, Roger Evans, John Everall, Hannah Fraser, Nigel Hartin, Richard Huffer, Tracey Huffer, Roger Hughes, Vince Hunt, Jean Jones, Simon Jones, Miles Kenny, Duncan Kerr, Heather Kidd, Nic Laurens, Christian Lea, Robert Macey, Chris Mellings, Pamela Moseley, Alan Mosley, Cecilia Motley, Peggy Mullock, Peter Nutting, Kevin Pardy, William Parr, Vivienne Parry, John Price, Keith Roberts, Madge Shingleton, Jon Tandy, Robert Tindall, Dave Tremellen, Kevin Turley, David Turner, Arthur Walpole, Stuart West, Claire Wild, Brian Williams, Leslie Winwood, Michael Wood, Tina Woodward and Paul Wynn

## **84 APOLOGIES FOR ABSENCE**

The Chief Executive reported that apologies for absence had been received from Mr T Bebb, Mr V Bushell, Mrs K Calder, Mr S Davenport, Mr J Hurst-Knight, Mrs J Mackenzie, Mr D Minnery, Mr M Price and Mr D Roberts.

A warm welcome was also extended to Mr D Kerr, new member for the Oswestry South ward, on attending his first Council meeting since being elected.

## **85 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.

Mrs A Chebsey declared an interest in report 9, Financial Strategy, and left the room whilst it was being debated – she had employment connections to the item – Reduction in Chlamydia Screening Budget.

## 86 MINUTES

**RESOLVED:** That the Minutes of the meeting held on 17<sup>th</sup> December 2016, as circulated with the agenda papers, be approved and signed as a correct record.

## 87 ANNOUNCEMENTS

### 87.1 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 17<sup>th</sup> December 2016, which had been circulated at the meeting.

### 87.2 New Year's Honours 2016

The Chairman reported that the following Shropshire residents had been awarded honours in the Queen's New Year's Honours List 2016 and advised that she had written to each of the recipients to congratulate them on their achievement:

#### Order of the British Empire (OBE)

**Cathie Sabin**

for services to tennis (Much Wenlock)

**Jane Tomkinson**

for services to NHS financial management (Whitchurch)

#### Medallist of the Order of the British Empire (BEM)

**Mrs Freda Ridgway**

for services to the community (Whitchurch)

**Helen Francis**

for charitable services in Trefonen (Oswestry)

## 88 PUBLIC QUESTIONS

### Public Questions

The Speaker advised that four public questions had been received in accordance with Procedure Rule 15 (a copy of the report containing the detail of the questions and the relevant formal responses is attached to the signed minutes).

#### Public Question 1

Received from Mrs J Brand and answered by Mr M Pate, the Leader, regarding the total cost of building the Guildhall, Shrewsbury, including costs of internal furnishings.

By way of a supplementary question Mrs Brand asked what it cost the Council to build the Guildhall and why was the Shirehall no longer re-locating there?

The Leader replied that the Guildhall had been given to the University of Chester for a nominal rent, which would be deferred until the University was in credit. He also confirmed that they were paying full business rates. The Guildhall had been built originally by Shrewsbury and Atcham Borough Council and was inherited by Shropshire Council at the time of unitary status (in 2009). He undertook to look at this again and let Mrs Brand have a more detailed answer as far as possible after the meeting.

#### Public Question 2

Received from Ms M Gaunt and answered by Mr M Pate, Leader regarding the reputation of the County and the behaviour of the the ex-Leader in connection with ip&e.

By way of a supplementary question Ms Gaunt asked if the Leader could assure her that stringent measures would be put in place to prevent a similar breach of Shropshire Council's Members Code of Conduct in the future.

The Leader assured Ms Gaunt that this would be taken seriously.

#### Public Question 3

Received from Mr N Richardson, on behalf of Churches' Ludlow Under Pressure Group, and answered by Mr D Minnery, Portfolio Holder for Children and Young People about possibly funding a local community-wide initiative, managed by a church backed group.

By way of a supplementary question Mr Richardson asked if the Council could give the group any hope for possible funding for youth work in Ludlow in the medium- or long-term future, when the need for austerity cuts was judged to be over? Or was this funding now ruled out on principle or a priori?

Unfortunately the Portfolio Holder for Children and Young People was not present at the meeting to answer the supplementary question in person, but the Speaker undertook to ensure that Mr Richardson would receive a written response from Mr Minnery following the meeting.

#### Public Question 4

Received from Mr D Kilby, Secretary to the Shropshire Playing Fields Association and answered by Mr M Price, Portfolio Holder for Planning, Housing, Regulatory Services and Environment about why it had no up to date Open Space Needs Assessment.

By way of a supplementary question Mr D Kilby stated that Mr Price had conceded in his response that Shropshire Council did not have a robust open space needs assessment in place as required by National Planning Policy.

It was likely that communities across Shropshire were being denied vital community infrastructure levy funding towards the provision of open spaces, for multifunctional uses including Sport, Play and Recreation facilities, despite many local parish and town councils putting it as a priority in their place plans.

The question `we' (SPFA) intend asking `your' (addressing elected members) communities is;

- Are they one of those communities we believe are missing out as a result of this local planning authorities failure to provide appropriate vital evidence of need as required in the National Planning policy framework.
- We would appreciate the assistance of yourselves (elected members) towards accessing this information from your local communities.

Unfortunately the Portfolio Holder for Planning, Housing, Regulatory Services and Environment was not present at the meeting to answer the supplementary question in person, but the Speaker undertook to ensure that Mr Kilby would receive a written response from Mr Price following the meeting.

## 89 QUESTIONS FROM MEMBERS

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

- (i) Received from Mr D Tremellen and answered by Mr M Price, Portfolio Holder for Planning, Housing, Regulatory Services and Environment regarding the maintenance of private rental properties in England.

There was no supplementary question.

- (ii) Received from Mr R Evans and answered by Mr P Adams, Deputy Portfolio Holder for Travel, Transportation and Parking regarding revenue collected from on-street parking in Shrewsbury.

By way of a supplementary question Mr Evans asked for the detail of the actual revenue collected from on-street parking and the numbers of actual users of Park and Ride for 2015/16 when known. He also asked for the Quarter 2 and Quarter 3 figures.

In response Mr Adams agreed to provide this information to Mr Evans as far as possible.

- (iii) Received from Mr M Kenny and answered by Mr S Charmley, Portfolio Holder for Business and Economy regarding Fairtrade Fortnight in Shropshire.

There was no supplementary question.

- (iv) Received from Mr M Kenny and answered by Mr M Pate, Leader, regarding a Cabinet Member for Climate Change and what the Council was doing to tackle this.

By way of a supplementary question Mr Kenny asked if the Council would consider a Portfolio Holder specifically for Climate Change.

In response the Leader declined this request, but assured that the important issue of climate change was taken seriously and that it flowed across many of the existing portfolios.

## 90 RETURNING OFFICER'S REPORT

The Leader, Mr M Pate, presented a report by the Head of Legal and Democratic Services, a copy of which is attached to the signed minutes, advising that Mr Duncan Kerr had been elected as Councillor to represent the Oswestry South ward on Thursday 4 February 2016.

## 91 MEMBERS ALLOWANCES

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

An amendment was proposed by Mr M Kenny that 'the Remuneration Panel should be asked to meet within the forthcoming 12 weeks'. After some debate, this was accepted by the Leader and duly agreed.

### **RESOLVED:**

- a) That the current Members Allowance Scheme, attached at Appendix 1 be approved.
- b) That the Remuneration Panel be asked to meet within the forthcoming 12 weeks.

## 92 FINANCIAL STRATEGY 2016/17 TO 2018/19

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

Mrs A Chebsey declared an interest in this report and left the room whilst it was being debated – she had employment connections to the item – Reduction in Chlamydia Screening Budget.

Mr A Mosley, Mr R Evans and Mrs P Dee exercised their right as Group Leaders to speak to the budget proposition. After debate the Leader exercised his right to reply to the comments made on the Administration's budget proposals as a whole.

On being put to a recorded vote the proposition was carried with 43 Members voting in favour and 17 against as follows:

FOR (43)

Mr P Adams, Mr N Bardsley, Mr T Barker, Mrs J Barrow, Mr T Biggins, Mr G Butler, Mr J Cadwallader, Mr D Carroll, Mr L Chapman, Mr S Charmley, Mr P Cherrington, Mr G Dakin, Mr A Davies, Mrs P Dee, Mr J Everall, Mrs A Hartley, Mr R Hughes, Mr V Hunt, Mr S Jones, Mr N Laurens, Mr C Lea, Mr D Lloyd, Mr R Macey, Mrs C Motley, Mrs P Mullock, Mr P Nutting, Mr W Parr, Mr M Pate, Mr J Price, Mr K Roberts, Mrs M Shineton, Mr R Tindall, Mr D Tremellen, Mr K Turley, Mr D Turner, Mr Walpole, Mr S West, Mrs C Wild, Mr B Williams, Mr L Winwood, Mr M Wood, Mrs T Woodward and Mr P Wynn.

AGAINST (17)

Mr A Bannerman, Mrs C Barnes, Mr A Boddington, Mr R Evans, Mrs H Fraser, Mr N Hartin, Mr R Huffer, Dr J Jones, Mr M Kenny, Mr D Kerr, Mrs H Kidd, Mr C Mellings, Mrs P Moseley, Mr A Mosley, Mr K Pardy, Mrs V Parry and Mr J Tandy.

**RESOLVED:**

- a) That the 2016/17 budget of £565.377m including the savings proposals detailed in Appendix 3 and excluding internal market adjustments be approved.
- b) That the changes required to the 2016/17 budget as a result of the Final Local Government Settlement, revised business rates and collection fund estimates and revised Adult Services growth projections be noted.
- c) That the changes required to future years budgets as a result of the Final Local Government Settlement and a review of business rates and Adult Services growth projections be noted.
- d) That the revised funding gap for the years 2017/18 and 2018/19 be noted.
- e) That the revised Capital Programme as set out in the report be approved.
- f) That the potential requirement for virement between pay and non-pay (contract payment) budgets resulting from the review of ip&e Limited, which are not reflected in this report be noted.
- g) That the potential for investment and further savings proposals resulting from the review of the Council's ICT requirements which are not reflected in this report be noted.
- h) That the Statement of Chief Financial Officer on the Robustness of the Estimates and Adequacy of Reserves 2015-19 as set out in Appendix 7, noting the Council's general fund balance over this period be approved.
- i) That the Pay and Rewards Policy for all Council staff for 2016/17 as set out in Appendix 8 be approved.

### 93 **TREASURY STRATEGY 2016/17**

It was proposed by the Leader, Mr M Pate 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 2016/17 be approved.
- b) That the Prudential Indicators, set out in Appendix 1, in accordance with the Local Government Act 2003, be approved.
- c) That the Investment Strategy, set out in Appendix 2 in accordance with the CLG Guidance on Local Government Investments be approved.
- 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 as required.
- g) That the proposed Prudential Indicators that would enable the Authority to use the equivalent of up to 3% of Council Tax in 2016/17 or future years, to fund borrowing under the Prudential Code should the Council decide to do so, be noted.

### 94 **INCOME REVIEW OF FEES AND CHARGES FOR 2016/17**

It was proposed by the Leader, Mr M Pate and seconded by Mr P Nutting 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 2015/16 and in particular that the charges for discretionary services represent only £16.233m of the £55.560m of income derived from Fees and Charges be noted.
- b. That the charges for 2016/17 as detailed in Appendix 3 to be implemented 1 April 2016, recognising that managers have proposed varying policies for

2016/17 fees and charges ranging from a reduction or 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 be approved. 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. Note that as previously agreed, 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. 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.
- e. Subject to restrictions or exemptions identified in the Welfare Reform and Work Bill Council approve the following;
  - i. That Social Housing Rents be reduced by 1% from 4<sup>th</sup> April 2016.
  - ii. That Affordable rents for 2016/17 be reduced by 1% from 4<sup>th</sup> April 2016.
  - iii. That Shared Ownership rents continue to be set at 2.75% of the outstanding capital value of the home.
  - iv. That Up to 58 Social rents be converted to Affordable rents in accordance with the Homes and Communities Agency grant funding for the Phase 2 new homes building programme.
  - v. That Service charges continue to be set on the basis of actual cost.
- f. That the Personal Budget Contributions Policy for Adult Services which was reviewed annually be approved.

## 95 COUNCIL TAX RESOLUTION 2016/17

It was proposed by the Leader, Mr M Pate, and seconded by Mr S Charmley, 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 45 Members voting in favour, 1 against and 12 abstentions as follows:

### FOR (45)

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



Mr G Dakin, Mr A Davies, Mrs P Dee, Mr D Evans, Mrs A Hartley, Mr R Hughes, Mr V Hunt, Dr J Jones, Mr S Jones, Mr D Kerr, Mr N Laurens, Mr C Lea, Mr D Lloyd, Mr R Macey, Mrs C Motley, Mrs P Mullock, Mr P Nutting, Mr W Parr, Mr M Pate, Mr J Price, Mr K Roberts, Mrs M Shingleton, Mr J Tandy, Mr R Tindall, Mr D Tremellen, Mr K Turley, 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 (1)**

Mr A Boddington

**ABSTENTIONS (12)**

Mrs C Barnes, Mrs A Chebsey, Mr R Evans, Mrs H Fraser, Mr N Hartin, Mr R Huffer, Mr M Kenny, Mrs H Kidd, Mr C Mellings, Mrs P Moseley, Mr K Pardy and Mrs V Parry.

**RESOLVED:**

a) T  
 hat a 3.99% Council Tax rise be approved, resulting in a basic amount of council tax for a Band D property of £1,211.19 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) T  
 hat 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 be as follows:

| <b>Property Band</b> | <b>2016/17<br/>Charge<br/>£</b> |
|----------------------|---------------------------------|
| A                    | 807.46                          |
| B                    | 942.03                          |
| C                    | 1,076.61                        |
| D                    | 1,211.19                        |
| E                    | 1,480.35                        |
| F                    | 1,749.50                        |
| G                    | 2,018.65                        |
| H                    | 2,422.38                        |

c) That a total precept of £127,068,947 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 2016/17 be approved.

## 96 REPORT OF THE POLITICAL STRUCTURES MONITORING GROUP

It was proposed by the Leader, Mr M Pate, and seconded by Mr N Laurens, that the report of the Head of Legal & 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 updated draft terms of reference for the Health and Wellbeing Board be approved.
- (b) That the recommendation of the Enterprise & Growth Scrutiny Committee to amend the Constitution in respect of Part 4 – Council Procedure Rules to prevent a local member from joining a Planning Committee and discussing that item where the item concerns that Member’s electoral division as follows be endorsed:-

That paragraph 6.1 be amended to read:-

“Except in relation to a Regulatory Planning Committee 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.”

- c) That the Constitution be amended in respect of Part 5 – Local Protocol for Councillors and Officers dealing with Regulatory Matters, to allow the Local Member to make representations for up to five minutes prior to the debate commencing including an opportunity for questions to be asked as follows:-

15. Members Speaking on Applications within their own Ward
- 15.1 Planning Committee members do not vote or take part in the Committee debate or voting when applications from their own electoral division are considered.
- 15.2 The local Member may address the Committee for up to five minutes, they may ask up to two questions of the Committee and may be asked questions by the Committee.

(The Member will then physically move away from the Committee 'table' but stay in the room). This will allow Members to speak freely on applications from their own area and to provide advice to their local Parish/Town Councils on these matters."

- d) That the updates to the terms of reference of the Shropshire and Telford & Wrekin Joint Health Overview Scrutiny Committee be approved.
- e) That, with regard to public questions at meetings of the Council and its Committees/Sub-Committees, members of the public to be provided with a written response to their submitted question ahead of the meeting in order to allow them sufficient time for consideration of a supplementary question [if required], up to three minutes to be allowed for the supplementary question to be asked and the current reference to 'statement' to be deleted.
- f) That questions from Members be moved to the end of the Council Agenda.
- g) That the Scheme of Delegation within Part 8 of the Council's Constitution be amended to clarify Committee and Officer delegations resulting from the Council's adoption of the Gambling Act 2005 Policy Statement 2016 to 2019.

## 97 **GAMBLING ACT 2005 - POLICY STATEMENT**

It was proposed by Mr K Roberts, and seconded by Mr A Davies, that the report of the Director of Commissioning, a copy of which is attached to the signed minutes and the recommendations contained therein, be received and agreed.

### **RESOLVED:**

- a) That the proposed Gambling Policy Statement as set out in Appendix 1 and delegating authority to the Head of Public Protection to publish the policy statement and to advertise it in accordance with the provisions of the Gambling Act 2005, be approved.
- b) That the Gambling Policy Statement will take effect from 1 April 2016.

## 98 **APPOINTMENTS TO COMMITTEES**

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

**RESOLVED:** That the following appointments to committees be confirmed:

### Audit Committee

The appointment of Mr D Turner as a full Member to replace Mr M Wood.  
The appointment of Mr N Laurens and Mr A Davies as Substitute Members.

### North Planning Committee

The appointment of Mr R Hughes as a full Member to replace Mr D Minnery.

South Planning Committee

The appointment of Mr W Parr as a full Member to replace Mr S West.

Standards Committee

The appointment of Mr D Carroll and Mr J Everall as full Members to replace Mr S West and Mr M Wood respectively.

Strategic Licensing Committee

The appointment of Mr N Laurens as a full Member to replace Mr M Wood  
The appointment of Mr D Kerr as a full Member to replace Mr S Davenport  
The appointment of Mr J Cadwallader, Mr D Turner and Mr P Wynn as Substitute Members.

Enterprise and Growth Scrutiny Committee

The appointment of Mr P Wynn as a full Member to replace, former councillor, Mr M Bennett.

The appointment of Mr G Butler as Substitute Member.

Young People's Scrutiny Committee

The appointment of Mr A Walpole as Substitute Member.

Environment and Services Scrutiny Committee

The appointment of Mr D Carroll as a full Member to replace Mr P Adams

The appointment of Mr T Barker as Substitute Member.

The appointment of Mr J Price as a Substitute Member

Health and Adult Social Care Scrutiny Committee

The appointment of Mr P Adams and Mr D Evans as full Members to replace Mrs C Motley and Mr D Minnery respectively.

Performance Management Scrutiny Committee

The appointment of Mrs C Wild as a full Member to replace Mr D Minnery

**99 MOTION**

The following motion was originally proposed by Mr A Boddington;

“Ministers are reported to be lobbying to bring planning applications for fracking within the Planning Act 2008 regime for nationally significant infrastructure projects. This would mean any application for exploration or extraction within Shropshire would be determined by a Secretary of State in Westminster on the advice of a planning inspector in Bristol.

Shropshire Council opposes any move to make decisions on shale oil and gas extraction outside our county.

The Council will write to ministers to make an unequivocal statement that it believes that decisions on planning applications for shale oil and gas extraction must be made by local planning authorities. The council will also enlist the help of county MPs to in making the council's view known to ministers.”

An amendment was put by Mr M Pate on behalf of the conservatives which was as follows;

“To delete all words after “Ministers” in the first line and to add the following wording:-

(Ministers) “are understood to be considering giving the Secretary of State powers to determine unilaterally all applications nationwide for fracking. This Council congratulates the efforts of the Administration in making sure that local planning decisions are made locally in Shropshire. The Council will also resist any attempt to give the Secretary of State powers to determine unilaterally all applications nationwide for shale oil, gas and mineral extraction. Shropshire Council believes that such a proposal would be contrary to normal democratic planning procedures and requests Shropshire’s MP’s to oppose any such changes to current practice.”

Mr Boddington was happy to accept the amendment and in doing so agreed that this was a localism issue. After some debate and on being put to the vote, the amended motion was carried with a large majority of members voting in favour.

Signed ..... (Chairman)

Date: .....