

## **COUNCIL**

### **Minutes of the meeting held on 28 February 2019**

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

**10.30 am - 1.25 pm**

**Responsible Officer:** Julie Fildes

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### **Present**

Councillor Ann Hartley and Peter Nutting (Leader)

Councillors Vince Hunt (Speaker), Steve Charmley (Deputy Leader), Peter Adams, Roy Aldcroft, Clare Aspinall, Nicholas Bardsley, Joyce Barrow, Thomas Biggins, Andy Boddington, Gwilym Butler, Dean Carroll, Lee Chapman, Ted Clarke, Steve Davenport, Julian Dean, Pauline Dee, David Evans, Roger Evans, Hannah Fraser, Rob Gittins, Nat Green, Simon Harris, Nigel Hartin, Richard Huffer, Tracey Huffer, Ioan Jones, Mark Jones, Heather Kidd, Nic Laurens, Christian Lea, Matt Lee, Robert Macey, Chris Mellings, Paul Milner, David Minnery, Dan Morris, Pamela Moseley, Alan Mosley, Peggy Mullock, William Parr, Vivienne Parry, Tony Parsons, Malcolm Pate, Alexander Phillips, Lezley Picton, Ed Potter, John Price, Keith Roberts, Madge Shingleton, Harry Taylor, Kevin Turley, David Turner, David Vasmer, Claire Wild, Brian Williams, Leslie Winwood, Michael Wood and Tina Woodward

### **79 Apologies for Absence**

Apologies for absence were received from Councillors E Bird, K Calder, G Dakin, N Hignett, R Hughes, S Jones, J Keeley, E Lynch, J Mackenzie, C Motley, R Tindall, D Tremellen and P Wynn.

### **80 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.

Councillor M Shingleton declared that she was a Trustee of Shropshire Rural Housing Association. Councillor A Phillips declared that he had shareholdings in Circle Group PLC.

### **81 Minutes**

**RESOLVED:** That subject to the addition of apologies from Councillors R Aldcroft, C Aspinall, J Barrow, P Dee, T Huffer, D Minnery, R Tindall and P Wynn to minute 59, the Minutes of the meeting held on 13<sup>th</sup> December 2018, as circulated with the agenda papers, be approved and signed as a correct record.

### **82 Announcements**

### Chairman's Engagements

The Chairman referred Members to the list of official engagements carried out by herself and the Speaker since the last meeting of the Council on 13<sup>th</sup> December 2018, which had been circulated at the meeting.

### New Year's Honours 2019

The Chairman reported that the following Shropshire residents had been awarded honours in the Queen's New Year's Honours List 2019 and advised that she had written to each of the recipients to congratulate them on their achievement:

#### **Member of the Order of the British Empire (MBE)**

##### **Miss Wendy Nicolson**

For services in nursing for children and young people. (Market Drayton)

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

##### **Mr William Bowen**

For a lifetime of involvement in volunteering in the church. (Oswestry)

##### **Mrs Joan Kerry**

For services in the community in Clun. (Craven Arms)

##### **Mr Charles Pearson**

For services to policing. (Church Stretton)

### Lord Lieutenant

The Chairman welcomed the Lord Lieutenant for Shropshire, Mrs Anna Turner JP, who was observing from the public gallery, and congratulated her on her recent appointment to the Lieutenancy.

## **83 Public Questions**

The Speaker advised that one public question had been received in accordance with revised Procedure Rules and reminded that supplementary questions were no longer permitted.

Mr Mulloy was present at the meeting and asked two questions, a verbal response was supplied. A copy of the questions and answer provided at the meeting is included with the formal record of the meeting.

## **84 Members' Allowances**

It was proposed by The Leader, Councillor P Nutting and seconded by the Deputy Leader, Councillor S Charmley, that the report of the Director of Legal and

Democratic Services on Members' Allowances, a copy of which is attached to the signed minutes and the recommendations contained therein be received and agreed.

Members noted that all Members of the Independent Remuneration Panel had resigned, and difficulties had been encountered in recruiting new Members to the panel.

**RESOLVED:** That, subject to the child and dependent carers allowance being amended to read as follows, the current Members' Allowances Scheme attached at appendix 1 be approved:

A child or dependant carers allowance of up to the current minimum wage, subject to a maximum of £2,500 per member per annum, will be paid towards the costs of child or dependants care, on evidence being supplied of the amount claimed having been incurred in employing a carer to look after a child or dependant who is a member of the councillor's family and living with the councillor and who cannot be left alone.

## 85 **Financial Strategy 2019/20 - 2023/24**

It was proposed by the Leader, Councillor P Nutting and seconded by Portfolio Holder for Finance, Councillor D Minnery that the report of the Director of Finance, Governance and Assurance on the Financial Strategy 2019/20 to 2023/24, a copy of which is attached to the signed minutes, and the recommendations contained therein be received and agreed.

Members noted a lack of information from Government on funding provision after the fourth year of the current Financial Settlement. This was accompanied by uncertainties over the impact of the Fair Funding Formula and the Comprehensive Spending Review.

Members expressed concern regarding the reduction of funding for Public Health Preventive Programmes, and that these reductions would lead to unintended consequences. In response to a Member's request The Leader agreed to write to the Secretary of State regarding concerns over mental health provision for children and young people.

In response to Members' concerns regarding the accuracy of the Financial Strategy and the Council's ability to deliver the savings detailed within it, the Portfolio Holder for Finance assured Members that the Financial Strategy would be delivered, but as with all budgets the delivery would be affected by future events which may alter details set out in the Financial Strategy. The Leader observed that the Council continued to be ambitious and that it was prudent that funds be added to reserves.

On being put to a recorded vote the proposition was carried by 40 Members voting in favour, 19 against and 1 abstention, as follows:

### FOR (40)

Cllrs Adams, Aldcroft, Aspinall, Bardsley, Barrow, Biggins, Butler, Carroll, Chapman, Charmley, Davenport, Dee, D Evans, Gittings, Harris, Hartley, Hunt, M T Jones,

Laurens, Lea, Lee, Macy, Milner, Minnery, Morris, Mullock, Nutting, Parr, Pate, Phillips, Picton, Price, Potter, Roberts, Shineton, Turner, Wild, Williams, Winwood, Woodward.

**AGAINST (19)**

Cllrs Clarke, Dean, R Evans, Fraser, Green, Hartin, R Huffer, T Huffer, I Jones, Kidd, Mellings, Moseley, Mosley, Pardy, Parry, Parsons, Taylor, Turley, Vasmer.

**ABSTAIN (1)**

Cllr Boddington

**RESOLVED:**

- i) That the 2019/20 budget of £593.080m outlined in the Budget Book at Appendix 7, including the savings proposals outlined at Appendix 4 be approved.
- ii) That the changes required to the 2019/20 budget as a result of the Provisional and Final Local Government Settlement and revised business rates and collection fund estimates be noted.
- iii) That the revised funding gap for the years 2020/21 to 2023/34 be noted.
- iv) That the continued use of the Policy for Flexibility around the use of Capital Receipts be noted.
- v) That the Statement of Chief Financial Officer on the Robustness of the Estimates and Adequacy of Reserves 2018-24 as set out in Appendix 9, noting the Council's general fund balance over this period be agreed.
- vi) That the Pay and Rewards Policy for all Council staff for 2019/20 as set out in Appendix 11 be agreed.

**86 Council Tax Resolution 2019/20**

It was proposed by the Leader, Councillor P Nutting and seconded by Portfolio Holder for Finance, Councillor D Minnery, that the report of the Director of Finance, Governance and Assurance on Council Tax Resolution 2019/20, 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 position was carried with 56 Members voting in favour, 0 against and 2 abstentions as follows:

**FOR (56)**

Cllrs Adams, Aldcroft, Aspinall, Bardsley, Barrow, Biggins, Boddington, Butler, Carroll, Chapman, Charmley, Clarke, Dee, D Evans, R Evans, H Fraser, Green, Harris, Hartley, R Huffer, T Huffer, Hunt, I Jones, M T Jones, Kidd, Laurens, Lea, Lee, Macy, Mellings, Milner, Minnery, Morris, Moseley, Mosley, Mullock, Nutting,

Pardy, Parr, Parry, Parsons, Pate, Phillips, Picton, Price, Potter, Roberts, Shineton, Taylor, Turner, Vasmer, Wild, Williams, Winwood, and Woodward.

AGAINST (0)

ABSTENTIONS (2)

Cllrs Dean and Hartin.

**RESOLVED:**

- i) That a 3.99% Council Tax rise resulting in a basic amount of council tax for a Band D property of £1,388.23 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 be approved.
- ii) 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 approved as follows:

Property Band	2019/20 Charge £
A	925.49
B	1,079.74
C	1,233.98
D	1,388.23
E	1,696.72
F	2,005.22
G	2,313.72
H	2,776.46

- iii) That a total precept of £154,426,844 be levied.
- iv) That the formal council tax resolution as set out in Appendix 1 to determine the levels of Council Tax for Shropshire Council for 2019/20 be approved.

**87 Fees and Charges for 2019/20**

Councillor N Green left the chamber.

It was proposed by the Leader Councillor P Nutting and seconded by Portfolio Holder for Finance, Councillor D Minnery that the report of the Director of Finance, Governance and Assurance, a copy of which is attached to the signed minutes, and the recommendations contained therein be received and agreed.

In response to a Member's question regarding reductions to the Minimum Income Guarantee, the Portfolio Holder for Adult Services, Health, Social Housing, Councillor L Chapman, advised that this was a means tested benefit and the adjustments made to it would not disadvantage the most vulnerable residents.

**RESOLVED:**

- i) That the breakdown of the total income for 2018/19 and 2019/20 and in particular that the proposed 2019/20 charges for discretionary services represent only £39.703m of the £79.244m of income derived from Fees and Charges be noted.
- ii) That the charges for 2019/20 as detailed in Appendix 3 to be implemented 1 April 2019, recognising that managers have proposed varying policies for 2019/20 be approved.
- iii) 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 be noted.
- iv) That subject to restrictions or exemptions identified in the Welfare Reform and Work Bill it be agreed that
  - a. Social Housing rents for 2019/20 are reduced by 1% from 1st April 2019.
  - b. Affordable rents for 2019/20 are reduced by 1% from 1st April 2019.
  - c. Shared Ownership rents continue to be set at 2.75% of the outstanding capital value of the home at the time of sale and thereafter increased each April in accordance with the terms specified in the lease agreements.
  - d. That service charges continue to be set on the basis of actual cost.

**88 Capital Strategy 2019/20 - 2023/24**

Councillor N Green returned to the Chamber.

It was proposed by the Leader, Councillor P Nutting and seconded by the Portfolio Holder for Finance, Councillor D Minnery, that the report of the Director of Finance, Governance and Assurance on the Capital Strategy 2019/20-2023/24, a copy of which is attached to the signed minutes, and the recommendations contained therein be received and agreed.

In response to a Member's question on the acquisition of LED street lighting, the Leader confirmed that an application for grant funding had been completed.

The Leader confirmed that revenue had been received from the recently purchased shopping centres in Shrewsbury which had contributed to the provision of Council Services.

**RESOLVED:**

- i) That the adoption of the Capital Strategy 2019/20 - 2023/24 as set out in Appendix 1 of the report be agreed.
- ii) That the revised Capital Programme as set out in the report and detailed at Section 7 and Appendix B to the Capital Strategy be agreed.

**89 Treasury Strategy 2019/20**

It was proposed by Portfolio Holder for Finance, Councillor D Minnery and seconded by the Leader, Councillor P Nutting that the report of the Director of Finance, Governance and Assurance on the Treasury Strategy 2019/20, a copy of which is attached to the signed minutes and the recommendations contained therein, be received and agreed.

The Portfolio Holder for Finance, Councillor D Minnery, observed that this was not an investment strategy and performance had exceeded expectations.

**RESOLVED:**

- i) That the Treasury Strategy for 2019/20 be approved.
- ii) That the Prudential Indicators, as set out in Appendix 1 of the report, be approved in accordance with the Local Government Act 2003.
- iii) That the Investment Strategy, set out in Appendix 2 of the report, be approved in accordance with the CLG Guidance on Local Government Investments.
- iv) That the Minimum Revenue Provision (MRP) Policy Statement, as set out in Appendix 3 of the report, be approved.
- v) 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.
- vi) That the Section 151 Officer be authorised to use other Foreign Banks which meet Link's creditworthiness policy as required.

**90 Financial Rules Update**

It was proposed by the Portfolio Holder for Finance, Councillor D Minnery and seconded by the Leader, Councillor P Nutting that the report of the Director of Finance, Governance and Assurance on the Financial Rules Update, a copy of which is attached to the signed Minutes and the recommendations contained therein be received and agreed.

**RESOLVED:** That the adjustments to the Financial Rules as set out in Appendix A of the report be endorsed.

**91 Shropshire Council Corporate Peer Challenge Action Plan**

It was proposed by the Leader, Councillor P Nutting and seconded by the Deputy Leader, Councillor S Charmley, that the report of the Chief Executive on the Shropshire Council Corporate Peer Challenge Action Plan, a copy of which is attached to the signed minutes, and the recommendations contained therein be received and agreed.

In response to a Member's question, the Leader confirmed that Group Leaders would be invited to attend the review visit by the Inspectors, anticipated for September 2019.

**RESOLVED:**

- i) That the Corporate Peer Challenge action plan be endorsed; and
- ii) That the Performance Management Scrutiny Committee monitor progress of the delivery of the action plan.

**92 Addressing Unmet Housing Need - Outline Business Case to Establish a Wholly Owned Local Housing Company**

It was proposed by the Portfolio Holder for Planning and Housing Development, Councillor R Macy and seconded by the Deputy Portfolio Holder for Housing, Councillor D Carroll, that the report of the Director of Place on Addressing Unmet Housing Need – Establishment of a Wholly Owned Local Housing Company, a copy of which is attached to the signed minutes and the recommendations contained therein be received and agreed.

Members noted the work of the Housing Need Task and Finish Group.

Areas highlighted by Members included the need for rural affordable housing; the importance of accurate data when assessing housing need; the need for partnership working with larger landowners and town/parish councils; and concerns over delays in delivery caused by the planning process. The Portfolio Holder for Planning and Housing Development reassured Members that these issues had been considered.

In response to a Member's question the Portfolio Holder for Planning and Housing Development confirmed the intention to favour local companies where appropriate.

**RESOLVED:**

- i) That the Business Case (Appendix B) to establish a Local Housing Company as a wholly owned Company Limited by Shares be approved.



- ii) That a sub-committee known as the Housing Supervisory Board with a politically balanced membership comprising nine Elected Members be established and delegate its functions as the Shareholder in the Local Housing Company to the Housing Supervisory Board in order to provide oversight of the company's actions and performance on behalf of the Council as sole shareholder and delegate authority to the Executive Director of Place, in consultation with the Portfolio Holder for Planning & Housing Development, to draw up the terms of reference of the sub-committee in accordance with the governance arrangements set out in the report.
- iii) That the Executive Director of Place, in consultation with the Director of Legal & Democratic Services; Director of Finance, Governance & Assurance; and Portfolio Holder for Planning and Housing Development, be authorised to determine and approve the appropriate Articles of Association for the company, the Shareholder Agreement between the Council and the company, the Reserved Matters, registration with Companies House, detailed Council governance structures in accordance with the governance arrangements laid out in this report and other such matters and agreements as required, to enable the establishment and ongoing operation of the Local Housing Company.
- iv) That the Chief Executive in consultation with the Executive Director of Place, Director of Legal & Democratic Services and Portfolio Holder for Planning & Housing Development, be authorised to appoint the Directors of the Local Housing Company to include an external recruitment and employment by the Council if required.
- v) That the Director of Legal and Democratic Services be authorised to sign, on the Council's behalf, any documents and resolutions to implement the recommendations approved by Council.
- vi) That the naming and branding of the Local Housing Company be delegated to the Executive Director of Place in consultation with the Portfolio Holder for Planning & Housing Development.
- vii) That the Business Plan (Appendix C) modelling two initial development sites noting that detailed Development Appraisals, funding arrangements and land transfers will be the subject of separate reports to enable the Local Housing Company to develop houses on Council owned land be approved.
- viii) That an initial unsecured loan of £250,000 to the Local Housing Company be authorised to provide funding for operating and set up costs, with authority delegated to the Director of Finance, Governance & Assurance to agree the terms of the loan in consultation with the Executive Director of Place.

### **93 Annual Report of the Health and Adult Social Care Overview and Scrutiny Committee**

It was proposed by Councillor M Shingleton, Vice Chair of the Health and Adult Social Care Overview and Scrutiny Committee, and seconded by Councillor C Wild, that the Annual Report of the Health and Adult Social Care Overview and Scrutiny

Committee, a copy of which is attached to the signed Minutes be received and agreed.

Councillor M Shingleton presented the report and outlined the work undertaken by the Committee.

The Portfolio Holder for Adult Services, Health and Social Housing, Councillor L Chapman, thanked the Committee for the vast amount of work they had completed.

**RESOLVED:**

That the Annual Report of the Health and Adult Social Care Overview and Scrutiny Committee be noted and approved.

**94 Portfolio Holder Report for Corporate Plan, Financial Strategy and Risk Management**

It was proposed by the Leader, Councillor P Nutting, Portfolio Holder for Corporate Plan, Financial Strategy and Risk Management, and seconded by the Deputy Leader, S Charmley, that the Annual Report, a copy of which is attached to the signed minutes be received.

**RESOLVED:**

That the content of the Annual Report for Corporate Plan, Financial Strategy and Risk Management be noted and approved.

**95 Appointments to Committees**

It was proposed by the Speaker, Councillor V Hunt, and seconded by the Chairman, Councillor A Hartley, that the changes to committee memberships be considered and agreed.

**RESOLVED:**

Health and Adult Social Care Overview and Scrutiny Committee

Councillor J Mackenzie replaces Councillor P Moseley as a full Member of the Committee.

Councillor P Moseley replaces Councillor J Mackenzie as a substitute Member of Committee.

Performance Management Scrutiny Committee

Councillor J Barrow replaces Councillor G Butler as a full Member of the Committee.

Place Overview Committee

Councillor J Barrow replaces Councillor G Butler as a full Member of the Committee.

People Overview Committee

Councillor D Vasmer replaces Councillor H Fraser as a full Member of the Committee.

Councillor R Evans replaces Councillor D Vasmer a substitute Member of the Committee.

#### South Planning Committee

Councillor C Motley replaces Councillor G Butler as a full Member of the Committee.  
Councillor G Butler replaces Councillor C Motley as a substitute Member of the Committee.

#### Strategic Licensing Committee

Councillor C Aspinall replaces Councillor E Lynch as a full Member of the Committee.  
Councillor E Lynch replaces Councillor C Aspinall as a substitute Member of the Committee.  
Councillor P Moseley replaces Councillor H Taylor as a full Member of the Committee.  
Councillor H Taylor replaces Councillor P Moseley as a substitute Member of the Committee.

## 96 **Motions**

### Notice of Motion 1

The following motion has been received from Councillor Andy Boddington and supported by Councillors Roger Evans, Chris Mellings and Tracey Huffer.

The recent government recently announced a Future High Streets. After discussions within councils and with MHCLG, it became clear that most rural market towns are unlikely to benefit from the scheme. This is not because these towns are thriving. Many are struggling. But the criteria issued by MHCLG tips applications towards failed town centres in larger towns and cities.

The Future High Streets fund has nevertheless created a desire for public sector intervention to boost and maintain the viability of high streets across Shropshire. Even those high streets that are currently regarded as successful could decline quickly in the face of challenges of online shopping and, should one occur, a recession.

Every market town in Shropshire has different needs. Some have derelict buildings. In others, the quality of the public realm is poor. Several need to improve sustainable transport infrastructure to increase footfall.

This motion instructs the council leader to appoint a task and finish group with the following terms of reference:

To examine the case for and feasibility of a market towns vitalisation fund for Shropshire.

To identify the level of budget required to meet identified need, using finance from capital reserves or borrowing as appropriate.

To ensure the fund is open to all towns and large villages in the unitary area that have a recognisable high street, not just those considered to be a market town in planning policy.

To report back to cabinet and council in May 2019.

The Leader, Councillor P Nutting observed that while he supported the sentiment of the Motion, its ambitions were already being undertaken by the Portfolio Holder for Community and Place Planning.

**RESOLVED:**

That the Notice of Motion be not supported.

Notice of Motion 2

The following motion has been received from Councillor Heather Kidd and supported by Councillors Chris Mellings, David Vasmer, Roger Evans, Nigel Hartin and Andy Boddington.

This council instructs the chief executive to make the following changes to planning procedures to ensure that the council maintains best practice in decision-making, openness and transparency:

If the town/parish council and the local member both object or support an application, stating material planning considerations, the application should be automatically referred to the appropriate planning committee if it differs to the planning officers' recommendation.

Call ins by members should be formally recorded on the planning portal.

Where the town/parish council and local member disagree, officers must give five working days' notice to the local member before the application is considered by the chair and vice chair of the planning committee to allow comment. The member should receive the planning officer report at the same time.

Notes on that decision should be sent to the local member.

**RESOLVED:**

That the Notice of Motion be not supported.

**97 Questions from Members**

The Speaker advised that one question had been received in accordance with Procedure Rule 15. A copy of the report containing the detailed question, its formal response is attached to the signed minutes.

Received from Councillor N Laurens and answered by Councillor N Bardsley, the Portfolio Holder for Children and Young People, in relation to Secondary School League Tables for Performance.

**98 Report of the Shropshire and Wrekin Fire and Rescue Authority**

It was proposed by Councillor K Roberts and seconded Councillor Peter Adams that the report of the Shropshire and Wrekin Fire and Rescue Authority, a copy of which is attached to the signed minutes, be received and noted.

**RESOLVED:** That the report of the Shropshire and Wrekin Fire and Rescue Authority be noted.

**99 Exclusion of the Public and Press**

**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 from the meeting during consideration of the following item.

**100 Growth of Residential Children's Services for Shropshire Council**

It was proposed by the Portfolio Holder for Children and Young People, Councillor N Bardsley and seconded by the Deputy Portfolio Holder for Education, Councillor E Potter, that the confidential report from the Director of Children's Services on the Growth of Residential Children's Service for Shropshire Council, which is attached to the signed minutes, and the recommendations contained therein be received and agreed.

**RESOLVED:**

That the four exempt recommendations be approved as detailed in the exempt report.

Signed ..... (Chairman)

Date: .....