

PUBLIC QUESTIONS
COUNCIL 13 JANUARY 2022

Question 1 from Katie Blant

The community in Radbrook has come together over safety concerns from children walking and cycling to the schools served by Longden Road and Bank Farm Road following.... Shropshire Council has been supporting us with infrastructure interventions to make the area safer, but the location of the ambulance depot on Longden Road poses a risk to these improvements.... Can I ask that the Town Council does all it can to support us in getting WMAS to move the ambulance depot to a more suitable location?

Response from Cllr Ed Potter, Deputy leader and Portfolio Holder for Economic Growth, Regeneration and Planning

The WMAS decided to move to Longden Road following the grant of planning permission for a maintenance depot. Whilst this doesn't restrict the use of the site for emergency response vehicles, it has from time to time caused concerns from nearby residents, particularly on safety grounds as indicated by this question.

The Council is happy to assist residents and WMAS to find a solution to the concerns expressed. However, we are not aware of any plans by WMAS to move the facility.

Question 2 from Paul Hollington

Members of the Public in Bagley ward have for several years been campaigning for a pedestrian crossing on Ellesmere Road Shrewsbury near to the Greenfields Primary School. The crossing should have been part funded from a section 106 where part of the finance for the crossing was paid for by Redrow homes development four years ago.

There is, I believe, a second enabling development that has yet to go ahead, but apparently a way has now been found to progress this project. without monies from this development which is yet to start. I also believe that Feasibility works have already been done and the project now is in the design stage.

With less than twelve months remaining for the completion of this project before a possibility the monies to finance it are lost, due to the fact that a person bound by a 106 may seek to have this obligation modified or discharged after five years.

Can Councillor Carroll please answer the following questions.

1. Has the design work been completed?
2. Has the precise location of the crossing been determined? that being adjacent to the property 1 Hemsworth Way, Is this still the preferred location?
3. Will the properties immediately adjacent to the crossing be consulted?
4. Has the crossing been included in a work programme with a proposed starting date?

Response from Cllr Dean Carroll, Portfolio Holder for Physical Infrastructure

A feasibility report has been completed and this determined that the location of the crossing would be approximately 50meters north of Hemsworth Way junction. The detailed design for the crossing is in the programme and build will be programmed once the design is completed. Works will be completed by February 2023 to work within the timescales of the S106 agreement.

Residents in the vicinity of the new crossing will be notified of the work prior to the works starting on site.

Question 3 from Stephen Mulloy

Question relating to Agenda Item 13 - Vexatious Individuals and Vexatious Questions

Article 6 of the Human Rights Act 1998 states that *"you have the right to a fair and public trial or hearing if a public authority is making a decision that has a impact upon your civil rights or obligations"*.

However, Issue 9, in the report recommendation for the proposed changes to the Constitution, seeks to summarily penalise any member of the public that breaches this aspect of the Constitution, potentially based on the opinion of one person, and thereby deny them their human rights not only under **Article 6**, but also **Article 10** (Freedom of Expression) for a period of at least 6 months, without appeal or hearing, unable to ask any question, not just a question that might be considered vexatious.

Democracy and respect for human rights are fundamental values. They are the foundations on which strong institutions, responsible and accountable government, a free press, the rule of law, and equal rights for all people are built. Humans rights is the belief that everybody should be treated equally.

Contrary to what is claimed in the officer's report, there is already explicit prohibition within the Council Procedure Rules to prevent individuals classed as vexatious (because of their contact with the Council) from submitting public questions and this is Procedural Rule 14.3 which states *"A question may only be asked, if notice has been given to the Chief Executive"* and Rule 14.5 provides the CEO with an "explicit prohibition" to prevent individuals classed as vexatious from submitting public questions in that *"The Chief Executive may reject a question or petition if (in his/her opinion) it: is defamatory, frivolous or offensive"*.

Failure to withdraw Issue 9 may also put this Council in breach of **Article 14 of the Human Rights Act** which *"requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination"*. The officer's report does not indicate that the Human Rights Act legislation has been taken into account in arriving at the recommendation.

In the interest of natural justice and the protection of human rights, I therefore ask that Issue 9 is withdrawn from the proposal?

Response from The Leader of the Council - Councillor Lezley Picton

Thank you for your question Mr Mulloy.

I shall be presenting the Report on Member/Public Questions (Item 13) and when I do I will be recommending that the Recommendation in respect of Issue 9 remains unamended. In some ways I accept that because the Chief Executive can already reject public questions on the basis that he deems them to be "defamatory, frivolous or offensive", it is therefore unnecessary to add reference to vexatious complainants/questions. However, I think it is important to do so to make our procedures as clear as possible as it is common for certain complainants to point out

to us where there seem to be anomalies and/or areas open to interpretation. Adding the wording suggested does not mean that the Chief Executive is bound to reject a question when it comes from someone classified as vexatious, and he will always be bound to apply general public law principles to his decisions. Having said that public question time is not a statutory requirement that Councils are obliged by law to permit so I would be surprised if a court agreed with you that Articles 6, 10 or 14 that you quote would apply. In addition, I would add that I have become increasingly concerned at the disproportionate amount of resources expended by an already over-stretched Council on a few unreasonably persistent individuals so I will be asking full Council to support this proposal in due course.

Question 4 from Joanna Blackman

In July 2020, the Council passed a motion calling on the Pensions Committee to:

- Set a 3 year timescale for the reinvestment of funds currently invested in fossil fuel dependant assets.
- Develop an investment strategy consistent with sustainable development goals and developing a local sustainable economy.

The Council's motion also recognised that fossil fuel investments constitute part of its 'carbon footprint' and resolved that this element should be reported on within its greenhouse gas reporting for Scope 3.

However, at its meeting on 17th January 2022, the Pensions Committee rejected the Council's motion, failing to set any targets regarding divestment from fossil fuels.

Furthermore, the Council's Corporate Carbon Performance Monitoring Report 2021 does not include any reference to the carbon footprint of staff pensions.

I would like to know the Council's current position on these matters, specifically:

1. How will the Council now pursue its resolution to advocate that the Pension Fund divests from fossil fuel dependent assets in the near future?
2. Will the carbon footprint of staff pensions be included in all future carbon performance monitoring reports? And will the relevant figures for 2021 now be included as an additional appendix to the 2021 report?

Response from The Leader of the Council - Councillor Lezley Picton

The motion approved at Full Council in July 2020 was passed to the Pensions Committee. This was considered by the Pensions Committee by undertaking detailed investigation and training over an eighteen-month period. At the Pensions Committee meeting on the 17 Jan 2022 the Council motion was discussed and debated in full and voted on by Pensions Committee members. The full debate and decisions made can be found on the Council's website, link below:

<http://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=260&MId=4571&Ver=4>

The carbon footprint of the Pension Fund is disclosed in the Pension Fund's public TCFD report and Climate Risk reports on the Pension Fund's and the Council's website.

Question 5 from Michael Dineen

Great care has been taken in preparing the detailed and researched masterplan by LDA for the Smithfield Riverside. Proposed streets and building footprints create a legible interconnected urban grain. The New Smithfield Road helps to ensure that the development is interconnected by both active and passive travel from all directions; including Pride Hill, whilst also allowing the site to better evolve over time due to the increased permeability. The most recent layouts for streets and buildings shown in the Conceptual Masterplan, Appendix E of the Shrewsbury Town Centre Redevelopment Programme, seem to have strayed from the LDA concept. What were a series of smaller connected legible streets and buildings, seem to have been replaced by a disorientating maze of routes and larger footprint units. These form a series of non-permeable ways that do not interconnect with the wider town centre. How have the clear objectives and findings of the LDA study been interpreted when preparing this most recent Conceptual Masterplan? Without further master planning design development, this proposed anchor project could become an obstruction to the towns future prosperity.

Response from Cllr Ed Potter, Deputy leader and Portfolio Holder for Economic Growth, Regeneration and Planning

We acknowledge the important principle of ensuring that the layout of developments on Smithfield Riverside, provide well connected, legible routes for all visitors to the town centre, both within the site, as well sensitive to the existing historic fabric of Shrewsbury.

Similarly, the indicative plan in the Strategic Development Framework, provided by LDA, is intended to illustrate the wider core principles to be adopted in the future development of the site and therefore, the SDF plan not a intended to be a definitive proposal, as there is considerable further development activities to be undertaken before the final layout is determined.

The conceptual masterplan contained in the Council report provides a further indicative interpretation of these principles with the benefit of being informed by recent appraisals, including market and development assessments. These appraisals have identified potential plots for development that again are only indicative, yet ensure that the phase one development for the multi-agency hub and Pride Hill will not adversely impact on future phases. The layout of later phases purposely remains flexible and will continue to be reviewed as part of the further master planning design development, including the size, scale and orientation of future development blocks, plots and associated routes and public realm.

Question 6 from Sharuff Morsa

At the last full council session on 13 January, I was among a group of around thirty protesters outside Theatre Severn raising awareness about the council's failure to tackle the climate and ecological emergency.

This protest was non-violent and non-disruptive and as councillors arrived we greeted them politely. Many stopped to chat and discuss our concerns. Some took photos.

It was notable, however, that a small number of Conservative councillors chose to verbally abuse the protestors calling us 'idiots' 'babies' and telling us 'to go and get a job'. One senior councillor told us that the climate crisis was 'all bull [expletive]'.

My question for the leader of the administration is this:

- Does she support Shropshire residents' democratic right to peaceful, non-violent protest?
- Does she condone her councillors' decision to be verbally abusive to Shropshire residents expressing this right?
- Does she agree that the climate crisis is "all bull [expletive]"?

Response from The Leader of the Council - Councillor Lezley Picton

1. Does she support Shropshire residents' democratic right to peaceful, non-violent protest?

Yes, of course

2. Does she condone her councillors' decision to be verbally abusive to Shropshire residents expressing this right?

No, but the altercation as you describe is denied by the senior councillor involved

3. Does she agree that the climate crisis is "all bull [expletive]"?

No, I do not