

AGENDA SUPPLEMENT (2)

Meeting: Council
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Tuesday 12 July 2016
Time: 10.30 am

The Agenda for the above meeting was published on 4 July 2016. Additional documents are now available and are attached to this Agenda Supplement.

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Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

14 **Councillors' Questions (Pages 3 - 18)**

An updated pack of councillors' questions is attached.

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APPENDIX 2

Wiltshire Council

Council

12 July 2016

Councillor Ernie Clark, Hilperton Division

To Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste

Question (Ref16-21)

At a cabinet meeting earlier this year, you replied to my question by stating that the five year housing land supply figures for the North And West Housing Market Area were in the process of being prepared.

- a) What progress has been made and when will the 2016 figure be announced?
- b) Do you agree that this delay is placing many area of the county at risk from speculative planning applications?

Response

- a) The process to update the Council's annual housing land supply statement starts in April each year. The review is ongoing and will be published when complete. Last year this was achieved towards end September 2016 and it is expected that we will be able to achieve a similar timeline this year.
- b) There is always a risk of speculative planning applications regardless of the five year land supply position.

(Ref16-21)

Wiltshire Council

Council

12 July 2016

Councillor Bill Douglas, Chippenham Hardens and England Division

To Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste and Cllr Richard Tonge, Cabinet Member for Finance

Question (Ref16-22)

At the Area Board presentation on Affordable House building on Monday 27th of June we were advised that only 84 affordable houses had been built in the last five years in the Chippenham Area. Developers build most of the affordable houses under our 25% allocation scheme. However the Developers have built very few houses in the past few turbulent years. With the unpredictable state of the market after our exit from the EU that situation is set to continue into the foreseeable future. Developers only build when they can sell at the right price and the Inspector has supported their right to do this.

Therefore can the Cabinet Member supply the figures showing how much money is available to Wiltshire Council and, as the land cost is the main deterrent when building, how much Wiltshire Council land is available within the Chippenham Core Strategy Development Areas that can be made available for building.

With this information available we would hope that, working with Developers, we can find a way to increase the numbers.

Response

Within the broad 'strategic areas' for growth at Chippenham (Areas A to E) as identified within the Wiltshire Core Strategy at paragraph 5.56 there is 273.8 hectares of land owned by Wiltshire Council.

In terms of the allocations within the Chippenham Site Allocations Plan as proposed to be modified (May 2016) there is no land of significance in the Council's ownership.

The majority of funding is already committed to the Council House Build Programme as detailed below. The only funding not yet committed would be the balance on commuted sums which as at 30th June 16 would be £1.959m however there are conditions on the funding that have to be adhered to.

(Ref16-22)

The following funding has already been committed to the Council House Build Programme for period 2014/20/15 to 2018/2019

HRA £34m

1-4-1 £0.632m

DOH Grant £0.800m

Adult Social Care Grant £2.075m

Commuted Sums £2.251m

The following funding has been committed to RP Schemes:

1-4-1 £2.234m

Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Stuart Wheeler, To Councillor Stuart Wheeler, Cabinet Member for Hubs, Governance, Support Services, Heritage, Arts and Customer Care

Question (Ref16-23)

How many Freedom of Information requests were received for each of the Council years 2014-15 and 15-16? How many in each year received answers and how many were refused answers? How many appeals have been made in each year to the Information Commissioner, with what outcomes?

Response

The Council received a total of 1,513 Freedom of Information/Environmental Information Regulation (FOI/EIR) requests in 2014/2015 and 1,458 in 2015/2016

The number of requests decreased by 4% in 2015/2016.

There have been no financial penalties placed on the Council by the ICO in respect of FOIs or EIRs. Any associated costs have been in relation to the resource time of officers in responding to requests and appeals.

There is also a reputational impact for the Council as decision notices are published on the ICO website.

Year	Total FOI Requests	Total responses	Total refusals	Total appeals to ICO	Outcome of Appeals	Reasons
2014/2015	1,513	1,419	94	4	1 upheld	Section 43 not able to be applied – information was not considered commercially sensitive
					1 part upheld	Information provided outside of timeframe, not considered to be a vexatious request but some considered information considered commercially sensitive
					1 not upheld	Discrepancy over the response provided
					1 withdrawn	Settlement of claim
2015/2016	1,458	1,418	40	8	5 upheld	2 x information not received within allowed timeframe 2 x responses not provided 1 x review not conducted
					1 not upheld	Complainant believes information was held
					1 withdrawn	Handling of request
					1 pending	Awaiting outcome

Wiltshire Council

Council

12 July 2016

Councillor Christopher Newbury, Warminster Copheap and Wylve Division

To Councillor Stuart Wheeler, Cabinet Member for Hubs, Governance, Support Services, Heritage, Arts and Customer Care

Question (Ref16-30)

Attached below is an appendix to a report which went to the Wiltshire Council Standards Committee on 21 January 2015. All the complaints made to the Monitoring Officer between no. 16/12 of 2012 and no. 80/14 of 2014 are listed, and the list shows whether they were referred for investigation or not, although some were still pending.

Could the Council please provide an updated version of this appendix, showing which of the complaints listed in it would have been referred for investigation if the new guidance document proposed by the Standards Committee on 29 June 2016 had been in force in each of the relevant councils then?

Response

In accordance with the provisions set out in Part 4 of the Constitution, a verbal response will be provided at the meeting.

Wiltshire Council

Council

12 July 2016

Councillor Chris Hurst, Royal Wootton Bassett South Division

To Councillor Jerry Wickham, Cabinet Member for Public Health

Question (Ref16-32)

In light of the appalling increase in hate crimes following the European Union Referendum, it is extremely important that this Council sends a clear message condemning such appalling actions. Diversity has strengthened our communities and the people of Wiltshire need to know that this Council stands for tolerance and respect for all regardless of your background.

- 1) Will the Council follow other Local Authorities in issuing a statement condemning hate crimes?
- 2) Have any Council staff been victims of these appalling attacks, and if so, how are they being supported?
- 3) What strategies are in place for tackling racial abuse and xenophobia in Wiltshire?

Response

In accordance with the provisions set out in Part 4 of the Constitution, a verbal response will be provided at the meeting.

Wiltshire Council

Council

12 July 2016

Councillor Chris Caswill, Chippenham Monkton Division

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council and
Councillor Jonathon Seed, Cabinet Member for Housing, Leisure, Libraries and
Flooding**

Question (Ref16-24)

How long, and since when, have the Council retained Wheelscape Ltd for the preparation of the planning application for a skate park in Monkton Park in Chippenham? How much have Wheelscape been paid to date and what is the outstanding financial commitment to them?

Response

The council's main contractor for the Chippenham skate park project was appointed via a procurement exercise in February 2015. Wheelscape are contracted to design and build the skate park. The contract price for Wheelscape is £275,000. This is split between the work required to secure planning permission for the skate park and main construction works. To date Wheelscape have been paid £5,000 for their work to design the Skate park and submit the planning application.

Wiltshire Council

Council

12 July 2016

Councillor Christopher Newbury, Warminster Copheap and Wylve Division

To Councillor Stuart Wheeler, Cabinet Member for Hubs, Governance, Support Services, Heritage, Arts and Customer Care

Question (Ref16-31)

On the proposed guidance document on the meaning of the Wiltshire Council code of conduct, will the council be recommending town and parish councils, and Salisbury City Council, to adopt it too? If so, will it be consulting them on the draft document in advance and also explaining the effects of adopting it?

Response

In accordance with the provisions set out in Part 4 of the Constitution, a verbal response will be provided at the meeting.

Wiltshire Council

Council

12 July 2016

Councillor Ernie Clark, Hilperton Division

To Councillor Stuart Wheeler, To Councillor Stuart Wheeler, Cabinet Member for Hubs, Governance, Support Services, Heritage, Arts and Customer Care

Question (Ref16-33)

The Wiltshire Times states that this council has spent £530,304 to 'gag' thirty three former staff members. In 2011 alone it apparently paid £233,173 to just seven members of staff.

Who authorised these thirty three payments and why were they required? Is this not a mis-use of public money if this council has nothing to hide?

http://www.gazetteandherald.co.uk/news/14567483.Wiltshire_Council_spends_500k_on_gagging_former_employees/

Response

In accordance with the provisions set out in Part 4 of the Constitution, a verbal response will be provided at the meeting.

(Ref16-33)

Wiltshire Council

Council

12 July 2016

Councillor Chris Caswill, Chippenham Monkton Division

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council and
Councillor Jonathon Seed, Cabinet Member for Housing, Leisure, Libraries and
Flooding**

Question (Ref16-25)

Including staff time, what has been the cost of preparing the planning application for a skate park in Monkton Park in Chippenham? What is the estimated cost of construction of the facility, should it be approved?

Response

The first part of this question was asked in February 2016 and the answer is available online as part of the paper for this meeting. For convenience the answer has been replicated below..

Officer time has not been quantified in respect of this as the onus, through contract, has been on the contractor to prepare the application. Officer time has been spent facilitating meetings e.g. with Skate Park users via the Local youth Network.

The contract price for the design and build of the Skate Park is £275,000. This is split between the work required to secure planning permission for the skate park and main construction works. The budget for the construction stage is £263,000.

Question (Ref16-25)

Wiltshire Council

Council

12 July 2016

Councillor Chris Caswill, Chippenham Monkton Division

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council and
Councillor Jerry Wickham, Cabinet Member for Public Health**

Question (Ref16-26)

A Sustainability and Transformation Plan (STP) for health and social care services in the whole area of Wiltshire, Swindon and Bath and North East Somerset has to be submitted to Government by 16 September. A draft STP was due to have been submitted by the end of June. These are plans which will determine the delivery of services in Wiltshire, and also reductions in costs and service delivery. Where have or will be any of these plans be publicly available and available for discussion and scrutiny by elected members other than yourself? Are you in a position to share the information with Councillors and the wider public?

Response

The timescales set by NHS England for the STP require that a draft plan is submitted by 30th June, this is a checkpoint submission to identify baseline finances across the footprint and direction of travel over the next five years to close the health and wellbeing gap, the quality gap and the finance gap and form the basis of a conversations between footprint areas and National Leadership within the NHS. The guidance for the June submission highlights that the plans are a 'work in progress'. It is anticipated that once this draft checkpoint plan has been reviewed by NHSE and categorised then work will begin to flesh out the priority areas across the footprint with further data and more detailed plans ahead of the final submission in September.

It is during this time, between end of June and September that a full engagement plan with partners will be developed. The Senior Responsible Officer for the STP presented the draft outline plan to Wiltshire Health Select Committee recently, and whilst the plan has gone to various NHS meetings the draft plan has not been formally approved by any NHS boards or governing bodies within the footprint as this is not a requirement of the checkpoint submission. Healthwatch Wiltshire sit on the STP board and will be fully engaged with public engagement once this draft plan has been agreed/approved by the regulators, HWW have written a letter to the senior officer that highlights their understanding of the limited patient engagement up until this point is due to the tight timescales and have requested sight of the communications plan in order that this engagement can be done effectively before the final submission of the plan in September.

Question (Ref16-26)

Wiltshire Council

Council

12 July 2016

Councillor Chris Caswill, Chippenham Monkton Division

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council and
Councillor Jerry Wickham, Cabinet Member for Public Health**

Question (Ref16-27)

The leader of the STP team is on record as having concerns about the governance of the STP process. As Chair of the Wiltshire Health and Wellbeing Board do you share those concerns? What steps are being taken by you and /or the Board to improve the governance arrangements?

Response

The governance arrangements of the STP process were discussed at the last Wiltshire Health and Wellbeing Board on the 9 June and at the subsequent STP board on 23rd June; and it was agreed that a working group would be set up to review the arrangements to ensure that an agreement was reached across the footprint as to most appropriate governance arrangements. Effective engagement, clear governance and local accountability should be the cornerstone of any plan and its implementation.

Question (Ref16-27)

Wiltshire Council

Council

12 July 2016

Councillor Chris Caswill, Chippenham Monkton Division

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council and
Councillor Jerry Wickham, Cabinet Member for Public Health**

Question (Ref16-28)

I see from Marlborough News Online that the STP team have employed management consultants for the preparation of these plans, and the cost has been shared with the 'STP's main members'. Are Wiltshire Council contributing to those costs and, if so, how much?

Response

The development of the STP is a requirement of NHS planning guidance. As such, Wiltshire Council is not contributing to the cost of consultants used in the preparation of these plans.

Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Jerry Wickham, Cabinet Member for Public Health

Question (Ref16-29)

Congratulations on your Cabinet appointment. I appreciate its early days for you as yet, but there are nevertheless continuing and serious questions about the Council's Help to Live at Home Service that need urgent public attention. (a) What steps will you be taking to assure yourself that the Help to Live at Home Service is fit for purpose? (b) Which of the current and previous HTLAH providers have been found to be 'requiring improvement' or similar since the HTLAH scheme was launched? And in each case, how many times? (c) What account has been taken of the reasons given by Leonard Cheshire for not accepting the terms offered by the Council for extending their contract? (d) Will you make public, and discuss with the Health Select Committee, the refreshed service specification and new evaluation criteria for HTLAH? (e) Are you yet in a position to name the new providers, and if not when will you do so?

Response

- a) There are a number of measures that we employ to ensure that HTLAH meets the standards set by the Council:
- I. Strategic meetings to ensure that a common direction is maintained by all organisations involved with HTLAH
 - II. Contract review meetings with individual providers to ensure local compliance
 - III. Regular informal meetings to deal with local issues
 - IV. Quality Assurance spot checks to ensure processes and policies of the providers are being followed
 - V. Customer Reference Group spot checks to ensure Customers are satisfied with the service
 - VI. Regular contact is maintained with CQC and NHS colleagues to pick up any issues that may arise on a daily basis.
 - VII. Weekly data collection from providers which includes hours, visits, staff and customer numbers, missed visits, compliments and complaints
- b) CQC have recently changed their inspection regime, the current results are:
- I. Somerset Care: currently 'good' overall, previously 'requires improvement'
 - II. Mears: currently 'good' overall, previously 'action required'

Question (Ref16-29)

- III. Leonard Cheshire: currently 'requires improvement', previously 'good'
 - IV. MiHomecare: currently 'requires improvement', however, a new inspection report is due to be published within the next couple of weeks and this will show a decline in standards to 'inadequate'
 - V. Aster Living: at the time of leaving the service they were deemed 'good'.
- c) The terms offered to Leonard Cheshire were based on their original bid price with inflationary uplifts applied; this did not meet their financial requirements. We have since held an open tender process resulting in a new provider for their contract areas with a price that reflects the current costs of providing this innovative service. The new price for the re-tendered service was significantly less than the increased rate which Leonard Cheshire requested.
- d) The refreshed service specification and evaluation criteria are freely available upon request and are in the public domain . I very much welcome working with the Health Select Committee on this and a number of other issues.
- e) The new service provider for the three tendered contract areas is 'Mears Care Ltd'

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