



## Committee and Date

Council

15 December 2016

## COUNCIL

### Minutes of the meeting held on 22 September 2016

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

10.00 am - 3.10 pm

**Responsible Officer:** Karen Nixon

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

### Present

Councillors Ann Hartley and Malcolm Pate (Leader)

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

## 30 APOLOGIES FOR ABSENCE

The Chief Executive reported that apologies for absence had been received from Mr N Bardsley, Mr T Barker, Mr T Bebb, Mr T Biggins, Mr V Bushell, Mr P Cherrington, Dr J Jones, Ms A Liebich and Mr M Price.

## 31 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.

## 32 MINUTES

Subject to it being agreed that under Minute 19, 'Draft Shropshire Council Corporate Plan 2016/17 to 2018/19', it was agreed that this should include d). That Climate Change would be included within the Corporate Plan, it was

**RESOLVED:** That the Minutes of the meeting held on 21 July 2016, as circulated with the agenda papers, be approved and signed as a correct record.

### 33 ANNOUNCEMENTS

#### 33.1 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 21 July 2016, which had been circulated at the meeting.

#### 33.2 Professor The Lord Rees of Ludlow, Astronomer Royal

Formal congratulations were made to the Professor The Lord Rees of Ludlow, Astronomer Royal, on the bestowal of an Honorary Doctorate of Science by Harvard University on 26 May 2016.

### 34 PUBLIC QUESTIONS

#### Petitions

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

- a) Mr Alan James, Branch Secretary, Shropshire Unison – this petition actively pursued the '5.4% Campaign' to return the lost 5.4% pay back into employee's salaries.

Mr James stated that in June 2011 Shropshire Council staff reluctantly accepted a 5.4% pay cut which was intended to be for a short time-limited period. In fairness, he said the reduction was actually 4% due to Unison negotiating a cut in the original figure of 1.4%. To date, this reduction has not been re-instated and the campaign proposed two parts; firstly to get the Council to debate this and vote to honour their original decision to restore Shropshire staff's pay grades in line with the national frameworks and secondly for Council to open negotiations with Unison as to how this pay parity could be achieved in a sensible and manageable way. The original pay cut had been staged over two years and Unison's view was that it would not be unreasonable for any amendment to be rectified in the same manner; staged over two years across all pay grades.

The Campaign was not about greed and avarice it was about fairness, respect and recognition.

A debate ensued with the following members speaking in full support of the petition; Mr R Evans, Mr A Mosley, Mr D Kerr and Mrs M Shineton. In formally responding to the petition, the Leader, Mr M Pate confirmed that yes, staff were the biggest asset in Shropshire Council and were very much appreciated. However, the reality was that the revenue budget situation was worse now than it had been in the past and this was not the right time to take such action. This was regrettable and Mr

Pate did not rule it out in the future, but in being realistic, he said the formal response he was recommending as Leader would be to 'take no further action'.

A recorded vote was requested and duly agreed. The result was as follows;

FOR (39): P Adams, J Barrow, G Butler, J Cadwallader, K Calder, D Carroll, L Chapman, S Charmley, G Dakin, S Davenport, A Davies, J Everall, A Hartley, R Hughes, V Hunt, J Hurst-Knight, S Jones, N Laurens C Lea, David Lloyd, R Macey, D Minnery, C Motley, P Mullock, P Nutting, W Parr, M Pate, J Price, K Roberts, R Tindall, D Turner, A Walpole, S West, C Wild, B Williams, L Winwood, M Wood, T Woodward and P Wynn.

AGAINST (23): A Bannerman, A Boddington, A Chebsey, T Clarke, P Dee, R Evans, H Fraser, N Hartin, R Huffer, T Huffer, J Keeley, M Kenny, D Kerr, H Kidd, J Mackenzie, P Moseley, A Mosley, K Pardy, V Parry, M Shineton, J Tandy, D Tremellen and K Turley.

NO ABSTENTIONS.

It was therefore agreed by the majority, to take no further action in respect of this petition.

- b) Mr Peter Norman, Ludlow - this petition urged Shropshire Council to continue financing services for young people provided by Ludlow Foyer at the current level during 2017/18 and subsequent financial years. (On the day, Mr Mike Beazley spoke on the petition in place of Mr Norman who was unable to attend due to a clash of commitments).

Mr Beazley urged the Council to continue to fund the vital services for young people provided by the Ludlow Foyer at the current level during 2017/18 and in subsequent financial years. He explained that the Foyer in the Old Marston's Mill building in Ludlow provided 15 bed spaces in single rooms, communal facilities and a programme of support and training for very vulnerable young people aged 16 to 25. Five full time members of staff and an external concierge service provided 7 day a week, 24 hour cover under a contract with the Council. From April 2017, Ludlow Foyer would be one of only two facilities offering bed spaces to young homeless people in Shropshire.

The Supporting People grant from the Council was £102,000 a year and was due to end in March 2017. The grant covered the statutory requirement for preventive services for under 18's, and intensive support for vulnerable 18 to 25 year olds. Funding came from the Adult Services budget and it was understood that cuts to this budget were currently being considered, with final decisions being made later in September. Mr Beazley stressed that if the £102,000 grant to the Foyer was not renewed in full, the Foyer service would no longer be viable.

A debate ensued with the following members speaking strongly in support of the petition; Cllrs A Boddington, P Dee, A Moseley, A Chebsey and H Kidd.

In response the Portfolio Holder for Adults, Mr L Chapman, welcomed the petition and the opportunity it afforded everyone for a good debate on the Ludlow Foyer. He confirmed that a partnership approach had been undertaken early on to consider all aspects of funding. In addition the Performance Management Scrutiny Committee had looked at this and the Portfolio Holder was confident of cuts not having to be made. The Financial Strategy 2017/18 to 2019/20 was due to be considered by Cabinet on the 28 September 2016 and subject to its approval he said he was confident that the proposed cuts for 2017/18 would not take place. Therefore for those reasons, he proposed to 'take no further action' in respect of this petition. This was duly agreed by the majority.

*Cllr C Mellings declared a Disclosable Pecuniary Interest in both petitions and duly left the room and took no part in the debates when the petitions were being considered.*

### Public Questions

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

- (i) Received from Mr D Sandbach regarding support of the Enable initiative.

By way of a supplementary question Mr Sandbach asked if Council members thought the CCG had 'stabbed service personnel in the back' because the CCG was unable to properly account for the £4.5 million of its expenditure in the last financial year and did it think the time had now come to set up a working party to consider taking over the local management of the NHS on behalf of the Secretary of State for Health?

In response the Portfolio Holder for Health said she understood Mr Sandbach's frustration. There was definitely the need for a whole systems approach and she urged the Chief Executive to approach CCG colleagues to discuss a whole system approach in more detail.

- (ii) Received from Ms E Bullard regarding current mileage rates paid for staff travel by bicycle and encouraging reduced carbon emissions.

There was no supplementary question.

## **35 REPORT OF THE PORTFOLIO HOLDER FOR CHILDREN'S SERVICES**

It was proposed by Mr D Minnery, Portfolio Holder for Children's Service, and seconded by Mr S Davenport that the report, a copy of which is attached to the signed minutes be received.

Mr Minnery presented and amplified his report and responded to the questions, queries and concerns raised by Members, including Mr A Mosley, Mr M Kenny, Mrs

H Fraser, Mr A Bannerman, Mrs V Parry, Mr D Kerr, Mr R Evans, Mrs K Calder and Mr S Davenport.

In conclusion, he expressed his sincere thanks to Mr N Bardsley for his valuable contribution as Deputy to the Children's Service and also thanked officers for their hard work and continued commitment.

**RESOLVED:** That the contents of the report of the Portfolio Holder for Children's Service be received.

### 36 **ANNUAL REPORT 2015/16 OF THE YOUNG PEOPLE'S SCRUTINY COMMITTEE**

It was proposed by Mrs J Barrow, Chair of the Young People's Scrutiny Committee, and seconded by Mrs P Mullock that the Annual Report 2015/16, a copy of which is attached to the signed minutes, be received and agreed.

Mrs Barrow presented her report, a copy of which is attached to the signed minutes. She thanked all those people who had been involved in the work of this Scrutiny Committee including Cllrs A Hartley, D Minnery, N Bardsley and P Mullock, for their valuable contributions.

**RESOLVED:** That the contents of the Annual Report of the Young People's Scrutiny Committee 2015/16 be received.

### 37 **PORTFOLIO HOLDER ANNUAL REPORT FOR PLANNING, HOUSING, REGULATORY SERVICES AND ENVIRONMENT**

**RESOLVED:** That in the Portfolio Holder's absence, this item be deferred to the 15<sup>th</sup> December 2016 Council meeting.

### 38 **PORTFOLIO HOLDER REPORT FOR HIGHWAYS AND TRANSPORT**

It was proposed by Mr S Jones, Portfolio Holder for Highways and Transport, and seconded by Mr P Adams that the report, a copy of which is attached to the signed minutes be received.

Mr Jones presented his report, a copy of which is attached to the signed minutes, on undertaking his responsibilities as Portfolio Holder for Highways and Transport. The report set out what had been achieved so far and the direction for the future. In amplifying his report Mr Jones responded to the questions, queries and concerns raised by Members, including Mrs P Dee, Mr M Kenny, Mrs M Shingleton, Mrs V Parry, Mr A Bannerman, Mrs J Barrow, Mr R Evans and Mr P Adams.

In conclusion, he expressed his thanks to officers for their hard work, but in particular to the Passenger Transport Team for their excellent work and commitment, following a local transport company folding.

**RESOLVED:** That the contents of the report by the Portfolio Holder for Highways and Transport be received.

### 39 **PORTFOLIO HOLDER REPORT FOR CULTURE AND LEISURE**

Mr S West presented his report, a copy of which is attached to the signed minutes, on undertaking his responsibilities as Portfolio Holder for Culture and Leisure. Mr West amplified the report and responded to questions, queries and concerns raised by Members, including Mr A Bannerman, Mrs V Parry, Mrs H Fraser, Mrs P Dee Mr R Evans, Mr K Pardy, Mr A Mosley and Mrs C Motley. Special thanks were also conveyed to Mr George Candler by Mr West.

At page 12, it was noted that Wem Library closed at 5.00pm on Tuesday and Thursdays (not Wednesdays as printed).

**RESOLVED:** That subject to the foregoing, the contents of the report by the Portfolio Holder for Culture and Leisure be received.

### 40 **ANNUAL REPORT 2015/16 OF THE ENVIRONMENT & SERVICES SCRUTINY COMMITTEE**

Mr V Hunt presented a report, a copy of which is attached to the signed minutes, which gave an overview of the work of the Environment and Services Scrutiny Committee during 2015-16, its plans for the forthcoming year and its achievements in providing positive outcomes for local people.

**RESOLVED:** That the contents of the Annual Report 2015-2016 of the Environment and Services Scrutiny Committee be received.

### 41 **REPORT OF THE INDEPENDENT REMUNERATION PANEL**

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

An amendment was moved by Mr M Kenny and seconded by Mr R Evans that all Scrutiny Chairman's Special Responsibility Allowances should be reduced by 50% and the savings (£14,392.50) be used to resolve issues within the Youth Service.

In the light of this amendment the following members declared a conflict of interest and duly left the room whilst the item was being discussed; Councillors A Mosley, J Tandy, M Shingleton, P Dee, P Moseley, V Hunt and K Pardy.

When put to the vote this amendment was lost with the majority voting against.

In debating the report of the Independent Remuneration Panel (IRP) Mr R Tindall specifically asked for the views of Deputy Portfolio Holders to be taken account of in future.

Mr D Kerr highlighted that he had not been invited to the last IRP meeting as Leader of the Green Party, which Mr Pate apologised for.

**RESOLVED:**

- (a) That the Special Responsibility Allowance paid to the Scrutiny Chairman be continued at its present level on the basis that further changes are expected to be made to the existing Scrutiny Committee structure following the establishment of the next administration in 2017 and implemented later that year.
- (b) That although a 1% increase to the basic allowance to Members - which reflects that given to local authority staff - would seem to be appropriate, no increase in basic allowance should be implemented until it can be funded by a simplification of the current SRA structure as part of a thorough review.
- (c) That, following the establishment of the next administration in 2017, a thorough review should be undertaken at the earliest possible opportunity thereafter and that it should address the specific items mentioned previously but should also look more broadly at the allowances structure with a view to their continued relevance, utility and appropriateness.
- (d) That, as part of the above-mentioned review, consideration be given to:
  - The adoption of a slimmer, simplified approach to Special Responsibility Allowances
  - In so far as it possible and aligned to the previous point, seeking to reduce the size of the overall allowances budget whilst at the same time, recognising appropriately the contribution of members
  - The Scrutiny Function being restructured and simplified such that it better reflects the work that it needs to do in holding the administration to account and the work done by those involved is recognised appropriately.

**42 COUNCIL TAX, BUSINESS RATES AND HOUSING BENEFIT OVERPAYMENT DEBT COLLECTION POLICY**

It was proposed by Mr M Pate, and seconded by Mr L Chapman, that the report (including an Addendum), a copy of which is attached to the signed minutes and the recommendations contained therein, be received and agreed.

**RESOLVED:**

- a) That the Council Policy for Debt Collection of Council Tax, Business rates and Housing Benefit Overpayment set out in Appendix A be approved.

- b) That the Council Policy for Debt Collection of Council Tax, Business Rates and Housing Benefit Overpayment be reviewed every three years.

#### 43 **AUDITED STATEMENT OF ACCOUNTS 2015/16**

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

The Portfolio holder invited members with detailed questions to see him after the meeting.

**RESOLVED:**

- a) That 2015/16 Statement of Accounts be approved and that the Chairman of the Council signs them (in accordance with the requirements of the Accounts and Audit Regulations 2015).
- b) That the Head of Finance, Governance and Assurance be authorised to make any minor adjustments to the Statement of Accounts prior to the 30<sup>th</sup> September 2016.
- c) That the Head of Finance, Governance and Assurance and the Chairman of the Audit Committee sign the letter of representation in relation to the financial statements on behalf of the Council and send to the External Auditor.

#### 44 **ANNUAL TREASURY REPORT 2015/16**

It was proposed by 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.

**RESOLVED UNANIMOUSLY:** That the position as set out in the Annual Treasury report 2015/16 of the Head of Finance, Governance and Assurance be approved.

#### 45 **COMMUNITY GOVERNANCE REVIEWS**

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

**RESOLVED:** That the recommendations of the Community Governance Working Party (as detailed within the report) in respect of the following parishes be approved:

- Abdon and Heath
- Adderley, Market Drayton and Moreton Say
- Albrighton



- Wem Rural, and
- Wroxeter and Uppington.

#### 46 **ADOPTION OF THE UNDERDALE, MONKMOOR AND ABBEY (UMACC) COMMUNITY LED PLAN**

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

**RESOLVED:** That Policies R1-5; SC1-2; SCL1; TP1 and 5; HCD1 and 3-7; HBA1-3 and 5; GS1-4; and GA1-6 of the Underdale, Monkmoor and Abbey (UMACC) Community Led Plan (pages 21-28 of Appendix 1) be adopted as material considerations for the purpose of development management decisions by the Council in its role as Local Planning Authority.

#### 47 **MOTIONS**

47.1 The following motion was proposed by Mr A Boddington and duly seconded by Mr R Evans:

“In March, the Communities Department published its final Statutory Guidance on the Flexible Use of Capital Receipts. This guidance will allow Shropshire Council to use capital receipts for service transformation from 1 April 2016 to 31 March 2019. The guidance states:

*Qualifying expenditure is expenditure on any project that is designed to generate ongoing revenue savings in the delivery of public services and/or transform service delivery to reduce costs and/or transform service delivery in a way that reduces costs or demand for services in future years for any of the public sector delivery partners. Within this definition, it is for individual local authorities to decide whether or not a project qualifies for the flexibility.*

This Council requires that Shropshire Council allocates a proportion of income from future capital sales to the County’s Town and Parish Councils to support their contribution to transforming service delivery.’

Mr M Pate proposed an amendment, which was seconded by Mrs C Motley, to amend the motion to read as follows;

“In March, the Communities Department published its final Statutory Guidance on the Flexible Use of Capital Receipts. This guidance will allow Shropshire Council to use capital receipts for service transformation from 1 April 2016 to 31 March 2019.

The Council therefore congratulates the Conservative Administration on its careful use of Capital Receipts to support the revenue budget to protect services. The Council also congratulates those Parish and Town Councils who are working in partnership with the Council to continue delivering community services.”

After debate and on being put to the vote, the amendment to the motion was agreed with the majority voting in favour. The substantive motion was then put and was duly carried.

47.2 The following motion was proposed by Mrs V Parry and duly seconded by Mr R Evans:

“The Council instructs the Chief Executive to write to the Government asking it to ensure fair transitional arrangements for all women born on or after 6th April 1951. This cohort has unfairly borne the burden of the increase to the State Pension Age (SPA). Hundreds of thousands of women have had significant changes imposed on them with a lack of appropriate notification after the 1995 Conservative Government’s Pension Act included plans to increase women’s SPA to 65, the same as for men. Retirement plans for thousands of women have been shattered as a result with devastating consequences.’

Mr M Pate proposed an amendment, which was seconded by Mr S Jones, to amend the motion to read as follows;

“The Council instructs the Chief Executive to write to the Government asking it to ensure fair transitional arrangements for all women born on or after 6th April 1951. The Council welcomes the sense of equality in bringing women’s pension age level equal with men’s”.

Mrs V Parry then moved a further amendment to her original motion which was seconded by Mr R Evans as follows;

“This Council regrets the lack of notice imposed on a number of our residents by the application of the recent Pensions Act”

On being put to the vote this amendment was lost, with the majority voting against.

Mr Pate’s amendment then became the substantive motion and was carried with the majority voting in favour.

47.3 The following motion was proposed by Mr R Evans and duly seconded by Mr M Kenny:

“This Council notes the recent announcement by the Government to postpone the 6% cut to Community Pharmacy Funding from October 2016. This would, if implemented, have resulted in a reduction of £170m to a much needed and valued service.

The LGA on behalf of its 370 councils warned that implementing the cut would put many at risk of going out of business and so pull the plug on a vital lifeline for many

elderly and vulnerable patients. Any reduction in Pharmacies would also impact adversely on our NHS and our hard-pressed GP Surgeries.

This Council requests the Chief Executive to write to the Prime Minister and all our MPs asking them to make this postponement a permanent one and so maintain the budget at its present level. As the largest inland rural county, many of our small communities would be adversely affected by the closure of any of the present Pharmacies.'

An amendment was proposed by the Conservatives which read as follows;

"This Council welcomes the recent announcement by the Government to cancel the 6% cut to Community Pharmacy Funding from October 2016.

The Council supports the Local Government Association in its efforts in this matter and requests that the Chief Executive write to the Prime Minister and all our MPs asking them to make this postponement permanent."

On being put to the vote this amendment was agreed unanimously.

#### 48 **REPORT OF THE SHROPSHIRE AND WREKIN FIRE & RESCUE AUTHORITY**

It was proposed by Mr S West and seconded by Mr L Chapman 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 subject to the foregoing the report of the Shropshire and Wrekin Fire and Rescue Authority be noted.

#### 49 **QUESTIONS FROM MEMBERS**

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

- (i) Received from Mr D Roberts and answered by Mr M Price, Portfolio Holder for Planning, Housing, Regulatory Services and Environment about licensing practices for appellants.

There was no supplementary question.

- (ii) Received from Mr D Kerr and answered by Mr R Tindall, Deputy Cabinet Member for Estates and Built Assets about notice for smallholding tenancies.

There was no supplementary question.

- (iii) Received from Mr D Kerr and answered by Mrs K Calder, Portfolio Holder for Health about the 'White Ribbon' standard.

By way of a supplementary question Mr Kerr asked why the Council had not met this standard yet and whether or not it would be seeking accreditation in the future.

In response the Portfolio Holder confirmed that Shropshire Council was currently reviewing this to see what was required.

- (iv) Received from Mr M Kenny and answered by Mr S Jones, Portfolio Holder for Highways and Transport about the Sustainable Travel Access Fund.

By way of a supplementary question Mr Kenny asked why the Council was not applying for capital funding for the cycling and walking network.

In response the Portfolio Holder confirmed that his response was already contained within the written response.

- (v) Received from Mr M Kenny and answered by the Leader, Mr M Pate, about the cost of refurbishing the West Wing and who was using this space.

There was no supplementary question.

- (vi) Received from Mr R Evans and answered by Mr M Price, Portfolio Holder for Planning, Housing, Regulatory Services and Environment about the Ludlow Foyer and how it will continue to be financed.

By way of a supplementary question Mr Evans asked if the Portfolio Holder could give an assurance that no cuts would be made to the Foyer and that it would continue to be funded.

The Portfolio Holder was not present at the meeting and therefore this would be conveyed to Mr Price, so that he could let Mr Evans have a reply after the meeting.

## 50 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 item.

## 51 SHROPSHIRE COUNCIL SMALLHOLDING ESTATE (Exempted by Categories 1 & 3)

The Council received an exempt report by the Head of Business Enterprise and Commercial Services, a copy of which is attached to the signed minutes, which gave an update on the Shropshire Council Smallholdings Estate.

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

Signed ..... (Chairman)

Date: .....