

**Shropshire Council and Shropshire Association of Local Councils
Town and Parish Council Forum**

10.00 – 12.00 Thursday 24th November 2016

Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate, Shrewsbury

Welcome – Cllr Cecilia Motley, Portfolio Holder for Rural Services and Communities, Shropshire Council

Cllr Motley welcomed everyone to the meeting.

Minutes and actions from the last meeting

Kate Garner (KG) updated on actions from the last meeting:

- Expressions of interest (EOIs) templates for assets and services had been circulated to all TPCs. It was noted that the deadline for EOIs relating to the transfer of amenity sites was end of March 2017 and for all other assets and services it was end of September 2017.
- Draft guidance notes on business planning for those TPCs considering taking on specific services had been circulated. KG advised that it was looked at in conjunction with the Shropshire Keeping It Local Resource Pack and the information available from Locality.
- Business Planning training, organised by SALC and delivered by Golden Kite Solutions, was taking place on Friday 2nd December; Dianne Dorrell to circulate flyer with reminder
ACTION DD
- The Locality Budget spreadsheet had been updated and circulated; the November 2016 column clarified current position

KG notified that Marches LEP was running a survey on freight as part of the development of the Marches Freight Strategy. MDS Transmodal had been commissioned to carry out the survey and to create the strategy. TPCs would be sent the survey via SALC, requesting them to rate a series of issues of importance in their area, regarding HGVs/LGVs, with a response deadline of 28th January 2017.

University Centre Shrewsbury was developing an Erasmus Programme, Senior Social Entrepreneurship, for people over 50 to develop skills in mobilising their network of people in their communities. Further details would be circulated with the notes of this meeting.

It was requested that any information requested at a meeting by clerks or councillors was sent to them without delay.

Design of the new Environmental Maintenance (EM) contract:

Steve Brown (SB) update the Forum on the development of the new Highways and Environmental Maintenance contract and the Environmental Maintenance Grants scheme. A briefing note in the form of Frequently Asked Questions, covering the presentation is attached to these notes.

SB confirmed that a second Cabinet report on the new contract would be prepared in early 2017 and this would give further guidance on the proposed options for TPCs to support local environmental maintenance.

Q1 (Shrewsbury Town Council - STC): Could STC express an interest in taking on the maintenance of land (currently delivered by Ringway and that would go into a new contract) in the parishes where STC is already maintaining areas that the parish has responsibility for? i.e.

STC would be responsible for the maintenance of all the amenity land in these parishes and would be paid by SC for areas it owns and by the PC for the areas it owns?

A (SB): Yes, it is possible – would need to have a further conversation about that option.

Q2 (Wem TC): Will the 2017/18 EMG scheme be open to all local councils and the application form sent out through SALC?

A (SB): Yes, all local councils can apply to the scheme, but the budget will remain the same for next year, i.e. if there are more applications they will be accessing the fixed amount of money that is currently available, which could lead to grants of a reduced value, to a greater number of councils.

Potential HR responsibilities associated with transfer of services/assets:

Alison Lawrence (AL) HR Business Partner at Shropshire Council (SC) gave a presentation on the types of transfer covered by TUPE regulations, applying to businesses of all sizes.

In early stages, SC provided the new employer with anonymised data such as job title, hours, years of service, annual leave, sick pay, maternity pay, etc. SC was obliged to send full information, including bank details etc 28 days before transfer.

Consultation

Employees had to agree to changes in terms and conditions (T&C), which would be unlawful if they were connected to the transfer, and were less favourable

Consult with staff and involve Trade Unions early on

In case of redundancy, new provider and Shropshire Council to discuss as this would have to be for an ETO reason (economic, technical or organisational).

In the case of TUPE, advised to engage HR and Pensions at an early stage.

Contract of Employment (T&C)

Any potential measures needed to be discussed during consultation (date of pay day, start and finish times) and potential changes agreed. After transfer, new providers could not change T&Cs except for ETO reasons. After 12 months, changes can be consulted on but cannot be detrimental to the employee overall.

Pension obligations

New employer must provide Local Government Pension Scheme (LGPS) or a comparable scheme.

Q1: The majority of TCs/PCs could not consider TUPE for financial reasons. If they decided to close a small library in agreement with SC, when would they be able to open it again?

A (AL): TUPE would still apply for a minimum of six months after closure. Therefore, reopening a library should only be considered a minimum of six months after closure. If not, redundant employees would still potentially be able to claim unfair dismissal.

Q2: Regarding closure, who would need to be consulted?

A (AL): The public would need to be consulted with first, then the staff, although staff should be kept informed as things progress.

Q3: How does Shropshire's Pension Fund deficit impact on TCs/PCs pension funds going forwards?

A (AL): This would form part of the negotiation between the TC/PC and the SC management team.

Q4: Broseley TC had taken on the library, and had found that they had different employer pension contribution rates. They had not been made aware of this prior to transfer.

A (AL): Involve a pensions officer at the earliest stage.

Q 5 (Oswestry TC): In the case of taking on grounds maintenance, Shropshire Council does not directly employ Ringway.

A (AL): If you take the contract on, Ringway would be expected to provide the necessary due diligence.

Q6: If a TC/PC employs a member of the pension scheme who then leaves, would the Council be liable for a lump sum contribution to the pension scheme?

A (AL): AL to clarify with Pensions Team. **ACTION AL**

Q7: Pensions actuary: What is the role of the actuary, and is it necessary to seek independent pension advice?

A (AL): AL to speak to Debbie Sharp, SC Pensions Administration Manager and ask her to speak at the next meeting. **ACTION AL**

AL's presentation to be sent out with these minutes. **ACTION KG**

Review of Local Plan (SAMDev):

Adrian Cooper, Planning Policy & Strategy Manager at Shropshire Council gave a presentation on the Review of the Local Plan, which is planned for early 2017.

The Local Plan (Core Strategy 2011 and SAMDev 2015), was being reviewed. This was because the national policy context has moved on, and it is essential to keep the plan up-to-date to ensure that it retained full weight in planning decisions.

The main item to be updated was how much housing was required in the future. The Core Strategy was based on figures from the Regional Spatial Strategy (RSS). As the RSS no longer exists, it is now necessary to update the plan so that it is based on census evidence.

The current plan covers the period from 2016 - 2026. The new plan period will cover 2016 – 2036. If Shropshire Council can't demonstrate that there is a five-year supply of housing land, then the authority of its local planning policies in decisions will be diminished.

SC was constantly battling with planning appeals which attempt to challenge current planning policy. Shropshire had the third highest level of planning appeals nationally during the last year. However, Shropshire is currently winning over 80% of these appeals and an even higher percentage of the more complex cases, which are considered by a Planning Inspector as part of a formal hearing or Inquiry. If the current plan isn't updated, it could be considered out of date, and this could increase planning appeals.

The first consultation on the new plan will start in January 2017, focusing on the level of housing and employment, and how this could be distributed between Market Towns and rural areas. There will also be options for how to plan for development in smaller rural settlements, including community hubs and clusters. The best available information currently suggests that the reviewed plan will have to be submitted for Examination by March 2018, although further national guidance is expected before Christmas.

Q1 (Ludford PC): Despite Shropshire's five-year housing land supply being agreed by Planning Inspector, he still approved the development in Ludford, just outside Ludlow.

A (AC): Agreed that the Planning Inspector overturning our decision in this way was frustrating.

Q2: In the period to 2026, Ludlow was allocated 900 houses, currently there were 1,400. Would further land need to be found?

A (AC): Much depended on the level of growth suitable for Shropshire overall, and how it was distributed between the places best able to deliver. Based on the census data, calculation of Shropshire population and demography would change over the next 20 years. It is not therefore possible to answer the question until the most appropriate level of future growth is established.

Q3: What were the implications of the Local Plan Review on Neighbourhood Plans (NPs)?

A (AC): Formal NPs such as that for Much Wenlock or Shifnal provide guidance equivalent to the local plan for a specific period. When the Local Plan is updated, it won't include as much detail about development in smaller rural settlements as SAMDev has, due to timescale and resources.

Community Led Plans (CLPs) do not carry the same weight as the local plan, but are valuable supplementary guidance and are easier and cheaper to prepare. If a CLP is consistent with the policies of the Local Plan, SC may formally adopt it so that it can be used as material consideration in planning decisions.

Q4: If your review showed significant increase in number of houses required, when would you start to have to meet the new five-year supply?

A (AC): If the housing requirement increased as part of the plan review, then the new figure would be used to calculate whether we had a five year supply of housing land from the date that we submit the new Local Plan for formal examination.

Q5: Where do Place Plans fit in?

A (AC): Place Plans are about infrastructure planning and are intended to show how new growth can help deliver improvements to facilities and infrastructure such as schools, roads, and broadband which are needed for sustainable communities.

Q6: Should TCs/PCs update their CLPs, NPs, PPs?

A (AC): These are a valuable source of additional local guidance and should be kept up-to-date wherever possible. If these documents are based on local evidence and can be shown to be representative of a community's priorities and aspirations, and are kept up-to-date, then they will have more weight in decision making. It would be sensible to review them at least once every five years.

Q7: Why would the reviewed Local Plan hold less local detail per parish?

A (AC): Preparing the SAMdev was very demanding, but very valuable. However, there is a lack of resources to repeat this level of work, given the time available in which to submit the review. If we miss the Government's target (currently March 2018), there is a risk that our local policies may carry less weight in decision making.

Q8: Are there likely to be applications in open countryside with zero carbon emissions?

A (AC): The current local plan constrains development in the countryside to 'exceptions' such as affordable housing. National planning policy does provide for houses of an exceptional design to be built in the countryside, but it is rare.

Green Belt: The Green Belt lies east of the River Severn and south of the A5. The review would assess the consequences and constraints of the Green Belt, and whether any land should be released for development. It would look at how the Green Belt was working, and would consider options of accommodating growth elsewhere.

A full briefing note is attached to these minutes.

Any other business

KG would send out the locality team key contact list again, as the one sent earlier by email wasn't set up to print correctly. **ACTION KG**

KG to send key contact list to local Members. **ACTION KG**

Future meeting dates -

The next meeting will be held on Thursday 16th February 2017 at 9.30am in the Council Chamber at Shirehall. Contact KG with any additional agenda items.

ACTIONS

| ACTION | BY WHOM | BY WHEN |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------------------------|
| Business Planning training flyer to be circulated with a reminder | DD | ASAP |
| Answer required - If a TPC employs a member of the pension scheme who then leaves, would the council be liable for a lump sum contribution to the pension scheme? A (AL): AL to clarify with Pensions Team. | AL | ASAP |
| A (AL): AL to speak to Debbie Sharp, SC Pensions Administration Manager and ask her to speak at the next meeting. | AL | Next Forum meeting 16/02/17 |
| AL's presentation to be sent out with these minutes. | KG | With notes of the meeting |
| KG to send out the locality team key contact list again, as the one sent earlier by email wasn't set up to print correctly. ACTION KG | KG | With notes of the meeting |
| KG to send key contact list to local Members. ACTION KG | KG | ASAP |