

Wiltshire Council

Cabinet

5 February 2019

PCAP Response to Wiltshire Council Response to Cabinet Questions on 15th January 2019

Colin Gale – Representing Pewsey Community Area Partnership (PCAP), Pewsey Parish Council (PPC) and the Campaign to Protect Rural England (CPRE) statement and questions regarding key decisions to Wiltshire Council’s Monitoring Officer

To Councillor Richard Clewer – Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism

Thank you for the response to the outstanding questions. The overall response is still being reviewed by the group, however, the group is still having difficulty with the response to question 1:

Question 1

The Council have advised that the Council meets the 28 day regulatory requirements for key decisions via the issue/publication of the ‘Forward Plan’. As identified in my correspondence the first issue/publication for the Forward Plan for the proposal to close Everleigh HRC was on 1st October 2018. This Forward Plan item was published in October as a ‘New’ item. No previous Forward Plan included/published this key decision, see Forward Plan Issue History. The 1st October proposal to close Everleigh HRC does include a first published date of 10th September 2018, however, this seems to be an unsupported heading. I am unable to find a published document that satisfied the 28 day regulatory requirement.

Response

The Forward Work Plan for the October meeting of Cabinet was published on 10th September, this included details of the proposed Everleigh HRC decision and therefore met the 28 days notice. This Forward Work Plan is available [here](#), the Everleigh item is shown as ‘New’ since the 10th September was the first date it was published. The online details of the Everleigh decision [here](#) also confirm notice of the decision was first published on 10th September.

PCAP Response

The Wiltshire Council response is not supported by the issue history in the Forward Plan which clearly identifies that it was first issued on 1st October 2018, see below:

Issue History:

01/10/2018 - [Published in plan, Cabinet Forward Plan - October 2018 to January 2019](#)

09/10/2018 - Agenda item, Cabinet [Consultation on the future of Everleigh Household Recycling Centre](#) 09/10/2018

22/10/2018 - [Published decision: Consultation on the future of Everleigh Household Recycling Centre](#)

Response to PCAP Response

As indicated above, the Forward Work Plan for the October meeting of Cabinet was published on 10th September 2018, this included details of the proposed Everleigh HRC decision. A number of screenshots are attached that support the publication date of 10th September 2018.

All published Forward Work Plans start from the 1st of the month. This is the reason for the issue history you refer to above indicating that the published plan was from 1st October 2018. This is not the date the item was added but the date of the Plan.

PCAP Response to Wiltshire Council Answer Above

Thank you for the response above. The group have reviewed the answer and the screenshots and have the following observations:

1. The first screenshot is from the hyperlink screen version which shows the issue details for the 'Consultation on the future of Everleigh Household Recycling Centre.' This screenshot is for 'Details' and shows the heading for 'Notice of proposed decision first published: 10/09/2018'. If the screenshot is clicked for 'History' it identifies the first published date for the forward plan as 01/10/2018. This is clearly inconsistent.
2. The second screenshot is from a working application software view and shows a 'Title box' with 'Consultation on the future of Everleigh Household Recycling Centre' and a 'First publicity published box' with '10/09/2018'. This screenshot does not show any link to a forward plan and so it is not apparent what exactly was published and where. This screenshot also does not appear to be part of the formal history available to the public. This screenshot does not show an 'Author' unlike the following two screenshots?
3. The third screenshot identifies the 'Consultation on the future of Everleigh Household Recycling Centre' as a 'New Agenda Item' created on 05/09/2018. This screenshot is from a working application software that is not part of the formal history available to the public.
4. The fourth screenshot identifies the 'Cabinet Forward Plan – October 2018 to January 2019' as 'Type', 'Publication of Plan' created on '10/09/2018'. This screenshot is from a working application software that is not part of the formal history available to the public. There is not a follow-on screenshot that shows the publication of the plan and the population of the issue history.

The Wiltshire Council response to the groups questions to cabinet on 27th November 2018 stated:

"The plan is prepared on a monthly basis and each Plan covers a four month period beginning with the first day of the month".

This statement aligns with the Forward Plan history page which shows the plan issued on 01/10/2018. The WC limited evidence of the screenshots if they could be fully linked would discredit the value of the Forward Plan official 'Issue History' and the limited configuration management of the Plans.

As part of the groups review of the WC response it was also noted that the 1st October Forward Plan included 4 'New' issues. Three of these new issues were for a decision by cabinet on 9th October 2018. One of the issues had a first published claimed date of 10/09/2018 and the other two issues had a first publication claimed date of 19/09/2018. If the claimed issue dates were correct rather than the Forward Plan issue date then there would have been two issues of the 1st October Forward Plan in a month which is contrary to the previous WC statement in italics above.

The second two issues also identified that authority had been gained from the 'Chairman of the Overview and Scrutiny Committee' for the special urgent submission to cabinet for these items. What authority does the Chairman of the Overview and Scrutiny Committee have to overrule the 28 day legal regulatory requirement to publish to the public based on the regulation?

Conclusion:

The group were unable to confirm that the limited working application screenshots provided by Wiltshire Council demonstrated that the 1st October Forward Plan which included the issue for the Consultation on the future of Everleigh Household Recycling Centre was published and available to the public on 10th September 2018.

The group did identify that two other issues which were subject to 'key decisions at the 9th October Cabinet meeting also were not made publically available in accordance with the regulation for 28 days.

The group believes that Wiltshire Council should reconsider its position with respect to the requirement to introduce an adequate change management system to the Forward Plans.

Colin Gale

Vice Chairman PCAP

Response

Wiltshire Council is wholly satisfied that the decision on Everleigh HRC was available on the public Forward Work Plan in accordance with legal requirements (28 days) and has provided an evidence and explanation to support this. On this matter, the Council has no further comment to make.

In certain situations, the Cabinet is able to make Key or Confidential/exempt decision without 28 days notice provided the Chairman of the Overview and Scrutiny Management Committee has either been informed, or given his agreement, depending on the specific situation. This provision is detailed in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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Issue details

Consultation on the future of Everleigh Household Recycling Centre

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To report the results from a public consultation on the proposal to close Everleigh Household Recycling Centre, and provide a recommendation.

Decision type: (0) Key Cabinet Report Item

Reason Key: Total service withdrawal/ closure of amenity;

Decision status: Recommendations Approved

Notice of proposed decision first published: 10/09/2018

Decision due: 9 Oct 2018 by Cabinet

Lead member: Cllr Bridget Wayman, Cabinet Member for Highways, Transport and Waste Management
bridget.wayman@wiltshire.gov.uk

Lead director: Tracy Carter (Director - Waste and Environment)

Department: Waste and Environment

Contact: John Geary, Head of Waste Management Commissioning Email: john.geary@wiltshire.gov.uk 01225 713150.

Consultation process

Full public consultation via portal

Consultees

Public and interested bodies - no restrictions.

Keywords ...

Priorities ...

Division ...

Issue Status

Department

Reason Key

Access

Issue Type (0) Key Cabinet Report Item

Title

Decision Makers Description Documents Exemption, urgency Consultation Other Agenda Items Decisions

Expected exemption class

Expected reason restricted ...

Explanation for expected exemption

Use urgency procedure?

Explanation for urgency

First publicly published

General exception notice? Exempt urgency notice? Special urgency notice?

Type

Owner

Created Due date

Author

Title

Notes

Type	Publication of Plan		
Owner	Cabinet		
Created	10/09/2018 19:49:00	Start valid	10/09/2018
Author	Lisa Pullin		
Title	Cabinet Forward Plan - October 2018 to January 2019		
Notes			