

# AGENDA SUPPLEMENT (2)

**Meeting:** Cabinet  
**Place:** Online Meeting  
**Date:** Tuesday 8 September 2020  
**Time:** 10.00 am

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**The Agenda for the above meeting was published on 28 August 2020. Additional documents are now available and are attached to this Agenda Supplement.**

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This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## 5 **Public participation and Questions from Councillors (Pages 3 - 12)**

Questions from:

- Andrew Nicolson
- Kim Stuckey
- Chris Caswill

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**Wiltshire Council**

**Cabinet**

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**Statements and Questions from Andrew Nicolson – Cycling UK – Right to Ride  
Rep about Bradford on Avon Social Distancing Highways Scheme**

**Agenda Item 5 – Public Participation**

**To Cllr Bridget Wayman – Cabinet Member for Highways, Transport and Waste**

**Statement 1**

In the Bradford on Avon Neighbourhood Plan 2013-2026, which was Made October 2017 after a referendum with 94.68% voting 'yes', Objective 6 is "*to improve the pedestrian environment in the town, encouraging people to walk or cycle rather than use their cars thereby assisting in the improvement of the overall environment and air quality.*"

**Question 1:**

Will the Cabinet Member now cave in to local social media pressure to remove the one-way working traffic lights on the Town Bridge, or will she stand by this Wiltshire-led experimental project, letting Highways complete the works, install the monitoring & run the project long enough for user behaviours to adapt, leading on to careful evaluation and potentially a more permanent scheme?

**Response:**

The one-way system and traffic lights on the Town Bridge were introduced as a trial primarily to improve conditions for pedestrians and assist social distancing. Early in the trial it became clear that the temporary traffic signals on the Town Bridge were leading to excessive delays, traffic flows have increased with the schools returning. Consequently, the decision was taken to remove the signals.

The operation of the one-way system and other alterations to the road layouts will remain in place for the time being and will continue to be monitored.

**Question 2:**

Will Wiltshire Council also be open to trialling further adjustments to the Scheme, based on review and consultation with Bradford Town Council etc., within the overall

objectives of encouraging active travel and making room for social distancing in this deadly COVID-19 pandemic?

**Response:**

The Council has already made adjustments to the scheme by removing the temporary traffic signals. Further changes will be made as considered necessary.

The views of residents and the Town Council have been taken into account and will continue to be considered. However, Wiltshire Council is the local highway authority and has responsibilities under the Highway Act and the Traffic Management Act with regard to the safety and operation of the highway network.

**Statement 2**

Second, on **Cycling and the Scheme**. The Cabinet member may have read her copy of my 23 August email asking to be brought in on meetings about the Project as a stakeholder, the Cycling UK representative for West Wiltshire.

The Government guidance on "**Network management in response to COVID-19**" says Councils "*should take measures to reallocate road space to people walking and cycling*". With Experimental TROs, authorities need to "*carry out ongoing consultation once the measure is built*" and "*Authorities should seek input from stakeholders during the design phase.*" There have been at least two closed meetings in the last two weeks alone between Wiltshire and the Town Council. As it is now, this scheme puts walkers first, drivers second and people while cycling third, with worse conditions than before, even with a new cycle diversion. It has been claimed that there is no room to do anything for people cycling, so riders must get off and push among the pedestrians. This is unenforceable, unsafe, unfair and potentially illegal.

**Question 3:**

Is Wiltshire Council going to **disregard or accept** this Government guidance on consultation and input from stakeholders like myself, who are trying to support and further improve the Scheme, by keeping us informed and bringing us into the loop to offer our feedback and input?

**Response:**

The Council has been following the latest Government advice regarding the implementation of road space reallocation and schemes to encourage active travel and will continue to do so. The one-way system in Bradford on Avon was introduced using an experimental scheme. This will enable changes to be made to the scheme and its operation to be monitored.

It is currently proposed to operate of the scheme for at least six months, during which period its operation and safety will continue to be monitored.

The Traffic Regulation Order will be the subject of formal consultations if it is considered that the scheme should remain, and it is anticipated that this would take place within eighteen months as legally required with a scheme of this type.

**Question 4:**

If it can be shown that cycle facilities can in fact be provided by altering the Scheme safely, within government guidance and subject to the needs of drivers and people walking, will the Council review such proposals, with a presumption in favour of implementing them as soon as possible during the trialling of the Scheme?"

**Response:**

There is flexibility to make changes to the existing scheme, and we are always interested in ideas to improve the scheme. However, with limited road space and competing demands it may not be possible to meet the requirements of all the road users.

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**Statements and Questions from Kim Stuckey about the Council Development Plan**

**Agenda Item 5 – Public Participation**

**To Cllr Toby Sturgis – Cabinet Member for Spatial Planning, Development Management and Property**

**Statement**

In the Government proposed planning process, local people will only have a say in development in “Protected” areas. Although this does not prevent development, at least this happens with some public involvement.

**Question 1:**

Does the Council plan to be proactive with the public through consultation, in designating sensitive areas as “protected” that are not now?

**Response:**

The Government’s proposals in the Planning for the Future White Paper are subject to consultation which closes on 31 October 2020. We will review these to understand the implications for Wiltshire and will respond to the consultation.

It is too early to say how the Council will act in response to any future changes to the planning system as the outcome of the consultation is unknown and it is not certain what the final changes to the system will be.

**Question 2:**

Will the Council ensure that areas that are mentioned as needing protection in all adopted Neighbourhood Plans attain protected status?

**Response:**

See response to Question 1.

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**Questions from Chris Caswill about the Audit Committee Issues**

**Agenda Item 5 – Public Participation**

**To Cllr Philip Whitehead – Leader of the Council and Cabinet Member for Economic Development, MCI and Communications**

**Question 1:**

In July 2019 the Council's Audit Committee approved a new Anti Fraud Theft Corruption and Bribery Action Plan which called in 4.1 for the publication on the Council's web site of a dedicated Fraud and Corruption Page. This appears not to have been implemented. Why is that and will you now commit to it happening within the next three months?

**Response:**

There is a web page established for the sole purpose of reporting fraud or malpractice. This also has a link through to the My Wiltshire, so reports can be made anonymously.

The web link is as follows:

<https://www.wiltshire.gov.uk/council-democracy-report-fraud>

**Question 2:**

Are you aware of the July 2020 Transparency International report Permission Accomplished, which assesses the risks of corruption within Local Authority planning processes, and ranks Wiltshire as one of the Authorities with the second highest level of unaddressed risk?

**Response:**

Yes. The council takes its ethical responsibilities and standards of conduct as a planning authority very seriously, as reflected in the councillor training, guidance, code of conduct and other constitutional requirements already in place. Officers are confident in the councils process, however we are currently reviewing the report and are seeking to clarify the scoring methodology used, which is unclear from the report itself.

**Question 3:**

Recognising that this is a question of risk and in no way an assertion about current Wiltshire Council process and practice, will you consider the findings as a matter of priority and ask the Audit Committee to consider and report on them at their next meeting, in conjunction of course with the Council's Monitoring and Section 151 officers.

**Response:**

Once there is clarity regarding the methodology used, consideration will be given to referring the report to the appropriate councillor body.

**Question 4:**

Will you also ask the above to include the same risks as far as unelected officials are concerned?

**Response:**

The council will continue to take all opportunities for improving the council's practice as a planning authority, following the review of the report's methodology outlined above.

**Question 5:**

When Cabinet papers are not published by close of play on the day before the deadline for questions guaranteed a written answer, will you agree there should automatically be an extension of that deadline, published on the Cabinet meeting web page?

**Response:**

If any member of the public wishes to ask a question on one of the reports that was published later than normal, the cabinet member will endeavour to answer any questions at the meeting. The Cabinet will always answer questions received at any time and will respond in writing to any that cannot be answered in advance of the meeting.

**Question 6:**

I notice on the Audit Committee pages that the external auditors Deloitte do not consider the level of Council reserves to be within their remit. Given the importance and sensitivity of that issue, will you agree to take steps to have it included from now on?

**Response:**

The external auditor will give an assessment and view on the financial health, future and sustainability of the organisation through their annual value for money assessment as part of their annual audit.

It is not part of the external auditors remit under the current audit regulations which are set by H.M Government to give a specific view on the level of reserves.

As part of the setting the annual budget the Section 151 Officer provides a view and an assessment on the robustness of estimates as well as a level of general fund reserves held is commensurate with the level of risk.

Whilst the VFM conclusion is considered as part of the accounts by the Audit Committee, the setting of the budget, and therefore the level of reserves held, is a Full Council decision which is also subject to Scrutiny.

**Question 7:**

I understand the Council has an arrangement with the consultancy firm Atkins that allows officers to call on Atkins for consultancy reports without going out to competitive tender. How is this arrangement monitored and independently audited?

**Response:**

The Council has a tendered term Highways Consultancy contract with Atkins which enables them to provide a range of specialist technical services to the Council when required. The contract was tendered in March 2019 and started in December 2019. The contract is for five years and can be extended for a further two years, subject to performance. The performance of the supplier is reported annually to the Council's Environment Select Committee.

The councils controls for contract management procedures are subject to internal audit.

**Question 8:**

It is clear from the papers that went to Cabinet on the HIF Bid that the initial decisions to proceed were taken by officers, presumably under their Delegated Powers. What arrangements are in place for independent scrutiny of those decisions?

**Response:**

The decision to make a bid for HIF funding in March 2018 was made by officers as an officer decision. The submission of the full business case in March 2019 was made as an officer decision. Officer decisions would be made by or overseen by the Executive Director for Place.

There have been two reports to cabinet concerning the HIF bid, one in March 2019 and one in October 2019 both seeking authority for on going work to develop the HIF proposals. Both those reports could have been subject to the Council's scrutiny arrangements. The decision as to whether to commit the Council to a contract with Homes England for HIF funding and the project will be taken by cabinet and will be subject to the Council's scrutiny arrangements.

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