



Committee and Date

Council

19 December 2019

COUNCIL

Minutes of the meeting held on 19 September 2019

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

10.00 am

Responsible Officer: Amanda Holyoak

Email: Amanda.holyoak@shropshire.gov.uk Tel: 01743 257714

Present

Councillors Peter Nutting (Leader)

Councillors Vince Hunt (Speaker), Steve Charmley (Deputy Leader), Peter Adams, Roy Aldcroft, Nicholas Bardsley, Joyce Barrow, Thomas Biggins, Ed Bird, Andy Boddington, Gwendoline Burgess, Gwilym Butler, Karen Calder, Dean Carroll, Lee Chapman, Ted Clarke, Julian Dean, David Evans, Roger Evans, Hannah Fraser, Rob Gittins, Nat Green, Kate Halliday, Simon Harris, Nigel Hartin, Nick Hignett, Ruth Houghton, Richard Huffer, Ioan Jones, Simon Jones, Mark Jones, Heather Kidd, Christian Lea, Robert Macey, Chris Mellings, Paul Milner, Dan Morris, Pamela Moseley, Alan Mosley, Cecilia Motley, Kevin Pardy, William Parr, Vivienne Parry, Malcolm Pate, Alexander Phillips, Lezley Picton, Ed Potter, John Price, Keith Roberts, Robert Tindall, Dave Tremellen, Kevin Turley, David Turner, David Vasmer, Claire Wild, Brian Williams, Leslie Winwood, Tina Woodward and Paul Wynn

40 Apologies for Absence

Apologies for absence were received from Councillors Gerald Dakin, Steve Davenport, Pauline Dee, Ann Hartley, Tracey Huffer, Roger Hughes, Matt Lee, Jane Mackenzie, David Minnery, Peggy Mullock, Tony Parsons, Madge Shingleton and Michael Wood.

41 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.

The Leader of the Council said that he would not take any part in discussion or voting and would leave the room for agenda item 8 – New School Provision in West Shrewsbury – as a member of his family lived close to the site of the proposed new school.

The following Members had a prejudicial interest in Motion 5 in relation to the Private Rental Market and left the room during the discussion and voting on this Motion:

Councillors: T Biggins; D Carroll; E Bird; G Butler; L Chapman; R Gittins; N Green; N Hignett; R Houghton; M Jones; P Milner; D Morris; C Motley; W Parr; A Phillips; L Picton; E Potter; J Price; R Tindall; C Wild;

Councillor A Phillips also left the room during discussion and voting on this Motion.

42 Minutes

It was proposed by the Speaker and seconded by the Leader and

RESOLVED: That the Minutes of the meeting held on 25 July 2019, as circulated with the agenda papers, be approved and signed as a correct record.

43 Announcements

Chairman's Engagements

The Speaker referred Members to the list of official engagements carried out by himself and the Chairman since the last meeting of the Council on 25th July 2019, as circulated at the meeting.

44 Public Questions

Petitions

The Speaker advised that a petition, bearing over 1000 signatures has been received from Mr D L Cheese requesting a debate under the Council's Petition Scheme on the closure of the Whitehall Medical Practice, Shrewsbury.

Mr Cheese was given 5 minutes to open the debate and outline his case, which was briefly as follows; the Whitehall Medical Practice which was due to close was very much needed, particularly in the light of all the houses being built locally. The Practice was a popular one and rated as good by the CQC. Patients at Whitehall had been experiencing difficulties securing another practice close by and the nearest practices could not cope with an influx of patients, vulnerable people had needed to queue up outside the nearest GP surgery to try and secure a place. It appeared the future was going in the direction of 'super practices' and the one in Shrewsbury had recently been rated as inadequate.

During the ensuing debate, some members expressed concern that elderly and vulnerable patients may now have to travel further distances to access a doctor. They felt that the Council should take some action about this and work closely with the CCG in decision regarding location of services. Concern was also expressed around the communication around the closure

In making his reply, the Portfolio Holder, Councillor Dean Carroll, replied for the Council said that he had looked into this issue on a number of occasions, and had met with the Chair and a Director of the CCG along with the Director of Public Health. The issue not within the gift of the Council, the CCG was the commissioner and ultimate decision maker. The Council understood that there was capacity on the lists of surrounding practices, none of which had contracted their boundaries as had been suggested. This was not a decision the Council was able to influence and therefore he reported that no further action be taken in response to the petition.

The Chair of the Health and Adult Social Care Overview and Scrutiny Committee confirmed that the Committee had held a special meeting on this 23 August 2019 and had requested an item on future GP provision by the CCG for its 18 November 2019 meeting.

Public Questions

The Speaker advised that four public questions had been received from Miss Lawrence, Mr Kearns, Mr Piggot and Mr Wilson. Mr Kearns, Mr Piggot and Mr Wilson were present at the meeting and received answers to their questions from the respective Portfolio Holders.

It was noted that a copy of all the questions and answers would be included with the formal record of the meeting, would be circulated to those who had posed the questions and made available on the website.

45 Returning Officer's Report - Meole Electoral Division

It was proposed by the Speaker, Councillor V Hunt, and seconded by the Leader, Councillor P Nutting that the report be received and noted.

RESOLVED:

That the contents of the Returning Officer's report be noted that on 15 August 2019 Gwendoline Laura Burgess was elected as Councillor to represent the Meole Electoral Division.

46 Returning Officer's Report - Bishops Castle Electoral Division

It was proposed by the Speaker, Councillor V Hunt, and seconded by the Leader, Councillor P Nutting that the report be received and noted.

RESOLVED:

That the contents of the Returning Officer's report be noted that Ruth Margaret Houghton was elected as Councillor to represent the Bishop's Castle Division.

47 New School Provision in West Shrewsbury

It was proposed by the Portfolio Holder for Children's Services, Councillor E Potter, and seconded by Councillor K Roberts that the report of the Director of Children's Services, a copy of which is attached to the signed minutes, and the recommendations contained therein be received and agreed.

During discussion Members expressed support for the proposed development. The Portfolio Holder was asked to provide update reports at regular intervals for Members and he agreed to do this as required. He also provided reassurance that construction would be to the highest possible standards.

RESOLVED:

That

- i) Two new schools be constructed on the community land at Bowbrook so as to enable the activation of Clause 7 of the Third Schedule of the S106 Agreement and the respective leases be approved, as set out in this report.
- ii) The construction of the special school be managed using the self-delivery model as set out in this report.
- iii) The procurement and construction of the mainstream school be managed as set out within this report in conjunction with the delivery of the special school.
- iv) The Executive Director of Children's Services be granted delegated authority to deliver the recommendations as set out above in consultation with the Portfolio Holder for Children's Services.
- v) The Executive Director of Place be granted delegated authority to deliver the land and property aspects of the recommendations as set out above in consultation with the Portfolio Holder for Assets, Economic Growth and Regeneration.

48 Care Leaver Covenant: Shropshire's Pledge and Sign up

It was proposed by the Portfolio Holder for Children's Services, Councillor E Potter and seconded by the Deputy Portfolio Holder, Education, Councillor N Bardsley, that the report of the Director of Children's Services, a copy of which is attached to the signed minutes, and the recommendations contained therein be received and agreed.

The Portfolio Holder explained that the intention was for Shropshire Council to sign up to the Care Leavers Covenant and for each Directorate to consider opportunities that could be offered to care leavers. Businesses and organisations across the county would be encouraged to sign up to the covenant and offers of support would be published on the national My Covenant App.

RESOLVED:

- i) That Shropshire Council sign up to the Care Leaver Covenant and that each Directorate consider opportunities that could be offered to our care leavers as set out in section 5.5 of the report.
- ii) That Shropshire Council calls on other organisations and businesses to sign up to the Care Leaver Covenant.

49 Proposed Removal of the Existing Five Hackney Carriage Zones

It was proposed by the Portfolio Holder, Communities, Place Planning and Regulatory Services, Councillor G Butler and seconded by Councillor K Roberts, that

the report of the Director of Public, a copy of which is attached to the signed minutes, and the recommendations contained therein be received and agreed.

Members noted that the proposed removal of the zones would create a single area that would permit Shropshire Council licensed hackney carriages to operate across the whole of the administrative area, rather than being restricted to the zone for which they were currently licensed. All vehicles would be required to be wheelchair accessible and the proposed implementation date of 1 April 2021 would provide a transition period to adjust to the proposed arrangements and satisfy the new requirements.

RESOLVED:

That the five existing Hackney Carriage Zones, which are defined by reference to the five district and borough council areas that existed prior to the creation of Shropshire Council, be removed, and that all provisions of the hackney carriage licensing regime be applied across the whole of the administrative area of Shropshire Council with effect from 1 April 2021.

50 Review of Polling Districts, Polling Places and Polling Stations 2019

It was proposed by the Speaker, Councillor V Hunt and seconded by the Leader, Councillor P Nutting, that the report of the Returning Officer, a copy of which is attached to the signed minutes, and the recommendations contained therein be received and agreed. A Member highlighted the importance of free and accessible parking close to polling stations.

RESOLVED:

- i) That the changes as set out in the recommendations of the report, which have been agreed with Ward Members be approved, in order for them to be implemented on or by 1 December 2019.
- ii) That delegated authority be granted to the Returning Officer to find a suitable alternative, in conjunction with local members, should any polling station not be available for a particular election.

51 Appointment of Independent Remuneration Panel

It was proposed by the Speaker, Councillor V Hunt and seconded by the Leader, Councillor P Nutting, that the report of the Director 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:

That the following be appointed to the Independent Remuneration Panel of Shropshire Council:

- Mr Stephen Donkersley

- Richard Garnett
- Tim Griffiths

52 Community Governance Reviews

It was proposed by Councillor B Williams and seconded by the Portfolio Holder, Communities, Place Planning and Regulatory Services, Councillor G Butler, that the report of the Director of Legal and Democratic Services, a copy of which is attached to the signed minutes, and the recommendations contained therein be received and agreed.

The Portfolio Holder reported that the request from Ellesmere Town Council to undertake a Community Governance Review of Ellesmere and its surrounding Parishes was felt to be premature and not appropriate at the current time, prior to the implementation of any changes as a consequence of a wider review of Shropshire undertaken by the Local Government Boundary Commission for England. This view was supported by the Local Members. The Portfolio Holder reported that he was currently in discussion with Shropshire Association of Local Councils about how to deliver a larger scale review.

RESOLVED

That, whilst it is recognised that a Community Governance Review is desirable, in view of the likelihood that the Local Government Boundary Commission for England will shortly undertake a wider review of the Electoral Divisions within Shropshire, the Council considers that the current request is premature and that it is not appropriate to commence a review at this time.

53 Appointments to Committees

It was proposed by the Speaker, Councillor V Hunt and seconded by the Leader, Councillor Peter Nutting that the changes to Committee memberships be considered and agreed;

RESOLVED:

That the following changes to Committee memberships be confirmed:

Health and Adult Social Care Overview and Scrutiny Committee

Councillor D Vasmer replaced Councillor V Parry as a substitute member of the committee.

Housing Supervisory Board

Councillors R Aldcroft, J Barrow, N Bardsley, S Harris, N Hignett, P Mullock, R Evans and K Turley be appointed as substitute members of the board.

North Planning Committee

Councillors N Green and D Vasmer be appointed as members and Councillors H Fraser and C Mellings be appointed as substitute members of the committee.

South Planning Committee

Councillors A Boddington and R Huffer be appointed as members and Councillors N Hartin and R Evans be appointed as substitute members of the committee.

54 Motions

1. The following motion has been received from Councillor Julian Dean and is supported by Councillors Pauline Dee, Andy Boddington, David Vasmer and Roger Evans:

This Council recognises the damage that is likely to result from a No-Deal Brexit, highlighted by the 'Operation Yellowhammer' reports. For example, we note the threat to people's health due to the risk of shortages in medicines, and we note the threat to the livelihoods of our farming community due to the additional checks and changes to tariffs. We note that NFU President Minette Batters has said that a No-Deal Brexit will be "socially and economically absolutely disastrous."

This Council further recognises the Home Secretary's plans for a no-deal Brexit may well have a negative impact on those members of our community who have chosen to move from elsewhere in the EU to live and work in Shropshire, many of whom are essential workers in the NHS and in our agriculture sector.

This council states, loud and clear, to EU citizens living in Shropshire; 'you continue to be welcome here'.

This council calls on the MPs representing Shropshire to work to prevent a No-Deal Brexit. Allowing such a disaster to happen can be avoided by the UK Parliament so refusing to take the necessary action to prevent this would be to willingly inflict harm on the people of this county.

Finally, this council calls on the leader to write to the Prime Minister to make it clear to him that Shropshire Council is opposed to a No-Deal Brexit which will harm our community.

During debate of the motion, some members expressed concern that a No Deal Brexit would particularly harm Shropshire's rural economy especially in relation to food and fertilizer costs and export tariffs. Others felt that there was a need to end uncertainty as soon as possible.

RESOLVED:

That the Notice of Motion be not supported.

2. The following motion has been received from Councillor Peter Adams and is supported by Councillors Dean Carroll, Steve Charmley, Peter Nutting and Brian Williams:

Shropshire Council supports a proposal To extend The M54 Motorway From Junction seven at Wellington To Preston Boats Junction near Shrewsbury

Shropshire is experiencing a prolonged period of sustained growth, and this needs to be enhanced and reinforced with the continued levels of house building in the County. There is a need for increased levels of investment in the County's infrastructure.

With this in mind I would like Council to accept the above proposal. Foreign investors use decisions as to where they put their money and often rely on knowledge of the motorway systems of the Countries being examined, and in this respect, Shropshire is weak.

With the North West Relief Road being given the go ahead, this will open up North Shropshire and parts of Mid Wales for development.

Council is asked:

1. To encourage Local Members of Parliament to lobby Government and Highways England to extend the M54.
2. To allow Officers to signal our intentions to Partners like Midland Connect.
3. To ask Officers to provide a Business Plan.

During discussion of the motion, some members questioned the need for extension of the M54, particularly in the light of the Climate Emergency and the need to find more sustainable transport solutions. Other felt that an extension would support the whole conception of good transport links to and from Shropshire - often a focus of large firms and businesses in making decisions around location of investments. Members also asked about the extent of the work that would be needed on the ground or if this would largely be a matter of changing signage and administrative change. Others felt that priorities should lay with improvements to Shropshire's other arterial roads.

RESOLVED:

That the Notice of Motion be supported.

3. The following motion has been received from Councillor Andy Boddington and is supported by the Liberal Democrat Group:

Shropshire Tree Bank

Shropshire Council declared a Climate Emergency at its May 2019 meeting. This council supports the work in progress by the council and its partners to reduce its carbon emissions, including the creation of a task and finish group to map the route forward to zero carbon. The formation of a working group does not rule out Council establishing initiatives where there is a clear need to so do in the context of the declared climate emergency.

The role that trees can play in mitigating the increase in atmospheric CO2 and promoting biodiversity is well understood. But this council has not set out a specific ambition for increasing tree cover in the county. This motion declares such an ambition and provides an innovative mechanism for helping achieve it. The mechanism, the Shropshire Tree Bank, recognises that sometimes householders, housing providers, landowners and developers cannot replace felled trees on site but would welcome the opportunity for substitute planting.

Specifically, this council resolves:

- 1) To declare its ambition to ensure that at least one additional tree is planted in the unitary area for every resident before 2050 – an estimated 345,000 trees.
- 2) To create a Shropshire Tree Bank. Where a tree is lost without replacement, the council should encourage a voluntary financial contribution towards the Tree Bank, a central pot that will distribute free native saplings each autumn (perhaps in a similar manner to the council's earlier Free Tree Scheme).

Such a scheme should be cost neutral to Shropshire Council and might be administered by either the Council or an independent body. By way of indication, those felling a tree without replacement might be encouraged to pay for two saplings at £5 each. This fee would be more than adequate to cover the cost of the saplings and contribute towards administrative, storage and distribution costs.

The scheme would initially be open to householders, housing providers and landowners. Scope for opening extending the scheme to developers will need to be considered in the context of the government's proposals to mandate biodiversity net gain for most developments in the forthcoming Environment Bill.

In seconding the motion, the Portfolio Holder for Adult Social Care and Climate Change said that there was already a commitment to large scale tree planting, and the proposal would take this one step further. Others expressed support for the motion but felt that more detailed work was needed to before an informed decision could be made, and that the proposal should be part of a more comprehensive policy.

RESOLVED

That the notice of Motion be supported.

4. The following motion has been received from Councillor David Vasmer and is supported by the Liberal Democrat Group:

Highways Contract Arrangements

Members will be aware of the deep concerns that exist over the state of Shropshire's highways. I propose that firstly:

This Council Notes:

1. The poor record of Ringway who were responsible for highway projects and schemes, pothole repair, gritting, bridge maintenance, grass cutting, drainage, street lighting, emergency responses, winter maintenance and extreme weather provision.
2. That Kier were appointed to take over on 1st April 2018
3. That when the contract was awarded in October 2017, Steve Davenport, the Cabinet member for Highways and Transport said: "We're confident we have found the best contractor for this work and we look forward to working with them (Kier) to deliver the best possible highways maintenance services for the people of Shropshire.
4. Since April 2018 the service provided by Kier has not delivered the improved services we were promised, and in some cases is now worse than that provided by Ringway. Councillors of all parties have found it very difficult to get essential highway repairs done.

This Council Resolves:

1. To conduct an urgent review of the current arrangements for highways maintenance and whether the standards set out in the contract with Kier are being met.
2. To include within the review, options for the Council to take over functions from Kier and bring services in-house at some point in the future
3. To conclude the review before the next Council meeting so that the Council can debate its content and agree how we can deliver the quality of services our residents deserve.

In addressing the motion, the Leader pointed out the financial pressures that the Council was under as a result of demand in the areas of adult social care and children's services which had led to a reduction in the highways budget. It was only possible to do so much with the money available.

A number of Members drew attention to frustration and concern expressed across the county in relation to highways issues such as pot holes and gully clearing, and asked if the contract was being applied and delivered properly and if not, why not. The contract had been scheduled for discussion at a Scrutiny Committee in September but this had not happened and issues were now urgent.

The Leader felt that the right place to examine this issue in depth was at the Place Scrutiny Committee. The Chair of the Place Overview Committee confirmed that progress, issues and performance of the contract was on the agenda for the meeting scheduled for 7 November 2019. The Deputy Portfolio Holder for transport welcomed consideration of the issue by Scrutiny

RESOLVED:

That the notice of motion be not supported

5. The following motion has been received from Councillor D Vasmer and is supported by the Liberal Democrat Group:

This Council Notes

- i. The growing numbers of people across England reliant upon the private rented sector for their homes, including families on low incomes or receiving benefits, single parents, people living with disabilities, LGBTQ+ people, older people, and people who are from two or more of these categories.
- ii. The use of Section 21 of the Housing Act to evict private rental tenants, via a no-fault eviction, where a landlord needs to provide no reason, and needs to provide only two months' notice, leaving the tenant to cover moving and relocation costs, irrespective of their circumstances.
- iii. The impacts that no fault evictions have on those evicted, who may not have sufficient funds to find new accommodation in the time available, including forcing children to move schools, tearing people away from their friends and communities, and leaving tenants financially compromised and requiring support from the state.
- iv. The impact that the threat of a no-fault eviction has on tenants who cannot plan their lives when they have no confidence where home will be in 12 months' time or are intimidated into not complaining about disrepair or mistreatment.
- v. The impact that no fault evictions have on local authorities like Shropshire, increasing the numbers of people they must support as a consequence of being forced into homelessness following a S21 eviction.

This Council calls for:

- a. Reform of the private rental market to make it fairer for private renters.
- b. Support for private renters to enable them to safely report health and safety issues in rented properties.
- c. Local authorities to be enabled to create and maintain registers of landlords providing private rental properties for lease.
- d. Tenants to be given the first refusal to buy the home they are renting when a landlord decides to sell during their tenancy, and at the market rate according to an independent valuation.
- e. Longer tenancies of three years or more, with an inflation-linked annual rent increase built in giving tenants security and limit rent hikes.

- f. Improved protections against rogue landlords through mandatory licensing and allow access for tenants to the Database of Rogue Landlords and Letting Agents

This Council resolves:

- To encourage renters across Shropshire to take part in the End Unfair Evictions coalition online survey as part of the Government consultation on scrapping section 21. Including sharing support for the End Section 21 campaign on all social media channels
- That the Leader of the Council will write to the Secretary of State for Housing, Communities and Local Government to stress that any changes to section 21 and section 8 cannot allow no-fault evictions through the back door.
- Call on the member of parliament to publicly state his support for the abolition of section 21.

An amendment was circulated at the meeting by the Conservative Group, proposed by Councillor R Macey and seconded by Councillor S Harris, as follows:

Delete all wording after 'this Council notes' and replace with:

That the Government in April of this year outlined its plans to consult on new legislation to abolish Section 21 evictions – so called 'no fault' evictions, creating a fairer deal for both landlords and tenants.

It further notes that a Government consultation 'A new deal for renting: resetting the balance of rights and responsibilities between landlords and tenants' is open until 12th October 2019.

The possibility exists that some Shropshire residents and landlords will be affected by any future change in legislation, in addition, this Council has stated its desire to see more people with a suitable home. Therefore. Council instructs the Chief Executive and Officers, in consultation with the Portfolio Holders for Housing and Strategic Planning, to consider any formal response, which is required to the Government's consultation.

The Portfolio Holder for Housing and the Leader spoke to the amended motion and referred to the need to express the view of the council to central government through the consultation mechanism. The Proposer and Secunder asked that the response made to central government have member involvement on a cross party basis.

On being put to the vote the amendment was carried.

RESOLVED:

That the notice of motion with the amendment be supported.

55 Questions from Members

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

- i) Received from Councillor A Boddington and answered by Councillor L Picton, Portfolio Holder for Culture, Leisure, Waste and Communications, in relation to green waste collections 2018/19.

By way of a supplementary question, Councillor A Boddington asked what support Shropshire Council gave to local businesses to recycle food waste. The Portfolio Holder reported that a food waste collection operated across most of the county and that she would provide a complete written response to Councillor Boddington.

- ii) Received from Councillor R Evans and answered by Councillor S Davenport, Portfolio Holder for Highways and Car Parking, in relation to flooded roads and blocked gulleys.

By way of a supplementary question, Councillor R Evans asked for a fuller answer to be provided by the Portfolio Holder as he did not consider his question to have been answered.

56 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.

57 Exempt Minutes of 25th July 2019

RESOLVED:

That the confidential Minutes of the Council meeting held on 25th July 2019 be approved and signed as a correct record.

58 Local Housing Company - Funding and Land Transfers

It was proposed by the Portfolio Holder for Housing and Strategic Planning, Councillor R Macey and seconded by Councillor S Jones, that the exempt report of the of the Director of Place, a copy of which is attached to the exempt signed minutes, be received and approved.

RESOLVED:

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

59 Strategic Property Acquisition - Oswestry East

It was proposed by the Deputy Leader, Councillor S Charmley and seconded by Councillor P Milner, that the exempt report of the of the Director of Place, a copy of which is attached to the exempt signed minutes, be received and approved.

RESOLVED:

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

60 Rural Entrepreneurship and Competitiveness Investment Programme Phase 1 (Bishop's Castle Business Park)

It was proposed by the Deputy Leader, Councillor S Charmley and seconded by Councillor R Tindall, that the exempt report of the of the Director of Place, a copy of which is attached to the exempt signed minutes, be received and approved.

RESOLVED:

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

61 Warm Homes Fund Award Report

It was proposed by the Portfolio Holder for Housing and Strategic Planning and seconded by the Portfolio Holder Adult Social Services and Climate Change Councillor D Carroll, that the exempt report of the of the Director of Place, a copy of which is attached to the exempt signed minutes, be received and approved.

RESOLVED:

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

Signed (Chairman)

Date: