

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 11 October 2022

Committee:
Cabinet

Date: Wednesday, 19 October 2022
Time: 10.30 am
Venue: Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

You are requested to attend the above meeting. The Agenda is attached

There will be some access to the meeting room for members of the press and public, but this will be limited. If you wish to attend the meeting please email democracy@shropshire.gov.uk to check that a seat will be available for you.

Please click [here](#) to view the livestream of the meeting on the date and time stated on the agenda

The recording of the event will also be made available shortly after the meeting on the Shropshire Council Youtube Channel [Here](#)

Tim Collard Assistant Director - Legal and Governance

Members of Cabinet

Lezley Picton (Leader)
Gwilym Butler
Dean Carroll
Rob Gittins
Kirstie Hurst-Knight
Simon Jones
Richard Marshall
Cecilia Motley
Ian Nellins

Your Committee Officer is:

Amanda Holyoak

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AGENDA

1 Apologies for Absence

2 Disclosable Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

3 Minutes (Pages 1 - 6)

To confirm the minutes of the meeting held on 7 September 2022

4 Scrutiny Items

The Chair of the Place Overview Committee will attend the meeting to report on the Committee's consideration, on 29 September 2022, of a report on Creating and Delivering a Waste Minimisation Strategy

5 Public Question Time

To receive any questions from members of the public, notice of which has been given in accordance with Procedure Rule 14. Deadline for notification is not later than 5.00 pm on Thursday 13 October 2022.

6 Member Question Time

To receive any questions from Members of the Council. Deadline for notification is not later than 5.00 pm on Thursday 13 October 2022.

7 Scrutiny Items

Report from Place Overview Committee is attached

8 Draft Housing Allocations Policy and Scheme (Pages 7 - 68)

Lead Members – Councillor Simon Jones – Portfolio Holder for Adult Social Care and Public Health and Councillor Dean Carroll – Portfolio Holder for Growth and Regeneration

Report of Mark Barrow, Executive Director of Place

9 Draft Tenancy Strategy and Policy for Consultation (Pages 69 - 102)

Lead Member – Councillor Dean Carroll – Portfolio Holder for Growth and Regeneration

Report of Mark Barrow, Executive Director of Place

10 Adult Social Care Debt Recovery Policy (Pages 103 - 134)

Lead Members – Councillor Gwilym Butler – Portfolio Holder – Finance and Corporate Resources and Councillor Simon Jones – Portfolio Holder for Adult Social Care and Health

Report of James Walton, Executive Director for Resources and Tanya Miles, Executive Director for People

11 Annual Customer Feedback (Complaints) Report 2021/22 (Pages 135 - 164)

Lead Member – Councillor Rob Gittins – Portfolio Holder for Culture and Digital

Report of James Walton, Executive Director of Resources

12 Financial Strategy Mid-Year Review (Pages 165 - 192)

Lead Member – Councillor Gwilym Butler – Portfolio Holder for Finance and Corporate Resources

Report of James Walton, Executive Director of Resources

13 Business Rates Review (Pages 193 - 232)

Lead Member – Councillor Gwilym Butler – Portfolio Holder for Finance and Corporate Resources

Report of James Walton, Executive Director of Resources

14 School Streets (Pages 233 - 262)

Lead Member – Councillor Kirstie Hurst-Knight, Portfolio Holder for Children and Education

Report of Mark Barrow, Executive Director of Place

15 Highway Depot Closures (Pages 263 - 276)

Lead Member – Councillor Richard Marshall – Portfolio Holder for Highways and Regulatory Services

Report of Mark Barrow – Executive Director of Place

16 Community Asset Transfer Policy Update 2022 (Pages 277 - 282)

Lead Member – Councillor Cecilia Motley, Portfolio Holder for Health (ICS) and Communities

Report of Mark Barrow, Executive Director of Place

17 NHS Shropshire Telford and Wrekin Governance Arrangements

Lead Member – Councillor Cecilia Motley, Portfolio Holder for Health (Integrated Care System) and Communities – **TO FOLLOW**

Report of Rachel Robinson, Executive Director of Health, Wellbeing and Public Health



Committee and Date

Cabinet

28th September 2022

CABINET

Minutes of the meeting held on 7 September 2022

In the Shrewsbury Room, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

10.30am – 11.25am

Responsible Officer: Ashley Kendrick

Email: amanda.holyoak@shropshire.gov.uk Tel: 01743 250893

Present

Councillor Lezley Picton (Chairman)

Councillors Gwilym Butler, Dean Carroll, Rob Gittins, Kirstie Hurst-Knight, Simon Jones, Cecilia Motley, Ian Nellins and Ed Potter

41 Apologies for Absence

No apologies had been received.

42 Disclosable Interests

None were declared.

43 Minutes

RESOLVED:

That the minutes of the meeting held on 20 July 2022 be confirmed as a correct record.

44 Public Question Time

A public question was received from Dr Jamie Russell in connection with the costs associated with the North West Relief Road.

A public question was received from Cllr Chris Lemon in connection with the carbon status of the Bowbrook Meadows Development.

The full questions and responses provided are available from the web page for the meeting [Agenda for Cabinet on Wednesday, 7th September, 2022, 10.30 am — Shropshire Council](#)

45 Member Question Time

Four member questions were received from the following:

Councillor Julian Dean – in relation to **Page 1** Sustainable Warmth Programme.

Councillor Kate Halliday – in relation to transport to the proposed Health and Wellbeing Hub.

Councillor Rob Wilson – in relation to the North West Relief Road costs.

In a supplementary question, Councillor Rob Wilson asked if there were any comments to be made on the disruption local residents have faced due to drilling associated with the environmental testing requirements. It was confirmed that those affected had received an apology for any disruption and inconvenience caused by the works.

Councillor Kate Halliday – in relation to 'Warm Banks'.

The full questions and responses provided are attached to the webpage for the meeting: [Agenda for Cabinet on Wednesday, 7th September, 2022, 10.30 am — Shropshire Council](#)

46 **Scrutiny Items**

There were no scrutiny items.

47 **Budget Consultation and Alternative Budget**

The Portfolio Holder for Finance and Corporate Resources presented the report which proposed improvements to the current budget consultation and alternative budget arrangements that will allow broader input to how we determine the budget.

Members' attention was drawn to the timetable which had been created to allow all members to be engaged in the budgeting process and allow time for alternative budgets to be drawn up and considered.

Members welcomed the proposals which were felt to be an improvement on the process last year.

It was noted that the consultation process could be reviewed through Performance Management Scrutiny if, after this year, further improvements were deemed necessary and that the arrangements must be approved by full Council before being implemented.

RESOLVED:

To receive the information relating to the current budget processes and recommend to Council an approach for future budget consultations (Appendix 2) and an alternative budget process (Appendices 3a and 3b).

48 Annual Treasury Report 2021/22

The Portfolio Holder for Finance and Corporate Resources presented the report which sought to inform members of treasury activities for Shropshire Council for 2021/22, including the investment performance of the internal treasury team to 31 March 2022.

RESOLVED:

To accept the position as set out in the report.

49 Financial Monitoring Report Quarter 1 2022/23

The Portfolio Holder for Finance and Corporate Resources presented the report which estimated the Council's year end position based on information over the period 1st April 2022 to 31st July 2022.

Members noted that the administration had written to the new government to re-open the dialogue regarding levelling up and inflationary support to enable the council to deliver its services and drive the capital programme and economic recovery in the county.

Staff members were thanked for their ongoing dedication and drive to deliver to the new Shropshire Plan and new target operating model whilst dealing with the inflationary crisis.

A number of concerns were raised regarding the financial health of the council and further detail was requested; including information regarding the tactical budget review, reserve estimates, details of mitigating actions and the potential to push the cost of living crisis on to staff working from home. The Portfolio Holder requested that an email be sent to him detailing any further information that was required and a response could be provided.

It was acknowledged that the Council were in uncharted waters but that this was a national concern. It was hoped that the situation may look different once the new central government's policies are known.

It was confirmed that any change in the level of services the council are providing would be discussed in a transparent manner before being agreed by council.

RESOLVED:

- A. To note that at the end of Quarter 1 (31st July 2021), the full year revenue forecast is a potential overspend of between £4.138m and £17.506m, with best estimates indicating an overall overspend of £9.373m;
- B. To consider the detrimental impact of this on the Council's General Fund balance and mitigating actions urgently required to avoid this.

50 Treasury Management Update Quarter 1 2022/23

The Portfolio Holder for Finance and Corporate Resources presented the report which outlined the treasury management activities of the Council in the first quarter of 2022/23.

RESOLVED:

To accept the position as set out in the report.

51 Performance Monitoring Report Quarter 1 2022/23

The Portfolio Holder for Digital, Data & Insight and Built Housing presented the report which demonstrated progress against the Shropshire Plan outcomes: Healthy People, Healthy Economy, Healthy Environment, and a Healthy Organisation.

Members were advised that the performance portal had been rebuilt to reflect the Shropshire Plan priorities and that a new interactive reporting tool was in the process of being finalised. This would be delivered as soon as possible.

RESOLVED:

That Members

- i) Considered and endorsed, with the appropriate comment, the performance to date
- ii) Considered the emerging issues as highlighted in paragraph 9.3.

52 Whitchurch Swimming and Fitness Centre

The Portfolio Holder for Communities, Culture, Leisure & Tourism, Transport introduced the report which provided a recommendation to Council that the business case for the rebuilding of Whitchurch Swimming and Fitness Centre is approved and added to the capital strategy.

Members were in support of this much needed facility which would greatly benefit the residents of Whitchurch.

It was questioned as to how eco-friendly the facility would be. The Portfolio Holder confirmed that every effort would be made to be up to BREEAM standards and that the development would be a leader in its field.

Members and residents were praised for their campaigning efforts.

RESOLVED:

That Cabinet:

- Agreed that the business case for the project, as set out in the paper, be presented to Council with a recommendation that the development of the Whitchurch Swimming and Fitness Centre be included in the capital programme with an initial budget of £13.100m, funded from Public Works Loan Board (PWLB).
- Acknowledged the significant average annual revenue pressure of £0.509m arising from approval of this scheme, reaching a maximum of £0.530m in 2028-29, and recommend that Council delegate resolution of this pressure to the Executive Director of Place, in consultation with the Portfolio Holder for Communities, Culture, Leisure & Tourism.
- Recommend that Council delegates authority to the Executive Director of Place, in consultation with the Portfolio Holder for Communities, Culture, Leisure & Tourism, to procure, negotiate and agree the terms of any agreements/contracts necessary for the delivery of the project including, but not limited to:
 - Agreeing the procurement strategy
 - Design Team procurement and appointment
 - Site Surveys and Investigations and relevant reports
 - Planning permissions
 - Tendering activities
 - Main contractor procurement and contract sign-off
 - Construction
 - Hand over

Signed (Chairman)

Date:

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<u>Committee and Date</u>	<u>Item</u>
Cabinet	
19 October 2022	
	<u>Public</u>

DRAFT HOUSING ALLOCATIONS POLICY & SCHEME

**Responsible
Officer**

Jane Trethewey, Assistant Director Homes and Communities & Laura Fisher, Head of Service - Housing, Resettlement and Independent Living

Email

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1. Synopsis

- 1.1. Cabinet is requested to approve and adopt the draft allocations policy and scheme for allocations to Council owned stock and nominations to housing associations¹. .

2. Executive Summary

- 2.1. The draft allocations policy and scheme aims to make best use of the flexibilities provided under the Housing Act 1996 to ensure social housing is allocated to those in the greatest need and support strategic housing priorities.
- 2.2. The draft policy has been subject to public consultation. Feedback has been considered, resulting in a number of amendments. A final draft allocations policy and scheme is now proposed.

3. Recommendations

- 3.1. Cabinet is asked to approve and adopt the draft policy and scheme, set out in Appendix I.

¹ Registered with the Regulator of Social Housing, known formally as Private Registered Providers

REPORT

4. Risk Assessment and Opportunities Appraisal

4.1. The initial review of the existing allocations policy and scheme identified three options for the future operation of the scheme:

- (i) Continue using choice-based lettings (CBL) and a common register, widening the policy and scheme to include all forms of affordable housing and encourage those housing associations operating in Shropshire who are not part of the existing scheme to take part.
- (ii) Continue using CBL, but move to having a housing register to allocate to council owned stock and nomination to housing association dwellings, this requires formal nomination agreements to be resurrected or drawn up with all the large housing associations operating in Shropshire; and
- (iii) Option (ii), but no longer to use CBL but to use direct lets for allocations to council owned stock and nominations to housing associations.

4.2. The risks associated with each option were considered to be:

- (i) By using an approach where each housing association uses their own policy and process for deciding which applicant is offered a property it can be difficult to ensure that those applicants in the highest need are able to access affordable housing.
- (ii) Although this option requires the need to introduce and monitor nomination agreements with all large housing associations who are registered with the Regulator of Social Housing, given that the definition of a nomination is when a person is allocated a housing association tenancy in line with the Council's allocation policy and scheme, the risk of those in the greatest need being overlooked for an offer of housing is minimised; and
- (iii) Applicants are familiar with the CBL model which can also be used to publicise new affordable and supported housing developments; therefore, it would be a risk not to continue with this model and further exploit its potential.

4.3. The initial review also considered future access to the housing register:

- (i) Continue with an open housing register, where the only ground for applicants to be disqualified for an allocation (and nomination) of social housing is due to unacceptable behaviour; and

- (ii) Introduce additional qualification criteria whereby applicants are required to have a local connection and to be unable to afford to meet their housing needs in the open market.

4.4. The risks associated with each consideration were identified as:

- (i) Given that social housing is such a scarce resource there is a risk that continuing with an open register would not ensure that those in the greatest housing need, especially those to whom the local authority has a duty to rehouse, are allocated accommodation; and
- (ii) There is the risk that there could be insufficient applicants for "difficult to let" properties in lower demand. However, should this situation arise, it should be considered in the landlord's asset management strategy and lead to an options appraisal as to whether to repurpose, remodel or redevelop these homes, to ensure that the housing offer meets current aspirations.

4.5. The resulting draft document set out the policy and scheme for: applications to the Housing Register; the allocation of Council owned housing stock; and nominations to housing associations. A choice based letting scheme would remain, however, the policy contained local connection and financial qualification criteria.

4.6. Following the public consultation, the feedback has resulted in the qualification criteria being amended: the local connection residency period has been increased to two years, although, as the Local Housing Authority, the Council will retain the discretion to dis-apply this in exceptional cases; and the gross household annual income threshold element of the financial qualification rising to £80,000 for those applicants who only wish to access low-cost home ownership dwellings.

4.7. In addition, due to concerns raised by housing associations relating to allocating "difficult to let" properties, those applicants not considered to be in housing need and applicants without a local connection will still be able to apply to join the register (therefore, no longer be disqualified) but will be placed in Band 7. In order to ensure that those in the greatest need are allocated accommodation, the Council will ensure robust monitoring of all allocations made under the policy.

4.6 Following consultation on the draft revised policy a further Equality, Social Inclusion and Health Impact Assessment (ESHIA) initial screening record has been completed; this is at Appendix II. This does not identify any issues with the draft policy and scheme. It has therefore not been necessary to amend the ESHIA, other than

to reflect the proposed changes to the qualification criteria, but this will be kept under review.

5. Financial Implications

- 5.1. The operation of the Council's allocation policy is currently funded by the General Fund, with STAR Housing and partner housing associations who advertise void properties paying the Council a fee for each advertisement. Given the proposed move to a Council housing register and nomination agreements, the existing funding arrangements will be reviewed as part of the implementation process. Any revised proposals will need to ensure that the Housing Revenue Account (HRA) only funds the allocation of dwellings held in the HRA.
- 5.2. The implement process itself will involve the re-registration of all existing applicants; at April 2022 this was just over 6,000 households. Therefore, will require additional resource whilst this process is being undertaken, but will be funded through existing budget allocations. The benefits of implementing the draft policy and scheme in terms of ensuring those in the greatest need are allocated affordable housing, will reduce budget pressures in other areas, in particular the cost to the Council of temporary accommodation provided to homeless households under the Interim Duty of the Housing Act 1996.

6. Climate Change Appraisal

- 6.1. It is acknowledged that the Policy is expected to have a 'no effect' outcome on the climate change impacts listed below:
 - energy and fuel consumption (buildings and/or travel)
 - renewable energy generation
 - carbon offsetting or mitigation, and
 - climate change adaptation.
- 6.2. There are no other anticipated environmental impacts associated with the recommendations in this report.

7. Background

- 7.1. As the local housing authority Shropshire Council must comply with Part VI of the Housing Act 1996 (as amended by the Localism Act 2011) when making allocations to local authority owned stock and nominations to Private Registered Provider (housing associations registered with the Regulator of Social Housing) accommodation.

- 7.2. Statutory guidance on social housing allocations for local authorities in England (January 2022) sets out how allocation schemes are to be framed. In summary the guidance covers:
- who is eligible for allocation, this relates to immigration status;
 - how local housing authorities can determine who can qualify for an allocation, this can relate to local connection, financial resources and unacceptable behaviour; and
 - the categories of persons that an allocation scheme must give “reasonable preference” to, this includes households who are homeless (not just those considered to be statutory homeless), overcrowded households, persons with medical and welfare needs, and those suffering from hardship.
- 7.3. The draft allocations policy seeks to ensure that those applicants in the greatest need are able to access social and affordable housing, this is especially significant given the current cost of living crisis. Moreover, the policy review has been influenced by the strategic need to:
- Prevent and tackle homelessness, including reducing the pressure on temporary accommodation;
 - Promote independent living and reduce admissions to residential care, by ensuring the best use of all tenures and types of social housing; and
 - Enable key workers on low incomes to access affordable housing.
- 7.4. To this end, the draft allocations policy and scheme is for applications to the Housing Register; the allocation of the housing stock owned by the Council and managed by STAR Housing; and nominations to Private Registered Providers for social and affordable rented and low-cost home ownership² properties and, in some circumstances, to private landlords. This is contained at Appendix I.
- 7.5. The CBL process will remain in place, with the intention that the majority of dwellings would continue to be advertised by STAR Housing and housing associations. However, formal nominations arrangements will be introduced, with all large housing associations being required to agree to nomination rights to 100% of allocations to new build homes, with nominations to re-lets and all existing stock be agreed on an individual basis.
- 7.6. Public consultation was undertaken over the period 9 May 2022 to 3 July 2022. Responses were received from a number of organisations and individuals, including housing associations, parish and town councils and elected Members. The consultation responses, contained in Appendix III, have resulted in a number of

² With the exception of Homes England grant funded shared ownership properties on non-exception sites

changes to the original draft. The consultation responses and relevant amendments to the policy are set out below:

- Request that the residency period increase from one year to three years – the draft policy has been amended to have a residency period of two years, on the basis that this is supported by central government policy recommendations.
- Concern from housing associations that the local connection and financial qualifications would result in “difficult to let” dwellings where there is low demand being impossible to let – in order to ensure that this situation does not arise bands one to six of the draft policy continue to only contain applicants who have a local connection to the Shropshire Council local authority area and who are in housing need, whereas band seven is now widened to contain those applicants who are considered to be able to meet their housing needs through the open market and those applicants without a local connection.
- Although there were requests to reduce the financial qualification in relation to household income, a number of responses asked for it to be raised – given that the policy covers all tenures of affordable housing, the financial threshold for a household, not to be considered in housing need, remains at a gross income of £50,000 per annum for rented accommodation, in the scenario where an applicant only wishes to access low-cost home ownership accommodation, the gross household income is raised to £80,000.
- A concern was raised that care leavers placed out of county would not have a local connection – the draft policy now states that where the Council is considered to be the corporate parent of a care leaver placed “out of county” this will establish a familial association, therefore a local connection.
- The original draft policy only allowed for council owned stock to be advertised as “Sensitive Lets”, following a request from a housing association for this to apply to all registered providers – the draft policy now allows all registered providers to potentially advertise dwellings as Sensitive Lets where appropriate.
- Feedback was received in relation to on the joint applications section in terms of it being too restrictive – to enable flexibility, the wording relating to joint applications has been amended to state that they can usually be made by couples or partners. Therefore, this does not prevent other forms of joint applications, but these will be subject to the discretion of the individual registered provider.
- Concerns were raised as to housing organisations recognising applicants’ specific needs when they bid for properties and are being considered for offers of accommodation – a statement setting this out is now included in the draft policy.

- The Council was asked to recognise the needs of prison leavers, so as to prevent homelessness and reducing re-offending – A specific category of “reducing re-offending” has been included in Band 2.
- A request was made to extend the review period in band 2 – given the limited housing stock the draft policy has been amended to increase the review period in band 2 from eight to twelve weeks.
- Feedback was received relating to the drafting of the policy and the need to define key workers – the draft policy now includes a contents page and a further appendix containing a definition of key workers.
- It was requested that the policy is subject to annual review – although it was always intended to regularly review the revised policy, the draft policy now states that it will be subject to an annual review.

7.7. In addition to the amendments set out in paragraph 7.6, in order to ensure clarity, officers proposed the following three amendments to the draft policy wording which are not considered to constitute a significant alteration of procedures:

- Clarification of the bedroom entitlement for divorced or separated parents / guardians – the draft policy now reads, “that unless it is stated in a legal document that residency is 50% for each parent / guardian, the other parent / guardian will not receive any bedroom entitlement for access visits”.
- So as not to raise expectations from those wishing to bid for dwellings, “direct lets”, this being when due to emergency or management issues void dwellings are directly allocated from the housing register, these should not be advertised – the wording in the draft policy has been amended to this effect.
- The number of refusals / failures to make contact applicants are allowed in a 12-month period before they are deferred has reduced from four to three.
- the draft policy now contains separate appeals and complaints sections.

8. Conclusions

8.1. The proposed draft policy seeks to ensure that the Council complies with the Housing Act and makes use of the flexibilities it provides, combined with an approach to ensure those in the greatest housing need are allocated social housing, be this existing or new build for rent or low-cost home ownership.

- 8.2. On the proviso that Cabinet agrees to approve and adopt the draft policy, subject to resources, it will be implemented in quarter 1 2023-24.

List of Background Papers
Shropshire Affordable Housing Allocation Policy and Scheme 2014
Cabinet Member
Portfolio Holder for Adult Social Care and Public Health Portfolio Holder for Growth and Regeneration
Local Member
All
Appendices
Appendix I: Draft revised allocations policy
Appendix II: Equality, Social Inclusion and Health Impact Assessment
Appendix III: Summary of consultation feedback

Appendix I: Draft revised allocations policy

Allocations Policy and Scheme

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1. Introduction

- 1.1 This Housing Allocation Policy and Scheme applies to the Shropshire Council unitary local authority area. References to Shropshire and the Council refer to the unitary local authority of Shropshire.
- 1.2 This document sets out Shropshire Council's Policy for applications to the Housing Register; the allocation of the housing stock owned by the Council, which is managed by its Arm's Length Management Organisation (ALMO), Shropshire Towns and Rural (STAR) Housing; and nominations to housing associations registered with the Regulator of Social Housing (for social and affordable rented and low cost home ownership³ properties) and to private landlords.
- 1.3 Officers act under delegated powers in accordance with this policy. All allocations and nominations are made from the Housing Register.

2. Aims of the Allocation Policy and Scheme

- 2.1 In Shropshire the demand for affordable housing exceeds available supply. Therefore, this housing allocation policy and scheme seeks to meet the following aims:
 - Ensure people in the greatest housing need have the greatest opportunity to access suitable housing that best meets their needs;
 - To prevent and relieve homelessness;
 - To make best use of the Council's and housing association stock;
 - To help the Council meet statutory and strategic aims;
 - To help contribute to the development of sustainable communities; and
 - To allow for the greatest degree of choice possible in the allocation of affordable housing.
- 2.2 Whilst this Policy is intended to be comprehensive, the Council recognises that it is not possible to cover every eventuality. In special cases with exceptional needs, the Head of Service - Housing, Resettlement and Independent Living has the discretion to award additional priority and approve offers of accommodation taking into consideration all factors relevant to the application.

3. Eligibility

- 3.1 Applicants ineligible under Government regulations will not be eligible to be accepted onto the Housing Register. Eligibility is a question of immigration status. The rules regarding eligibility are complex and subject to regular changes in immigration law. Applicants who are not British citizens can request further information from the Council before making an application.

³ With the exception of Homes England grant funded shared ownership properties on non-exemption sites

- 3.2 Any applicant who has been excluded from the Housing Register on the grounds of ineligibility will be given written notice of the decision and the reasons for it and advise of their right of appeal (see section 40).

4. Qualification Criteria

- 4.1 The Council will usually only accept applications to the Housing Register who are in housing need. Housing need qualifying criteria is set out in Bands 1 to 6 in Appendix A. Applicants deemed not to be in housing need will be placed in Band 7.

Local Connection

- 4.2 The Council will usually only accept applications to the Housing Register from an applicant with a local connection to the Shropshire Council area. Local connection means that the applicant or a person who might reasonably be expected to reside with them either:
- Is normally resident within the local authority area of Shropshire; or
 - Has a local connection with the area by virtue of family association or secure employment.
- 4.3 Normally resident means resident in accommodation for a period of at least two years immediately prior to an application being made. This does not include being detained in prison or resident in a bail hostel. Persons occupying holiday or other temporary accommodation (for example, hospital or student housing) are not considered as normally resident unless they can demonstrate that this has been their sole or main home for a period of at least five years.
- 4.4 Family association normally means that the applicant has parents, grandparents, adult children, grandchildren, a brother or a sister currently living in Shropshire and has been normally resident within Shropshire for at least five years. In cases where the Council is considered to be the corporate parent of a care leaver placed "out of county", this will establish a familial association. In exceptional circumstances and where support is required family association may include extended family, each case will be determined on its own merits. Applicants will be required to provide proof of local connection by virtue of family association.
- 4.5 Secure employment means the employment or self-employment of the applicant or an adult member of the household for at least one year's duration and at least 20 hours per week. Where this employment has been for less than one year at the time of application or is on a zero-hour contract, evidence will be required to confirm the nature of the employment.
- 4.6 Local connection requirements will not apply to the following applicants:
- members of the Armed Forces and former Service personnel, where the application is made within five years of discharge;
 - bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner;

- serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service;
- existing social housing tenants in England who have a reasonable preference because of a need to move to Shropshire to avoid hardship and if they work or have been offered work in Shropshire and have a genuine intention to take up that offer;
- persons who need to move from another local authority area to escape domestic abuse; and
- persons who need to move from another local authority area to escape other forms of violence or harm.

4.7 Not having a local connection to Shropshire Council will not preclude those applicants identified to be within the class of person set out in section 13.1 of this Policy from being on the Housing Register. Such applicants will be placed in Band 7 unless exceptional circumstances apply (see section 4.15).

Unacceptable Behaviour

4.8 Applicants will not be accepted on to the Housing Register where it is decided that the applicant, or a member of the household with whom the applicant would usually reside, has behaved unacceptably.

4.9 Examples of unacceptable behaviour could include:

- Significant⁴ rent or mortgage arrears or breach of tenancy obligations where no attempt is being made to repay the debt or remedy the breach;
- Cautioned or convicted of a nuisance, anti-social or violent offence;
- Subject to an injunction under the Anti-social Behaviour, Crime and Policing Act 2014 or an Anti-Social Behaviour Order (ASBO) or equivalent;
- Conduct likely to cause serious nuisance, annoyance or harassment to neighbours;
- Using accommodation or allowing it to be used for immoral or illegal purposes;
- Fraudulent or duplicitous behaviour to obtain accommodation;
- Serious damage to or neglect of a property by the tenant or other occupants; or
- Committing violent or anti-social behaviour, or domestic, racist or other abuse.

4.10 Cases will be considered on an individual basis. The following criteria will be applied in determining whether an applicant (this includes existing Council tenants) is excluded from being able to go on the Housing Register for re-housing because of their unacceptable behaviour:

⁴ For example, those with amounts exceeding £1,000 may be disqualified from the Housing Register until the amount has been reduced to below £1,000 or consecutive payments for 26 weeks have been made, unless there are agreed extenuating special circumstances.

- There must be reliable evidence of unacceptable behaviour;
- In normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example those involving criminal prosecution, a longer timescale may be appropriate; and
- There must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats or there might be a history of repeat offending.

4.11 The decision as to whether to exclude an applicant from the Housing Register on the basis of unacceptable behaviour, be this due to the applicant's behaviour or the behaviour of a member of the household with whom the applicant would usually reside, will be made by the Shropshire Council's Head of Service - Housing, Resettlement and Independent Living.

Financial and Needs Assessment

4.12 Applicants with a household income of more than £50,000 gross per annum or savings and assets (including equity in a property) of more than £200,000 or both will usually be considered as not being in housing need and will be placed in Band 7. In the scenario where an applicant **only** wishes to access low cost home ownership accommodation, the cap on household income will be raised to £80,000 gross per annum. Lump sums awarded to Armed Forces service personnel injured or disabled in action will be disregarded.

4.13 The financial assessment will have regard to the financial resources of the applicant and the cost and availability of alternative suitable accommodation. Such applicants who can demonstrate that they have health or support needs that they are unable to meet in the open market will be considered on their individual merits by the Head of Service - Housing, Resettlement and Independent Living. Examples include:

- an applicant who is eligible for a Disabled Facilities Grant (DFG) to fund major adaptations to their existing home, where it is more cost-effective for the authority to re-house the applicant in accommodation appropriate to their housing need;
- an older person is committed to paying for care or support costs in order to remain living independently; and
- an applicant who requires specific accommodation to meet their housing needs, for example, the needs of disabled dependent children, but this accommodation is not available in the private sector, other than that provided by STAR Housing or a housing association.

4.14 As with all other decisions made under this policy, any applicant who is deemed to have such resources as not to qualify to be placed in Bands 1 to 6 will have a right of appeal against that decision (section 40).

4.15 Where an application to the Housing Register would not otherwise be accepted on the grounds of failing to meet the qualification criteria, as the Local Housing Authority, the Council will retain the discretion in exceptional circumstances where it is considered necessary to dis-apply the qualification

criteria and / or place the applicant in any other Band as set out in this policy.

- 4.16 Any applicant who has been excluded from the Housing Register on the grounds of failing to meet the qualification criteria will be given written notice of the decision and the reasons for it and advised of their right of appeal (see section 40).

5. Age of Applicants

- 5.1 Applicants will normally be at least 18 years of age. In the case of 16 and 17 year olds applicants must be care leavers or homeless / threatened with homelessness, and not deemed to be a child in need following an investigation by Social Services under section 17 of the Children Act 1989⁵. Applicants under the age of 18 must have a recognised support package and financial guarantor or guardian before being accepted on to the register.

6. Homeless Applicants

- 6.1 Shropshire Council has a duty to secure suitable accommodation for homeless households who are eligible for assistance, in priority need, have a local connection and who are not intentionally homeless, in Council, other Registered Provider (housing associations registered by the Regulator of Social Housing) or suitable private rented accommodation. Discharge of the main homelessness duty to the private rented sector will be made in line with the Homelessness (Suitability of Accommodation) (England) Order 2012.
- 6.2 It is important that persons who are homeless or threatened with being made homeless seek advice from Shropshire Council, or their local council, at the earliest opportunity.

7. Transfer Applicants

- 7.1 Existing tenants of Shropshire Council will be subject to the provisions of the Allocation Policy. Tenants wishing to transfer will not normally be considered for re-housing until they have been resident in their present home for one year.

8. Applying to the Housing Register

- 8.1 Persons wishing to register must complete an Application Form. The application can either be completed using a paper application form or online through the Shropshire Council website. Paper applications can be printed from the website and are available by post from Shropshire Council's Customer Contact Points.
- 8.2 The Application will then be assessed by Shropshire Council. Applicants will receive a written response confirming whether their application has been accepted. If accepted, the applicant will be provided with written

⁵ In this instance an application will be made by Social Services on behalf of the child in need and a support package will be in place.

notification of the Band in which they have been placed and given a registration date.

- 8.3 Where an applicant is not satisfied with the way their application has been assessed or determined they have a right of appeal (see Section 40).

9. Verification

- 9.1 On completing the Application Form applicants give permission for Shropshire Council to verify (check) the information that they have provided or will re-provide prior to any offer being made or any change of circumstance. This includes permission to contact other Council departments, for example Council Tax and Social Services, and other people or organisations such as previous and current landlords, the UK Border Agency and the police. Applicants will not be made an offer of accommodation until all information requested has been provided and verified. Appendix C lists the information applicants are required to submit to verify their housing application at both application and offer stage.
- 9.2 Shropshire Council may share information as appropriate where this is legally required and when providing nominations to housing associations and private landlords.

10. False Statements and Withholding Information

- 10.1 Ensuring all the information provided is true and accurate is the responsibility of the applicant. Verification checks will be undertaken at the point of offer to confirm the information on the application form is correct and up to date.
- 10.2 It is a criminal offence for applicants knowingly or recklessly to give false information; or to knowingly withhold information. It can carry a fine and in separate civil proceedings can lead to the loss of any accommodation let as a result of Shropshire Council relying on that false information.
- 10.3 Applicants are required to sign paper applications and certify online applications confirming the details they have given are correct to the best of their knowledge.
- 10.4 This Scheme falls within the provisions of Part VI of the Housing Act 1996. Section 171 of the Act states:
- (1) A person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part:
 - (a) they knowingly or recklessly make a statement which is false in material particular, or
 - (b) they knowingly withhold information which the authority has reasonably required them to give in connection with the exercise of those functions.
 - (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

10.5 Consequently, where Section 171 applies, Shropshire Council may bring a prosecution which if successful could result in a fine of an unlimited amount.

10.6 Where false information is found to have been given, the applicant may also be disqualified from the Housing Register on the grounds of unacceptable behaviour. Where false information has resulted in the applicant obtaining accommodation, the relevant Landlord may bring possession proceedings for recovery of the property.

11. Worsening of Circumstances

11.1 Applicants must not deliberately worsen their circumstances in order to obtain greater preference on the Housing Register. If an applicant is found to have deliberately worsened their circumstances they will either be placed in the Band corresponding to their circumstances at the time of their original application or may be disqualified from the Housing Register on the grounds of unacceptable behaviour.

11.2 Examples of deliberate worsening of circumstances might include:

- Selling a property that is affordable and suitable for an applicant's needs;
- Disposing or gifting assets, including property;
- Moving from a secure Assured Tenancy to insecure, overcrowded accommodation, where there is no good reason for this move; and
- Where there is evidence that it was reasonable for an applicant to have remained in their original accommodation.

11.3 Where an applicant has little or no control over their move to alternative accommodation, this will not be considered as a deliberate worsening of circumstances.

12. Change in Circumstances

12.1 If an applicant's circumstances change Shropshire Council must be informed straight away or as soon as is reasonably practicable. Examples of changes include change of address or change in family size.

12.2 If an applicant's circumstances change they may cease to be eligible for inclusion on the Housing Register, and their application will be disqualified. They will be informed if this is the case and advised of any right of appeal (see Section 40).

13. Statutory Requirements

13.1 Under the Housing Act 1996 Shropshire Council has to ensure that when allocating and nominating to housing accommodation **reasonable preference** is given to the following groups:

- people who are homeless within the meaning of Part 7 of the Housing Act 1996 (including those who are intentionally homeless and those not in priority need);

- people who are owed a duty by any housing authority under the Housing Act 1996 sections 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3);
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- people who need to move on medical or welfare grounds, including grounds relating to a disability; and
- people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

13.2 The Housing Act 1996 also requires that housing authorities must give **additional preference** to the following categories of applicants who fall within one or more of the reasonable preference categories and who have urgent housing needs:

- former members of the Armed Forces⁶
- serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service;
- bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner; and
- serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service.

13.3 Those applicants who are in the above categories and are placed in Bands 1 to 6 and are considered to have urgent housing needs will be given additional priority so that they are considered for re-housing ahead of other applicants in their respective Band.

14. The Banding System

14.1 The Allocations Policy is based on seven Bands with specific qualifying criteria (see Appendix A for more details). Each applicant's housing need and other circumstances are assessed on the information provided and the applicant is placed in the **highest** Band their circumstances allow. Within each Band applicants are ranked in date order from when they were registered into that Band.

15. Statement of Choice

15.1 Shropshire Council is committed to offering the greatest choice possible in the allocation of affordable housing in the county, whilst ensuring that housing is allocated to those with the greatest need.

⁶ Usually where the application is made within five years of discharge.

- 15.2 There will be certain situations where choice cannot be offered in the allocation of housing, such as when the Council needs to make a direct let as a matter of urgency. These circumstances are detailed within the scheme.
- 15.3 With the exception of these limited circumstances, housing will only be allocated to applicants who apply for a specific property, and all applicants have the opportunity to bid for properties they are entitled to be considered for, having regard to household size and other eligibility criteria.

16. How the Scheme Operates

- 16.1 All properties managed by STAR Housing that become available for letting and all housing association properties where the Council has nomination rights will be advertised through choice-based lettings. Housing associations and private landlords are able to advertise other properties where nomination rights do not apply. The scheme operates on a weekly property cycle from a Wednesday to the following Tuesday. The exact rent, service charge, for sale price, tenancy type and length of tenancy will be clearly advertised on the property details.
- 16.2 Those applicants who have been accepted onto the Housing Register can then bid (apply) for properties that are advertised. Applicants **are** able to apply for one property each cycle. When the bidding period has closed the advertised property will be offered to the bidder in the highest Band for whom the property is suitable and who has been within that Band for the longest period of time, unless otherwise provided by this Policy.
- 16.3 In the event that the bidder does not want to accept the property then it will be offered to the bidder in the same Band who has been waiting the second longest and then so on. Only when bidders in the highest Band have been considered, will ~~the~~ those in the next highest Band be offered the property.
- 16.4 When a property is allocated, notification will be given on the Shropshire Council website identifying the Band of the successful applicant and their registration date.

17. Bedroom Entitlement

- 17.1 Where possible, adverts will show the number of bedrooms available and number of people they are suitable for to enable eligibility to be exactly matched, for example, three bedroom five persons. Adverts will also show if any restrictions apply to the type of household that can apply.
- 17.2 Those applying for properties should ensure their income, including housing and welfare benefits, is sufficient to fully cover all the rent and charges associated with the accommodation.
- 17.3 The number of bedrooms required for each household is calculated in accordance with age, sex, marital status composition and the relationship of the members to one another. A separate bedroom is required for each married or cohabitating couple, for any other person aged 16 years or over,

for each pair of children aged 0 to 15 years of the same sex, and for each pair of children under 10 years of the same or opposite sex. If that is not possible, he or she is counted as requiring a separate bedroom, as is any unpaired child under the age of 10 years. Additional bedroom/s required because of a medical condition/s will be considered as part of the medical assessment procedure.

17.4 Appendix D gives examples of what size and type of property an applicant can usually expect to be offered, therefore, should bid for.

18. Access to Children

18.1 In the case of divorced or separated parents / guardians, a child will typically be expected to reside with one parent / guardian as their main residence. Unless it is stated in a legal document that residency is 50% for each parent / guardian, the other parent / guardian will not receive any bedroom entitlement for access visits.

19. Fostering and Adoption

19.1 Where a household has formal evidence that, subject to a suitable property becoming available, approval would be given to foster or adopt a child or children, subject to confirmation from a Social Worker, each child would usually be entitled to a separate bedroom. Verification of fostering and/or adoption arrangements will be carried out at point of offer of accommodation.

20. University / Full-time Study Away from Home

20.1 Household members studying away from home in full-time courses will be considered in bedroom entitlement unless they are the main applicant.

21. Overnight Carers

21.1 Where a household has formal evidence that an overnight carer or team of carers is needed three or more nights per normal week, a carer shall be included in the bedroom eligibility calculation.

22. Supported Accommodation

22.1 Applicants can indicate whether they want to be considered for supported accommodation on the application form but will usually be offered one only if they meet the following criteria:

- Older persons' sheltered or independent living accommodation – applicants aged 55 or over with support needs. Applicants will be expected to sign-up to a support package.
- Older persons' extra care sheltered accommodation – applicants aged 55 or over with support and/or care needs. Applicants require a referral from a social care manager to be considered for this type of housing. Applicants will be expected to sign-up to a support and care package.
- Other supported housing - applicants must meet the requirements set out in each scheme's eligibility criteria. Applicants will usually require a

referral from a social care manager to be considered for this type of housing. Applicants will be expected to sign-up to a support and / or care package as appropriate.

22.2 Bungalows will usually only be offered to applicants who have poor health and/or a disability who require accommodation on one level.

22.3 Other properties may be designated, for a limited period of time, for applicants who fall into a particular age category to ensure the continued sustainability of a particular block or area of housing. These may be subject to local lettings policies (see below).

23. Support / Care Packages

23.1 Some applicants (such as care leavers, and people with serious mental illness, dementia, or learning disabilities) will only be eligible for an offer of accommodation once it is confirmed that they have a recognised support/care package in place. This support/care package need not be provided through Social Services, but could include other forms of support, for example from family or friends. The support/care package will be reconfirmed before an offer of accommodation is made to ensure that applicants are supported to live successfully in their new home.

24. Advice and Assistance

24.1 Shropshire Council is unable to provide personal appointments. However, staff are able to signpost applicants to other sources of advice and assistance including those of dedicated teams and organisations throughout Shropshire. In particular, assistance will be provided to anyone who may have difficulty participating due to disability, learning disability, illness, age, not speaking English as a first language, or any other reason that might make it harder for them to fully participate within the scheme. Where applicants are unable to submit bids themselves an assisted bidding process can be offered.

25. Information about the Allocation Policy and Scheme

25.1 Anyone who wishes is entitled to a free summary of the Allocation Policy and Scheme, which can be obtained from Shropshire Council. A copy of this document is available to be downloaded from the Shropshire Council website.

25.2 Applicants to the Housing Register are also entitled to request details of information that has been used to assess their application. Requests must be submitting in writing.

25.3 When each property advertised has been successfully allocated, the banding and registration date of the successful applicant will be made available on the website. This information should be sufficient for applicants to determine their prospects of success in obtaining housing, and to estimate how long they are likely to have to wait to obtain such housing.

26. Local Lettings Plans and Policies

26.1 Local Letting Plans are usually introduced to:

- Balance communities to achieve sustainable neighbourhoods;
- Deliver specific local strategic outcomes; and
- Due to planning conditions.

26.2 Affordable housing dwellings may be subject to special planning conditions or legal restrictions applied through Section 106 of the Town and Country Planning Act 1990 (as amended) specifying local occupancy or employment conditions on who is able to live in the accommodation. These conditions are usually found in rural settlements and aim to ensure that applicants on the Housing Register who have a local connection with a specific parish or defined area are given priority for rehousing, over and above those who do not have that connection. Each Section 106 document will set out the specific detail of the Local Lettings Policy.

26.3 Where a Local Letting Plan or Policy is in place, priority will normally be given to applicants who directly meet the criteria of the Plan. Details of each Local Letting Plan or Policy will be available on request from the Council. Advertisements for properties included in the Local Letting Plan will specify the required criteria.

27. Letting Privately Rented Accommodation

27.1 Private landlords (this does not include housing associations registered with the Regulator of Social Housing) who offer affordable housing to households on the Housing Register may use additional criteria when selecting prospective tenants. The use of a Private Landlord's Letting Plan must be agreed with Shropshire Council and referred to in the property advertisement. The Plan must also be available to applicants on request.

28. Sensitive Lets

28.1 There may be circumstances where properties will be identified for Sensitive Let. This means specific criteria will be applied to individual properties to achieve wider objectives. Where a Sensitive Let is identified, priority may be given to applicants who directly meet the required criteria. Advertisements for properties defined as Sensitive Lets will specify the required criteria.

29. Direct Lets

29.1 Shropshire Council and its ALMO, STAR Housing, may from time to time need to make a Direct Let of a property to an applicant in exceptional or urgent circumstances, for example to facilitate or maintain essential support arrangements, or for an applicant who has very specific housing requirements.

30. Adapted Properties

30.1 Properties which have been adapted to meet the needs of people with disabilities will be identified when advertised. In order to ensure best use of stock, priority will normally be given to the applicants requiring the adaptations provided.

31. Offers of Accommodation

31.1 Applicants have a responsibility to ensure their contact details are up to date including, change of address, contact telephone numbers and email addresses. Shropshire Council publishes a list of supporting information required at point of offer which applicants are expected to have available immediately for verification. In most instances offers of accommodation will be made by telephone and applicants will be given three working days to respond. If applicants do not respond within this timescale, the offer may be withdrawn.

31.2 Where the offer of accommodation is to an applicant where a statutory homeless duty is owed by Shropshire Council, they will be given three working days for applicants to respond. If no response is received the Landlord will notify the Housing Options Team and agree whether to withdraw the offer.

31.3 Those applicants, with the exception of those with a homeless duty, who have refused or have failed to make contact on four or more occasions within a twelve-month period when suitable offers of accommodation have been made through the Allocation Scheme, will be deferred and therefore be declined further offers for a period of up to six months. The Council will write to the applicant and inform them of the reason as to why they have been deferred.

31.4 Landlords will make formal offers of accommodation in writing, either by letter or email.

32. Medical Assessment Procedure

32.1 Shropshire Council will assess and verify medical need/s which are directly affected by the applicant's accommodation and where a move to more suitable accommodation is needed.

32.2 Information is taken from the application with any supporting evidence to determine if there is a medical need and the level of this need. In exceptional circumstances, an independent medical assessment may be sought.

33. Joint Applications

33.1 Joint applications can usually be made by:

- A married couple;
- A civil partnership couple; and

- Partners (including same sex couples)⁷.

33.2 Where a sole application becomes a joint application, the original or earliest registration date of the two will apply. Should the parties of the joint application then wish to separate their applications, the respective dates at which they each separately registered will then apply.

34. People in Prison

34.1 Applications will be accepted from those currently in prison provided eligibility and qualification criteria are met. Shropshire Council works with a range of agencies to prepare people for release from prison and to prevent homelessness. While preparation for release may begin sometime prior to release, applicants should be mindful that bids made one month or more before the release date will not normally be considered.

34.2 Upon release an update application will be required and if applicable liaison with any support workers and agencies.

34.3 Emergency cases will be referred to Shropshire Council's Housing Options Team.

35. Pregnancy

35.1 Where a household member is pregnant, the pregnancy will only be considered once a medical certificate such as a MATB1 is received. Until the birth and the sex of the child or children can be confirmed the bedroom entitlement assumption will be set at the minimum number according to the above criteria.

36. Applications from Employees, Board Members, Councillors and their Relatives

36.1 Applications are monitored carefully to ensure that all allocations are made in line with this policy and no favour is given to those with close links to Shropshire Council, STAR Housing or housing associations with housing stock in Shropshire.

37. Property Adverts

37.1 Available properties are published each week. The scheme operates on a weekly property cycle from a Wednesday to the following Tuesday with applicants able to bid (apply) for one property each cycle.

37.2 Those applicants with email addresses will be sent a weekly link to available properties. Those applicants who have no internet access, who cannot access the internet elsewhere and do not have anyone who is able to bid on their behalf, can request that the Council undertakes bidding on their behalf.

⁷ This does not include friends.

38. Equal Opportunities Statement

38.1 Shropshire Council believes that it is a fundamental right for everyone to be treated fairly, with respect and dignity; in the implementation of this policy it will ensure that this right is promoted and upheld. This includes the need to ensure that applicants' specific needs are recognised when they bid for properties and are being considered for offers of accommodation.

39. Appeals

39.1 Any applicant to Shropshire Council's Housing Register has a right to make an appeal if they disagree with a decision made by the Council, such as disqualifying them from registration, **or** the banding awarded.

39.2 For decisions made by Shropshire Council the applicant should appeal / complain in writing to the Head of Service - Housing, Resettlement and Independent Living. An applicant can also appoint an advocate and, once appointed, Shropshire Council will deal directly with that advocate.

39.3 There are two stages to the appeals ~~complaints~~ process:

Stage 1

The appeal must be made in writing within 21 calendar days of the date of the decision letter, stating the grounds for the appeal. The appeal will be considered by the Head of Service - Housing, Resettlement and Independent Living or nominated representative, and a decision will normally be given within 21 calendar days. In complex cases it may not be possible to give a decision in 21 days and may take longer. Where this is the case the applicant will be notified in writing prior to expiry of the 21 day period.

Stage 2

If the applicant is unhappy with the decision made by the Head of Service - Housing, Resettlement and Independent Living they may request that a further review be carried out by the Director of People or their nominated representative. This request must be made in writing within 7 days. Again, a decision will normally be given in 21 days, subject to extension where necessary.

39.4 If still unhappy with the outcome of the appeal, the applicant may make a complaint to the Local Government and Social Care Ombudsman.

39.5 Where an offer of accommodation has been made to discharge the main homelessness duty, this will be subject to a different review process.

40. Complaints

40.1 Complaints about the policy should be made in the first instance to the Head of Service – Housing, Resettlement and Independent Living.

40.2 A copy of the full complaints procedure is available from Shropshire Council.

41. Monitoring and Review

41.1 Shropshire Council monitors all allocations and reports this in a 'Quarterly Monitoring and Statistics Report' which is published and available to download from the Shropshire Council website.

41.2 This policy and scheme will be subject to annual review, seeking to ensure it reflects changes in legislation and meets its aims.

Appendix A: Bandings

All qualifying applicants will be allocated to one of the following Bands according to their particular circumstances. Subject to exceptional circumstances as set out in section 4.15, applicants in Bands 1 to 6 will require a local connection.

Band 1:

Band 1A

Homeless households who are owed the main duty and are currently accommodated in emergency accommodation and other emergency cases:

- Households who are homeless and are owed the main duty including when they have become homeless or the Relief Duty has come to an end and they have been assessed as being eligible for assistance, unintentionally homeless, in priority need and have local connection and are currently accommodated in emergency accommodation provided by the Council⁸.
- Other households in emergency housing need where the authority has a statutory duty to provide housing.

Band 1B

Homeless households who are owed the main duty and where Council tenants need to move due to major works or demolition:

- Households who are homeless and are owed the main duty including when they have become homeless or the Relief Duty has come to an end and they have been assessed as being eligible for assistance, unintentionally homeless, in priority need and have local connection.
- Where Shropshire Council require tenants to move to alternative accommodation to allow major works to be undertaken (such as modernisation or demolition).

Where households are homeless and owed the main duty Shropshire Council's Housing Options Team will bid on applicants' behalf for each suitable property that becomes available. When a successful bid is made for a property the applicant will be notified of this and, subject to rights of review under Part VII of the Housing Act 1996 (as amended), this will constitute an offer of housing under Part VI as a discharge of the Council's homelessness duty.

Band 2:

Homeless households who are owed the Relief Duty, urgent medical need, hospital discharge; care leavers, serious disrepair, persons who are fleeing domestic abuse or other forms of violence or harm and reducing re-offending:

- Applicants who are homeless and are owed the Relief Duty and would be owed or likely to be owed the Main duty when the Relief Duty came to an end, because they are or are likely to be in priority need and unintentionally homeless.

⁸ This includes care leavers, where the Council is considered to be the corporate parent (so may have been placed "out of county"), who are owed the main homelessness duty and are accommodated in emergency temporary accommodation provided by the Council.

- Urgent medical need where the applicant's (or member of their household who is moving with them) condition is currently directly affected by their accommodation and an urgent move is needed to have a positive effect on their medical condition, or where as a result of their condition their current accommodation is not suitable to their needs. An investigation will be carried out. For Urgent Medical Need it is generally expected that the property cannot reasonably be occupied as the applicant is either unable to use or has serious difficulty using an essential part of the property, for example, the WC.
- Applicants who have been released from hospital and cannot return to the property. Severity of medical illness does not determine the housing banding. Medical evidence will be required.
- Where a young person who has been looked after, fostered or accommodated by Shropshire Council, is engaging with the support provided, and there will be a duty to rehouse accepted by Shropshire Council within six months of the young person being ready for independent living.
- Serious disrepair refers to the condition of the current accommodation. This will apply where the Council has deemed the applicant's home to have the presence of Category 1 Hazards, Bands A - C under the Housing Health & Safety Rating System and these Hazards cannot be resolved or reduced to a Category 2 Hazard with six months.
- Applicants who are fleeing domestic abuse or other forms of violence or harm. All applications will be taken seriously and will be fully assessed in conjunction with partner agencies and landlords.
- Reducing re-offending – applicants due to be released from prison where a personal housing plan has been undertaken and a support package is in place.

Unless specified otherwise in this policy, Band 2 will normally be valid for 12 weeks from date of award. If accommodation has not been secured in this period there will be a review carried out. If no suitable properties have become available during the period time in Band 2 will be extended for a further period, usually six weeks. If the applicant has been bidding for suitable properties but has not been successful, the status may be extended. If however, the applicant has failed to bid for properties, or has been bidding for unsuitable properties, the reasons for this will be determined and if there are valid reasons the time in Band 2 may be extended, but where there are insufficient reasons, the Band will be withdrawn and the applicant will be reassessed accordingly.

Band 3:

Resettlement, homelessness prevention, serious medical need, use and occupation, over-crowding, under-occupation and members of the armed forces to be discharged within six months:

- Resettlement - applicants have been assessed as ready to move from hostel or other temporary supported accommodation into settled accommodation. Where appropriate, arrangements will be made for tenancy support.

- Applicants who are threatened with homelessness and are owed the Prevention Duty and would be likely to be owed the Main duty if both the Prevention Duty and any Relief Duty that followed on were to end unsuccessfully and they would be, or would likely to be, found to be in priority need and unintentionally homeless.
- Serious medical need will apply where the applicant's (or member of their household who is moving with them) condition is currently directly affected by their accommodation and a move is needed to have a positive effect on their condition, or where as a result of their condition their current accommodation is detrimental to health and wellbeing. An investigation will be carried out.
- Use and occupation - following the death of the tenant, occupiers of Registered Provider⁹ dwellings who either do not have succession rights or a non-statutory succession cannot be granted as the current property would be under-occupied or considered unsuitable. Following notice served by a tenant and an assignment cannot be granted to the remaining occupants.
- Overcrowding – assessments will be based on the bedroom entitlement at Appendix D. Lodgers will not be included in the assessment.
- Under-occupation by one or more bedrooms by a tenant of a Registered Provider¹⁰ where the property is in Shropshire.
- Where a member of the British Armed Forces is going to be discharged within 6 months or has been discharged but been unsuccessful in finding permanent suitable accommodation. If part of a couple separating, this criterion would not apply to their ex-partner's application. Those that have been dishonourably discharged will be considered individually based upon the circumstances and reasons for the discharge.

⁹ In the case of a private registered provider (housing association) there will usually be an agreement between the PRP and the Council that the resulting void dwelling will be subject to nomination rights.

¹⁰ In the case of a private registered provider (housing association) there will usually be an agreement between the PRP and the Council that the resulting void dwelling will be subject to nomination rights.

Band 4:

Need to give or receive support, moderate medical need, disrepair, overcrowding, excessive travel and homelessness:

- Give or receive support from close family members and / or move closer to local facilities. Where not having a move would result in serious detriment.
- Moderate medical need where the applicant's (or member of their household who is moving with them) condition is currently directly affected by their accommodation and a move is needed to have a positive effect on their condition, or where as a result of their condition their current accommodation is not suitable to their needs
- Disrepair where the Council has deemed the applicant's home to have the Presence of Category 2 Hazards, Band D under the Housing Health & Safety Rating System.
- Overcrowding where there is a need for one additional bedroom – assessments will be based on the bedroom entitlement at Appendix D. Lodgers will not be included in the assessment.
- Excessive travel, where applicants in, or due to be in, permanent full-time employment (20+ hours per week) are subject to excessive travel (over 1 hour each way).
- Homeless is where the Council accepts a household is homeless but to whom it does not owe a duty to secure settled accommodation because they are not considered to be in priority need or because they are intentionally homeless.

Band 5:

Sharing essential facilities, forced to live apart, above ground floor flat with child or pregnant, and key workers:

- Sharing essential facilities such as bathroom, toilet or kitchen with a separate household¹¹.
- Family forced to live apart, where the family that has previously lived together find themselves in circumstances where it is impractical to reside in the same house due to financial, work or other commitments.
- The applicant has a child under ten or is pregnant and lives in a first floor flat or above.
- The applicant is considered by the Council to be a key worker.

Band 6:

Following a financial and need assessment, applicant is considered to be in housing need.

¹¹ Where the households sharing essential facilities are parents and their adult children this does not apply

Band 7:

Applicant is either not considered to be in housing need and/or does not have a local connection

- Following a financial and need assessment, applicant is not considered to be in housing need.
- Applicant is not deemed to have a local connection (and where there are no exceptional circumstances as set out in section 4.15).

Appendix B:
Glossary and Definition of Terms

Affordable Housing	Affordable housing comprises social and affordable rented accommodation and low-cost home ownership products [see NPPF]
Affordable Rent	Rent which is to 80% of local open market gross rent.
Allocation	Selecting a person to be a council tenant or nominating a person to be a housing association tenant.
Bidding for a Property	The applicant's way of expressing an interest in being re-housed in that property
Choice-Based Lettings	More commonly known as CBL. A process used to advertise available properties and asking applicants to choose for themselves the properties they would like to be considered for.
Community Benefit	An allocation used to promote the best interests of the local community, detailing how the eligibility for a property departs from the standard criteria within the Allocation Policy.
Direct Let	Used in urgent situations where the Council directly allocates or nominates to a property.
Housing Register	The list of all those registered with Shropshire Council for affordable housing.
Key worker	Someone whose role provides an essential service deemed crucial to the economy and wellbeing of society.
Local Letting Plans	Specifies how the qualification and eligibility for a property departs from the standard criteria within the Allocation Policy.
Main Duty	Where a homeless household is found by the local housing authority to be eligible for assistance, homeless but not intentionally so, in priority need and with a local connection they are owed the main duty of an offer of suitable accommodation.

Nomination	When a person is allocated a housing association tenancy in line with the Council's allocation policy and scheme.
Prevention Duty	If a homeless household is eligible for assistance and threatened with homelessness within 56 days, the local housing authority is required to work with them to prevent them becoming homeless.
Registered Providers	Housing organisations that are registered with the Regulator of Social Housing. Local authorities who own social housing stock are Registered Providers. Private Registered Providers are usually called Housing Associations.
Relief Duty	If a homeless household is eligible for assistance and is homeless, regardless of priority need, the local authority is required to take reasonable steps assist the household to obtain accommodation, this duty could last for up to 56 days.
Sensitive Let	Used for specific properties in the best interests of the local community.
Section 21 Notice	A formal document giving two months' notice on an Assured Shorthold Tenancy to vacate a property.
Section 106 Agreement	Some properties may be restricted under agreements pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended), imposing conditions on who is eligible to be allocated / nominated, such as including a local connection requirement to a specific parish or area.
Shared Ownership	Where a person buys a proportion of a new home and pays rent on the remaining portion.
Statutory Homeless	A term that refers to people or families to whom a local housing authority has a duty to make an offer of suitable accommodation – this could be a council or housing association property or a twelve-month tenancy of private rented accommodation.

Appendix C: List of Information Required to Verify an Offer of Accommodation

Please note that this is not an exhaustive list.

Local Connection

A copy of one of the following documents either from the applicant or from the close relative must be provided:

- Council tax bill
- Employment or contract of employment details
- Tenancy agreement

Without the documentation shown above, your local connection will not be verified.

Identification

- Passport sized photograph of applicant
- Original or certified copy of birth certificate or passport for applicant and for each household member included on the applicant's application
- Where applicable, proof of name change via Deed Poll
- Where applicable, original or certified copy of Marriage certificate

Housing

- A copy of Tenancy agreement
- A copy of Licence agreement
- A letter from friend or relative confirming the applicant's living arrangements - (letter should state date when the applicant moved in and number of bedrooms to which they have access)
- A current valuation of the applicant's home
- A copy of the applicant's latest mortgage statement
- Confirmation of Tied accommodation

Income

A copy of award letter or bank statements showing the following amounts:

- Employment Support Allowance
- Income Support
- Child Benefit (award letter only)
- Child Tax Credit
- Working Tax Credit
- Incapacity benefit
- DLA
- Carer's allowance
- Pension credit

- State Pension
- Occupational Pension
- Rent income
- Personal Independence Payment (PIP)
- Council tax benefits
- Universal credit
- Child support payments
- Last 3 months or 5 weeks of payslips for each employment
- A copy of self-employed accounts

Assets

- Independent property valuation
- Current, saving and investments bank accounts
- Premium bonds

Appendix D: Size and Type of Properties Eligibility Criteria

It is expected that for working age applicants the size of property for which they are entitled is in line with the DWP bedroom standard, however if applicants can demonstrate that they are able to pay rent with or without recourse to Housing Benefit, they may be considered for a property with an additional bedroom, this being subject to availability.

If a person named on an application as being part of the household is aged 16 or over they are classed as a person who is not a child and, therefore, as needing their own bedroom.

Households will usually be able to choose the floor level on which they want to live (depending on property type) unless there is an assessed need for a particular floor level. For example, if priority for ground floor accommodation is recommended on medical grounds.

The criteria listed below will usually be used when deciding what property is suitable for a household.

Household	Properties usually considered suitable
Single person of working age ¹²	Room in shared house, bedsit or 1 bedroom flat
Single person over working age	Bedsit, 1 or 2 bedroom flat or bungalow
Couple both of working age	1 bedroom flat
Couple with one or both over working age	1 or 2 bedroom flat or bungalow
Pregnant woman with no other children	1 or 2 bedroom flat, maisonette or house
Family with one child	2 bedroom flat, maisonette or house
Family with two children aged under 10	2 bedroom flat, maisonette or house
Family with two children aged under 16 of the same sex	2 bedroom flat, maisonette or house
Family with two children of different sex, where one or both children are aged 10 or over	3 bedroom flat, maisonette or house
Family with three children	3 bedroom flat, maisonette or house
Family with four children	3 or 4 ¹³ bedroom flat, maisonette or house
Family with five or more children	4 or 5 ¹⁴ bedroom house
Household needing 2 bedrooms where all are adults	2 bedroom flat or maisonette

¹² Working age includes anyone who is under the State Pension Credit age at the time

¹³ Depending on age and sex of children

¹⁴ Depending on age and sex of children

Appendix E: List of Local Lettings Plans and Policies

Hanley Lane, Bayston Hill
Oak Meadow, Bishops Castle
Chapel Close, Bomere Heath
Rastick Close, Bridgnorth
Tasley Area, Bridgnorth
Wenlock Rise, Bridgnorth
Love Lane, Cleobury
Shrewsbury Road, Cockshut
Brook Close, Condover
The Leasowes, Ford
Bearcroft, Hinstock
Warren Court, Market Drayton
Orchid Meadow, Minsterley
Callaughton Lane, Much Wenlock
Castle Fields, Oswestry
Plas Ffynnon Way, Oswestry
Willow Gate, Castle Street, Oswestry
Wingate Way, Park Hall, Oswestry
Thomas Beddoes, Shifnal
Battlefields, Shrewsbury
Sweetlake Meadow, Shrewsbury
White Lodge, The Mount, Shrewsbury
Bower Farm, St Martins
Church Farm, Tilstock
Round Meadow, Wem
Saxon Fields, Wem
Pipegate, Woore

Appendix F: Key workers

Health and Social care

Includes doctors, nurses, midwives, paramedics, social workers, care workers, and other frontline health and social care staff including volunteers; the support and specialist staff required to maintain the UK's health and social care sector; those working as part of the health and social care supply chain, including producers and distributors of medicines and medical and personal protective equipment.

Education and childcare

Includes childcare, support and teaching staff, social workers and specialist education professionals.

Key public services

Includes those essential to the running of the justice system, religious staff, charities and workers delivering key frontline services, those responsible for the management of the deceased, and journalists and broadcasters who are providing public service broadcasting.

Local and national government

Only includes those administrative occupations essential to the effective delivery of essential public services, such as the payment of benefits, including in government agencies and arm's length bodies.

Food and other necessary goods

Includes those involved in food production, processing, distribution, sale and delivery, as well as those essential to the provision of other key goods (for example, hygienic and veterinary medicines).

Public safety and national security

Includes police and support staff, Ministry of Defence civilians, contractor and armed forces personnel (those critical to the delivery of key defence and national security outputs), fire and rescue service employees (including support staff), National Crime Agency staff, those maintaining border security, prison and probation staff and other national security roles, including those overseas.

Transport

Includes those who keep the air, water, road and rail passenger and freight transport modes operating, including those working on transport systems through which supply chains pass.

Utilities, communication and financial services

Includes staff needed for essential financial services provision (including but not limited to workers in banks, building societies and financial market infrastructure), the oil, gas, electricity and water sectors (including sewerage), information technology and data infrastructure sector and primary industry supplies, as well as key staff working in the civil nuclear, chemicals, telecommunications (including but not limited to network operations, field engineering, call centre staff, IT and data infrastructure, 999 and 111 critical services), postal services and delivery, payments providers and waste disposal sectors.

Appendix II: Equality, Social Inclusion and Health Impact Assessment (ESHIA)

Initial Screening Record

A. Summary Sheet on Accountability and Actions

Name of proposed service change
<i>Revised housing allocations policy and scheme</i>

Name of lead officer carrying out the screening
Melanie Holland

Decision, review, and monitoring

Decision	Yes	No
Initial (part one) ESHIA Only?	✓	
Proceed to Full ESHIA or HIA (part two) Report?		✓

If completion of an initial or Part One assessment is an appropriate and proportionate action at this stage, please use the boxes above. If a Full or Part Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations
The proposed changes to the housing allocations policy and scheme seek to ensure that all forms of social housing, this includes supported housing and low-cost home ownership

products, are allocated to those persons in the greatest housing need. Therefore, seeking to ensure equality of opportunity and social equality is promoted through access to suitable housing to allow people to be able to participate in society and to ensure the provision of suitable housing for people's health and support needs will improve people's quality of life and reduce admissions to hospital and residential care. By having a policy which covers allocations and nominations to all forms of social housing and introducing local connection and financial assessment qualification criteria for Bands 1 to 6, this should result in not just housing been allocated to those in greatest housing need, but also provide strong evidence of need and demand, which will greatly assist the Council and its partners to enhance the positive impact of the policy change through the enabling and delivery of additional social housing.

Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations

The draft policy and scheme has been subject to public consultation which has resulted in changes to seek to better ensure social inclusion; if the final policy and scheme is agreed, part of the implementation process will involve contacting all existing applicants to advise them of the policy changes. Applicants who are no longer qualify for an allocation or feel that they have less priority than previously have a right of appeal. Following the implementation of the revised policy it will be subject to robust continuous monitoring, both in terms of allocations of Council owned stock and housing association compliance with nomination agreements, to ensure that those applicants in the greatest housing need are being allocated social housing and to seek to maximise positive outcomes across all Protected Characteristic groupings. In addition, as a minimum, there will be quarterly monitoring of housing demand as evidenced by the housing register, in terms of first choice parish and type and size of property. This data will be used to inform development and asset management plans, so as to ensure that new and existing social housing meets need and reflects aspirations.

Associated ESHIAs

An initial ESHIA was undertaken on the draft revised policy for consultation in March 2022.

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations

Climate change

As the housing allocations policy and scheme is purely concerned with allocations and nominations for existing social housing stock a climate change appraisal is not relevant.

Health and well being


Being able to access an affordable dwelling which meets a household's needs is essential to health and well-being. For example, this could be an allocation of a flat in an extra care sheltered scheme to an older person with disabilities, allowing them to be able to continue to have "their own front door" and live independently instead of moving into residential care or potentially being admitted to hospital due to a fall. Or instead providing a house which is affordable, of good quality and has security of tenure to a family threatened with homelessness, allowing them to create a home for their children and reducing the worry of a no fault eviction or being able to afford an increase in rent.

Economic and societal/wider community

By ensuring that those in the greatest housing need are allocated social housing, the benefits are not limited to improving the individual health and wellbeing of those allocated housing but can be much wider. For example, the provision of affordable housing can result in some being able to escape the "benefits trap" and take a job as a

care assistant. Moreover, enabling someone with learning disabilities or autism to choose to live independently in supported housing, is essential to ensuring an inclusive society.

Scrutiny at Part One screening stage

People involved	Signatures	Date
Lead officer carrying out the screening		18 August 2022
Any internal service area support*		
Any external support**		

***This refers to other officers within the service area**

****This refers to support external to the service but within the Council, e.g., the Rurality and Equalities Specialist, the Feedback and Insight Team, performance data specialists, Climate Change specialists, and Public Health colleagues**

Sign off at Part One screening stage

Name	Signatures	Date
Lead officer's name		

<i>Accountable officer's name</i>		
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****This may either be the Head of Service or the lead officer***

B. Detailed Screening Assessment

Aims of the service change and description

The Council's existing allocation policy and scheme, "Shropshire Affordable Housing Allocation Policy and Scheme" was launched in 2014. This is a common housing register which uses choice-based lettings (CBL) to allocate all Council owned stock (managed by its Arm's Length Management Organisation, STAR Housing) and void dwellings from partner Private Registered Providers. However, since 2014 there has been a sharp increase in housing costs in the private sector, resulting in all forms of social housing, including supported accommodation and local cost home ownership products becoming a very scarce and important resource. It is now become vital that the Council ensures that those applicants in the greatest need are allocated social and affordable housing which in recent years, due to the increase in housing costs in the private sector, has become a very important resource. Moreover, the policy review has been influenced by the strategic need to:

- Prevent and tackle homelessness, including reducing the pressure on temporary accommodation;
- Promote independent living and reduce admissions to residential care, by ensuring the best use of all tenures and types of social housing; and
- Enable key workers on low incomes to be able to access affordable housing.

It is therefore proposed to move to a situation where the Council's policy is for allocations to the Housing Register; the allocation of the housing stock owned by the Council, which is managed by its Arm's Length Management Organisation (ALMO), Shropshire Towns and Rural (STAR) Housing; and nominations to housing associations registered with the Regulator of Social Housing (for social and affordable rented and low cost home ownership¹⁵ properties).

The CBL process would remain in place, but formal nominations arrangements would be introduced, with all large Private Registered Providers to require to agree to nomination rights to 100% of allocations to new build housing, with nominations to re-lets and all existing stock be agreed on an individual basis. It should be noted that the Housing Act 1996 refers to the need for Private Registered Providers to co-operate with local housing authorities to offer housing to people in priority need and who are homeless. In addition, Housing Corporation Regulatory Circular, 02/03 Regulation, February 2003 refers to nomination agreements between local authorities and housing associations (Private Registered Providers) and how these should be for a minimum of 50% void dwellings on re-let.

To ensure the Council is meeting local housing and support needs of those who are unable to meet their needs through the market, the draft policy contains qualification criteria relating to local connection, a financial assessment and unacceptable behaviour, whereby eligible applicants with a local connection and in housing need will be placed in Bands 1 to 6. Those eligible applicants without a local connection, subject to the below exceptions, will be placed in Band 7 (the lowest band).

With statutory exceptions relating to the Armed Forces, ex-service personnel and existing social tenants moving to employment in Shropshire, the proposed local connection is either residency (have lived in Shropshire for the last two years), close family living in Shropshire, or being employed in Shropshire. As the Local Housing Authority, the Council retains discretion to dis-apply the qualification criteria in exceptional circumstances.

¹⁵ With the exception of Homes England grant funded shared ownership properties on non-exception sites

It is proposed that applicants who would be able to purchase or rent market priced housing within Shropshire which is suitable for their needs would be placed in Band 7. The draft policy proposes that the threshold for being able to access accommodation in the open market is an income of £50,000 gross per annum or savings and assets (including equity in a property) of more than £200,000 or both. Where an applicant only wishes to access low cost home ownership housing the annual gross income is raised to £80,000.

Although the existing policy disqualifies persons on the grounds of unacceptable behaviour, this is based on a very stringent test. The draft revised policy recognises that there can be no blanket restrictions as each case needs to be considered on its merits, however, sets out a list of example scenarios where an applicant could be disqualified from an allocation of housing.

The draft policy also increases the number of bands from four to seven. Thus allowing for greater differentiation in prioritising categories of applicants are required to be given reasonable preference under the Housing Act 1996 and also recognising the needs of those applicants who may not be in a reasonable preference group but are still in housing need and are a strategic priority for the Council, for example, key workers in low-paid employment.

In addition, by the policy applying to all forms and tenures of social housing and introducing qualifying criteria relating to local connection and financial resources, this means that there is greater clarity on the evidence to support affordable and specialist housing development.

Intended audiences and target groups for the service change

The proposed changes to the allocations policy and scheme will affect applicants currently on the housing register and future applicants wishing to join. The local connection and

financial assessment qualification criteria will result in all those eligible applicants with a local connection and in housing need to be placed in Bands 1 to 6, with eligible applicants who are not in housing need or do not have a local connection being placed in Band 7. However, the revised scheme will encompass all forms of social housing, including supported housing and low-cost home ownership, so for all eligible applicants there is greater opportunity of being allocated housing.

In addition, moving from a common housing register to the Council facilitating allocations and nominations from a local authority housing register, will also change the way the Council works with housing associations into a more formal approach, with ongoing monitoring. However, this approach is considered a standard model for allocating social housing, especially in areas of scarce affordable housing and high housing need.

Elected Members are also likely to be affected by the proposed changes as they may be contacted by applicants.

Evidence used for screening of the service change

The evidence used for developing the proposed changes to the allocation policy and scheme includes: homelessness data (including the numbers of households in temporary accommodation); housing need and demand data from the existing housing register; housing market data; research on key workers; statutory guidance on social housing allocations for local housing authorities in England; good practice and feedback from the public consultation.

Specific consultation and engagement with intended audiences and target groups for the service change

The eight-week public consultation included formal consultation with all 32 Private Registered Providers operating in Shropshire and media publicity to raise awareness with Council tenants and existing and potential applicants.

Initial equality impact assessment by grouping (Initial health impact assessment is included below)

Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Protected Characteristic groupings and other groupings in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive, negative, or neutral impact (please specify) <i>Part One ESIIA required</i>
Age (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are safeguarding concerns e.g., an older person with disability)			✓	
<u>Disability</u> (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and			✓	

sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)				
<u>Gender re-assignment</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<u>Marriage and Civil Partnership</u> (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓
<u>Pregnancy and Maternity</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<u>Race</u> (please include ethnicity, nationality, culture,				✓

language, Gypsy, Traveller)				
<u>Religion and belief</u> (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				✓
<u>Sex</u> (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓
<u>Sexual Orientation</u> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓

Other: Social Inclusion
(please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns; people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)

✓

Initial health and wellbeing impact assessment by category

Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Health and wellbeing: individuals and communities in Shropshire	High negative impact <i>Part Two HIA required</i>	High positive impact	Medium positive or negative impact	Low positive negative or neutral impact (please specify)

<p>Will the proposal have a <i>direct impact</i> on an individual's health, mental health and wellbeing?</p> <p>For example, would it cause ill health, affecting social inclusion, independence and participation?</p> <p>.</p>			✓	
<p>Will the proposal <i>indirectly impact</i> an individual's ability to improve their own health and wellbeing?</p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking?</p> <p>.</p>			✓	
<p>Will the policy have a <i>direct impact</i> on the community - social, economic and environmental</p>				✓

living conditions that would impact health?

For example, would it affect housing, transport, child development, education, employment opportunities, availability of green space or climate change mitigation?

Will there be a likely change in demand for or access to health and social care services?

For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services?

✓

Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts

As the housing allocations policy and scheme is purely concerned with allocations and nominations for existing social housing stock a climate change appraisal is not relevant.

With respect to the Human Rights Act, this does not give a person a right to a home or other accommodation, instead it contains a right to respect for a home that a person already has. The Housing Act 1996 and the associated statutory guidance on social housing allocations for local authorities in England sets out the legal framework for the Council to establish its allocation policy and scheme. The Council must comply with the Housing Act 1996, even if the statute appears to infringe the Human Rights Act, for example in terms of eligibility. However, the operation of allocation schemes must avoid unjustified discrimination (which may be contrary to Article 14 of the Human Rights Act) and procedural unfairness (which may be contrary to Article 6 of the Act). The revised draft allocations policy and scheme has been considered in terms of this, and advice and assistance, including assisted bidding is provided to ensure all persons are able to apply to the scheme and applicants are able to submit bids.

With respect to the public sector equality duty, through ensuring those applicants in the greatest housing need are allocated social housing the draft revised policy seeks to promote social inclusion.

Appendix III: Summary of consultation feedback

The draft allocations policy and scheme was subject to public consultation over the period 9 May 2022 to 3 July 2022. This included the draft being sent to all Private Registered Providers (housing associations registered with the Regulator of Social Housing), elected Members and Parish and Town Councils.

Responses were received by three Private Registered Providers, five elected Members, 11 Town and Parish Councils, three other external bodies, one member of the public and five members of staff. A summary of comments is set out below:

Element of policy	Feedback	Consideration
<i>Local connection</i>	<ul style="list-style-type: none"> In the main supported, with suggestion that the residency element increase to three years, however, the following concerns raised: <ul style="list-style-type: none"> Would lead to struggling to allocate difficult to lets. Persons with support networks not being able to prove a local connection. Care leavers placed out of county potentially not having a local connection. Homeless households without a local connection not being accepted onto the register. Refugees and former prisoners not being accepted onto the register. Key workers to include care workers. 	<ul style="list-style-type: none"> The residency element of the revised policy increased to two years as this is Government policy recommendation. Band 7 widened to include all eligible applicants regardless of local connection. The draft policy provides for discretion in terms of how the local connection qualification criteria will be applied. Policy amended to state that where the Council is corporate parent of care leaver placed out of county the care leaver will have a local connection. The proposed residency qualification can apply to applicants in the reasonable preference category (all homeless households) on the basis that the Council exercises discretion where appropriate, acts proportionately and does not result in a whole group of people in the reasonable preference category being excluded. Therefore, where it is appropriate the Council (Head of Housing) should use discretion to accept homeless applicants onto the housing register. An appendix has been included which sets out all the key worker professions, this includes care workers.

<i>Financial qualification</i>	<ul style="list-style-type: none"> • How to evidence a household is able to afford open market housing. • Should be reviewed annually and means tested relating to make-up of the household • Too high as: <ul style="list-style-type: none"> ○ Should be based on the average wage. ○ Prevents those in most housing need from accessing accommodation. • Too low as: <ul style="list-style-type: none"> ○ Prevents adult children from living at home and being able to save up. ○ Appropriateness of including all household income (non-dependent children) ○ Prevents people from being able to live in the area they have been brought up. ○ Does not take account of local housing markets. ○ May result in housing associations struggling to let / sell some social housing. 	<ul style="list-style-type: none"> • Procedure will be based on financial qualification contained in policy. Therefore, will have regard to the financial resources of the applicant and cost and availability of alternative suitable accommodation. • Draft policy now states that it is to be reviewed annually. • On the basis that this threshold is for families as well as single persons, the average income is considered too low. • Social rented housing is for households in housing need and those on over £50,000 per annum could afford to rent on the open market in Shropshire. • The threshold for those households only wishing to access low-cost home ownership raised to £80,000 gross per year. • Band 7 widened to include all eligible applicants regardless of household income.
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	<ul style="list-style-type: none"> Consideration should be given to those with finances above limit but specific medical/ support need. 	<ul style="list-style-type: none"> The policy already considers this in the financial and needs assessment.
<i>Banding</i>	<ul style="list-style-type: none"> Section 17.2 'Bidder in highest band' – feels this conflicts with the policy aims Addition of bandings from 4-7 – interesting to see how many applicants are re-housed in bands 5-7 after a period of time. Could we work on what a 'support package' offer might look like to move care leavers to Band 2 or can we ask for a new Band 1C for 1st time care leaver applicants at 18? Joint applications – this is unnecessary and excludes friends – felt we should be supporting strong networks and exclusion of friendship was an over policing of people's lives. Wish to have joint applications from friends, particularly those below 25 Band 6 -is assessment for everyone or just those with income above £50k. 	<ul style="list-style-type: none"> To be dealt with in nominations agreement. Options for Local Lettings Plans remain, subject to agreement with Council. To be reviewed periodically. Currently first-time care leavers are in Band 2, this being "planned" rehousing. Care leavers could also be in Band 1 (A or B) if statutory homeless. Wording revised. Wording revised. The original draft proposed that Band 6 was for everyone accepted onto the register, who did not meet the criteria for Bands 1 to 5. However, under the revised draft policy it will contain eligible

		applicants who have both a local connection and financial qualification, but do not meet the criteria for Bands 1 to 5.
<i>Supported and Specialist Housing Need</i>	<ul style="list-style-type: none"> • There are client groups likely to be negatively impacted by the policy e.g. working age people with disabilities, offenders on discharge (on this there is a lack of clarity on place detention and prior place of residence). • Does policy apply to Retirement Living and Extra Care. • Section 19.1 Extra Care. The Policy refers to extra care applicants as needing to be referred by a social care manager, ruling out those without care needs, which will create difficulty maintaining a balanced community of care needs. • Concern that care leavers placed out of county will not qualify to be on the register due to local connection requirement. • No mention of people with autism who may have particular housing needs • Need to consider needs of women offenders, sometimes 	<ul style="list-style-type: none"> • Equalities Impact Assessment Completed. • Yes. • Extra care sheltered housing is designed for persons with low, medium and high care and support needs as it should be an alternative to residential care and also prevent admissions to residential care. A mixture of low, medium and high care and support needs should ensure a balanced community and can be subject to an agreed local lettings plan. • Care leavers who have been placed in Shropshire by other local authorities for longer than two years before they are 18 automatically have local connection under Homeless Legislation. • To be covered in procedures. • To be covered in procedures.

	<p>with specific adaptations and/or learning disabilities.</p> <ul style="list-style-type: none"> • Request policy to contain a specific reference to rehousing prison leavers and those on probation. • Queried need to former members of armed forces with urgent housing needs additional priority. • Adapted properties – clarify that need for specific adapted property gives priority. 	<ul style="list-style-type: none"> • Agreed. Will need to relate to a protocol. • This is a Statutory Requirement • To be clarified in procedures
Page 64 <i>Administration of the Scheme</i>	<ul style="list-style-type: none"> • Policy does not refer to nominations % Implies all RP properties to be let via the scheme. • The Policy doesn't refer to landlord pre-tenancy assessments. • Landlords need ability to make best use of stock. • Can advertising cycles for new build be reduced. • Section 4.8 Exclusions. No detail regarding applicants who are abusive to staff. • Section 4.7 to 4.10 – useful to include detail regarding process for checks. Also, helpful if exclusion reviews 	<ul style="list-style-type: none"> • The Policy relates to allocations for council owned stock and nominations to housing associations. % of nominations to be agreed as part of Nominations Agreements. • As above. • Can be agreed as part of Nominations Agreements. • As above. • Would be considered under proven unacceptable behaviour (section 4.8). • N/A as checks in respect of eligibility to the scheme carried out by Council.

	<p>were documented on individual applications</p> <ul style="list-style-type: none"> • Policy doesn't give detail of who responsible for checking detail regarding financial needs assessment. • Welcome discussion around current approach on auto bids • Section 26.1 would welcome further discussion around properties which aren't available for lettings being advertised. • Section 28.1 The Policy refers to three working days wait for applicants to respond to offers of accommodation. Can this be reduced • Section 28.1 clarity on whether statutory duty applicants can refuse offers without having duty discharged • The Policy doesn't give detail regarding who will be responsible for applicant right to rent checks • Would like to explore "pausing" applications for two-month period if applicant does not pass landlord pre-tenancy checks 	<ul style="list-style-type: none"> • The Council with exception of LCHO • This relates to Council properties. • Three days to remain, as need to be mindful of applicants' needs. • The only grounds for refusal and another offer being made is if the other offer is considered unsuitable. • Right to Rent checks do not apply to allocations of council housing and nominations to housing associations as these are made under the Housing Act 1996 and eligibility will need to be assessed by the Council in line with the Act. • This is a Council Allocation Policy and Scheme.
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	<ul style="list-style-type: none"> • Applicants only provided 1 bid per advert cycle – we would like to see this increased to 3 to give customers a better choice in advert cycle. • Whether those unable to access the appropriate technology will be adequately catered for in the notification process. • Issues relating to content of advert, timescales, not understanding autism • Is there a risk of digital exclusion. • Is it possible for people on the register to nominate Shropshire Councillors to act as proxy on their behalf. • Can Social Care workers be included as key workers. • Applicants to be able to make two bids (not restricted to one). • Can housing associations also have sensitive lets. • Can the Band 2 – 8 week review period be extended as given the current pressures on both staff and the housing stock? 	<ul style="list-style-type: none"> • Not currently possible. • Paper copies of the application form are available and an assisted bidding service is offered. • Matter to be covered off in procedures. • To be explored further with colleagues as part of procedures. • Included in the Appendix. • Not currently possible. • Agreed, draft policy amended. • Agreed, draft policy amended.
<i>General Comment</i>	<ul style="list-style-type: none"> • Bedroom entitlement now in line with DWP. 	

	<ul style="list-style-type: none"> • Section 30.2 & 30.3 seem to contradict each other. • Concern about lack of housing in the South of the county. • Aggressive and negative set of rules, maybe to dissuade people, policy list barriers. • The policy is not really fit for purpose in its current form and would strongly recommend more in-depth consideration before adoption. 	<ul style="list-style-type: none"> • This is the reason for the section 30.3 (whereas section 30.2 is required for couples). Subsequently, this section has been amended (see above comment on joint tenancies). • Social/ Affordable Housing is a valuable and scarce social resource, the allocation to which has to be governed through a robust and transparent framework. • The revised draft policy not contains a contents page. In addition, the draft policy had been considered by Counsel as complying with housing legislation and statutory guidance.
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Committee and Date

Cabinet

19 October 2022

Item

Public

DRAFT TENANCY STRATEGY AND POLICY FOR CONSULTATION

**Responsible
Officer
Email**

Jane Trethewey, Assistant Director Homes and
Communities
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1. Synopsis

- 1.1. The Tenancy Strategy and Tenancy Policy have both been reviewed. Cabinet is requested to approve the draft documents, to be subject to an eight-week consultation period.

2. Executive Summary

- 2.1. The Council is required by the Localism Act 2011 to produce a Tenancy Strategy which sets out its expectations to Private Registered Providers¹ in relation to tenancies and rents. The draft revised Strategy requests Private Registered Providers to provide Lifetime Tenancies as default (following Starter Tenancies) and to set rents below or in line with the relevant Local Housing Allowance (LHA). Thereby aiming to ensure sustainable communities and that affordable housing is genuinely affordable to local people in housing need.
- 2.2. Where a local authority wishes to use Flexible Tenancies for its own housing stock it must produce a Tenancy Policy; in 2015 the Council adopted a Tenancy Policy which introduced such tenancies. The draft revised Tenancy Policy seeks to phase out the use of Flexible Tenancies on the basis that there is no evidence that Flexible Tenancies solve housing need or result in substantial additional void dwellings for let.

¹ Housing associations registered with the Regulator of Social Housing

3. Recommendations

- 3.1. Cabinet is asked to approve that both the draft Tenancy Strategy and the draft Tenancy Policy, be subject to an eight-week public consultation period, and for this to include formal consultation with all Private Registered Providers currently operating in Shropshire.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. The Localism Act 2011 requires the Council to prepare and produce a tenancy strategy which sets out the matters to which the Registered Providers operating in the local authority are to have regard in formulating tenancy policies.
- 4.2. The Council's existing Tenancy Strategy was published in 2013. The Strategy recognises that Private Registered Providers may wish to introduce Fixed Term Tenancies, and requests that these are for a minimum of five years. Since the Strategy was published, it is widely accepted that there are very limited benefits surrounding the use of Fixed Term Tenancies.
- 4.3. In April 2015, Shropshire Council adopted a Tenancy Policy which introduced five-year Flexible Tenancies for new tenants, with the exception of older and vulnerable tenants who continued to receive Lifetime Tenancies. The Council's Arm's Length Management Organisation (ALMO), STAR Housing has reviewed the Tenancy Policy. This review has established that there is no evidence that Flexible Tenancies solve housing need or result in substantial additional lettings, therefore, STAR Housing recommends that Flexible Tenancies are phased out in favour of Lifetime Tenancies.
- 4.4. In order to promote sustainable communities, the Council is supportive of STAR Housing's request to amend the Tenancy Policy to phase out Flexible Tenancies and instead offer Lifetime Tenancies to all new tenants following an Introductory Tenancy. There are no risks associated with this change.
- 4.5. Furthermore, the draft revised Tenancy Strategy now requests that Private Registered Providers use Lifetime Tenancies as their default offer (following any Starter Tenancy), and in any event they should be issued to vulnerable tenants. As the Council cannot enforce this request, there is no associated risk with asking Private Registered Providers to offer Lifetime Tenancies. However, by not requesting

this the Council is failing to promote sustainable communities and support vulnerable tenants.

- 4.6. It should also be noted that the white paper on Renters' Reform, A Fairer Private Rented Sector, published in June 2022 set out proposed changes to the private rented tenancy system. The changes impacting Private Registered Providers include an end to Assured Shorthold and Fixed Term Tenancies.
- 4.7. Since the existing Tenancy Strategy was published in 2013 the housing market has substantially changed. In particular, private rents have increased substantially, and the majority of new affordable housing for rent is set at Affordable Rents. Affordable Rent is up to 80% of the gross local open market rent or the Formula Social Rent if this is higher. In order to ensure that affordable housing is actually "affordable" to local people in housing need, the draft revised Tenancy Strategy requests Registered Providers endeavour to provide Social Rent homes where this is financially viable and wherever possible Affordable Rents should be both initially set and re-based below or in line with the relevant Local Housing Allowance (LHA).
- 4.8. The requirement to cap the Affordable Rent at initial letting currently forms part of the Council's Section 106 agreement for affordable housing provided through planning gain or on exception sites. Therefore, those Registered Providers who acquire dwellings on private sites or deliver exception sites will already be complying with this requirement for an element of their new delivery.
- 4.9. As the Council cannot enforce the request to charge Social Rents wherever viable and to set and re-base all new delivery not covered by a Section 106, there is no associated risk with asking Private Registered Providers to cap all of their new delivery at the relevant LHA level. As set out in the draft revised Tenancy Policy, STAR Housing currently caps all Affordable Rents at LHA, therefore, the draft revised Tenancy Strategy does not pose a risk to the Housing Revenue Account (HRA) as this procedure is already in place.
- 4.10. An Equality, Social Inclusion and Health Impact Assessment (ESHIA) initial screening record has been completed; this is at Appendix II. The screening process ahead of the proposed consultation indicates a likely positive impact across the Protected Characteristic groupings as set out in the Equality Act 2010, together with positive impacts for those individual and households who are considered at risk of social exclusion. There are considered to be potential positive impacts in terms of health and well being, as with the related revised Housing Allocations Policy and Scheme.

A further assessment will be carried out following consultation on the draft revised Strategy.

5. Financial Implications

- 5.1. The Tenancy Strategy and the Tenancy Policy have no new financial implications for the Council.

6. Climate Change Appraisal

- 6.1. It is acknowledged that the draft revised Tenancy Strategy and Policy are expected to have a 'no effect' outcome on the climate change impacts listed below:
- energy and fuel consumption (buildings and/or travel)
 - renewable energy generation
 - carbon offsetting or mitigation, and
 - climate change adaptation.
- 6.2. There are no other anticipated environmental impacts associated with the recommendations in this report.

7. Background

- 7.1. Section 150 of the Localism Act 2011 requires a local housing authority in England to prepare and produce a tenancy strategy which sets out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to:
- a) The kinds of tenancies they grant;
 - b) The circumstances in which they will grant a tenancy of a particular kind;
 - c) Where they grant tenancies for a certain term, the lengths of the terms; and
 - d) The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.
- 7.2. The Council's current Tenancy Strategy was published in 2013. The Strategy states that where Fixed Term Tenancies are used by Registered Providers, these should be for a minimum term of five years in order to provide stability and security. The Strategy sets out how the Council expects that, unless there has been a

significant change in circumstances, following a review the tenancy will be renewed for a further period. Therefore, the occurrences when tenancies are not renewed are likely to be the exception and not the rule. The Strategy also states that the Council supports Registered Providers' continued use of starter and lifetime tenancies, as appropriate.

- 7.3. The Localism Act 2011 amended the Housing Act 1985 to enable local authorities to introduce Flexible Tenancies for their own housing stock. A Flexible Tenancy is a secure tenancy that is granted for a period of no less than two years. Stock owning local authorities who decided to introduce Flexible Tenancies were required to introduce a Tenancy Policy.
- 7.4. In April 2015, Shropshire Council adopted a Tenancy Policy whereby following new tenants being given Introductory Tenancies, with the exception of older and vulnerable tenants who would continue to receive a Lifetime Tenancy, they would then be given a five-year Flexible Tenancy. STAR Housing has advised the Council that there is no evidence that Flexible Tenancies solve housing need or result in substantial additional voids for let, therefore, recommends that Flexible Tenancies are phased out in favour of Lifetime Tenancies. This has resulted in a draft revised Tenancy Policy being prepared, this is contained at Appendix IV of the draft Tenancy Strategy set out in Appendix I of this report. In summary, the draft revised Tenancy Policy sets out:
- All new tenants will be given a twelve-month Introductory Tenancy.
 - Introductory tenancies automatically become Lifetime Secure Tenancies at the end of the introductory term if all tenancy conditions are being adhered to.
 - Transferring Registered Provider tenants on Lifetime Secure or Assured Tenancies will be given Lifetime Tenancies.
 - Tenants who have Flexible Tenancies issued under the April 2015 Tenancy Policy will automatically become Lifetime Tenants at the end of the five-year term (unless unresolved breaches of tenancy or possession proceedings have commenced).
 - The policy for setting rents.
- 7.5. The Localism Act 2011 requires the local housing authority, in preparing or modifying a tenancy strategy, to have regard to its current allocation scheme and homelessness strategy. In order to support the aims and aspirations of these documents, the draft revised Tenancy Strategy seeks to ensure sustainable communities

where social housing tenants have security of tenure and affordable housing is genuinely affordable to local people in housing need. Moreover, in ensuring affordable homes for local people in order for them to “live life well” the draft revised Tenancy Strategy helps to deliver the Healthy Economy priority of the Shropshire Plan.

- 7.6. The draft revised Tenancy Strategy requests that Private Registered Providers use Lifetime Tenancies as their default offer (following any Starter Tenancy), and in any event they should be issued to vulnerable tenants.
- 7.7. In order to ensure that affordable housing is genuinely affordable to local people in housing need, the Tenancy Strategy requests Registered Providers endeavour to provide homes for Social Rent and wherever possible the Affordable Rents of dwellings not subject to Section 106 agreements should be both initially set and re-based below or in line with the relevant LHA.
- 7.8. The Localism Act 2011 states that before adopting a tenancy strategy, or making a modification to it reflecting a major change of policy, the local housing authority must:
 - a) Send a copy of the draft strategy, or proposed modification, to every private registered provider of social housing for its district; and
 - b) Give the private registered provider a reasonable opportunity to comment on those proposals.
- 7.9. As the Tenancy Strategy and Tenancy Policy are both required because of the Localism Act 2011 they are therefore being considered as part of one report.
- 7.10. It is proposed that both the draft revised Tenancy Strategy and the draft revised Tenancy Policy be subject to an eight-week public consultation period, and for this to include formal consultation with all Private Registered Providers currently operating in Shropshire.

8. Conclusions

- 8.1. The draft revised Tenancy Strategy and the draft revised Tenancy Policy seek to ensure sustainable communities through promoting security of tenure and genuinely affordable housing.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Tenancy Strategy 2013

Tenancy Policy 2015

Cabinet Member

Portfolio Holder for Growth and Regeneration

Local Member

All

Appendices

Appendix I: Draft Revised Tenancy Strategy

Appendix II: ESHIA



Draft Tenancy Strategy

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Appendix I:	Register Provider stock at April 2022
Appendix II:	Types of tenancies offered by Private Registered Providers
Appendix III:	Types of rents offered by Registered Providers
Appendix IV:	Shropshire Council's Tenancy Policy

1. Introduction

- 1.1. The Tenancy Strategy sets out Shropshire Council's expectations to Private Registered Providers² when formulating their own housing policies in relation to tenancies and rents. The Strategy seeks to ensure sustainable communities and that affordable housing is genuinely affordable to local people in housing need.
- 1.2. A Registered Provider is defined under the Housing and Regeneration Act 2008. As a stock holding authority, whose housing stock is managed by Shropshire Towns and Rural (STAR) Housing, the Council is a Local Authority Registered Provider. In addition, there are 32 Private Registered Providers operating in the Shropshire Council area, these being housing associations who are registered with the Regulator of Social Housing.
- 1.3. The vision of the Housing Strategy 2020-25 is:

All homes are well designed decent homes of high quality, which will protect Shropshire's unique urban and rural environments and ensure it is a great place to live. That all Shropshire residents have access to the 'right home in the right place' to support and promote their health and wellbeing throughout their lives.

- 1.4. The Housing Strategy has a key objective: *To ensure people whose housing needs are not met through the local open market housing can access housing that meets their needs.*

2. Legal and policy context

- 2.1. Section 150 of the Localism Act 2011 requires a local housing authority in England to prepare and produce a tenancy strategy which sets out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to:
 - c) The kinds of tenancies they grant;
 - d) The circumstances in which they will grant a tenancy of a particular kind;
 - e) Where they grant tenancies for a certain term, the lengths of the terms; and
 - f) The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.
- 2.2. The tenancy strategy must summarise those policies or explain where they may be found.

Allocations and nominations

- 2.3. The Housing Act 1996 and statutory guidance on the allocation of accommodation set out how the Council is to frame its Allocation Policy and

² The Council's own Tenancy Policy is contained at Appendix IV

Scheme for allocations to council owned dwellings and nominations to housing association dwellings.

- 2.4. The Council has recently revised its Allocation Policy and Scheme. The revised policy, which has local connection and financial qualifications and formal nominations to all forms of affordable housing, seeks to ensure that those in the greatest housing need are able to access general needs, supported and low-cost home ownership housing.
- 2.5. The Regulator of Social Housing's [Tenancy Standard](#) applies to Registered Providers of social housing. The Tenancy Standard states, "*Registered providers shall co-operate with local authorities' strategic housing function, and their duties to meet identified local housing needs. This includes assistance with local authorities' homelessness duties, and through meeting obligations in nominations agreements*".

Tenancy agreements

- 2.6. The main forms of tenancy agreements offered by Local Authority Registered Providers are:
- Lifetime Secure Tenancies - these agreements allow a tenant to live in the dwelling for the rest of their life, providing they do not break the conditions of the tenancy;
 - Introductory Tenancies - these may be offered to new tenants, after twelve months tenants either become Secure or Flexible Tenants (unless eviction action is being undertaken or the introductory tenancy has been extended by a further six months); and
 - Flexible Secure Tenancies -introduced by the Localism Act 2011 these are for a fixed period, usually for at least five years, but for a statutory minimum of two years.
- 2.7. Private Registered Providers offer a range of tenancy and occupancy agreements, the main ones are:
- Assured Tenancies - these agreements allow a tenant to live in the dwelling for the rest of their life, providing they do not break the conditions of the tenancy;
 - Starter Tenancies - these may be offered to new tenants, after twelve months tenants either become Assured or Fixed Term Tenants (unless eviction action is being undertaken or the introductory tenancy has been extended by a further six months); and
 - Fixed Term Tenancies - these are for a fixed period, usually for at least five years.
- 2.8. The Domestic Abuse Act 2021 requires Local Authority and Private Registered Providers of social housing to ensure that victims of domestic abuse who have a lifetime tenancy, and have fled the social home to escape

domestic abuse, retain their lifetime security of tenure if the landlord grants them a new tenancy for reasons connected with the abuse.

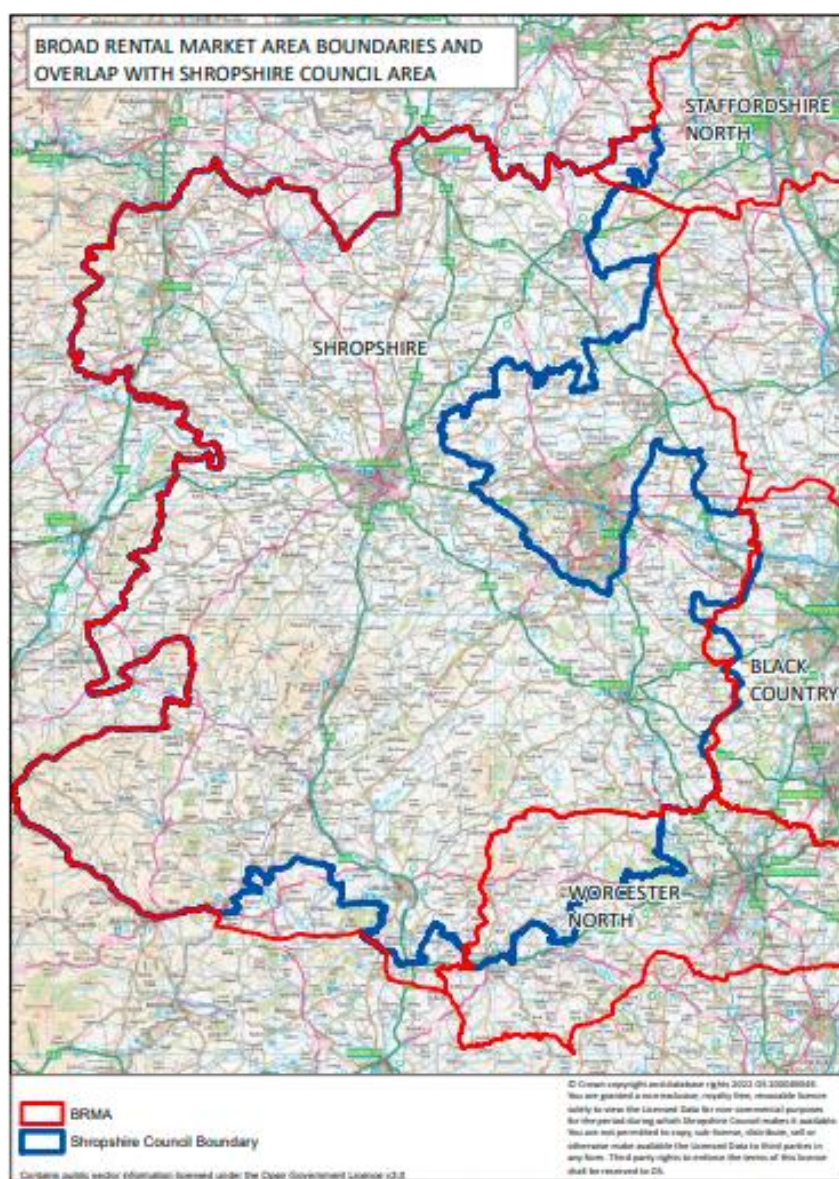
Rents

- 2.9. In 2002 in order to bring local authority and housing association rents into alignment the national rent regime established a Social Rent Formula which considered the national average social housing rent, regional average earnings, national average earnings, the number of bedrooms in a dwelling, and the dwelling's value in January 1999. Stock holding local authorities and housing associations were required to undertake rent restructuring using this rent regime in order for rents for the same size dwellings in local areas to have comparable rents, known as rent convergence. Rent convergence ended in April 2015, however, where the Formula Rent has not been reached on a dwelling which becomes void, subject to a locally agreed policy, the Formula Rent can be charged to the new tenant.
- 2.10. The Affordable Homes Programme 2011-15 introduced the concept of Affordable Rents. Affordable Rent is up to 80% of the gross local open market rent for a comparable dwelling, including service charges, or the Formula Rent, whichever is the higher. The introduction of Affordable Rents had the aim of allowing for increased borrowing on higher rental incomes, thus reduced levels of capital subsidy (grant funding). The Programme also encouraged Registered Providers to introduce a pipeline of conversions from Social to Affordable Rent when a dwelling became void and re-let to a new or transferring tenant. This allowed for additional rental income which could increase the borrowing capacity, and thus assist in reducing grant funding asks. Conversion programmes were subject to agreement with the Homes and Communities Agency (now Homes England).
- 2.11. A tenancy where a Registered Provider is the landlord is excluded from mainstream Local Housing Allowance rules. However, the Government's [Policy statement on rents for social housing 2019](#) states that Registered Providers should consider the local market context when setting rents, including the relevant Local Housing Allowance for the Broad Rental Market Area in which the property is located.
- 2.12. Since 2020 the Regulator of Social Housing's [Rent Standard](#) applies to Private Registered Providers and Local Authority Registered Providers.
- 2.13. Social and Affordable Rent increases remain subject to central Government rent setting policy: the Government sets out limits on annual rent increases, this being CPI plus 1%, with rent caps applying a maximum ceiling on the Formula Rent. At the end of August 2022, the Government launched a consultation on the rent cap – proposing that the ceiling be 5% for 2023-24 and for this to apply to all Social and Affordable Rents.

3. The Shropshire housing market

- 3.1. At 70%, the majority of dwellings in Shropshire are owner-occupied. Social housing stock comprises approximately 13% of all dwelling stock and 17% of stock is private rented³.
- 3.2. In 2021, the ratio of median house price to median gross workplace-based earnings was 9.05 and ratio of lower quartile housing price to lower quartile workplace-based earnings was 8.4⁴. Therefore, owner-occupation is not affordable to many households living in Shropshire. This was evidenced by the 2020 Strategic Housing Market Assessment which identified a need for 799 affordable dwellings per annum.

Figure 1



³ Office for National Statistics – Subnational estimates of dwellings by tenure, England

⁴ Office for National Statistics – House price to workplace-based earnings ratio

Figure 2

BRMA	Local Housing Allowance rate⁵				
	Shared accommodation	One bedroom	Two bedroom	Three bedroom	Four bedroom
Shropshire	£75.00	£92.05	£120.82	£143.84	£182.96
Black Country	£60.18	£91.82	£117.37	£136.93	£172.60
Staffordshire North	£60.95	£86.30	£97.81	£126.58	£171.45
Worcestershire North	£66.50	£101.26	£126.72	£149.59	£195.62

- 3.3. At April 2022, there were 6,096 applicants on the local authority's housing register, of whom 3,420 were in a reasonable preference group (therefore, considered under the Housing Act 1996 to be in priority need).
- 3.4. During 2021-22, 472 households were found to be statutory homeless (eligible for assistance, homeless but not intentionally so, in priority need and with a local connection), therefore owed the main homeless duty of suitable settled accommodation.
- 3.5. Therefore, given the high level of housing need found in Shropshire, social housing is a very scarce resource.
- 3.6. As shown by Figure 1, Shropshire is covered by four Broad Rental Market Areas (BRMAs): Shropshire; the Black Country; Staffordshire North; and Worcester North. The corresponding Local Housing Allowance (LHA) rates are shown in Figure 2.

4. Register Provider housing stock in Shropshire

- 4.1. As a stock owning council, Shropshire Council is a Local Authority Registered Provider. Our housing stock, of just over 4,000 dwellings, is managed by our arms-length management organisation (ALMO) Shropshire Towns and Rural (STAR) Housing.
- 4.2. In addition to STAR Housing, as shown in Appendix I, there are over 30 Private Registered Providers with stock in Shropshire which own and lease over 15,000 dwellings for rent and low-cost home ownership.
- 4.3. The Regulator of Social Housing considers 24 of the Private Registered Providers to be "large" as nationally they own over 1,000 dwellings. Seven Registered Providers are "small" organisations who only hold stock in Shropshire. In addition, four Registered Providers only provide low cost home ownership stock.

⁵ Valuation Office Agency August 2022

5. Types of tenancies offered

- 5.1. Local Authority Registered Providers have to a duty to meet the Tenancy Standard, however, they must also comply with all applicable statutory and legal requirements in relation to the form and use of tenancy agreements and terms of occupation.
- 5.2. In April 2015, Shropshire Council adopted a Tenancy Policy whereby following new tenants⁶ being given Introductory Tenancies, with the exception of older and vulnerable tenants who would continue to receive a Lifetime Secure Tenancy, they would then be given a five-year Flexible Secure Tenancy.
- 5.3. STAR Housing is responsible for publishing, implementing and reviewing policies relating to tenancy management. A review of the Tenancy Policy has established that there is no evidence that Flexible Tenancies solve housing need or result in substantial additional lettings, therefore, as set out in Appendix IV, Flexible Secure Tenancies are to be phased out in favour of Lifetime Secure Tenancies.
- 5.4. Where temporary accommodation is provided to homeless households by the local authority under the Interim Duty the Council will use licenses and non-secure tenancies.
- 5.5. Private Registered Providers operating in Shropshire offer a range of tenancy types, these are set out in Appendix II.

6. Types of rent offered

- 6.1. The majority of Council owned housing is let on social rents, however, social housing delivered or acquired since 2012, where the Council has received social housing grant from Homes England⁷, has spent useable Right to Buy receipts or acquired dwellings on private sites provided as planning gain, will have Affordable Rents. There are also a small number of dwellings that on re-let were converted from Social to Affordable Rents as agreed with the Homes and Communities Agency under the 2011-16 Affordable Homes Programme. Irrespective as to whether a development is subject to a Section 106, the Council ensures that Affordable Rents are initially set and rebased at re-let at no higher than the relevant Local Housing Allowance.
- 6.2. Of the Private Registered Providers who provide rented accommodation in Shropshire, depending on the nature of the Provider and the products offered, different rents are charged (Appendix III).

⁶ Transferring Council and Private Registered Provider tenants on secure or assured tenancies would not receive introductory tenancies and be given Lifetime Secure Tenancies.

⁷ Or Homes England's predecessor, the Homes and Communities Agency

7. Shropshire Council's aims and aspirations

- 7.1. The Council requests that Private Registered Providers use Lifetime Tenancies as their default offer and provide them for the majority of tenants at the end of their Starter Tenancy. In any event, the Council expects Lifetime Tenancies to be issued to vulnerable tenants, including older persons, people with learning disabilities and people with mental ill health. In addition, where a tenant with a Lifetime Secure or Assured Tenancy chooses to move to another rented dwelling on a Social or Affordable Rent, they should retain a Lifetime Tenancy.
- 7.2. Council's Section 106 agreements relating to the provision of affordable housing on open market and exception sites require that the general needs rental accommodation is let at Affordable Rent or the relevant Local Housing Allowance (LHA), whichever is the lower. Therefore, the Affordable Rent cannot exceed the LHA.
- 7.3. Social Rent homes can be funded within [areas of high affordability pressure](#), as defined by the Government for Homes England's Affordable Homes Programme 2021-26, or elsewhere provided that the grant requested is not higher than it would be for Affordable Rent. For a local authority area to be considered by the Government as an area of high affordability pressure the difference between the average social rents and private rents is required to £50 per week or more.
- 7.4. Although Shropshire Council is not currently considered by the Government to be an area of affordability pressure, therefore, additional grant to support the provision of Social Rent homes cannot be attracted, it is requested that Registered Providers endeavour to provide Social Rent homes wherever this is financially viable.
- 7.5. Where Registered Providers charge Affordable Rents for all other new build housing and acquisitions, in order for social housing to be truly affordable for local people, it is requested that wherever possible rents should be initially set below or in line with the relevant LHA. On re-let when Affordable Rents are re-based it is requested that Registered Providers consider the relevant LHA and look to re-based below or in-line with this figure.

Appendix I: Register Provider stock at April 2022

Registered Provider	Low cost rental stock	Low Cost Home Ownership stock	Total stock
Shropshire Council (STAR Housing)	4,005	42	4,047
Alpha (R.S.L.) Limited	11	-	11
Anchor Hanover	155	-	155
Bimbeck Housing Association Ltd	15	-	15
Bromford*	1,158	125	1,283
Citizen Housing Group Limited	12	19	31
Clarion Housing Association	27	-	27
Connexus Housing	4,571	279	4,850
Golden Lane Housing	2	-	2
Great Places	1	94	95
GreenSquareAccord	29	22	51
Habinteg Housing Association	31	-	31
Heylo Housing Registered Provider Limited	-	65	65
Home	2	-	2
Housing 21	114	-	114
Housing Plus	5,583	243	5,826
Metropolitan Housing Trust	-	1	1
Midland Heart Limited	-	7	7
Reside Housing Association Limited	14	-	14
Rooftop Housing Association Limited	161	-	161
Sanctuary*	562	34	596
Shrewsbury Drapers Company Charity	50	-	50
Shropshire Association for Supported Housing	6	-	6
Shropshire Rural Housing Association	297	-	297
Sir Job Charlton's Hospital Charity	6	-	6
Stonewater	266	58	324
The Abbeyfield Bishop's Castle and District Society Ltd	11	-	11
The Community Housing Group Limited	8	-	8
The Hosyer-Foxe Charity	22	-	22
The Wrekin Housing Group Ltd	1,686	108	1,794
Trident Housing Association Ltd	15	-	15
Trinity Hospital at Clun	12	-	12
Walsall Housing Group Limited	-	17	17
Totals	18,834	1,085	19,946

* To be confirmed by organisation

Appendix II: Types of tenancies offered by Private Registered Providers

Private Registered Provider	Starter Tenancy	Fixed Term Tenancy	Assured Tenancy	Assured Shorthold Tenancy	Licence to occupy
Alpha (R.S.L.) Limited*					
Anchor Hanover	✓		✓		✓
Birnbeck Housing Association Ltd			✓		
Bromford	✓	✓	✓	✓	✓
Citizen Housing Group Limited	✓		✓		
Clarion Housing Association	✓	✓	✓		
Connexus Housing	✓		✓	✓	✓
Golden Lane Housing				✓	
Great Places*					
GreenSquareAccord	✓	✓	✓	✓	
Habinteg Housing Association*					
Home*					
Housing 21	✓		✓		
Housing Plus	✓	✓	✓	✓	✓
Reside Housing Association Limited*					
Rooftop Housing Association Limited	✓		✓	✓	
Sanctuary*	✓		✓	✓	✓
ShrewsburyDrapers CompanyCharity					✓
Shropshire Association for Supported Housing					✓
Shropshire Rural Housing Association	✓		✓		
Sir Job Charlton's Hospital Charity					✓
Stonewater	✓		✓	✓	✓
The Abbeyfield Bishop's Castle and District Society Ltd			✓		
The CommunityHousing Group Limited	✓		✓	✓	✓
The Hosyer-Foxe Charity					✓
The Wrekin Housing Group Ltd	✓	✓	✓	✓	
Trident Housing Association Ltd	✓		✓		✓
Trinity Hospital at Clun*					✓

* To be confirmed / advised by organisation

Appendix III: Types of rents offered by Registered Providers

Private Registered Provider	Social Rent	Affordable Rent	Weekly Maintenance Contribution	Other sub-market rent
Alpha (R.S.L.) Limited*				
Anchor Hanover	✓	✓		
Bimbeck Housing Association Ltd	✓			
Bromford	✓	✓		
Citizen Housing Group Limited	✓	✓		
Clarion Housing Association	✓	✓		
Connexus Housing	✓	✓		
Golden Lane Housing				
Great Places*				
GreenSquareAccord	✓	✓		
Habinteg Housing Association*				
Home*				
Housing 21	✓	✓		
Housing Plus	✓	✓		
Reside Housing Association Limited*				
Rooftop Housing Association Limited	✓	✓		
Sanctuary*	✓	✓		
Shrewsbury Drapers Company Charity			✓	
Shropshire Association for Supported Housing				✓
Shropshire Rural Housing Association	✓	✓		
Sir Job Charlton's Hospital Charity			✓	
Stonewater	✓	✓		
The Abbeyfield Bishop's Castle and District Society Ltd			✓	
The Community Housing Group Limited	✓	✓		
The Hosyer-Foxe Charity			✓	
The Wrekin Housing Group Ltd	✓	✓		
Trident Housing Association Ltd	✓	✓		
Trinity Hospital at Clun*			✓	

* To be confirmed / advised by organisation

Appendix IV: Shropshire Council's Tenancy Policy

1. Introduction

- 1.1. This policy refers to the Council's dwelling stock managed by Shropshire Towns and Rural (STAR) Housing.

2. Tenancy types

- 2.1. As a Registered Provider, Shropshire Council and STAR Housing have to meet the [Tenancy Standard](#). We must also meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.
- 2.2. All new tenants will be given a twelve-month Introductory Tenancy. This is a weekly periodic introductory tenancy which lasts twelve months. Should the tenant/tenancy be identified as at risk prior to or during the introductory tenancy, STAR Housing will make a referral for housing support.
- 2.3. Introductory tenancies automatically become Lifetime Secure Tenancies at the end of the introductory term if all tenancy conditions are being adhered to.
- 2.4. Where a tenant does not satisfactorily conduct their introductory tenancy, STAR Housing will provide support and clear information during each stage of the breach. STAR Housing will make a decision whether to seek possession through the courts or extend the introductory tenancy for a further six months depending upon the merits of each case. Each tenant has a right for the decision to be reviewed if notice is given to end the tenancy.
- 2.5. The review will be heard by an independent panel of Shropshire Council Members to ensure that the decision has been fairly and rightly made in accordance with the Shropshire Introductory Tenancy policy.
- 2.6. Transferring Registered Provider tenants on Lifetime Secure or Assured Tenancies will be given Lifetime Tenancies.
- 2.7. Tenants who have Flexible Tenancies issued under the April 2015 Tenancy Policy will automatically become Lifetime Tenants at the end of the five-year term (unless unresolved breaches of tenancy or possession proceedings have commenced).

3. Succession

Tenancies prior to 1st April 2012

- 3.1. Secure tenants whose tenancy began prior to 1st April 2012 will usually have the right for their spouse, civil partner or another family member to succeed to their tenancy upon their death. A person is qualified to succeed a tenant if he/she occupies the property as his/her only or principal home at the time of the tenant's death and is either the tenant's spouse or civil partner or is another member of the tenant's family and has lived with the tenant for at least twelve months prior to their death. This does not need to have been in the same property. For the purposes of the law a cohabiting partner is regarded as a

family member. Family member also includes a parent, grandparent, child, brother or sister, aunt/uncle and nephew or niece.

- 3.2. Where there is more than one person who may have a right to succeed, then if the tenant was married, their spouse takes precedence. If the tenant was not married, then the family members must decide who succeeds. If they cannot decide, then STAR Housing can choose. There is only one right in law to succeed.

Tenancies from 1 April 2012

- 3.3. In accordance with the Localism Act 2011, from 1st April 2012 new secure tenants will continue to be limited to one succession to a spouse or partner only. Children and other members of the tenant's family will no longer have an automatic legal right to succeed.

4. Assignment

- 4.1. By law the Council can only assign properties on mutual exchange, as part of matrimonial or civil partnership proceedings, or to a person who would be qualified to succeed the tenant if the tenant died immediately before the assignment. A secure tenancy cannot be assigned in any other circumstance.
- 4.2. In situations where a tenancy is held by joint tenants, and where both joint tenants confirm in writing that one of them wishes to transfer their interest in the joint tenancy to the other party, then STAR Housing will agree to the transfer so long as there are no outstanding tenancy breaches, and there are no current tenancy enforcement proceedings in the County Court. A transfer of tenancy in these particular circumstances will take effect as the grant of a new tenancy agreement, it will not be an assignment.
- 4.3. Where a sole tenant requests that an additional name be added to their tenancy this can only be achieved through the surrender of the original tenancy and grant of a new tenancy in joint names. STAR Housing may agree to this so long as there are no outstanding tenancy breaches, and there are no current tenancy enforcement proceedings in the County Court. The request is unlikely to be granted if there has already been a succession on the tenancy. Both parties will need to confirm their wishes in writing and each case will be viewed on its own merits.
- 4.4. In the case of a mutual exchange, it is important that, in line with the Localism Act 2011, all Registered Providers ensure that a tenant who wishes to transfer and has a secure or assured tenancy which began before 1 April 2012 will retain similar security of tenure to that of their original tenancy. For example, a tenant with a lifetime secure or assured tenancy which began before 1 April 2012 retains a similar level of security even if they exchange with a tenant with a fixed term or flexible tenancy.

5. Rent setting policy

- 5.1. Council rents are set in line with the Regulator of Social Housing's [Rent Standard](#).

- 5.2. The majority of Council owned housing is let on social rents, however, social housing delivered or acquired since 2012, where the Council has received social housing grant from Homes England (or its predecessor the Homes and Communities Agency), has spent useable Right to Buy receipts or acquired dwellings on private sites provided as planning gain, will have Affordable Rents. In addition, under the Affordable Homes Programme (AHP) 2011-15 the Council agreed to convert 241 dwellings from social to Affordable Rent on re-let, the additional borrowing to be used to subsidy the Council's AHP 2011-15 development programme.
- 5.3. Irrespective as to whether a development is subject to a Section 106, the Council ensures that Affordable Rents are initially set at no higher than the relevant Local Housing Allowance (LHA) and will be capped at the LHA at the annual rent increase. On re-let the Affordable Rent, may be re-based at 80% of the local open market rent level but will be capped by the relevant LHA.
- 5.4. Social and Affordable Rent increases remain subject to central Government rent setting policy - the Government sets out limits on annual rent increases, this being CPI plus 1%, with rent caps applying a maximum ceiling on the Formula Rent. At the end of August 2022, the Government launched a consultation on the rent cap – proposing that the ceiling be 5% for 2023-24 and for this to apply to all Social and Affordable Rents.

6. Tenancy Fraud

- 6.1. Tenancy fraud is taken very seriously, and residents are actively encouraged to report suspected tenancy fraud. STAR Housing will use the tenancy audit process to proactively identify any fraudulent activity. When tenancy fraud is identified Shropshire Council and STAR Housing will take appropriate and necessary action.

7. Policy Review

- 7.1. This policy will be reviewed following relevant changes in legislation and in any case no longer than every five years.

Appendix II: Equality, Social Inclusion and Health Impact Assessment (ESHIA)

Initial Screening Record

A. Summary Sheet on Accountability and Actions

Name of proposed service change

Revised Tenancy Strategy and Tenancy Policy

Name of lead officer carrying out the screening

Melanie Holland

Decision, review, and monitoring

Decision	Yes	No
Initial (part one) ESHIA Only?	✓	
Proceed to Full ESHIA or HIA (part two) Report?		✓

If completion of an initial or Part One assessment is an appropriate and proportionate action at this stage, please use the boxes above. If a Full or Part Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations

The screening process ahead of the proposed consultation indicates a likely positive impact across the Protected Characteristic groupings as set out in the Equality Act 2010, together with positive impacts for those individual and households who are considered at risk of social exclusion. This includes intersectionality with regard to Age, for example young people who are care leavers and may also have a learning disability, and with regard to the circumstances in which people may find themselves, for example veterans and serving members of the armed forces and their families.

There are considered to be potential positive impacts in terms of health and well being, as with the related Draft Housing Allocations Policy and Scheme, not least due to the clarity that the proposals are anticipated to bring, which will in themselves be likely to promote mental wellbeing by reducing anxiety for households in housing need.

Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations

The proposals may be adjusted to account for any feedback received as a result of the consultation, in order to maximise positive equality impacts across groupings in the community.

As well as internal review and monitoring, the Council will continue to share learning and good practice with other local authorities, including neighbouring authorities and other rural unitary authorities.

Associated ESHIAs

Following the end of the public consultation on the draft revised Tenancy Strategy and the accompanying draft revised Tenancy Policy a second screening ESHIA will be undertaken.

There is commonality of policy intent with ESHIAs recently undertaken for the Housing Allocations Policy and Scheme, and more widely with ESHIAs undertaken for the Local Plan Partial Review and for the Shropshire Plan.

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations

Climate change

As the draft revised Tenancy Strategy and Tenancy Policy relate to the tenancies offered and rents charged on existing housing a climate change appraisal is not relevant.



Health and well being

Security of tenure of a home that is genuinely affordable is essential to health and well-being. The revised draft Tenancy Policy proposes that Flexible Tenancies of Council housing are phased out in favour of Lifetime Tenancies; moreover, the draft revised Tenancy Strategy requests all Private Registered Providers (housing associations) following Starter Tenancies, to offer Lifetime Tenancies as default and in any case to vulnerable tenants. The draft revised Tenancy Strategy also requests Registered Providers to develop new homes for Social Rent and to ensure that Affordable Rents are below or in-line with the relevant Local Housing Allowance.

Economic and societal/wider community

Security of tenure and genuinely affordable rents support sustainable communities and result in tenants being able to escape the “benefits trap”.

Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i>		8 September 2022
<i>Any internal service area support*</i>		
<i>Any external support** Mrs Lois Dale, Rurality and Equalities Specialist</i>		3 rd October 2022

****This refers to other officers within the service area***

*****This refers to support external to the service but within the Council, e.g., the Rurality and Equalities Specialist, the Feedback and Insight Team, performance data specialists, Climate Change specialists, and Public Health colleagues***

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i>		
<i>Accountable officer's name</i>		

****This may either be the Head of Service or the lead officer***

B. Detailed Screening Assessment

Aims of the service change and description

Section 150 of the Localism Act 2011 requires a local housing authority in England to prepare and produce a tenancy strategy which sets out the matters to which the registered providers of social housing for its district are to have regard in formulating policies relating to:

- The kinds of tenancies they grant;
- The circumstances in which they will grant a tenancy of a particular kind;
- Where they grant tenancies for a certain term, the lengths of the terms; and
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

The Council's current Tenancy Strategy was published in 2013. The Strategy states that where Fixed Term Tenancies are used by Registered Providers, these should be for a minimum term of five years in order to provide stability and security. The Strategy sets out how the Council expects that, unless there has been a significant change in circumstances, following a review the tenancy will be renewed for a further period. Therefore, the occurrences when tenancies are not renewed are likely to be the exception and not the rule. The Strategy also states that the Council supports Registered Providers' continued use of starter and lifetime tenancies, as appropriate.

The Localism Act 2011 amended the Housing Act 1985 to enable local authorities to introduce Flexible Tenancies for their own housing stock. A Flexible Tenancy is a secure tenancy that is granted for a period of no less than two years. Stock owning local authorities who decided to introduce Flexible Tenancies were required to introduce a Tenancy Policy.

In April 2015, Shropshire Council adopted a Tenancy Policy whereby following new tenants being given Introductory Tenancies, with the exception of older and vulnerable tenants who would continue to receive a Lifetime Tenancy, they would then be given a five-year Flexible Tenancy. STAR Housing has advised the Council that there is no evidence that Flexible Tenancies solve housing need or result in substantial additional voids for let, therefore, recommends that Flexible Tenancies are phased out in favour of Lifetime Tenancies. This has resulted in a draft revised Tenancy Policy being prepared, this is contained at Appendix IV of the draft Tenancy Strategy. In summary, the draft revised Tenancy Policy sets out:

- All new tenants will be given a twelve-month Introductory Tenancy.

- Introductory tenancies automatically become Lifetime Secure Tenancies at the end of the introductory term if all tenancy conditions are being adhered to.
- Transferring Registered Provider tenants on Lifetime Secure or Assured Tenancies will be given Lifetime Tenancies.
- Tenants who have Flexible Tenancies issued under the April 2015 Tenancy Policy will automatically become Lifetime Tenants at the end of the five-year term (unless unresolved breaches of tenancy or possession proceedings have commenced).

The Localism Act 2011 requires the local housing authority, in preparing or modifying a tenancy strategy, to have regard to its current allocation scheme and homelessness strategy. In order to support the aims and aspirations of these documents, the draft revised Tenancy Strategy seeks to ensure sustainable communities where social housing tenants have security of tenure and affordable housing is genuinely to local people in housing need.

The draft revised Tenancy Strategy requests that Private Registered Providers use Lifetime Tenancies as their default offer (following any Starter Tenancy), and in any event they should be issued to vulnerable tenants.

In order to ensure that affordable housing is genuinely affordable to local people in housing need, the Tenancy Strategy requests Registered Providers endeavour to provide homes for Social Rent and wherever possible the Affordable Rents of dwellings not subject to Section 106 agreements should be both initially set and re-based below or in line with the relevant LHA.

Intended audiences and target groups for the service change

The proposed changes to the Tenancy Strategy and the Tenancy Policy will affect all Registered Providers operating in Shropshire, and their current / prospective tenants.

Stakeholders for whom the changes may usefully be communicated include all Shropshire Council councillors, Members of Parliament for Shropshire, town and parish councils in Shropshire, Shropshire VCSA, neighbouring local authorities, and other rural unitary authorities.

Evidence used for screening of the service change

The use of Flexible Tenancies has not resulted in the benefits of assisting to meet housing need nor resulted in any additional voids for let. Moreover, security of tenure provides stability and helps to ensure sustainable communities. Affordable Rents are up to 80% of the gross local market rent or the Formula Rent if this is the higher. However, the very high open market rents found in parts of Shropshire result in the Affordable Rent not considered genuinely affordable to people in housing need.

Specific consultation and engagement with intended audiences and target groups for the service change

The proposed eight-week public consultation will include formal consultation with all 32 Private Registered Providers operating in Shropshire and media publicity to raise awareness with Council tenants and existing and potential social housing applicants.

Initial equality impact assessment by grouping (Initial health impact assessment is included below)

Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Protected Characteristic groupings and other groupings in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive, negative, or neutral impact (please specify) <i>Part One ESIIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are safeguarding				Low positive (because better to say Low and then increase over time, than state that it will positive with insufficient evidence at the moment)

concerns e.g., an older person with disability)				
<u>Disability</u> (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)				As above
<u>Gender re-assignment</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				As above
<u>Marriage and Civil Partnership</u> (please include associated aspects: caring responsibility, potential for bullying and harassment)				As above
<u>Pregnancy and Maternity</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				As above

<u>Race</u> (please include ethnicity, nationality, culture, language, Gypsy, Traveller)				As above
<u>Religion and belief</u> (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				As above
<u>Sex</u> (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				As above
<u>Sexual Orientation</u> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✌️ ⚡️ ⚡️ ⚡️ ⚡️
<u>Other: Social Inclusion</u> (please include families and friends with caring responsibilities;				As above

households in poverty; people for whom there are safeguarding concerns; people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)				
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Initial health and wellbeing impact assessment by category

Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Health and wellbeing: individuals and communities in Shropshire	High negative impact <i>Part Two HIA required</i>	High positive impact	Medium positive or negative impact	Low positive negative or neutral impact (please specify)
Will the proposal have a <i>direct impact</i> on an individual's health, mental health and wellbeing? For example, would it cause ill health, affecting social inclusion, independence and participation? .				Low positive

<p>Will the proposal <i>indirectly impact</i> an individual's ability to improve their own health and wellbeing?</p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking?</p> <p>.</p>				Low positive
<p>Will the policy have a <i>direct impact</i> on the community - social, economic and environmental living conditions that would impact health?</p> <p>For example, would it affect housing, transport, child development, education, employment opportunities, availability of green space or climate change mitigation?</p> <p>.</p>				Low positive
<p>Will there be a likely change in <i>demand</i> for or access to health and social care services?</p> <p>For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services</p>				Neutral

including Social
Services?

.

Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts

As the Strategy and Policy relate to the tenancies and rents for existing homes a climate change appraisal is not relevant.

With respect to the Human Rights Act, this does not give a person a right to a home or other accommodation, instead it contains a right to respect for a home that a person already has.

With respect to the Public Sector Equality Duty, genuinely affordable housing with security of tenure seeks to promote social inclusion across all groupings as set out in the Equality Act 2010.

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Committee and Date

Cabinet
19th October 2022

Item

Public

Adult Social Care Debt Recovery Policy

Responsible Officer

James Walton and Tanya Miles

e-mail: james.walton@shropshire.gov.uk Tel: 01743 258915
tanya.miles@shropshire.gov.uk 01743 255811

1. Synopsis

This report details Shropshire Council's Adult Social Care Debt Recovery Policy. This is a new policy being publicised to ensure clarity and that a fair and consistent view is taken to debt enforcement, assisting more vulnerable groups in society to manage repayments for care.

2. Executive Summary

- 2.1. The Council has a duty to recover outstanding debts and in doing so ensure that its processes are fair and consistent to everyone. This policy covers the collection of Adult Social Care Debts due to Shropshire Council.
- 2.2. The principles that underpin the Council's approach to Adult Social Care Debt are underpinned by the requirements of the Care Act 2014 and are set out in the draft Policy and are as follows:
 - Possible debts are discussed with the person or their representative
 - Arrangements for debt repayments are agreed between the relevant parties
 - Repayments must be affordable, within a reasonable repayment period and by Direct Debit
 - Court action will only be considered after all other reasonable avenues have been exhausted.

3. Recommendations

- 3.1. Members are asked to approve the new policy for Debt Collection of Adult Social Care Debts set out in Appendix A.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. Failure to have a clearly defined policy for debt collection will leave the Council vulnerable to complaints about process and debt outcomes. It is important to have clearly defined actions to protect both staff and debtors.
- 4.2. An Equality, Social Inclusion and Health Impact Assessment (Appendix B) has been carried out, in order to assess the likely impacts of the revised policy for Protected Characteristic groupings as set out in the Equality Act 2010, and for people in our tenth category in Shropshire, of Social Inclusion. This is of particular pertinence given the implications of this policy for vulnerable individuals and households. The screening indicates that the overall impacts should be neutral or positive across groupings.
- 4.3. Actions to increase the positive impacts in equality terms need to include ensuring that a range of communication channels are used to encourage people to have the confidence to approach the Council if they are in debt or fear that they may find themselves in such circumstances. This will usefully include working with local elected Shropshire Council councillors as community leaders, for example through councillor surgeries, and setting out the recourse that people may have to impartial advice and guidance as well. Details of the Adult Social Care debt recovery policy and Councillors' role in supporting constituents will be provided in the Members Gateway. The Council will also seek to factor in the negative mental health impacts for people falling into debt, which this policy sets out to recognise and address through encouraging people to make contact at the earliest opportunity.

5. Financial Implications

- 5.1. Failure to have a clearly outlined, transparent and fair approach to debt collection can lead to uncertainty and challenge which can have a detrimental effect on collection rates. The policy will help to enhance the Council's income collection, reduce the level of debt owed to the Council and minimise the level of unrecoverable debt. During 2021/22 the Council wrote off Adult Social Care debts to the value of £0.146m.

Any write off of debt creates a revenue pressure on the Council's budget and so by applying this policy, this will ensure that all teams involved in the process of recovering outstanding debt are clear on their respective responsibilities to maximise income collection.

6. Climate Change Appraisal

- 6.1. While there are no direct climate change impacts arising from this report the Finance team are committed to encouraging all service users to sign up for paperless direct debts and to receive invoices and debt recovery document through digital channels.

7. Background

- 7.1. It is good practice for Shropshire Council to detail its approach to collection of all debt owed to the Council. This will ensure clarity to taxpayers, businesses, members, other residents, and advice agencies about the Council's approach to debt collection. It also ensures a fair and consistent view is taken to debt enforcement, and that the Council is committed to identifying and assisting more vulnerable groups in society to manage their payments
- 7.2. The Council raises a number of different charges under the Care Act 2014 to service users in relation to care or services they have received from Adult Social Care including:
- Respite care
 - 24 hour care in a registered care or nursing home
 - Third party top ups for the above services
 - Home care support
 - Day care
 - Transport costs
- 7.3. Charges to service users are only implemented following a financial assessment process, and all service users receive an initial contribution letter detailing the weekly contribution to care that they will be charged.
- 7.4. The Adult Social Care Debt policy attached at Appendix A outlines the process that the Council will follow when raising invoices for charges, and the debt recovery process that will be followed should the invoice not get paid in line with agreed payment terms. This specifically outlines the following circumstances:
- Invoices in query or dispute
 - Assistance available to customers
 - Instalment plans
 - Referral of debt to recovery agents
 - Referral of debt for legal action
 - Recovery of debt following notification of death of a service user

- Deferred payment agreements
- Recovery action where the service user can pay but won't pay
- Recovery action where Power of Attorney or Deputy in place.

8. Conclusions

8.1 The introduction of an Adult Social Care debt recovery policy will ensure that the Council remains focussed on collecting outstanding debt in a positive and ethical way.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Council Debt Collection Policy

Cabinet Member (Portfolio Holder)
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Gwilym Butler – Portfolio Holder – Finance and Corporate Resources
--

Simon Jones – Portfolio Holder – Adult Social Care and Public Health
--

Local Member

Appendices

Appendix A – Adult Social Care Debt Recovery Policy

Appendix B – Equality, Social Inclusion and Health Impact Assessment
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ADULT SOCIAL CARE DEBT RECOVERY POLICY

VERSION 0.1

Contents

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2. Scope
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11. Instalment Plans
12. Referral of Debt to Recovery Agent
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17. Can Pay/Won't Pay – Power of Attorney/Deputy
18. Appendices

Appendix A – Charging Process Flowchart

Appendix B – Debt Recovery flowchart

1. Introduction

Shropshire Council raises charges for a wide range of services across the organisation. All debts owed should be pursued according to the Corporate Debt Recovery policy January 2022.

However, it is acknowledged that debts arising from Adult Social Care cannot be pursued in the same way as sundry debt under the same policy.

This document sets out the debt recovery procedures for Adult Social Care debt.

2. Scope

- Charges under The Care Act 2014
- Respite care;
- 24 hour care in a registered care or nursing home
- Third party top ups for the above services;
- Home care support;
- Day care;
- Transport costs

3. The Care Act 2014 – Key points

When social care practitioners assess or review an individual's eligible needs, they also provide information about should a service be provided from Adult Social care a financial assessment will be carried out and an assessed personal contribution charged. At the review stage the practitioner checks that payments are being made and if a debt is accruing will discuss with the individual any concerns and how their contributions will be paid.

People can at times struggle to manage their financial situation and the practitioners will indicate possible avenues of support, consider capacity, advocacy and also best interest decisions to ensure that the appropriate level of support is available or in place.

Debt can arise where an individual fails to manage their direct payment and the individual's account is regularly audited by the reconciliation team so any challenge or difficulties are recognised at an early stage and further conversations as to avenues of support are explored.

Financial management is a difficult area for many people and clear and consistent information from each service that is involved in the provision of the assessed support is provided at each stage, so individuals are able to understand what is charged, what financial responsibilities they have and when difficulties do arise the options available to them.

The Care Act 2014 introduces a modern legal framework for the recovery of debts as a result of non-payment of care charges. This is covered in section 69 and 70 of the Care Act 2014.

The key points are:

- Taking Court action to recover a debt should be the last resort
- The local authority should act reasonably
- Possible debts should be discussed with the person receiving care

- Arrangements for debt repayments should be agreed, if possible, with the person receiving care or their representative
- Repayments should be affordable for the person receiving care
- A debt which arises after the Care Act 2014 comes into force must be recovered within **six years** of the date when the sum became due to the local authority.

4. Principles underpinning the approach to Debt

- Possible debts must be discussed with the person or their representative;
- The local authority must act reasonably;
- Arrangements for debt repayments should be agreed between the relevant parties;
- Repayments must be affordable, within a reasonable repayment period and by Direct Debit. All repayment plans will be dependent on the customers individual circumstances;
- Court Action should only be considered after all other reasonable avenues have been exhausted.;

5. Invoicing

Financial Assessments follow a Case Management process for all cases where a first contribution is to be invoiced. This is a three-step process:

- A. An initial letter or email which states that the Financial Declaration Form (FDF) should be returned by a specific date (14 days) after the issue of the letter/email and that charges will start from the date that the care begins is sent out by the Council. If the form is not returned within 14 days a further reminder will be issued giving a further 7 days, after which a 'light touch' assessment in accordance with Regulation 10 of the Care and Support (Charging and Assessment of Resources) Regulations 2014 will be performed. This may result in a person being charged the full cost of their care and support.
- B. Details of the first invoice are included in the initial contribution letter, containing:
 - Amount of the maximum weekly contribution
 - Date the contribution starts from
 - Date that the first invoice can be expected
 - Dates that the first invoice applies from and to
 - Total amount of the first invoice
 - If the cost of care is less than the contribution, an explanation that the contribution could increase to the maximum
 - An explanation that the charge can increase or decrease based on cost or changes to services – this is specifically for non-residential charges
 - a pre-populated Direct Debit form and a pre-paid envelope is provided by Sales Ledger Team to encourage payment by this method (see 7 below)
- C. A phone call to the service user or their representative after the billing run has been exported from the Council's financial systems and ideally before the invoice has been

issued, confirming the amount charged, period covered and to ensure that the service user/financial representative understands their responsibility to pay it.

Where there is a difference between the amount invoiced and the amount notified as payable in the notification letter, this will also be explained in the phone calls. An example would be where additional care has been authorised after notification, resulting in a higher contribution.

Charges for care will be calculated and approved in the Council's Social Care finance system, this information will then interface with the Council's Finance Ledger System, and invoices produced in arrears every 4 weeks. Invoices will be sent where there is an email address in the customer Masterfile, in the absence of this information the invoice will be sent via post.

6. Payment Terms

The Council's payment terms are strictly 20 calendar days from invoice date.

7. Method of Payment

The Council accepts a range of payment methods and the list of available methods of Payment is included on the reverse of the invoice.

Our preferred method of payment is Direct Debit as this is efficient, timely and provides value for money for the Council. It is also an easy risk-free way to pay an invoice and is protected by the Direct Debit guarantee, as explained on the Direct Debit mandate. The payment methods accepted by the Council are detailed on the reverse of the sales invoice, however the Council does not accept cash or cheque payments directly. Customers wishing to pay by cash or cheque can do this at any Post Office using the barcode on the front of the sales invoice.

The council will be using and promotes a cashless model from April 2023, hence the preference for direct debits.

8. Reminder Letters

Shropshire Council operates a single reminder letter policy.

Where a customer fails to pay the charges a debt reminder letter will be issued 10 days from the due date of the invoice.

The reminder letter gives customers or their representative(s) the opportunity to discuss the reasons for non-payment and their individual circumstances with the Council within 7 days of the invoice date. The contact details are provided on the invoice.

In the instances of reminder letters for deceased service users this is identified in the Council's Finance Ledger system and an appropriate worded reminder letter is sent to the personal representative(s) of the estate.

9. Invoices in query or dispute

A debt is in dispute where the debtor believes that the charge is incorrect.

If an invoice is disputed, then the nature and reason for the dispute would need to be made in writing to the Financial Assessment Team within 14 days from the date of the invoice for the dispute to be considered. The Council will respond to the dispute within 14 days of receipt. Any disputes received outside of the 14-day timescale would not be considered unless there is an exceptional reason for being unable to dispute an invoice within the given timescale.

10. Assistance Available to Customers

The Debt Recovery team cannot offer advice on entitlement to benefits, discounts and exemptions but will direct a debtor to local organisations who can offer advice on debt management such as:

- The Money Advice Service.
- The Citizens Advice Service.
- Age Concern Advocacy.

Adult Social Care practitioners will have explained to the individual or their legal representation at assessment and review stages that there is a financial assessed contribution charged if funded care is arranged. Where an individual believes this is not an amount they can afford, a financial reassessment and evidence of additional disability related expenditure can be presented to be considered. Practitioners continue to discuss with individuals the charging policy, legal framework for charges and that all charges need to be paid as invoiced.

11. Instalment Plans

The Corporate Debt Recovery team have sole responsibility to agree payment beyond the Council's repayment terms or instalments as repayment of sundry debt. Where customers evidence that payment of outstanding debt due to the Council cannot be paid in full this will be considered on merit on a case-by-case basis.

The requirement will be discussed with the customer, or their representative(s) and the instalment plan mutually agreed with respect to ongoing charges for care. The preferred method of payment would be Direct Debit should the customer have the facility to do so.

A letter will be issued detailing the customers agreed payment plan, if the customer falls behind with payments a reminder will be issued 10 days after the due date of the instalment. Should the customer default with their instalment plan on more than 2 occasions the amount becomes payable in full immediately and the ability to pay by instalments is removed.

12. Referral of Debt to Recovery Agent (DRA)

The local authority must act reasonably in terms of debt recovery, and therefore possible reasons for non-payment must be taken into consideration before referral to the Council's Debt Recovery Agent (DRA).

Checks carried out will include:

- Ensuring the invoice address is accurate
- Dispute resolution
- Capacity check

If after these checks have been completed the Debt Recovery Officer is satisfied that the invoice remains outstanding on a basis of 'Can pay won't pay', the account is then referred to the DRA.

The DRA will then make further attempts to contact the service user and/or representative using information provided to them by Shropshire Council via email, post and telephone.

If all methods of communication have been exhausted by the DRA and payments still not forthcoming this is then returned to Shropshire Council for a decision on further action required.

13. Referral of Debt for Legal Action

After all the other options have been exhausted, and the debt remains unpaid, the local authority may seek to recover the money through the County Court.

Before any legal proceedings are commenced the Debt Recovery Officer will again assess the proportionality of any further recovery action through the Court in line with Care Act guidance. This could include, credit checks, and further discussions with service areas.

Following these checks and if the Debt Recovery Officer is satisfied the amount is still outstanding on a basis of 'Can pay won't pay', Court proceedings can commence.

The Assistant Director – Adult Social Care and Housing will authorise action to be taken to recover the amount due which will include the Adult Social Care legal referral form which would be for consideration through the County Court and or High Court.

Under exceptional circumstances and if applicable, Shropshire Council may consider taking possession of the property and forcing its sale to discharge the debt. Any decision to force sale of a property has to be approved by the Executive Director of People Directorate.

14. Recovery of Debt – Deceased Service Users

Once notification of a date of death of a service user is received, the Debt Recovery team will notify the personal representative(s) of the balance due from the estate in a timely manner, in writing by either email or post and within the 6 year statute limitation period under the Care Act 2014.

The Council will suspend Debt Recovery on accounts where notification is received from the personal representative(s) that Grant of Probate/Letters of administration are being applied for.

The following will require approval by the Executive Director of People Directorate:

- In the absence of a personal representative(s) of the estate and providing it would be economically viable to do so, in accordance with the Civil Procedure Rules 19.8, Shropshire Council will bring a claim against 'the estate of' the deceased and apply to the court for an order appointing them to represent the estate of the deceased in the claim followed by the sale of property, if applicable.
- In circumstances where there is a personal representative(s) of the estate but they are refusing to co-operate/administer the estate and providing it would be economically viable to do so, in accordance with the Civil Procedure Rules 19.8 Shropshire Council will bring a claim against 'the personal representatives' of the deceased.

15. Deferred Payment Agreements (DPA)

Where a service user is in a permanent residential placement, who own a property but have capital under the threshold, they have the option to apply for a DPA. This is when a legal charge is registered against the property land title and the cost of care is deferred against the property until such time that the property is sold or the service user passes away.

The charges will defer in the Council's Social Care finance system and upon date of death or sale of the property an invoice is raised manually using the Council's Finance Ledger system, for the cost of the deferred amount of care plus interest (if applicable), and once paid the legal charge is removed.

A personal representative(s) has 90 days from date of death in which to repay the deferred amount due from the estate. After the 90 day period if Shropshire Council concludes that the personal representative(s) is not taking active steps to repay the debt Shropshire Council will enter into proceedings to reclaim the amount owed. As detailed in point 14 above.

16. Can Pay/Won't Pay

Where a service user has been assessed as having sufficient income to enable payment of invoices raised but is refusing to pay, and the checks as specified in paragraph 12. and 13. above have been completed, then consideration will be given as to the next steps to take. As a general rule the Council will take any necessary action to recover the sums due to it unless it would not be economically viable to do so. Consideration will also be given to what the result of such action would achieve to remedy payment of accrued arrears as well as the reasoning why such repayments have been refused including consideration of the Council's safeguarding policy and of chapter 14 of the Care and support statutory guidance.

Shropshire Council will need to take action to prevent non-payment of ongoing/future invoices which will be discussed and approved by the Executive Director of People Directorate.

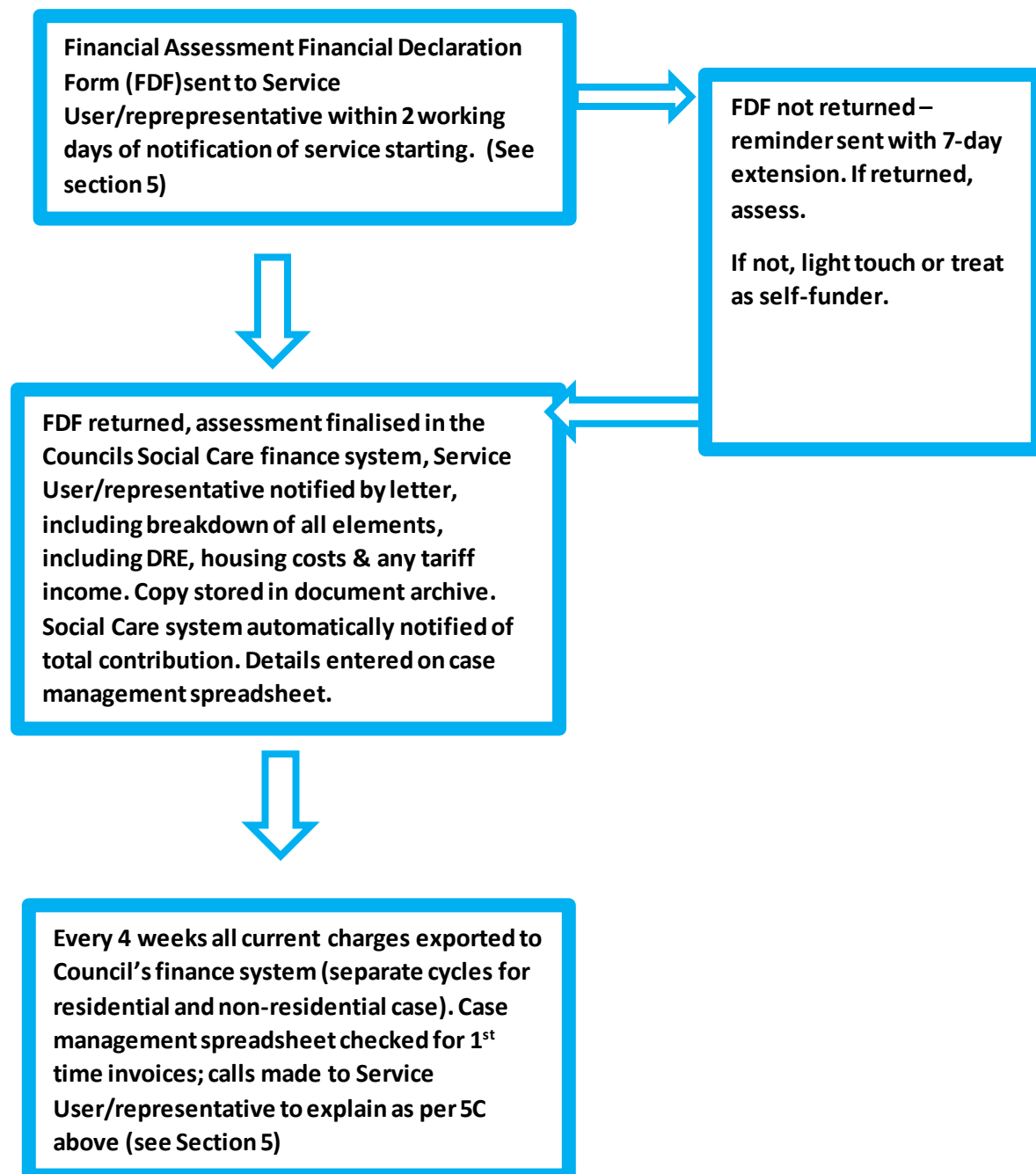
17. Can Pay/Won't Pay – Power of Attorney/Deputy

Upon a review of the reasoning of why a payment has been refused in consideration of the provisions of paragraph 16 above including any potential safeguarding assessment and information arises that may or does suggest or indicates that the adult may be subject to suspected forms of financial abuse, including undue influence or a misuse of power, please refer to the Statutory Guidance Framework: Controlling or Coercive Behaviour in an Intimate or Family Relationship. Such forms of financial control include but are not limited to powers of attorney.

Where the Council, following such a review are on notice of potential financial abuse, and capacity and vulnerability are evident due consideration should be given to the Council's safeguarding policy and its obligations and statutory duties including but not limited to referrals to Office of the Public Guardian. Where such factors mentioned above are evident or exist further consideration, taking into account the circumstances, should be given in respect the effectiveness of the recovery of outstanding payments from the affected adult.

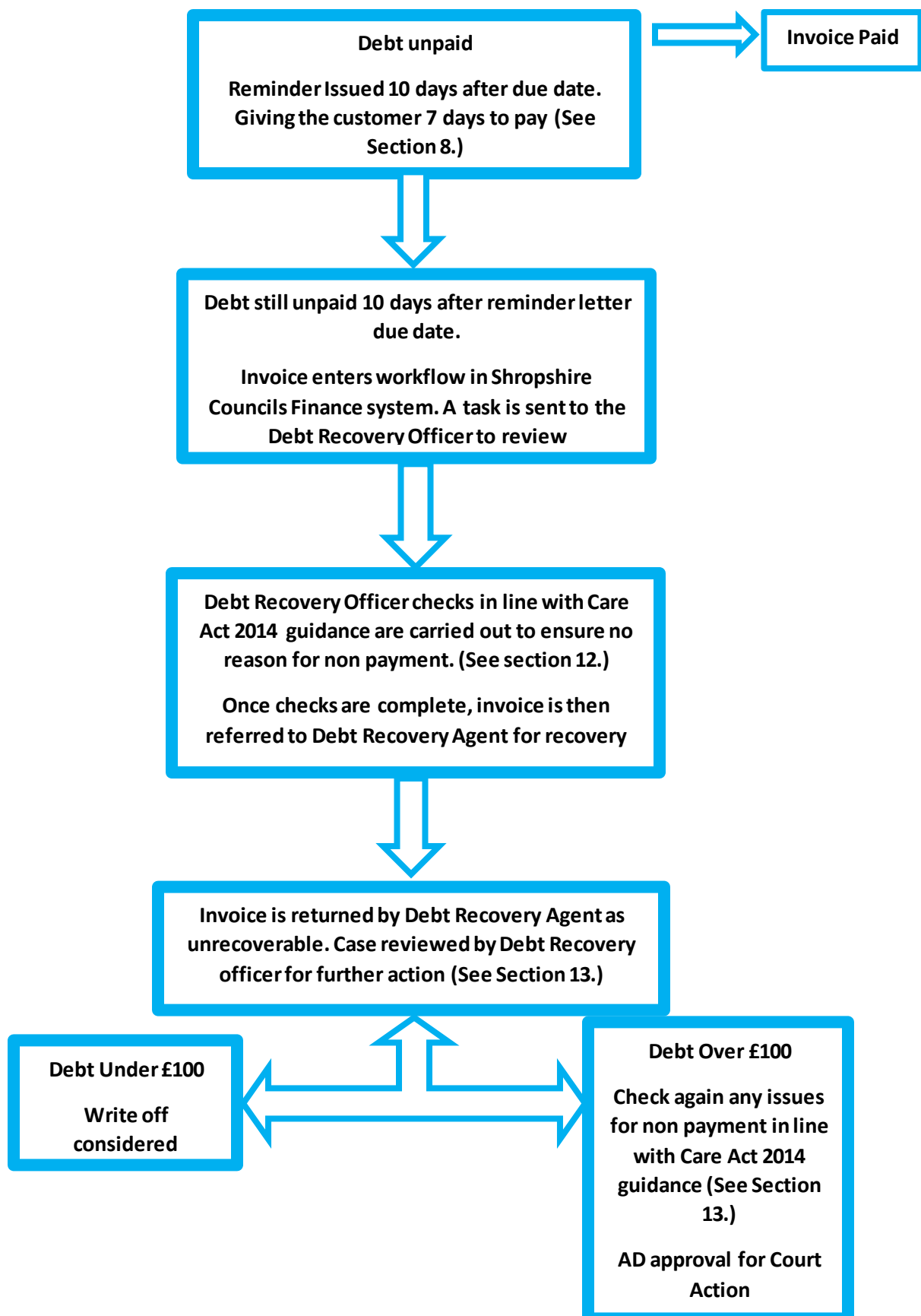
Appendix A

Charging Process



Appendix B

Debt Recovery Flowchart



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Shropshire Council
Equality, Social Inclusion and Health Impact Assessment (ESHIA)
Initial Screening Record 2021-2022

A. Summary Sheet on Accountability and Actions

Name of proposed service change
<i>Implementation of new Adult Social Care Debt Recovery Policy</i>

Name of lead officer carrying out the screening
Cheryl Sedgley

Decision, review, and monitoring

Decision	Yes	No
Initial (part one) ESHIA Only?	✓	
Proceed to Full ESHIA or HIA (part two) Report?		✓

If completion of an initial or Part One assessment is an appropriate and proportionate action at this stage, please use the boxes above. If a Full or Part Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.

<p>Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations</p> <p>Failure to have a clearly defined policy for debt collection will leave the Council vulnerable to complaints about process and debt outcomes. It is important to have clearly defined actions to protect both staff and debtors.</p> <p>The policy sets out the following commitments:</p> <ul style="list-style-type: none"> • The Council will deal with you sensitively, professionally and courteously regardless of your age, disability, gender reassignment, marriage and civil partnership arrangement, pregnancy, race, religion or belief, sex, or sexual orientation. • The Council will take steps to ensure that we have made the appropriate checks to ensure inappropriate enforcement action is not taken against potentially vulnerable individuals. <p>The Equality, Social Inclusion and Health Impact Assessment, carried out in order to assess the likely impacts of the revised policy for Protected Characteristic groupings as set out in the Equality Act 2010, and for people in our tenth category in Shropshire, of Social Inclusion, indicates that the overall impacts should be neutral or positive across groupings.</p>

The implications of this policy for vulnerable individuals and households are of particular relevance and may apply either in rural households or in our market towns. There is a further recognition warranted that there may be issues for individuals and households ranging from personal circumstances affecting income such as loss of employment, low wages, irregular income, relationship breakups, fuel poverty, etc, to practical difficulties in accessing facilities and services across our large county, either in person or online.

The policy sets out that the Council will ensure that it does not take inappropriate enforcement action in respect of vulnerable persons. Debtors who may be considered vulnerable may include persons

- With medical conditions such as mental ill health, terminal illnesses
- With a learning disability
- With a physical disability or who may be housebound
- Who are illiterate or unable to speak English
- With an alcohol/drugs or gambling addiction
- Fleeing domestic violence or other violence and have the support of either the police, or a statutory or voluntary agency
- Who are prison leavers being supported by an appropriate organisation or agency
- Who have a temporary change in their life such as a relationship breakdown or bereavement which may mean they need support on a short-term basis
- Who have severe debt problems
- That are subject to mortgage possession proceedings
- Suffering any form of harassment

Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations

Actions to increase the positive impacts in equality terms need to include ensuring that a range of communication channels are used to encourage people to have the confidence to approach the Council if they are in debt or fear that they may find themselves in such circumstances. This will usefully include working with local elected Shropshire Council councillors as community leaders, for example through councillor surgeries, and setting out the recourse that people may have to impartial advice and guidance as well, through the community and voluntary sector. The policy lists a number of such advice channels as well as a glossary of terms.

Associated ESHIAs

Related ESHIA for Corporate Debt policy

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations

Climate change

While there are no direct climate change impacts arising from this report the Finance team are committed to encouraging all service users to sign up for paperless direct debts and to receive invoices and reminders through digital channels rather than via paper and post.

Health and well being

The Council will also seek to factor in the potential negative mental health impacts for people of falling into debt, which this policy sets out to recognise and address through encouraging people to make contact at the earliest opportunity and through setting out the impartial advice and guidance that is available from external agencies.

Economic and societal/wider community

Having a clearly outlined, transparent and fair approach to debt collection removes uncertainty and challenge which can have a detrimental effect on collection rates. The policy will help to enhance the Council's income collection, reduce the level of debt owed to the Council and minimise the level of unrecoverable debt. The Adult Social Care debt recovery policy will ensure that the Council remains focussed on collecting debt in a positive and ethical way.

Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i>	Cheryl Sedgley	25 August 2022
<i>Any internal service area support*</i>	<i>Carole Croxford, Service Manager Operations, Adult Social Care</i>	25 August 2022
<i>Any external support**</i>		

**This refers to other officers within the service area*

***This refers to support external to the service but within the Council, e.g., the Rurality and Equalities Specialist, the Feedback and Insight Team, performance data specialists, Climate Change specialists, and Public Health colleagues*

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i>	Cheryl Sedgley	25 August 2022
<i>Accountable officer's name</i>		

**This may either be the Head of Service or the lead officer*

B. Detailed Screening Assessment

Aims of the service change and description
<p>It is good practice for Shropshire Council to detail its approach to collection of debt. This will ensure clarity to taxpayers, businesses, members, other residents, and advice agencies about the Council's approach to debt collection. It also ensures a fair and consistent view is taken to debt enforcement, and that the Council is committed to identifying and assisting more vulnerable groups in society to manage their payments.</p> <p>The introduction of Breathing Space regulations in May 2021 provide legal protections to customers that may have a problem debt, and the Government intention to introduce Statutory Debt Repayment Plans, will enable a person in problem debt to enter into a formal agreement with their creditors to repay all of their eligible debts over a manageable time period, whilst receiving legal protection from their creditor.</p> <p>The key message for customers in arrears/debt with their Adult Social Care Debt has to be that they need to get in contact with the Debt Recovery Team as soon as possible in order to:</p> <ul style="list-style-type: none">• Make us aware of their situation• Enable us to evaluate their situation by completing an income and expenditure form• Refer to an appropriate advice agency for any third-party assistance.• Decide on the most appropriate course of action to take. This may result in making an appropriate payment arrangement or in applying for an attachment of benefit or attachment of earnings order.• The most important thing is that the debtor must show willing to work with the debt recovery team to take responsibility and improve their situation.• They may be in arrears due to different circumstances such as<ul style="list-style-type: none">- Poor money management

- Inappropriate expenditure on non-priority items
- Reduced earnings requiring an evaluation of lifestyle
- Illness/disability
- Low wage
- Irregular income
- Relationship break up
- Money tied up in assets
- Any combination of the above
- We are aware that people fall into arrears for a number of different reasons. We are conscious that some people fall regularly into arrears, and other people are in arrears for the first time due to losing employment for example. We are committed that everyone will be treated sensitively, fairly, and realistically. We would stress that this is a two-way process and that taxpayers need to be confident enough to approach us and are willing to take steps to sort out their problems themselves, if we are going to have any chance of helping them.

Intended audiences and target groups for the service change

All Council debtors
 All those who may find themselves in such circumstances in the future
 Councillors
 Council Officers
 All debtor advice agencies
 Council partners e.g. Enforcement Agents

Evidence used for screening of the service change

When developing this policy, the Council has considered national best practice guides including:

- The Care Act 2014, sections 69 – 70 - <https://www.legislation.gov.uk/ukpga/2014/23/part/1/crossheading/enforcement-of-debts/enacted>
- Ministry of Justice – Taking Control of Goods: National Standards. Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353396/taking-control-of-goods-national-standards.pdf
- Debt Respite Scheme (Breathing Space) guidance for creditors. Available at <https://www.gov.uk/government/publications/debt-respite-scheme-breathing-space-guidance/debt-respite-scheme-breathing-space-guidance-for-creditors>

Specific consultation and engagement with intended audiences and target groups for the service change

None

This box relates to any specific consultation with the audiences for the service. This could be online surveys, use of social media, one off focus groups, events, drop-in sessions, meetings with stakeholder groups, etc.

Please also use this box to say if you have not carried out consultation but are planning to do so. For example, this might be an ESHIA at the beginning of a proposed consultation period. You could therefore give timelines and intended methods of communication and engagement.

Initial equality impact assessment by grouping (Initial health impact assessment is included below)

Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Protected Characteristic groupings and other groupings in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive, negative, or neutral impact (please specify) <i>Part One ESIIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are safeguarding concerns e.g., an older person with disability)				✓ Positive
<u>Disability</u> (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)				✓ Positive
<u>Gender re-assignment</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ Positive
<u>Marriage and Civil Partnership</u> (please include associated aspects: caring responsibility, potential for bullying and harassment)				✓ Positive

Pregnancy and Maternity (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ Positive
Race (please include ethnicity, nationality, culture, language, Gypsy, Traveller)				✓ Positive
Religion and belief (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				✓ Positive
Sex (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				✓ Positive
Sexual Orientation (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				✓ Positive
Other: Social Inclusion (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns; people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)				✓ Positive

Initial health and wellbeing impact assessment by category

Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Health and wellbeing: individuals and communities in Shropshire	High negative impact <i>Part Two HIA required</i>	High positive impact	Medium positive or negative impact	Low positive negative or neutral impact (please specify)
Will the proposal have a <i>direct impact</i> on an individual's health, mental health and wellbeing?				Positive

For example, would it cause ill health, affecting social inclusion, independence and participation? .				
Will the proposal indirectly impact an individual's ability to improve their own health and wellbeing? For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking? .				Positive
Will the policy have a direct impact on the community - social, economic and environmental living conditions that would impact health? For example, would it affect housing, transport, child development, education, employment opportunities, availability of green space or climate change mitigation? .				Positive
Will there be a likely change in demand for or access to health and social care services? For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services? .				Neutral

Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts

The other considerations set out in this policy relate to the standards of behaviour expected towards Council staff, as follows, which complement zero tolerance stance with regard to racism and other forms of discrimination:

- our staff expect to be treated with courtesy and respect. Our staff and other customers should not be expected to deal with violent, rude or disruptive customers.
- Where staff are met by violent, rude or aggressive behaviour they will ask the customer to refrain from further behaviour of that type. If behaviour continues then the interaction may be terminated.

Guidance Notes

1. Legal Context

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. By way of illustration, some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

Carrying out these impact assessments helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes.

These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

These screening assessments for any proposed service change go to Cabinet as part of the committee report, or occasionally direct to Full Council, unless they are ones to do with Licensing, in which case they go to Strategic Licensing Committee.

Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

These screening assessments are recommended to be undertaken at timely points in the development and implementation of the proposed service change.

For example, an ESHIA would be a recommended course of action before a consultation. This would draw upon the evidence available at that time, and identify the target audiences, and assess at that initial stage what the likely impact of the service change could be across the Protected Characteristic groupings and our tenth category of Social Inclusion. This ESHIA would set out intended actions to engage with the groupings, particularly those who are historically less likely to engage in public consultation eg young people, as otherwise we would not know their specific needs.

A second ESHIA would then be carried out after the consultation, to say what the feedback was, to set out changes proposed as a result of the feedback, and to say where responses were low and what the plans are to engage with groupings who did not really respond. This ESHIA would also draw more upon actions to review impacts in order to mitigate the negative and accentuate the positive. Examples of this approach include the Great Outdoors Strategy, and the Economic Growth Strategy 2017-2021

Meeting our Public Sector Equality Duty through carrying out these ESHIAs is very much about using them as an opportunity to demonstrate ongoing engagement across groupings and to thus visibly show we are taking what is called due regard of the needs of people in protected characteristic groupings

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion.

In practice, Part Two or Full Screening Assessments have only been recommended twice since 2014, as the ongoing mitigation of negative equality impacts should serve to keep them below the threshold for triggering a Full Screening Assessment. The expectation is that Full Screening Assessments in regard to Health Impacts may occasionally need to be undertaken, but this would be very much the exception rather than the rule.

2. Council Wide and Service Area Policy and Practice on Equality, Social Inclusion and Health

This involves taking an equality and social inclusion approach in planning changes to services, policies, or procedures, including those that may be required by Government.

The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality, Social Inclusion and Health Impact Assessments (ESHIA) come in. Where you carry out an ESHIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet.
- What target groups and audiences you have worked with to date.
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and

- What actions you are planning to review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand-alone for a member of the public to read. The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions, or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people or households that we may describe as vulnerable.

Examples could be households on low incomes or people for whom there are safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, e.g., Age. Another specific vulnerable grouping is veterans and serving members of the Armed Forces, who face particular challenges with regard to access to Health, to Education, and to Housing.

We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging, or delivering services.

When you are not carrying out an ESHIA, you still need to demonstrate and record that you have considered equality in your decision-making processes. It is up to you what format you choose.–You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESHIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESHIA:

- If you are building or reconfiguring a building.
- If you are planning to reduce or remove a service.
- If you are consulting on a policy or a strategy.
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise

positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them.
- If you are setting out the standards of behaviour that we expect from people who work with vulnerable groupings, such as taxi drivers that we license.
- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself.
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

For example, you may be involved in commissioning a production to tour schools or appear at a local venue, whether a community hall or somewhere like Theatre Severn. The production company should be made aware of our equality policies and our expectation that they will seek to avoid promotion of potentially negative stereotypes. Specific groupings that could be affected include: Disability, Race, Religion and Belief, and Sexual Orientation. There is positive impact to be gained from positive portrayals and use of appropriate and respectful language in regard to these groupings in particular.

3. Council wide and service area policy and practice on health and wellbeing

This is a relatively new area to record within our overall assessments of impacts, for individual and for communities, and as such we are asking service area leads to consider health and wellbeing impacts, much as they have been doing during 2020-2021, and to look at these in the context of direct and indirect impacts for individuals and for communities. A better understanding across the Council of these impacts will also better enable the Public Health colleagues to prioritise activities to reduce health inequalities in ways that are evidence based and that link effectively with equality impact considerations and climate change mitigation.

Health in All Policies – Health Impact Assessment

Health in All Policies is an upstream approach for health and wellbeing promotion and prevention, and to reduce health inequalities. The Health Impact Assessment (HIA) is the supporting mechanism

- Health Impact Assessment (HIA) is the technical name for a common-sense idea. It is a process that considers the wider effects of local policies, strategies and initiatives and how they, in turn, may affect people's health and wellbeing.

- Health Impact Assessment is a means of assessing both the positive and negative health impacts of a policy. It is also a means of developing good evidence-based policy and strategy using a structured process to review the impact.
- A Health Impact Assessment seeks to determine how to maximise health benefits and reduce health inequalities. It identifies any unintended health consequences. These consequences may support policy and strategy or may lead to suggestions for improvements.
- An agreed framework will set out a clear pathway through which a policy or strategy can be assessed and impacts with outcomes identified. It also sets out the support mechanisms for maximising health benefits.

The embedding of a Health in All Policies approach will support Shropshire Council through evidence-based practice and a whole systems approach, in achieving our corporate and partnership strategic priorities. This will assist the Council and partners in promoting, enabling and sustaining the health and wellbeing of individuals and communities whilst reducing health inequalities.

Individuals

Will the proposal have a *direct impact* on health, mental health and wellbeing?

For example, would it cause ill health, affecting social inclusion, independence and participation?

Will the proposal directly affect an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to be physically active e.g., being able to use a cycle route; to access food more easily; to change lifestyle in ways that are of positive impact for their health.

An example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g., green highways), and changes to public transport that could encourage people away from car usage. and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve lives.

Will the proposal *indirectly impact* an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to access local facilities e.g., to access food more easily, or to access a means of mobility to local services and amenities? (e.g. change to bus route)

Similarly to the above, an example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g. pedestrianisation of town centres), and changes to public transport that could encourage people away from car usage, and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve their health and well being.

Communities

Will the proposal directly or indirectly affect the physical health, mental health, and wellbeing of the wider community?

A *direct impact* could include either the causing of ill health, affecting social inclusion, independence and participation, or the promotion of better health.

An example of this could be that safer walking and cycling routes could help the wider community, as more people across groupings may be encouraged to walk more, and as there will be reductions in emission leading to better air quality.

An *indirect impact* could mean that a service change could indirectly affect living and working conditions and therefore the health and well being of the wider community.

An example of this could be: an increase in the availability of warm homes would improve the quality of the housing offer in Shropshire and reduce the costs for households of having a warm home in Shropshire. Often a health promoting approach also supports our agenda to reduce the level of Carbon Dioxide emissions and to reduce the impact of climate change.

Please record whether at this stage you consider the proposed service change to have a direct or an indirect impact upon communities.

Demand

Will there be a change in demand for or access to health, local authority and social care services?

For example: Primary Care, Hospital Care, Community Services, Mental Health and Social Services?

An example of this could be: a new housing development in an area would affect demand for primary care and local authority facilities and services in that location and surrounding areas. If the housing development does not factor in consideration of availability of green space and safety within the public realm, further down the line there could be an increased demand upon health and social care services as a result of the lack of opportunities for physical recreation, and reluctance of some groupings to venture outside if they do not perceive it to be safe.

For further information on the use of ESHIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email lois.dale@shropshire.gov.uk.

For further guidance on public health policy considerations: please contact Amanda Cheeseman Development Officer in Public Health, via telephone 01743 253164 or email amanda.cheeseman@shropshire.gov.uk

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Committee and Date

Cabinet
19th October 2022

Item

Public

Annual Customer Feedback (Complaints) Report 2021/22

Responsible Officer

Nigel Newman

e-mail: Nigel.newman@shropshire.gov.uk

Tel: 01743 253976

1. Synopsis

This report analyses customer feedback trends for 2021/22. Complaints have risen and while most response times meet our target, a few long-term outstanding cases push the average to 32 days. Upheld Ombudsman complaints continue to fall and are below similar authorities.

2. Executive Summary

- 2.1. This report gives an overview of formal customer feedback to the Council in 2021/22, covering complaints, compliments and comments as well as MP enquiries and Local Government and Social Care Ombudsman (" Ombudsman ") investigations. In total, the council received 2,743 cases of formal feedback, including 1,442 complaints, 847 comments and 545 compliments.
- 2.2. The annual figure has continued the long-term trend of increasing numbers of complaints received, which have risen 38% since 2016/17.
- 2.3. As complaints in many cases become more complex and many services face continuing service pressures, the average time taken to respond to complaints has gone from 23 days in 2020/21 to 32 days in 2021/22. This now exceeds the Council's own target response time of 30 days for Stage 1 complaints. While most responses are made within the timescale, the median is 24 days, the average figure is significantly impacted by a growing number of long-term outstanding complaints in some service areas.

- 2.4. While the number of complaints progressing beyond Stage 1 remains small compared with the total number, this also increased to 99 in the year, rising for the third year in a row.
- 2.5. The number of upheld Local Government and Social Care Ombudsman (LGSCO) complaints at 42% is below the average for similar authorities of 64% and has fallen from 50% the previous year. The number of formal inquiries from county MPs to the council has also risen in the year by 11% to 439.

3. Recommendations

- 3.1. Members are asked to consider the recommendations and actions in the draft Annual Customer Feedback Report to support and improve robust customer feedback performance
- 3.2. Recommend approval and publication of the draft Annual Customer Feedback Report 2021/22 (Appendix 1) on the council's website

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. Effective monitoring and follow-up of complaints provides the opportunity to manage emerging risks and identify any trends and common issues being raised through customer feedback, make improvements and to help build the council's reputation by demonstrating how it uses customer feedback to shape service delivery..

5. Financial Implications

- 5.1. This report presents information to support decision making and does not itself carry any direct financial implications. However, systems that help prevent complaints escalating, particularly to Stage 2 complaints, will result in less staff time taken to deal with complaints. Senior managers may use the information to inform actions or interventions for improving service performance and the prioritisation and use of resources.

6. Climate Change Appraisal

6.1. There are no direct effects on the council's climate change agenda.

7. Background

The Customer Feedback Annual Report for Shropshire Council is prepared by the council's Feedback and Insight Team who handle the corporate process for recording and responding to formal comments, compliments and complaints. For complaints this covers issues dealt with using the council's own complaint processes, as well as those require the investigation by the LGSCO. Processes for adult and children's social care complaints are statutory and are set nationally.

8. Additional Information

- 8.1. Shropshire Council received 2,743 cases of formal feedback in 2021/22, up 5% on the previous year. The breakdown of the feedback by type is as follows
- Complaints 53%
 - Comments 31%
 - Compliments 16%
- 8.2. This marks a return to more normal levels of activity, following the previous year's figures which had been affected by the impact of the pandemic. The number of cases across all three types has reverted to a comparative pre-pandemic pattern.
- 8.3. Of the 1,442 complaint cases received, 1,190 led to investigations. Not every complaint received requires investigation as some may be resolved early or withdrawn without the need for a full investigation. Indeed, 31% of complaints were resolved this way.
- 8.4. Effective Stage 1 complaints handling reduces the number of complaints escalating to Stage 2. Most complaints continued to be addressed and closed at Stage 1 of the complaints procedure. However, in 2021/22 99 cases progressed beyond Stage 1, either to Stage Two or going the Local Government and Social Care Ombudsman (LGSCO), an increase of 17 on the previous year the previous year. Cases that progress beyond Stage1 or to the LGSCO require additional workload as this starts a separate process involving further oversight from council officers, generally within Legal Services.
- 8.5. Considering complaints by service area, the Place Directorate, which contains most of the Council's public facing services (such as Highways and Transport, Waste and Leisure), received 47% of the

Council's complaints, slightly down on the previous year. Resources received 19% of complaints followed by Adults Services 16% and Children's Services on 12%. All these figures are close to those in the previous year. The two most complained about services are unsurprisingly those with high public visibility and contact - Highways and Transport and Waste. These accounted for 32% and 11% of all complaints respectively and both figures are similar to previous years.

- 8.6. The average number of days to close a formal complaint has risen during the year by nine days to 32. This is now more than double the average time taken in 2018/19. This now exceeds the council's 30-day target for responding to complaints. The average figure is affected by a significant numbers of complex and long running cases exceeding timescales. This can be due to reduced officer capacity within a service or the result of highly complex cases that are difficult to resolve or require significant time to resolve. Equally, complaints investigators increasingly report concerns about their ability to meet complaint timescales as a result of workload and other pressures. It should also be noted that the proportion of complaints progressing beyond Stage 1 or to the LGSCO has again increased and is now more than double what it was in 2019/20, again reflecting pressure on complaint investigators.
- 8.7. In 2021/22 at the end of Stage 1, 33% of complaints were not upheld, 12% were upheld, 18% were partly upheld (often where a complaint might have multiple points within it) and 27% were withdrawn or were a service request rather than a complaint. 10% of complaints had no finding. These rates vary compared to the previous year. In the year, 79 complaints were dealt with by LGSCO, a figure which is below that of many comparable councils. Of these, 42% of complaints were upheld by the LGSCO, an improvement on the previous year, when 50% of LGSCO complaints were upheld.
- 8.8.
- 8.9. In July 2022, the Council received its [annual feedback report from the LGSCO](#), which covers complaints made about social care issues. These are handled outside the council's complaint processes and as such are not covered in this report. The LGSCO, while recognising the pressure on services, said that more than three quarters of complaints were not responded to within the standard 28-day deadline set by the Ombudsman. It recommended the council considers how and if it prioritises such complaints, in terms of visibility and capacity.
- 8.10. LGSCO enquiries range from straightforward requests for more information about a complaint to detailed investigations which require extensive research and collation of considerable volumes of information. Generally, the council is given same 28 days by the

Ombudsman to respond to an investigation, whether the issue is current or an historical complaint with no immediate implications. Unfortunately, it is not always possible to comply with these timescales given that service areas need to deal with these Ombudsman's enquiries on top of day-to-day responsibilities to the public and local communities. When additional time is needed, the council will seek an extension, although this can still prove challenging for many similar reasons behind the increase in average complaint response times, including complexity of the issues, the volume of documentation involved and key staff sickness and leave.

9. Conclusions

- 9.1. The recommendations in the Annual Report highlight areas of development designed to improve customer feedback handling. Key areas of focus arising from the 2021/22 annual report include:
- 9.2. Recognising the pressures on services and the Feedback and Insight team to manage rising levels of feedback, particularly for complaints. While the council's budgetary challenge makes this hard to address, support from senior managers can help to better understand areas of pressure and performance issues. This can support risk identification and allow responses to be based on a more informed view.
- 9.3. A swifter process is put in place to identify customers who are persistent and vexatious and to invoke the council's Unreasonably Persistent and Vexatious Customers Procedure when appropriate. While small in number, these customers can take up a disproportionately large amount of staff time and have been growing in numbers, tripling in the most recent year. Swifter application of the policy would allow staff to focus on other customers.
- 9.4. Reducing the average 'days to close' remains a key focus within complaints handling. Ineffective stage 1 complaint handling increases work across multiple teams/services. Highlighting days to close performance will remain a focus of performance reporting and concerns will be reported through management structures.
- 9.5. More steps are taken so that Senior Managers ensure their staff understand the importance of covering complaints processes and requirements within team leader and manager induction processes and this is communicated through regular directorate or service meetings. The corporate induction process should also be updated so that all staff with a management role understand their responsibilities for investigating and responding to complaints (and understand that this is an integral part of management duties).

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Shropshire Council Customer Feedback Annual Report 2020/21

Cabinet Member (Portfolio Holder)

Rob Gittins

Local Member

All

Appendices

Appendix 1 - Shropshire Council Customer Feedback Annual Report 2021/22
Draft



Customer Feedback Annual Report

Shropshire Council

2021/22

Feedback and Insight Team, Shropshire Council
August 2022



1. Introduction

Shropshire Council's annual customer feedback report presents an overview of the formal feedback received, and responded to, by Shropshire Council between 1 April 2021 and 31 March 2022.

The report includes key performance data for complaints, compliments and comments. The annual customer feedback report is made available to members of the public, councillors and council staff. The report complements the quarterly reporting and regular service-based monitoring reporting that takes place within the Council during the year. This more regular reporting is used to gain an understanding of customer experiences and the identification of any patterns in feedback. It supports the work that takes place to identify learning and actions designed to prevent further complaints and generate improvement.

Complaints containing an element of social care fall under the statutory guidelines. These are classed as statutory complaints for either adult or children's services and are handled in line with the national statutory complaint procedures. The remainder of complaints are corporate complaints. Corporate complaints relate to a support service or services that do not provide social care and these are handled under the Council's corporate complaints procedure, set locally. You can find out more on Shropshire Council's website.

This report provides a council-wide view of formal customer feedback. Annual reports are also prepared for Adult Services and Children's Services allowing for a more detailed consideration of feedback for those service areas. Those reports are also published on Shropshire Council's website and are used to support key performance and inspection processes.

Complaint

We aim to make it as easy as possible to make a complaint. A complaint is a written or verbal expression of dissatisfaction about a service provided. Family members and advocates may also make a complaint on behalf of one of our customers. We will ask for consent to ensure that the complaint is not being made against the customer's wishes.

Compliment

Many people get in touch with a compliment when the information or support they have received has exceeded their expectations. It is helpful to learn when a service has been provided well or when a member of staff has done a great job. We like to recognise compliments alongside any complaints. It is good for us to say 'thank you' to our teams and staff members too.

Comment

Feedback about a service could be:

- a suggestion to improve it.
- a question as to whether something could be done differently.
- an idea for delivering a service differently.

2. The Complaints Process

Feedback Received

Shropshire Council encourages users of our services, their family members and carers to give feedback and highlight any concerns so that they may be addressed as quickly as possible. If problems cannot be resolved and the customer wishes to make a complaint, staff members can offer advice on how to make a complaint. Support is also available from complaints officers based within Shropshire Council's Feedback and Insight Team.

Telephone: 0345 678 9000

Email: customer.feedback@shropshire.gov.uk

Website: <https://www.shropshire.gov.uk/feedback/>

Online: Log into the My Shropshire portal



Acknowledgment

Complaints will be acknowledged within 5 working days of being received and we let the complainant know how their complaint will be handled.



STAGE 1

An appropriate Investigating Officer will be allocated to the case and asked to investigate the complaint. This is usually a manager within the service area the complaint relates to. The complainant will be provided with a written response within approximately 6 weeks (12 weeks is the timescale for stage 1 and stage 2 responses and 6 weeks is usually allocated to each). In some complex cases it may take longer than 6 weeks at stage 1 but we let the customer know if this extra time is needed and why. The Investigating Officer will write to explain the outcome of their investigation, any learning or actions and information outlining how to progress the complaint if the customer is not satisfied with the outcome.



STAGE 2 - Review

The complaint will be reviewed by a more senior manager, commissioner, or in most cases, the Complaints Monitoring Officer. They will review the Stage 1 complaint and decide if there is more the service can do to address the concerns raised. If the reviewing officer believes the service has done all they can reasonably do, the customer will be written to and advised of this. They will also be given information about the Local Government and Social Care Ombudsman.



Ombudsman If a complaint cannot be resolved locally it can be investigated by the Ombudsman. The Council has a timescale of 28 calendar days to provide a response to the Local Government and Social Care Ombudsman (LGO). Responses are often complex, lengthy and require a large volume of appendices to be collated, catalogued and returned to the LGO. Complainants can request to go to the Ombudsman without a review if they choose to.

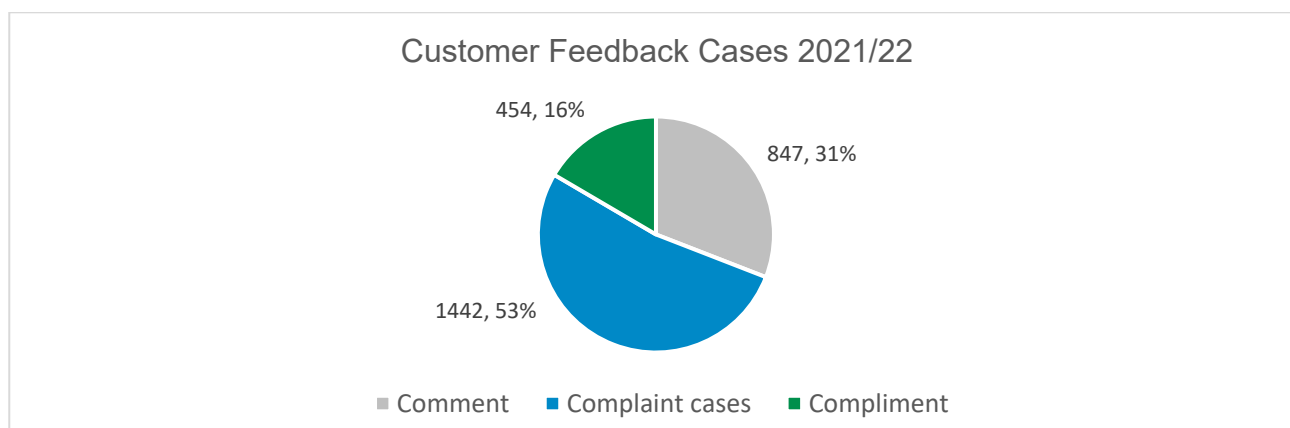
The Feedback and Insight Team coordinates the complaints process, recording and allocating complaints for investigation, monitoring response dates and overseeing performance. We cannot promise to get the result complainants want, but we do make sure that complaints are dealt with in line with the complaints procedures. We aim to keep customers informed of what is happening and the progress being made.

3. Customer Feedback 2021/22

In 2021/22 Shropshire Council received and recorded 2,743 cases of formal feedback. There were:

- 1,442 complaint cases
- 847 comments
- 454 compliments

In addition, there were also 439 MP enquiries recorded between 1 April 2021 and 31 March 2022. MP enquiries are covered separately later in the report since MP enquiries often relate to complaints and inclusion in the figures for feedback would result in double counting and the over reporting of cases.

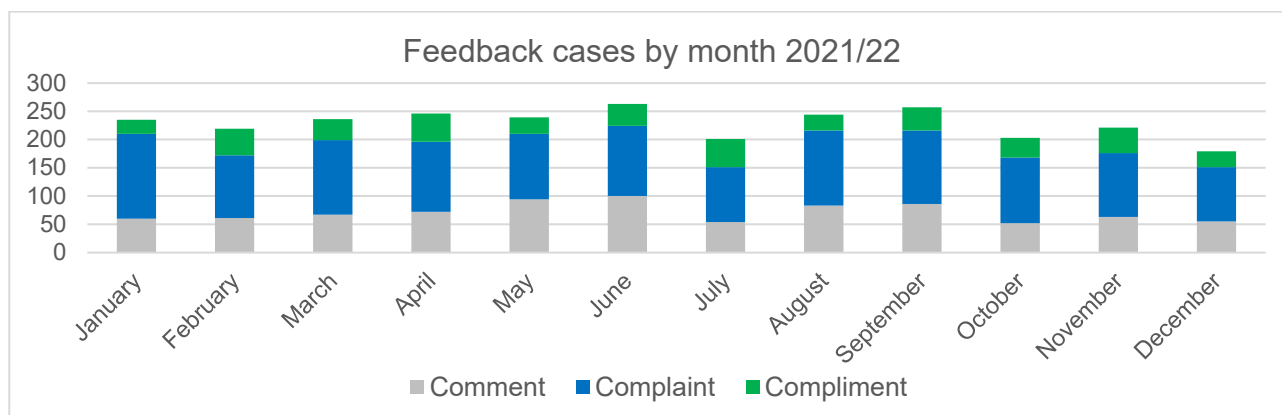


Comments and other enquiries formed 31% of all feedback cases and 16% of all customer feedback cases were compliments. The 1,422 complaint cases formed 53% of all formal feedback and resulted in 1,190 complaint investigations.

The 1,190 complaint investigations were handled under the different statutory and corporate complaints processes. There were:

- 1,010 Corporate complaints
- 134 Adult Services statutory complaints (including provider and multi-agency complaints)
- 46 Children's Services statutory complaints

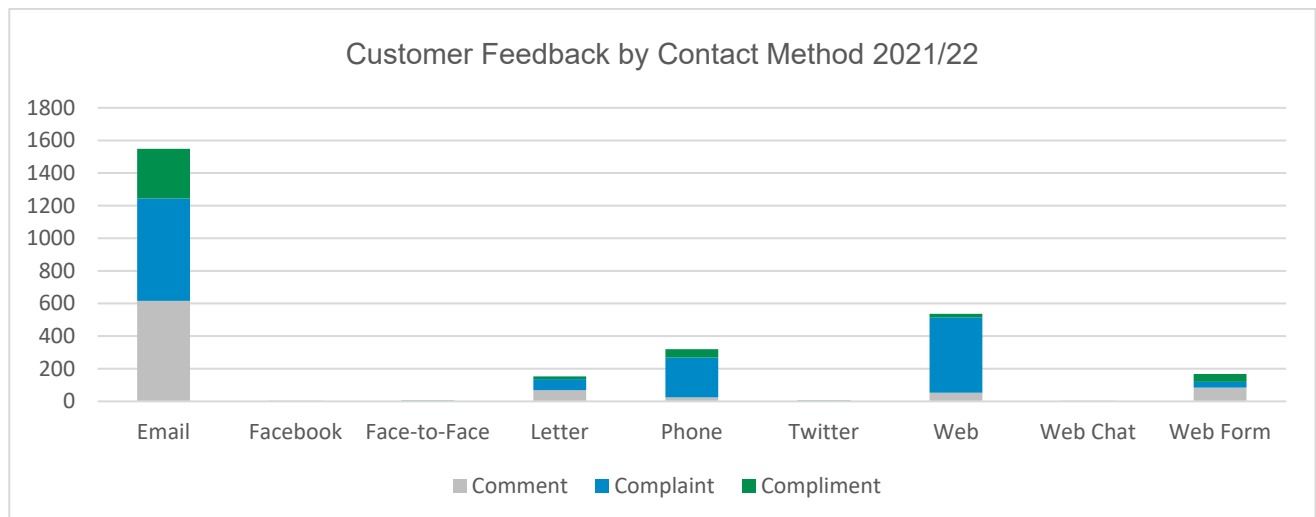
Feedback levels can vary over the year with slight fluctuations influenced by changes in weather conditions (e.g. heavy rain or snow and ice can lead to place-based complaints) or other factors. Overall, 2021/22 didn't see any dramatic increases due to extreme weather conditions, as seen in some previous years.



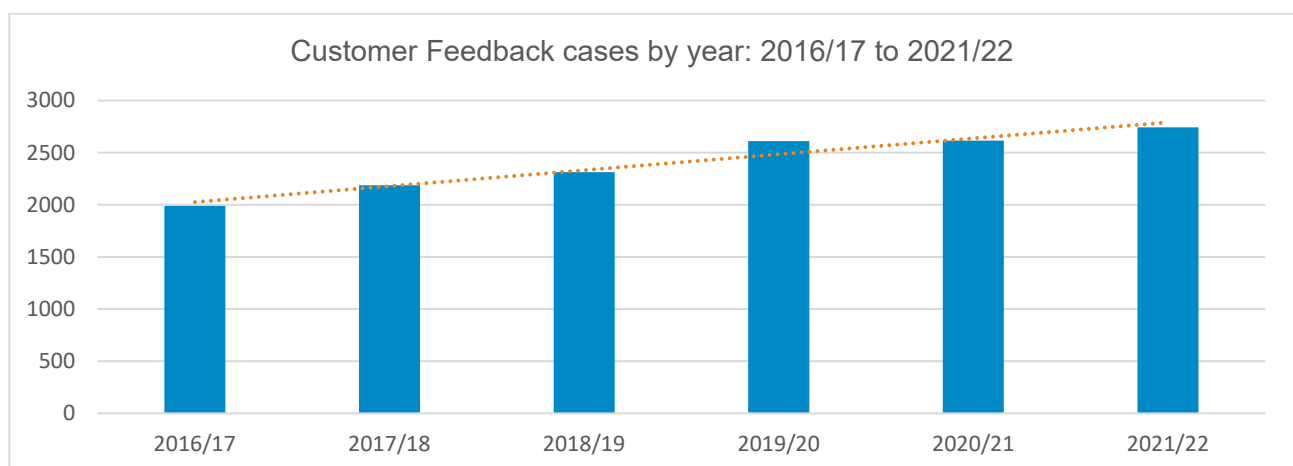
Over the year, the monthly average was 228 customer feedback cases (on average 10 more per month compared to the previous year). Customer feedback cases were relatively steady across the

year with slight decreases in July and December. June (263) and September (257) saw the greatest number of feedback cases and looking across years it is possible to see that September is often a busy month. There were 179 customer feedback cases in December, and this is commonly the month with the fewest cases. Performance data is considered by quarter. In 2021/22 quarter 1 (April to the end of June) and quarter 2 (July to the end of September) saw higher case numbers (725 on average) compared to the second half of the year (647 on average). It seems unlikely that this decrease in case numbers in the second half of the year is a trend that will continue, and numbers increased again slightly during quarter 1 2022/23.

Consideration of contact method highlights that 56% of customer feedback cases (and 43% of complaints) are made by email. 26% of customer feedback is obtained through the website-based methods and 12% over the phone. 6% of customer feedback is provided by letter.

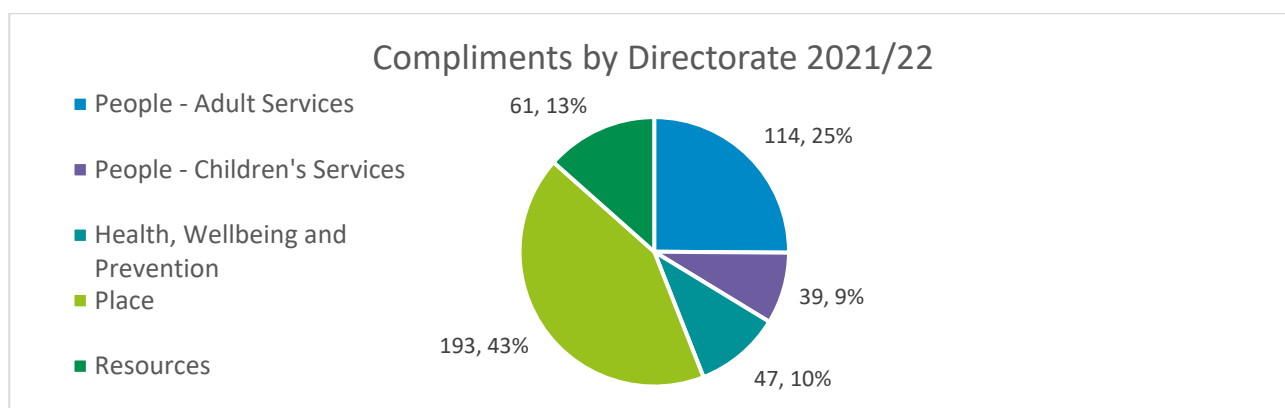


Overall customer feedback case volumes have increased over recent years. There were 5% more customer feedback cases in 2021/22 compared to 2020/21. There has been a 38% increase in customer feedback since 2016/17 and the chart below shows the upward trend line for customer feedback.



Work takes place to monitor the proportion of complaints within annual customer feedback totals. There is some fluctuation annually, but overall, the total has remained relatively similar and in 2020/21 the proportion of feedback cases that were complaints was in line with the average (at 43%).

A closer look at compliments shows that the Place directorate received the largest number of compliments (193 compliments, 43%) followed by People Adult Services (114, 25%).



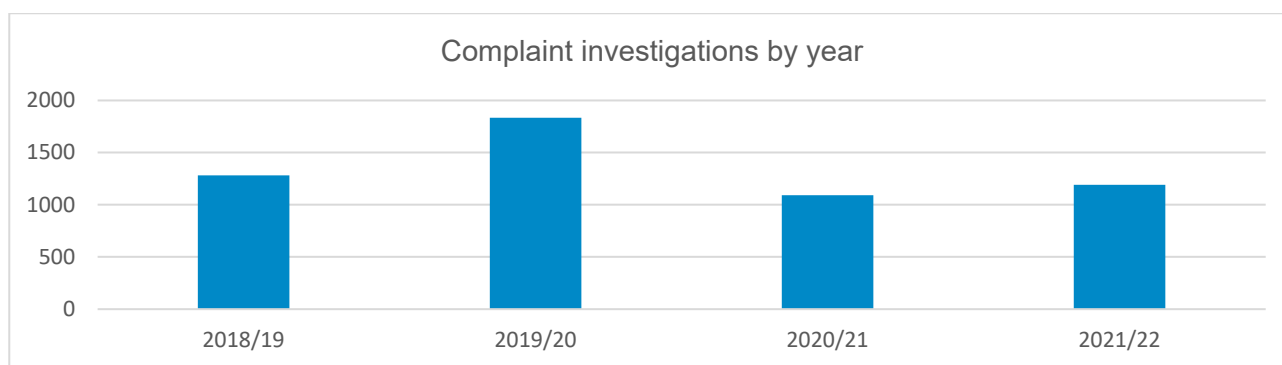
Since the previous annual report Shropshire Council has brought Adult Services and Children's Services together into the People Directorate. For this report the data is presented separately due to the different complaint procedures for statutory cases and the need to provide some comparison year on year. There are still more changes that need to be made to more accurately reflect the new Council structures (particularly at team level). The Dynamics customer feedback and complaints system will need to be reviewed and changed to more accurately reflect new Council structures and allocation of team, service, unit and directorate (see recommendations).

Complaints (and some comments) are explored at greater depth than other types of feedback and may result in investigations. There may be multiple investigations for each complaints case, or a complaint case may be closed before it reaches investigation stage (for example it may be outside of the council's jurisdiction or the complainant may decide to withdraw their complaint). A complaint may refer to the services provided by more than one council department, in which case there will be more than one investigation. Investigations are led by officers (usually team or service managers) with a detailed knowledge of the service area. In 2021/22 there were 1,442 complaints cases and 1,190 complaints investigations.

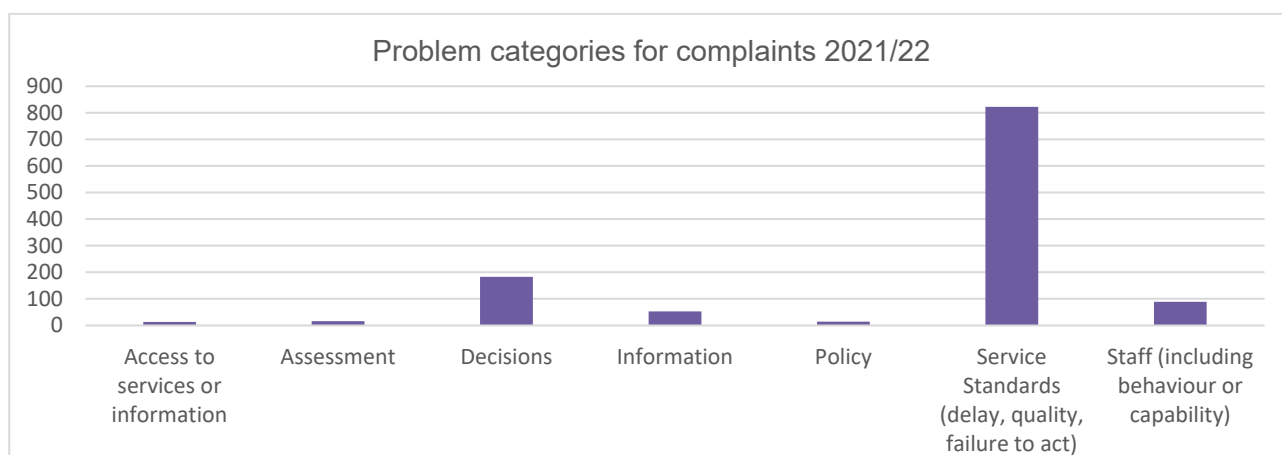
Complaint investigations do not always result in a complete investigation and outcome. Once a complaint case is explored, it is possible that a different course of action is required (e.g. an insurance claim or appeals process), or once the complaint is more fully understood it may be concluded that the complainant is merely asking for a simple remedial action to resolve a concern rather than wishing to proceed through a formal investigation (a request for a service). Of the 1,442 complaints cases, 447 had an early closure reason allocated to indicate that the complaint did not result in a full investigation. Reasons for early closure may be that the complainant did not want to provide contact details or details to allow an investigation to proceed, the issue may not have been concerning a council or commissioned service, or a more appropriate process may have been available (such as an appeal). Complaint outcomes are explored later in the report.

The following paragraphs are based on complaints investigations against which more detailed information is captured. The performance measures Shropshire Council uses to monitor complaints are largely based on complaints investigations.

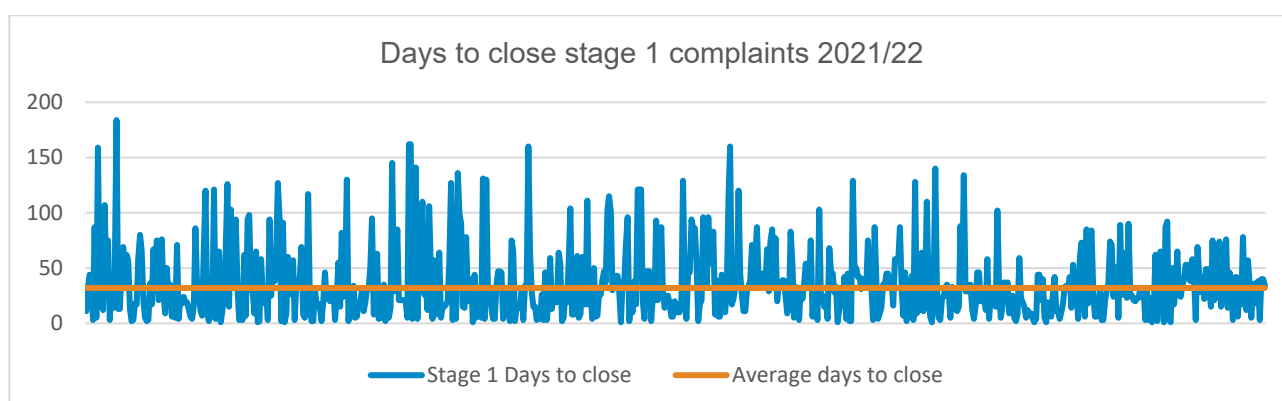
The chart below illustrates that in 2019/20 there were a large number of complaint investigations, out of line with other annual totals. Closer investigation found that too many requests for services were being wrongly categorised as complaints (for example, people saying their bin had been missed were really requesting a service i.e. a bin collection). Within the last two years considerable effort has been made to assess and 'triage' feedback prior to implementing the complaints process (where the process of incoming feedback makes that possible e.g. it is not possible through the portal online customer recording). This has avoided certain issues becoming complaints when they are a request for a service or can be remedied quickly, such as a request to cut back foliage or replace a streetlight. Complaints should be made when there are concerns about the quality of service or other action taken by the council and not before services have had the opportunity to respond or have not been previously aware of an issue. An effective complaints process requires support across the organisation to manage incoming issues and enquiries effectively.



The complaint investigation data collected highlights the reasons for complaints. 'Service standards' was the main category under which complaints were made in 2021/22. Within 'service standards' there are sub-categories and analysis highlights that 'service standards – failure to provide a service/take action', 'service standards – communication (failure/poor)' and 'service standards – inappropriate/incorrect action' and were the dominant sub-categories. 'Decisions' was the second main category under which complaints were recorded. Complaints under the category decisions are usually made because someone is dissatisfied with a decision made.

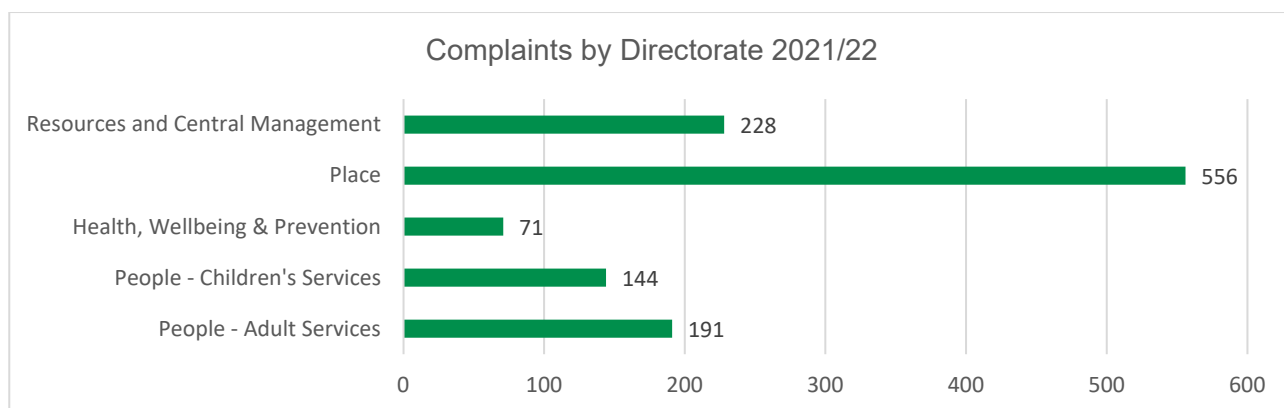


During 2021/22 Shropshire Council took an average of 32 working days to respond to stage 1 complaints (longer than the 30 working day timescale). The median was 24 working days. This has been the dominant performance issue through the year. Quarterly performance reporting has been highlighting the increase in average time taken to respond to stage 1 complaints (the average in 2020/21 was 23 working days (a noticeable increase on the 14 working days average in 2018/19). The trend has been for longer response times over the last few years. The Council has 60 working days in total to respond to corporate complaints, 30 working days for each stage (stage 1 and stage 2). Days to close is a key measure within ongoing performance monitoring. Feedback and Insight Team officers report increasing complexity within complaints cases and this, alongside service pressures, appears to be contributing to longer-running cases. Too many cases exceed timescales (as shown below).



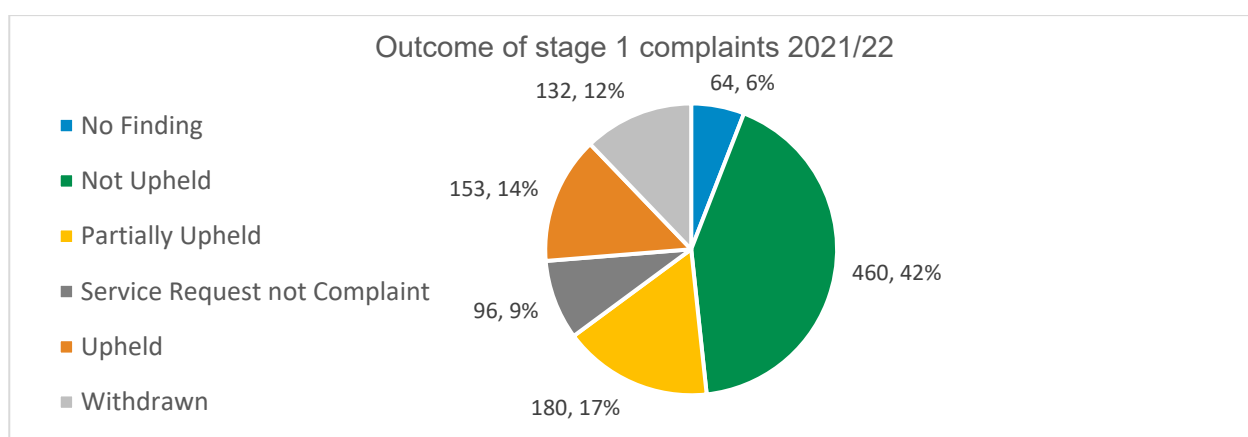
Some types of service are more likely to result in complaints than others and the chart below highlights complaints by directorate. Shropshire Council's Place Directorate handles the largest proportion of complaints compared to other directorates within Shropshire Council (47% of all complaints) followed by Resources (19%) and Adult Services (16%). The proportions are very similar to 2020/21.

Taking a closer look at the breakdown of complaints by service highlights that Highways and Transport received 27% of all Shropshire Council's complaints in 2021/22 (very similar to the previous year). Waste services accounted for 8% of all the complaints. These are services used by all residents. Complaints relating to Adult Services form 16% of all complaints and complaints relating to Children's Services 12%. Data for Adult Services and Children's services is explored in more detail throughout the year and within the annual reports for these services. The Resources directorate includes a smaller number of customer-facing services (many providing services to other council departments). A significant proportion of the complaints allocated to Resources are not related to its own services but to those of other departments. An example of this is that the finance department may deal with a complaint relating to the financial arrangements in a different service or, for example a complaint may be made to progress an insurance claim. Legal services will be allocated complaints at the second stage of the corporate complaint process.



When considering complaints performance, the outcome is very important. The data for 2021/22 shows that:

- At the end of the 12-month period 2020/21, there were 1085 closed stage 1 complaints.
- Of the closed stage 1 complaints 14% were upheld (153 complaints), 17% were partially upheld and 42% were not upheld.
- Considering the complaints that were upheld, 32% were with Highways and Transport and 11% were with Waste Management.
- 6% of complaints investigations resulted in no finding. A complaints investigator may find that not enough evidence or information is available to draw a conclusion, or they may be unable to obtain enough information from the complainant to fully complete the investigation. Occasionally it may be a sign of failure to investigate. The proportion of 'no finding' outcomes has reduced for 2021/22 following a focus within performance reporting.

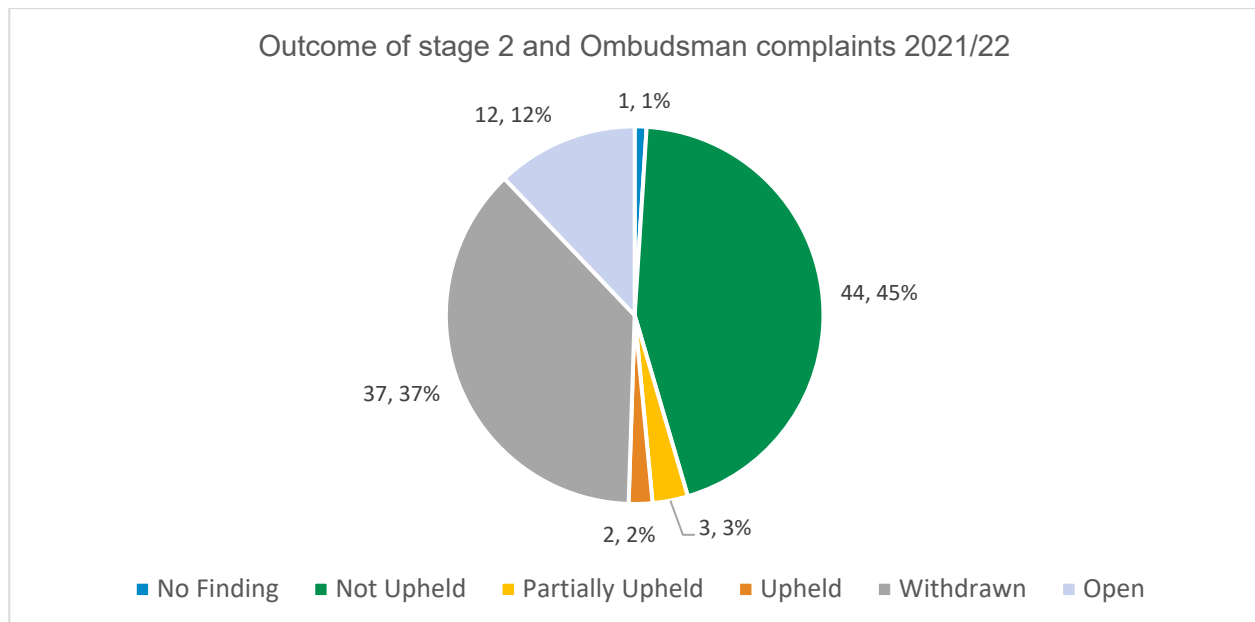


4. Progression of Complaints

Effective stage 1 complaint handling can reduce the number of stage 2 complaints. It is important to understand how many complaints progress beyond stage 1 and this is a measure included within regular performance reporting. During 2021/22 only a small proportion of all the complaints Shropshire Council received progressed beyond stage 1 but despite numbers remaining low, the number of cases progressing beyond stage 1 has increased compared to previous years. There were 47 investigations beyond stage 1 in 2019/20 (82 in 2020/21 and 99 in 2021/22).

In total, 99 complaint investigations were at stage 2 or with the Local Government Ombudsman (LGO) in 2021/22. Occasionally some complaints may progress prematurely to the Ombudsman without a stage 2 investigation and these will be referred back where appropriate. The table below shows the number of complaints investigations beyond stage 1 and the chart below highlights the outcome of those complaints.

Stage 2	Ombudsman	Total investigations beyond stage 1
50	49	99



The Shropshire annual report from the Local Government Ombudsman (LGO) highlighted that 77 complaints were received by the Ombudsman for Shropshire Council in 2021/22 and 79 cases were considered/decided. This total will include complaints received by Shropshire Council in previous financial years, so the data is not comparable with local data covered in this report (looking at cases received within the financial year).

Of the 79 cases decided, 11 were not upheld, 8 were upheld and the remainder resulted in other actions such as referring back for local resolution, offering advice, or closure after initial enquiries. The LGO reports Shropshire Council's upheld rate at 42%. The LGO upheld rate for similar local authorities is reported as 64%. Available data from the Ombudsman is used within a separate, performance report to track annual performance over the years and for benchmarking with the local authority family group.

Ombudsman Complaints and Enquiries Decided

Category	Number received
Adult Care Services	12
Benefits & Tax	6
Corporate & Other Services	10
Education & Children's Services	14
Environmental Services & Public Protection & Regulation	4
Highways & Transport	13
Planning & Development	20
Grand Total	79

Outcome of Decisions Made

Advice given	Closed after initial enquiries	Incomplete/ Invalid	Referred back for local resolution	Detailed Investigations			Grand Total
				Not Upheld	Upheld	Upheld rate (%)	
1	31	3	25	11	8	42	79

The COVID-19 pandemic had an impact on complaints numbers in 2020/21 and there may have been a slight impact in 2021/22 but there was a requirement to continue to deliver a complaints service through the pandemic so the impact will have had very little influence over the data for 2021/22. Within the Ombudsman's annual complaints letter and report for Shropshire Council 2021/22 the Ombudsman has repeated concerns highlighted in 2020/21 concerning the application of local authority complaints functions. The letter reads *"It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery."* This request is referenced in the recommendations towards the end of the report. Appendix 2 highlights findings and recommendations made by the Ombudsman within 2020/21. All recommendations are monitored and actioned by the Shropshire Council service area responsible for the complaint, and in most cases overseen by the service area's Director.

Linked to the issue of complaint progression, Shropshire Council is experiencing an increase in unreasonable customer behaviour and the number of complainants and customers who may be categorised as persistent and/or vexatious. Shropshire Council has a separate procedure (the Unreasonably Persistent and Vexatious Customers Procedure) for the management of such cases. Unreasonably persistent and vexatious customers are those individuals who, because of the nature or frequency of their contacts with the Council, hinder our ability to effectively deliver services to other customers. For example behaviours may include making unjustified complaints about staff who are trying to respond to issues and seeking to have them replaced; raising numerous questions and insisting they are all answered; submitting repeat requests with minor additions/variations and insisting these are 'new' issues; refusing to accept a decision or outcome of a case; adopting an aggressive or threatening demeanour towards staff. Restrictions to customer contact can be applied where necessary but all cases (whether restrictions, under the procedure are applied or not) do lead to an increased draw on staff time (often impacting multiple teams and services over a long period and negatively impact staff morale. Due to separate data systems it is not easily possible to accurately monitor persistent customer behaviour. An indication is that 7% of all customers with customer feedback investigations have requested 3 or more investigations in the last 2 years (customers may also initiate other processes such as MP Enquiries, Information Governance processes, insurance claims etc). The number of restrictions applied per year has more than tripled compared to previous years.

Annual Comparisons 2019/20 to 2021/22

	2019/20	2020/21	2021/22
Number of compliments – reduced <p>In 2021/22 Shropshire Council received 614 compliments. This was a significant increase on previous years and many compliments were directly linked to the actions taken by Shropshire Council to respond to the pandemic. Compliments have now returned to more average numbers. The average number of compliments over the last 7 years was 511 but compliments remain above the 2019/20 total.</p>	405	614	454
	Performance is in line with expected numbers.		
Complaints investigations – in line with expected number <p>The number of complaint investigations recorded by Shropshire Council totalled 1,190 in 2021/22. This is an increase on the previous year but a decrease on the year before. Overall, there is a clear upward trend shown in the last 5 years of data, but increases have slowed over the last 2 years. Work has been taking place to triage cases and ensure service requests are not taken forward as complaints prematurely.</p>	1,883	1,091	1,190
	Over the last 7 years complaint investigation numbers have increased by an average of 6% a year (with significant variations).		
Days to close – Average days to close increased <p>The average number of working days taken to respond to a stage 1 complaint during 2019/20 was 22 working days. That average has increased to 32 working days in 2021/22. Performance data shows that too many complaints investigations are exceeding the 30 working days total for stage 1 corporate complaints. Complaints investigators increasingly report concerns about their ability to meet complaint timescales as a result of workload and other pressures.</p>	22 working days	23 working days	32 working days
	Days to close is the performance indicator of most concern due to increases. Too many complaints investigators are exceeding timescales.		
Outcome of complaints – Similar proportion upheld <p>When considering the proportion of complaints upheld, performance overall is relatively steady and suggests that standards are being maintained. It would be a concern if performance monitoring highlighted too few cases being upheld (it is important that Shropshire Council accepts where things have gone wrong and strives for improvement). The slight increase from 12% in 2020/21 to 14% in 2021/22 is not a concern and in line with the 2019/20 proportion.</p>	14%	12%	14%
	Performance has remained steady. Close monitoring of upheld and partially upheld complaint numbers has taken place through the year and that suggests performance remains in line with expected values.		
Complaints progressing beyond Stage 1 – increased <p>In 2019/20 2.7% of cases progressed to stage 2 or the Local Government Ombudsman (47). In 2020/21 82 cases progressed beyond stage 1 and in 2021/22 the total was 99 (8.3%). This is a slight concern in terms of staff time and resources, but to add context the Ombudsman upheld rate decreased from 50% in 2020/21 to 42% in 2021/22 so increased numbers of complaints are not impacting overall council complaint performance.</p>	2.7%	7.5%	8.3%
	More complaints are progressing beyond stage 1. Numbers remain small (99 in 2021/22) but cases can be complex and time consuming.		

5. Example Compliments

Shropshire Council received 454 compliments during 2021/22. Example compliments are included below to illustrate the range of compliments received by different services. Receiving a compliment can make a big difference to a member of staff working hard to provide support for others and deliver services as effectively as possible. Although compliments are not given the same attention as complaints, they are used within the Council to understand where things are working well and to recognise the additional efforts made by individual members of staff.

Compliment for Customer Services: *"I was helped by a very lovely lady today, with free school meals. Whenever I ring Shropshire Council the staff are always very happy and helpful. Thank you for making things easier for someone who is not very good on the internet. Keep up the good work."*

Compliment for Handyperson Service: *"My son was so excited as soon as he saw the stair rail and was eager to try walking up and down the stairs using it immediately. He now walks more confidently and faster using it and can also walk down the stairs stood up instead of on his bottom. Thank you so much to everyone".*

Compliment received for Registrars: *"I am just writing to say a huge thank you to the registrars who performed our ceremony on Saturday, unfortunately with the emotion of the day the lady and gentleman's names have slipped me. They were so professional and managed to put myself and [name removed] at ease through the whole ceremony with a kind and supportive manner, think I was the more emotional wreck to be honest. They explained everything to us and made the ceremony really special as it was relaxed and calm throughout."*

Compliment for Highways: The customer asked to pass on a commendation to two men who are currently filling in potholes on Bynd Lane, Billingsley. He would like to commend them for doing a "fantastic job". He said that they have "really worked hard and done a brilliant job".

Compliment for Waste Management: *"I would like to say a huge "Thank You" to the staff at Bridgnorth Recycling Centre where I had dropped my wallet earlier today after dropping off waste from a building project. The staff concerned who dealt with this matter were extremely efficient in all regards. I'm very grateful for their efforts to reunite me with the missing wallet and can't praise them highly enough. Please pass on my grateful thanks to the always helpful team, who are a credit to your organisation. Thank you."*

Compliment for Street Scene: The customer reported broken glass outside her property yesterday and a man has been to clean it all up and "made a lovely job". She would like to pass on her compliments for a job well done.

Compliment for Housing Options and Homelessness Team: *"This year, when I became homeless, I was allocated [name removed] as my Housing Options Officer. She listened, her natural ability to be understanding really is fantastic, her incredible combination of being kind, caring and knowledgeable along with brilliant professionalism and insight has made this difficult time so much easier.... I now have lots of support from different service providers. I really cannot express my gratitude or my thanks enough..."*



6. Example Complaints

Shropshire Council received 1,442 complaints during the year 2021/22 and carried out 1,190 investigations. Some example complaints have been included below to highlight the type of feedback Shropshire Council receives. These examples were not all upheld. 14% of closed stage 1 complaints were upheld and 17% partially upheld. Some complaints arise from a lack of understanding of the service Shropshire Council can provide. Where necessary wording within complaints has been removed within the examples to ensure anonymity. The next section of this report looks more closely at learning and the actions taken following complaint investigations.

"I made a complaint last year about the lack of footpaths in the area and my complaint hasn't been effectively dealt with. Over the holidays another child was nearly run over because of a lack of footpaths in the area. We have what looks like planned footpaths, but they are grassed over and used as car parks for run down cars. This is beginning to be a problem with us all in the cul-de-sac."

The customer is reporting an ongoing issue with a large overgrown hedge. They report it has been an issue for the last 4 years and it is now 13ft tall. The work was allocated but the customer says it has still not been completed. *"People cannot get their mobility scooters past the hedge and cars get scratched using the road alongside it."*

The customers complaint is in respect of the PCN she has received. The customer said they informed the council at the time of parking that the machine was not working, and the complaint is that they are now being chased for payment of the fine.

The customers complaint is in respect of flooding. *"We have contacted you by telephone on numerous occasions in relation to a blocked drain....The blockage is causing large amounts of surface water ...We have spoken to your officers who, on numerous occasions, who has assured us that the blockage will be dealt with. It has not been resolved! ...This matter needs to be dealt with ASAP or I shall be seeking reimbursement of costs caused by the damage."*

The customer wishes to report that a road recently repaired has *"returned to its previous state"* and that the road is so bad now, he says *"I cannot leave my street and my home without massive damage to my car."*

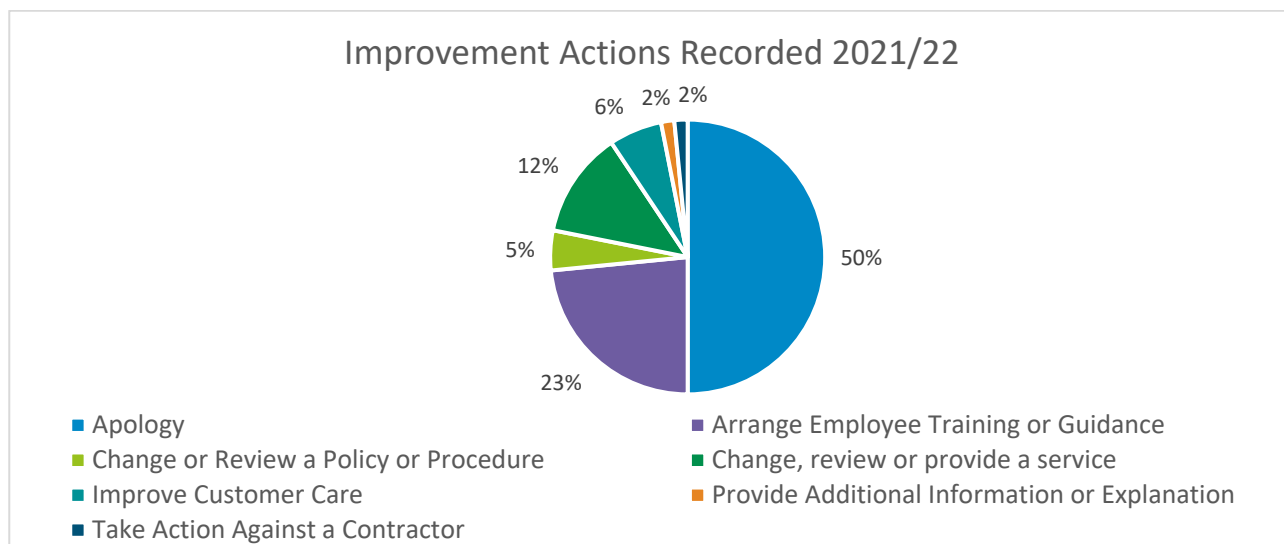
The customer wanted to provide feedback about problems with parking in Bridgnorth. She described how she had arrived early on Saturday morning so the car park wasn't too busy, but on arrival the queue at the pay machine was long. She parked and tried to pay for the parking on her phone but *"after several attempts gave up"*. She reports that there were people walking away saying the machine wasn't working, she *"decided to persevere and wait to see if she could figure it out"*. Working together, five people in the queue *"eventually managed to get tickets but it took 30 minutes"*. The complainant would like to see the issue fixed and the machine updated or improved to address the issue.

The customer has reported that they have had *"a very difficult experience with the taxi renewal license"* for her husband and the customer says this has led to her husband being out of work because the licence is delayed.

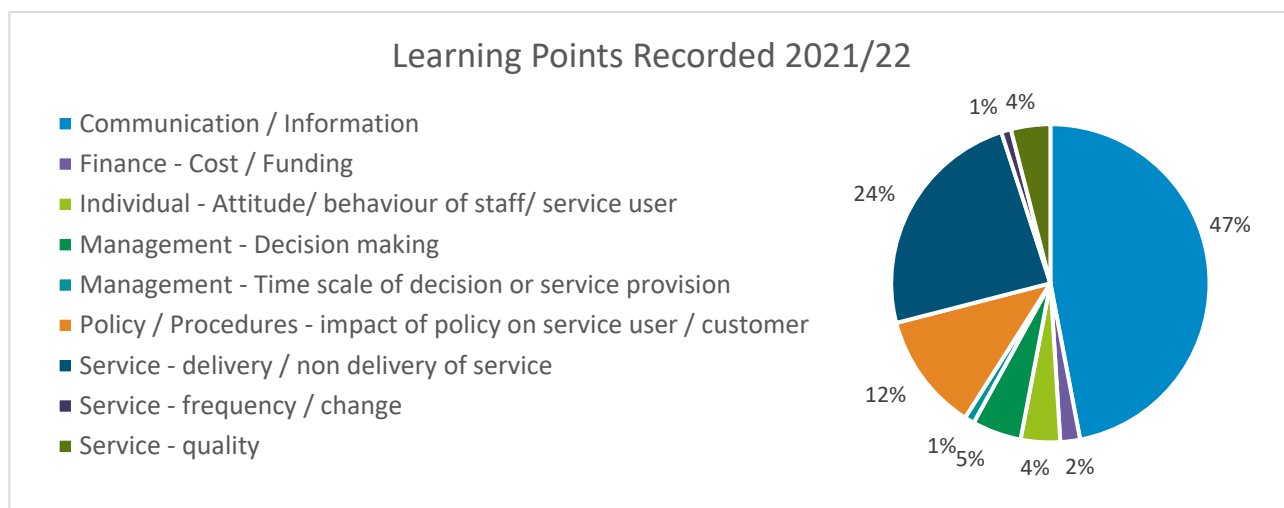


7. Learning and Actions

Shropshire Council recorded learning and/or actions against 863 complaints in 2021/22 (and 105 of those included detailed actions or lessons). Actions and lessons are usually made when complaints are upheld or partly upheld. If only a small proportion of complaint investigations result in a finding of fault there will be fewer remedial actions or learning. However, this recording of learning and actions should be an area for ongoing improvement (currently around 30% of all partly upheld or upheld closed cases). This is referred to in the recommendations in section 12. The charts below highlight the primary action and learning point recorded.



Of the actions that were recorded against complaints closed in 2021/22 50% were to provide an apology and 23% to arrange employee training or guidance.



47% of learning related to communication or provision of information (similar to the previous year). Communication is consistently a common and dominant theme within complaints. Complainants often highlight their disappointment that they were not contacted efficiently, were not communicated with enough, or information was not shared effectively. Some complaints cases emphasise that more effective communication at an earlier stage could have led to a better understanding of the issues or the processes council staff work to and prevented the development of a formal complaint. Similarly, a lack of communication and response is commonly the cause of escalation within the complaints process.

8. Example Learning and Actions

The recording of learning is strongly encouraged following the completion of a complaint investigation. Acknowledging and acting on learning from complaints can avoid any mistakes from being repeated and lead to ongoing improvement. Examples are shown below to highlight the type of learning and action recorded. This is one element of wider work undertaken to focus on quality, and ensure customers receive a good standard of service. Wording within the examples has been altered slightly for simplicity and to ensure confidentiality.

There was evidence of confusion over “who was doing what” and this meant that partnership working with external services was not effective, particularly assessment and referrals. Work will take place with colleagues from the external service to clarify arrangements, roles and responsibilities and process.

The service area made a commitment to ensure that their complaint handling processes are improved, and responses are provided in a timely manner within the deadlines set.

Training and support will be provided to staff members to ensure that the team are following up all alternative avenues of enquiry, and preferred methods of communication, and investigating accounts thoroughly to determine why balances remain outstanding before reissuing cases back to the solicitors.

The investigation highlighted that although the email was intended to clarify the situation, it wasn't based on the correct information. Learning is to ensure all details are available and checked to avoid gaps in information before issuing communications to customers.

The response included an apology that payments officer did not include sufficient information of Shropshire Council's position, clarity on the amount payable and the timeframe of the consequences of not responding to the letter.

Following the complaint, the importance of being accurate and checking documents before sending to service users and their families has been reiterated. The member of staff has committed to making checks with her work and has taken on board the points raised with regards to the complaint.

The member of staff the complaint was made about has spent some time with her manager discussing how other people may interpret her approach. She has been asked to reflect on how she can adjust her style so unintended offence is not felt by those she is communicating with.

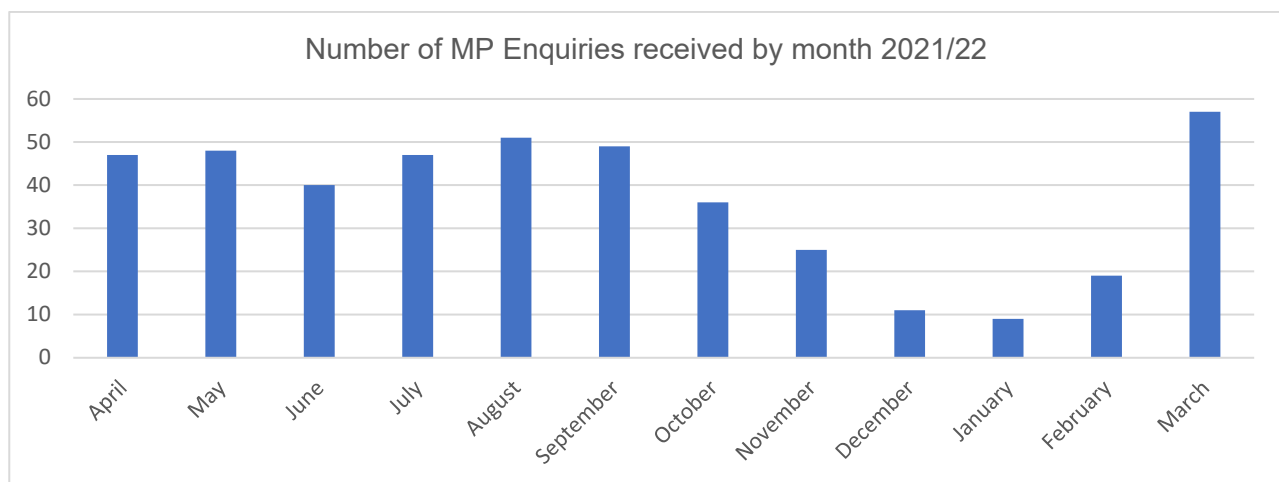
An apology was provided. The finding of the complaint was that the service provided had fallen short of expected standards and created a period of uncertainty for the complainant and their family. Shropshire Council managers have agreed to action a review of current processes across the service to ensure that this situation does not arise again.

The complaint investigation found that there was a delay between assessment and support commencing for the complainant. There was some lack of joint understanding within the communications prior to the complaint and this can be considered learning for future cases.

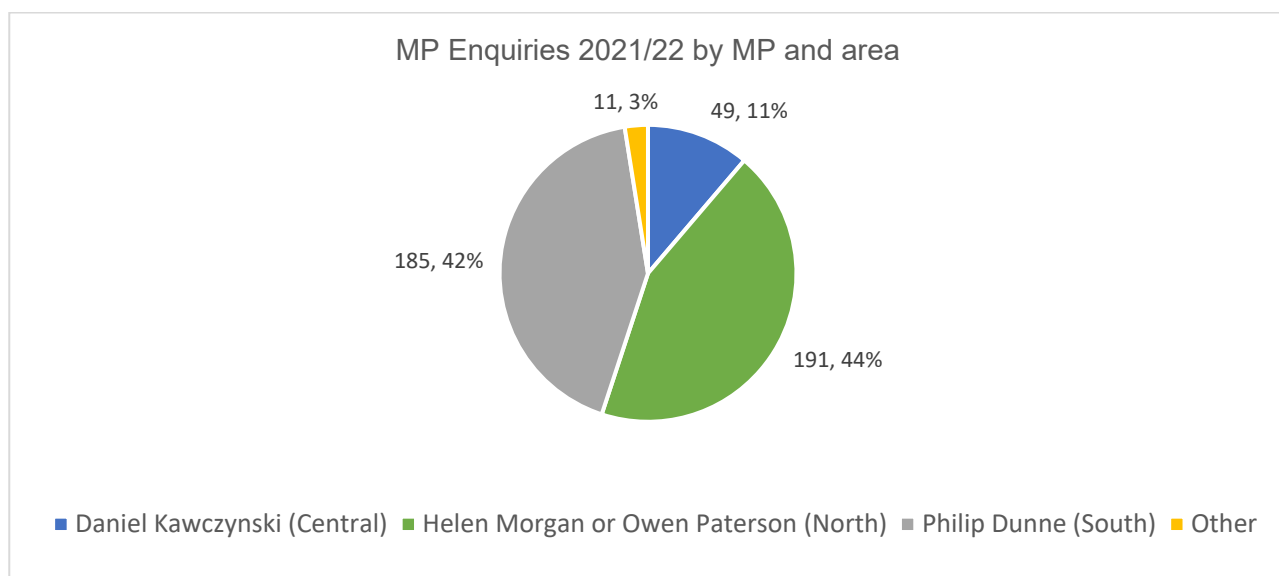
9. MP Enquiries

MP enquiries can be made in addition to a complaint and can duplicate cases received by Shropshire Council. Often a complainant will choose to make their local Elected Member, MP, Shropshire Council and sometimes the Local Government Ombudsman aware of a complaint at an early stage. For this reason, data concerning MP enquiries is considered and reported separately. Wherever possible Shropshire Council's Feedback and Insight Team will work closely with the Directors' support staff and complaint investigators/service managers to coordinate complaint and MP enquiry responses to minimise duplication.

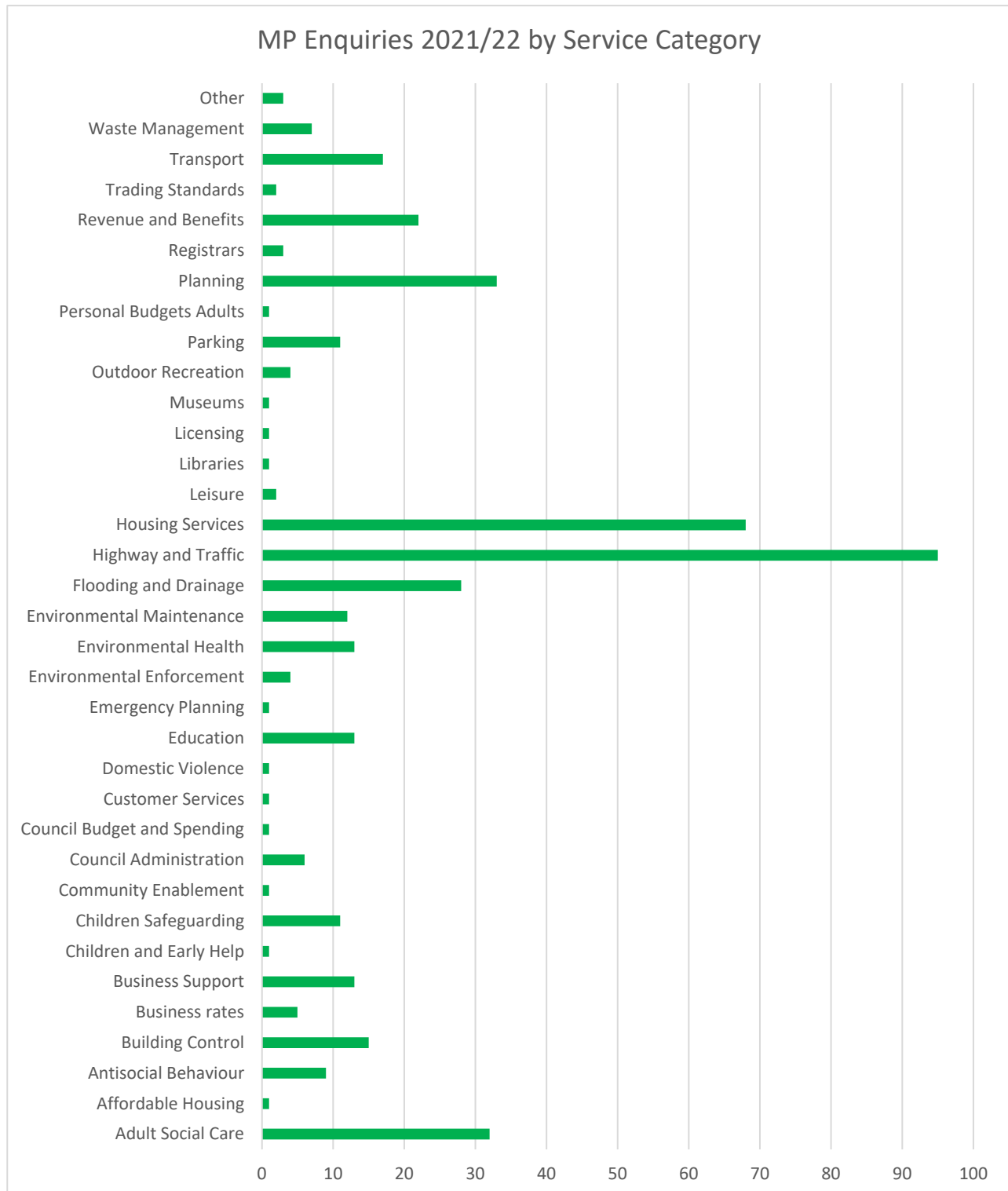
During 2021/22 439 MP Enquiries were received compared to 397 in 2020/21 and 291 in 2019/20. The pattern suggests an increase in MP enquiries. In 2021/22 an average of 37 MR enquiries were received a month compared to 33 the year before (and 24 a month the year before that). In the same way as complaints, there can be seasonal fluctuations caused by seasonal issues such as the impact of winter conditions on the roads or waste collections. April 2021 and March 2022 saw the greatest number of enquiries.



MP enquiries are received from Shropshire's three MPs, Daniel Kawczynski (Shrewsbury and Atcham), Helen Morgan (North Shropshire) and Philip Dunne (Ludlow constituency, South Shropshire). The chart below highlights that 45% of all MP enquiries received by Shropshire Council relate to the South of the county and 44% to the North of the county.



A consideration of MP enquiries by service category suggests that there are 2 big clusters of topics. 22% of all MP enquiries cover highway and traffic issues, 15% relate to housing issues and 8% relate to Planning issues.



The average number of days taken to respond to MP enquiries during 2021/22 was 20 working days (an increase from 16 working days in 2020/21). Although this response performance is shorter than the average for stage 1 corporate complaints, it remains longer than the target timescale of 10 working days. 38% of MP Enquiries with a close date (many did not have close dates) were responded to within timescale (compared to 71% in 2021/22). Managers report increasingly challenging workloads.

10. Conclusions

The 2021/22 customer feedback data has highlighted a continued growth in the volumes of formal customer feedback received by Shropshire Council (5% increase since 2020/21). Over the year, the monthly average for new customer feedback cases was 228 (on average 10 more per month compared to the previous year). Complaints investigations increased by 9% compared to the previous year and MP Enquiries increased by 11%.

The nature of complaints remains similar with the allocation of cases across service areas showing similar patterns to previous years. Although a small proportion of complaints progress to Stage 2 the number of cases progressing beyond stage 1 has increased. This may be partly due to the number of cases exceeding timescale. Overdue cases are more likely to result in complainants keen to progress to the next stage of the process.

Despite a lack of timely response in a growing proportion of cases, it should also be noted that only a relatively small proportion of complaints are upheld at stage 1 (14%) or partially upheld (17%). These proportions remain similar to previous years. Reading complaints case summaries highlights that complaints are often generated due to a lack of clear communication, provision of information and delays rather than any fault in process or service quality. Feedback from complaints investigators suggests that pressures exist within service areas.

A close analysis of complaints by service area highlights the main themes for services receiving the greatest number of corporate complaints. Please note that these are reported issues and not necessarily upheld complaints:

- Highways & Transport – Highways and Transport continues to receive a significantly larger number of complaints than any other area of service (27%). However, this has reduced from 30% the previous year (and 34% the year before). 22% of MP Enquiries relate to Highways and traffic issues.
- Waste & Recycling – 8% of complaints relate to Waste Management services (the same proportion as the previous year). These complaints are handled efficiently by the department. Themes include repeated missed collections, mess caused by rubbish not contained by bins, not returning bins or recycling containers to properties after emptying. The service is responsive to feedback and seeks to apply remedies efficiently. In many cases customers make a formal complaint prematurely (using online forms/portal methods). If these complaints were received by other methods, e.g. telephone it could be explained that the request is for a service (e.g. collect the missed bin). MP Enquiries rarely focus on waste as a theme and there are relatively small numbers considering that waste services are used by all households.
- Planning Services – 7% of complaints relate to Planning Services. These cases are usually complex in nature, linked to planning processes, and are not easily remedied. Planning complaints feature significantly in the cases progressing to stage 2 and the Ombudsman. 8% of MP Enquiries relate to Planning Services.

Overall, the LGO made 79 decisions relating to Shropshire Council in 2021/22. 8 complaints were upheld and 11 were not upheld (uphold rate 42%). A large proportion were not progressed or were referred back to the Council for local resolution (e.g. premature complaints). Due to the relatively small numbers of cases the upheld rate can fluctuate significantly each year and comparison is difficult, however, performance is better than the average upheld rate for similar local authorities (64%).

11. Progress Update

Key actions and achievements over the last 12 months are summarised against the summary recommendations made in 2021/21 below. Some of the recommendations require continued ongoing action and longer-term focus.

	Action 2020/2021	Progress Made
1	To remind teams of the importance of reporting compliments for central recording as well as complaints.	Some targeted work has addressed under reporting in some teams. Ongoing reminders have been issued and future reminders will be needed. Under reporting of compliments is no longer a significant concern.
2	To take action (where possible depending on the method of reporting) to ensure service requests are not recorded as complaints.	Analysis of complaints suggests that this has been effective, but it will require continued effort over the long-term. Online reporting methods can reduce the ability to assess and prevent complaints by reducing the opportunity to explain the difference between a service request and a complaint. Changes have taken place in year to update webpages and other communications to reinforce the need to give the council an opportunity to understand and respond to an issue before raising a complaint.
3	It was recommended that 'days to close' performance was a focus for performance monitoring and reporting in 2021/22.	Days to close has been a top priority within quarterly reporting and additional complaints performance reporting through the year. Additional analysis was undertaken to produce a report highlighting the detail of the issue and senior managers encouraged to speak to staff members to better understand pressures and challenges responding to timescales. Despite this work performance has not improved but continues to become an increasing concern. Ongoing work will be needed in 2021/22.
4	It was recommended that work take place to reduce the number of complaints with a 'no finding' outcomes.	Analysis of 'no finding' responses was undertaken, and targeted work undertaken with services. The result of this is a significant reduction and improved performance. Data suggests this is no longer a performance concern, but it will be included in performance reporting to ensure the issue does not reoccur.
5	Work to increase the identification of 'lessons learnt' outcomes (follow up actions and recommendations) for upheld and partially upheld investigations.	Although the reporting of learning and actions has been effective for statutory complaints it has been difficult to produce improvement in corporate complaints responses. Too few corporate complaints are being responded to comprehensively and in a formal way. Brief responses rarely include learning. It is a performance issue that will need to remain a focus (and is built into complaints reporting, training and presentations).
6	It was recommended that attention be given to the 2020/21 concern by the Ombudsman that local authority complaint handling functions were not being well resourced to respond to increases in demand.	This issue was raised by the Ombudsman in the 2021/22 annual complaint letter and has not been addressed in the last 12 months. See recommendations below.

12. Recommendations

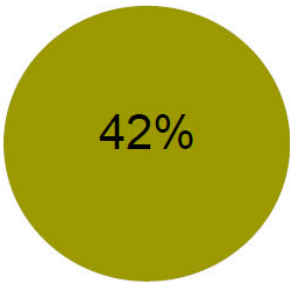
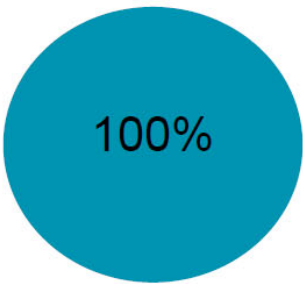
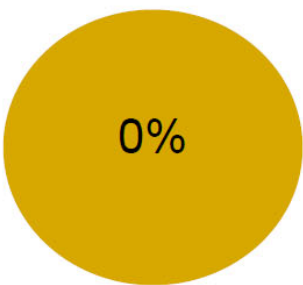
The following recommendations for 2021/22 are designed to allow for ongoing improvement in the application of Shropshire Council's complaints procedures and in the work undertaken to obtain and respond to customer feedback.

1. Shropshire Council has seen overall increases in customer feedback and complaints (with some variations year to year). Customer feedback cases, complaints and MP Enquiries are likely to continue to increase as a 'complaint culture' becomes more established in the UK. People are more used to expressing their views and have more tools to enable them to share any concerns. This can be very positive; helping to identify what works well or needs improving. However, managing increasing volumes of feedback is challenging as available staff resources have not increased in the same way as customer demand. Joint working will be required across service areas to try to manage enquiries early, and effectively (applying early resolution where possible) to reduce the proportion of contacts turning into formal complaints. Given the complexity of many Ombudsman cases, the Council is in a similar position to many other authorities and may need to take difficult decisions including whether it should prioritise LGSCO complaints over other services issues. The creation of a new Head of Governance expected in 2023 role may also create opportunities for synergies which may help address some of the capacity and system issues.
2. The Ombudsman has identified concern at the national level, and within its annual letter to Shropshire Council, that local authority complaint handling functions are not being well resourced and are not effectively responding to increases in demand. This is difficult to address without additional budgets, but with support from Directors and Senior Managers it may be possible to highlight areas of pressure and performance issues. This increased understanding will help identify risks early and allow for a more informed management view of how complaints are being handled.
3. A growing, but small, number of customers take up a disproportionate amount of staff time because they are persistent or vexatious in their behaviour. Staff members are increasingly subject to verbal and written abuse, personal comments and other unacceptable behaviours (some of which are more serious and present significant risk). There are few tools available to manage this notable increase, other than application of restrictions under the Unreasonably Persistent and Vexatious Customers Procedure. It is recommended that more rapid identification of cases and faster decision making, combined with better visibility among services of the Unreasonably Persistent and Vexatious Customers Procedure could reduce the time and emotional burden on staff and free up resources to handle other work.
4. In-year attention and focus by the Feedback and Insight Team saw increased case follow-ups and recording of actions (compliance) against Ombudsman recommendations (and other recommendations, such as those made at stage 2 of the children's statutory process). It is recommended that this new way of working becomes more established through 2022/23 and continues due to the positive impact it has started to have. Action should be extended to include additional quarterly checks where possible (linked to quarterly performance reporting).
5. It is recommended that 'days to close' remains the top area of focus within complaints handling for 2021/22. Many cases are responded to very effectively and within timescales but too many cases are exceeding timescales and impacting overall performance. The impact of overdue responses often means complainants remain dissatisfied and cases are more likely to escalate (as evidenced by increases in the number of investigations beyond stage 1). Ineffective stage 1 complaint handling increases work across multiple teams/services. Days to close performance will remain a focus of performance reporting and concerns will be reported through management structures. Service pressures may mean this action does not generate improvement, but it will demonstrate robust application of the complaints process.

6. Considerable additional reporting has taken place through 2021/22 at team and service level to ensure managers are aware of open cases and required timescales. Reporting timescales vary due to requests and priority level (for example services with statutory complaints processes and greater volumes are prioritised). Some teams have weekly, fortnightly or monthly reports (in addition to quarterly reporting). It is recommended that the Feedback and Insight regularly reports on performance and highlights any areas failing to meet target response times to senior management to ensure that appropriate action can be taken.
7. An ongoing recommendation is to communicate the importance of quality within complaints responses and to clearly identify learning and actions from complaints. Complaints investigators will be encouraged to report these to the Feedback and Insight Team's complaint officers for recording. Understanding and reflecting on learning is critical to ongoing service improvement.
8. It is recommended that Directors and Senior Managers ensure staff in their areas understand the importance of covering complaints processes and requirements within team leader and manager induction processes (this is a message that could be communicated through the regular directorate or service meetings). Support can be provided by the Feedback and Insight Team on request, but all new members of staff need to understand their responsibilities for investigating and responding to complaints (and understand that this is an integral part of management duties).

Appendix 1 Ombudsman Cases 2021/22

Shropshire Council
For the period ending: 31/03/22

Complaints upheld		
	<p>42% of complaints we investigated were upheld.</p> <p>This compares to an average of 64% in similar organisations.</p>	<p>8 upheld decisions</p> <p>Statistics are based on a total of 19 investigations for the period between 1 April 2021 to 31 March 2022</p>
Compliance with Ombudsman recommendations		
	<p>In 100% of cases we were satisfied the organisation had successfully implemented our recommendations.</p> <p>This compares to an average of 99% in similar organisations.</p>	<p>Statistics are based on a total of 5 compliance outcomes for the period between 1 April 2021 to 31 March 2022</p>
<ul style="list-style-type: none"> Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning. 		
Satisfactory remedy provided by the organisation		
	<p>In 0% of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of 12% in similar organisations.</p>	<p>0 satisfactory remedy decisions</p> <p>Statistics are based on a total of 8 upheld decisions for the period between 1 April 2021 to 31 March 2022</p>

Appendix 2 Ombudsman Recommendations 2021/22

This table covers complaints that were **upheld** by the Ombudsman during 2021/22.

Category	Decided date	Ombudsman recommendation	Action	Recommendation achieved date
Education & Children's Services	15 th April 2021	No injustice (remedy not applicable)	No action required	NA
Adult Care Services	5 th November 2021	Apology, Financial redress: Avoidable distress/time and trouble, Financial Redress: Quantifiable Loss, New appeal/review or reconsidered decision, Procedure or policy change/review, Provide training and/or guidance	Apology provided for delay and lack of clarity concerning discharge and the care provider's record keeping. Action to pay a financial remedy (based on the fees charged for care) and consider learning related to recording changes in circumstances.	22 nd December 2021
Adult Care Services	9 th April 2021	Apology, Financial redress: Avoidable distress/time and trouble, Provide training and/or guidance	Shropshire Council provided an apology, made a payment for 'time and trouble', and reminded staff of the information to provide at the time of decision regarding direct payments.	24 th May 2021
Education & Children's Services	23 rd July 2021	Apology, Financial redress: Avoidable distress/time and trouble	An apology and financial payment for 'time and trouble' have been awarded. Learning points and actions have been recorded and action will be ongoing.	26 th August 2021
Education & Children's Services	12 th October 2021	No injustice (remedy not applicable)	No fault was found but learning was recorded concerning adequate opportunity to make verbal representations within the appeal process.	NA
Adult Care Services	14 th October 2021	Apology	The council has provided an apology for its communication during discharge planning.	3 rd November 2021
Planning & Development	17 th January 2022	Apology, Procedure or policy change/review	An apology was provided concerning lack of clarity in how reports are provided. Staff members were reminded of the need to report complaints so they can be addressed under the complaint procedure.	10 th March 2022
Adult Care Services	10 th January 2022	Apology, Financial redress: Avoidable distress/time and trouble, Provide information/advice to person affected, New appeal/review or reconsidered decision	An apology was provided with symbolic payment for 'time and trouble'. An independent valuation by the Valuation Office was initiated.	7 th March 2022

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Committee and Date

Cabinet
19th October 2022

Item

Public

Financial Strategy Mid-Year Review

Responsible Officer

James Walton

e-mail: james.walton@shropshire.gov.uk Tel: 01743 258915

1. Synopsis

This report updates Shropshire Council's financial outlook previously reported to Cabinet in July, setting out the current view of the next 5 years and the steps in place to secure financial sustainability.

2. Executive Summary

- 2.1. This report provides an update on the Council's financial outlook. It follows the update provided in July.
- 2.2. In setting the budget for 2022/23 at its meeting in February 2022, the Council also approved a medium-term financial plan. This estimated a gap of £33.9m based on the information known.
- 2.3. The July update to the MTFS recognised the impact of price inflation arising since February. However, the Council had taken early action to mitigate this and the estimated gap in 2023/24 was reported as £27.4m. based on the updated information then available.
- 2.4. This report identifies a revised forecast budget gap for the coming year of £37.8m using more detailed estimates for likely contract costs (including for the care sector) in 2023/24.
- 2.5. This is a significant budget challenge for the Council. Securing a balanced budget for 2023/24 is likely to require some challenging decisions. However, once this is achieved, the Council will have made significant progress towards securing a sustainable budget throughout the medium term.

- 2.6. The appendix to the report provides further analysis on the changes that have occurred and the plans in place to address them.

3. Recommendations

- 3.1. That Cabinet notes the factors affecting the estimated funding gap in 2023/24 and the steps proposed to close that gap and thereby set a balanced budget for next year.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. Not required for this report; further risk assessments and equalities impact assessments will be undertaken as part of the wider budget setting process.

5. Financial Implications

- 5.1. None directly arising from this report.

6. Climate Change Appraisal

- 6.1. The Council's financial planning includes assessment of climate change impacts and where these may be mitigated.

7. Background

- 7.1. Previous Cabinet and Council meetings papers including the budget report for 2022/23 (February 2022) and the MTFS update (July 2022).

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Gwilym Butler

Local Member

Appendices

Appendix 1 – MTFS update; October 2022

Medium Term Financial Strategy 2023/24 – 2027/28

October 2022





Foreword

Following engagement with the public, our partners, and local businesses, Shropshire Council agreed 'The Shropshire Plan' at its meeting in May 2022. This plan sets out the Council's vision, purpose and priorities, grouped into 4 themes:

- healthy people,
- healthy economy,
- healthy environment, and
- a healthy organisation.

This update to the Council's financial strategy sets out the resources available to the Council in its pursuit of these thematic objectives and begins to frame how those resources will be allocated to different activities.

A clear strategy helps us all to stay ahead of issues and to be agile in our response to new challenges. It helps us to plan ahead in a consistent and coherent way. This strategy will help us to do that, by connecting our overall objectives as set out in The Shropshire Plan to how we allocate financial resources to our many different activities.

As the introduction to The Shropshire Plan concludes: *"The challenges and experiences we have shared over recent years puts us in a strong position to step up and move forwards together and adapt our plans to meet the changing situations we face."*

This financial strategy is part of that 'stepping up' to meet the challenges of the future.



Lezley Picton
Leader of the
Council



Andy Begley
Chief Executive

Introduction

This financial strategy begins the process of ensuring that the Council's finances are aligned to the delivery of The Shropshire Plan, as agreed by Councillors in May 2022.

It also builds upon the engagement of the Council with the Local Government Association (LGA) through its 'peer review' process: We invited colleagues from other councils to spend time with us reviewing our financial affairs – including our financial strategy, our budget approach, and our wider financial management across the whole Council.

The LGA review was unequivocal in its conclusions; the technical and professional resources the Council has at its disposal are of a high standard and provide a sound foundation from which to meet the coming challenges.

The review also emphasised that the approaches we have used in recent years were unlikely to secure the efficiency and effectiveness we know we need to meet our future challenges. It highlighted that we could make changes in several areas, including

- Confidence in our ability to deliver Member and resident aspirations.
- Clarity over the financial outlook in the short-, medium-, and long-term.
- A move from minimising to managing risk.
- A transparent approach to how we will secure sustainable finances, and the consequences of failing to do so.

Lastly, despite the pressures of the pandemic, it is clear that the wider economic outlook continues to be uncertain. The invasion of Ukraine and subsequent price inflation was not anticipated in our previous plans at the current levels. We are now adjusting our plans accordingly and taking the steps needed. This is the purpose of the financial strategy – setting out clearly how our resources will be deployed to deliver our corporate objectives (as set out in The Shropshire Plan) and providing a way to navigate the uncertainty we are facing in a consistent and coherent way.

This update to the Council's Financial Strategy has been prepared with all those observations in mind and sets out our current view of the overall financial outlook for the Council. It sets the context for the work needed to prepare the detailed budget for 2023/24.



Gwilym Butler
Cabinet Member
for Finance



James Walton
Executive Director
of Resources

Medium Term Financial Strategy Summary; Outlook and forward planning



Medium Term Financial Strategy Summary (at October 2022)

The MTFS agreed in February 2022 by Council. An update was presented and agreed in July 2022. Since that date, a number of factors have continued to affect the financial outlook for the Council.

Internally, the Council has agreed 'The Shropshire Plan' and this is being launched formally and more widely over the coming weeks. This plan sets out the vision and key priorities for the coming years. This will help to navigate the financial pressures by helping to prioritise activities and removing or reducing work where this does not directly support the objectives of the plan.

Externally, the war in the Ukraine continues to have an impact on the wider economy, which is also impacted by the changed leadership of the national government and the new direction anticipated in the coming months.

Accordingly, the Council has begun to identify and address in detail the pressures impacting on 2023/24 and later years, and further progressed activity which clarifies our overall shape and key activity in the future – described as our 'target operating model'.

These factors are all included in this update.

Financial Outlook

The overview of the financial position is set out in the table below. This shows the three recent reporting points and the financial outlook across next year and the coming three years.

The key issue highlighted in this table is that, across the period, estimated expenditure is higher than estimated resources. In-year estimates differ, but there is a consistent £15m - £40m gap (with a larger gap in the earlier years).

The good news from this is that finding on-going and sustainable savings measures in the earlier years will lead to the later years coming into overall balance. The bad news is that the challenge in the earlier years is significant, at just over 5% of overall expenditure (13% of net budgets).

Previously, the impact of COVID on both resources and spending have made clarity on this outlook harder to ascertain, and some years have seen short term measure being applied to secure a balanced budget. That is no longer the case – the outlook is clear, and sufficient short term resources (e.g. reserves) are not available to help balance the

budget. All options will need to focus on longer term, sustainable savings options – which are likely to impact on service delivery.

	2023/24 £	2024/25 £	2025/26 £	2026/27 £
at February 2022				
Estimated Resources	585,407,314	594,149,668	608,600,766	621,839,624
Estimated Expenditure (incl savings plans)	619,313,227	629,406,493	640,779,762	646,878,170
Financial gap arising	33,905,913	35,256,825	32,178,996	25,038,546
at July 2022				
Estimated Resources	620,056,203	632,023,759	646,474,857	659,713,715
Estimated Expenditure (incl savings plans)	647,509,794	654,662,217	666,585,840	672,691,420
Financial gap arising	27,453,591	22,638,459	20,110,984	12,977,705
Current - at October 2022				
Estimated Resources	623,127,830	634,016,727	635,799,956	650,678,520
Estimated Expenditure (incl savings plans)	658,878,879	667,802,916	671,232,831	677,043,321
Financial gap arising	35,751,049	33,786,190	35,432,876	26,364,801

Resources

The table above shows that the Council receives resources each year which average £640m across the period.

Overall resources are largely stable throughout the period. These are driven by Council tax receipts and retained business rates under the rates retention mechanism, and supplemented by government grants for specific services.

- Council tax – this is currently estimated to increase each year by c £11m due to an estimated 1.5% per year growth in the number of chargeable properties (the tax base), an assumed 1.99% national limit on the increase in the charge (included for each year), and a further charge of 2% per year for the social care precept. Overall levels of Council Tax are expected to grow from £191m in 2023/24 to £239m by 2027/28.

It is important to note that the upper limit on council tax rises is determined annually by the secretary of state. It is not yet known if the threshold will be held at 1.99% (as in recent years) or may be relaxed, for example to 2.99% or 3.99%. Similarly, it is not yet known if the social care precept will be repeated in future years. (NB – each 1% on council tax yields c £1.8m additional resource for the council.)

- Business rates - The 'rates retention' mechanism, including the 'topup' and 'tariff' arrangements, indicate that resources from retained business rates average £55m per year, rising from £52m to £60m across the period as the NDR multiplier is increased each year. (These figures include Revenue Support Grant of £6.5m per year.)

- Other important resources include ringfenced and targeted government grants. The application of these is usually restricted, and the Council needs to ensure that the planned use is appropriate and sustainably contained within the available funding. These include, for example (using current year values):
 - £105m Dedicated Schools Grant
 - £38m Mandatory Rent Allowances
 - £17m business rate reliefs compensation grant (s31)
 - £12.4m Public Health Grant

Expenditure

Estimated expenditure averages £670m per year, with estimated spending in 2023/24 of nearly £660m. Inflationary pressures and the pressure from local population growth is usually around £20m per year – but this has more than doubled as a result of the current level of inflation.

Inflation affects the council's budgets in a number of ways, including simple price inflation on fuel and utilities, but, more importantly, it also impacts on our budgets via pay increases in our supply chain, including increases to the national minimum wage, and inflationary pressures arising for social care suppliers which are then passed on to the council through increased contract costs, as well as for other significant contracts such as for waste disposal (Veolia) and highways maintenance (Kier).

Current year impacts

As at February 2022, it was anticipated that there would be growth of c£19m in retained Council tax (£10m) and business rates receipts (£9m), which could then be used to fund estimated growth of approximately the same amount (£19m).

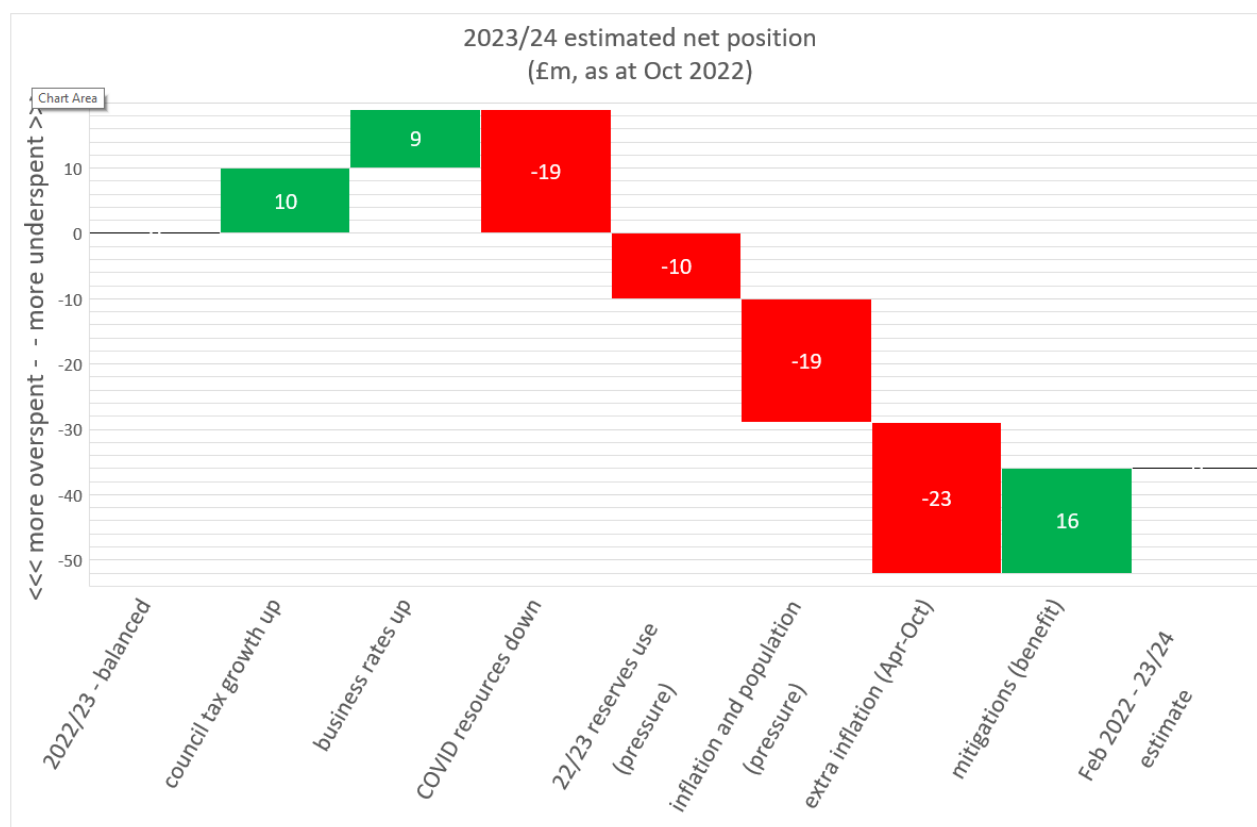
However, previous estimates indicated loss of one-off grants received as part of the COVID response of £19m in 2022/23 but no longer anticipated in 2023/24, and also the decision to use £10m of reserves in the budget for 2022/23 (partly to support service delivery, and partly to supplement existing reserves and maintain them at more prudent levels). These factors would then drive a gap of c £30m.

More recently, and as noted in previous updates, we have seen significant in-year impacts arising from wider economic uncertainty, generating pay and price inflation in all sectors. Current inflation estimates for next financial year have more than doubled to almost £45m, a further £23m pressure on spending. This has been offset through some benefits identified as part of the 'tactical budget' work amounting to £16m and some further benefits in anticipated spending reductions as some time-limited work ceases.

Taken together, these factors meant that the current estimated gap for next financial years is £36m, largely driven by increased inflation, loss of one-off funding, and the use of reserves (which cannot be repeated).

It is clear that government are currently minded to remain within the Spending Review 2021 parameters (including 3.1% inflation funding). While this may change, it is also clear that changes to government funding alone will not be sufficient to tackle the financial challenge faced by the council. As such, the council will need to address these challenges directly and secure its own future, and not rely on changes in funding.

Securing recurrent savings at that level is a significant challenge but will be supported by emerging work on the delivery of a target operating model. This is discussed in further detail later in the strategy. These actions will help move the council towards a greater level of financial sustainability. It is clear that recurrent savings at this level will also require the council to reposition itself – potentially reducing activity in some areas, while also developing new activities (for example, around the wider use of the internet to support transactions with residents, and the use of remote or digital technologies to supplement care provision across Shropshire – opportunities that will mean that future council services look very different to how they are today).



The clear strategic opportunity is to maximise recurrent savings as soon as possible. At its greatest extent, this might offer the opportunity to close the gap in later years,

enabling the council to consider service investment opportunities or alternatives to the expected annual increase in the council tax charge.

Financial Strategy – Short, Medium and Long-Term Objectives

The table above includes the estimated impact of the actions being put into place in the short term to address inflationary pressures and ensure we maintain a balanced budget. The actions being put into place include both short term measures (that is, actions in this year and next year), and actions expected to yield benefit in future years as well. A large number of these actions require either separate decisions to enable them or rely on collaboration with bodies outside the council to be achieved. There remains therefore a clear risk in the delivery of these proposals, which needs to be undertaken at pace. However, this council is aware of this risk and is actively managing it.

Not yet included in the figures above are the proposals to improve the overall efficiency and effectiveness of the Council in line with the proposals set out in The Shropshire Plan by defining our ‘target operating model’. These actions are anticipated to yield further benefits in the medium term (that is, the third and fourth year of the plan).

Overall, the longer-term strategy of the council is to ensure that, as set out in the Shropshire Plan, we are ‘living the best life’. In financial terms, this requires some rebalancing of our budgets so that less is spent on urgent social care, and more is spent on maintaining good health and independence and preventing poor health. In a similar way, we aim to provide more resources to support the growth in our local sources of income – building more homes to accommodate a growing population, but in doing so, being able to increase council tax receipts.

This will help us plan sustainably, generating income from local taxation and fees and charges levied, which, together with the ‘core spending’ funding received from government will balance the cost of the services we provide.

Preparing the budget for 2023/24

The strategic approach must be to:

- seek recurrent savings from service areas in order to address the significant budget gap identified for 2023/24 in a sustainable way
- remove use of reserves to bridge the budget gap, and if possible, make contributions in order to replenish them, and

- identify savings needed (which may be unpalatable) to secure longer term balance in the Council's finances.

In terms of the tactics that could be adopted, a number of different approaches can be taken to planning service delivery costs. Options include various corporately led approaches, such as allocation of the estimated gap in line with budget shares (gross or net) or requesting savings options to be offered up by all areas, or, alternatively, a more service led approach can be adopted, through which services are tasked with reviewing their own budgets in detail and then providing clear estimates of the expected level of cost pressures and the savings options that would be needed to balance those.

The risks and benefits of these relate to the relationship between services and the 'centre'. Corporately led approaches create a sense that the responsibility for financial balance sits 'somewhere else' – usually with the CFO and Chief Executive – but also set up a very clear set of targets to be achieved; these approaches are robust, but do not always promote cohesion across the Council. Service led approaches, by contrast, seek to empower services to deliver as they see fit within a resource limit and promote the idea that financial balance is part of everyone's corporate responsibility; these approaches are more inclusive and can build a greater level of corporate cohesion – but do require an organisationally mature approach at all levels.

Under both types of approach, the overall timetable will be the same – broadly set out below and in more detail in the attachment to this strategy.

- **Summertime** – prepare the first draft of pressures
- **September to November** – identification of savings options and repeated iterations of the overall budget position to secure financial balance for the coming year
- **December to January** – finalisation of the budget plan for the new year bringing together the expected pressures estimates, proposed savings (or income generation) plans, and the government's planned level of overall financial support, and, in parallel, the consultation with local people and businesses on the proposals being brought forward.
- **February** – consideration by Council of the budget proposals; finalisation of the plan and the consequent decision on the level of the Council Tax for the new year.

Impact on the current year



Impact on the current year

Changes since February and the Impact on the 2022/23 Budget

Outturn Position for 2021/22

The Council ended the last financial year well. The final outturn was an overspend of £2.5m. This was at the lower limit of the 'control corridor' (which showed that the worst case outturn could have been an overspend of £9m). Key pressures arising in the year and likely to persist into future years were encountered in children's social care.

Directorate	Net Budget £	2021/22	
		Controllable Outturn £	Controllable Variation £
Corporate Budgets	(51,562,440)	(53,552,463)	(1,990,023)
Health and Wellbeing	2,177,434	1,755,680	(421,754)
People	186,868,390	190,592,099	3,723,709
Place	69,764,926	70,029,647	264,721
Resources	1,397,330	2,373,650	976,320
Strategic Management Board	1,170	(46,955)	(48,125)
TOTAL	208,646,810	211,151,659	2,504,849

Within this overall position, further contributions were made to specific reserves, enabling provision to be made against known future costs and reducing pressure on revenue budgets.

Inflationary Pressures

The budget for 2022/23 was set with provision made for increases in price inflation. At the time of preparing the budget, the average pressure anticipated for the year was expected to be +3% per year.

Since February 2022, the war in the Ukraine has led to inflationary increases (notably around food, fuel, and utility prices) which is affecting the economy generally.

It is now anticipated that the provision for inflation within the budget for 2022/23 will need to increase to accommodate contract costs linked to the inflation rate, and the likely national increase to the staff pay award being negotiated for 2022/23.

A breakdown of the difference in inflation assumptions between the MTFS approved by Council in February and the updated figures is provided below.

This shows that the February assumptions for 2022/23 on inflation were for 1.75% on pay, 4% on fuel, and up to 24% on utilities. These assumptions were increased to 5.5%, 5.7% and 60% respectively for the previous update.

It should be noted that the latest increases reflect our understanding of the likely impact on council budgets. They remain estimates and subject to change, and, as such, will remain under review for the immediate future. The level of pay increase at 5.5% is largely driven by the near 6.6% increase in the National Living Wage, coupled with the disproportionate impact of that increase on the lower grades in the council pay structure (it does not reflect an assumption of an overall increase of 5.5% across all grades – rather, some of the lower grades will see higher levels of increase, while some of the higher grades may see little or no increase).

Significant contract inflation has now been identified across the care sector contracts (adults and children's social care) and also the contracts for waste disposal and highways maintenance, now expected to be higher than previously estimated (in-year estimates of cost pressures made in March 2022 have proven largely accurate – but the estimated pressure for next year arising from RPI and CPI increases affecting Council contracts have been superseded by more recent information).

Schemes within the capital programme are also anticipated to experience inflationary pressures. The majority of these will be managed through reprogramming schemes to manage within existing resources, however it is possible that additional funding will need to be identified for some schemes that will require a scheme budget increase. This will be monitored during the course of the financial year.

This increased provision will be held under review to ensure it provides a reasonable balance of necessary provision against increased costs while at the same time limiting the long-term increase and its duration, where possible.

Interest Rate Increases

In response to the impact on the economy that the inflationary pressures is causing, the Bank of England has increased the base rate from 0.1% in December 2021 to the current rate of 2.25%.

Any increase in the base rate will translate into increasing costs of borrowing should the Council need to borrow for the Capital Programme. Accordingly, this is likely to have a corresponding impact on the revenue budget and the business cases for capital schemes. This will be carefully monitored during the course of the Medium Term Financial Strategy.

Adult Social Care Reform

The Government published outline reforms to adult social care funding late in 2021. There remain a number of key issues to be resolved, but it is likely that (based on current information) there will be a net cost to councils delivering social care. These costs are not yet factored into the later years of the Council's MTFS as their likely level is not known with confidence.

The LGA briefing on the potential impact of adult social care reform on councils is available here:

[Not enough money for adult social care reforms, say 98 per cent of councils in LGA survey | Local Government Association](#)

Local Government Pressures

There have been a number of 'public interest reports' made by external auditors in recent months. These have highlighted how the current financial pressures are affecting the financial standing of different councils. The consistent message is that securing robust technical management of the accounts together with a transparent culture of honest and open engagement between officers and Members, and with clarity on the current financial position and the likely financial outlook, is critical.

Recent Public Interest Reports are summarised below.

Authority	Issues raised
Nottingham City Council	Treatment of HRA appropriations
LB Croydon	Contracts for housing work; Fairfield Halls improvement works
Wirral Council	Need for strategic (multi-year) approach to savings plans
Slough	Incorrect accounting including reserves and MRP calculations
Warrington Council	Credit rating reduction

Northamptonshire	Inaccurate financial reporting leading to inappropriate decisions; inappropriate use of capital receipts
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Internal Reviews and Developments

On 12th May 2022, the Council approved the Shropshire Plan which sets out its vision and key priorities for the coming years. This document will now help shape where the Council prioritises its activities and remove or reduce work where this does not directly support the objectives of the plan. Therefore the Financial Strategy will be closely aligned to the Shropshire Plan to ensure that the Council resources are deployed to only those areas of priority.

In order to ensure that the Council's Financial standing and processes are as robust as possible, it was agreed with the Local Government Association that a Finance Peer Review would be undertaken in June 2022. This exercise was far reaching across the Council and not only examined the financial strategy and budget approach of the organisation, but also looked at the wider financial management approaches across the organisation.

The results from the Peer Review were positive and stated that they believe that the Council should be confident in its ability to meet the challenges for the future. They believe that the actions taken by the Council to address recently identified inflationary pressures and the planned implementation of the Target Operating Model to align the activities of the Council to the Shropshire Plan, will put the Council in a good position to address the funding position. There were a number of recommendations made out of the Peer Review that will help to refine the Council's approach going forward, and the Council will be working over the next few months to ensure that it has considered and, where appropriate, implemented changes to improve our approach in the future.

The peer review report has now been finalised and will be published shortly, along with an action plan setting out how the Council is responding to the report.

In-year Budget Savings Identification

Following the early identification of inflationary pressures likely to impact on the 2022/23 financial year, the Council agreed to undertake a tactical budget review which would try to identify new areas of savings not previously considered, or to bring forward savings proposals planned for future years.

This important piece of work began in April and regular updates have been presented to Cabinet to keep them informed of progress to date and also to confirm decisions to progress where appropriate.

Potential savings currently being considered for 2022/23 total £8.5m. If any of those proposals are not progressed, alternatives will need to be found to the same value.

Target Operating Model Proposals

Emerging from the 'response' period of the pandemic, the Council identified the need to embed the key benefits secured during the pandemic response, but also to reinstate some activities which were not needed during the pandemic but remain important to the good management of the Council. These initiatives and reinstatements were collectively grouped as a 'refocus' programme of work.

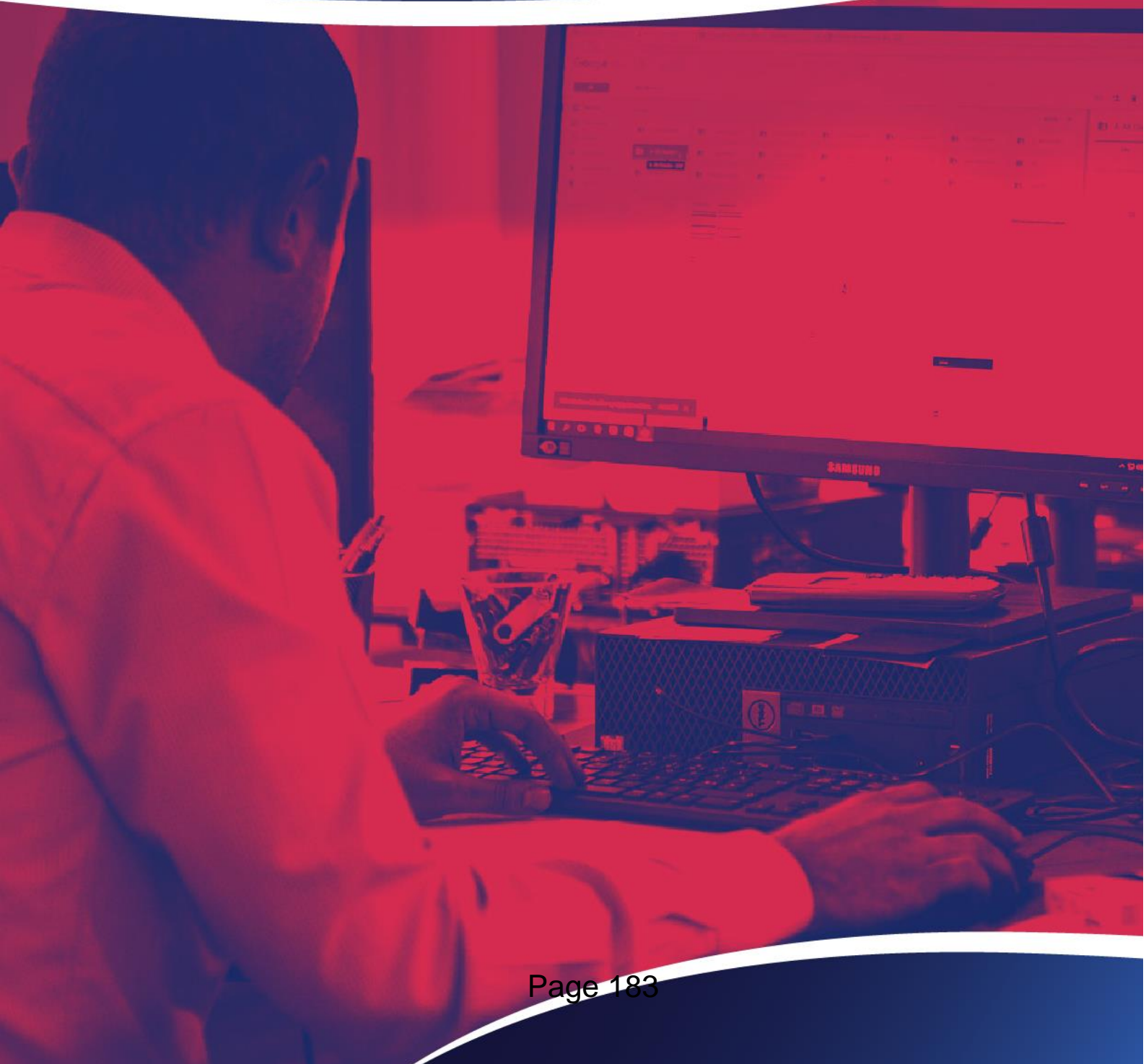
Subsequent activity has led to the scope of the refocus work being expanded to a wider consideration of the 'operating model' of the Council. The intention is to ensure that the Council does what it needs to do (and only what it needs to do) in the best way possible – that we are efficient, effective, and work together as part of one Council. This work has led to development of a 'target operating model' (TOM).

The benefit of the TOM proposals have now been estimated as £35m, and it has been calculated that potential benefits will arise in later years of which £25m is cashable (e.g. reductions in normal council operating costs) and a further £10m is 'non-cashable' (e.g. future demand reduction, so avoiding the full extent of future cost increases). These projects will form a key part of the future financial strategy and the budget strategy for next year – either by delivering cash savings, or by enabling greater efficiency and so the capacity to do more with our available resources. At this scale, benefits will significantly address the current budget challenge, but will need time and (one off) resources to be put into place.

Despite the anticipated need for some time-limited investment to help implement these changes, the overall aim is to make the council more efficient and effective in its operations. This will help us to do still more from within the resources we have.

To do so will require a rigorous approach to planning and realising the benefits arising from this programme of innovation and development, providing new opportunities for how we deliver services, and asking our staff – who proved their agility and capacity to adapt so clearly during the pandemic – to continue to adapt as new opportunities and plans come forward and to move confidently into these new ways of working. This robust framework is being put into place along with appropriate resource plans.

Impact on Medium Term Financial Strategy 2023/24 – 2027/28



Inflationary Pressures

The inflationary pressures identified in 2022/23 will have a cumulative effect across the MTFS period. It is anticipated that levels of inflation will not reduce significantly by the end of 2022/23 and therefore there is likely to be ongoing pressure during 2023/24 as well.

As a result, pay inflation anticipated for 2023/24 has been increased from 2% to 3.5% and in the remaining years of the MTFS, pay inflation has been increased from 2% to 2.5%. The impact of this is that a further £1.5m has been built into the 2023/24 financial year, and around £0.3m over the remaining period of the MTFS.

Revised MTFS Summary and Funding Gap

The impact of the inflationary pressures and mitigating savings activity outlined above has affected the funding gap over the period of the MTFS. The revised gap is outlined below, detailing the changes that have occurred since February 2022. The details of impacts identified on resources and spending estimates are set out in the 3 tables below.

Funding Gap	2021/22 £	2022/23 £	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £
Resources (incl savings plans)	554,317,935	597,559,628	592,936,915	603,069,289	604,073,300	618,149,269	632,959,106
Expenditure (incl savings plans)	615,491,946	656,496,475	658,878,879	667,802,916	671,232,831	677,043,321	689,159,388
Gap in year	61,174,011	58,936,847	65,941,964	64,733,627	67,159,532	58,894,052	56,200,282
One off Grants & Reserves:							
Improved Better Care Funding	9,547,340	11,863,403	10,252,045	10,618,624	10,996,201	11,385,105	11,785,676
New Homes Bonus - One Off	942,766		0	0	0	0	
Rural Services Delivery grant	6,940,755	6,940,755	6,940,755	6,940,755	6,940,755	6,940,755	6,940,755
Social Care Grant - One Off	9,111,921	12,619,529	12,998,115	13,388,058	13,789,700	14,203,391	14,629,493
		3,521,312					
		397,338					
		940,831					
S.31 Business Rates Additional Relief							
Grants for COVID	21,110,783	12,760,890					
Review of Earmarked Reserves		6,878,140					
Financial Strategy Reserve	13,520,446	7,042,754					
Contribution to General Fund Balance		-4,028,104					
TOTAL ONE OFF FUNDING	61,174,011	58,936,847	30,190,915	30,947,438	31,726,656	32,529,251	33,355,924
Remaining Gap/(Surplus) to be Funded	0	0	35,751,049	33,786,190	35,432,876	26,364,801	22,844,359

Funding Estimate	2021/22 £	2022/23 £	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £
Council Tax	170,672,186	180,285,304	191,268,680	202,182,919	213,718,117	225,913,060	238,803,201
Council Tax Collection Fund Surplus/(Deficit)	-542,268	2,393,399	-93,463	500,000	500,000	500,000	500,000
Business Rates:							
Business Rates Collected	42,037,503	35,698,519	35,752,067	42,424,766	43,083,729	43,752,927	44,432,519
Business Rates - Energy Renewable Schemes	1,035,710	1,145,182	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Top Up Grant	10,031,260	10,031,260	10,031,260	10,031,260	10,031,260	10,031,260	10,031,260
Business Rate Collection Fund Surplus/(Deficit)	-20,840,717	-11,387,762	-168,114	-500,000	-500,000	-500,000	-500,000
RSG	6,253,139	6,450,404	6,450,404	6,450,404	6,450,404	6,450,404	6,450,404
NET BUDGET	208,646,812	224,616,305	244,240,833	262,089,349	274,283,510	287,147,651	300,717,384
Grants included in Core Funding:							
Improved Better Care Fund	9,547,340	11,863,403	10,252,045	10,618,624	10,996,201	11,385,105	11,785,676
New Homes Bonus	5,942,770	4,651,465	2,424,326	0	0	0	0
Rural Services Delivery Grant	6,940,755	6,940,755	6,940,755	6,940,755	6,940,755	6,940,755	6,940,755
Social Care Support Grant	9,111,921	12,619,529	12,998,115	13,388,058	13,789,700	14,203,391	14,629,493
Services Grant		3,521,312					
Lower Tier Services Grant		397,338					
Market Sustainability and Fair Cost Fund		940,831					
CORE FUNDING	240,189,598	265,550,937	276,856,074	293,036,787	306,010,166	319,676,902	334,073,308
Local Income							
Fees and charges (including income savings deliverable from prior years)	79,242,220	82,293,304	82,718,167	83,151,596	83,593,807	84,045,021	84,496,235
Other Grants and contributions	27,794,890	30,785,140	30,785,140	30,785,140	30,785,140	30,785,140	30,785,140
Specific Grants (excluding Core Funding Grants above)	196,885,397	209,825,807	193,473,094	186,991,326	174,579,747	174,537,766	174,499,983
Internal Recharges	10,205,830	9,104,440	9,104,440	9,104,440	9,104,440	9,104,440	9,104,440
TOTAL FUNDING	554,317,935	597,559,628	592,936,915	603,069,289	604,073,300	618,149,269	632,959,106

Expenditure Estimate	2021/22 £	2022/23 £	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £
Original Gross Budget Requirement	605,526,937	615,491,946	656,496,475	658,878,879	667,802,916	671,232,831	677,043,321
Inflationary Growth :							
Pay	2,743,338	2,841,967	11,336,970	3,968,420	4,087,470	4,210,090	4,336,370
NI Social Care Uplift		777,760					
Apprenticeship Levy		114,200	21,970	14,110	14,530	14,970	15,420
Pensions	0	0	0	0	0	0	0
Prices	1,309,682	3,213,423					
Corporate Landlord inflation			1,380,955	185,447	190,084	194,836	199,707
Contract inflation			25,091,492	6,058,239	6,223,096	6,379,157	6,538,130
Demography & Demand	15,502,496	12,575,656	963,830	289,455	299,535	306,085	237,550
Service Specific Pressures	5,747,406	5,914,099	400,000	168,000	-400,000	-500,000	
Local Generated Pressures:							
Elections	740,000	-740,000			400,000	-400,000	
Specific Grants Changes between years	-4,656,067	16,142,601	-28,437,694	674,701	-11,632,361	760,614	788,890
One off investment in IT infrastructure	-1,101,130						
Ongoing reduction in New Homes Bonus (pressure)		348,535	2,227,139	2,424,326			
Ongoing Pressures		8,196,113					
Estimated Cost of Investment - <i>Approved Additional Staff for Capital Programme</i>	-2,035,000	521,000	895,415	1,774,815	1,371,229	1,382,878	
Invest to Save Fund for delivery of future savings	-5,250,000	103,000	-97,000	-20,000	-39,000	-30,000	
Energy Renewable Schemes	75,710	-35,710					
Adjustment to Gross budget offset by Income changes	-912,116	2,187,159	400,000				
Contribution to General Fund					7,000,000		
Savings							
Savings from prior years- 2018/19 - Approved	-3,850,000	-4,468,930					
Remove 2020/21 Unachievable savings	1,650,690	0					
One off saving - Morrisons Lease and Buyout		-1,415,065	1,415,065				
Application of retained business rates to climate change		-1,000,000					
New Savings		-4,771,279	-3,680,737	-3,029,476	-4,015,667	-5,878,139	
Tactical Budget Savings			-9,035,000	-3,584,000	-69,000	-630,000	
TOTAL EXPENDITURE	615,491,946	656,496,475	658,878,879	667,802,916	671,232,831	677,043,321	689,159,388

Process for Closing the Funding Gap

In the short term, the work on the tactical budget savings will continue to be pursued to close the funding gap remaining in 2023/24 and to provide any additional resilience against any further budget pressures in 2022/23. The tactical budget work has already identified further efficiency areas for review and these will be explored in more detail to confirm whether a cashable saving can be delivered.

In the medium term the work of the TOM will help to drive out efficiencies across the Council and ensure that services provided are those as detailed in the priorities outlined in the Shropshire Plan. By delivering savings to close the gap in 2023/24 – 2025/26, the Council will be able to deliver a sustainable budget.

The Council can then continue to develop its longer term strategic plans to encourage economic growth, improved resource position through growth within the taxbase, and manage growth pressure through early intervention and prevention strategies.

Financial Stability; Reserves and balances



General Fund Balance

The General Fund balance held as at 1 April 2022 is £11.5m. This is significantly below the risk assessed level for 2022/23 which is £18.7m. This leaves the Council vulnerable to any unexpected spending pressures that may arise during the course of the year. Whilst one off savings will be sought wherever possible to mitigate against unforeseen pressures that may arise, the General Fund does need to be at a sufficient level in case this is any shortfall.

In 2022/23 a one off contribution of £4m has been budgeted bring the General Fund Balance to £15.5m (dependent on delivery of a balanced budget in 2022/23) which is considered to be acceptable, albeit below the target level.

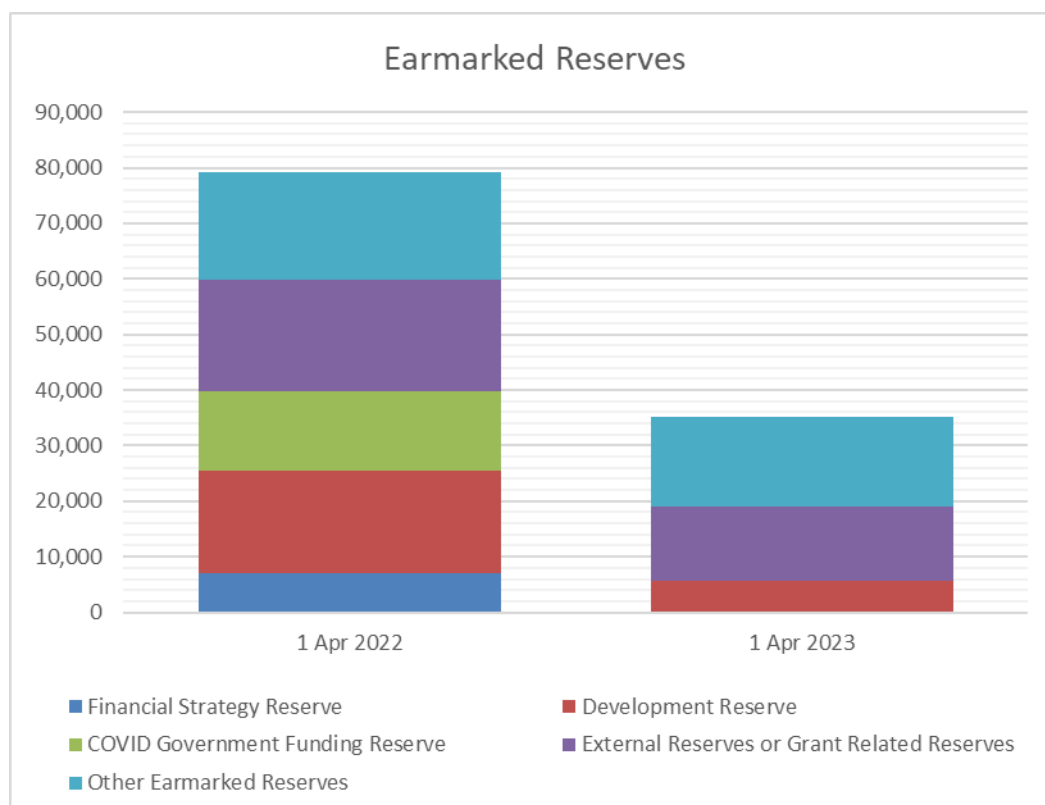
In the medium to long term financial strategy, contributions to the General Fund balance have been factored into assumptions to ensure that the authority is resilient to any future risks.

Earmarked Reserves

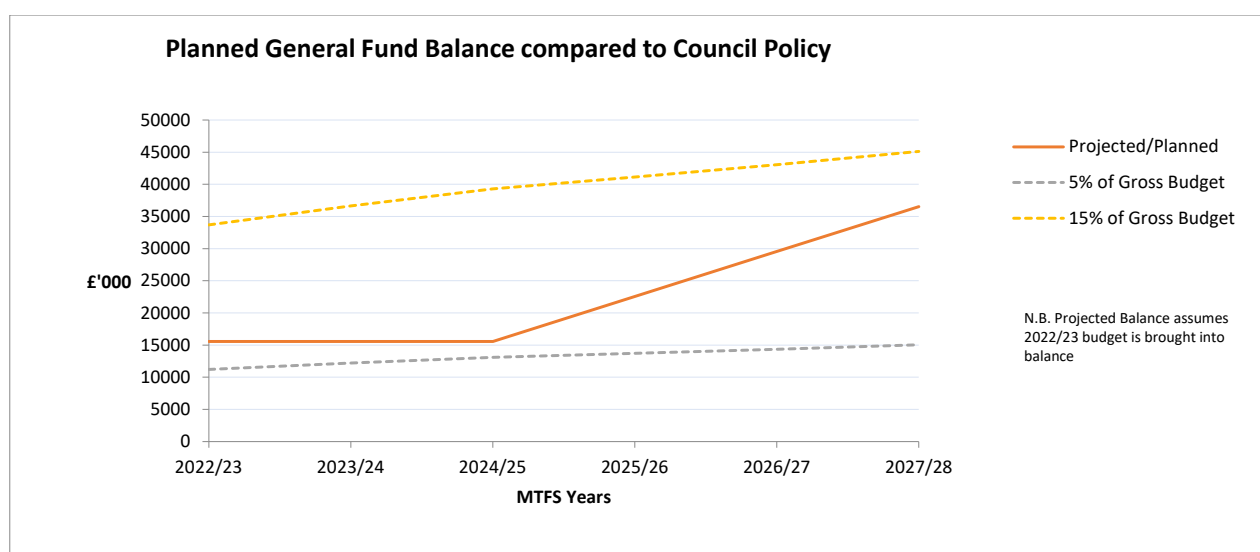
The Council has assumed in previous financial strategies that it would use earmarked reserves, particularly the Financial Strategy Reserve, to help balance the budget. The Financial Strategy Reserve will be fully applied in 2022/23 and therefore this can no longer be considered for future financial years.

The total value in Earmarked Reserves as at 1 April 2022 is £79.2m (excluding schools related reserves). It should be noted that a significant proportion of these reserves have been assumed to be utilised in 2022/23 or are committed in line with grant conditions.

The chart below demonstrates the planned reduction in earmarked reserves in the 2022/23 financial year, with a total reduction of £47.6m anticipated to be drawn down by the end of the year, leaving a balance of £31.6m remaining. A significant proportion of the reduction relates to the use of COVID funding. Anticipated use of the Development Reserve is based on initial estimates or requirements for transformation/TOM projects (discussed above). The level and timing of funding required for this purpose is under review. The Financial Strategy reserve is anticipated to be fully utilised in delivery of the current year budget (as set out in the agreed budget plans for 2022/23).



The Council's financial strategy will also seek to minimise use of reserves in the medium term, and then to replenish them. This will afford the Council the resources to be able to deal with unexpected challenges, or to invest in further transformation and improvement of its services. This is illustrated below.



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Committee and Date

Cabinet
19th October 2022

Item

Public

BUSINESS RATES REVIEW

Responsible Officer

James Walton

e-mail: james.walton@shropshire.gov.uk Tel: 01743 258915

1. Synopsis

Shropshire Council operates a Business Rate Relief and Council Tax Discretionary Discount Policy. The Council's financial position suggests we should review our policy, but no changes are recommended thereby maintaining £357,000 of Council support to local businesses.

2. Executive Summary

- 2.1 The Authority has responsibility for the collection and administration of Business Rates and Council Tax revenues. There is complex legislation detailing how the amount due from Business Rates and Council Tax is calculated. Within the legislation and government guidelines, the Local Authority has certain discretions to award reliefs and discounts in certain circumstances. The current Business Rate Relief and Council Tax Discretionary Discount Policy was last considered by Council on 20 September 2018. At this time there was a commitment to review the policy every three years. At its meeting on 20 October 2021 Cabinet agreed to defer this review for one year to 2022.
- 2.2 Covid has led to much economic uncertainty, and the pandemic continues to impact on businesses. The Government have prescribed additional rate relief for a lot of businesses in 2022-23 due to Covid and it is unclear whether this will continue into future years. A new rating list is also due in 2023, which will mean changes to rateable value for various business sectors.
- 2.3 The existing policy remains fit for purpose and no changes are proposed. There is, however, an opportunity to review the current

arrangements following the adoption of the new Shropshire Plan and clarification on the Council's priorities and strategic objectives.

3. Recommendations

Members are asked to:

- 3.1 Approve continuation of the business rate discretionary rate relief and council tax discretionary discounts policy as set out in Appendix A for 2023-24 onwards with a commitment to review in three years' time.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1 The current policy is understood by ratepayers and council taxpayers. Any decision to increase eligibility will have a positive impact on ratepayers. Conversely any decision to reduce the current discretionary policy will have a negative impact.

5. Financial Implications

- 5.1 The authority has a statutory duty to bill and collect business rates. Under the current rate retention scheme the authority bears the cost of 49% of any business rate relief awarded.
- 5.2 The cost of awarding discretionary rate relief in 2021-22 was £728k, with a cost to Shropshire Council, at 49%, of £357k.

6. Climate Change Appraisal

- 6.1 There are no direct implications for climate change as a result of this report and full implications and considerations of climate change as a result of any changes to the scheme will be reviewed at that time.
- 6.2 The Government is currently introducing two business rate measures to support investment in green technology. The first measure is an exemption for eligible plant and machinery used in onsite renewable energy generation and storage and will be administered by the Valuation Office Agency. The second measure is a 100% relief for eligible low carbon heat networks that have their own rate bills.

- 6.3. Shropshire Council can retain 100% of non-domestic rates in respect of designated renewable energy projects and the Council ring fences these additional rates for climate initiatives.

7. Background

- 7.1 The Rate Relief Policy for Shropshire Council was agreed by Cabinet on 21 July 2010. The aim was to bring together the most common award elements from the policies that had been in operation from the previous five district councils.
- 7.2 The policy was amended by cabinet on 14 December 2011 to award 100% discretionary rate relief to Social Enterprises under certain conditions, and 20% discretionary top-up relief to Charity Shops that evidence that 90% of their gross profit is invested in the local community.
- 7.3 The policy was reviewed by Council on 14 May 2015. No further amendments were made to the policy at that time.
- 7.4 The policy was last reviewed by Council on 20 September 2018. At that review the Council agreed to award discretionary top up relief to charities that provided a benefit to the local community but removed the 20% top up to Housing Associations. Discretionary Rate Relief to Sports Clubs not registered as Community Amateur Sports Clubs was removed. Qualifying criteria for Social Enterprises and Community Interest Companies was restricted to organisations where there was no provision to remunerate their directors.
- 7.5 The full policy is at Appendix A. A summary of the current award criteria is on page 11 of the policy.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Gwilym Butler, Portfolio Holder for Finance and Corporate Resources

Local Member

All

Appendices

Appendix A – NNDR Disc Relief Policy 2022

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Business Rate Relief and Council Tax Discretionary Discount Policy



Shropshire
Council

PHIL WEIR – REVENUES AND BENEFITS SERVICE MANAGER

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Introduction

The authority has discretion to award business rates relief and rural rate relief to certain qualifying businesses and a Business Rate and Council Tax discount in certain circumstances that it sees fit. This report recommends the circumstances in which these reductions are awarded and the process to be followed.

Background Information

1. The Local Government Finance Act (LGFA) 1988 provides that Local Authorities can award a discretionary relief to ratepayers in various circumstances. The Local Government Act 2003 extended the Council discretion to allow discretionary Council Tax discount to be awarded where the Council sees fit and the Localism Act 2011 extended the Council's power to award business rate discounts. The areas for discretionary consideration are listed below.

Discretionary Charitable Top-Up Relief (Section 47 LGFA 1988)
Discretionary Charitable Rate Relief (Section 47 LGFA 1988)
Rural Discretionary Relief (Section 47 LGFA 1988)
Hardship Relief (Section 49 LGFA 1988)
Local Business Rate Discounts (Section 47 LGFA 1988)
Part Occupied Relief (Section 44A LGFA 1988)
Section 31 Grants/Autumn Statement Relief (Section 47 LGFA 1988)
Council Tax Discretionary Discounts (Section 13A (1) (c) Local Government Finance Act 1992)

2. Up until 1 April 2013 business rate relief was funded in the following manner.

Mandatory Relief – fully funded by Central Government
Discretionary Top-Up Relief – 25% Government and 75% Shropshire Council
Discretionary Relief – 75% Government and 25% Shropshire Council
Rural Mandatory Relief – fully funded by Central Government
Rural Discretionary Relief – 75% Government and 25% Shropshire Council
Hardship Relief (Section 49) – 75% Government and 25% Shropshire Council
Part Occupied relief (Section 44A) – fully funded by Central Government
Local Discounts – Fully funded by Shropshire Council

3. Under the current system of rates retention (post 1 April 2013) Shropshire Council bears the cost of 49% of any relief awarded, with the government bearing the cost of 50% and the Fire Authority 1%
4. Shropshire Council's discretionary relief policy was first approved by Cabinet on 21 July 2010. Two amendments to the policy were approved by Cabinet on 14 December 2011. The policy was reviewed again on 14 May 2015 and on 20 September 2018. It was last reviewed on 19 October 2022.

Discretionary Charitable Top-Up Relief

Guidance

5. On receipt of an application for charitable relief, billing authorities should first consider whether the institution or organisation is eligible for mandatory relief.
6. To qualify for mandatory relief the property must be wholly or mainly used for charitable purposes and the institution or organisation must be established for charitable purposes. Registration under the charities Act 1993 is conclusive evidence of charitable status.
7. Mandatory Relief of 80% of the full rate liability for charities and other organisations is provided for in sections 43 and 45 of the 1988 act.
8. Under section 47 of the 1988 Act Shropshire Council has the discretion to top-up this relief to 100%.

Community Amateur Sports Clubs (CASCS)

9. Registered CASCS are entitled to mandatory relief at the same level as charities. This provision came into force with effect from 1 April 2004.
10. CASCS are defined by Schedule 18 Finance Act 1988 and registration forms are available from the Inland Revenue Website.
11. As with charities, billing authorities are also allowed to top-up the remaining 20%.

Charity Shops

12. Charity Shops are entitled to 80% mandatory relief providing that they are registered charities and they are used wholly or mainly for the sale of donated goods and the proceeds of the sale of goods are applied for the purposes of the charity.

Financial Implications

13. With effect from 1 April 2013 and the introduction of the rate retention scheme the cost of all reliefs is split between the government (50%), the billing authority (49%) and the Fire Authority (1%).

Approved Relief in Shropshire

14. To award 20% top-up to those local or national charities that provide a benefit to the local community that are classed as:
 - Community Centres, Village Halls, Meeting Rooms
 - Scouts, guides, cadets and youth clubs
 - Museums

- Drop in/advice centres
 - Nursery/pre schools
 - Sports/community centres providing sporting leisure facilities to the general public with no membership requirement
 - Provision of care and support to vulnerable people
 - Animal Welfare
 - Advancement of religion or the arts
15. Award 20% top-up to sports clubs that can demonstrate that:
- They are registered CASCS
 - Their membership is mainly composed of active membership rather than social membership
 - The club is accessible to all.
 - The club has achieved the CLUBMARK accreditation standard
 - (CLUBMARK and associated individual sports equivalents is the only national cross sports quality accreditation scheme for clubs with junior sections. It is built around a set of core criteria which ensure that accredited clubs operate to a set of consistent, accepted and adopted minimum operation standards).
16. Award charity shops with the 20% top up if they evidence that 90% of their gross profit is invested in the local community
17. The recommendation is to delegate the determination of applications for discretionary top up relief outside this policy to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Discretionary Relief for Charities

Guidance

18. Where the property does not qualify for mandatory relief authorities can still consider the award of a discretionary rate relief under section 47 of LGFA 1988. Authorities have discretion to award up to 100% to certain non-profit making bodies.
19. To be eligible for consideration the ratepayer:
- Must be a charity or trustees of a charity and the property must be wholly or mainly used for charitable purposes; or
 - The property is not an excepted property and all or part of it is occupied for the purposes of one or more institutions none of which is established or

conducted for profit and each of whose objects are charitable or otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts: or

- The property is not an excepted property and is wholly or mainly used for the purposes of recreation, and all or part is occupied for the purposes of a club, society or other organisation not established or conducted for profit.

20. Discretionary relief may not be granted where the hereditament is an excepted property, such as a billing authority or a precepting authority.

Financial Implications

21. With effect from 1 April 2013, under the arrangements for local business rate retention, the cost of all reliefs is split between the Government (50%), Shropshire Council (49%), and the Fire Authority (1%).

Approved Relief in Shropshire

22. To award Village Halls and Community Centres 100% discretionary rate.
23. To award other similar voluntary organisations (e.g. Senior Citizens Clubs, Scouts/Guide Huts) whose emphasis is on recreational activity rather than social activity 100% discretionary rate relief.

Social Enterprises

24. To award 100% discretionary relief to social enterprises that that provide benefit to the local community and are:-
- Community Interest Companies that are limited by guarantee providing that they:-
 - Are registered as a Community Interest Company. Reference can be made to Gov.Uk website on Community Interest Companies and to Companies House
 - <https://www.gov.uk/government/organisations/office-of-the-regulator-of-community-interest-companies>
 - <http://www.companieshouse.gov.uk/>
 - Also the Company's Articles of Association or Memorandum should clearly state that any surplus of income over expenditure will be applied in a particular manner to ensure that no profit is actually made
 - Not conducted for profit
 - Do not remunerate the Directors of the Company
 - Industrial and Provident Societies and Companies Limited by Guarantee providing that they:-
 - Are a not for profit company.

- Provide benefit for the local community.
 - Not for profit companies are normally limited by guarantee (as opposed to shares)
 - Reference should be made to Companies House website above
 - Also the Company's Articles of Association or Memorandum should clearly state that any surplus of income over expenditure will be applied in a particular manner to ensure that no profit is actually made.
 - Do not remunerate the Directors of the Company
25. The recommendation is to delegate the determination of applications for discretionary relief outside this policy to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Rural Discretionary Relief

Guidance

26. The Local Government Finance and Rating Act 1997 introduced a scheme of 50% mandatory rate relief for certain kinds of property with effect from 1 April 1998. To qualify businesses must be within a rural settlement with a population of not more than 3,000.
27. The Rural Settlement List for Shropshire is at Appendix B.
28. Mandatory rate relief applies to a qualifying property which is within a settlement identified in an authority's rural settlement list for the chargeable financial year where its rateable value is not, at the beginning of the year in question more than a relevant prescribed amount. The rateable value limits are as follows:
- For qualifying sole shop, general store or post office £8,500.
 - For qualifying sole petrol filling station or pub £12,500.
29. In addition discretionary rate relief may be allowed if:
- The property is in a rural settlement
 - The rateable value of the property is £16,500 or less.
 - The property is used for purposes which are of benefit to the local community: and
 - It is reasonable for the Council to grant relief taking into account the interests of its council taxpayers

Financial Implications

30. With effect from 1 April 2013, under the arrangements for local business rate retention, the cost of all reliefs is split between the Government (50%), Shropshire Council (49%), and the Fire Authority (1%).

Approved Relief in Shropshire

31. To award 25% rate relief to qualifying post offices and general stores and to delegate the determination of applications for rural rate relief outside this policy to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.
32. In 2016 the Government announced their intention to legislate to award mandatory rural rate relief of 100% to qualifying rural business. As yet the legislation to allow this has not been passed. Instead, the Government have required billing authorities to award 100% relief to qualifying rural businesses using discretionary powers and this is fully funded by the Government via payment of Section 31 grant.

Hardship Relief

33. Section 49 of the Local Government Finance Act 1988 provides that the Council may reduce or remit any amount that a person is liable to pay in respect of Non-Domestic Rates. The Council cannot act under this section unless it is satisfied that:
 - The ratepayer would sustain hardship if the authority did not do so, and
 - It is reasonable for the authority to do so, having regard to the interest of its council tax payers.
34. Any amount up to 100% of the rates liability can be remitted.
35. Government guidance on the award of hardship relief is that each case must be treated on its merits and a 'blanket policy' must not be adopted.

Financial Implications

36. With effect from 1 April 2013, under the arrangements for local business rate retention, the cost of all reliefs is split between the Government (50%), Shropshire Council (49%), and the Fire Authority (1%).

Approved relief in Shropshire

37. The recommendation is to delegate the determination of non-domestic rate hardship relief to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Local Discounts

38. The Localism Act 2011 removed the previous restriction that discretionary relief could only apply to charities and other organisations of prescribed type. However discretionary relief may not be granted where the hereditament is an excepted hereditament such as a billing authority or a precepting authority.

Financial Implications

39. With effect from 1 April 2013, under the arrangements for local business rate retention, the cost of all reliefs is split between the Government (50%), Shropshire Council (49%), and the Fire Authority (1%).

Approved Relief in Shropshire

40. The recommendation is to delegate the determination of non-domestic rates local discounts to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Part Occupied Relief

41. This can be awarded where business premises are partly occupied or not fully occupied providing that the situation exists for a short time. When awarding the relief Shropshire Council ask the Valuation Office to provide amended rateable values based on the occupied and unoccupied areas.

Financial Implications

42. With effect from 1 April 2013, under the arrangements for local business rate retention, the cost of all reliefs is split between the Government (50%), Shropshire Council (49%), and the Fire Authority (1%).

Approved Relief in Shropshire

43. The recommendation is to delegate the determination of non-domestic rate part-occupied relief to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel.

Section 31 Grant Relief (Autumn Statement)

44. Since 2012 the Government has required Billing Authorities to grant relief to businesses in various circumstances. These reliefs are awarded under Section 47 of the Local Government Finance Act 1988 (discretionary powers) but the Council are fully compensated for the cost of these reliefs through payment of grant under Section 31 of Local Government Act 2003.

Financial Implications

45. The full cost of awarding these reliefs are covered by the Government through a Section 31 grant payment.

Approved Relief in Shropshire

46. The recommendation is to delegate authority to award any reliefs that are awarded under Section 47 Local Government Finance Act 1988 but fully compensated via Section 31 grant payment, to the Council's Section 151 Officer.

Council Tax Discretionary Discount

47. The Local Government Act 2003 introduced a new power as Section 13A of the Local Government Finance Act 1992, whereby a billing authority may reduce the liability of a council tax payer to such extent as it sees fit.
48. The power can be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced.

Financial Implications

49. Any cost associated with such a reduction is borne by the billing authority.

Approved Relief in Shropshire

50. The authority should have a due process for consideration of applications for discretionary council tax discount.

Process to consider applications to the authority to exercise its discretion

51. Requests for Section 13A discount may come from a variety of people for a variety of reasons.
52. Where applicants for discretionary discount are applying due to financial hardship consideration will be given to:
 - The applicants personal circumstances
 - The applicants income and expenditure and budget management
 - Any savings or assets available to the applicant
 - Any discount, relief, exemption, benefit, or any other financial assistance the applicant may be entitled to
 - Any other factors the authority deems to be relevant
53. In order to properly understand the claimants circumstances the applicant will be asked to provide reasonable evidence in support of their application. This may include:
 - Income and Expenditure statement
 - Documentary evidence to verify information provided on Income and Expenditure statements
 - Evidence that all other benefit eligibility has been explored thoroughly and maximised
 - Evidence of any applications made to other organisations for financial assistance

- Any special circumstances that the Council is aware of
 - Any other relevant documentation
54. Government guidelines state that an authority may delegate the decision making process on applications for discretionary relief either to individual officers or committees.
 55. The authority should have a mechanism that allows applicants to appeal against a decision by an authority to revoke, reject or restrict the award of discretionary relief. The same officials that made the original decision should not consider appeals. Guidelines suggest that it may be appropriate to refer any appeal to a panel of council members, especially where an officer of the council made the original decision under delegated powers.
 56. The timescales for appealing against a decision of a billing authority in relation to council tax liability are set out in Section 16 of the Local Government Finance Act 1992. This allows a person to appeal directly to the Valuation Tribunal if they have received no notification from the billing authority within two months of appealing against a decision.
 57. The recommendation is to delegate the determination of council tax discretionary discount awards to the Council's Section 151 Officer with any appeal against that decision to be heard by the General Appeals Panel. Where an appeal against a decision of Section 151 Officer is received the General Appeal Panel of Members will hear the appeal within two months of the appeal being received.
 58. The council taxpayer may appeal directly to the Valuation Tribunal if they remain dissatisfied with the outcome of the appeal, or if they have received no notification from the billing authority within two months of appealing against a decision of Section 151 Officer.
 59. The flowchart at Appendix C details the process for considering requests for Section 13A discount.

Appendix A – Shropshire Council Discretionary Relief Policy

Relief Type	Relief Description	Award %
Top up	<p>Local or national charities that provide a benefit to the local community that are classed as:</p> <ul style="list-style-type: none"> - community centres, village halls, meeting rooms - scouts, guides, cadets and youth clubs - museums - drop in/advice centres - nursery/pre schools - provision of care and support to vulnerable people - animal welfare - advancement of religion or the arts - sports/community centres providing sporting leisure facilities to the general public with no membership requirement <p>Charity shops that commit 90% of gross profit to the local community</p> <p>Sports clubs that are registered as Community Amateur Sports Clubs that can demonstrate that:</p> <ul style="list-style-type: none"> - Their membership is mainly composed of active membership rather than social membership - (Reference can be made as to whether the club has a bar or not) - The club is accessible to all - The club has achieved the CLUB MARK accreditation standard 	20%
non profit making	<p>Village hall and community centres</p> <p>Similar voluntary organisations whose emphasis is on recreational activity rather than social e.g.</p> <ul style="list-style-type: none"> - Senior Citizen's Clubs - Scout and guide huts - Youth clubs <p>Social Enterprises that provide a benefit to the local community:</p> <ul style="list-style-type: none"> - Registered Community Interest Companies - Industrial and Provident Societies - Companies Limited by Guarantee - Where articles of association or memorandum clearly state not conducted for profit and surplus is applied for benefit for community - directors receive no remuneration 	100%
Rural Rate Relief	25% to rural post offices and village shops that qualify for mandatory relief	25%
Hardship Relief	Applications to be considered by Section 151 Officer and any appeal to the General Appeals Panel	N/A
Local Business Rate Discounts	Applications to be considered by Section 151 Officer and any appeal to the General Appeals Panel	N/A
Part Occupied Relief	Applications to be considered by Section 151 Officer and any appeal to the General Appeals Panel	N/A
Section 31 Grant Relief	Applications to be considered by Section 151 Officer and any appeal to the General Appeals Panel	N/A
Council Tax discretionary discounts	Applications to be considered by Section 151 Officer and any appeal to the General Appeals Panel	N/A



Shropshire
Council

**National Non Domestic
Rates**

**RURAL SETTLEMENT
LIST**

2015

1. Background

1.1 Legislation

With effect from 1st April 1998, the Local Government Finance and Rating Act 1997 introduced a scheme of mandatory rate relief for certain kinds of hereditament situated in 'rural settlements'. A 'rural settlement' is defined as a settlement that has a population of not more than 3,000 on 31st December immediately before the chargeable year in question.

The Non-Domestic Rating (Rural Settlements) (England) (Amendment) Order 2009 (S.I. 2009/3176) prescribes the following hereditaments as being eligible with effect from 1st April 2010:-

- Sole food shop within a rural settlement and has a RV of less than £8,500;
- Sole general store within a rural settlement and has a RV of less than £8,500;
- Sole post office within a rural settlement and has a RV of less than £8,500;
- Sole public house within a rural settlement and has a RV of less than £12,500;
- Sole petrol filling station within a rural settlement and has a RV of less than £12,500;

Section 47 of the Local Government Finance Act 1988 provides that a billing authority may grant discretionary relief for hereditaments to which mandatory relief applies, and additionally to any hereditament within a rural settlement which is used for purposes which are of benefit to the local community.

1.2 Current Discretionary Rate Relief Policy

Currently, Shropshire Council's discretionary rate relief policy, as agreed by Council on 14 May 2015, allows the following awards to be made:-

- 25% to the sole post office within the rural settlement that qualify for mandatory relief;
- 25% to the sole village shop within the rural settlement that qualify for mandatory relief.

1.3 Source of Information

The population figures are currently based upon the 2011 Census, the relevant details of which are contained in Section 2.

The following tables in Section 3 details such rural settlements within Shropshire Council's area of responsibility.

2. Census 2011 Population Figures

Census Settlement	Population Estimate (unrounded)	Population Estimate (rounded)	Census Settlement	Population Estimate (unrounded)	Population Estimate (rounded)
Abdon	15	20	Bedstone	60	60
Ackleton	287	300	Bentlawnt	83	80
Acton Burnell	216	200	Berrington	57	60
Acton Round	29	30	Berwick	49	50
Acton Scott	27	30	Besom Woods/Wheathill	46	50
Adderley	206	200	Bettws-Y-Crwyn	4	5
Alberbury	109	110	Bicton	494	500
Albrighton (1)	4462	4500	Billingsley	129	13
Albrighton (2)	35	40	Bings Heath	57	60
Aldon	16	20	Binweston	12	10
All Stretton	288	300	Bishops Castle	1735	1700
Allfordgreen	37	40	Bitterley	104	100
Alveley	1566	1600	Bletchley	45	40
Angel Bank/Farden	227	250	Bomere Heath	1256	1300
Annscroft	228	250	Boningale	47	50
Arscott	72	70	Boraston	38	40
Ash Magna/Ash Parva	247	250	Bouldon	33	30
Ashford Bowdler	45	50	Bourton	76	80
Ashford Carbonell	326	350	Bourton Westwood	17	20
Asterley	112	110	Brandhill	24	20
Asterton	22	20	Breadon Heath	37	40
Astley	114	110	Bridgnorth	12312	12300
Astley Abbots	79	80	Broad Oak/Six Ashes	46	50
Aston	70	70	Brockton	46	50
Aston Botterell	33	30	Brockton (1)	70	70
Aston Eyre	43	40	Brockton (2)	57	60
Aston Munslow	114	110	Bromfield	81	80
Aston Pigott	33	30	Bromlow	57	60
Aston Rogers	50	50	Brompton	21	20
Aston-On-Clun	221	200	Bronygarth/Castle Mill	103	100
Atcham	127	130	Broome	98	100
Babbinswood	175	180	Broseley	4752	4800
Badger	107	110	Broughall	55	50
Bagley	74	70	Brown Heath	26	30
Barkers Green	47	50	Bryn	11	10

Barrow	17	20	Bucknell	405	400
Baschurch/Newtown/ Prescot	1602	1600	Buildwas	143	140
Bayston Hill	4837	4800	Burford	1216	1200
Beambridge/Aston Mill	32	30	Burlton	114	110
Beckbury	221	200	Burwarton	108	110
Bedlam	76	80	Button Bridge	58	60
Bushmoor/Leamoor Common	82	80	Condover	526	550
Button Oak	81	80	Coppice Gate	50	50
Callaughton	41	40	Coreley	31	30
Calverhall	156	160	Corfton/Corfton Bache	68	70
Cardeston	38	40	Cosford/Donnington	954	950
Cardington/Gretton	124	120	Cound/Upper Cound	179	180
Castle Pulverbatch	120	120	Coundmoor/Evenwo od Common	96	100
Catherton Common	124	120	Crackley Bank	34	30
Caynham	149	150	Craven Arms	2370	2400
Cefn Blodwel	18	20	Cressage	632	650
Cefn Einion	23	20	Crickheath	63	60
Chapel Lawn	32	30	Croesaubach	28	30
Chavel	41	40	Cross Houses	744	750
Chelmarsh	244	250	Cross Lane Head	56	60
Cheney Longville	39	40	Crowsnest	42	40
Chesterton	62	60	Cruckmeole	50	50
Cheswardine	625	650	Cruckton	90	90
Chetton	66	70	Culmington	131	130
Childs Ercall	492	500	Darliston	38	40
Chipnall	101	100	Deuxhill	9	10
Chirbury	220	200	Dhustone	91	90
Chirk Bank/Gledrid	622	600	Diddlebury	182	180
Chorley	121	120	Ditton Priors	408	400
Church Preen	41	40	Dobsons Bridge/Roving Bridge	65	60
Church Pulverbatch	35	40	Doddongton	269	250
Church Stretton	3676	3700	Donnington/Charlto n Hill	31	30
Claverley	672	650	Dorrington	606	600
Clee Hill/The Knowle	854	850	Dovaston/Knockin Heath	264	250
Clee St Margaret	84	80	Draycott	51	50
Cleeton St Mary	51	50	Dudleston	28	30
Cleobury Mortimer	2750	2700	Dudleston Heath/Gadlas	861	850
Cleobury North	30	30	Eardington	332	350

Clive	423	400	Eardiston	33	30
Clun	760	750	East wall	44	40
Clunbury	95	90	Easthope	59	60
Clungunford	200	200	Eaton Constantine	137	140
Clunton	120	120	Eaton Upon Tern	100	100
Cockshutford	29	30	Edge	20	20
Cockshutt	611	600	Edgebolton/Moreton Mill	176	180
Coed-Y-Go	63	60	Edgerley	52	50
Colebatch	68	70	Edgton/Basford	66	70
Colemere	71	70	Edstaston	43	40
Colemore Green	40	40	Ellesmere	3726	3700
Elson	63	60	High Hatton	48	50
Enchmarsh	20	20	Highley/Netherton	3158	3200
English Frankton	26	30	Hilton	179	180
Ensdon	22	20	Hindford	34	30
Exfords Green	27	30	Hinstock/Wood Lane	768	750
Eyton	21	20	Hinton	30	30
Eyton On Severn	16	20	Hints	148	150
Farley	23	20	Hodnet/Hodnet Heath	639	650
Farlow	15	20	Holdgate	22	20
Faulsgreen	108	110	Hollinwood	121	120
Felhampton	26	30	Homer	247	250
Felton Butler	24	20	Hookagate	114	110
Fenn Green	55	60	Hope	42	40
Fitz	31	30	Hope Bagot	30	30
Ford	595	600	Hope Bowdler	139	140
Ford Heath	52	50	Hopesay	65	70
Forton Heath/Mytton	118	120	Hopton Bank	77	80
Frodesley	126	130	Hopton Cangeford	11	10
Garmston	69	70	Hopton Castle	53	50
Glazeley	32	30	Hopton Heath	36	40
Gleedon Hill	16	20	Hopton Wafers	94	90
Glynmorlas/Rhyn	65	60	Hopton/Valeswood	100	100
Gobowen/Rhewl	2747	2700	Hordley	28	30
Grafton	106	110	Horsebridge	32	30
Great Ness	73	70	Hughley	43	40
Great Sutton	24	20	Hungerford/Broadst one	66	70
Great Wytheford	33	30	Ightfield	199	200
Greete	33	30	Jackfield	112	110
Grimpo	51	50	Kemberton	194	190
Grindle	30	30	Kempton	61	60
Grindley Brook	118	120	Kenley	44	40

Grinshill	153	150	Kinlet	65	70
Habberley	68	70	Kinnerley	297	300
Hadnall	568	550	Kinton	83	80
Halfway House	142	140	Knockin	182	180
Halston/Plealey Road	60	60	Knowbury	344	350
Hampton Loade	150	150	Lea	13	10
Hanwood	603	600	Lea Cross	65	60
Hanwood Bank	371	350	Leaton	24	20
Harley	139	140	Lee	43	40
Harmer Hill	318	300	Lee Brockhurst	122	120
Hatton	17	20	Leebotwood	113	110
Haughton	36	40	Leighton	132	130
Haytons Bent/Up Lo Hayton	107	110	Lilyhurst	25	20
Heath	13	10	Little Brampton	15	10
Heath Hill	65	60	Little Ness	108	110
Heathton	60	60	Little Stretton	238	250
Llanfair Waterdine	36	40	Montford	40	40
Llanyblodwel	69	70	Montford Bridge	320	300
Llanymynech	418	400	Morda	1553	1600
Llynclys	281	300	More	20	20
Lockleywood	78	80	Moreton Corbet	40	40
Long Meadow End	50	50	Moreton Say	40	40
Longden	247	250	Morton/Morton Common	89	90
Longden Common	109	110	Morville	81	80
Longford	60	60	Much Wenlock	2242	2200
Longnor	284	300	Muckley	13	10
Longslow	27	30	Muckley Cross	18	20
Longville In The Dale	66	70	Munslow	99	100
Longwood	38	40	Myddle	450	450
Loppington	220	200	Nantmawr	56	60
Loughton	16	20	Nash	33	30
Lower Frankton	61	60	Neen Savage	3	5
Lower Hordley/Bagley Marsh	102	100	Neen Sollars	76	80
Ludlow	10174	10200	Neenton	88	90
Lydbury North	234	250	Nesscliffe	221	200
Lydham	92	90	Netchwood Common	39	40
Lyneal	179	180	New Marton	17	20
Lyth Bank/Lyth Hill	218	200	Newcastle	152	150
Maesbrook/Maesbrook Green	160	160	Newtown	101	100
Maesbury	240	250	Noneley/Commonwood/Ruewood	78	80
Maesbury Marsh	252	250	Norbury	53	50

Mainstone	11	10	Nordley	38	40
Marchamley	196	200	Nordley Common	67	70
Market Drayton	11794	11800	Northwood	109	110
Marshbrook	39	40	Norton	151	150
Marton	118	120	Norton In Hales	296	300
Meadowtown	19	20	Nox	17	20
Melverley	31	30	Obley	21	20
Melverley Green	87	90	Oldbury	204	200
Merrington	33	30	Ollerton	46	50
Middle/Lower Hengoed	140	140	Onibury	112	110
Middlehope	13	10	Oreton	150	150
Middleton	95	90	Oswestry	17260	17300
Middleton Priors	48	50	Overton	65	70
Middleton Scriven	43	40	Pant Glas	57	60
Middleton/Aston Square	58	60	Pant/Pen-y-Coed	1199	1200
Mill Green	30	30	Park Hall	525	550
Milson	53	50	Peaton	24	20
Minsterley	1408	1400	Peatonstrand	29	30
Minton	30	30	Pennerley/The Bog	90	90
Monkhopton	90	90	Pentre	52	50
Peplow	29	30	Rushton	31	30
Petton	76	80	Ruyton XI Towns	940	950
Picklescott	38	40	Ryton	239	250
Pipegate	177	180	Sansaw Heath	59	60
Pitchford	129	130	Shawbury	1573	1600
Plaish	45	50	Sheinton	40	40
Platt Lane	53	50	Shelderton	16	20
Plealey	130	130	Shelve	19	20
Ploxgreen	99	100	Shepherds Lane/Calcott	133	130
Pont Faen	42	40	Sheriffhales	261	250
Pontesbury	1665	1700	Shifnal	6179	6200
Pontesbury Hill	203	200	Shipley	22	20
Pontesford	90	90	Shipton	43	40
Porthywaen	137	140	Shorthill	42	40
Posenhall	37	40	Shrawardine	134	130
Prees / Prees Wood	1037	1000	Shrewsbury	71460	71500
Prees Green	84	80	Sibdon Carwood	9	10
Prees Heath	130	130	Sidbury	28	30
Prees Higher Heath	1013	1000	Siefton	53	50
Prees Lower Heath	69	70	Siefton Bache	26	30
Preston	23	20	Silvington	25	30
Preston Brockhurst	73	70	Snailbeach	234	250

Preston Gubbals	38	40	Snitton	16	20
Preston Montford	3	5	Soudley	39	40
Priest Weston	69	70	Soudley (Great)	130	130
Priors Halton	4	5	Spurtree/Hammerhill	59	60
Purslow	15	10	St Martin Moor	60	60
Quatford	266	250	St Martins/Ifton Heath	120	120
Quatt	70	70	Stableford	64	60
Queens Head	92	90	Stanley Green	106	110
Quina Brook	77	80	Stanmore Camp	169	170
Ratlinghope	13	10	Stanton Lacy	35	40
Rednal	32	30	Stanton Long	43	40
Rhoswiel	181	180	Stanton Upon Hine Heath	233	250
Rhyd-y-Croesau	9	10	Stanwardine In The Fields	55	60
Richards Castle/Batchcott	43	40	Stapleton	117	120
Romsley	58	60	Stapleton Common	68	70
Rorrington	38	40	Stiperstones/Perkins Beach	146	150
Rosehill	68	70	Stockton	14	10
Roughton	50	50	Stoke Heath	288	300
Rowton	23	20	Stoke St Milborough	67	70
Ruckley/Langley	52	50	Stoke Upon Tern	120	120
Rudge	36	40	Stokesay	28	30
Rudge Heath	7	5	Stoney Stretton	50	50
Rushbury/Roman Bank	44	40	Stottesdon	176	180
Stowe	23	20	Wattlesborough Heath	142	140
Street Dinas	46	50	Weirbrook	39	40
Strefford	48	50	Welsh Frankton/Perthy	196	200
Stretford Bridge	41	40	Welshampton	204	200
Stretton Westwood	30	30	Welsh End	31	30
Sutton	36	40	Wem	5813	5800
Sutton Maddock	89	90	Wentnor	66	70
Sweeney Mountain/Nant-Y-Caws	142	140	Wern Ddu	9	10
Ternhill	67	70	West Felton	1032	1000
Tetchill	293	300	Westbury	519	500
The Down	23	20	Westhope	48	50
The Hobbins	354	350	Westley	22	20
The Hope	31	30	Weston	46	50
The Sheet	214	200	Weston and Wixhill	161	160
The Smithies	20	20	Weston Heath	73	70

The Wern	76	80	Weston Lullingfields	102	100
Ticklerton	49	50	Weston Rhyn/Preesgweene	1512	1500
Tilley	60	60	Weston Wharf/Weston Common	142	140
Tilstock	401	400	Whitchurch	9297	9300
Tong	105	100	Whitcot	15	20
Tong Norton	118	120	Whitcot Keysett	53	50
Treflach	180	180	Whittingslow	17	20
Trefonen	746	750	Whittington	1509	1500
Tuckhill	29	30	Whitton	65	70
Tugford	26	30	Whittytree/Duxmoor	43	40
Twitchen	43	40	Whixall	72	770
Uffington	125	130	Wilcott	169	170
Upper Affcot	17	20	Wistanstow	147	150
Upper Astley	84	80	Wistanswick/Crickmerry	308	300
Upper Hengoed	49	50	Withington	152	150
Uppington	56	60	Wollaston	24	20
Upton Cressett	13	10	Wollerton	201	200
Upton Magna	148	150	Woodseaves	180	180
Vennington	39	40	Woofferton	68	70
Vernolds Common	48	50	Woolstaston	27	30
Vron Gate	17	20	Woolston	97	100
Walford Heath/Oldwood	125	120	Woore/Irelands Cross	696	700
Walkmill	11	10	Wooton	27	30
Wall Under Heywood	105	110	Worfield	215	200
Wallbank	41	40	Worthern/Brockton	634	650
Walton	12	10	Wotherton	52	50
Waterloo	24	20	Wrentnall	33	30
Wroxeter	65	70			
Wyken	67	70			
Wykey	44	40			
Yeaton	52	50			
Yockleton	222	200			
Yorton	35	40			

3. Rural Settlements

i) Bridgnorth Parishes

Code	Parish & Designated Rural Settlement	Census Settlement	Census Settlement Population	Parish Population
NBN001	Acton Round	Acton Round	29	60
		Muckley	13	
		Muckley Cross	18	
NBN002	Albrighton	NOT RURAL	4462	4462
NBN003	Alveley	Alveley	1566	1650
		Fenn Green	55	
		Tuckhill	29	
NBN004	Astley Abbots	Astley Abbots	79	280
		Colemore Green	40	
		Cross Lane Head	56	
		Nordley	38	
		Nordley Common	67	
NBN005	Aston Botterell	Aston Botterell	33	33
NBN006	Aston Eyre	Aston Eyre	43	43
NBN007	Badger	Badger	107	107
NBN008	Barrow	Barrow	27	84
		Posenhall	37	
		The Smithies	20	
NBN009	Beckbury	Beckbury	221	221
NBN010	Billingsley	Billingsley	129	129
NBN011	Boningale	Boningale	47	47
NBN012	Boscobel	Boscobel	0	0
NBN013	Bridgnorth	NOT RURAL	12079	12549
		Oldbury	204	
		Quatford	266	
NBN014	Broseley	NOT RURAL	4929	5041
		Jackfield	112	
NBN015	Burwarton	Burwarton	108	108
NBN016	Chelmarsh	Chelmarsh	244	430
		Hampton Loade	150	
		Sutton	36	
NBN017	Chetton	Chetton	66	89
		The Down	23	
NBN018	Claverley	Broad Oak/Six Ashes	46	
		Claverley	672	

		Draycott	51	836
		Heathton	60	
		Rudge Heath	7	
NBN019	Cleobury North	Cleobury North	30	30
NBN020	Deuxhill	Deuxhill	9	9
NBN021	Ditton Priors	Ditton Priors	408	495
		Middleton Priors	48	
		Netchwood Common	39	
NBN022	Donington	Cosford/Donington	954	954
NBN023	Eardington	Eardington	332	332
NBN024	Easthope	Easthope	59	59
NBN025	Farlow	Farlow	15	165
		Oreton	150	
NBN026	Glazeley	Glazeley	32	32
NBN027	Highley	NOT RURAL	3158	3158
NBN028	Kemberton	Kemberton	194	194
NBN029	Kinlet	Button Bridge	58	254
		Button Oak	81	
		Coppice Gate	50	
		Kinlet	65	
NBN030	Middleton Scriven	Middleton Scriven	43	43
NBN031	Monkhopton	Monkhopton	90	90
NBN032	Morville	Morville	81	81
NBN033	Much Wenlock	Bourton	76	2669
		Bourton Westwood	17	
		Callaughton	41	
		Gleedon Hill	16	
		Homer	247	
		Much Wenlock	2242	
		Stretton Westwood	30	
NBN034	Neen Savage	Neen Savage	3	3
NBN035	Neenton	Neenton	88	88
NBN036	Quatt	Quatt	70	70
NBN037	Romsley	Romsley	58	58
NBN038	Rudge	Rudge	36	58
		Shipley	22	
NBN039	Ryton	Grindle	30	269
		Ryton	239	
NBN040	Sheriffhales	Crackley Bank	34	385
		Heath Hill	65	
		Lilyhurst	25	
		Sheriffhales	261	
NBN041	Shifnal	NOT RURAL	6179	6179
NBN042	Shipton	Shipton	43	43
NBN043	Sidbury	Sidbury	28	28
NBN044	Stanton Long	Brockton	70	113

		Stanton Long	43	
NBN045	Stockton	Norton	151	165
		Stockton	14	
NBN046	Stottesdon	Chorley	121	297
		Stottesdon	176	
NBN047	Sutton Maddock	Sutton Maddock	89	89
NBN048	Tasley	Tasley	0	0
NBN049	Tong	Tong	105	223
		Tong Norton	118	
NBN050	Upton Crescent	Upton Crescent	13	13
NBN051	Worfield	Ackleton	287	1447
		Chesterton	62	
		Hilton	179	
		Roughton	50	
		Stableford	64	
		Stanmore Camp	169	
		The Hobbins	354	
		Worfield	215	
		Wyken	67	

ii) North Shropshire Parishes

Code	Parish & Designated Rural Settlement	Census Settlement	Census Settlement Population	Parish Population
NNS001	Adderley	Adderley	206	206
NNS002	Baschurch	Baschurch/Newtown/Prescott	1602	1953
		Stanwardine In The Fields	55	
		Weston Lullingfields	102	
		Weston Wharf/Weston Common	142	
		Yeaton	52	
NNS004	Cheswardine	Cheswardine	625	895
		Chipnall	101	
		Soudley	39	
		Soudley (Great)	130	
NNS005	Childs Ercall	Childs Ercall	492	492
NNS006	Clive	Clive	423	423
NNS007	Cockshutt	Cockshutt	611	637
		English Frankton	26	
NNS008	Ellesmere Rural	Dudleston	28	1547
		Dudleston Heath/Gadlas	861	
		Elson	63	
		Lee	43	

		New Marton	17	
		Street Dinas	46	
		Tetchill	293	
		Welsh Frankton/Perthy	196	
NNS009	Ellesmere Urban	NOT RURAL	3726	3726
NNS010	Grinshill	Grinshill	153	212
		Sansaw Heath	59	
NNS011	Hadnall	Hadnall	568	568
NNS012	Hinstock	Hinstock/Wood Lane	768	
		Lockleywood	78	676
		Mill Green	30	
NNS013	Hodnet	Hodnet/Hodnet Heath	639	
		Marchamley	196	1065
		Peplow	201	
		Wollerton	29	
NNS014	Hordley	Bagley	74	
		Hordley	28	204
		Lower Hordley/ Bagley Marsh	102	
NNS015	Ightfield	Calverhall	156	355
		Ightfield	199	
NNS017	Loppington	Brown Heath	26	
		Burlton	114	438
		Loppington	220	
		Noneley/Commonwood/ Ruewood	78	
NNS018	Market Drayton	NOT RURAL	11794	11794
NNS019	Moreton Corbet	Lee Brockhurst	122	
		Moreton Corbet	40	235
		Preston Brockhurst	73	
NNS020	Moreton Say	Bletchley	45	
		Longford	60	239
		Longslow	27	
		Moreton Say	40	
		Tern Hill	67	
NNS021	Myddle	Harmer Hill	318	
		Marton	118	921
		Myddle	450	
		Yorton	35	
NNS022	Norton In Hales	Norton In Hales	296	296
NNS024	Petton	Petton	76	76
NNS025	Prees	Darliston	38	
		Fauls Green	108	2349
		Prees Green	84	
		Prees Higher Heath	1013	
		Prees Lower Heath	69	
		Prees/Prees Wood	1037	

NNS027	Shawbury	Edgebolton/Moreton Mill	176	1782
		Great Wytheford	33	
		Shawbury	1573	
NNS028	Stanton Upon Hine Heath	High Hatton	48	281
		Stanton Upon Hine Heath	233	
NNS029	Stoke on Tern	Eaton Upon Tern	100	862
		Ollerton	46	
		Stoke Heath	288	
		Stoke on Tern	120	
		Wistanswick/Crickmerry	308	
NNS030	Sutton on Tern	Rosehill	68	284
		Sutton	36	
		Woodseaves	180	
NNS031	Welshampton	Breaden Heath	37	491
		Colemere	71	
		Lyneal	179	
		Welshampton	204	
NNS032	Wem Rural	Aston	70	507
		Barkers Green	47	
		Edstaston	43	
		Newtown	101	
		Northwood	109	
		Quina Brook	77	
		Tilley	60	
NNS033	Wem Urban	NOT RURAL	5813	5813
NNS034	Weston Under Redcastle	Weston	46	280
		Weston & Wixhill	161	
		Weston Heath	73	
NNS035	Whitchurch Rural	Ash Magna/Ash Parva	247	833
		Broughall	55	
		Prees Heath	130	
		Tilstock	401	
NNS039	Whitchurch Urban	NOT RURAL	9297	9415
		Grindley Brook	118	
NNS041	Whixall	Dobsons Bridge/ Roving Bridge	65	472
		Hollinwood	121	
		Platt Lane	53	
		Stanley Green	106	
		Waterloo	24	
		Welsh End	31	
		Whixall	72	
NNS042	Woore	Pipe Gate	177	873
		Woore/Irelands Cross	696	

iii) Oswestry Parishes

Code	Parish & Designated Rural Settlement	Census Settlement	Census Settlement Population	Parish Population
NOW001	Kinnerley	Dovaston/Knockin Heath	264	825
		Edgerley	52	
		Kinnerley	297	
		Maesbrook/Maesbrook Green	160	
		Pentre	52	
NOW002	Knockin	Knockin	182	182
NOW003	Llanyblodwel	Cefn Boldwel	69	275
		Llanyblodwel	69	
		Porthywaen	137	
NOW004	Llanymynech & Pant	Llanymynech	418	1898
		Llynclys	281	
		Pant/Pen-y-Coed	1199	
NOW005	Milverley	Milverley	31	118
		Milverley Green	87	
NOW006	Oswestry Rural	Coed-y-Go	63	2497
		Crickheath	63	
		Croesbach	28	
		Maesbury	240	
		Maesbury Marsh	252	
		Middleton/Aston Square	58	
		Morda	1553	
		Morton/Morton Common	89	
		Rhyd-y-Croesau	9	
		Sweeney Mountain/Nant-Y-Caws	142	
NOW007	Trefonen	Nantmawr	56	991
		Treflach	180	
		Trefonen	746	
		Wern Ddu	9	
NOW008	Ruyton XI Towns	Eardiston	33	1017
		Ruyton XI Towns	940	
		Wykey	44	
NOW009	Selattyn	Gobewen/Rhewl	2747	3058
NOW010	Gobowen	Middle/Lower Hengoed	140	
		Pant Glas	57	
		Upper Hengoed	49	
		Glynmorlas/Rhyn	65	
NOW011	St. Martins	St. Martins/Ifton Heath	12	123
		St. Martins Moor	60	
		Grimpo	51	
NOW012	West Felton	Haughton	36	

		Queens Head	92	1231
		Rednall	32	
		Weirbrook	39	
		West Felton	1032	
NOW013	Weston Rhyn	Bronygarth/Castle Mill	103	2536
		Chirk Bank/Gledrid	622	
		Pont Faen	42	
		Rhoswiel	181	
		The Wern	76	
		WestonRhyn/Preesgweene	1512	
NOW014	Whittington	Babbinswood	175	2304
		Hindford	34	
		Lower Frankton	61	
		Park Hall	525	
		Whittington	1509	
NOW015	Oswestry Town	NOT RURAL	17260	17260

iv) Shrewsbury & Atcham Parishes

Code	Parish & Designated Rural Settlement	Census Settlement	Census Settlement Population	Parish Population
NSA101	Acton B, Frod, Pitch, Ruck, Lang	Acton Burnell	216	523
		Frodesley	126	
		Pitchford	129	
		Ruckley/Langley	52	
NSA102	Alberbury and Cardeston	Alberbury	109	454
		Cardeston	38	
		Halfway House	142	
		Rowton	23	
		Wattlesborough Heath	142	
NSA103	All Stretton, Smethcote & Woolstan	All Stretton	288	353
		Picklescote	38	
		Woolstaston	27	
NSA104	Astley	Astley	114	255
		Bings Heath	57	
		Upper Astley	84	
NSA105	Atcham	Atcham	127	176
		Berwick	49	
NSA106	Bayston Hill	Not Rural	4837	4837
NSA107	Berrington	Berrington	57	822
		Brompton	21	
		Cross Houses	744	
NSA108	Bicton	Bicton	494	630
		Preston Montford	3	

		Shepherds Lane/Calcott	133	
NSA109	Bomere Heath & District	Albrighton	35	1767
		Bomere Heath	1256	
		Fitz	31	
		Forton Heath/Mytton	118	
		Grafton	106	
		Leaton	24	
		Merrington	33	
		Preston Gubbals	39	
		Walford Heath/Oldford	125	
NSA110	Buildwas	Buildwas	143	143
NSA111	Cardington	Cardington/Gretton	124	189
		Enchmarsh	20	
		Plaish	45	
NSA112	Church Preen, Hughley & Kenley	Church Preen	41	128
		Hughley	43	
		Kenley	44	
NSA113	Church Pulverbatch	Castle Pulverbatch	120	188
		Church Pulverbatch	35	
		Wrenthall	33	
NSA114	Condoover	Condoover	526	1249
		Dorrington	606	
		Stapleton	117	
NSA115	Cound	Cound/Upper Cound	179	275
		Coundmoor/Evenwood Common	96	
NSA116	Cressage, Harley & Sheinton	Cressage	632	811
		Harley	139	
		Sheinton	40	
NSA117	Ford	Chavel	41	636
		Ford	595	
NSA118	Great Hanwood	Hanwood	603	974
		Hanwood Bank	371	
NSA119	Great Ness & Little Ness	Felton Butler	24	778
		Great Ness	73	
		Hopton/Valeswood	100	
		Kinton	83	
		Little Ness	108	
		Nesscliffe	221	
		Wilcott	169	
NSA120	Leebotwood & Longnor	Leebotwood	113	397
		Longnor	284	
NSA121	Leighton & Easton Constantine	Eaton Constantine	137	376
		Garmston	69	
		Leighton	132	
		Longwood	38	

NSA122	Longden	Annscroft	228	1011
		Exfords Green	27	
		Hook a Gate	114	
		Longden	247	
		Longden Common	109	
		Lyth Bank/Lyth Hill	218	
		Stapleton Common	68	
NSA123	Minsterley	Horsebridge	32	1558
		Meadowtown	19	
		Minsterley	1408	
		Ploxgreen	99	
NSA124	Montford	Ensdon	22	516
		Montford	40	
		Montford Bridge	320	
		Shrawardine	134	
NSA125	Pontesbury	Arscott	72	2663
		Asterley	112	
		Cruckmeole	50	
		Cruckton	90	
		Edge	20	
		Farley	23	
		Habberley	68	
		Halston/Plealey Road	60	
		Hinton	30	
		Lea	13	
		Lea Cross	65	
		Plealey	130	
		Pontesbury	1665	
		Pontesbury Hill	203	
		Pontesford	20	
		Shorthill	42	
NSA126	Uffington	Uffington	125	125
NSA127	Upton Magna	Preston	23	171
		Upton Magna	148	
NSA128	Westbury	Ford Heath	52	938
		Nox	17	
		Stoney Stretton	50	
		Vennington	39	
		Vron gate	17	
		Westbury	519	
		Westley	22	
		Yockleton	222	
NSA129	Withington	Withington	152	152
NSA130	Wollaston	Wollaston	24	24
NSA131	Wroxeter & Uppington	Donnington/Charlton Hill	31	
		Eyton on Severn	16	

		Rushton	31	199
		Uppington	56	
		Wroxeter	65	
NSA132	Shrewsbury Town	NOT RURAL	71460	71460

v) South Shropshire Parishes

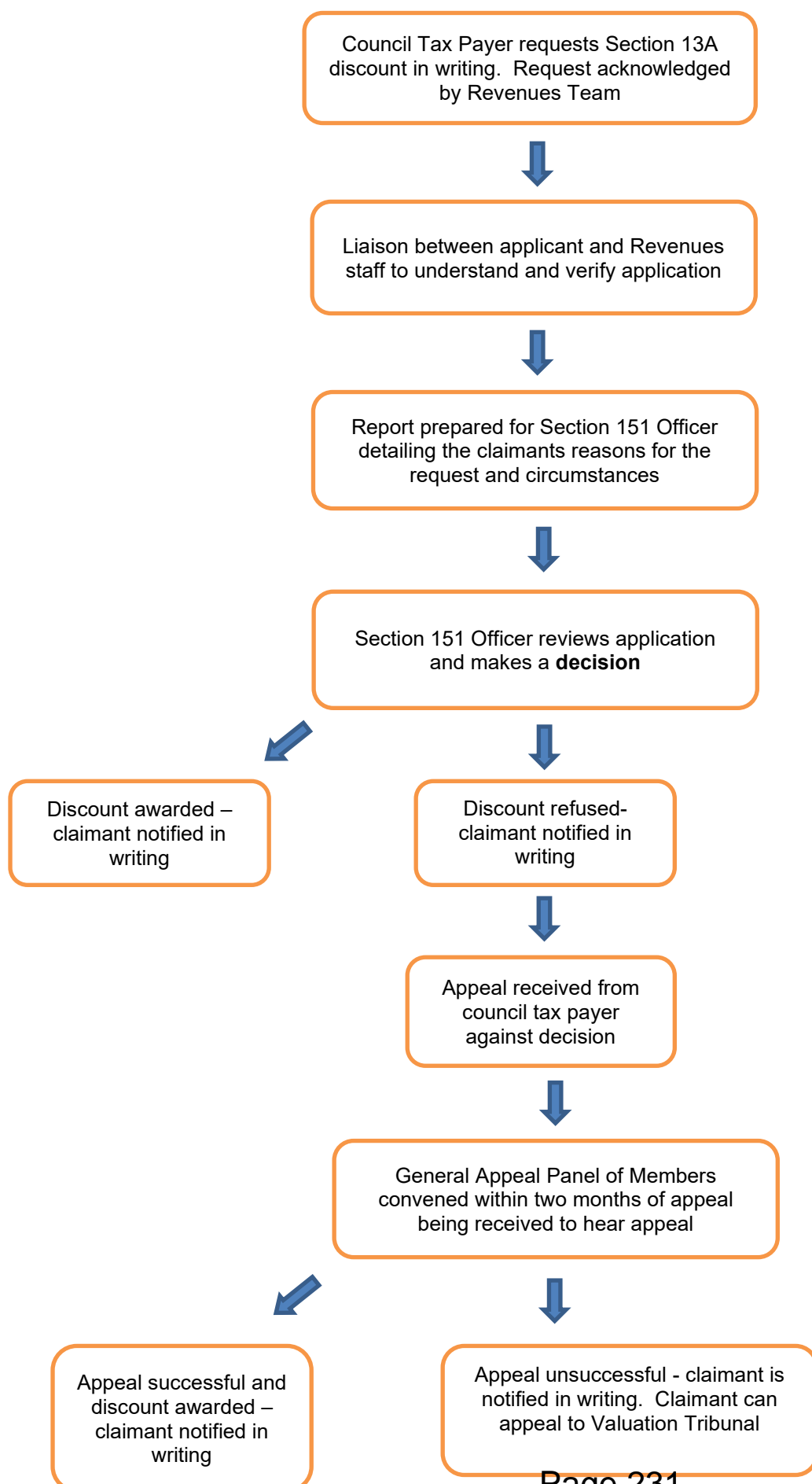
Code	Parish & Designated Rural Settlement	Census Settlement	Census Settlement Population	Parish Population
NSS01	Abdon	Abdon	15	63
		Holdgate	22	
		Tugford	26	
NSS02	Acton Scott	Acton Scott	27	27
NSS03	Ashford Bowdler	Ashford Bowdler	45	45
NSS04	Ashford Carbonel	Ashford Carbonel	326	326
NSS05	Bitterley	Angelbank/farden	227	660
		Bedlam	76	
		Bitterley	104	
		Cleeton St Mary	51	
		Dhustone	91	
		Middleton	95	
		Snitton	16	
NSS06	Boraston	Boraston	38	97
		Spurtree/Hammermill Hill	59	
NSS07	Bromfield	Bromfield	81	85
		Priors Halton	4	
NSS08	Burford	Burford	1216	1216
NSS09	Caynham	Caynham	149	1347
		Clee Hill/The Knowle	854	
		Knowbury	344	
NSS10	Church Stretton & Little Stretton	Church Stretton	3676	3983
		Little Stretton	238	
		Marshbrook	30	
		Minton	39	
NSS13	Clee St. Margaret	Clee St Margaret	84	113
		Cockshutford	29	
NSS14	Cleobury Mortimer	Cleobury Mortimer	2750	2750
NSS15	Coreley	Coreley	31	179
		Hints	148	
NSS16	Culmington	Culmington	131	258
		Seifton	53	
		Seifton Bache	26	
		Vernolds Common	48	
NSS17	Diddlebury	Corfton/Corfton Bache	68	

		Diddlebury	182	388
		Great Sutton	24	
		Middlehope	13	
		Peaton	24	
		Peatonstrand	29	
		Westhope	48	
NSS18	Eaton Under Heywood	Hatton	17	66
		Ticklerton	49	
NSS20	Greete	Greete	33	33
NSS22	Heath	Heath	13	13
NSS23	Hope Bagot	Hope Bagot	30	30
NSS24	Hope Bowdler	Hope Bowdler	139	139
NSS26	Hopton Cangeford	Hopton Cangeford	11	11
NSS27	Hopton Wafers	Catherton Common	124	564
		Doddington	269	
		Hopton Bank	77	
		Hopton Wafers	94	
NSS29	Ludford	The Sheet	214	214
NSS30	Ludlow	NOT RURAL	10174	10174
NSS34	Milson	Milson	53	53
NSS35	Munslow	Aston Munslow	114	279
		Hungerford/Broadstone	66	
		Munslow	99	
NSS36	Nash	Nash	33	33
NSS37	Neen Sollars	Neen Sollars	76	76
NSS38	Onibury	Onibury	112	194
		Walton	12	
		Whittytree/Duxmoor	43	
		Wooton	27	
NSS39	Richards Castle	Overton	65	176
		Richards Castle/Batchcott	43	
		Woofferton	68	
NSS40	Rushbury	East Wall	44	300
		Longville In The Dale	66	
		Rushbury/Roman bank	44	
		Wallbank	41	
		Wall Under Heywood	105	
NSS41	Sibdon Carwood	Sibdon Carwood	9	9
NSS43	Stanton Lacy	Haytons Bent/Upper & Lower Hayton	107	184
		Hopton Cangeford	11	
		Stanton Lacy	35	
		The Hope	31	
NSS44	Craven Arms	Aldon	16	2471
		Bouldon	33	
		Brandhill	24	

		Craven Arms	2370	
		Stokesay	28	
NSS45	Stoke St. Milborough	Stoke St. Milborough	67	67
NSS47	Wheathill	Besom Woods/Wheathill	46	87
		Loughton	16	
		Silvington	25	
NSS48	Whitton	Whitton	65	92
		Wooton	27	
NSS49	Wistanstow	Bushmoor/Leamoor Common	82	473
		Cheney Longville	39	
		Felhampton	26	
		Strefford	48	
		Upper Affcot	17	
		Whittingslow	17	
		Wistanstow	147	
		Woolston	97	
NSS51	Bedstone	Bedstone	60	60
NSS52	Bettws-y-Crwyn	Bettws-y-Crwyn	4	4
NSS53	Bishops Castle	Bishops Castle	1735	1735
NSS55	Bucknell	Bucknell	405	405
NSS56	Chirbury with Brompton	Chirbury	220	379
		Priest Weston	69	
		Rorrington	38	
		Wotherton	52	
NSS57	Clun & Chapel Lawn	Bryn	11	856
		Chapel Lawn	32	
		Clun	760	
		Whitcott Keysett	53	
NSS58	Newcastle	Newcastle	152	152
NSS59	Clunbury	Clunbury	95	370
		Clunton	120	
		Kempton	61	
		Little Brampton	15	
		Obley	21	
		Purslow	15	
		Twitchen	43	
NSS60	Clungunford	Clungunford	200	252
		Hopton Heath	36	
		Shelderton	16	
NSS61	Colebatch	Colebatch	68	68
NSS62	Edgton	Edgton/Basford	66	66
NSS63	Hopesay	Aston-On-Clun	221	466
		Beambridge/Aston Mill	32	
		Broome	98	
		Hopesay	65	

		Long Meadow End	50	
NSS64	Hopton Castle	Hopton Castle	53	53
NSS65	Llanfair Waterdine	Llanfair Waterdine	36	36
NSS66	Lydbury North	Brockton	27	261
		Lydbury North	234	
NSS67	Lydham	Lydham	92	92
NSS68	Mainstone	Cefn Einion	23	34
		Mainstone	11	
NSS69	More	More	20	20
NSS70	Myndtown	Asterton	22	22
NSS71	Norbury	Norbury	53	79
		Walkmill	11	
		Whitcot	15	
NSS72	Ratlinghope	Ratlinghope	13	13
NSS74	Stowe	Stowe	23	23
NSS75	Wentnor	Wentnor	66	66
NSS76	Worthen with Shelve	Aston Pigott	33	1442
		Aston Rogers	50	
		Bentlawnt	83	
		Binweston	12	
		Bromlow	57	
		Crows Nest	42	
		Hope	42	
		Pennerley/The Bog	90	
		Shelve	19	
		Snailbeach	234	
		Stiperstones/Perkins Beach	146	
		Worthen/Brockton	634	

Appendix C – Flowchart for consideration of Section 13A council tax discretionary discounts



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Committee and Date

Cabinet

19 October 2022

Item

Public

SCHOOL STREETS, SHROPSHIRE

Responsible Officer

Rhiannon Letman-Wade, School Travel Plan Co-ordinator

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1. Synopsis

The purpose of this report is to seek cabinet approval to mandate School Streets across Shropshire.

2. Executive Summary

- 2.1. School Streets are streets outside of school gates that are pedestrianised (except for permit holders) during school drop off and pick up times. Highway Authorities across the UK and wider have been implementing School Streets for a number of years, ensuring that child safety is of utmost priority.
- 2.2. A change in legislation from the Department of Transport enables Shropshire Council to apply for "moving traffic offences" powers to enforce School Streets using Automatic Number Plate Recognition (ANPR) cameras. By using cameras, a larger number of schools will be eligible for the scheme. Once granted the powers, Shropshire Council, as the highway authority, will be able to enforce.
- 2.3. School Streets, where traffic is restricted on roads outside schools at pick-up and drop-off times during term-times, make it safer and easier for children to walk, scoot and cycle to school. This reduces children's exposure to air pollution on part of their journey to school and from cars with idling engines outside the school gates. Government funding and associated guidance which specifically encourages School Streets, make it possible for more children across England to benefit from this initiative.
- 2.4. Restricting cars outside schools enables children to safely egress and digress from school. The lack of vehicular movements ensures a

safe space outside the school gate, thus encouraging an increase in active travel.

3. Recommendations

That Cabinet approves:

- 3.1. Approval to apply for Moving Traffic Offences Powers to use ANPR cameras from the Department for Transport to launch a rolling programme of School Streets across Shropshire
- 3.2. An 18 month pilot of 6 School Streets across Shropshire to include full monitoring and evaluation using an Experimental Traffic Regulation Order (ETRO). This pilot will include full monitoring and evaluation for 1 year where a decision will be made whether to amend the scheme, make it permanent or withdraw the scheme.
- 3.3. On receipt of the full report findings of the 6 pilot schools, a paper to be presented to cabinet with final recommendations.
- 3.4. Any surplus arising from enforcement of School Streets to be reinvested back into the School Streets project to enable the continued rollout across the county.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. **Risk:** Objections to School Streets from residents within the School Streets zone.
- 4.2. **Mitigation:** Residents can object to the scheme during the 18-month pilot. These objections will be assessed on an individual basis and presented in an officer decision report. The purpose of School Streets is to create a reduced traffic area. Each objection will be determined against the overall aim of child safety.
- 4.3. **Risk:** Due to the pedestrianisation of school streets except for permit holders, neighbouring roads may raise concerns of displacement of traffic.
- 4.4. **Mitigation:** Research suggests that implementing a School Street does not cause huge traffic displacement as a result of the scheme and increases the number of families actively travelling.
- 4.5. **Risk:** Conflict of road users

- 4.6. **Mitigation:** Parents, residents and the school community will be reminded that the road is operational to permit holders only.

4.7 Equality, Social Inclusion and Health Impact

- 4.7.1 An initial Equality, Social Inclusion and Health Impact Assessment (ESHIA) has been carried out. This screening indicated that this scheme, at pilot stage and if rolled out across Shropshire, will be anticipated to have a positive impact on children, young people and their families and carers. It is therefore anticipated to have a positive impact for the Protected Characteristic groupings of Age, Pregnancy and Maternity, and Sex, with the latter two picking up on caring responsibilities.
- 4.7.2 The School Streets scheme will allow these groups of people to get to and from school in a lower traffic environment, resulting in cleaner air and a positive environment. It is accordingly also anticipated to bring positive impacts in terms of mental wellbeing, and thus a positive impact for the Protected Characteristic grouping of Disability.
- 4.7.3 As well as children and young people and their families and carers, the benefits are anticipated to extend to teachers and support staff at the schools, visitors to the school and governors, and residents on the streets affected, as they will benefit from a calm, low traffic school run environment which will result in cleaner air.
- 4.7.4 Concerns which could be raised in the initial engagement about reduced access for residents who have disabilities and/or may be frail by virtue of their age are mitigated by making the motor vehicles belonging to the following groups of drivers eligible for an exemption permit, to enable them driving in the School Street during the hours of operation:
- a) Blue Badge holders
 - b) Schools buses and vehicles used in the transport of children and adults with special access needs, including private vehicles, taxis and minicabs declared for such use and registered with the school or with the Council. In exceptional circumstances the school may also request a temporary waiver to enable vehicle access for situations such as a pupil with a temporary injury affecting mobility.

5. Financial Implications

- 5.1 The proposed School Streets scheme would be 100% funded from the DfT Active Travel Fund Tranche 4 and is estimated to cost approximately £312,000 for 6 schools. The cost of schools with two

cameras is estimated at £62,000 and the cost of schools with one camera is £31,000. We will apply for funding from Active Travel England to implement School Streets. Ongoing costs of the scheme will include camera maintenance and streaming. This is approximately £3000 per camera per year.

- 5.2. The implementation of additional signs and cameras would place a requirement on the Authority to maintain them to an acceptable standard and would consequently incur additional ongoing revenue costs. This could be offset through PCN's issued through the scheme.

6. Climate Change Appraisal

- 6.1. Each School Street will have an air quality monitor within and outside the zone. This will be to establish the change in air quality before and after the implementation of the scheme. An air quality monitor will be put up inside and just outside the zone prior to the start date of the school street. It will monitor the air quality from before and during the scheme to determine if there has been a reduction in carbon emissions. (see appendix 1)
- 6.2. Children are most at risk when it comes to poor air quality and pollution. Children are particularly impacted by air pollution because they breathe faster and are more physically active, have narrower airways, and their brains and lungs are still developing¹. Levels of air pollution that would cause only slight irritation in an adult can result in potentially significant obstruction in the airways of a young child.²

7. Background

- 7.1. Shropshire already has one School Street at Coleham Primary School. This School Street was implemented throughout Covid using Covid powers. Whilst the scheme has been positive, there are reports that people are moving the cones to gain access to the street. ANPR cameras would ensure that the scheme is adhered to at all times.
- 7.2. School Streets have been rolled out across the UK. They have proven to be successful in increasing active travel levels to school as well as creating safer environments outside the school gates.

8. Additional Information

¹ UNICEF (2016) Clear the Air for Children

² Mott L (1997) Our children at risk. The 5 worst environmental threats to their health. Report for National Resources Defence Council.

- 8.1. Should cabinet approve the use of ANPR cameras, a 6 week consultation will be carried out with residents as part of the approval process for obtaining Moving Traffic Offences powers. This 6 week consultation will occur before the start of the pilot.
- 8.2. Regulatory services will be undertaking the enforcement work, but we will need additional posts to undertake this additional work
- 8.3. The pilot will run for an 18 month period and will receive full monitoring. We will then bring the results of the pilot back to cabinet with the intention of rolling out the scheme further if successful.

9. Conclusions

- 9.1. A rollout of School Streets would ensure safety of pupils across Shropshire, as well as providing opportunity for behaviour change to active modes.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Kirstie Hurst-Knight

Local Member

Appendices

Appendix 1: Implementation of School Streets

Appendix 2: ESHIA

APPENDIX 1- SCHOOL STREETS

A. 1.1 SCHOOL STREETS OVERVIEW

Between 2006 and 2011, insurance figures showed there were more than half a million vehicle collisions on roads around schools in the UK, resulting in more than 1,000 child injuries and casualties a month³. While these numbers have fallen since, we are dedicated to practises and policies that ensure that children in Shropshire can attend school as safely as possible.

School Streets are restricted streets (or zones) in areas around busy schools that become "*Pedestrians & Cycles Only*" for part of a day, usually during peak school hours. This means that motor vehicles are not permitted to enter or drive in these streets while the restrictions are active unless they have a valid School Street (SZ) permit.

B. 2.1 JUSTIFICATION

The UK's continued growth in car ownership (+9% in the last 5 years, significantly faster than the +2.5% over the 5 years prior⁴) and a decade high peak in the number of children coming into school age (+22% compared to 10 years earlier⁵) are adding to the pressure in school roads. These factors follow economic and population cycles, which are forecast to grow significantly above the UK average over the next decade. The naturally occurring cycles can therefore not be relied on to automatically resolve the traffic and parking situations experienced by many schools. The presently worsening situations cannot be resolved without introducing some form of discouragement to driving.

Reducing the number of vehicles around schools not only reduces the potential for vehicle and pedestrian collisions, but there are additional health benefits as well. The latest figures from Public Health England suggest that the number of deaths per year that can be attributed to poor air quality has increased to over 28,000 in England. Traffic is the main contributor to reduced air quality and, while it has an effect on everyone's quality of life, some of the people who suffer the most are the very young. It is intended that reducing traffic around school entrances will improve safety, reduce pollution and make sustainable methods of travel more appealing.

C. 3.1 KEY PERFORMANCE INDICATORS

School Streets are a relatively young concept. They were first introduced in Milan and the idea was imported by Hackney Council in 2017. While the

³ Road Safety Analysis (RSA) research body in collaboration with Axa Car Insurance

⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716075/vehicle-licensing-statistics-2017-revised.pdf

⁵<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/livebirths/bulletins/birthsummarytablesenglandandwales/2017>

creation of School Streets is an approach that is increasingly being used across the UK, with cities such as Edinburgh and Leeds also creating their own School Street schemes, we want to make sure they work for Shropshire. Therefore the School Street scheme will be first be implemented as a trial to assess their impact and if the situation has improved.

Section 9 of the Road Traffic Regulation Act 1984 permits the Council to create an Experimental Traffic Order for a period of up to 18 months. Within this 18-month period, the decision will be made to make the 6 trial School Streets permanent, amend the scheme based on the requirements identified during the trial period or revoke the scheme. This decision will be made on a number of factors including;

- 1) Vehicle counts (reduction or increase)
- 2) Air quality improvements
- 3) Impact of parking displacement
- 4) Positive/negative survey results from parents and residents
- 5) Numbers of offending vehicles and fines issued
- 6) Feedback from Schools
- 7) Shift towards sustainable transport methods and active travel uptake

3.2 Widening of the Scheme

As we need to make sure the scheme can be successfully implemented in Shropshire, we will not consider introducing School Streets at other locations until the results from the trial period have been collated and analysed. However, interest in introducing School Streets at other locations will be recorded.

D. 4.1 SCHOOL SELECTION CRITERIA

We are already working hard to support schools across Shropshire promote road safety through the Road Safety Team, make improvements to walking/cycling facilities and develop Active Travel Plans. However, in areas around some schools, the safety concerns and problems caused by vehicle access and inconsiderate driver behaviour are so severe that the introduction of School Streets has been considered as an important step in alleviating these pressures.

E. 5.1 ENGAGEMENT

The Local Authorities Traffic Order Procedure (England and Wales) Regulations 1996 places a duty upon the Council to properly consult on any proposals that may result in a Traffic Order and require the giving of appropriate notices and the receiving of representations from the resulting engagement.

5.2 School Engagement

Each school that is part of the trial will receive dedicated support to increase the number of people travelling to school sustainably. Parent meetings will be held to explain the School Street scheme as well as finding volunteers to establish initiatives to promote walking to school. Staff will consult with pupils in the schools to better understand how pupils can feel safe travelling to school and how we can encourage more sustainable travel to school. We will encourage children to come up with a number of ideas that are going to encourage cross school competition, as well as using the WOW tracker by Living Streets⁶, a system to monitor their travel behaviour.

5.3 Resident Engagement

Letters will be sent to residents within the proposed School Street zones as part of the statutory consultation period. Site notices will also be displayed in the area for the general public.

5.4 Other Stakeholder Engagement

The council will consult with Royal Mail regarding their operational requirements around the School Street areas. Their response is likely to justify the inclusion of an official exemption for Royal Mail vehicles undertaking their duties being included in the Traffic Order. In accordance with Part III, Schedule 9 of the Road Traffic Regulation Act 1984, the Council will also consult with the relevant partners.

6.1 ACTIVE TRAVEL

A generation ago 75% of children walked or made use of sustainable transport methods to travel to school, now this figure has been halved⁷. An active lifestyle leads to short and long term health benefits including maintaining a healthy weight, improved self-confidence, improved social skills and reduced symptoms of anxiety and depression. 1 in 10 children entering primary school in Shropshire are already obese, rising to 1 in 6 by age 10-11 years⁸. The commonest cause of death for children aged 5-14 is being hit by a vehicle.

The increase in car use influences parents' perception of child safety, further making them feel compelled to drive their child to school, thus making the problem worse. This self-perpetuation demands a strong measure, to help reverse the unsustainable trend of an increasing number of children being driven to school for relatively short journeys. Making our streets more child-friendly will reduce casualty rates and increase parents' confidence in allowing their children to be physically active outdoors. Making regular physical activity a routine part of life, including getting to and from school, is an essential habit for life, to improve children's health now and as they grow up.

⁶ <https://www.livingstreets.org.uk/products-and-services/projects/wow-travel-tracker>

⁷ Living Streets, School Street Toolkit, www.livingstreets.org.uk

⁸ Report of the Childhood Obesity Task and Finish Group, Shropshire

Croydon Council has shown that when Active Travel initiatives are carried out in conjunction with the School Streets road closures, the impact can be significant⁹. Croydon carried out before and after surveys one year apart. These indicated their pilot School Street schemes have considerably reduced reliance on car use. They identified a 15% (worst case) to 62% (best case) uptake in cycling, scootering and walking, and a 15% to 25% reduction in car use.

6.2 Active Travel Plans

A key part of the School Street scheme is the development of Active Travel Plans by schools. Ensuring that every school in Shropshire will develop an Active Travel plan – including training and/or infrastructure improvements will allow Shropshire Council to have a rolling programme of infrastructure led changes outside schools.

Shropshire Council will have Active Travel to Schools officers in place to support this commitment and all schools signing up to the School Street scheme will be required to have an Active Plan in place. Working together, the first step is to explore how and why people are travelling to your school by car. Using this information, each school then develops an action plan. The action plan will identify how the school can encourage a reduction in car use and increase active modes of travel. The success of the action plans will be monitored as part of the appraisal of the School Street scheme.

F. 7.1 ENFORCEMENT

In recent times the Council has increased many parking controls around school entrances in an effort to increase safety and promote sustainable travel; but to limited effect. Unfortunately this has not led to a change in driver behaviour and the car is still seen by many as the default method of transport. This may be because traditional enforcement methods are problematic and deploying parking enforcement officers is rarely effective in changing driver behaviour, especially considering the significant numbers of schools that are in the Shropshire area.

7.2 Enforcement Method

The School Street scheme is instead monitored by cameras under our civil powers to enforce moving traffic contraventions. Schedule 7 of the Traffic Management Act 2004 allows the Council to enforce vehicles breaching a prohibition on motor vehicles (contravention code 52m) by issuing PCNs to offenders. Traffic enforcement cameras will be used to monitor vehicles illegally driving in School Streets and PCNs will be issued to offenders.

⁹ CROYDEN COUNCIL SCHOOL STREET REPORT TO: TRAFFIC MANAGEMENT ADVISORY COMMITTEE 2 May 2019

The current penalty for this contravention is £70, which is reduced to £35 if paid within 21 days. The penalty amount will increase if the PCN is ignored and ultimately we may register the debt at the County Court.

The statutory guidance recommends that for a period of six months following implementation of enforcement of moving traffic contraventions, at each particular camera location, local authorities outside London should issue warning notices for first-time moving traffic contraventions. The warning notice will advise that any further moving traffic contravention would result in the issue of a Penalty Charge Notice. See the explanation of the 3 statutory instruments bringing the moving traffic enforcement into force and also the statutory guidance published by the DfT

7.3 Enforcement Times

All our School Streets will not operate at the weekends, during August and when Schools are closed. The times of enforcement will be published on the Council's website. The regulatory signs during the trial period will be "bagged" while the restriction is not active. If the scheme is successful we will investigate the use of signs stating "when lights flash" as these can be pre-programmed and will reduce the requirement on Council officers to bag the traffic signs when the School is closed.

7.4 Representations and Appeals

If a recipient of a PCN believes it should not have been issued they can appeal through the normal Council disputes process, as determined by the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) (Regulations 2022). All our School Streets will be prominently signed and well-advertised so that they are fully enforceable. While all disputes will be considered on their own merit, we take the safety of schoolchildren very seriously so it is unlikely that the fine will be cancelled unless very good reasons are given, for example, the appellant had to drive in the restricted zone due to an emergency. If the Council rejects an appeal there is a further right of appeal to an independent adjudicator at the Traffic Penalty Tribunal.

G. 8.1 PERMITS

While the purpose of the scheme is to reduce the number of vehicles driving and parking around school entrances to as few as possible, careful consideration has been given to balancing the needs of residents. Access will still be provided for residents and for those with mobility issues. All permits and waivers will be virtual, so there is no need to physically display anything to a vehicle.

8.2 Residents

Residents will be provided with permits to exempt them from the School Street restrictions, provided that their vehicle is registered to their address and that address is part of the School Street permit scheme.

School Street permits for residents will be free of charge and there will be no limit on the number of permits residents can apply for.

8.3 Blue Badge Holders

The Blue Badge scheme is a national scheme to provide those with additional requirements the ability to park as close to their intended destination as possible. It is important to recognise that the Blue Badge scheme is an essential lifeline to many and the Council also has an obligation under the Equality Act 2010 to ensure that this lifeline is not hindered. In view of this Blue Badge holders will be provided with permits to exempt them from the School Street restrictions, provided that they are a parent or guardian of a child in a School Street with a Blue Badge, a Blue Badge holder themselves, or a member of staff at a school in a School Street who is a Blue Badge holder.

School Street permits and waivers for Blue Badge holders' will be free of charge and there will be a limit of two permits per Blue Badge Holder to account for the fact that Blue Badges are not vehicle specific. Waivers will also be issued on a temporary basis for visitors to residents who hold a blue badge with a limit of one vehicle per application per Blue Badge holder.

8.4 Visitors

General visitors to properties within the School Street zone will not be exempt from the restrictions, including those visiting the School. During restricted times visitors will need to make alternative arrangements, such as parking outside of the restricted zone. Vehicles belonging to visitors that are already within the School Street before the times of operation will be able to leave without incurring a fine.

Experiences from other Councils¹⁰ have demonstrated that, while initial concerns were raised from residents regarding the lack of visitor permits, once the scheme was implemented the concerns raised by residents did not materialise. Additionally, it was found that due to the reduction in car usage by parents, parking became easier for visitors in areas in the immediate vicinity of the school street. Access issues are in part mitigated by compromising the size of the restricted zones and the time periods when they are active, where a smaller zone results in shorter and more tolerable walk for visitors who must park outside a zone and a shorter duration reduces the potential for inconvenience.

8.5 Deliveries

Deliveries to properties within the School Street zone will not be exempt from the restrictions, including those delivering to the School. Experiences from other Councils shows that, after initially providing delivery drivers

¹⁰ 3.2.8 CROYDEN COUNCIL SCHOOL STREET REPORT TO: TRAFFIC MANAGEMENT ADVISORY COMMITTEE 2 May 2019

with exemptions, this proved counterproductive. It was found that, in the main, delivery drivers are already aware of the problems outside busy schools at peak times so had adjusted their delivery patterns. Once the School Street scheme had been implemented this was then changed to specifically turn up during peak times as the streets would be clear of traffic, which was contrary to the intentions of the scheme. Delivery vehicles, in particular goods vehicles, can cause specific issues due to their size and limited visibility. In dead end streets this causes greater safety concerns around children when they have to perform manoeuvres to then exit the street. The impact on home deliveries is therefore considered small and acceptable, but will be reviewed as part of the monitoring of the scheme.

8.6 School Staff

School Staff will not be automatically exempt from the School Street scheme, however it is recognised that some school staff have extra responsibilities that may mean they require a waiver such as first aid response. Where there are exceptional circumstances, as confirmed by the Head teacher of the relevant school, waivers may be issued.

8.7 Traffic Order Exemptions

The Traffic Regulation Order will automatically exempt the following:

- a) Motor Vehicles being used for Statutory Police, Ambulance, Fire & Rescue, National Crime Agency, Special Forces or Bomb Disposal Service purposes and where the observance of the prohibition would be likely to hinder the use of that Motor Vehicle for that purpose
- b) Any Bus in the service of a School in a School Street acting with written permission from the Council
- c) Motor Vehicles registered with the Council as having a valid Permit
- d) Motor Vehicles being used for the following purposes and only if that Motor Vehicle cannot be used for that purpose in any other length of Road or at any other time and where the observance of the prohibition would be likely to hinder the use of that Motor Vehicle for that purpose:-
 - i) For the removal of obstruction to traffic
 - ii) The maintenance improvement or reconstruction of any part or parts of the Road
 - iii) The maintenance repair replacement or improvement of any street furniture, notice or sign
 - iv) In connection with building, excavation or demolition operations
 - v) In connection with the maintenance, repair, laying, erection or alteration in or adjacent to the Road of any pipe, main or apparatus for the supply of gas electricity water or any electronic

communications apparatus as defined in the Communications Act 2003

- vi) In connection with the enforcement of Road Traffic Contraventions pursuant to Part 6 of the 2004 Act and the 2013 Regulations, or;
- vii) In connection with the delivery or collection of Postal Packets where that vehicle is a marked Vehicle in the service of a Universal Service Provider in the course of the provision of a Universal Postal Service

H.

I. 10.1 LEGAL CONSIDERATIONS

10.2 The Road Traffic Regulation Act

Section 122 of the Road Traffic Regulation Act 1984 puts a duty on the Council to exercise its powers under that Act so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway having regard to:-

- a) The desirability of securing and maintaining reasonable access to premises;
- b) The effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- c) The national air quality strategy;
- d) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- e) Any other matters appearing to the local authority to be relevant.

Recent High Court authority confirms that the Council must have proper regard to the matters set out at s 122(1) and (2) and specifically document its analysis of all relevant section 122 considerations when reaching any decision. The Council is satisfied that this document provides that analysis.

10.4 Enforcement Legislation

Enforcement is carried out under the Traffic Management Act 2004 and the [Civil Enforcement of Road Traffic Contraventions \(Approved Devices, Charging Guidelines and General Provisions\) \(England\) Regulations 2022/71](#). The Council already carries out civil moving traffic enforcement of other contraventions such as vehicles illegally stopping in box junctions or performing prohibited turns. The enforcement of School Streets follows the same legal measures so the Council is

already well equipped and no further enforcement procedures are required. This is the same for the appeals process governed by the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022. The Council already has a appeals team and full training on the School Street scheme has already been provided.

J. 12.1 ENVIRONMENTAL IMPACT

The School Street schemes are expected to improve air quality at the school entrance. The reduced car use will further contribute to reducing congestion and air pollution in a wider area. It is recommended to quantify this improvement for future considerations, by measuring the air quality before and after introducing the presently proposed schemes.

K. 13.1 CRIME AND DISORDER IMPACT

Hostility and aggressive behaviours are presently recorded occurrences experienced by driving parents, other road users, school staff, and residents and parking enforcement officers. The disorderly behaviours can be intimidating and sets a bad example to the high number of children that concentrate near the school entrance. The School Street schemes can significantly reduce and displace such disorder away from the school entrance.

L. 14.1 PRIVACY AND DATA PROTECTION

ANPR will be used in Shropshire for civil traffic enforcement and are proven to operate within the Surveillance Commissioners Codes of Practice. We will write to residents and occupiers within the zones about how the proposed School Street would be enforced using ANPR cameras, further explaining that the camera will focus strictly on the traffic entry point to the street. The ANPR camera cannot be turned or used for any other purpose, such as for spying or recording anti-social behaviour. Recordings are triggered solely on the detection and for the duration of a driving contravention. The ANPR cameras are approved by the English Ministers as suitable for this type of enforcement.

APPENDIX 2**Shropshire Council****Equality, Social Inclusion and Health Impact Assessment (ESHIA)**
Initial Screening Record 2021-2022**Summary Sheet on Accountability and Actions****Name of proposed service change**

School Streets Proposal for Shropshire

Name of lead officer carrying out the screeningRhiannon Letman-Wade
School Travel Plan Co-ordinator**Decision, review, and monitoring**

Decision	Yes	No
Initial (part one) ESHIA Only?	<input type="checkbox"/>	<input type="checkbox"/>
Proceed to Full ESHIA or HIA (part two) Report?	<input type="checkbox"/>	<input type="checkbox"/>

If completion of an initial or Part One assessment is an appropriate and proportionate action at this stage, please use the boxes above. If a Full or Part Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations

School Streets, where traffic is restricted on roads outside schools at pick-up and drop-off times during term-times, make it safer and easier for children to walk, scoot and cycle to school. This reduces children's exposure to air pollution on part of their journey to school and from cars with idling engines outside the school gates. Government funding and associated guidance which specifically encourages School Streets, make it possible for more children across England to benefit from this initiative.

It is anticipated that this scheme, at pilot stage and if rolled out across Shropshire, will have a positive impact on children, young people and their families and carers. It is therefore anticipated to have a positive impact for the Protected Characteristic groupings of Age, Pregnancy and Maternity, and Sex, with the latter two picking up on caring responsibilities.

The School Streets scheme will allow these groups of people to get to and from school in a lower traffic environment, resulting in cleaner air and a positive environment. It is accordingly also anticipated to bring positive impacts in terms of mental wellbeing, and thus a positive impact for the Protected Characteristic grouping of Disability.

As well as children and young people and their families and carers, the benefits are anticipated to extend to teachers and support staff at the schools, visitors to the school and governors, and residents on the streets affected, as they will benefit from a calm, low traffic school run environment which will result in cleaner air.

Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations

School Streets have been rolled out across the UK. They have proven to be successful in increasing active travel levels to school as well as creating safer environments outside the school gates. Children, young people and families in Shropshire will also be better placed to choose to travel actively

The recommendations are for an initial 18 month pilot of 6 School Streets across Shropshire to include full monitoring and evaluation using an Experimental Traffic Regulation Order (ETRO), and use of ANPR cameras. As such this will draw upon findings from the equality impact assessment carried out for the Crowmeole Lane ANPR scheme in Shrewsbury, earlier this year.

It will also draw upon learning from the School Street already in operation at Coleham Primary School. This School Street was implemented throughout Covid using Covid powers. Whilst the scheme has been positive, there are reports that people are moving the cones to gain access to the street. ANPR cameras would ensure that the scheme is adhered to at all times.

On receipt of the full report findings of the 6 pilot schools, a full mandate of the rolling programme across the county.

Residents can object to the scheme during the 18 month pilot. These objections will be assessed on an individual basis and presented in an officer decision report. The purpose of School Streets is to create a reduced traffic area. Each objection will be determined against the overall aim of child safety

Monitoring and evaluation of the scheme will happen quarterly throughout the 18 month pilot. On approval by Cabinet of the scheme, officers will engage with the schools that form part of the pilot, school

community, governing body, residents of the affected street and residents who live within 100m of the School Street.

Data collected will include traffic and parking surveys, school hands up survey (to assess levels of active travel amongst pupils), air quality monitoring and resident surveys.

Associated ESHIAs

- Crowmeole Lane Automated Number Plate Recognition proposal March 2022
- Pedestrianisation trial and contraflow cycleway trial in Shrewsbury, 2020 and 2021
- Shropshire Plan May 2022

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations

Climate change

A reduction in vehicles accessing the school streets involved in the pilots is anticipated to lead to improvement in air quality around the school site.

Each School Street pilot area will have an air quality monitor within and outside the zone.

Health and well being

Encouraging active travel to school has multiple benefits for children, young people and their families and carers. By encouraging active travel, pupils will not only feel ready to learn, but they will lead more physically active lives, which leads to improved mental health.


Residents will live in a healthier environment with an improved quality of living. A reduction in school traffic will lead to less stress, quieter roads and an improvement in air quality.

Economic and societal/wider community

Whilst the proposed School Streets scheme would be 100% funded from the DfT Active Travel Fund Tranche 2 and is estimated to cost approximately £31,000 for schools with one camera and £62,000 for schools with two cameras, the implementation of additional signs and cameras would place a requirement on the Authority to maintain them

to an acceptable standard and would consequently incur additional ongoing revenue costs. This could be offset through PCN's issued through the scheme.

Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i> Rhiannon Letman-Wade		20 th September 2022
<i>Any internal service area support*</i>		
<i>Any external support**</i> Mrs Lois Dale, Rurality and Equalities Specialist		20 th September 2022

****This refers to other officers within the service area***

*****This refers to support external to the service but within the Council, e.g., the Rurality and Equalities Specialist, the Feedback and Insight Team, performance data specialists, Climate Change specialists, and Public Health colleagues***

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i> Still to add		
<i>Accountable officer's name</i> Steve Smith?		

****This may either be the Head of Service or the lead officer***

Detailed Screening Assessment

Aims of the service change and description

School Streets are streets outside of school gates that are pedestrianised during school drop off and pick up times. Counties across the UK and wider have been implementing School Streets for a number of years, ensuring that child safety is of utmost priority.

A change in legislation from the Department of Transport will enable Shropshire Council to apply for Moving Traffic Offences powers to enforce School Streets using ANPR cameras. By using cameras, a larger number of schools will be eligible for the scheme. Shropshire Council, as the highway authority, will be able to enforce.

School Streets, where traffic is restricted on roads outside schools at pick-up and drop-off times during term-times, make it safer and easier for children to walk, scoot and cycle to school. This reduces children's exposure to air pollution on part of their journey to school and from cars with idling engines outside the school gates. Government funding and associated guidance which specifically encourages School Streets, make it possible for more children across England to benefit from this initiative.

Restricting cars outside schools enables children to safely egress and digress from school. The lack of vehicular movements ensures a safe space outside the school gate, thus encouraging an increase in active travel.

This scheme will initially run as an 18 month pilot, with six areas to be formally identified.

Intended audiences and target groups for the service change

This scheme will have intended audiences as follows:

- children and young people, parents and carers;
- teaching staff, support staff and governors of the schools in the pilot;
- residents on the streets affected;
- local Shropshire Council councillors;
- Government Departments involved.

Evidence used for screening of the service change

National evidence indicates that children are most at risk when it comes to poor air quality and pollution. Children are particularly impacted by air pollution because they breathe faster and are more physically active, have narrower airways, and their brains and lungs are still developing^[1]. Levels of air pollution that would cause only slight irritation in an adult can result in potentially significant obstruction in the airways of a young child.^[2]

Due to the pedestrianisation of school streets except for permit holders, neighbouring roads may raise concerns of displacement of traffic. However, research suggests that implementing a School Street does not cause traffic displacement and actually leads to an increase of walking, cycling and scooting to school

The pilot of the scheme will draw upon learning from the School Street already in operation at Coleham Primary School. This School Street was implemented throughout Covid using Covid powers. Whilst the scheme has been positive, there are reports that people are moving the cones to gain access to the street. ANPR cameras would ensure that the scheme is adhered to at all times.

There will also be learning from the positive benefits of pedestrianisation measures during Covid pandemic and through trials since then, including for road safety across groupings and for perceptions amongst a range of groupings that it is safer to venture out on foot or via bicycle where there is a reduction in vehicular traffic.

Specific consultation and engagement with intended audiences and target groups for the service change

Consultation will happen with affected groups if the proposal in the cabinet paper is approved.

The consultation will be in letter format and online for residents, letters and articles in school weekly newsletters, briefing notes and meetings with local councillors and use of surveys. School Streets will have its own page on the council website also.

Initial equality impact assessment by grouping (Initial health impact assessment is included below)

Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column. Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Protected Characteristic groupings and other groupings in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive, negative, or neutral impact (please specify) <i>Part One ESIIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are safeguarding concerns e.g., an older person with disability)			X	
<u>Disability</u> (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)			X	
<u>Gender re-assignment</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				X
<u>Marriage and Civil Partnership</u> (please include associated aspects: caring responsibility, potential for bullying and harassment)				X
<u>Pregnancy and Maternity</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)			X	
<u>Race</u> (please include ethnicity, nationality, culture, language, Gypsy, Traveller)				X
<u>Religion and belief</u> (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				X
<u>Sex</u> (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				X
<u>Sexual Orientation</u> (please include associated aspects: safety; caring responsibility;				X

potential for bullying and harassment)				
Other: Social Inclusion (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns; people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)			X	

Initial health and wellbeing impact assessment by category

Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Health and wellbeing: individuals and communities in Shropshire	High negative impact <i>Part Two HIA required</i>	High positive impact	Medium positive or negative impact	Low positive negative or neutral impact (please specify)
Will the proposal have a <i>direct impact</i> on an individual's health, mental health and wellbeing? For example, would it cause ill health, affecting social inclusion, independence and participation? .			X positive as it will lead to better air quality	
Will the proposal <i>indirectly impact</i> an individual's ability to improve their own health and wellbeing? For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking? .		x	X positive as it will facilitate encouragement of active travel	
Will the policy have a <i>direct impact</i> on the community - social, economic and environmental living conditions that would impact health? For example, would it affect housing, transport, child development, education, employment opportunities, availability of green space			X positive due to improved air quality for all groups affected	

or climate change mitigation? .				
Will there be a likely change in <i>demand</i> for or access to health and social care services? For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services? .				X positive as increased physical and mental health could lead to a drop in referrals

Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts

The opportunity to present this proposal has arisen due to the change in legislation from the Department of Transport which will enable Shropshire Council to apply for Moving Traffic Offences powers to enforce School Streets using ANPR cameras. By using cameras, a larger number of schools will be eligible for the scheme. Shropshire Council, as the highway authority, will be able to enforce. There are not perceived to be potential Human Rights implications.

Guidance Notes

10. Legal Context

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. By way of illustration, some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

Carrying out these impact assessments helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes.

These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

These screening assessments for any proposed service change go to Cabinet as part of the committee report, or occasionally direct to Full Council, unless they are ones to do with Licensing, in which case they go to Strategic Licensing Committee.

Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring

and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

These screening assessments are recommended to be undertaken at timely points in the development and implementation of the proposed service change.

For example, an ESHIA would be a recommended course of action before a consultation. This would draw upon the evidence available at that time, and identify the target audiences, and assess at that initial stage what the likely impact of the service change could be across the Protected Characteristic groupings and our tenth category of Social Inclusion. This ESHIA would set out intended actions to engage with the groupings, particularly those who are historically less likely to engage in public consultation eg young people, as otherwise we would not know their specific needs.

A second ESHIA would then be carried out after the consultation, to say what the feedback was, to set out changes proposed as a result of the feedback, and to say where responses were low and what the plans are to engage with groupings who did not really respond. This ESHIA would also draw more upon actions to review impacts in order to mitigate the negative and accentuate the positive. Examples of this approach include the Great Outdoors Strategy, and the Economic Growth Strategy 2017-2021

Meeting our Public Sector Equality Duty through carrying out these ESHIAs is very much about using them as an opportunity to demonstrate ongoing engagement across groupings and to thus visibly show we are taking what is called due regard of the needs of people in protected characteristic groupings

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion.

In practice, Part Two or Full Screening Assessments have only been recommended twice since 2014, as the ongoing mitigation of negative equality impacts should serve to keep them below the threshold for triggering a Full Screening Assessment. The expectation is that Full Screening Assessments in regard to Health Impacts may occasionally need to be undertaken, but this would be very much the exception rather than the rule.

11. Council Wide and Service Area Policy and Practice on Equality, Social Inclusion and Health

This involves taking an equality and social inclusion approach in planning changes to services, policies, or procedures, including those that may be required by Government.

The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality, Social Inclusion and Health Impact Assessments (ESHIA) come in. Where you carry out an ESHIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet.
- What target groups and audiences you have worked with to date.
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand-alone for a member of the public to read. The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions, or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people or households that we may describe as vulnerable.

Examples could be households on low incomes or people for whom there are safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, e.g., Age. Another specific vulnerable grouping is veterans and serving members of the Armed Forces, who face particular challenges with regard to access to Health, to Education, and to Housing.

We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging, or delivering services.

When you are not carrying out an ESHIA, you still need to demonstrate and record that you have considered equality in your decision-making processes. It is up to you what format you choose.—You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESHIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESHIA:

- If you are building or reconfiguring a building.
- If you are planning to reduce or remove a service.

- If you are consulting on a policy or a strategy.
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them.
- If you are setting out the standards of behaviour that we expect from people who work with vulnerable groupings, such as taxi drivers that we license.
- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself.
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

For example, you may be involved in commissioning a production to tour schools or appear at a local venue, whether a community hall or somewhere like Theatre Severn. The production company should be made aware of our equality policies and our expectation that they will seek to avoid promotion of potentially negative stereotypes. Specific groupings that could be affected include: Disability, Race, Religion and Belief, and Sexual Orientation. There is positive impact to be gained from positive portrayals and use of appropriate and respectful language in regard to these groupings in particular.

3. Council wide and service area policy and practice on health and wellbeing

This is a relatively new area to record within our overall assessments of impacts, for individual and for communities, and as such we are asking service area leads to consider health and wellbeing impacts, much as they have been doing during 2020-2021, and to look at these in the context of direct and indirect impacts for individuals and for communities. A better understanding across the Council of these impacts will also better enable the Public Health colleagues to prioritise activities to reduce health inequalities in ways that are evidence based and that link effectively with equality impact considerations and climate change mitigation.

Health in All Policies – Health Impact Assessment

Health in All Policies is an upstream approach for health and wellbeing promotion and prevention, and to reduce health inequalities. The Health Impact Assessment (HIA) is the supporting mechanism

- Health Impact Assessment (HIA) is the technical name for a common-sense idea. It is a process that considers the wider effects of local policies, strategies and initiatives and how they, in turn, may affect people's health and wellbeing.

- Health Impact Assessment is a means of assessing both the positive and negative health impacts of a policy. It is also a means of developing good evidence-based policy and strategy using a structured process to review the impact.
- A Health Impact Assessment seeks to determine how to maximise health benefits and reduce health inequalities. It identifies any unintended health consequences. These consequences may support policy and strategy or may lead to suggestions for improvements.
- An agreed framework will set out a clear pathway through which a policy or strategy can be assessed and impacts with outcomes identified. It also sets out the support mechanisms for maximising health benefits.

The embedding of a Health in All Policies approach will support Shropshire Council through evidence-based practice and a whole systems approach, in achieving our corporate and partnership strategic priorities. This will assist the Council and partners in promoting, enabling and sustaining the health and wellbeing of individuals and communities whilst reducing health inequalities.

Individuals

Will the proposal have a *direct impact* on health, mental health and wellbeing?

For example, would it cause ill health, affecting social inclusion, independence and participation?

Will the proposal directly affect an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to be physically active e.g., being able to use a cycle route; to access food more easily; to change lifestyle in ways that are of positive impact for their health.

An example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g., green highways), and changes to public transport that could encourage people away from car usage. and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve lives.

Will the proposal *indirectly impact* an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to access local facilities e.g., to access food more easily, or to access a means of mobility to local services and amenities? (e.g. change to bus route)

Similarly to the above, an example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g. pedestrianisation of town centres), and changes to public transport that could encourage people away from car usage, and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve their health and well being.

Communities

Will the proposal directly or indirectly affect the physical health, mental health, and wellbeing of the wider community?

A *direct impact* could include either the causing of ill health, affecting social inclusion, independence and participation, or the promotion of better health.

An example of this could be that safer walking and cycling routes could help the wider community, as more people across groupings may be encouraged to walk more, and as there will be reductions in emission leading to better air quality.

An *indirect impact* could mean that a service change could indirectly affect living and working conditions and therefore the health and well being of the wider community.

An example of this could be: an increase in the availability of warm homes would improve the quality of the housing offer in Shropshire and reduce the costs for households of having a warm home in Shropshire. Often a health promoting approach also supports our agenda to reduce the level of Carbon Dioxide emissions and to reduce the impact of climate change.

Please record whether at this stage you consider the proposed service change to have a direct or an indirect impact upon communities.

Demand

Will there be a change in demand for or access to health, local authority and social care services?

For example: Primary Care, Hospital Care, Community Services, Mental Health and Social Services?

An example of this could be: a new housing development in an area would affect demand for primary care and local authority facilities and services in that location and surrounding areas. If the housing development does not factor in consideration of availability of green space and safety within the public realm, further down the line there could be an increased demand upon health and social care services as a result of the lack of opportunities for physical recreation, and reluctance of some groupings to venture outside if they do not perceive it to be safe.

For further information on the use of ESHIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email lois.dale@shropshire.gov.uk.

For further guidance on public health policy considerations: please contact Amanda Cheeseman Development Officer in Public Health, via telephone 01743 253164 or email amanda.cheeseman@shropshire.gov.uk

[\[1\]](#) UNICEF (2016) Clear the Air for Children

[\[2\]](#) Mott L (1997) Our children at risk. The 5 worst environmental threats to their health. Report for National Resources Defence Council.

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Committee and Date

Cabinet

19 October 2022

Item

Public

Highway Depot Closures

Responsible Officer

Professor Mark Barrow; Executive Director of Place

e-mail: Mark.Barrow@Shropshire.gov.uk Tel: 01743 258676

1. Synopsis

The purpose of the report is to propose the formal closure of the highway depots at Hodnet and Bridgnorth.

2. Executive Summary

- 2.1. On the 1st of April 2018, following a competitive tender process, Shropshire Council commenced a seven-year contract with Kier as the councils term Maintenance Contractor.
- 2.2. Over the last two years the Council has worked closely with Kier to address key areas of concern with the service both within Kier and the Council. This has resulted in a wide range of operational changes and service developments. These have seen the Council embrace self-delivery and provided greater ability to manage the highway network and enable Kier to deliver a much-improved service on behalf of the council. As part of the on-going improvement plan, all areas of the service were reviewed.
- 2.3. Operational activity was halted at the depots at Hodnet and Bridgnorth, in May 2021, to review immediate health and safety concerns at those depots. Investigations showed areas requiring urgent and substantial repair to bring them back into use and that the operation of Winter Maintenance activities, in particular from Bridgnorth, would be considered unsafe. It was agreed that the depots should be closed by the Councils highways management teams and Cabinet Member in July 2021 whilst the issues were reviewed further and a full depot review of need was undertaken. In response to the presentation of a petition at Council in September 2021, the then Cabinet Member for Highways indicated that whilst the depots had been temporarily closed for health and safety

reasons, any permanent closures would be brought to Council or Cabinet for members' decision. Activities were therefore diverted at short notice with all operational activities transferring to other depots by the 4th October 2021. This report now sets out the business case for closure of the two depots.

- 2.4. To inform a business case for investment into those depots or their permanent closure, the service has been monitoring the performance metrics of the highways team across the county and on an area by area basis, to assess whether there has been any drop-off in service compared to before the depots were closed and to other areas of the county.
- 2.5. A twelve month period followed which has provided time to evaluate performance and operational impact, as a result of the interim closures.

The information set out in detail within this report shows that there has been no impact arising from these two depot closures on the service we provide to members of the public in both the North and South of Shropshire.

- 2.6. Local Councillors, particularly in the South, have voiced concerns regarding the closure and whilst very careful note has been taken of the issues they have raised, our analysis of relevant performance measures show improvements in all metrics. Investigations into each issue show that concerns raised would not have been addressed had the depots been open as they were outside of written policy or budgets.

3. Recommendations

That Cabinet is asked to;

- 3.1. Note the formal closure of the highways depots at Hodnet and Bridgnorth.
- 3.2. Declare as surplus to Highways requirements the Bridgnorth and Hodnet depots; delegating authority to the Head of Property and Development to agree and complete repurposing, redevelopment or disposal of the assets as appropriate.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. The highways service, as with most other local authorities, has seen several years of under investment into highway maintenance from central government, which has seen capital and revenue funding for maintenance activity and staffing reduce significantly over the last

decade. This has had a significant impact on the condition of the highway in Shropshire over that time, with accelerating decline year on year.

- 4.2. The last two years have seen the whole service being extensively reviewed and changes to the ways of working for both the council and Kier has demonstrated significant improvements. This process has also included improved utilisation of the operational depots and workforce to better deliver the contemporary needs of the highway services within Shropshire.
- 4.3. Historically, there have been five operational depots in Shropshire. With the increase in technology, diversified supply chains and reduced funding however, five depots reflects a past need, with many similar size shire counties operating two or three operational depots to provide an equivalent highways service.
- 4.4. It is important to also ensure that the Council achieves good value from investment and overhead costs have to be considered. To this end the highways team have been working closely with Kier to reduce unit costs to ensure that the council maximises its return on investment.

5. Financial Implications

- 5.1. There are initial cost savings due to depot overheads being reduced and reduced future service cost as a result of this report.
- 5.2. The cost of bringing both depots up to operational standards to meet both current environmental and safety requirements is estimated to be between £2-3m.
- 5.3. Closure of Bridgnorth and Hodnet depots would reduce revenue costs to the highway service by approximately £50,000 per annum which could contribute to meeting council savings targets or invested into increased maintenance activity.
- 5.4. Over the past 12 months operational efficiencies arising from increased productivity and changes to ways of working have reduced the unit cost of defect repair significantly. This has been achieved through finding more efficient and cost-effective methods of delivering the service.

6. Climate Change Appraisal

- 6.1. No carbon impact assessment was undertaken on highway activities before the closure of the depots and therefore a detailed

comparison of the impact of activities before and after cannot be made.

- 6.2. Whilst it is acknowledged that there is a longer drive to certain locations from current depots compared to Bridgnorth and Hodnet the daily productivity of repairs has increased with gangs undertaking repairs along the route. No additional vehicles have been utilised to undertake the repairs from the depots. It is therefore considered that any carbon impact arising from the proposal would be nominal.
- 6.3. Similarly, winter maintenance routes have been reconfigured and there has been no increase in the number of vehicles used to continue to meet policy requirements.
- 6.4. Operational efficiencies have significantly improved over the last 12 months with over 98% of defect repairs now being repaired permanently compared to less than 50% prior to that date. This has significantly reduced the number of repeat visits to repair the same defect. This has also enabled greater capacity to focus on the backlog of defects and remove the carbon impact arising from poorly maintained roads.
- 6.5. Whilst therefore it may be that there is some carbon impact from longer journeys to undertake maintenance, it is considered that this has been offset by operational efficiencies that have arisen as a result of the changes in working over the last 12 months. As a result it is considered that the total impact of the highway service is likely to have at least remained net neutral.

7. Term Service Contract Background

- 7.1. In April 2018, Kier started the contract delivering highways and street scene service in Shropshire. Kier has 99 directly employed members of staff, 61 of which are local highways operatives.
- 7.2. Kier has 42 council approved supply-chain partners who can support them in undertaking works on behalf of Shropshire Council. These range from large national organisations, such as Tarmac and IdeVerde, to a wide range of smaller local contractors who are based in Shropshire.
- 7.3. Kier delivers a wide range of services to Shropshire Council, which include, but are not restricted to the following:
 - Highway reactive defects
 - Street Lighting
 - Winter Maintenance
 - Street cleansing

- Bridge maintenance
- Ground's maintenance
- Highway Capital projects

- 7.4. The contract turnover was advertised as approximately £21M per year, with a minimum value of £10M per year. However, the spend through the contract has been circa £30m per year. This increase in spend is predominantly due to the council's success in bidding for additional funds from government and the increase in developer funded schemes to mitigate the impact of housing growth across the county.
- 7.5. In May 2021, significant health and safety issues were identified with the salt barn at Bridgnorth depot, this was on top of existing safety concerns about office buildings at both Bridgnorth and Hodnet and environmental compliance concerns with material storage areas at both sites.
- 7.6. To maintain the wellbeing of staff and ensure environmental compliance an operational decision was made by the service to cease using Bridgnorth depot and Hodnet depot until the issues were resolved. It was acknowledged that significant investment would be required to upgrade them as operational depots. It was considered at that time that operating out of three depots instead of five was more than sufficient for the services needs and therefore no downturn in performance was anticipated.
- 7.7. No amendments to service levels within Kiers contract were therefore implemented to reflect the forced changes to operations. The three remaining operational depots at Whittington (North), Longden Road, Shrewsbury (Central) and Craven Arms (South) were therefore utilised.
- 7.8. No Shropshire Council staff were based at either Bridgnorth or Hodnet depots and they were not open to the public and so it was not considered that there was any immediate direct impact to public services as a result of their closure.

Highways Service Improvements

- 7.9. A new operating model was jointly developed between Shropshire Council and Kier, in order to drive efficiency for reactive maintenance services. This has involved the creation of a blend of interventions which were required to meet the needs of the asset. This has seen the emergence of a mixed economy model, involving the councils own direct labour, Kier and supply chain partners. This has seen the service derive greater value from budgets and has given the service the ability to meet the demands of the highway asset.

- 7.10. This involved Shropshire Council and Kiers management and supervisory staff operating from the three remaining operational depots, Whittington (North Shropshire) , Longden Road (Central) and Craven Arms (South Shropshire) in order for Alliance working arrangements to be implemented. As a result of Shropshire Council and Kier staff all being co-located on the same sites, it has led to greater levels of visibility and accountability for operational efficiency which has helped drive performance. It has also provided Kier with a sufficient quantum of staff at each site to provide greater resilience for absences and as a result ensured improved utilisation and productivity of works gangs.
- 7.11. Concerns were raised by local councillors and Towns and Parish Councils, regarding the potential for service impact, due to the closures of Hodnet and Bridgnorth and that this would have a detrimental impact on services in these areas.
- 7.12. Appendix A, shows a map of Shropshire, split by the 16 operational zones. Prior to the depot closures, reactive services would have been delivered for Zone 3 and 5 from Hodnet; with Zones 10, 14, 15 and 16 serviced from Bridgnorth.
- 7.13. Performance data for financial year 2020/21 and 2021/22 which spans the period prior to and after operational activity in Hodnet and Bridgnorth ceased is shown in Appendix B and C. The yellow bar shows the total number of reactive defect repairs carried out in financial year 2020/21, prior to the depot closures. The blue bar shows the total number of reactive defect repairs carried out in financial year 2021/22, after the closure of both depots.
- 7.14. Appendix C below shows the split between jobs completed within the contractual timeframe; and those completed outside of this timeframe.
- 7.15. These tables highlight that operational efficiency has increased considerably in all operational zones across Shropshire. In addition to the increase in levels of reactive maintenance, response times have also improved significantly.
- 7.16. Whilst it is acknowledged that there are some delays in the repair of potholes, this is not inconsistent with the rest of the county and has considerably improved compared to timescales prior to the closure of the depots. In May 2021, there were 10,400 outstanding highway defects on the network countywide. In May 2022 the number of highways defects had fallen to 7064. In September 2022 the number of outstanding highway defects stands at just 5038 a reduction of 52%. This is the principal activity undertaken from the depots

Emergency Responses

- 7.17. Kier have continued to respond to highway emergency call outs on behalf of Shropshire Council. The responses are now responded to via one of the three operational depots in the north, central and south areas.
- 7.18. Performance data for the period May 2021 to the end of August 2022, is shown in Appendix D. This shows that responses times to highway emergencies (1 hours in hours/1 hour 30 minutes out of hours) have continued to be delivered at 100%.

Winter Maintenance

- 7.19. The Winter Service is now delivered through three operational depots, following the closure of Bridgnorth and Hodnet depots. The gritting routes that ran from the former locations were evaluated and this showed that these routes could be re-scheduled from either Craven Arms Depot or Londgen Road Depot and still be completed within contractual times scales (one hour prior to the weather event occurring). This reduced the number of locations for salt stock deliveries but in no way reduced the level of service within the winter maintenance policy.
- 7.20. Some concerns were raised about lack of gritting activity in Bridgnorth last winter. These concerns were investigated and each concern was found not to be on routes that should be gritted at that time for the prevailing conditions. There were also some misinterpretations by members of the public and others about the requirements specified within the Winter Maintenance Policy.
- 7.21. Appendix E shows KPI data for the Winter Service.

Flooding Response

- 7.22. During the flooding event that occurred in March 2022, all the responses operational responses were co-ordinated by Shropshire Council and our partners, including Kier.
- 7.23. This resulted in 300 sandbags being deployed to Bridgnorth prior to the flooding event occurring, with an additional 300 deployed to key locations in the town to support residents.
- 7.24. Operational resources were also on the ground during the event in order to support the response teams. All of which were carried out successfully.

Equality, Social Inclusion and Health Impact Assessment

- 7.25. An Equality, Social Inclusion and Health Impact Assessment has been completed and is shown in Appendix F. The screening facilitated consideration of the proposed closure in terms of the likely equality impacts for the community, and for Protected Characteristic groupings in the community, as set out in the Equality Act 2010. The services that are being delivered at present are visible services and any changes will therefore be similarly visible for communities in Shropshire. The Council will therefore need to ensure that societal impacts are at worst neutral, utilising performance data and ongoing engagement with communities.
- 7.26. Performance data monitored since the depots were closed indicates that there has been no impact on the service, in fact performance levels have increased across all areas of the service. As such, the likely equality impact may also be considered to be neutral to low positive for the wider community in Shropshire and for Protected Characteristic groupings within the community.
- 7.27. From an outcomes angle for communities, engagement with all Members as community leaders, and through Cabinet and Portfolio Holder, will continue to help the service and therefore the Council to ensure that information, feedback and concerns are raised with Highways and that actions may then be identified as necessary to mitigate any negative impacts.

[OBJ]

8. Conclusions

- 8.1. This report provides information on the outcome of the closure of two highways depots which occurred in May 2021. The Council agreed to review performance for 12 months following these depots no longer being used for operational services.
- 8.2. This has demonstrated that there has been no operational impact as a result of these ceasing operational activity at these locations. In fact, the service has developed and significantly improved performance and efficiency in all core service areas.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

None

Cabinet Member (Portfolio Holder) - Cllr Richard Marshall

Local Member - All

Appendices

Appendix A – Highway Maintenance Zones

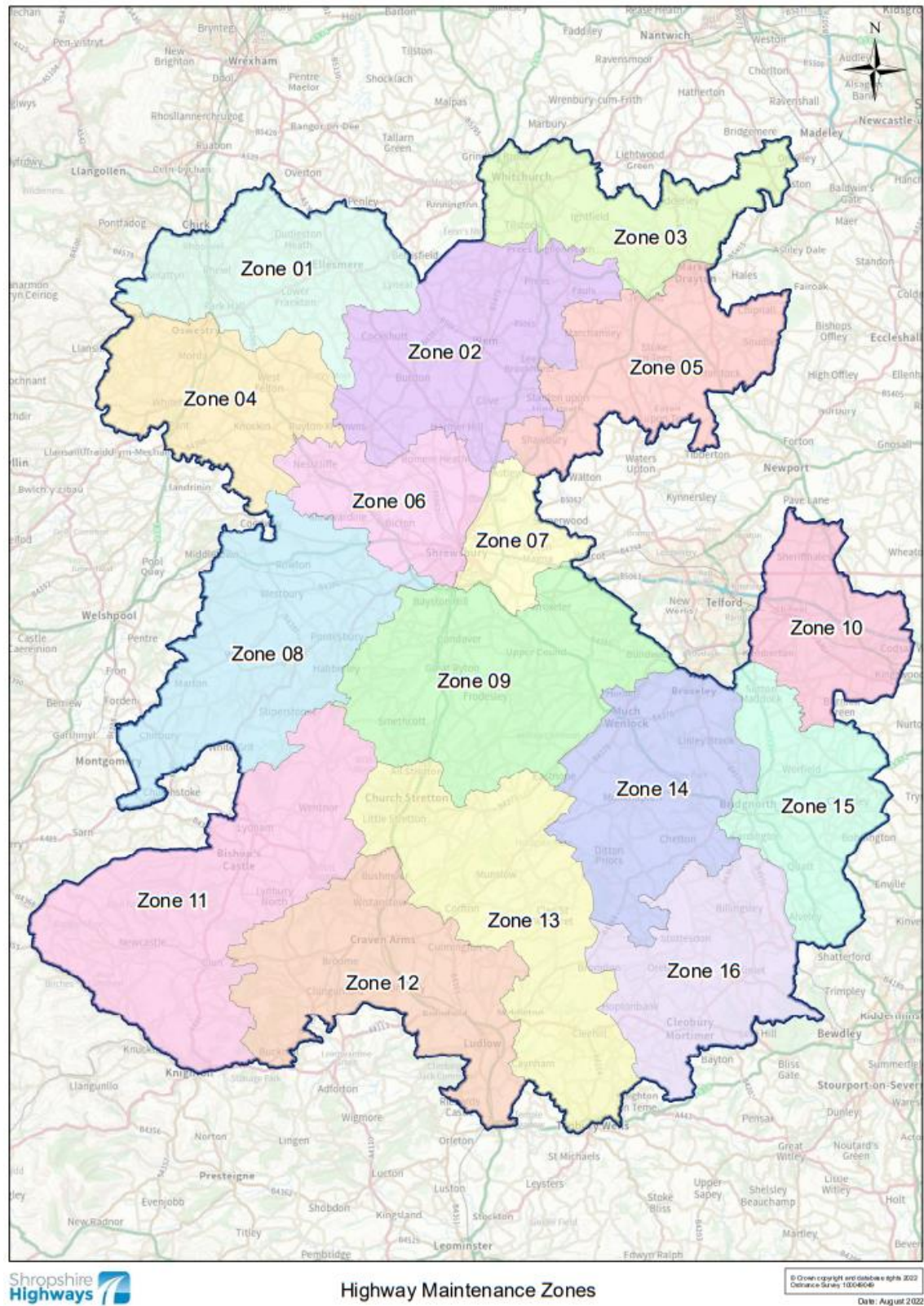
Appendix B – Reactive Response Figures

Appendix C - Reactive Response Figures within Contract timescales

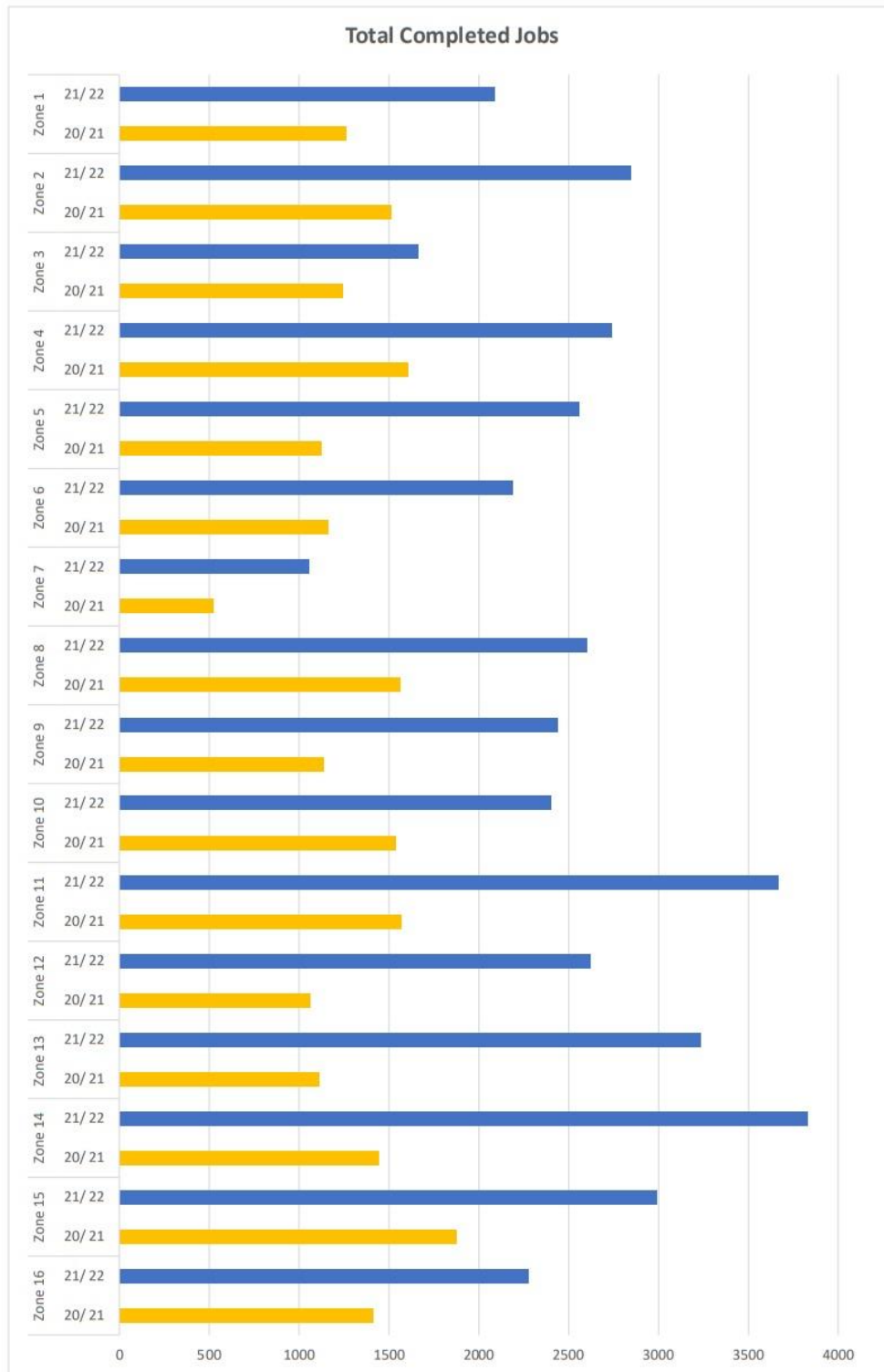
Appendix D – KPI Emergency Responses

Appendix E – KPI Winter Maintenance

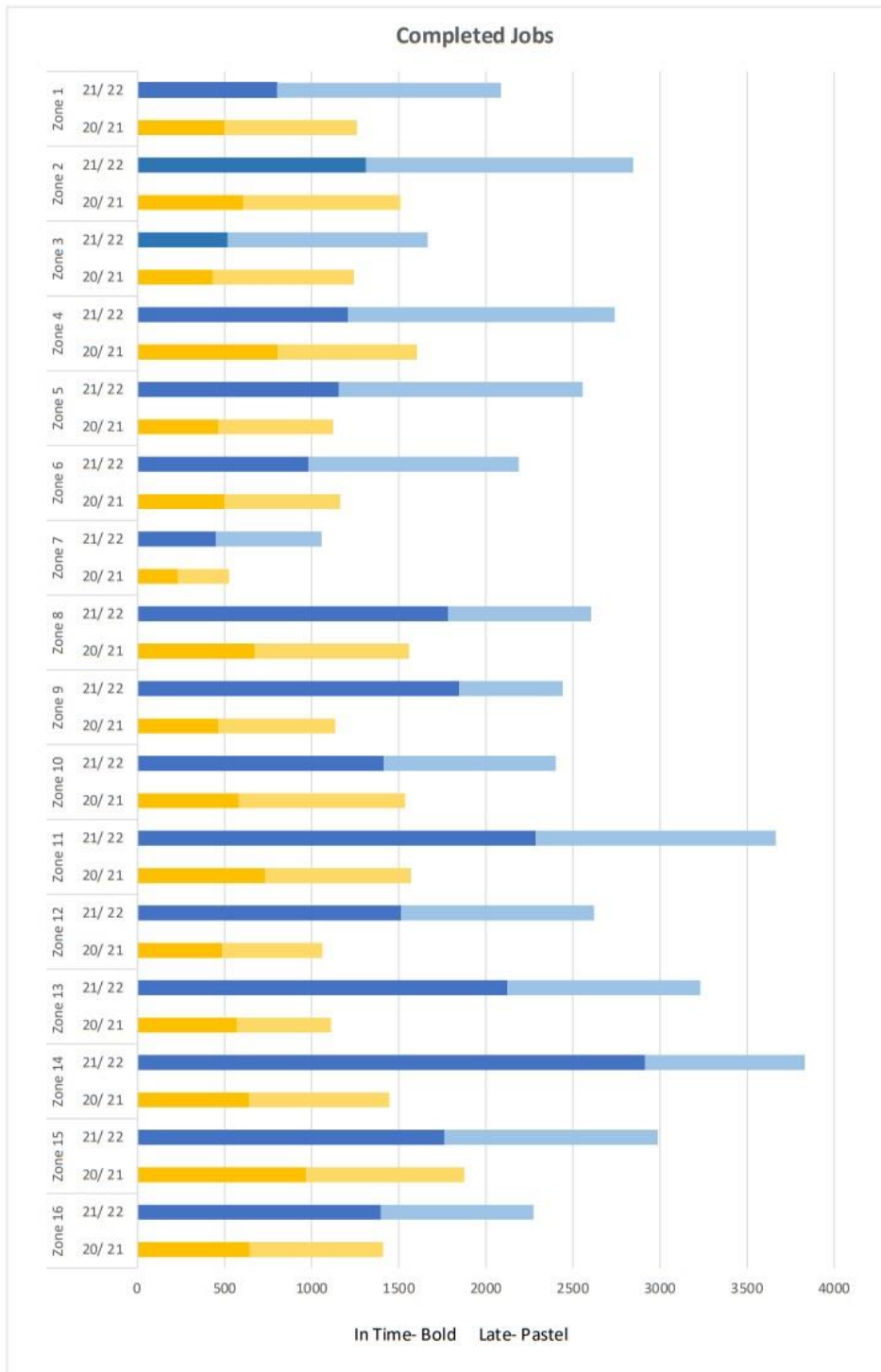
Appendix A



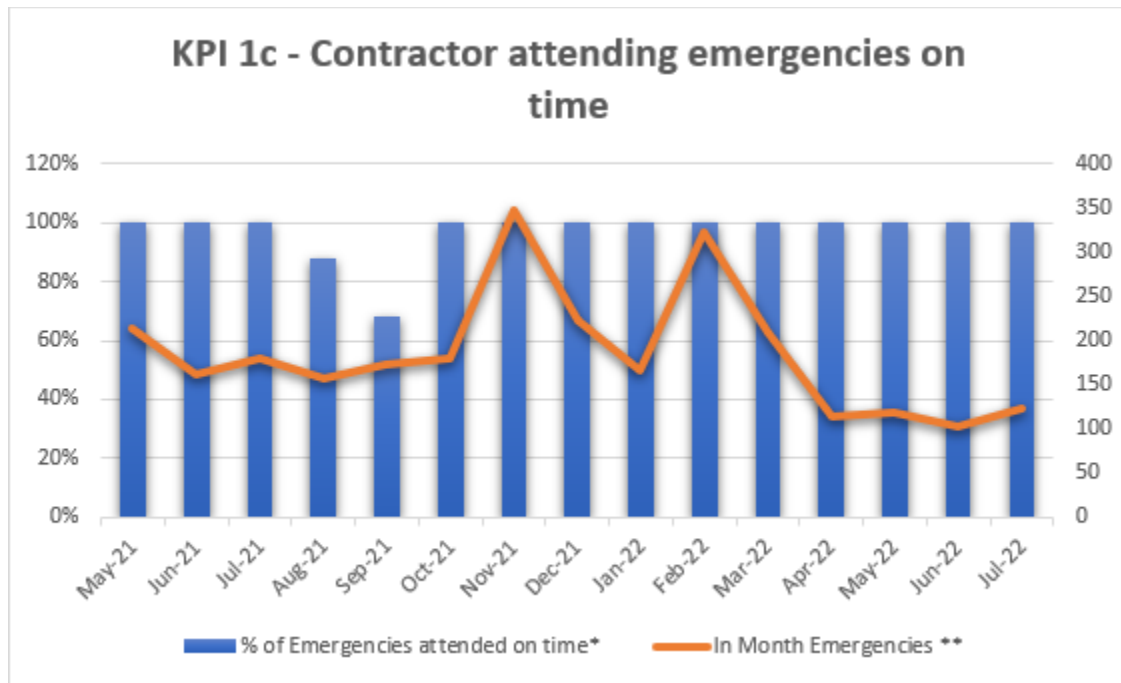
Appendix B



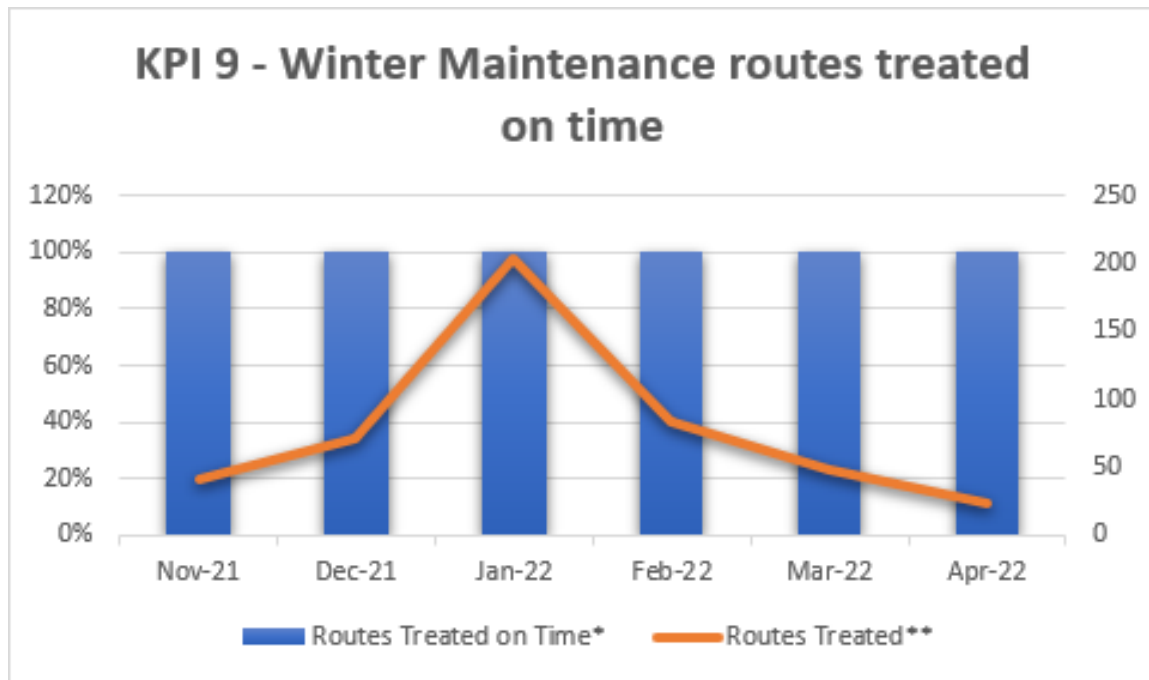
Appendix C



Appendix D



Appendix E





<u>Committee and Date</u>	<u>Item</u>
Cabinet	Public
19 October 2022	

Community Asset Transfer Policy Update 2022

Responsible Officer Mark Barrow, Director of Place
e-mail: Mark.barrow@shropshire.gov.uk Tel: 01743 258919

1. Synopsis

- 1.1. The Community Asset Transfer Policy "(CAT Policy)" has been updated to provide greater clarity on requirements and remove information not required in the policy document. Cabinet is requested to adopt the refreshed policy.

2. Executive Summary

- 2.1. The CAT Policy was approved by Cabinet in October 2012 and minor amendments were approved in June 2017. It is part of the Council's approach to working with local communities, and the voluntary and community sector, in strengthening the sustainability and resilience of communities and organisations through asset transfer.
- 2.2. The policy explains the circumstances in which an asset may be transferred for the benefit of the local community and the process to be followed by both the community and Council in achieving the transfer. Any transfer proposals are assessed against criteria including how the transfer will benefit the community, safeguard or create new opportunities for local services or activities and support the Council's objectives.
- 2.3. The update comprises of:
 - Reducing the number of pages from 36 to 16 plus a glossary of terms by
 - Removing details of the internal assessment process – this is an officer process.

- Removing the Appendix containing organisational requirements – these are already within the body of the policy and therefore a duplication.
- Removing the application forms and assessment tools, these are separate documents and removing them from the policy will enable minor tweaks to them as we improve our process without the need to ask for Cabinet approval each time.
- Removing the list of organisations able to offer further support. We have no control over changes to their web addresses and consider links are better placed on our website.

And inserting:

- more detail on who cannot apply for a CAT.
- more clarity on the financial evidence required to demonstrate the organisation is not for profit.
- a clearer definition around the basis of a transfer including defined section covering lease length rent and key clauses.
- reinforcement of the importance of transparency to ensure CATs are not subsidising commercial operations.
- an expansion of the application process.
- a new paragraph to explain post transfer requirements and monitoring.

3. Recommendations

- 3.1. That Cabinet approves the proposed update to the Community Asset Transfer policy as laid out in the appendix.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. There are no perceived risks in making the proposed amendments to the CAT policy, which do not make significant changes to the policy, but rather streamline the document and add clarity to key areas as listed in 2.3
- 4.2. The proposed updates have been developed following officer review of the current policy.
- 4.3. The policy supports the Council's organisational principles to
- Put Shropshire back into the Community
 - Focus on our customers

- Provide Value for Money
- Empower effective collaborations for positive change
- Engage and empower talented people
- Make decisions based on current data and intelligence

5. Financial Implications

- 5.1. There are no financial implications associated with the proposed update.

6. Climate Change Appraisal

- 6.1. The transfer of community assets may provide opportunities for recipient organisations to:
- improve the energy and carbon performance of buildings
 - install renewable energy generation equipment
 - capture and store carbon through tree planting or landscaping improvements
 - improve the resilience of assets to the effects of extreme weather conditions associated with climate change
- 6.2. Application of the policy therefore provides the opportunity to make a positive contribution to climate change and carbon management.

7. Background

- 7.1. As part of the Council's core objective to strengthen our local towns and villages, the Asset Management team are working with the voluntary sector to enable the transfer of suitable land and buildings to community groups and organisations. The CAT policy provides a framework and guidance to assess which transfers are viable and how the transfer will be implemented .
- 7.2. The policy contributes to the Council's objectives as set out in The Shropshire Plan – to work with partners and support communities to prosper, and the Asset Management Strategy Section 5: *Commission and work in partnership to empower communities*. The policy is to release where appropriate non-core assets, through leasehold, or by exception freehold, transfer to communities thus reducing revenue or maintenance burdens.
- 7.3. The policy seeks to ensure that the proposed transfer of the asset is for the benefit of the community and that the organisation taking the transfer is sustainable. Successful organisations can

often access to sources of funding which may be denied to the Council.

- 7.4. The policy also seeks to ensure that the organisation applying to take the transfer has suitable experience and capacity to take on the asset and as part of the application process the organisation is required to demonstrate its organisational and governance, financial and partnership arrangements, together with the support from within the community.
- 7.5. The Strategic Asset Manager is responsible for the administration of requests for Community Asset Transfers and manages the process, including evaluation of proposals and enabling the transfers of assets.
- 7.6. The CAT policy is publicised on the Council's website with access to the policy, expression of interest documents and links to other sources of information.

8. Additional Information

- 8.1. Since the policy's implementation 60 initial expressions of interest have been received. Of these
- 7 have successfully transferred to community organisations
 - 44 have not proceeded or been withdrawn
 - 9 are currently working their way through the process

9. Conclusions

- 9.1. The policy refresh will make the process clearer to applicants and reinforce the importance of transparency

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Paper : Community Asset Transfer Policy 17 October 2012

Cabinet Paper : Community Asset Transfer Policy 21 June 2017

Cabinet Member (Portfolio Holder)

Cllr Dean Carroll – Portfolio Holder Highways & Assets

Cecilia Motley – Portfolio Holder for Communities

Local Member

n/a

Appendices

Shropshire Council Community Asset Transfer Policy [SC CAT policy Mar22 FINAL L.pdf](#)

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