

20th November 2018

PCAP LETTER TO CLLR WAYMAN I.R.O BWB DRAFT LETTER 19th NOV 2018

RE: CLOSURE EVERLEIGH HRC

Councillor Bridget Wayman
Cabinet Member for Waste
Wiltshire Council
County Hall
Trowbridge BA14 8JN

By e-mail

Dear Councillor Wayman,

Re: Closure of Everleigh Household Re-cycling Centre

It is public knowledge that PCAP has had concerns over the way that Wiltshire Council conducted its recent consultation concerning the closure of the Everleigh HRC and was taking legal advice as a result. This was done in the same way as on a previous occasion (i.e on a “shared advice” basis with a local resident), all as more fully described in a letter from PCAP dated 20th February 2017 that was sent to the then Cabinet Member for Waste, to which was attached a letter dated 30th January 2017 from the London solicitors, Bates Wells Braithwaite, specialists inter alia, in local authority law and practise.

That letter indicated the numerous shortcomings in the consultation (confirmed, as such by an e-mail dated 10th February 2016 signed by the then Cabinet Member for Waste) that was purported to have taken place on 8th January 2016 with regard to the closure of the site, concluding that for the Council to come to any decision that was based thereon, would be unlawful. Assurances were requested, and given, that no account would be taken by the Council in any eventual decision making process that concerned the closure of Everleigh.

PCAP has no reason to believe that the events referred to above, in any way influenced the Council’s decision taken on 9th October to close the site, but while there has been an improvement in the way the Council carried out its June-September consultation on this matter, (and PCAP considers it was acting well within its rights, given previous events, to monitor the situation on behalf of its local residents), it now appears that, despite a number of unfortunate flaws in the process that have emerged in the light of legal advice, the Council’s overall handling of the consultation did not sufficiently contravene the principles laid down by the Supreme Court for public consultations, to a point where further legal action would be considered necessary. This is, however, subject to any further consideration of the Council’s apparent failure to comply with the publicity requirements required in respect of “Key” decisions under the Local Authorities(Executive Arrangements) (Meetings and Access Information) (England) Regulations 2012. This point is already the subject of a PCAP Question to Cabinet on 27th November, put forward with the support of Pewsey Parish Council and CPRE.

With regard to the flaws in the Everleigh consultation process, a letter dated 19th November 2018 is attached from Bates Wells Braithwaite. The criticisms are obviously specific to the consultation, and are forwarded for a reason, in the expectation that lessons can be learned for the future. PCAP suggests that the present standard of consultation generally adopted by the Council is not properly fit for purpose,

inasmuch as, among other problems, the process reaches far too few of the public, who have no confidence that they will be listened to anyway. A perfect example of the latter is found, despite the Council's assurances to the contrary, in its disregard of a 94% majority in favour of keeping Everleigh open. It was noted, however, at the Cabinet meeting held on 9th October, after discussion between the Leader of the Council and the Chairman of the Overview and Scrutiny Management committee, that the Council's consultation procedures should be reviewed, with the objective of improving them. PCAP welcomes this proposal, and looks forward to co-operating with the Council in general, and the Overview and Scrutiny Management committee in particular, as to how the present, somewhat abysmal, situation can be bettered. PCAP will be in contact with the Council in due course with suggestions in this regard, but in the meantime, an acknowledgment of this letter would be appreciated, together with any comment you may wish to make.

Yours sincerely

Dawn Wilson
Chair
Pewsey Community Area Partnership

c.c. Baroness Scott – Leader of the Council
Councillor Graham Wright – Chairman, Overview and Scrutiny Management Committee
Councillor Jerry Kunkler - Pewsey Area Board
Councillor Paul Oatway - Pewsey Area Board
Councillor Stewart Wheeler - Pewsey Area Board
Councillor Chris Williams - Tidworth Area Board
Councillor Ian Blair-Pilling
Mr Ian Gibbons – Wiltshire Council Monitoring Officer