

**CABINET 05/01/22**  
**Member Questions**

Question from:		Rob Wilson						
Subject:		Pavements						
Portfolio Holder:		Dean Carroll	Approved					
Please can you provide the cost of repairing damage to pavements in Shropshire for the financial years 2017/18, 2018/19, 2019/20, 2020/21? Please can you provide an estimate of the proportion of the damage that was caused by pavement parking? Also for these financial years can you provide the amount paid in compensation claims for trips and falls on the footway.								
It is not possible to disaggregate the cost of damage caused by pavement parking alone, from other factors that impact footway condition such as vegetation root damage, failing pavement structure, utility equipment failure or indeed legitimate crossing of the footway by vehicles.								
The cost information associated with footway works are as follows:								
	2017/18	£20,667.47	2018/19	£19,714.34	2019/20	£17,959.39	2020/21	£183,227.82
	Capital	Revenue	Capital	Revenue	Capital	Revenue	Capital	Revenue
North	11.64	4,766.54		2,986.58		5,824.92		7,042.89
Central	4,693.82	2,139.63	6,070.00	8,446.98		1,337.27		21,095.67
South	179.71	8,876.13		2,210.78		10,797.20		12,152.35
County							142,936.91	
Total	4,885.17	15,782.30	6,070.00	13,644.34	0.00	17,959.39	142,936.91	40,290.91

Below is the amount of compensation paid for trips and falls on pavements per the years requested.

2017/2018	£14,981.00
2018/2019	£27,946.06
2019/2020	£ 8,978.00
2020/2021	£ 6,294.00

<b>Question from:</b>		Alex Wagner	
<b>Subject:</b>		Racecourse Lane	
<b>Portfolio Holder:</b>		Dean Carroll	Approved

Residents and users of Racecourse Lane in Bicton Heath have been being promised a crossing just south of Oxon Primary School since 2019, linked to the Shropshire Homes development at Leighton Park. This would be in the best interests of safety for parents, children, and residents alike if installed properly.

Since my election earlier this year, I have sought to push this forward. In May, a highways officer informed me that Shropshire Homes and Shropshire Council Streetworks team were aiming to programme works as soon as possible. In June, they informed us there was no start date. A later request I made as local member for an update in late September did not receive a response, and as of date neither has a late November message.

Would the Portfolio Holder/Committee be able to provide me with an update on what is going on, and when we can expect the long-promised improvements?

**The works along Racecourse Lane formed part of a planning obligation attached to planning permission 14/02402/FUL which required the Developer of the Former Shelton Hospital to provide a pedestrian access and associated raised table crossing on Racecourse Lane. Works commenced onsite to create the pedestrian access however, works to install the proposed raised table crossing were subsequently put on hold due to objections received from neighbouring properties. Regrettably we do not currently have a start date for the works to commence onsite but Shropshire Council officers have written to the Developer, Shropshire Homes, to establish their formal position with regard to this matter. In view of the concerns raised by the local community, officers will continue to work closely with the Developer to assist with the programming and delivery of the works and are currently looking into various options to ensure works are delivered at the earliest opportunity.**

<b>Question from:</b>	Nigel Hartin	
<b>Subject:</b>	Council Tax Empty Properties	
<b>Portfolio Holder:</b>	Gwilym Butler	Approved

Council Tax policy, as it currently stands, on long term empty properties, levies an additional charge of up to 300% extra on long term empty properties until the properties are again lived in. This applies not only to owners of such properties who have kept them empty for many years but also to new owners purchasing such properties should they be sold on.

I have become aware that this policy is having, what I assume to be, unintended consequences. I have two such properties in my Division which have been purchased by two young people to bring back into use as first homes. The condition of the properties when purchased, being uninhabitable without significant updating, made them affordable for them to purchase in what would otherwise be a housing market out of their financial reach. They were therefore very pleased to be able to acquire these two small linked terraced homes and looking forward to being able to bring them back into habitable condition with the help of family members in the building trade. What they did not know until after purchase was that they would be hit by punitive Council Tax Levies, amounting in one case to more than the mortgage payments, which they could not possibly afford to pay.

On my advice both submitted Section 13A appeals to the Head of Finance, which have been subsequently rejected by the Council. This may result in the properties having to be sold on (probably to a developer with large pockets who could afford the short term financial hit whilst the properties were brought back into a liveable condition).

1. Is the Portfolio holder for Finance aware that Council policy, as currently set out, actively discourages long term properties being brought back into use other than by large scale developers or the very rich.
2. Will the portfolio holder bring forward proposals to full Council to stop this happening in the future so that other young people's dreams of home ownership are not trashed in this way in the future?

**Since 2013 the Government have enabled Billing Authorities to levy a Council Tax premium in relation to any dwelling that, for a continuous two year period, has been unoccupied or substantially unfurnished. The regulations were inserted as 11B of the Local Government Finance Act 1992.**

**Up until 2019 the premium was levied at 50% and since 1 April 2019 the Government have enabled Billing Authorities to increase the level of premium charge incrementally, with effect from...**

- **1 April 2019 the premium can be charged at 100% for properties unoccupied and substantially unfurnished for more than two years;**
- **1 April 2020 the premium can be charged at 200% in relation to dwellings unoccupied and substantially unfurnished for more than five years, and**
- **From 1 April 2021 the premium can be charged at 300% for properties unoccupied and substantially unfurnished for more than ten years.**

**The regulations are clear that the decision to levy the premium is based on the condition of the dwelling, and this means that any changes in ownership which would change liability for council tax, have no impact on levying the premium, which must be charged once the Council has agreed the charging policy for the year. The regulations provide for the Government to prescribe classes of dwelling where the premium will not apply. They do not enable Billing Authorities to make their own determinations for exceptions to their policy to levy the premium.**

**A fundamental principle in Council Tax regulations is the 'six week' rule. This stipulates that initial discounts that can be awarded when a property first becomes unoccupied and unfurnished cannot be rewarded in respect of a property unless it has been either occupied, or substantially furnished, for a continuous six week period. That means that unless a property subject to the premium is occupied or substantially furnished for a continuous six week period then the premium will continue to apply. This information is clearly referenced on the Council's website.**

**Shropshire Council did not levy the premium until 1 April 2014, and have increased the level of premium charged incrementally as allowed by subsequent legislation. The decision to levy the premium is agreed by full Council each December when the Council agrees the taxbase for the forthcoming financial year. The six week rule is explained as part of this determination.**

A number of appeals from other Billing Authorities against the Council Tax Premium were heard by the Valuation Tribunal in 2014 after the premium had been introduced. The then president of the Tribunal Service, Professor Zellick, concluded in 2014 that there were three avenues open to taxpayers that wished to appeal against the imposition of the premium. They were:-

- i. Apply for judicial review in High Court
- ii. Apply to the billing authority for discretionary relief
- iii. Complain to the Local Government Ombudsman (although recent ombudsman cases have concluded they have no jurisdiction in this matter)

Discretionary Discount has been considered, and refused in the case referenced by Cllr Hartin

<b>Question from:</b>	David Vasmer	
<b>Subject:</b>	School Streets	
<b>Portfolio Holder:</b>	Dean Carroll	Approved

Council adopted a Schools Streets motion in July 2020. Since then just one school has benefited from this policy – Coleham in Shrewsbury. Both myself and other councillors have raised concerns about the lack of progress on implementing this policy. At Council in September 2020 Cllr Ed Potter said that consideration of School Streets would be rolled into the review of 20mph limits outside schools but that doesn't appear to have happened.

1. When will the Coleham Streets Scheme be reviewed and when can we expect other schools to be considered for such a policy.
2. When will the review of 20mph limits outside school be published?

In response to Cllr Vasmer's question. Council approved a motion of implementing a School Speed reduction policy outside of all Shropshire Schools where appropriate. This project encompassed state funded maintained schools and academies that do not currently have a mandatory 20mph speed limit (127 schools). In total 179 sites have been reviewed as some schools have multiple sites. All Local Members, Town & Parish Councils and schools were informed of surveys in their area and asked to let us know of any potential influencing factors.

The approved Cabinet and Full Council report provided a timeline of research, investigation and the development of a programme for implementation during the financial year of 2020/2021 with interventions outside of schools to begin in the financial year of 2022 / 2023. This was explicit within the approved report and this timetable is on track with key milestones achieved. The investigation and assessment work has been completed, school leaders will begin to be engaged and briefed as will local Members and town & parish councils in the new year. As the first tranches of work are consulted upon, local consultations are programmed and then work is due to be implemented during the new financial year as per the agreed timetable. It is worth remembering that the COVID pandemic and "lockdowns" rendered any data capture outside of schools meaningless until traffic levels returned to a more "normal volume".

Data that has been captured is: -

- Existing speed limits
- Road characteristics
- Pedestrian provision
- Environmental conditions
- Existing parking provision/restrictions
- Reported personal injury accidents
- Modal split data
- Planned future maintenance
- Potential for CIL
- Other programmed schemes

A process of supporting work was undertaken to identify any other factors that could be reasonably addressed alongside a 20mph scheme. One of these options may be school streets and the pilot scheme at Coleham Primary school has been recently extended, further consultations across Shropshire will take place starting in January and February as the detail for the county wide Local Cycling and Walking and Implementation Plan is developed across key towns, this work will be complimentary and support this initiative.

The Portfolio Holder for Education and I have recently been briefed on progress, and a request for this subject to be placed on an appropriate Scrutiny Agenda has been received. Work to liaise and engage with schools is set to begin imminently.

Hence the programme is progressing to the timetable and is on budget.

Question from:	David Vasmer	
Subject:	Acton Scott Museum	
Portfolio Holder:	Cecilia Motley	Approved
In a recent press statement on December 6 <sup>th</sup> the Council made claims about visitors to the Farm and its annual deficits. Please supply me with the following information?		
1. annual visitor numbers since 2014		
2. annual deficits since 2014		
3. whether the farm has been considered for COVID grants?		
1) Annual visitor numbers since 2014		
In answer to point 1 on visitor numbers to Acton Scott Working Farm since 2014, the available figures are as follows:		
Year	Visitor Numbers	
2014	18,623	
2015	20,652	
2016	20,443	

<b>2017</b>	<b>20,711</b>
<b>2018</b>	<b>19,502</b>
<b>2019</b>	<b>21,169</b>
<b>2020</b>	<b>4,326</b>
<b>2021</b>	<b>6,312</b>

Note that the 2020 visitor numbers were reduced by the lockdown and restrictions imposed by the Covid 19 pandemic regulations. Figures for 2021 reflect the closure of the farm from 23 June following an E-Coli outbreak and the ongoing review of the facility and its operation.

**2) Annual deficits since 2014**

In answer to point 2 on the annual deficits for the Acton Scott Working Farm since 2014, the figures are as follows:

<i>Budget Year</i>	<i>Deficit</i>
<b>2014/15</b>	<b>£160,846</b>
<b>2015/16</b>	<b>£197,001</b>
<b>2016/17</b>	<b>£170,695</b>
<b>2017/18</b>	<b>£215,132</b>
<b>2018/19</b>	<b>£184,811</b>
<b>2019/20</b>	<b>£178,904</b>
<b>2020/21</b>	<b>£227,857</b>

**3) In answer to point 3 on whether the Acton Scott Working farm was considered for COVID grants, I can confirm that it was.**

The 2020/21 budget included Covid grant support of £15,173 for Acton Scott, and the 2021/22 budget included Covid grant support of £30,000.