



NOTICE IS HEREBY GIVEN that a meeting of Oswestry Rural Parish Council will be held at Trefonen Village Hall commencing at 7 pm on Thursday **25 August** 2022 and Members are hereby summoned to attend for the purpose of transacting the following business.

[Zoom meeting link](#)

Signed:
Sharon Clayton MPA, BA (Hons), FSLCC
Clerk

Date of issue: 18 August 2022

A G E N D A

FILMING AND RECORDING OF COUNCIL MEETINGS AND THE REQUIREMENTS OF THE DATA PROTECTION ACT 2018

Any person present at a Council meeting may not orally report or comment about a Council meeting as it takes place but otherwise may; film photograph, or make an audio recording of a meeting; use any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; report or comment on the proceedings in writing during or after a meeting, or orally report or comment after the meeting. Anyone making a recording for non-domestic purposes is advised to seek advice on their obligations to ensure any processing of personal information complies with the Data Protection Act.

Anyone who objects to being filmed or recorded should notify the Clerk prior to the commencement of the meeting.

1. Chairman's Welcome

2. Apologies for absence

To receive apologies for absence and to approve reasons for absence if requested in writing by a councillor

3. Police Report

To receive a report from The North Shropshire and Oswestry Safer Neighbourhood Team

4. Shropshire Council Report

To receive a report from Shropshire Councillor Joyce Barrow

5. Public Participation

In accordance with Standing Orders 3(e) members of the public may make representations, answer questions, and give evidence in respect of the business on the agenda. This does not include matters relating to the Council's administration. Should anyone wish to discuss business which is not included on the agenda please write to the Clerk who will make arrangements for appropriate action.

6. Minutes

- a) To CONSIDER and APPROVE the minutes from a Parish Council meeting held on 28 July 2022 (appendix 6a)
- b) To NOTE and ADOPT the minutes from a Personnel Committee meeting held on 28 April 2022 (appendix 6b)

NOTE: In accordance with Standing Order number 12(a)(b) draft minutes served on councillors shall be taken as read. There shall be no discussion about the draft minutes except in relation to their accuracy.

7. Disclosure of Pecuniary Interests, Bias, and Pre-determination

In accordance with Section 29 of the Localism Act 2011 Members are personally responsible for deciding whether they should disclose an interest at this meeting. Where a matter arises at a meeting which directly relates to a Member's Disclosable Pecuniary Interests they must disclose the interest, not participate in any discussion nor vote on the matter and must not remain in the room unless they have been granted a dispensation. If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest. (Please refer to Appendix B in the Council's Code of Conduct).

Members are also reminded they should not make decisions with a closed mind and must declare a bias and not vote on matters where their decision could be pre-determined.

8. Dispensations

To consider and approve any requests for dispensations

9. Declaration of Acceptance of Gifts and Hospitality

To receive any declarations of acceptance of gifts and hospitality

10. Planning Matters

a) Planning Decisions

To NOTE the following:

Planning Application Details	Planning Proposals
22/01386/LBC The Wharfingers House, Maesbury Marsh	Replacement of 8 sash windows to front and rear elevations WITHDRAWN 11 August 2022 <i>The Parish Council had no objection to this application</i>
22/02462/FUL Bridge Cottage, Ball Lane, Maesbury	Erection of single storey extension (re-submission) Permission GRANTED 28 July 2022 <i>The Parish Council supported this application</i>
22/02616/FUL Ty Nant, Sychtyn, Trefonen	Erection of ancillary accommodation to main house, following partial deconstruction of former bothy/workshop outbuilding, erection of workshop/stables (re-submission) Permission GRANTED 16 August 2022 <i>This application was supported by the Parish Council</i>

b) Planning Applications

To CONSIDER and APPROVE a response to the following:

Planning Application Details	Planning Proposals
22/03360/FUL Proposed agricultural workers dwelling north of Tramway Farm, Crickheath	Erection of replacement agricultural workers dwelling
22/03442/FUL\Westwind, Rectory Close, Trefonen	Erection of double garage
22/03447/FUL Proposed solar farm to the north of Rhydygroesau	Formation of solar park consisting of 3,240 solar panels and associated electrical equipment namely inverters, site and DNO substations, battery energy storage units, 2m high deer fence with gates, formation of a permanent access road, CCTV cameras and infrared lighting and a weather station mounted on galvanised steel masts inside the solar park
22/03569/FUL The Fields Barn, Maesbury Marsh.	Erection of single storey lean-to extension (replacing existing structure) and alterations to barn outbuilding to accommodate swim spa (resubmission)
22/03624/FUL Belle Ecole, Maesbury Marsh	Proposed demolition of existing single storey rear extension and construction of 2 storey rear extension
22/03669/FUL Schoolhouse Bridge Cottage, Crickheath	Erection of a double garage with office/storage above; timber frame construction with larch cladding/render to exterior link attached to existing cottage
22/03679/FUL Proposed residential conversion of outbuilding at Canal View, Maesbury	Refurbishment, conversion and alterations to create new dwelling
22/03691/VAR Morda C of E Primary School, Morda	Variation of Condition No. 4 pursuant of 12/02905/FUL to allow for the retention of the demountable accommodation for a further temporary period of ten years. The date by which the building is to be removed and the land re-instated to read as '22 August 2032'

NOTE: Planning applications not listed above that are received after the issue of this agenda and included on Shropshire Council's website will also be considered to meet response timeframes.

11. Clerk's Report

To receive and NOTE a report from the Clerk (appendix 11)

12. Financial Matters

To CONSIDER and APPROVE:

- a) Income and expenditure for July 2022 (appendix 12a)
- b) Bank reconciliations from 1 April to 30 July (appendix 12b)
- c) Payments for August 2022 (information to follow)
- d) Transferring £10,000 to Unity Trust Bank (Clerk to report)

13. Audit

To CONSIDER and APPROVE waiving the Parish Council's opportunity to opt-out of the SAAA central external auditor appointment arrangements

14. Oswestry Leisure Centre

In response to increased fees at Oswestry Leisure Centre to consider a proposal for alternative fitness/exercise opportunities and approve any action required (Cllr. John Davies)

15. Planning Advice

To CONSIDER and APPROVE the appointment of a planning expert to advise the Council on planning matters (Cllr. Iain Campbell)

16. IT Equipment

To CONSIDER and APPROVE a budget to purchase IT equipment for the Clerk's home/office use (Cllr. Peter Richardson)

17. Morda and Sweeney Village Hall ([charity number 1111603](#))

- a) To consider a proposal submitted by a member of the public concerning improvements to Morda and Sweeney Village Hall and approve any action required (Cllr. Martin Bennett)
- b) To CONSIDER and APPROVE the appointment of a trustee to the charity (Cllr. Martin Bennett)
- c) To CONSIDER and APPROVE that, in its capacity as Custodian Trustee, the Parish Council requests the last Annual Report and finances of the charity
- d) To CONSIDER and APPROVE that the land is registered with the Land Registry

18. Grant Application

To RECONSIDER and APPROVE a grant application previously considered in October 2021 (Cllr. Martin Bennett)

19. Environmental Working Group

To consider a report from the Environmental Working Group and approve any recommended action

20. NHS Crisis

To CONSIDER and APPROVE signing a statement to support a campaign concerning the NHS crisis (Cllr. Chris Woods)

21. Notice Board at Morda

To CONSIDER and APPROVE the purchase of a new notice board for installation at the corner shop in Morda (Cllr. Steve Watts)

22. West Midlands Ambulance Service

To CONSIDER and APPROVE requesting an update on the latest ambulance response times from West Midlands Ambulance Service for the post codes SY10 and SH9 (Cllr. Steve Watts)

23. Montgomery Canal and Shropshire Council's Place Plan

To CONSIDER and APPROVE that Shropshire Council be asked to include improvements to the Montgomery Canal and restoration of the Cambrian Steam Railway in the Place Plan for Oswestry

24. Consultation

To CONSIDER and APPROVE a response to the following consultation:

- a) Shropshire Council's [Draft Empty Homes Strategy](#)

25. Date for Next Meeting

To NOTE that the next meeting will place on Thursday 29 September 2022 at Rhydycroesau Village Hall

PUBLIC BODIES (ADMISSION TO MEETINGS) ACT 1960

Pursuant to Section 1(2) of the above Act and due to the confidential nature of the following business to be transacted it will be PROPOSED, SECONDED and RESOLVED that the public and press should not be present

26. Trefarclawdd Cemetery

To consider how to deal with a complaint concerning a recent burial at Trefarclawdd cemetery and approve any action required

27. Planning Enforcement

To NOTE planning enforcement notifications received (Clerk to report)

Minutes
of a Parish Council meeting
held at 7 pm on Thursday 28 July 2022 at Trefonen Village Hall

Present:

Cllr. Martin Jones (Chairman), Cllr. Martin Bennett, Cllr. Iain Campbell, Cllr. John Davies, Cllr. Roger Jones, Cllr. Bob Kimber, Cllr. Peter Richardson, Cllr. Jas Singh, Cllr. Steve Watts, Cllr. Mike Weston, Chris Woods.

Clerk to the Council:

Sharon Clayton

In attendance:

3 members of the public
Shropshire Councillor Joyce Barrow
PCSO Charlie Iremonger

1397 Chairman's Welcome

The Chairman welcomed everyone to the meeting

1398 Apologies for Absence

Apologies were received from:
Cllr. Peter Davies
Cllr. Paul Milner

1399 Police Report

PCSO Charlie Iremonger presented the following report on behalf of the Oswestry Rural South Safer Neighbourhood Team:

- 29/06/2022 – Road Traffic Collision at Mile End Roundabout. Non injury.
- 01/07/2022 – Theft of trailer on the Mile End Industrial Estate. CCTV was viewed and a vehicle and three persons were seen in the area and taking the trailer.
- 02/07/2022 – Road Traffic Collision at Mile End Roundabout. All parties out of vehicles and non-injury.
- 05/07/2022 – Road Traffic Collision at Mile End Roundabout. Non injury
- 06/07/2022 – Road Traffic Collision at Mile End Roundabout. Non injury
- 07/07/2022 – Person reported they had had their number plates cloned.
- 12/07/2022 – Group of youths throwing eggs at each other and also passing vehicles near to the Mile End Roundabout.
- 15/07/2022 – Vehicle seized in Trefonen for not having tax.
- 17/07/2022 – A load of bales of hay had fallen off a trailer in Morton. Police attended and bales of hay were cleared off the road.
- 17/07/2022 – Road Traffic Collision at Mile End Roundabout. Non injury.
- 25/07/2022 – Business alarm, Maesbrook Industrial Estate. Police attended and all in order.
- 26/07/2022 – Dropped 9's due to an accidental call and all was ok.
- 27/07/2022 – Vehicle broken into on the Mile End service area.
- 28/07/2022 – Highways incident. Reports on a drainage cover dislodged and Highways were informed.

NOTED.

1400 Shropshire Council Report

Cllr. Joyce Barrow informed there was nothing to report.

1401 Public Participation

One member of the public referred to the planning application for Trefarclawdd farm and said that he did not think their obligations had been completed from previous planning approvals. He asked that the Parish Council considered residents' comments. He also referred to the farm's appeal against Shropshire Council's refusal which he said was very weak. He also asked the Road Safety Working Group to keep the initiative going with Shropshire Council to have the speed limit reduced in Coed-y-Go.

The Chairman informed the meeting that he had received an email from Paul Wiseman who was unable to attend the meeting and had asked for it to be read out during the public session. The email referred to the poor state of repair of Morda and Sweeney Village Hall. It was unregistered with Land Registry, and he said that it should be registered with Land Registry in the name of the Trust which is a registered charity. He said that the refurbishment of the hall could be financed with various grants and that the Parish Council should be named as one of the trustees and could set aside funding towards upgrading its facilities for the benefit of the Morda community.

One member of the public asked whether the Council would look into operators' licences and take any necessary action.

1402 Minutes

- a) The minutes of a Parish Council meeting held on 30 June 2022 were considered for approval. It was **PROPOSED, SECONDED and RESOLVED that the minutes be APPROVED and ADOPTED as a true record.**
- b) The minutes from an Extraordinary Parish Council meeting held on 7 July 2022 were considered for approval. With the addition of Cllr. Roger Jones whose name was omitted from those present it was **PROPOSED, SECONDED and RESOLVED that the minutes be APPROVED and ADOPTED as a true record.**

1403 Disclosure of Pecuniary Interests

In accordance with Section 29 of the Localism Act 2011 Members were informed they are personally responsible for deciding whether they should disclose an interest at this meeting. Members were also reminded they should not make decisions with a closed mind and must declare a bias and not vote on matters where their decision could be pre-determined.

1404 Dispensations

None requested.

1405 Declaration of Acceptance of Gifts and Hospitality

None declared.

1406 Planning Matters

a) Planning Decisions

The following planning decisions were **NOTED**.

Planning Application Details	Planning Proposals
22/01971/FUL 4 Brick Kiln Cottages, Racecourse Road	Erection of part two storey part first storey extension to west elevation. Permission REFUSED 22 July 2022. <i>The Parish Council had no objection.</i>

b) Planning Applications

The following planning applications were considered for comment:

Planning Application Details	Planning Proposals
21/03584/REM Land south of Middleton Road, Oswestry	Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to application 17/06025/OUT (amendments). Concern was expressed about public open space and access to the footpath which was at the top of a bund. Access to this may preclude less abled people and children in pushchairs which may not be in accordance with the Disability Discrimination Act. Concern was also expressed about which routes would be used by construction traffic and residents. It was PROPOSED, SECONDED and AGREED: <ul style="list-style-type: none"> ○ To object and reiterate previous comments made by the Parish Council objecting to this application. ○ Work should not commence until the Conditions requested by Highways England had been complied with. ○ To inform Oswestry Town Council of the Parish Council's response and seek its support.
22/00671/TPO 50 Milars Field, Morda	Reduce by approx. 3m either side of one Sycamore tree protected by the Council of the Borough of Oswestry (The Llwyn Mopsis, Trefonen Road, Morda) TPO 2003. It was PROPOSED, SECONDED and AGREED no objection provided the tree officer approves of the proposals.
22/02571/FUL Pentre Issa, Trefonen	Conversion of outbuildings to form holiday let accommodation with ancillary works. It was PROPOSED, SECONDED and AGREED to support provided the 4 Conditions were met.
22/02572/LBC Pentre Issa, Trefonen	Works to listed building to facilitate the repair and conversion of outbuildings to holiday accommodation; to include some demolition. It was PROPOSED, SECONDED and AGREED to support provided the 4 Conditions were met.
22/02774/EIA Trefarclawdd Farm, Tref-Ar-Clawdd	Construction of new intensive dairy complex (to include means of access off the adjacent public highway and wider area surface water drainage and landscaping), alongside a former dairy complex at Trefarclawdd Farm. (Part retrospective, some development has been approved subject to previous separate planning applications for development on site). It was PROPOSED, SECONDED and AGREED to object and: <ul style="list-style-type: none"> ○ Request that Shropshire Council enforces the enforcement notice as the requirements for a suitable and sufficient EIA/ES had not been met. ○ Retrospective planning development should be refused. ○ The lighting and design scheme should be rejected. ○ The noise impact assessment should be rejected.
22/02941/FUL Willow Cottage, Sandrock Lane, Trefonen	Proposed installation of ground mounted solar panel array. It was PROPOSED, SECONDED and AGREED to support.
22/03257/CPE Pleasant Grove, Wern Y Wiel, Treflach	Application for a Lawful Development Certificate for the existing use of a residential annex in the form of a static caravan including gravel drive to the rear of the existing residential dwelling namely Pleasant Grove (FOR INFORMATION ONLY). NOTED.
22/05758/NEWDEV Street naming Pool View Road, Morda	Street naming for: residential development of 20 new dwellings at land to the north of Weston Road, Morda. It was PROPOSED, SECONDED and AGREED no objection.

c) Planning Appeals

Planning Application Details	Planning Appeal Details
Appeal Ref: 22/03041/REF Pentre Farm, Woodhill, Trefonen	Appeal against 21/02541/LBC. It was PROPOSED, SECONDED and AGREED to support the Appeal.
Appeal Ref: 22/03030/ENF Trefarclawdd Farm, Tref-Ar-Clawdd, Oswestry	Appeal against 20/07173/ENF. It was PROPOSED, SECONDED and AGREED to oppose the Appeal.

1407 Clerk's Report

Members **NOTED** a written report from the Clerk on action taken following decisions made at previous council meetings.

1408 Financial Matters

a) Income and Expenditure

Members considered for approval income and expenditure to 30 June 2022.

It was PROPOSED, SECONDED and AGREED that income received to date of £43,882.89 and gross expenditure to date of £9,612.12 be APPROVED.

b) Bank Reconciliations

Members considered for approval bank reconciliations for June 2022.

It was PROPOSED, SECONDED and AGREED that bank reconciliations for June 2022 totalling £287,485.65 be APPROVED.

c) Payments for July 2022

Members considered for approval payments for July 2022.

It was PROPOSED, SECONDED and AGREED that the following payments for July 2022 be APPROVED.

PAYEE	DESCRIPTION	AMOUNT £
EE	Wi-Fi mini monthly plan	16.39
Shropshire Design & Print	'No parking' sign	98.09
Scottish Power	Street lighting electricity	939.74
Sharon Clayton	Clerk's salary/expenses/reimbursement	1221.47
HMRC	PAYE/NI	480.06
HSBC	Bank charges	10.00
A G Royce	Grounds maintenance and tree pruning	932.50
Trefonen Village Hall	Room hire	90.00
Mark Evans	Bus shelter cleaning	60.00
Colin Turner	Bus shelter cleaning	25.00
SALC	Clerk's training	30.00
Shropshire Council	Election costs	700.00
	TOTAL	4603.25

d) Members considered for approval the allocation of reserves for specialist\legal advice.

It was PROPOSED, SECONDED and AGREED that £2,500 be transferred from general reserves and allocated to specialist/legal advice in the 2022/2023 expenditure budget.

e) Members considered for approval that £700 held in reserves for election costs be allocated to election costs in the expenditure budget.

It was PROPOSED, SECONDED and AGREED that £700 be transferred from general reserves and allocated to election costs in the 2022/2023 expenditure budget.

- f) The Clerk informed Members that she was still trying to change the authorised bank signatories with HSBC. The Clerk was also in the process of opening a new current account with Unity Trust Bank and asked Members to approve an amount of money with which to open the account and recommended £5,000.

It was PROPOSED, SECONDED and AGREED that £5,000 should be transferred to Unity Trust Bank to open a new current account.

1409 Personnel Committee Terms of Reference

Members considered for approval that the Personnel Committee Terms of Reference be amended to allow Committee Members delegated authority to recruit staff.

It was PROPOSED, SECONDED and AGREED that the Terms of Reference for the Personnel Committee be amended to allow Committee Members to recruit staff.

1410 Road Safety

- a) Members were informed that the Road Safety Working Group had not met but would be meeting soon to discuss matters brought to their attention including speeding issues at Coed-y-Go and at Weston.

The Chairman informed the meeting that, in response to public concern about HGV operators licences, he had made enquiries about how the Parish Council could comment on behalf of the local community and, after communicating with Shropshire Council, had been advised that Parish Councils are not statutory consultees and cannot therefore make representations directly. The Parish Council could however ask Shropshire Council to make an objection on its behalf but, having asked Shropshire Council to do so, a negative response was all that was achieved.

It was PROPOSED, SECONDED and AGREED to write to the Leader of Shropshire Council and Helen Morgan MP to express the Parish Council's disappointment that it was not able to convey local community concern as a consultee to the Traffic Commissioner who is responsible for issuing HGV Operators Licences.

- b) Members considered a request from a member of the public that the speed limit in Weston be reduced to 20mph.

It was PROPOSED, SECONDED and AGREED that the Road Safety Working Group would consider this request at its next meeting.

1411 Environment Working Group

- a) Members received a written report from the Environment Working Group. The Group had intended to visit Trefarclawdd Farm but, as the Parish Council had objections to various planning applications for the farm, including the Environmental Impact Assessment, they had cancelled the visit until issues had been resolved. Three Members of the Group were enrolled on a biodiversity training module in September 2022, and the Group was in liaison with Oswestry Town Council to explore working together on common environmental issues. The Group was also pursuing information relating to the sewage works at Maesbury.

NOTED.

- b) **It was PROPOSED, SECONDED and AGREED that** in pursuance of Section 40 of the Natural, Environmental and Rural Communities Act 2006, in exercising its functions the Parish Council must have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

1412 Trees Inspection

Members received a tree inspection report from Tree 21 Ltd.

Cllr. John Davies declared an interest as his land neighbours Silverdale Drive.

It was PROPOSED, SECONDED and AGREED that the recommendations made in the report be actioned.

1413 Policy and Terms of Reference Update

Members considered for approval a review of the Council's policies and Terms of Reference.

It was PROPOSED, SECONDED and AGREED that the policy and Terms of Reference review be APPROVED.

1414 Communications

- a) Members considered for approval improvements to the Parish Council's website.

It was **PROPOSED, SECONDED and AGREED** that:

- **Work on the Parish Council's website was ongoing.**
- **Councillors' telephone numbers should be removed from the 'Councillor Contact' page on the website.**

b) Members considered for approval the provision of insight from Google analytics for hits, click throughs, enquiries and pages visited to assess page readership, relevance, and response levels to guide website improvement initiatives.

It was **PROPOSED, SECONDED and AGREED** that a decision concerning this be deferred until a new Clerk had been recruited.

1415 Consultation

Members considered for approval a response to the following consultation:

a) West Mercia Town and Parish Council Survey 2022.

It was **PROPOSED, SECONDED and AGREED** that the Clerk would respond in accordance with Members' comments.

b) Shropshire Council's Draft Economic Growth Strategy 2022-2027.

It was **PROPOSED, SECONDED and AGREED** not to comment.

c) Shropshire Council's Draft Empty Homes Strategy.

It was **PROPOSED, SECONDED and AGREED** to defer to the next meeting.

1416 Oswestry Leisure Centre

Members considered the increased fees recently introduced at Oswestry Leisure Centre.

It was **PROPOSED, SECONDED and AGREED** that Cllr. John Davies would present a proposal for consideration at the next meeting.

1417 School Uniforms

Cllr. Martin Jones expressed concern about the cost of school uniforms and how it was becoming unaffordable to many families especially those on income support.

It was **PROPOSED, SECONDED and AGREED**:

- **To write to local schools and ask them to offer badges that can be embroidered onto their clothes rather than them having to buy clothes already embroidered with the school's logo.**
- **To write to the local MP to highlight this issue.**

1418 Date for Next Meeting

It was **NOTED** that the next meeting would take place on Thursday 25 August 2022 at Trefonen Village Hall.

Public Bodies (Admission to Meetings) Act 1960

Pursuant to Section 1(2) of the above Act it was **PROPOSED, SECONDED and RESOLVED** that due to the confidential nature of the business to be transacted the public and press should not be present.

1419 Trefarclawdd Cemetery

a) Members considered for approval that a quote be sought for legal advice concerning the removal of restrictive covenants with a view to seek the removal of restrictive covenants relative to the purchase of both parcels of additional cemetery land from Yareal. The land is restricted to use for burials only.

It was **PROPOSED, SECONDED and AGREED** that a quote should be sought from Lanyon Bowdler.

b) Members considered for approval that planning applications should be prepared if required for change of use/creation of access, installation of hard standing, and widening of existing gateway at Trefarclawdd cemetery.

It was **PROPOSED, SECONDED and AGREED** that the Working Group be granted delegated authority to prepare planning applications for approval by the Council.

c) Members considered for approval a quote for perimeter stock fencing to enclose the additional cemetery land. Only 2 contractors from 3 request for quotes had responded.

At this point in the meeting, it was **PROPOSED, SECONDED and AGREED** to suspend Standing Order number **3(x)** to enable the meeting to exceed more than 2 hours.

It was **PROPOSED, SECONDED and AGREED** to accept the quote of £1,469.60 + VAT from E P Ecclestone Civil Engineering & Ground Works Contractor.

1420 Environmental Support/Advice

Members considered for approval a quote for independent specialist advice concerning environmental matters.

It was **PROPOSED, SECONDED and AGREED** that the Working Group would put together a scoping report for consideration by the Parish Council before taking any further action.

1421 Funerals at Trefarclawdd Cemetery

Members considered for approval the suspension of further funerals organised by W E Price at Trefarclawdd cemetery following proper procedure not being followed for a recent burial.

It was **PROPOSED, SECONDED and AGREED** that the Parish Council would complain to the National Association of Funeral Directors expressing concern about how W E Price had ignored advice from the Clerk and had arranged a funeral to take place that did not conform with Council policy and procedure.

1422 Staffing

Members received an update from the Personnel Committee concerning the recruitment of a new Clerk/RFO. 3 applications had been received to date. The Clerk had agreed to stay a while longer to take care of urgent matters at reduced hours until a new Clerk had been recruited. A Personnel Committee meeting was to take place on 4 August 2022 to approve the Clerk working beyond her notice period of 31 July 2022 and to ratify the recruitment process.

NOTED.

1423 Planning Enforcement

No planning enforcement cases had been received.

The Chairman thanked everyone for their attendance and closed the meeting at 21:28.

Signed: _____
Chairman

Date: _____

Oswestry Rural Parish Council

Minutes of a Personnel Committee meeting held at 6pm on Thursday 28 April 2022 at Rhydycroesau Village Hall

Present:

Cllr. Peter Richardson (Chairman), Cllr. Martin Bennett, Cllr. Bob Kimber.

Clerk:

Sharon Clayton

13/22 Election of Chairman

Nominations were sought for the election of Chairman.

It was PROPOSED, SECONDED and AGREED that Cllr. Peter Richardson be elected as Chairman.

14/22 Apologies for absence

Apologies were received from Cllr. Jas Singh.

15/22 Minutes

The minutes from a meeting held on 13 April 2021 were considered for approval.

It was PROPOSED, SECONDED and unanimously RESOLVED that the minutes be signed and ADOPTED as a true record.

Public Bodies (Admission to Meetings) Act 1960

Pursuant to Section 1(2) of the above Act it was **PROPOSED, SECONDED and RESOLVED** that due to the confidential nature of the business to be transacted the public and press should not be present.

16/22 Staffing Matters

Members considered for comment and approval the Clerk's annual appraisal and performance review based on her performance since the last review carried out on 13 April 2021.

It was PROPOSED, SECONDED and unanimously AGREED that:

- **The Clerk's appraisal and performance review was exemplary.**
- **The Committee would recommend to the Parish Council that the Clerk's salary for 2022/2023 should be increased by one increment from SCP25 to SCP26 as from 1 April 2022.**
- **The Committee would hold an informal Zoom meeting with the Clerk week commencing 21 November 2022, or before or after this date should circumstances warrant such a meeting in support of the post or the post holder.**

The meeting closed at 18:17.

Signed: _____

Date: _____

Chairman

MONTH	MINUTE NUMBER	RESOLUTION/AGREED ACTION	TASK COMPLETE	COMMENTS
2021				
October	1183	Determine the demand, if any, for allotments.	Work in progress	Posters have been provided for notice boards throughout the parish and included on the website. Only three people have expressed an interest so far.
2022				
February	1265	Arrange for the parish council's name to be renewed on the notice board at Morda.	Work in progress	This notice board needs to be replaced following a vehicle collision that has led to the wall needing to be re-built. A quote is being sought for a replacement notice board.
March	1286(b)	Risk assessments to be carried out by councillors as agreed.	Work in progress	Awaiting quotes for work required.
May	1357	Write to Shropshire Council to request information concerning the sewage disposal works at Maesbury Road.	Yes	Shropshire Council's SUDS team are dealing with this request via the Environment Working Group.
	1359	Ask Shropshire Council what is the geographical usage of Oswestry Leisure Centre and the relative costs.	Yes	Response awaited.
June	1385	Seek quotes for reaching out to the community.	Yes	A quote was considered by the Council on 28 July 2022, and it was agreed this be deferred until a new Clerk is in post.
July	1406	Respond to planning applications.	Yes	
	1408(f)	Transfer £5,000 to Unity Trust Bank	Yes	
	1410(a)	Write to Helen Morgan MP and the Leader of Shropshire Council to express the Parish Council's disappointment that it cannot pass on community concern to the Traffic Commissioner because it is not a consultee for HGV operators' licences.	Yes	
	1412	Action recommendations in the recent Tree Inspection Report.	Work in progress	
	1415	Respond to consultation.	Yes	
	1417	Write to Helen Morgan MP and local schools to express concern about the cost of school uniforms.	Yes	Response received from Helen Morgan MP. Response awaited from schools.
	1419(a)	Ask for a quote for removal of restrictive covenants.	Yes	The restrictive covenant can only be removed by the people who imposed the covenant and permission needs to be sought from the people from whom the land was purchased.
	1419(c)	Order stock fencing for Trefarclawdd cemetery.	Yes	
	1421	Make a complaint to the National Association of Funeral Directors.	Work in progress	Chairman to report.

TO NOTE:

- Following the resignations of Councillors Robert Milton and Les Maguire there has been no request for an election and these casual vacancies are being advertised for co-option. A new page "Become a Councillor" has been added to the website. Attempts to find new councillors should be pursued.
- The War Memorial at Maesbury has been removed and taken away to be cleaned and a new inscription placed on it.

Expenditure	Budget	Balance	July	Allocated	Unallocated	Neighbourhood
	2022/2023		2022	Reserves	Reserves	Funds
General Administration						
Clerk Salary / Employer NI/ Home Working Allowance	£13,972.00	£8,900.18	£5,071.82			
Stationery	£730.00	£572.22	£157.78			
Postage	£403.00	£283.70	£119.30			
Clerk Travel Costs	£518.00	£314.60	£203.40			
Audit Fee (internal)	£300.00					
Audit Fee (external)	£80.00	£13.00	£67.00			
Professional/Legal Fees	£500.00	£500.00	£0.00	£1,000.00		
Insurance	£860.00	£196.01	£663.99			
Meeting Room Hire	£380.00	£133.12	£246.88			
Zoom annual subscription	£120.00					
SALC Subscription	£1,670.00	-£78.08	£1,748.08			
SLCC Subscription	£270.00					
Data Protection	£35.00					
Bank charges	£100.00	£63.50	£36.50			
Communication						
Newsletter and Annual Report	£30.00					
Website	£504.00					
Website and domain name	£49.00					
Notice board maintenance	£400.00					
Training						
Clerk	£600.00		£30.00			
General (Councillor)	£200.00			£275.00		
Elections	£0.00					
Parish Maintenance						
Street Lights - electricity	£1,065.00	-£288.34	£1,353.34			
Street Lights - repairs	£100.00					

Street Lights - new	£0.00					£2,000.00
Grounds Maintenance - Cemeteries	£3,450.00	£1,936.50	£1,513.50			
Grounds Maintenance - Green Spaces	£2,205.00	-£249.50	£2,454.50			
Donation - Morton closed churchyard	£550.00	-£31.00	£581.00			
Bus Shelter - cleaning	£1,020.00	£680.00	£340.00			
General Repairs	£1,200.00					
Tree maintenance	£500.00					
Litter picking equipment	£0.00					
Hanging baskets	£0.00					
Dog waste/litter bins	£0.00					
Green spaces and infrastructure	£0.00					
Leisure and Community Development						
Play improvements	£0.00					
Cycling and walking facilities	£0.00					
Cycling and walking promotion	£0.00					
Promotion of meeting facilities	£0.00					
Community Support						
Grants	£3,020.00	£2,020.00	£1,000.00			
Grants LGA 1972 S137						
Tony Cheetham Community Service Award	£55.00					
AED				£400.00		
Highways						
Traffic calming	£0.00					£17,500.00
Traffic calming Coed-y-Go	£0.00					£15,000.00
VAS (Treflach)	£0.00					£6,500.00
VAS (Maesbury)	£0.00					£7,500.00
Litter picking equipment	£0.00			£100.00		
Hanging baskets	£0.00			£1,000.00		
Play improvements	£0.00					£10,000.00
Cycling and walking facilities	£0.00					£10,000.00

Cycling and walking promotion	£0.00			£5,000.00		
Dog waste/litter bins	£0.00					£3,000.00
Meeting facilities promotion	£0.00			£2,000.00		
Green spaces and infrastructure	£0.00					£5,000.00
Contingency	£1,000.00	£218.26	£781.74			
Net expenditure	£35,886.00		£16,368.83			
VAT			£269.85			
Gross expenditure			£16,638.68			
Income			July			
			2022			
Precept	£33,816.00		£33,816.00			
Cemetery Fees	£2,000.00		£2,200.00			
Interest	£20.00		£113.80			
Donations	£50.00					
Grants received			£1,083.00			
Other						
Sub total	£35,886.00		£37,212.80			
Neighbourhood Fund			£5,471.14			
Total net income	£35,886.00		£42,683.94			
VAT refunds			£1,599.91			
Total income received	£35,886.00		£44,283.85			
RESERVES						
Neighbourhood Fund Projects						£76,500.00
Allocated general reserves				£9,775.00		
Unallocated general reserves					£141,940.00	
TOTAL RESERVES 31 March 2022				£228,215.00		

Year to date balances:

MONTH	EXPENDITURE	INCOME	BALANCE
	£	£	£
31-Mar-22		B/F	253214.88
2022			
April	-5076.03	39,422.20	287561.05
May	-3005.14	3,620.60	288176.51
June	-1530.95	840.09	287485.65
July	-7026.56	400.96	280860.05
August			
September			
October			
November			
December			
2023			
January			
February			
March			
BALANCE	-16638.68	44,283.85	

Bank balance as at 30 July 2022:

Current account 10649120	5598.40
Deposit account 11313924	149992.41
Reserve account 21514768	285.63
PSDF	75000.00
Cambridge and Counties	50000.00
Less DD for EE not debited	-16.39
	<u>280860.05</u>

Subject: SAAA 2022 Opt-out Communication
Date: Thursday, 11 August 2022 at 15:39:30 British Summer Time
From: admin@saaa.co.uk
To: clerk@oswestryrural-pc.gov.uk
Attachments: PNG image

13

Option to opt out of the SAAA central external auditor appointment arrangements

Dear Clerk/RFO/Chairman, clerk@oswestryrural-pc.gov.uk,

Under the Local Audit (Smaller Authorities) Regulations 2015, SAAA is responsible for appointing external auditors to all applicable opted-in smaller authorities, for setting the terms of appointment for limited assurance reviews and for managing the contracts with the appointed audit firms. Smaller authorities are those whose gross annual income or expenditure is **less than £6.5 million**.

The next 5-year appointing period runs from 2022-23 until 2026-27 and SAAA has undertaken a procurement exercise to appoint auditors to each County area from 1 April 2022. Now that the submission deadline for the 2021-22 Annual Governance and Accountability Returns has passed, this is to advise you of the option to opt-out of the next round of 5-year audit appointments.

All authorities require an appointed external auditor even if the authority meets the criteria to qualify for exemption, as a Certificate of Exemption is required to be submitted to the external auditor and the auditor must be in place in case of objections from local electors

During the previous 5-year period **all** smaller authorities were 'opted-in' to the central procurement regime managed by SAAA - no authority decided to 'opt-out' and follow the various complex procedures required under statute to appoint their own external auditor. **If you wish to continue as part of the SAAA sector led auditor appointment regime then no action is required, you will remain part of central scheme.**

However, all authorities must be given the option to opt-out of the central procurement and appointment scheme and appoint their own external auditor for the next 5-year period, although the process is onerous for smaller authorities.

This communication is to advise that whilst all smaller authorities are opted into the central procurement of external auditors by default, any authorities who do not wish to be part of the SAAA arrangements must formally notify SAAA that they wish to opt out within **8 weeks** of this communication but no later than **28 October 2022**; this decision must be communicated to SAAA via e mail to admin@saaa.co.uk.

If notification of your decision to opt out is not received within this 8-week period, then your authority will be regarded as opted-in for the next five-year period beginning on 1 April 2022 and ending on 31 March 2027.

-

Opting-out

Opting out is a significant decision which requires careful consideration; to assist authorities considering opting out further guidance has been developed to clarify what opting out means in practice. This detailed information can be found at www.saaa.co.uk

An authority that wishes to opt out must formally reach and record that decision in a way that meets the requirements of its own governance framework, by convening a full council meeting or an extraordinary council meeting.

Key implications are:

- an opted-out authority regardless of size (including exempt authorities) **MUST** appoint an appropriate external auditor;

- the appointed auditor **must** be a registered auditor as defined by the Companies Act and a member of Institute of Chartered Accountants (England and Wales).
- an opted-out authority **must** convene an appropriate independent auditor panel which meets the requirements of the Local Audit and Accountability Act 2014 (LAAA). Detailed guidance on auditor panels is available in Schedule 4 of the LAAA Act and from CIPFA;
- an opted-out authority will need to develop its own specification for its external audit contract, will need to negotiate the price for this work on an individual basis and will need to manage the contract, including any disputes, and any independence issues that may arise;
- an opted-out authority must ensure full compliance with the relevant requirements of the Local Audit and Accountability Act and supporting Regulations;
- any opted-out authority that does not successfully appoint an appropriate external auditor in the correct manner and notify SAAA who their external auditor is by **30 November 2022** will have an external auditor appointed for it by the Secretary of State through SAAA. **This will result in additional costs of £300 which will have to be met by the authority.**

Regards,

admin@saaa.co.uk



www.saaa.co.uk • SAAA Ltd, 77 Mansell Street, London E1 8AN

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24 DECEMBER 2020

LTN 28 | BASIC CHARITY LAW

Principal roles played by local councils in the trusteeship of charities

1. A local council can act as:
 - sole trustee: the council as a corporate body holds the property and oversees its application as charity trustee (see paragraph 6 below);
 - joint trustee together with individual trustees;
 - **custodian trustee: the council holds the property but takes no decisions on its use (see paragraph 10 below).**
2. Local councils can also:
 - appoint their nominees as trustees in certain circumstances (see paragraph 15);
 - give financial assistance to a charity e.g. through grants.
3. The responsibilities of the local council as trustee will be set out in the charity's governing document. The governing document sets out the charity's purposes and, usually, how it is to be administered. It may take the form of a trust deed, constitution, conveyance, will, Royal Charter or Scheme of the Charity Commission.
4. A local council could be involved in more than one capacity, for example acting both as custodian trustee and appointing one or more of the managing trustees. Managing trustees are responsible under the governing document for controlling the charity's management and administration.

Restrictions on local councils

5. Under s.139(1)(b) of the Local Government Act 1972 ('the 1972 Act'), a local council can be appointed as a sole or custodian trustee of a charity for the benefit of all or some of the people living in its area. Most frequently, the charities will be for recreational purposes.

Local councils acting as sole trustee

6. If a council is the sole trustee, it should set up a committee under s.101(1) of the 1972 Act. The individual committee members are not charity trustees. However, they must ensure that the local council acts appropriately as sole trustee. As a committee of the council all procedural matters will be governed by Standing Orders but all decisions must be made in the best interests of the charity with no regard to the interests of the council. All members of the committee must be councillors unless the charity rules specifically allow the involvement of non- councillors.
7. Pursuant to s.2 of the Charities Act 2011('the 2011 Act'), a charitable body must be established for a charitable purpose and for the public benefit. It cannot be established to further the purposes of some non-charitable body such as the council itself. Local councils and charities often have close interests in local matters. But the charity needs to be independent of the council. Decisions about the administration and operation of the charity must be taken solely with a view to furthering its charitable purposes and for no other purpose. In short, the council must realise it has a dual role, first, as a local authority and secondly as a charity trustee and the two roles must be kept entirely separate. All discussions and decisions relating to the charity should be taken at a meeting specifically called for that purpose, not at a council meeting.
8. There are advantages to having a local council as trustee, but there may also be disadvantages. Conflicts of interest between the council and the charity can often occur as well as a failure by the council to appreciate that it must deal with the charitable property in accordance with the charitable trusts. For instance, where the property is a recreation ground, there have been occasions where a lease has been granted on preferential terms to a (non-charitable) sports club. The Charity Commission is aware of local authorities that have disposed of property that they thought was their own but was in fact charitable property. The Commission will generally try to make some other trustee arrangement when it exercises its power to appoint charity trustees e.g. the council is appointed as custodian trustee with separate managing trustees having day-to-day responsibility for the administration and operation of the charity.

The Public Contracts Regulations 2015

9. In some circumstances, a charity may be subject to the requirements of the Public Contracts Regulations 2015 (“the 2015 Regulations”), for example, the requirement to use the contracts finder website when putting contracts of £25,000 or more out to tender.

Local councils acting as custodian trustee

10. The role of a custodian trustee is very limited. The legal title to the charity's property is vested in the local council and it has custody of all documents relating to the property. The managing trustees must have free access to the title deeds. The charity property should be listed in the council's assets register but with nil value. Responsibility for insurance of the charity property falls on the managing trustees. The custodian trustee has no power to manage the property and no role in the administration of the charity. The custodian trustee duty is to perform all lawful acts necessary to enable the managing trustees to administer the charity efficiently. The custodian trustee should not act if the matter is a breach of trust or involves liability for the custodian trustee.
11. Many charities find it convenient to appoint the local council as custodian trustee because the council has a perpetual legal status and identity and thus is capable of holding charity property forever. The situation may be contrasted with other trustees who die or retire and, consequently, new trustees are required and the charity property has to be transferred into the name of the new trustees.
12. Based on the provisions of s.4(2) of the Public Trustee Act 1906 (“the 1906 Act”), the Charity Commission has given the following guidance in respect of the role of custodian trustees:

“The watchword here is “assistance”. The custodian trustee can only assist the managing trustees - it cannot have any management responsibilities itself, no matter how convinced individual members of the corporate body may be that it does... All sums payable to or out of the income or capital of the trust property should be paid to or by the custodian trustee. It may, however, allow the dividends and other income derived from the trust property to be paid to the managing trustees (or to such person, directly or by credit to their bank account, as they may direct). If this is allowed, then the responsibility for ensuring the proper application of those funds falls to

the managing trustees, and the custodian trustee is not answerable for any loss or misapplication of them.

The custodian trustee, if it acts in good faith, is not liable for accepting as correct, and acting upon, any written statement by the managing trustees relating to any matter of fact upon which the title to any or all of the trust property may depend. It is also not liable for acting upon any legal advice obtained by the managing trustees independently of it.”

13. Pursuant to s.4(3) of the 1906 Act, custodian trustees are able to charge for their services. However, a custodian trustee:

- cannot act for the managing trustees even if there are none; and
- must carry out the managing trustees’ instructions unless that would involve the custodian trustee in a breach of trust or some personal liability.

14. A custodian trustee can be appointed in any of the following ways:

- the governing document of the charity when it is first established;
- the person or persons having power to appoint new trustees;
- an Order or Scheme of the Court; and
- an Order or Scheme of the Charity Commission.

Appointment of trustees

15. In some cases, the governing document of a charity may give a local council power to appoint some or all of the trustees of the charity.

16. S.300 of the 2011 Act gives some local councils powers to appoint trustees of certain types of charities for public recreation or allotments.

17. Trustees appointed by a local council under s.300 of the 2011 Act have exactly the same duties and responsibilities as other trustees. They must act independently of the council which appointed them and act only in the best interests of the charity.

Non-functioning managing trustees

18. Charities can lose all of their managing trustees or have insufficient trustees to be quorate. The custodian trustee would still have no power to manage

the charitable property and no role in the administration of the charity. What options are there to re-activate the charity? The Charity Commission has powers to appoint trustees (including appointing the council as sole trustee). And under section 36 of the Trustee Act 1925 the remaining trustee(s) may have the power to appoint other trustees.

Different types of charity

(i) ecclesiastical charity

19. An ecclesiastical charity (as defined by s.75 of the Local Government Act 1894) has one or more of the following purposes:

- for any lawful spiritual purpose;
- for the benefit of any spiritual person or ecclesiastical officer;
- for use, if a building, as a church, chapel, mission room or Sunday school or otherwise by any particular church or denomination;
- for the maintenance, repair or improvement of such a building or for the maintenance of religious service in it;
- otherwise for the benefit of a particular church or denomination or their members

A local council cannot be a sole or custodian trustee of an ecclesiastical charity or a charity for the relief of poverty (s.139 (3) of the 1972 Act).

(ii) parochial church council

20. A parochial church council ('PCC') is the elected body dealing with the finance and organisation of the church in a parish or ecclesiastical district. The powers of a PCC are laid down in the Parochial Church Council (Powers) Measure 1956. A measure is the equivalent of an act of parliament. The General Synod has powers to pass measures which relate to any matter concerning the Church of England.

Conflicts of interest

21. Sometimes council officers or members are appointed as trustees of charities and trustees of charities become members or employees of councils. Such dual roles can give rise to potential conflicts of interest. Charity trustees must not let their other interests' conflict with their duty to act in the interests of the charity.

22. In England, a member has obligations under the Localism Act 2011 ('the Localism Act') concerning disclosable pecuniary interests as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The definitions of disclosable pecuniary interests are given in NALC Legal Briefing L10-12. If a councillor is also a charity trustee for profit or gain, or a director of a charitable company and a council meeting is making a decision about a contract for goods and services between the parties or a tenancy in which the council is the landlord and the charitable company is the tenant (or vice versa), the councillor cannot, without a dispensation from the parish council, participate or vote on the issue. In England, the code of conduct adopted by a council under s. 27(2) of the Localism Act may prevent a councillor from participating in a discussion and voting at a council meeting in respect of any decision about an unincorporated charity of which he/she is a charity trustee without profit or gain (even if appointed or nominated by the council). If a council has adopted the NALC template code of conduct (set out in Legal Briefing L09-12), a councillor in the situations described would be able to speak on the issue only if the public have rights to speak at the council meeting. If a councillor wants to participate in the council's discussion and vote on the matter, he/she would first need to obtain a dispensation from his/her council.
23. In Wales, by virtue of s.50 (4) of the Local Government Act 2000 and the provisions of the Local Authorities (Model Code of Conduct) (Wales) Order 2008 No.778, a member cannot, without a dispensation from his/her principal authority's standards committee, participate or vote on a matter at a council meeting if he/she has a prejudicial interest in a matter arising from his office as a charity trustee (even if his/her council appointed or nominated him/her).
24. Council officers and employees have a duty to ensure that they act in the best interests of tax payers and trustees have a duty to act in the best interests of the charity and its beneficiaries. These duties can, and frequently do, conflict. A conflict can arise in a number of situations and a classic example is the sale or lease of land by one body to the other.
25. For example, trustees leasing or selling land to a council are under a duty to obtain the best price or rent. At the same time, council officers or employees are under a duty to ensure that tax payers' money is spent prudently. Another example is where contracts are agreed by one body to the other. Clearly, it is extremely difficult to comply with both duties at the

same time.

26. If the council believes that there may be a conflict of interest, it should seek advice from the Charity Commission, who have produced guidance. It can be accessed at: www.gov.uk/government/publications/conflicts-of-interest-a-guide-for-charity-trustees-cc29.

27. In some situations, it may be possible for individuals simply to refrain from taking part in meetings or to refrain from taking part in the decision-making process. In more difficult cases, the Charity Commission might invite trustees to resign voluntarily. It could, after conducting an investigation, also require a trustee to step down.

Duties and liabilities of trustees

28. The duties of trustees can be quite onerous. They must act in the best interests of the beneficiaries at all times. The position is one of personal confidence towards the beneficiaries. The duties owed to the beneficiaries must not in any circumstances be permitted to come into conflict with their personal interests. A trustee acting in breach of trust is usually liable for any losses personally.

29. The courts have been keen to ensure that the trustee's strict duties towards the beneficiaries do not conflict with any of the trustee's other personal interests. Consequently, a sale or lease of trust property to a trustee or to people or companies closely related to him should be approached cautiously. A number of rules have developed which may be summarised as follows:

- a trustee should not place himself in a position where trafficking in the trust property may prove to be an irresistible temptation;
- a trustee is not allowed to become the owner or lessee of trust property;
- a trustee may not sell or lease property to a nominee;
- the sale of trust property to a trustee's relative will be looked upon with suspicion, as will a sale of trust property to a company in which the trustee has a substantial interest.

The Charity Commission

30. The Charity Commission, established by the Charities Act 2006, is one of the main sources of detailed advice and information about charities. It has the following main roles:

- registering eligible organisations in England and Wales which are established only for charitable purposes;
- taking enforcement action when there is malpractice or misconduct;
- ensuring charities meet their legal requirements, including providing information on their activities each year;
- making information widely available about each charity;
- providing guidance to charities.

31. The contact details of the Charity Commission are as follows:

- general enquiries — contact centre 03000 66 9197;
- website — www.gov.uk/government/organisations/charity-commission;
- useful publications —
 - The Essential Trustee:
www.gov.uk/government/publications/the-essential-trustee-what-you-need-to-know-cc3
 - Local Authorities as Charity Trustees:
www.gov.uk/government/publications/local-authorities-as-charity-trustees
 - Charities and Meetings:
www.gov.uk/government/publications/charities-and-meetings-cc48
 - Charities and Insurance:
www.gov.uk/government/publications/charities-and-insurance-cc49

Other Legal Topic Notes (LTNs) relevant to this subject:

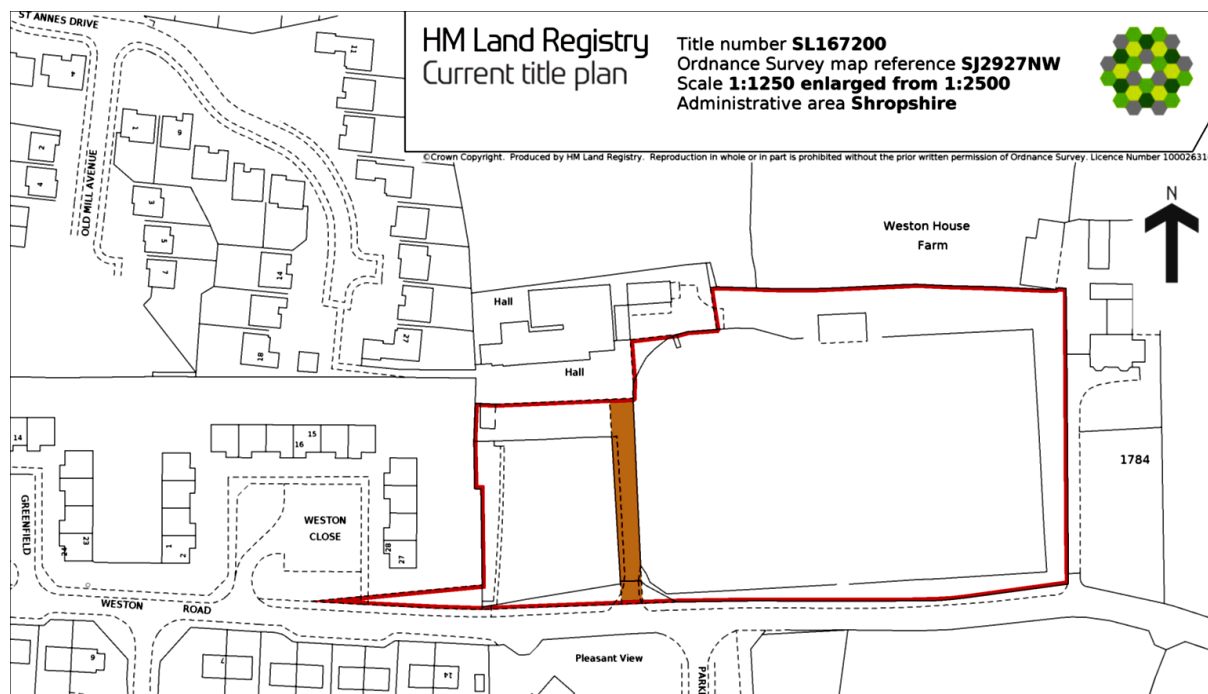
LTN	Title	Relevance
21	Local council help for village halls	Sets out the powers of councils to assist the running of village halls.
40	Local councils' documents and records	Sets out local councils' duties to record ownership of land and keep title documentation.
45	Disposal and appropriation of land by local councils	Sets out restrictions relating to disposals of land subject to charitable trusts.
45A	Disposal of charity land by local councils acting as sole or managing trustee	Explains the rules and procedures for the disposal of charitable land by a local council which is sole or managing trustee.
80	Members' conduct and the registration and disclosure of their interests (England)	Explains councillors' obligations under the Localism Act 2011.
87	Procurement	Explains the arrangements that councils must follow when the Public Contracts Regulations 2015 apply.

Introduction:

At the last Council meeting under the Public Session Agenda Item, the Chair read out a statement regarding Morda Village Hall. [Copy attached Annex A].

This proposal is similar to one which was made to the Parish Council previously (May 2020) and which the Council at the time supported. The Parish Council agreed to earmark £92,000 towards the re-development of Morda Village Hall. However, at a Council meeting held on 18 May 2021 the Council subsequently agreed to rescind the decision. The proposal apparently had some history attached to it regarding land issues and conflicts of interest.

Part of the land in question is owned by Shropshire Council [Legal Services] and was Registered with the Land Registry 09/05/2005. Land adjoining Morda Social Club, Morda, Oswestry.



The remaining area land on which the Hall is located, and parking is not currently registered with the Land Registry.

The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Conveyance of Morda Village Hall dated 20 March 1980 made between (1) The County Council Of Salop (Vendor) and (2) John Noel Simmons and others (Purchaser):- "Excepting and Reserving to the Vendor in fee simple all necessary full rights of drainage and all other necessary full rights now enjoyed and used from or to the Vendor's adjoining or neighbouring property or any part or parts thereof in through under or over the land and buildings hereby conveyed or any part or parts thereof. TOGETHER WITH a full right of way for all purposes and at all times in common with all other persons entitled thereto over the strip of land more particularly shown coloured brown on the said plan AND TOGETHER WITH all necessary full rights of drainage and all other necessary full rights now enjoyed and used from or to the land and buildings hereby conveyed or any part or parts thereof in through under or over the Vendor's adjoining or neighbouring property or any part or parts thereof.

Current Position:

The Council is Custodian Trustee for the Village Hall.

Unincorporated charities do not have their own legal identity. They 'borrow' the legal identities of their trustees to enter into contracts and to own assets. When an unincorporated charity owns property or land it might appoint a Custodian Trustee to hold the title deeds on their behalf in perpetuity. The Custodian Trustee is a corporate body, such as a Parish Council or the Official Custodian of Charities. Whilst the Custodian Trustee holds the title to all property on behalf of the charity, it does not take part in the day-to-day management and operation of the charity.

The Deeds are currently held by Lanyon Bowdler.

The Clerk also holds the following documents.

- A Deed of Variation dated 10 June 1996.
- A lease between the Parish Council and Morda and Sweeney Village Hall dated 24 May 1999.
- A Legal Charge dated 9 September 1988 and further Charges dated 6 September 1990 and 30 November 1994.
- Deeds of Appointment dated 27 February 1988 and 19 July 1988 and 16 December 1980
- A lease dated 1 August 1986.
- A Conveyance dated 3 November 1982 and a Conveyance dated 12 March 1980 and a Conveyance dated 12 July 1960.
- Various death certificates.
- A Trust Deed dated 25 May 1966.
- An Agreement dated 6 August 1959.

Historically there has always been a Parish Council representative on all village hall committees within the parish. However, the councillor representing the Parish Council for Morda Village Hall was also the Chairman of the Management Committee. He has since resigned as a councillor. The Clerk confirms that she has not been informed about any change to the governing document so that a Parish Council representative is no longer required, so it seems (at the moment) that a Trustee *could* be appointed.

The Charity:

Object/s

The Charity was set up with the following object/s

For the purposes of a village hall for the use of the inhabitants of Morda and Sweeney and the neighbourhood (hereinafter called "the area of benefit") without distinction of sex or of political, religious or other opinions, and in particular for the use for meetings, lectures and classes, and for other forms of recreation and leisure-time occupation, with the object of improving the conditions of life for the said inhabitants.

The Governing document is NOT on the website.

Trustees

Currently according to the Charity Commission Website there are only two trustees:

Robert Milton Chair appointed: 19 February 2014

Robert Drury Trustee no date of appointment

Having only two Trustees does present a risk to the Charity. The Council should consider appointing a representative to try to mitigate the risk of failure.

Income / Expenditure

It is understood that the Trust document specifies that the Chair of the Council should receive a copy of the Charities Annual Report and Accounts. However, no such report or accounts have been received in the last few years. This provides some protection and audit for the beneficiaries of the Charity.

The following table of income/expenditure is taken from the Charity Commission Website

	31/08/2017	31/08/2018	31/08/2019	31/08/2020	31/08/2021
Total gross income	£17.04k	£14.38k	£15.85k	£10.51k	£6.95k
Total expenditure	£43.17k	£8.24k	£9.61k	£8.63k	£7.94k

The income for 2017 was some £43,000 with an income of £17,000. An annual report and accounts would hopefully explain this apparent anomaly, while the following years the expenditure varies around £7,000-£9,000. However, the increasing costs of energy as we enter the winter months may, depending on the use of the hall, income raised and any reserves, place severe financial strain on the Charity. Expenditure for 2021 did exceed income, which presumably was met from some form of reserves if indeed, these are held.

A form of protection for the Trustees could be for the Charity to become a Company Limited by Guarantee, which limits individual liability to £1, in the event of the liabilities exceeding the total income and assets of the Charity.

Land and Property

The Charity Commission Website reports that *'This charity does not own and/or lease land or property.'* Which raises the question that **if the charity does NOT own the Village Hall – who does?** The ownership of the Hall is firmly in the hands of the Trustees with the caveat that they hold it in Trust on behalf of the Beneficiaries. The Council should advise the residents of Morda & Sweeney that they *are* such Beneficiaries.

The Proposal:

Concerns have previously been expressed about the condition of the Village Hall. Usage for the hall is currently unknown, but the Parish Council have been denied use of the premises on the grounds that the hall is in use on the last Thursday of EVERY month. COVID lockdown may account for the sudden decrease in income reported in 2020 and 2021. The figures when reported for 2022 may indicate an uptake of usage.

With the increased number of homes in Morda, there can be no doubt of the value of some form of social centre to help underpin the viability of the local community.

The energy rating of the current hall is again unknown, nor its impact on the environment. Given the increasing cost of energy, a new Hall with better insulation, solar panels to generate electricity, grey

water storage and a robust IT framework would be of benefit to the community and would in part fulfil the purposes for which Community Infrastructure Levy was created.

Further, the proposal allows for the creation of 5 dwellings which could also be built to environmentally high standards and provide an income stream to support the Hall and secure its long-term future.

Recommendation:

That

1. the Council re-affirm its without prejudice interest in the scheme as presented at the previous Council meeting.
2. the Council consider nominating a representative to the Charity.
3. the Council invites the existing Trustees and Shropshire Council representatives, to meet with Council representatives to discuss the scheme and the possibility of taking this forward, reporting back to the next meeting of the Council.

ANNEXE A

Proposal for the future of Morda Village Hall

I am told that the Village Hall is in a poor state of repair and considerable work will be necessary to maintain it as an asset to the community.

The land on which the hall stands is currently unregistered with Land Registry, and as such is vulnerable to anyone who is in possession of the Title Deeds of the property.

I suggest that in the first instance the property should be registered with Land Registry with the Title Holders being the Trust known as Morda & Sweeney Village Hall. This Trust is already registered with the Charity Commission as a charity.

Secondly, there has been considerable disquiet concerning a project that was proposed to the Parish Council at a monthly meeting by one of the Trustees on 28th May 2020. The proposal omitted several important facts, for reasons unknown.

However, the project when eventually revealed fully was not without merit, it simply lacked the necessary transparency that should have part of the project in the first instance, and subterfuge that accompanied it inevitably led to suspicion and opposition to the project, which was a shame because the community stood to gain an asset that would have removed what has become an eyesore. After all, this project had been in the planning stage since I believe 2016, and during this interim period a considerable amount of work was carried out, and it would be a pity to not give it due consideration now.

The original project called for the current village hall to be demolished and a new hall built in its stead together with 5 affordable homes. I have attached 2 Feasibility Site Plans produced by DJD

Architects of Worcester at the behest (I presume) of Shropshire Council to give you an idea of what it could look like.

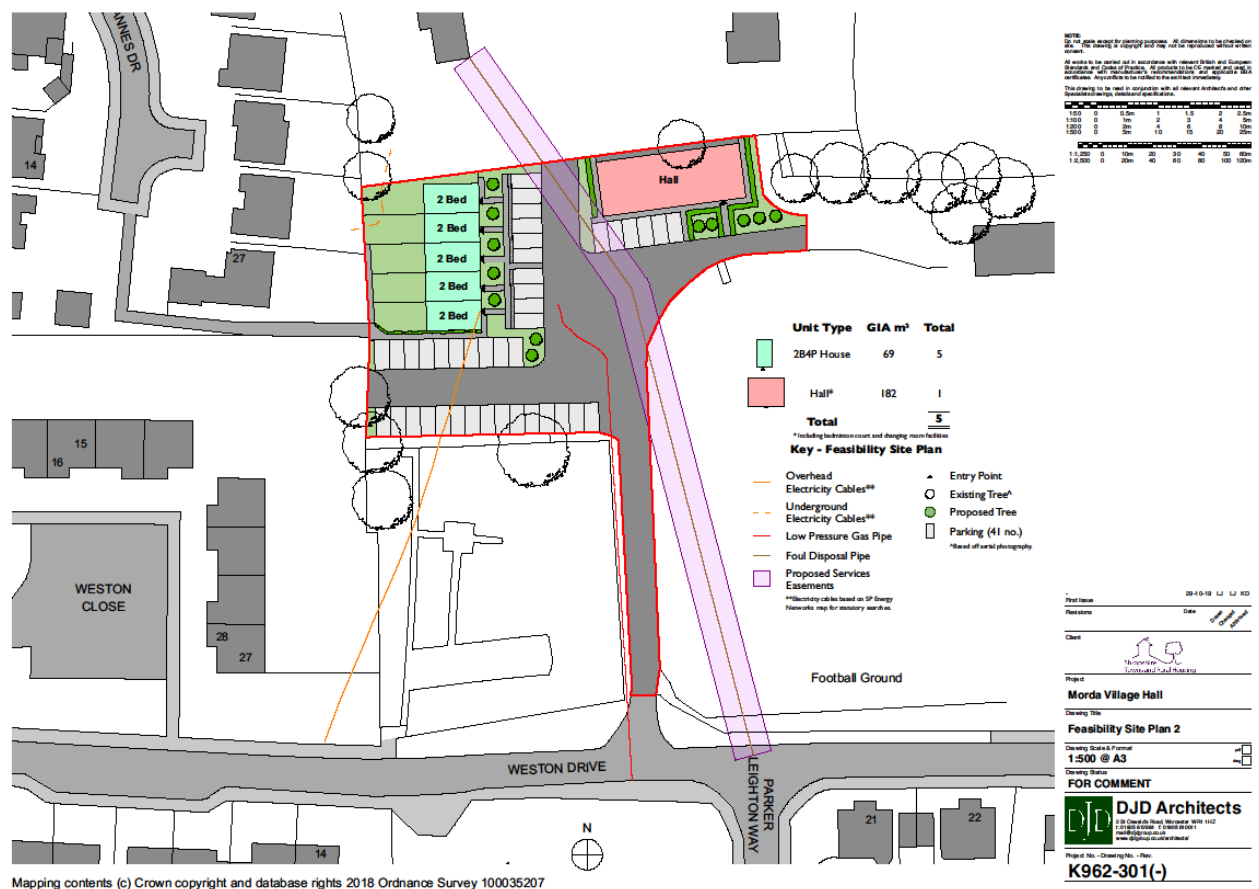
I suggest the funding for this project could be obtained from grants, Morda's share of the Community Infrastructure Levy and from the Parish Council's reserve fund as originally intended by the previous authors of the project who appeared to have fully costed the development.

The project outcome when completed would give the Trust a new hall with up-to-date facilities and ownership of 5 properties that could either be sold or rented out within the community thus securing the financial viability of the Trust in the future.

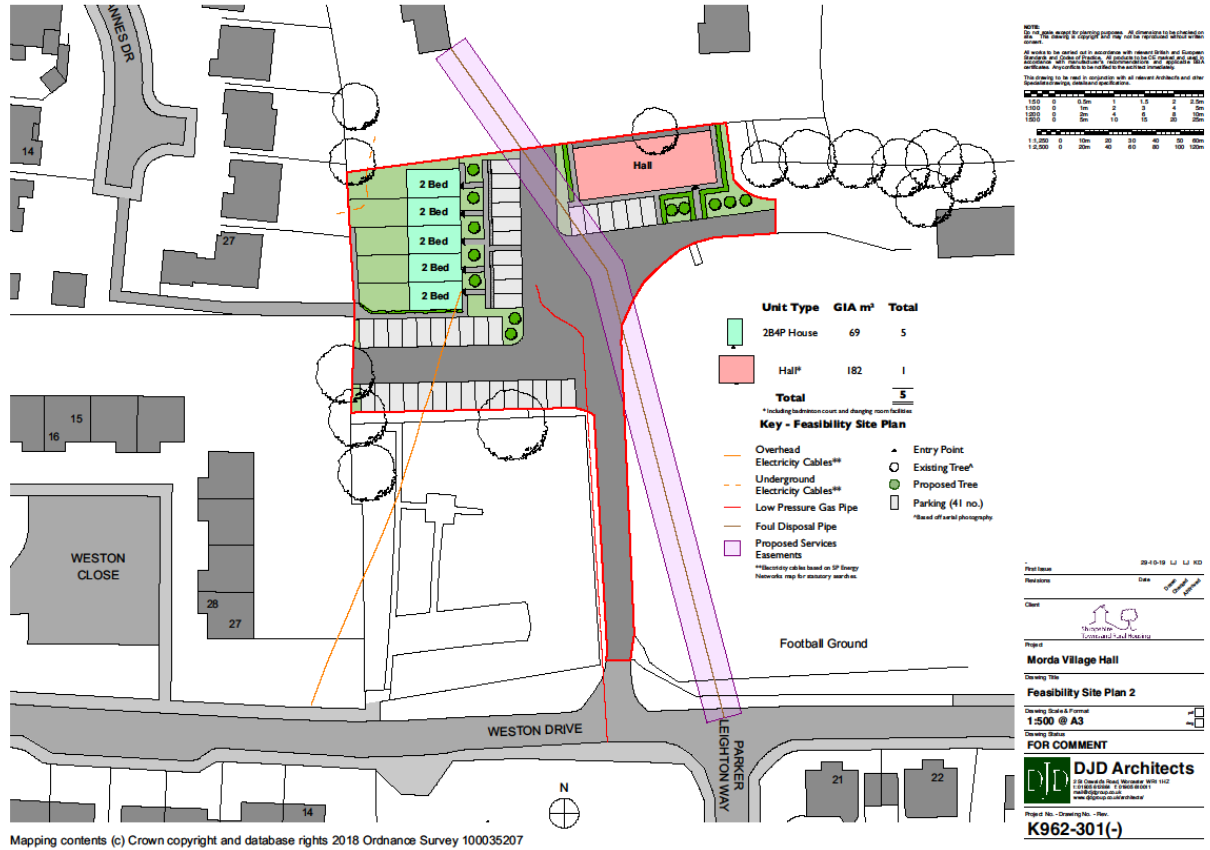
The difference between this proposal and the previous one would be that the ownership of the properties would remain with the beneficiaries of the Trust.

Of course, new Trustees would have to be appointed with the Parish Council being one of the Trustees to maintain the element of transparency and to safeguard the rights of the beneficiaries. In conclusion I would say that I have no financial interest in whether my suggestion is taken forward, or not. I see it as an opportunity for the community of Morda.

Site Plan 1



Site Plan 2



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TITLE OF REPORT:	GRANT AWARDS
REPORT BY:	Clerk - Sharon Clayton
BACKGROUND:	<p>At a Parish Council meeting held on 26 October 2021 a grant application from Morda United FC requesting funding towards the costs of repairing the main stand was considered. As well as all the information that the Council's Community Grant Policy requires this grant application was accompanied by a quote for the materials (£1,754.88).</p> <p>The Council's grant application form states under the heading "Conditions" – <i>"If requested to do so we shall provide the Parish Council with details of expenditure incurred and shall keep and make available to the Council all financial records and accounts, including receipts for items purchased with this grant, for a period of two years"</i>. The Council's policy does not include a requirement that invoices must be provided before a grant will be offered.</p> <p>However, the Council agreed that "A grant of up to £1,000 may be awarded to Morda United FC on production of the appropriate receipt" (minute no: 1173[c]). Because the club has not received this grant the work could not go ahead and, as the new season is about to start the club would like to know whether the Council will re-consider the original grant application.</p>
ISSUES:	<p>The Council's Community Grant Policy states that all grant applications must be received no later than 31 January for consideration at its March Meeting. Applications received after this date will not be considered until the following year. The Policy also states that the cost of the project should be supported by invoices or estimates. Morda United FC complied with this.</p> <p>A similar situation arose in January 2022 when a grant application was considered from Morton Playing Field Committee who asked for £1,200 for the trees around the perimeter of the playing field to be pruned to prevent a possible health and safety issue. In this instance the Council agreed not to make an award until detailed costings had been submitted with the grant application (minute no: 1232[a] dated 27 January 2022). This grant application was eventually re-considered on 31 March 2022 when the Council agreed to award a grant of £1,000. Unfortunately, this grant was not paid in the 2021/2022 fiscal year and was paid in the 2022/2023 fiscal year. *</p> <p>The Council's Community Grant Policy means that, rather than individual grant applications being considered as they are received, all applications are considered at one time so that the Council's grant budget can be distributed on merit. For example, an application for £1,000 considered on its own could lead to the award being made without knowing how many more grants may be received in any one fiscal year and could lead to the majority of the annual grant budget being awarded to one applicant leaving others without the opportunity to receive a comparable award.</p> <p>If the Council continues to not make any grant awards until or unless proof of costs is provided it will need to amend its Community Grant Policy and this may lead to local groups being deterred/prevented from securing funding for important social/recreational benefits.</p>
LEGAL OBLIGATIONS:	<p>None, although repairs to the football stand can be funded in pursuance of the Local Government (Misc. Provisions) Act 1976, S19.</p> <p>The Parish Council's Community Grant Policy also applies.</p>
FINANCIAL IMPLICATIONS:	<p>The grant budget for 2022/2023 = £3,020 and this amount includes £20 for the cost of the poppy wreath, therefore leaving £3,000 unallocated. However, the grant award to Morton Playing field of £1,000 has reduced this budget to £2,020 and therefore, £1,000 will need to be taken from reserves if the Council wishes to allocate all of the 2022/2023 budget.*</p> <p>The 2021/2022 budget allocated £3,070 for grants of which only £520 was awarded.</p>
COMMUNITY BENEFIT:	Providing the local community with financial assistance to improve social capital.

RECOMMENDATION:	That Morda United FC is awarded at least £1,000 towards the cost of repairing the main stand at Morda Playing Field.
DATE OF MEETING AT WHICH THIS WILL BE CONSIDERED:	25 August 2022.

Environmental Working Group Report – August 2022

1. Trefarclawdd. The ORPC raised four objections to the latest planning permission 22/02774/EIA, as shown under the Planning Applications section of the draft Parish Council meeting of 28th July 2022.
Key concerns remain:
 - a. that a suitable and sufficient EIA has not been provided, therefore the impacts to the community and environment are not identified or any mitigation measures.
 - b. Irrespective of an enforcement notice, work continues, ignoring the planning process.
2. The Principal Planner was contacted by Councillor R Jones on the 27th July over concerns relating to the possibility of further expansion to the farm. A response was received on the 27th July where they are also concerned about future growth and believes that this will become a key issue in the future.
3. As agreed at the EWG, an email, 3rd August, was sent to the North Shropshire MP, Helen Morgan, expressing the concerns in which the farm at Trefarclawdd is being expanded, outside of planning consent, and without consideration to the community, the environment or biodiversity. In response to this, Helen wrote to Shropshire Council on issues relating to the enforcement notice; a response being received by Helen from Philip Mullineux on 15th August. Helen informed the group of its contents where Shropshire Council planners stated that they had little choice but to follow the planning process. Helen advises that it is crucial that the community remain engaged with the process, therefore, on behalf of the EWG, representations will need to be made at the public section of the Northern Planning Committee and to the Planning Inspectorate.
Would the Council agree to representations being made, as suggested by our MP.
4. Councillor Roger Jones wrote to the Town Clerk at Oswestry on the possibility of working together on such issues as climate, environmental and biodiversity. A meeting has been scheduled for 29th September between 14:15 and 15:15, venue to be determined.
5. Following correspondence from the ORPC clerk and the EWG on the sewage disposal works at Maesbury Road, Shropshire Council referred our questions to Severn Trent on 1st August 2022, a response was received in 12th August 2022 stating “ I am unable to answer specific questions asked but can advise that the proposed works, as well as ensuring permit compliance for the current population served, will deliver additional capacity to accommodate expected development in the catchment to a design horizon of 2033, which is in line with our investment protocols for a treatment works the size of Mile Oak Water Treatment Worksand will accommodate an additional population served of between 4000 and 7000 people or between 1,500 and 3,000 additional properties”.
Would the Council agree to the clerk writing to Shropshire Council on the accuracy of these figures and within the timeframe quoted.
6. The matter of the provision of a ramp at the land south of Middleton Road has been removed from the EWG agenda as this is being incorporated elsewhere in ORPC agenda. Item discharged.
7. The next EWG meeting is to be scheduled for week beginning 22nd August.

Our NHS is in Crisis

Can you add your name or the name of your organisation to this statement?

The NHS is falling apart. We know the NHS is struggling across the country – but for urgent and emergency care, Shropshire, Telford and Wrekin is one of the worst performing areas in England.

People are dying. In the three months from March to May this year, 38 people in the West Midlands died waiting for an ambulance to arrive. (Last year, the number was two).

On Monday 11th July, at one point over half of all ambulances in the West Midlands were queuing outside hospitals. There were over 700 patients across the region waiting for an emergency response. The following afternoon, 12th July, there were 35 emergency patients in Shropshire, Telford and Wrekin waiting for an ambulance – but not a single ambulance was available anywhere in the West Midlands.

West Midlands call handlers have a new script for busy periods. ‘Category 2’ emergencies – often people with a suspected heart attack or stroke - are being told that they need an emergency ambulance but it may take ‘several hours’ before one is available.

This is a level of crisis that has **never** been seen before in the NHS. The catastrophe in ambulance provision has been the most visible symptom of a severe system-wide problem. Ambulances queue outside our A&Es at Shrewsbury and Telford because the A&Es are full. The A&Es are full because there are not enough hospital beds to which very unwell patients can be moved. Shropshire, Telford and Wrekin has too few hospital beds in the first place – and a lack of social care and community NHS provision means that many patients remain in those beds after they are medically fit for discharge.

NHS England has now instructed hospitals to take pressure off the ambulance service by moving patients from Emergency Departments into ‘observation areas’ or other ‘additional beds’. This might move the problem around – but is **not** a solution. Our hospitals are stretched to the limit already. Beds and staff cannot simply be conjured up. There is a strong risk of a return to unsafe ‘corridor care’ and the previous (discredited) SaTH practice of ‘boarding’ patients in extra beds squeezed into any available space.

This statement is absolutely not about blaming frontline health workers for the failure of the services they work so hard to provide. Nor is it about blaming local NHS leaders, who are doing what they can – within rigid financial constraints – to resolve this unacceptable situation. To date, their efforts have not reversed a worsening situation. We particularly commend the honesty of the West Midlands Ambulance Service leadership, who have described what is happening now as ‘catastrophic for patients and staff’. They have spoken openly of patients being harmed and dying as a result of the current NHS crisis.

What do we need?

The most urgent and immediate need is to restore 'flow' in the system: to get patients moving from ambulances through to A&E, from A&E to the hospital beds they need, and then back home or to another setting with the right social care and community NHS services in place.

From April 2021 through to March 2022, the government funded a 'Hospital Discharge Programme'. This supported 'flow' through the system because the money was there to pay for four weeks or six weeks support for patients when it was needed. Shropshire, Telford and Wrekin was allocated £5,117 K for the first six months of the scheme and £4480 K for the remaining six months. This level of funding was significant and will have saved lives.

We urge all Shropshire, Telford and Wrekin MPs – irrespective of political affiliations – to lobby the government for the Hospital Discharge Programme and related funding to be given a secure medium to long-term future. If they are unsuccessful in this, we urge them to lobby the government for an alternative source of funding for additional social care or other community-based provision to support hospital discharge in Shropshire, Telford and Wrekin. Addressing the pay and conditions of social care staff is also now urgent, particularly for those domiciliary care staff who are unpaid for travel time between home visits and who may pay their own petrol costs. Working in social care risks becoming unaffordable, particularly in rural areas.

Investment in social care is the closest thing we have to a 'quick fix' that will restore flow throughout the urgent and emergency care system. This is not a total solution to complex problems with multifactorial causation – but this is the fastest and cheapest route to start to get ambulances back on the road, hospital patients into hospital beds for the care they need, and those patients then leaving hospital safely because they will be supported when they go home.

Is this enough? No.

We also request a CQC investigation into the causes of failing healthcare in Shropshire, Telford and Wrekin. We note one of our MPs has already asked for this. We hope that every MP and both our Councils, Shropshire and Telford and Wrekin, will support this call.

There are particular factors in this crisis that we invite the CQC to take into consideration:

Beds: The NHS has 2.5 beds per 1000 population, a figure acknowledged by almost every commentator – including the Chief Executive of NHS England – to be too low. In Shropshire, Telford and Wrekin, we have even fewer beds, with just under 2 beds per 1000 population. Disregarding intermediate care beds, no longer 'counted' by NHS England, this falls to 1.8 beds per 1000 population. The lack of beds has contributed very directly to the backlog of patients in our A&Es and to ambulances being held in queues outside the A&Es.

Funding: There are historic problems with NHS funding in our area, and with the public health allocation to Shropshire Council. The transition to an Integrated Care System has not changed the historic mismatch between income and health need in Shropshire, Telford and

Wrekin. The Integrated Care Board, the ‘commissioners’ under new arrangements, have slashed their planned spend on our healthcare in 2022/23 by £54 million, as required by NHS England. Despite this, there will still be an in-year deficit of at least £19 million, and NHS Shropshire, Telford and Wrekin now faces ‘additional restrictions on spending’ – again, imposed by NHS England.

There is nothing new here. There has been a prolonged and unprecedented squeeze on NHS funding across England. Within that wider picture, there continue to be long-standing concerns regarding NHS funding for rural areas and areas with an older-than-average population. Telford and Wrekin, of course, has the increased health needs associated with social deprivation. Is it the case that NHS income for our area is simply not enough? This is a legitimate question to ask – and it is a legitimate area for an independent review. Our health, well-being and lives depend on getting this right.

Recruitment: For very many years, there have been difficulties with the recruitment of NHS staff in Shropshire, Telford and Wrekin. This has been the case across SaTH, community hospitals and community-based NHS services. Hard-to-recruit professions have included specialist doctors, registered nurses, and allied health professionals. This has led to increased expenditure on agency and locum staff, and at times to staff shortages being used as the rationale for service cuts or closures. There is a need now for an independent look at the causes of recruitment and retention problems in our area, by the CQC if possible.

Importantly, we need solutions. These might include, for example, a networked/collaborative approach to staffing at regional level; a stronger focus on training and career development; funded recruitment and retention premia for particular ‘hot spots’; and a stronger emphasis on key worker housing. It is not in the interests of local people that we continue with missed assessment and treatment times for cancer care because specialist staff are unavailable, or with the loss of rural healthcare because it can be hard to recruit to community nursing or therapist posts.

This statement is a sincere attempt to achieve unity and to create a broad consensus for change. It is a starting point, not an end point. Our concern is that the NHS that all of us need – for ourselves, our families, and our communities – is now being eroded to a frightening extent. Please consider supporting this initiative.

Signatories

Darren Childes, on behalf of Shropshire Needs Ambulances

Gill George, for Shropshire, Telford and Wrekin Defend Our NHS

(More to be added)

Oswestry Place Plan – Update 2022

Montgomery Canal:

Neighbourhood Projects

Existing reference:

Canal and steam railway restoration and continued protection of Heritage Area at Llanymynech Hill, including preparation of a Conservation Area Management Plan (Llanymynech and Pant)

Proposed new references:

Green Infrastructure – footpaths, bridleways, open spaces & countryside

Towpath improvements at Maesbury Marsh to connect with the town of Oswestry to provide an accessible, all year round pathway for pedestrians and cyclists. Promote connections between the canal and the wider countryside. Potential link to Shropshire’s emerging Local Cycling and Walking Infrastructure Plan (Oswestry Rural Parish).

To create new off-road Active Travel connections with the reinstatement of the towpath along the final two miles of restored Montgomery canal between Crickheath, Pant and Llanymynech. The new towpath will enable people to walk or cycle between places and attractions such as Llanymynech Heritage Site without the need to use the A483 Trunk Road. Potential to link with Shropshire’s emerging Local Cycling and Walking Infrastructure Plan (Llanymynech & Pant Parish / Oswestry Rural Parish).

Other community facilities and infrastructure

Continued sustainable restoration of the Montgomery Canal from Crickheath to Llanymynech. The restoration of the final 2 miles of the canal and its towpath will contribute to the character of the area, promoting connections between people, places and businesses, while increasing access for all. The restoration of the canal will create opportunities to cultivate attractive destinations in the rural areas such as Waen Wen Basin and canalside Penygarreg Lane. (Llanymynech & Pant Parish / Oswestry Rural Parish).

Economic Opportunities

Build close links between the Montgomery Canal, Cambrian Heritage Railway and Llanymynech Heritage Area with the preparation of a Masterplan for the canal once restored to Llanymynech. The Masterplan to be a clear and realistic feasibility for attracting investment into the restored canal and include options for sensitive and appropriate mixed-used waterside development, public spaces, circulation, and access. The plan will offer recreation and education benefits to Llanymynech and Pant and identify additional economic benefit to those previously stated for the restoration of the canal in Shropshire. (Llanymynech & Pant Parish).



Shropshire
Council

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Draft Empty Homes Strategy

2022-2025

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Foreword

Welcome to Shropshire Council's Empty Homes Strategy 2022-25. This Strategy sets out how the Council will seek to reduce the number of empty homes, whilst promote options for bringing empty homes and other properties back into use as residential accommodation.

Empty dwellings are a wasted resource and often blight our communities, especially in a local authority such as Shropshire where there is such high demand for housing. We plan to work together to identify empty homes so owners can be given advice and assistance in order to sell, lease or rent their dwellings. With this support available, enforcement action should happen only as a last resort.



Cllr Rob Gittins
Portfolio Holder for Built Housing

Introduction

1.1 This Strategy aims to provide an understanding as to why homes become empty, the issues caused by empty homes within an area and what advice and assistance is available to the owners of empty homes. The strategy also sets out how the Council prioritises its resources to bring empty homes back into use in the most effective way, and where appropriate will use the powers available to bring empty homes back into use.

1.2 There are a number of benefits of having an Empty Homes Strategy, which include assisting in meeting housing need and demand across Shropshire, preventing anti-social behaviour, crime and the fear of crime surrounding empty dwellings and supporting the regeneration of our high streets and town centres.

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 An important objective of the Housing Strategy is to make the best use of existing assets, through bringing empty homes and dwellings back into use as residential accommodation to meet housing need and demand.

1.5 In order for the housing market to function, and due to issues, such as repair works, probate or people receiving care, there will always be an element of empty homes. As shown in Figure 1, in October 2021 the number of registered empty residential dwellings in the Shropshire Council area was 3,979 this being 2.7% of dwelling stock, which was slightly higher than the proportion of empty residential dwellings in England, this being 2.6%.

1.6 Central government classes residential empty dwellings which have been empty for more than six months as long-term empty dwellings. As shown in Figure 1 at October 2021 Shropshire had 1,444 dwellings which had been empty for over six months. This equates to just under 1% of residential stock, in line with the England average.

1.7 In April 2022 Shropshire had 1,475 dwellings (0.9% of dwelling stock) which had been empty for over six months, of these 572 (0.4% of dwelling stock) had been empty for over two years. Almost 90% of these dwellings are privately owned and are dispersed throughout the county rather than concentrated in particular localities.

Figure 1¹

	Shropshire		West Midlands		England	
	All empty homes	Empty for over six months	All empty homes	Empty for over six months	All empty homes	Empty for over six months
October 2015	4,317	1,526	63,181	21,775	600,179	203,596
October 2016	4,356	1,535	60,559	21,186	589,766	200,145
October 2017	4,375	1,555	62,919	20,996	605,891	205,293
October 2018	4,460	1,654	64,309	22,381	634,453	216,186
October 2019	4,322	1,571	66,322	23,515	648,114	225,845
October 2020	4,262	1,733	70,024	28,740	665,628	268,385
October 2021	3,979	1,444	69,135	25,726	653,025	237,340

1.8 The Strategy both seeks to deliver key priorities in the Housing Strategy and links to other housing policies and plans, for example, the Private Housing Assistance Policy.

1.9 The Empty Homes Strategy has four objectives:

Objective 1: Maintain relevant, accurate and current information relating to empty homes in the area

Objective 2: Bring empty homes back into use through encouragement, advice and assistance

Objective 3: Where all other negotiation has failed, consider options for taking the appropriate enforcement action to ensure empty homes are brought back into use

Objective 4: Raise awareness of the Empty Homes Strategy with residents, dwelling owners and town and parish councils.

1.10 Each objective contains a number of “priorities for action”; these form an Action Plan at Appendix I which will allow monitoring and review of the Strategy.

¹ [Live tables on dwelling stock \(including vacants\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Objective 1: Maintain relevant, accurate and current information relating to empty homes in the area

- 2.1 Dwellings can naturally become empty for periods of time, perhaps due to the buying and selling process, being between tenants or when an owner passes away. However, when a dwelling remains empty for a significant period of time, or is attracting unwanted attention, then it is considered a “problematic empty dwelling”.
- 2.2 Shropshire does not have any specific residential areas suffering from market failure, instead empty dwellings are dispersed across the authority. There are several reasons why homes become empty in the longer term, including:
- the dwelling is difficult to sell or let;
 - it is being renovated;
 - the owner does not have the finances/time/skills to manage the dwelling;
 - the dwelling has been repossessed;
 - probate issues;
 - the dwelling is an inherited family home and the owner has emotional links creating a reluctance to sell;
 - the owner is being cared for elsewhere/is in hospital; and
 - the dwelling was bought as an investment, but the market has changed, and the project is no longer viable or there are insufficient finances to develop.
- 2.3 It is important that the Council ensures it maintains an up-to-date database of all empty dwellings. Only then can the Council fully understand the reason for dwellings remaining empty and then can work with the owners in the most appropriate way for each circumstance.
- 2.4 The initial step is to identify where the empty dwellings are and who owns them. The main approach the Council has of collating information about empty residential dwellings is using Council Tax records. Permission to use this information was introduced in the Local Government Act 2003.
- 2.5 Identifying empty dwellings is not always straightforward. A dwelling may be used as a second home, and so not occupied on a permanent basis, but is in use. Or instead, a dwelling may be empty, but not registered as such with Council Tax. It may be that perceived non-residential space such as that often found above shops is being used for storage or other business-related matters, therefore, although not immediately obvious, is in use.
- 2.6 Although it is now compulsory in England to register any dwelling with the Land Registry which changes ownership or has a mortgage taken out against it for the first time, this was not the case in Shropshire until 1 January 1990 (1 April 1986 for the former district of Bridgnorth). Therefore, dwellings which have not changed ownership since that time may not be registered with the

Land Registry and information regarding the dwelling will not be available from this source.

- 2.7 It may not be immediately evident who the owner of a dwelling is or where they are, as they may have moved away with little information available to trace them. There are various reasons why this may be the case and outside agencies may be needed to be enlisted to assist us with tracking them down.
- 2.8 Once the owner is identified, the Council will contact them and try to engage with them in order to bring the dwelling back into use.
- 2.9 It should be remembered that the reason can be sensitive, for example, a dwelling where the owner has gone into residential care and is hoping to return, where the owner is otherwise in crisis, or where the dwelling is subject to probate.
- 2.10 A dwelling may be owned by a number of different people or companies, some or all of whom may be untraceable. The dwelling may be subject to legal proceedings such as divorce settlements, insolvency, or proceeds of crime restrictions.
- 2.11 Some dwellings are deliberately kept empty by the owner for specific reasons such as for their children when they leave home or elderly relatives who are in care. Others are kept empty until the owner feels the housing market is suitable to sell the dwelling at the price they want.
- 2.12 A notable number of dwellings remain empty, often for a substantial number of years, where the owner has health issues and emotional attachments to the dwelling which make it difficult for them to consider removing any items from the dwelling or consider selling or renting it.
- 2.13 Some owners are reluctant to engage with the Council and believe that as the dwelling is privately owned the Council do not have the right to require action to return it to use. They may be unaware of, or have no concern for, the affect the dwelling has on the local area and surrounding dwellings.
- 2.14 A number of empty dwellings within the county are classified as Listed Buildings and/or are located within conservation areas or might otherwise be considered historic because of their age and character (and would be treated as 'non-designated heritage assets' within the planning system). These dwellings can provide additional challenges due to their nature and the requirement to protect their architectural and historic interest. If these dwellings are neglected their physical condition will frequently start to deteriorate. This can result in a loss of historic fabric and structural integrity through decay, weather ingress, vegetation growth and animal infestation, such as pigeons and other vermin.
- 2.15 There may be dwellings awaiting planning permissions and work cannot commence whilst this is being sought. A number of these may include

specialist permissions if they are Listed Buildings or located in a Conservation Area.

- 2.16 A scoring matrix (Appendix II) will be completed for all residential empty dwellings empty for over twelve months.

Priorities for action

- ***Introduce a web-based system to enable parish and town councils, community groups and residents to report empty dwellings***
- ***Continue to receive monthly update reports on residential empty dwellings from Council Tax***
- ***Ensure all empty dwellings which are empty for over twelve months have a completed scoring matrix***

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Objective 2: Bring empty homes back into use through encouragement, advice and assistance

- 3.1 Once the Council has established the owner of the empty dwelling, it will contact the owner and set out the options of renting out the dwelling, selling it or moving into. Of course, bringing the dwelling back into use will relate to the level of repairs and improvements needed and the desire of the owner to reach a resolution.
- 3.2 The Council provides information, signposting and advice to owners of empty dwellings to help identify the best solutions to bring their empty dwelling back into use. For example, advice on how to present an empty dwelling to prospective purchasers, information on VAT relief for renovating an empty dwelling or assistance with finding tenants.
- 3.3 The Council will explore opportunities for establishing a “purchase and repair” scheme specifically for empty homes. Such a scheme would provide additional affordable housing through acquiring empty homes and improving them to a lettable standard.
- 3.4 In addition, the Council is exploring the establishment of a social lettings agency to provide a private rented offer. Such a scheme could allow owners of empty homes to lease these to the agency. The agency would undertake the management of the dwelling, including letting, tenancy, repairs and void management, and pay the owner an agreed proportion of the rent.

Priorities for action

- ***Contact owners of dwellings empty for over six months to establish reason why dwelling is empty and provide advice***
- ***Explore opportunities for establishing an empty homes “purchase and repair” scheme***
- ***Investigate options for the Council to introduce a social lettings agency, including opportunities with STAR Housing***

Objective 3: Where all other negotiation has failed, consider options for taking the appropriate enforcement action to ensure empty homes are brought back into use

- 4.1 The Council aims to bring all empty dwellings back into use with the cooperation of the owners and will only move to take enforcement action as a last resort and where there are exceptional circumstances that justify such action. Subject to available resources within the Council, particularly available funding, enforcement powers (see Appendix III) will be considered where it can be demonstrated that owners have been unwilling to engage with the Council over a significant period of time, and the dwelling is either creating a specific problem that is severely impacting the locality, or it would help to meet a particularly critical housing need.
- 4.2 There is a range of legislative powers available to the Council to deal with immediate and specific issues such as vermin, nuisance, fly tipping and insecure or dangerous buildings. Although the actions available under the relevant legislation will deal with specific issues, they will not necessarily result in the dwelling being returned to use.
- 4.3 Other powers can be used to deal with empty dwellings in the longer term, these being Enforced Sale, Empty Dwelling Management Orders and Compulsory Purchase Orders. These routes are both resource intensive and very costly. Use of Compulsory Purchase powers is a last resort and can only be considered after all reasonable attempts to acquire a property through negotiation and all other avenues have been exhausted, and when a case for their use can be demonstrated to have compelling public benefits. A Public Inquiry is convened if a Compulsory Purchase Orders is subject to objection and the Order also requires confirmation by the Secretary of State. The decision to undertake these forms of enforcement action will be based on an assessment of each empty dwelling using the scoring matrix at Appendix II. Action will be subject to available resources within the Council, particularly available funding, and only considered for those dwellings with a “high” score.
- 4.4 Government regulations allow local authorities to increase the level of the council tax premium (this is in addition to the standard council tax levy) depending on the length of time the dwelling has been empty and substantially unfurnished. Shropshire Council charges the council tax premium in respect of empty and substantially unfurnished residential dwellings as below:

<i>Empty Period</i>	<i>Premium</i>
Two to five years	100%
Five to ten years	200%
Over ten years	300%

- 4.5 The Levelling Up and Regeneration Bill, which had its first reading in Parliament on 11 May 2022, changes the qualifying period for use of the long-term empty homes premium. It proposes that Council’s may levy a premium

of up to an additional 100% on council tax bills for empty homes after one year (as opposed to two years which is the current requirement).

Priorities for action

- ***Establish an Enforced Sale procedure***
- ***Establish an Empty Dwelling Management Order procedure***
- ***Establish a Compulsory Purchase Order procedure***
- ***Ensure that the matrices for dwellings which are empty for over two years are kept up to date and dwellings prioritised for potential enforcement action***

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Objective 4: Raise awareness of the Empty Homes Strategy with residents, dwelling owners and town and parish councils

- 5.1 Empty dwellings can have a direct impact on adjoining dwellings through issues such as damp and structural problems. Alongside this, unsightly dwellings can have a detrimental effect on neighbouring house prices and can also result in a lack of pride in the area.
- 5.2 The possibility of empty dwellings attracting unwanted attention can also result in crime and anti-social behaviour and cause anxiety and concern for local residents.
- 5.3 Returning empty dwellings to use can help eliminate these issues and ensure that house prices in the neighbourhood are protected from preventable reductions.
- 5.4 By returning empty dwellings to use, homes can be provided for local people enabling them to remain close to schools, employment and support networks. There are many households across the county in housing need and the utilisation of empty dwellings could prevent some of these people from facing issues such as homelessness and over-crowding or provide a first home for a local person.
- 5.5 Creating new housing in town centres from under-utilised space provides additional accommodation to help reduce the number of those in housing need, whilst improving the visual aspect of the town centre. Returning to use commercial dwellings can assist in the regeneration of town centres and villages. Shropshire attracts many visitors each year with its mixture of beautiful countryside, tourist attractions and towns to visit. By reducing empty dwellings in town centres this will ensure this important aspect of the economy can continue to flourish.
- 5.6 It is, therefore, important that owners of long term empty residential and commercial dwellings contact the Council to discuss their options for bringing their dwelling back into use. This position is enhanced if parish and town councils, individual residents and community groups inform the Council about any empty dwellings – both residential and commercial.
- 5.7 Moreover, town and parish councils, community groups and individual residents are encouraged to advise the Council of empty dwellings that are creating a problem in their local area or where the owner may need some assistance to return the dwelling to use.

Priorities for action

- ***Establish a media campaign to publicise the Empty Homes Strategy***

Appendix I: Action Plan

Priority for action	Timescale	Outcome	Responsible service
Introduce a web-based system to enable parish and town councils, community groups and residents to report empty dwellings	April 2023	Parish and town councils, community groups and all members of the public can easily report empty dwellings	Housing Enforcement Team ICT
Continue to receive monthly update reports on residential empty dwellings from Council Tax	Ongoing	Ongoing monitoring of the number and location of empty homes	Council Tax Housing Enforcement Team
Ensure all empty dwellings which are empty for over twelve months have a completed scoring matrix	June 2023	A database providing data of all long-term empty dwellings and an accompanying initial score	Housing Enforcement Team
Contact owners of dwellings empty for over six months to establish reason why dwelling is empty and provide advice	June 2023 and ongoing	The Council has qualitative information as to why dwellings are empty. Owners understand the financial implications of leaving a dwelling empty and may consider selling or renting the dwelling.	Housing Enforcement Team
Explore opportunities for establishing an empty homes “purchase and repair” scheme	Ongoing	Empty homes brought back into use as affordable housing.	Housing Strategy and Development Housing Enabling Team STAR Housing
Investigate options for the Council to introduce a social lettings agency, including opportunities with STAR Housing	September 2022	Establish a business case and vehicle for delivering a social lettings agency	Housing Strategy and Development STAR Housing
Establish an Enforced Sale procedure	December 2022	Enforced Sale procedure in place.	Housing Enforcement Team Legal
Establish an Empty Dwelling Management Order procedure	December 2022	Empty Dwelling Management Order procedure in place.	Legal STAR Housing Property and Development

Establish a Compulsory Purchase Order procedure	December 2022	Compulsory Purchase Order procedure in place.	Property and Development Legal Planning Enforcement Team
Ensure that the matrices for dwellings empty for over two years are kept up to date and dwellings prioritised for potential enforcement action	September 2023	Long term empty dwellings are prioritised for potential enforcement action based on an open and transparent ranking system	Housing Enforcement Team Historic Environment Team Planning Enforcement Team Building Control Team
Establish a media campaign to publicise the Empty Homes Strategy	September 2023	The public are aware of how to report empty homes and of the advice, assistance and potential enforcement options	Communications and Engagement Team

Appendix II: Scoring Matrix

Criteria	Response	Score
How long has the dwelling remained empty?	Over 10 years	5
	5 to 10 years	3
	2 to 5 years	2
	6 months to 2 years	1
	Over 6 months	0
Location	Prominent position in residential area	5
	Residential area	3
	Isolated dwelling with access	2
	Extremely isolated with no access	1
Special interest	Listed building and in conservation area	5
	Listed building or in conservation area	3
	None	0
Is there evidenced housing need for dwelling?	Yes	3
	No	0
General condition of dwelling, including outbuildings and gardens	Extremely unsightly / detrimental to area	5
	Noticeably empty / unattractive	3
	Some issues but not stand out	1
	Well maintained	0
Evidence of ASB / crime at the dwelling	Persistent	5
	Frequent	3
	Minimal	1
	None	0
Number of complaints, including those relating to garden, fly tipping, vermin and vehicles	Over 5	3
	1 to 5	1
	Nil	0
Has enforcement action been undertaken?	Yes	5
	No	0
Debts owed to Shropshire Council	More than £5,000	5
	Less than £5,000	3
	Nil	0
Works in default undertaken by Shropshire Council	One or more	5
	Nil	0
Additional empty dwellings owned / managed by this owner	Two or more	5
	One	3
	Nil	0
Owner interaction	Minimal / no contact and little effort made	5
	Some contact and efforts made	3
	High level of co-operation	0
	Total score	
	Risk rating	

Risk

Rating	Score
High	35 or above
Medium	21 to 34
Standard	0 to 20

Appendix III: Enforcement Powers

Prevention of Damage by Pests Act 1949 Sections 2 to 7: This requires the owner of the dwelling to take steps to clear the land of vermin and/or remove waste likely to attract vermin or for the Council to do this.

Local Government (Miscellaneous Provisions) Act 1982 Section 29: This enables the Council to secure an empty dwelling against unauthorised access or to prevent it from becoming a danger to public health.

Building Act 1984 Sections 77 and 78: This allows the Council to require owners of dangerous or dilapidated buildings to make these safe or for the Council to take emergency action to make the dwelling safe.

Building Act 1984 Section 79: This requires the owner to rectify a dwelling where it is adversely affecting the amenity of the area through its disrepair.

Environmental Protection Act 1990 Sections 79 to 81: This requires the owner to abate the nuisance or prevent its recurrence or gives the Council the power to do so.

Town & Country Planning Act 1990 Section 215: In certain circumstances an owner can be served a notice which requires them to take steps to ensure the condition of their dwelling and/or land does not adversely affect the amenity of an area. Where the owner fails to comply with such a notice, the Council may undertake the works in default and make a charge against the dwelling. Although this action will not result in the dwelling being returned to use, Section 215 notices can be used as the basis of an enforced sale (see below).

Housing Act 2004: Where a dwelling has category 1 hazards present the Council is required to act, this includes serving notice to undertake remediation works. If the owner fails to comply with the notice, this allows the Council to undertake the works in default and recover the costs.

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 54(1): Gives the local planning authority the power to execute an ***Urgent Works Notice*** to preserve unoccupied listed buildings. The scope of the works that can be specified are restricted to emergency repairs to keep a building wind and weatherproof and safe from collapse, or action to prevent vandalism or theft. The steps taken should be the minimum consistent with achieving this objective and should not involve an owner in great expense. Section 55(1) of the Listed Buildings Act 1990 allows a local authority that has incurred expenditure through service of an Urgent Works Notice, and subsequently undertaking the works in default, to seek to recover their expenses from the building owner.

Anti-social Behaviour, Crime and Policing Act 2014: Where a dwelling is creating a continued problem affecting the surrounding area the use of a ***Community Protection Notice*** and its associated process may be possible. This is to address anti-social behaviours issues, not to bring the dwelling back into use, but may encourage the owner to sell or renovate their empty dwelling.

Law of Dwelling Act 1925: allows the Council to force the sale (***Enforced Sale***) of a dwelling where there is an outstanding debt owed to it which has been registered against the title of a dwelling. This debt may have arisen as a result of works in

default, where a Statutory Notice has not been complied with, or a Court imposed charging order has been placed on the dwelling for Council Tax debt. The dwelling is sold at auction and the cost of the statutory works undertaken in default by the Council, fees, debts and administration charges can be recovered from the proceeds of sale. This process can only be halted by the debt being paid to the Council before the forced sale is completed.

Housing Act 2004: Where a residential dwelling has been empty for more than two years and the owner cannot demonstrate efforts or plans to return it back into use, the Council can apply for an **Interim Empty Dwelling Management Order**. This Interim Order gives the Council management of the dwelling for a period of one year, although the Council cannot let the dwelling during this time without the consent of the owner. During this time other measures to return the dwelling to use are explored with the owner but should these be unsuccessful a **Final Empty Dwelling Management Order (EDMO)** can be applied for. A Final EDMO enables the Council to carry out any works to the dwelling necessary to make it habitable and let the dwelling, using the rent to pay for the works carried out and any management costs, with any balance being paid to the owner. This Order can last up to seven years.

Housing Act 1985 Section 17 and Town and County Planning Act 1990 Section 226: the Council has powers to apply for a **Compulsory Purchase Order (CPO)** on an empty dwelling where the owner has made little or no effort to return the dwelling to use. It must be demonstrated that steps have been taken to encourage the owner to bring the dwelling back into occupation and that there is no other chance of the dwelling being occupied. It is also necessary to show that the dwelling is required for housing in the area. A CPO is the final solution to a problem empty dwelling as it removes ownership from the current owner. The Council purchases the dwelling from the owner to dispose of as it sees fit (the Council could either look to dispose of it to be used as affordable housing or instead dispose on the open market, subject to covenants to undertake works and re-occupy). CPO can also be carried out through negotiating a **voluntary acquisition** where the owner agrees that the Council can purchase the dwelling which can speed up this process.

Acquisition of Land Act 1981 sets out the procedures a local authority is required to follow when making a Compulsory Purchase Order. Further guidance is also provided the Government's [Guidance on Compulsory purchase process and The Crichel Down Rules' \(2019\)](#).

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 7 and Section 47: Section 7 of the provides that an appropriate authority or the Secretary of State may compulsorily acquire a listed building in need of repair if it appears that reasonable steps are not being taken for its proper preservation. Under section 47, there is a two-stage process: (i) service of a **Repairs Notice**; and (ii) service of a **Notice of Compulsory Acquisition** on every owner, lessee and occupier if, after the expiry of a minimum of two months it appears to the appropriate authority that reasonable steps are not being taken for properly preserving the building. It is important to emphasise that this is reserve power which is only to be used to ensure the long-term preservation of a listed building, when all other steps to achieve this have been exhausted.

Housing Act 1985: This gives the Council the power to place a demolition order on a dwelling where category 1 hazards exist and demolition is considered to be the most satisfactory course of action. The owner of the dwelling is responsible for its

demolition and retains ownership of the land. Where a number of dwellings within the same area are considered suitable for demolition, the Council can declare a Clearance Area. This would then result in purchase and demolition of the dwellings by the Council, which then owns the land.