



Committee and Date

Council

17 July 2014

COUNCIL

Minutes of the meeting held on 8 May 2014

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

10.00 am - 1.25 pm

Responsible Officer: Karen Nixon

Email: karen.nixon@shropshire.gov.uk Tel: 01743 252724

Present

Councillors Malcolm Pate (Chairman) and Keith Barrow (Leader)

Councillors David Lloyd (Speaker), Ann Hartley (Deputy Leader), Peter Adams, Andrew Bannerman, Nicholas Bardsley, Charlotte Barnes, Joyce Barrow, Tudor Bebb, Martin Bennett, Thomas Biggins, Vernon Bushell, Gwilym Butler, John Cadwallader, Karen Calder, Dean Carroll, Lee Chapman, Steve Charmley, Anne Chebsey, Peter Cherrington, Ted Clarke, Gerald Dakin, Steve Davenport, Andrew Davies, Pauline Dee, David Evans, Roger Evans, John Everall, Hannah Fraser, Nigel Hartin, Richard Huffer, Tracey Huffer, Vince Hunt, Simon Jones, Miles Kenny, Heather Kidd, Christian Lea, Robert Macey, Jane MacKenzie, Chris Mellings, Pamela Moseley, Alan Mosley, Cecilia Motley, Peggy Mullock, Mike Owen, Kevin Pardy, William Parr, Vivienne Parry, Malcolm Price, David Roberts, Keith Roberts, Madge Shington, Jon Tandy, Robert Tindall, Kevin Turley, David Turner, Arthur Walpole, Claire Wild, Brian Williams, Mansel Williams, Leslie Winwood, Michael Wood and Tina Woodward.

1 ELECTION OF THE SPEAKER

The Chairman, Mr M Pate, took the Chair for this item and called for nominations for the election of Speaker and Vice-Chairman of Shropshire Council.

It was proposed by Mr K Barrow and seconded by Mrs A Hartley, that Mr D Lloyd be elected Speaker and Vice-Chairman of Shropshire Council for the 2014/15 municipal year.

RESOLVED:

That Mr D G Lloyd be elected Speaker and Vice-Chairman of the Council to hold office until the Annual Meeting of the Council scheduled to be held on 14 May 2015.

The Speaker then took the Chair and subscribed his Declaration of Acceptance of Office before being invested with the badge of office. He thanked the members for re-electing him and pledged to perform his duties in a firm and fair manner with due regard to all Councillors.

The Chief Executive then informed Council that he had just received the formal resignation of the Chairman and Deputy Speaker Mr M Pate with immediate effect,

thus enabling him to remain in the Chamber and vote in the event of his nomination for the office of Chairman and Deputy Speaker.

2 APOLOGIES FOR ABSENCE

The Chief Executive reported that apologies for absence had been received from Mr T Barker, Mr A Boddington, Mr R Hughes, Mr J Hurst-Knight, Dr J Jones, Mr D Minnery, Mr P Nutting, Mr D Tremellen, Mr S West and Mr P Wynn.

3 ELECTION OF CHAIRMAN AND DEPUTY SPEAKER

It was proposed by Mr K Barrow and seconded by Mrs A Hartley that Mr M Pate be elected Chairman and Deputy Speaker of the Council for the 2014/15 municipal year.

RESOLVED:

That Mr M Pate be elected Chairman and Deputy Speaker of the Council and hold office until the Annual Meeting of the Council scheduled to be held on 14 May 2015.

The Chairman and Deputy Speaker then subscribed his Declaration of Acceptance of Office and was invested with Chairman's badge of office. He thanked the Council for the honour it had bestowed on him and indicated how much he enjoyed representing the Council in an ambassadorial role.

4 PORTRAIT PRESENTATION: HRH PRINCESS ROYAL

Dr. David Llewellyn, Vice Chancellor, Harper Adams University, Newport presented the Chairman and the Council with a photographic portrait of HRH the Princess Royal who had recently been installed as the first Chancellor of Harper Adams University. The gift marked not only the installation of the Princess Royal as the ceremonial figurehead of the county's first university, but also celebrated the Council's role in supporting agricultural education in Shropshire for more than a century.

The link between the Council, the Chamber of Agriculture and the College, went back to the point when agricultural education was just beginning to focus on the application of science to farming practice. Although much of the University's work, nowadays, was at national level Dr Llewellyn said they were extremely proud of their role within the county and very much regarded themselves as being a Shropshire institution.

The Chairman thanked Dr Llewellyn for his kind gift and assured him that a suitable place would be found to display the picture.

5 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.

At item 12, Revised Code of Conduct for Members, the following declared various memberships as detailed:

Mr V Bushell – member of Unite
Mrs A Chebsey – member of Unite
Mr T Clarke – member of T&GW
Mr M Pate - member of a Masonic Lodge

6 MINUTES

RESOLVED: That the Minutes of the meeting held on 27 February 2014, as circulated with the agenda papers, be approved and signed as a correct record.

7 ANNOUNCEMENTS

7.1 Chairman's Engagements

The Chairman referred Members to the list of official engagements carried out by himself and the Speaker since the last meeting of the Council on 27 February 2014, which had been circulated at the meeting.

7.2 Presentation of Scheme of Delegation by the Leader

In accordance with the Executive Procedure Rules, the Leader presented Council, for information only, the unamended Scheme of Delegation contained within Parts 3 and 8 of the Constitution together with the Portfolio Holder delegations. These delegations remained unchanged pending the ongoing review of the Constitution.

8 PUBLIC QUESTIONS

8.1 Public Questions

The Speaker advised there were no public questions.

8.2 Petitions

The Speaker advised that four petitions, each bearing more than 1,000 signatures had been received under the Council's Petition Scheme. Each Petitioner was allowed up to 5 minutes to outline their case after which there was a debate of up to 15 minutes maximum.

a) Petition for Shropshire Council to become a Living Wage Accredited Employer.

Unison's campaign for the Council to introduce the Living Wage, which was currently £7.65 per hour outside London was presented by Alan James. In doing so he said that nationally around 119 councils had signed up to this and he very much wanted Shropshire Council to be added to the list. Mr James outlined the benefits of paying the Living Wage to business, the individual and society as a whole and in the light of recent workforce reconfigurations urged the Council to look again at this request.

After some debate it was agreed to undertake further research into the Council becoming a Living Wage Accredited Employer.

b) Petition for Free Public Access to the new Shrewsbury Museum and Art Gallery.

Professor Lalage Bown spoke about people being deterred from visiting Shrewsbury's new museum and art gallery because of the admission charges and urged the Council to introduce free public access to allow less well-off families to visit and also return more than once. She believed there were better ways of raising the money to meet the attraction's running costs and called for the introduction of donation boxes and investigations into schemes such as free admission for one day per week and cheaper admission charges for return visits.

A debate ensued during which the Portfolio Holder stated that the new museum was a success story, but its running costs had to be found in order to balance the budget. Many of the suggestions were already being looked at and developed further.

In conclusion it was agreed to take no further action.

c) Petition to Council to save the Quarry Swimming and Fitness centre for the people of Shropshire

On behalf of the Quarry Swimming & Leisure Forum, Mr Bernard Wills called for the Quarry Swimming and Fitness Centre to be saved amid local rumours of plans to knock down the existing complex to make way for a 5* hotel.

A debate ensued during which the Leader confirmed that no proposals for the site were currently being considered and that he was fully committed to providing high quality swimming provision in Shrewsbury. The Portfolio Holder also referred to the Working Group set up to look into the options for future provision and indicated that full consultation would be carried out as and when appropriate.

In conclusion it was agreed to take no further action.

d) Petition to Council to develop adequate Transport Solutions for projected traffic volumes expected in and around Shifnal.

On behalf of the Shifnal Transport Working Group, Mr Robert Owen urged the Council to develop adequate transport solutions for Shifnal and the surrounding area, in the light of increased projected traffic volumes anticipated in the future.

A debate ensued and it was agreed that further research should be undertaken.

9 QUESTIONS FROM MEMBERS

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

- (i) Received from Mr M Kenny and answered by Mr Charmley, the Portfolio Holder for Business Growth, ip&e and Commissioning (North) in relation to the Shrewsbury Museum and Fairtrade produce – copy attached to the signed minutes.

By way of a supplementary question Mr Kenny asked for an assurance that Shropshire Council was still committed to Fairtrade and the Fairtrade culture in the county.

In response Mr Charmley assured Mr Kenny that the Council was indeed committed to Fairtrade.

- (ii) Received from Mrs P Moseley and answered jointly by Mr L Chapman, Portfolio Holder for Adult Services and Mr M Owen, the Portfolio Holder for Resources, Finance and Support in relation to the Local Support and Prevention Fund spend – copy attached to the signed minutes.

By way of a supplementary question Mrs Moseley asked why over 90% of the budget had not been spent on what it was intended for. There remained a very large underspend from last year and she wanted to know why it was not being spent on those under-represented groups that it was originally intended for.

In response Mr Owen said that the responsible officer Mr Damien Carter who was an expert in this field would be able to answer the questions in detail and he indicated his willingness to discuss the issues in depth with them both outside of the meeting.

- (iii) Received from Mr R Evans and answered by Mrs C Wild, Portfolio Holder for Highways and Transport in relation to roadworks in Hanwood – copy attached to the signed minutes.

By way of a supplementary question Mr Evans asked if the highway road and lane markings could be changed back to what were originally requested by the Parish Council and Shropshire Council, as these had now changed.

In response Mrs Wild said that she would make enquiries into the matter and publish the response.

- (iv) Received from Mr R Evans and answered by Mr G Dakin, Chairman of the Health and Adult Social Care Scrutiny Committee in relation to the High Court decision on Hartleys Daycentre in Shrewsbury – copy attached to signed minutes.

By way of a supplementary question Mr Evans asked if the Scrutiny Chairman agreed that the consultation in relation to the daycentre closure was not carried out correctly nor was it properly scrutinised. This in turn meant that the Council incurred more expenditure than necessary and the adults involved had to go through the trauma of appearing in court.

In response Mr Dakin indicated that he did not agree with Mr Evans and that he had no more to say on the matter.

- (v) Received from Mr K Pardy and answered by Mr D Lloyd, the Speaker in relation to the provisional meeting date in the Council Diary for 17 July Council meeting – copy attached to the signed minutes.

By way of a supplementary question Mr Pardy asked if this was an erosion of democracy, what did 'provisional' mean and were all full Council meetings provisional.

In response Mr Lloyd replied that if there was sufficient business to be discussed a meeting would be held.

10 RETURNING OFFICER'S REPORT

The Speaker presented a report by the Head of Legal and Democratic Services, a copy of which is attached to the signed minutes, advising that Mr Andy Boddington had been elected as Councillor to represent the Ludlow North Electoral Division on Thursday 14 March 2014.

11 CONSTITUTION OF COMMITTEES AND THE ALLOCATION OF SEATS TO POLITICAL GROUPS

It was proposed by Mr K Barrow, and seconded by Mrs A Hartley that the report by 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.

RESOLVED : That the constitution of committees and the allocation of seats to each of the political groups for the 2014/15 municipal year and the allocation of

seats between the political groups, as set out in Appendices 1 and 2 to this report be approved.

12 REVISED CODE OF CONDUCT FOR MEMBERS

It was proposed by the Speaker, Mr D Lloyd and seconded by Mr Pate, that the report by the Head of Legal and Democratic Services, a copy of which is attached to the signed minutes, and the recommendations contained therein be approved.

By way of an amendment it was proposed by Mr N Hartin, and seconded by Mr R Evans that an additional recommendation be approved as follows;

'That Members notify the Monitoring Officer if they are members of a Masonic lodge for inclusion in the public register of interests.'

On being put to the vote the proposed amendment was lost, with a large majority of Members voting against.

After further debate, on being put to the vote, the original proposition was carried by a large majority of members voting in favour.

RESOLVED:

- a) That the draft Code of Conduct appended to the report be approved and adopted with immediate effect.
- b) That Members notify the Monitoring Officer of any Trade Union interests that they have for inclusion in the Public Register of Interests.

13 AMENDMENTS TO THE CONSTITUTION - PART 4 - LICENSING AND SAFETY SUB COMMITTEE PROCEDURE RULES (ANNEX B)

It was proposed by the Speaker, and seconded by the Chairman, that the following be received and agreed.

Council is requested to approve an amendment Part 4 of the Constitution which refers to the procedure followed by the officer making decisions under delegated powers. The procedure as it is currently appears is at Annex B at page D59 of Part 4 of the council's Constitution "Matters of Procedure for Licensing Officers" ("the Procedure"). The delegated power is currently mostly used in connection to applications concerning hackney carriages and private hire vehicles (and drivers) and scrap metal dealers.

The Delegated officer is required to consult with a legal advisor and any other officer he or she thinks appropriate – see paragraph 1 of the Procedure. The Procedure currently requires decisions that are adverse to an applicant to be re-considered by a more senior officer and a legal officer for a second time. Officers consider that there is no longer a necessity to re-consider decisions. It is therefore

recommended that the Constitution is amended to remove the final two sentences of paragraph 4 of the Procedure so that the particular paragraph only refers to the need to take all relevant matters into account.

14 DATES OF COUNCIL MEETINGS

It was proposed by the Speaker and seconded by the Chairman that the programme of dates for meetings of Shropshire Council for 2014/15, as set out below, be approved and that meetings commence at 10.00 a.m;

- 17 July 2014 (provisional);
- 25 September 2014;
- 18 December 2014;
- 26 February 2015;
- 14 May 2015 (Annual Council).

15 MOTIONS

15.1 The following motion was proposed by Mr M Kenny and duly seconded by Mrs A Chebsey:

“Promotion of alternatives to the private motor car for short journeys:

So as to improve public health, tackle climate change and its consequences, reduce traffic congestion, lower the cost of travel, enhance air quality and lower highways maintenance expenditure this Council will promote alternatives to the private motor

car such as walking, cycling or using public transport for short journeys of under five miles from the present 2/5ths of short journeys to 4/5ths short journeys in Shropshire by 2020.

Nationally:

Around 11 percent use a car for journeys under a mile

29 percent use a car for journeys between one and two miles

60 percent use a car for journeys two to five miles.

(source - Sustrans)

In Shropshire:

Around 20 percent use a car for journeys under a mile

62 percent use a car for journeys between one and five miles

85 percent use a car for journeys of two to five miles

(Source - national travel survey)

It is understood that a target of 4/5ths short journeys is easily achievable in urban areas but more of a challenge in rural areas as for example public transport is less available. There are safe and accessible walking and cycling routes in urban and rural areas which are being extended and promoted; further development can encourage more investment in the network.”

Mr K Barrow proposed an amendment which was seconded by Mrs C Wild, to amend the second paragraph to read as follows:

“So as to improve public health, tackle climate change and its consequences, reduce traffic congestion, lower the cost of travel, enhance air quality and lower highways maintenance expenditure this Council will continue to promote alternatives to the private motor car such as walking, cycling or using public transport for short journeys of under five miles.”

On being put to the vote the amendment was carried with a large majority of members voting in favour.

On being put to the vote, the original proposition as amended was carried with a large majority of Members voting in favour.

15.2 The following motion was proposed by Mr A Mosley and duly seconded by Mrs J McKenzie.

“The recent Court of Appeal judgement to the effect that the Council had failed to consult service users and their carers about the closure of Hartleys Day Centre, and that this was unlawful, was extremely damaging to the Council and its Administration.

It is clear that:

- The Council was in breach of its common law duty to users of its services and their carers;
- There is enormous adverse reputational impact on the Council arising from the decision;
- There will be very significant cost implications especially if the appellant's costs have to be paid by the Council;
- There has been great, and ongoing, distress caused to users and carers arising from the Administration's actions in this case;
- There were several occasions when the Administration could have reconsidered its approach and rectified its errors, e.g. by following proposals made at Council in July, at the private portfolio holder session 1 August and the meeting to discuss the call-in thereafter.

Hence this Council calls for the Administration to establish an all party investigation into this matter with a mandate to report on:

- What lessons can be learned from this case and whether there are other circumstances where a similar situation may arise;
- Whether the Council's policy on consultation and consideration of responses is fit for purpose, and if not how should it be changed;
- Any other related matters which may arise.”

(A background document was also circulated).

After debate and on being put to the vote, the motion was lost with a large majority of members voting against.

16 REPORT OF THE SHROPSHIRE AND WREKIN FIRE AND RESCUE AUTHORITY

It was proposed by Mr K Barrow and seconded by Mr M Wood that the two reports of the Shropshire and Wrekin Fire and Rescue Authority (dated 11 December 2013 and 26 February 2014), a copy of which is attached to the signed minutes, be received and noted.

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

Signed (Chairman)

Date: