

COUNCIL

MINUTES OF THE COUNCIL MEETING HELD ON 21 OCTOBER 2014 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Glenis Ansell, Cllr Pat Aves, Cllr Chuck Berry, Cllr Nick Blakemore, Cllr Richard Britton, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Mary Champion, Cllr Terry Chivers, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Mark Connolly, Cllr Christine Crisp, Cllr Brian Dalton, Cllr Andrew Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Stewart Dobson, Cllr Bill Douglas, Cllr Mary Douglas, Cllr Dennis Drewett, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Richard Gamble, Cllr Jose Green, Cllr Howard Greenman, Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Chris Hurst, Cllr Peter Hutton, Cllr Simon Jacobs, Cllr George Jeans, Cllr David Jenkins, Cllr Julian Johnson, Cllr Bob Jones MBE, Cllr Simon Killane, Cllr Gordon King, Cllr John Knight, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Magnus Macdonald, Cllr Alan MacRae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Helena McKeown, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Bill Moss, Cllr Christopher Newbury, Cllr John Noeken, Cllr Stephen Oldrieve, Cllr Helen Osborn, Cllr Jeff Osborn, Cllr Linda Packard, Cllr Mark Packard, Cllr Sheila Parker, Cllr Graham Payne, Cllr David Pollitt, Cllr Horace Prickett, Cllr Fleur de Rhé-Philippe, Cllr Pip Ridout, Cllr Ricky Rogers, Cllr Jane Scott OBE, Cllr Jonathon Seed, Cllr James Sheppard, Cllr John Smale, Cllr Toby Sturgis, Cllr John Thomson, Cllr Ian Thorn, Cllr Ian Tomes, Cllr Dick Tonge, Cllr Tony Trotman, Cllr John Walsh, Cllr Nick Watts, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Ian West, Cllr Philip Whalley, Cllr Stuart Wheeler, Cllr Roy While (Chairman), Cllr Philip Whitehead, Cllr Christopher Williams and Cllr Graham Wright

Webcasting the Meeting

The Chairman advised all those attending the meeting, that the Council was recording this meeting for live and/or subsequent broadcast through the council's website. The images and sound recording may also be used for training purposes within the Council. By entering the meeting room, those attending were consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes. The Chairman explained that this was history in the making as this would be the first meeting of the Council to be webcast in this way. This would help enhance the transparency with which the Council made its decisions, and also ensure as

many people as possible can take part in decision making. It was noted that the meeting may also be recorded by the press or members of the public.

62 **Apologies**

Apologies for absence were received from Councillors Desna Allen, Rosemary Brown, Liz Bryant, Nick Fogg MBE, Mollie Groom, Keith Humphries, Paul Oatway, Nina Phillips and Leo Randall. Councillor George Jeans for lateness. Councillor Graham Payne for temporarily withdrawing from the meeting to attend and represent the Council at the funeral of Cannon Christopher Brown.

63 **Minutes of Previous Meeting**

The minutes of the Meeting held on 29 July 2014 were presented and it was,

Resolved:

That the minutes of the last Council meeting held on 29 July 2014 be approved as a correct record and signed by the Chairman.

64 **Declarations of Interest**

There were no declarations of interest.

65 **Budget - Setting the Scene**

Corporate Directors Dr Carlton Brand, Carolyn Godfrey, and Maggie Rae delivered a presentation on the Council's financial position and some of the challenges that would need to be faced as the budget for 2015/16 and future years were prepared.

The Corporate Directors referred to the achievements made by the Council since May 2013 and alignment of the budget with the Council's vision, aims and priorities as set out in its Business Plan. The presentation also referred to the existing and future challenges being faced by the Council. It was noted that a saving of £30 million was being identified for 2015/16 in the face of reductions in Government funding and service pressures whilst maintaining excellence.

66 **Announcements by the Chairman**

(a) Wiltshire Council Older Peoples' Day

The Chairman announced that the Council hosted an Older People's Day at County Hall earlier this month. Senior citizens from across the County were provided with the opportunity to speak with representatives from a number of

charities and organisations hosting exhibitions. There was also the opportunity to participate in various activities such as singing, Tai-Chi, quizzes and a tea dance.

The event was well attended throughout the day, providing a real opportunity to bring together senior citizens from different communities to meet new people, try different activities and to celebrate their contribution to society.

(b) Friend's Life Tour of Britain

The Council was delighted that the County of Wiltshire was part of the recent Friends Life Tour of Britain. Like the Olympic and Jubilee events, it showcased and promoted the County, giving tourism and local businesses a boost as well as bringing communities together.

It was inspiring to see professional riders like Sir Bradley Wiggins and Mark Cavendish, whose speed and skill was breathtaking as they raced past County Hall. The FanZone outside County Hall added significantly to the enjoyment of the occasion for all those who turned up to support the event. A big thank you went out to all those staff who were involved in supporting and running the event to ensure it ran safely, providing a memorable occasion for everyone and inspiring others to take up cycling.

(c) Ushakov Medal Presentations

The Chairman reminded Members that last September the Council hosted a ceremony to honour Wiltshire residents who received the Arctic Convoy Star Medal. At that time, veterans were waiting to hear if they would also receive the Ushakov Medal, the equivalent Russian military honour.

The Chairman was delighted to announce that 77 veterans from across the south-west were formally presented with their medals at County Hall in August. The Council was pleased to support the Russian Embassy by offering to provide the Ceremony Room as the venue for two special presentation ceremonies – the first to be held outside London. By doing so, it alleviated the need for veterans, all in their late 80s/early 90s, travelling to London or just receiving their medal through the post. The Chairman was proud and honoured to host these ceremonies. It was a huge privilege to welcome the veterans, 33 of which were Wiltshire residents, who greatly appreciated the Council's support to them. It was a very humbling and rewarding day.

(d) Wiltshire and Swindon Youth Orchestra Concerts

The Chairman announced that both he and his Vice-Chairman, had been privileged to attend Summer concerts by the Wiltshire and Swindon Youth Orchestra in Bradford-on-Avon and Salisbury in August.

The performances were outstanding with over 80 children and young people taking part. The Chairman congratulated Nick Howdle, Head of the Wiltshire Music Service, for encouraging and nurturing these talented young people and for giving all of us who attended these Concerts such a memorable evening.

(e) Canon Christopher Brown

The Chairman reported that as Councillors might be aware, Canon Christopher Brown, the Rector of St. James' Church, Trowbridge from 1988-2009 and Keevil from 2007-2009, had died recently after losing his battle with pancreatic cancer. He was also Rural Dean of Bradford on Avon from 1994-2001.

Canon Brown was highly regarded in Trowbridge through his active engagement with the community, schools and associations. He was a compassionate man with a wonderful sense of humour and would be greatly missed by many.

Councillor Graham Payne, who worked closely with Canon Brown as Chairman the White Ensign Association, would be attending his funeral today to represent the Council.

(f) British Construction Industry Awards

County Hall in Trowbridge had been nominated for this year's Prime Minister's Better Public Building Award, the only building in the South West to reach the shortlist. The British Construction Industry Awards were the industry's 'Oscars' for all round excellence in construction, with the Prime Minister's Better Public Building Award the pinnacle of the awards ceremony.

The winner of the award would be announced at a ceremony 29 October in London.

67 Public Participation

The Chairman reported receipt of questions as previously circulated from Mr Stephen Eades, Countess Amanda Cairns (represented by Mr Howard Ham) and Mr David Levy.

A copy of questions received together with the responses given by Councillor Toby Sturgis, Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property, Waste are attached as Appendix 1 to these minutes.

68 Petitions

69 Petitions Received

No petitions were received for presentation to the Council meeting.

70 **Petitions Update**

A report by the Democratic Governance Manager was presented which gave Council details of the 3 petitions received for the period since the last Council meeting.

Resolved:

That Council note the report, the petitions received and the actions being taken in relation to them, as set out in the Appendix to the report.

71 **City of Salisbury, Milford Hill, Britford and Old Manor Hospital Conservation Area Appraisals**

The Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste introduced a report on the City of Salisbury, Milford Hill, Britford and Old Manor Hospital Conservation Area Appraisals.

Council was asked to agree to the de-designation of the Salisbury Conservation Area, and simultaneously authorise the designation of four separate conservation areas, the boundaries of which as shown on the maps presented.

Resolved:

That Council agrees to de-designate Salisbury Conservation Area and simultaneously re-designate the same area (with minor boundary amendments) as four separate conservation areas namely: City of Salisbury, Milford Hill, Old Manor Hospital and Britford – each with its own written and illustrated appraisal.

72 **Licensing Act 2003 - Statement of Licensing Policy 2014 - 2019**

Councillor Stuart Wheeler, Cabinet Member for Hubs, Heritage & Arts, Governance and Support Services presented a revised Licensing Policy for 2014-19 as recommended to Council by the Licensing Committee at its meeting on 8 September 2014. The extensive consultation undertaken on the draft policy was noted.

Cllr Wheeler guided members through the accompanying report and moved that Council adopt the Licensing Policy and this was duly seconded by Councillor Pip Ridout, Chairman of the Licensing Committee.

The Chairman invited Group Leaders to comment before widening the debate to other members.

Councillor Jon Hubbard proposed the following amendment which was duly seconded by Councillor Helena Mckeown:

To number the recommendation in the report as (1) and add as (2):

'Council requests the Licensing Committee to specifically consider the four licensing objectives and bring back to full Council at a future meeting revised objectives that takes advantage of some of the additional powers available to local authorities including, but not restricted to, the power to adjust licensing objectives to take account of the scale of existing provision when considering new applications.'

The debate then centred on the amendment calling on Group Leaders before inviting other members. Councillor Peter Hutton, Portfolio Holder for Public Protection Services thanked officers for all their hard work in developing the Policy and echoed previous speakers in urging caution over making amendments to it without detailed consideration by the Licensing Committee.

Councillor Stuart Wheeler explained that the Council had no authority to change the legally defined licensing objectives. He considered that proposals to amend the Policy should have been raised at the Licensing Committee to enable it to examine them in detail. This was also echoed by Councillor Seed who also referred to the three month consultation exercise where such proposals could have been raised and taken into account.

On being put to the vote, the amendment was LOST.

Councillor Chris Caswill gave notice of a number of amendments he wished to make. He considered that the Policy could be strengthened in a number of areas to make it more proactive.

Councillor Caswill proposed the following amendment which was duly seconded by Councillor Jeff Osborn:

'In 1.1 Introduction, at the end of the first paragraph, add 'whilst also having regard the Government's 2012 alcohol Strategy.' (page 99)

Councillor Jane Scott was concerned that amendments of a complex nature were being proposed at this stage in the process. Councillor Wheeler reminding Council that the Licensing Policy was a legal document, expressed concern that amendments now proposed had not been the subject of detailed consideration by the Licensing Committee and not subject to consultation.

Councillor Jon Hubbard questioned the role of Council in debating and adopting the Policy, if it was not able to amend it as it saw fit. Councillors Jane Scott and Stuart Wheeler explained that any proposals to amend what was essentially a legal document, should be evidence based and considered alongside legal advice on the soundness of such proposals to amend it.

On being put to the vote, the amendment was LOST.

Councillor Chris Caswill referred to his other proposed amendments which were displayed on screen. To assist Council, he explained the background to each of the amendments which he agreed to withdraw if Council would agree to refer them to the Licensing Committee for detailed consideration. Councillors Stuart Wheeler and Pip Ridout gave such an assurance.

Resolved:

- (a) **That Council approves the Statement of Licensing Policy (2014 - 2019) (Appendix 1) under Licensing Act 2003 .**
- (b) **That the following amendments proposed by Councillor Chris Caswill as detailed below, be referred to the Licensing Committee:**
- In 8.0 Other licensing authority powers, add a new introductory text:

'The Licensing Authority welcomes the guidance given in the Government's 2012 alcohol Strategy and the encouragement for local communities and individuals to help set the standards and behaviours that they want to see in their surrounding area. It will have regard to the encouragement given to Licensing Authorities in the Strategy to make use of the powers available in order to take firm action to address the harms from alcohol, and if necessary, close down premises. In that spirit the Licensing Authority will be prepared to use the following powers where appropriate and necessary.' (p. 130)
 - In 1.2 Key Aims, delete 'vibrant' in the second bullet point (p 100)
 - In 1.4 Licensing Function, third paragraph, replace 'has regard to wider considerations affecting' with 'recognises in this policy its wider responsibilities to' ('the residential population and the amenity of the area.') (p. 101)
 - in 2.5 Dispersal Policy, replace 'should consider how the venue will' with 'must demonstrate how it will act to' (minimise the potential for disorder as customers leave the premises'). (p. 105)

73 Notices of Motion

For Council's ease of reference, the rules on how a motion is dealt with at Council, taken from Part 4 of the Council's constitution was presented.

73a) No. 11 - Fire Authority Merger - Councillors Jeff Osborn and Terry Chivers

At the last Council meeting held on 29 July 2014, Council adopted a motion submitted by Councillors Jeff Osborn and Terry Chivers which it amended to read as follows:

'This council understands the financial challenges the Wiltshire and Swindon Combined Fire Authority, as with all other public services, needs to address, but urges the Fire Authority to consider all options to address those challenges. To this end this council will consider the matter fully at its next meeting on 21 October 2014 when further information on all the options is available, including the views of the residents of Wiltshire, before formally giving its response to the Fire Authority as part of the consultation process.'

In accordance with the above adopted motion, Councillor Dick Tonge, Cabinet member for Finance, Performance, Risk, Procurement and Welfare Reform presented a report from the Corporate Directors for Council's consideration. It was noted that it had not been possible to include the views of the residents of Wiltshire as the consultation had not yet been completed.

The report referred to the seven options originally included in the Wiltshire draft business case and the resulting three options included in the public consultation document.

The report presented to Council advised members of the financial background surrounding the Wiltshire & Swindon Fire Authority proposals to strengthen the fire and rescue service whilst at the same time securing savings to enable a balanced budget. The report stated that of the options proposed by the Fire Authority, none fully addressed the £3.1 to £3.9 million shortfall for Wiltshire and Swindon Fire Authority by 2017/18 (nor the combined £5.4 million to £7.1 million shortfall faced by Wiltshire and Dorset).

In terms of the Wiltshire and Swindon Fire Authority remaining independent, due diligence of the £0.9 million savings by Wiltshire Council officers suggested that there was scope to deliver a saving at the earliest within the next four years ranging from £0.481 to £1.074 million. This would come from back office sharing of services such as IT and Accountancy, as well as better use and sharing of depots.

Wiltshire Council officers had not conducted due diligence on the merger with the Dorset Fire Authority option, the Business Case for which was also presented. However, it was suggested that c.£0.2 to £0.3 million of the savings that could be achieved under the independent option, such as use of depots, would also be possible from this option. It was clear that more savings would need to be identified whichever option was supported.

The report suggested that Council should not commit to an option without further information and clarification on the various issues highlighted in the report presented. In particular, the Council would need answers to the following questions:

- How will the funding gap be bridged?
- Are there further savings that could be made in collaboration with other public bodies?
- How will the equalisation of precepts be dealt with and what the impact will be on Wiltshire residents.
- How it can be assured that key local decisions are not prejudiced by being out voted by the other constituent authorities?

Councillor Tonge moved the following motion and this was duly seconded by the Leader of the Council:

'The council understands the financial challenges that the Wiltshire and Swindon Fire Authority faces and appreciates the work that has been done to spell out the options for the future as set out in the consultation document and the draft business case.

The council has concerns about the gap in funding, the uncertainty with regard to equalisation of precepts and the governance arrangements which could disadvantage Wiltshire.

The council seeks assurance in these matters and prefers not to commit to any option until such time as these issues are resolved.

Whichever option the Fire Authority decides upon this council would welcome closer cooperation to reduce costs in both organisations'.

Councillor Jeff Osborn was given the opportunity to respond to the motion.

A number of members expressed deep concern that a new motion should be presented without members' prior knowledge, with points of order being raised to this effect. Councillor Jeff Osborn sought clarification as to how the new motion as proposed related to his motion adopted at the last Council meeting. The Chairman explained that the last Council meeting in considering the motion submitted by Councillors Jeff Osborn and Terry Chivers, resolved to adopt that motion as amended as set out in the minutes of that meeting. The effect of that motion was that a report would be presented to this meeting.

Councillor Jon Hubbard considered that the motion Council should now be considering was the motion put forward by Councillors Jeff Osborn and Terry Chivers at the last meeting and not the motion now being put forward by

Councillor Dick Tonge. A number of members considered that any motion to be considered by Council should have been included in the Summons. Councillor Wheeler also sought to assist Council by clarifying the position.

Councillor Jeff Osborn moved an amendment as follows, duly seconded by Councillor Terry Chivers:

'That this local authority supports the merger as the only viable way forward to protect fire cover in this County.'

Councillor Jon Hubbard sought clarification by way of a point of order over the constitutional procedure in considering the motion. He sought clarification over whether the motion put forward by Councillor Dick Tonge constituted a motion or amendment. He now understood it to be a motion pointing out that it had not been circulated in advance and his concern that it could be seen to be attributed to the movers of the motion as considered at the last meeting from Councillors Jeff Osborn and Terry Chivers as set out in the Summons.

Ian Gibbons, Associate Director, Law and Governance and Monitoring Officer explained that the motion as adopted at the last meeting instructed that a report on the matter be brought to this meeting. Accordingly, the requested report was presented to this meeting which thereby discharged the terms of that motion.

Councillor Jon Hubbard requested that the meeting be adjourned to enable him to seek advice of the Monitoring Officer as he considered the process to be unconstitutional.

MEETING ADJOURNED AT THIS POINT

Once reconvened, Ian Gibbons explained that following discussions, a way forward had been agreed whereby the motion decided at the last Council meeting from Councillors Jeff Osborn and Terry Chivers would remain on the table as the main motion.

The motion submitted by Councillor Dick Tonge as presented earlier in the meeting, would now be treated as an amendment as additional wording to the main motion.

For the avoidance of doubt, the main motion by Councillor Jeff Osborn and seconded by Councillor Terry Chivers was as follows:

'This council understands the financial challenges the Wiltshire and Swindon Combined Fire Authority, as with all other public services, needs to address, but urges the Fire Authority to consider all options to address those

challenges. To this end this council will consider the matter fully at its next meeting on 21 October 2014 when further information on all the options is available, including the views of the residents of Wiltshire, before formally giving its response to the Fire Authority as part of the consultation process’.

The amendment by Councillor Dick Tonge and seconded by the Leader was as follows:

‘This council understands the financial challenges the Wiltshire and Swindon Combined Fire Authority, as with all other public services, needs to address, but urges the Fire Authority to consider all options to address those challenges. To this end this council will consider the matter fully at its next meeting on 21 October 2014 when further information on all the options is available, including the views of the residents of Wiltshire, before formally giving its response to the Fire Authority as part of the consultation process.

The council understands the financial challenges that the Wiltshire and Swindon Fire Authority faces and appreciates the work that has been done to spell out the options for the future as set out in the consultation document and the draft business case.

The council has concerns about the gap in funding, the uncertainty with regard to equalisation of precepts and the governance arrangements which could disadvantage Wiltshire.

The council seeks assurance in these matters and prefers not to commit to any option until such time as these issues are resolved.

Whichever option the Fire Authority decides upon this council would welcome closer cooperation to reduce costs in both organisations’

Councillor Chris Devine addressed Council in his capacity as Chairman of the Wiltshire and Swindon Fire Authority. Councillor Devine referred to the 3 options being considered. He confirmed that the public consultation was so far indicating a preference for option 3 from the public focus groups. He recognised that this Council and Swindon Borough Council were the Fire Authority’s largest stakeholders and that Swindon BC were in favour of option 3, although needed resolution on a number of issues. The Combined Fire Authority, an independent legislative body would make its decision on 11 November 2014. He referred to the recent award of a transformation grant of just over £5.4 million from central Government, conditional upon progressing with option 3. This would help fund some of the costs associated with option 3. Councillor Devine explained the projected financial position of the Fire Authority taking into account combined savings, the grant and equalisation of the precept would take the Fire Authority out of a deficit position. He also assured Council that he would be seeking equalisation of

representation.

The Chairman reminded the meeting that the debate was now in relation to the amendment from Councillor Dick Tonge. The Chairman invited comments initially from Group Leaders before widening the debate to other members.

The Leader of the Council reminded Council that the merger decision did not rest with this Council and that we were merely one of the consultees. She considered that it would be unsafe for this Council to support the merger whilst questions remained unanswered. The Council had only recently received further financial information and had not had sufficient time to carry out due diligence on this. Clarity was also needed on the issue of the precept and a clear undertaking on the issue of equalisation of representation to ensure equal parity on decision making. The Council should therefore not commit to an option without answers to these important issues.

Councillor Jon Hubbard considered that this Council had agreed at its last meeting that it would at this meeting having looked at the issues and listened to what people had said, agree to submit a response to the consultation process what it felt was right. He considered that the amendment if passed, would indicate that this Council was unable to reach a decision and that this would not demonstrate leadership by the Council. He considered that representation should be proportionate to population with those elected to serve on the body, working collectively rather than parochially.

Councillor Ernie Clark had understood the effect of the motion agreed at the last meeting was that a decision would be made at this meeting. He considered that the potential impact on the Fire Authority's precept was as a direct result of cuts in Government funding and previous zero percent increases by the Fire Authority.

The Chairman then widened the debate to other members summarised as follows:

- The Council's response should be to agree to Option 3 at the same time adding the Council's concerns to be taken into account
- The proposed merger represented the best way to protect the future of the fire service and achieving necessary savings.
- The transformation grant on offer from central Government demonstrated confidence in the merger proposal.
- Lack of clarity over key issues to be able to commit to a particular

option.

- What would be the impact on fire stations, particularly rural ones and would the merger lead to closures?
- Why had Dorset being selected as a prospective merger partner as opposed to other neighbouring Fire Authorities?
- Sharing of resources including accommodation between emergency services and campuses and amalgamating buying power could provide the much needed savings without the proposed merger. The Chairman of the Fire Authority did however explain the specific accommodation needs of the fire service which made sharing its accommodation difficult.
- None of the 3 options were conclusive enough or adequately evidenced to provide an informed choice.
- The Council should listen to the views of the people.
- The Council needs assurances over the future of the fire service, whether fire stations would remain open and whether front line staffing levels (employed and retained) would be maintained.
- seeking clarification over the status of the amendment in relation to the motion in the context of the constitutional process.
- The Fire Authority was an organisation very well respected by the public.
- Actual savings need to be properly assessed and evidenced.
- Concerns over equalisation of representation.

Councillor Jeff Osborn in exercising his right of reply, urged members to support the merger.

The AMENDMENT was then put to the vote and CARRIED and a recorded vote having been requested by the requisite number of members, the voting was recorded as follows:

For the motion (44)

Councillors Chuck Berry, Richard Britton, Allison Bucknell, Mary Champion, Richard Clewer, Mark Connolly, Christine Crisp, Andrew Davis, Fleur de Rhe-Philippe, Stewart Dobson, Mary Douglas, Peter Evans, Sue Evans, Jose

Green, Howard Greenman, Russell Hawker, Alan Hill, Charles Howard, Peter Hutton, Simon Jacobs, Julian Johnson, Simon Killane, Jerry Kunkler, Jacqui Lay, Alan MacRae, Laura Mayes, John Noeken, Mark Packard, Sheila Parker, Horace Prickett, Jane Scott, Jonathon Seed, James Sheppard, Toby Sturgis, John Thomson, Richard Tonge, Tony Trotman, Bridget Wayman, Philip Whalley, Stuart Wheeler, Roy While, Philip Whitehead, Jerry Wickham and Christopher Williams

Against the motion (27)

Councillors Pat Aves, Nick Blakemore, Trevor Carbin, Chris Caswill, Terry Chivers, Ernie Clark, Brian Dalton, Dennis Drewett, Peter Edge, Jon Hubbard, Chris Hurst, George Jeans, David Jenkins, Bob Jones, Magnus Macdonald, Helena McKeown, Ian McLennan, Stephen Oldrieve, Helen Osborn, Jeff Osborn, Linda Packard, Graham Payne, David Pollitt, Ian Thorn, Nick Watts, Ian West, and Graham Wright

Abstentions (2)

Councillors John Knight and Christopher Newbury

The amendment therefore became the substantive motion. The Chairman invited Group Leaders to speak on the motion before widening the debate to other members.

Councillor Jon Hubbard considered that the Council should be giving a definitive response to the consultation. He referred to the financial constraints under which the Fire Authority operated such as the capping of precepts.

Cllr Hubbard moved the following amendment which was duly seconded:

'Additionally, council requests that the leader writes to the Secretary of State for Communities and Local Government on behalf of the council pointing out the challenges posed to the Fire Authority with the capping of their precepts and the inequality of their status with parishes in this respect'.

The debate then centred on the above amendment and the Chairman invited remaining Group Leaders to comment before widening the debate to other members.

The Leader commented that she could see no benefit of writing to the Secretary of State in this regard. She added that the likely response would be that you could not compare a Fire Authority with a parish council.

A debate then ensued, summarised as follows:

- A suggestion that reference to parishes be omitted from the amendment.
- Both options 1 and 2 would leave a substantial funding gap which would result in the loss of fire fighters and the closing of fire stations whereas option 3 would achieve savings.
- Comparing the proposed merger with the Council's unitary arrangement was not relevant as the proposed merger involved a another County under a different process .
- Very little detailed information available on which this Council could base its decision.
- Clarification sought on what was on the table to which Ian Gibbons replied, summing up the position so far.

The amendment was then put to the vote and LOST.

Council returned to the substantive motion and on being put to the vote, was CARRIED and it was therefore

Resolved:

To adopt the following motion as amended as follows:

This council understands the financial challenges the Wiltshire and Swindon Combined Fire Authority, as with all other public services, needs to address, but urges the Fire Authority to consider all options to address those challenges. To this end this council will consider the matter fully at its next meeting on 21 October 2014 when further information on all the options is available, including the views of the residents of Wiltshire, before formally giving its response to the Fire Authority as part of the consultation process.

The council understands the financial challenges that the Wiltshire and Swindon Fire Authority faces and appreciates the work that has been done to spell out the options for the future as set out in the consultation document and the draft business case.

The council has concerns about the gap in funding, the uncertainty with regard to equalisation of precepts and the governance arrangements which could disadvantage Wiltshire.

The council seeks assurance in these matters and prefers not to

commit to any option until such time as these issues are resolved. Whichever option the Fire Authority decides upon this council would welcome closer cooperation to reduce costs in both organisations.

73b) No. 14 - Code of Conduct and Gifts and Hospitality - Councillors Terry Chivers and Jeff Osborn

The Chairman reported receipt of the above mentioned motion from Councillors Terry Chivers and Jeff Osborn. Accordingly, Councillor Terry Chivers moved the following motion which was duly seconded by Cllr Jeff Osborn:

'Further to this Council adopting its, Code of Conduct at Full Council in February, this Council considers amending the Code of Conduct to include a register of gifts and hospitality.'

The current code states,

The existing Code states, at paragraph 2, 'you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.'

To protect members and to ensure full; transparency, for Wiltshire Council, and its members this Council adopts a register of interests for all gifts and hospitably over £25.00'.

In speaking to his motion, Councillor Chivers expressed surprise that there was no longer a requirement to register gifts and hospitality. He considered that for the reasons stated in his motion, such a requirement should be reinstated.

In response, Councillor Stuart Wheeler, Cabinet member for Hubs, Heritage & Arts, Governance and Support Services reminded Council of its previous deliberations on this issue and referred to the relevant extracts of the Code of Conduct. He agreed that it would be appropriate for members to register gifts and hospitality received. In order to simplify the process and avoid costs, Councillor Wheeler suggested that this could be on a self registration basis. Councillor Wheeler therefore suggested referral of the motion to the Standards Committee.

Resolved:

That motion no. 14 – Code of Conduct and Gifts and Hospitality be referred to the Standards Committee.

73c) **No. 15 - Publishing of Members' Allowances - Councillors Terry Chivers and Jeff Osborn**

The Chairman reported receipt of the above mentioned motion from Councillors Terry Chivers and Jeff Osborn. Accordingly, Councillor Terry Chivers moved the following motion which was duly seconded by Cllr Jeff Osborn:

'To ensure this Council, is as open and accountable, as possible, each year all members allowances, and expenses be published on the Council web site, within one month of the end of the financial year'.

In speaking to his motion, Councillor Chivers considered there had been unacceptable delays in publishing details of members' allowances paid this year. He explained that adoption of such a motion would ensure that details would in future, be published on the Council's website in a timely manner.

In response, Councillor Stuart Wheeler, Cabinet member for Hubs, Heritage & Arts, Governance and Support Services explained that the requirement was to publish the information as soon as reasonably practicable following the end of the financial year. He referred to the various calculations that had to be made following the last review of members' allowances and that the focus had been to ensure accuracy rather than speed in which the information was published.

Councillor Wheeler suggested the deletion of 'within one month of' and insertion of 'as soon as reasonably practicable but in any event, not later than three months following'. This was reluctantly accepted by Councillor Chivers.

On being put to the vote, it was

Resolved:

That notice of motion no. 15 – Publishing of Members' Allowances be ADOPTED as amended as follows:

'To ensure this Council, is as open and accountable as possible, each year, all members allowances and expenses be published on the Council web site as soon as reasonably practicable, but in any event, not later than three months following the end of the financial year'.

**73d) No. 16 - Establishment of a Wiltshire Energy Efficiency Board -
Councillors Steve Oldrieve and Jon Hubbard**

The Chairman reported receipt of the above mentioned motion from Councillors Steve Oldrieve and Jon Hubbard. Accordingly, Councillor Oldrieve moved the following motion, which had been with the agreement of his seconder, Cllr Hubbard, amended from the original submission to read as follows:

'1) Council notes the Cabinet's decision to sign the new Climate Change Local commitment, the successor to the previous Nottingham Declaration, confirming and strengthening the council's commitment to tackle the challenges of climate change.

2) Council recognises the commitments undertaken by the Cabinet's decision to sign the Climate Change Local commitment and acknowledges the importance of delivering not only through its own estate but also the important role it has as a community leader.

3) Council therefore undertakes to engage with public and private sector partners over the next 6 months to determine the viability of establishing an Wiltshire Energy Resilience Board, with the remit to work with partners across the county to jointly work to develop a strategy to achieve increased energy savings, and the consequential economic savings, to match and then exceed the South West Average'.

4) Council requests that the Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property, Waste report back to Cabinet on 17 March 2015 to report the outcome of engaging with key partners and recommends a way forward on this matter.'

In speaking to his motion, Councillor Oldrieve explained the background and purpose of such a motion. By adopting the motion, the Council would exercise its leadership role and establish a forum with other interested bodies across the County to undertake a vital role in carbon reduction.

Councillor Toby Sturgis, Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property, Waste explained that this motion was an example of how a member could work with officers and the Cabinet member to bring forward a motion that could be supported and could deliver what was required. Cllr Sturgis urged support for the motion as amended. The Council would move forward with developing an energy resilience plan for consideration with partners and determine the viability of establishing an energy resilience board.

On being put to the vote, it was

Resolved:

That motion no. 16 – Establishing of a Wiltshire Energy Efficiency Board be adopted as amended as detailed above.

74 Membership of Committees

The Chairman invited Group Leaders to present any requests for changes to committee membership in accordance with the allocation of seats to political groups previously approved by Council.

Following requests made by Councillor Jon Hubbard, Leader of the Liberal Democrat group, it was

Resolved:

That Council approve the following membership changes:

1) Wiltshire Fire Authority

REMOVE – Councillor Howard Marshall

ADD – Councillor Peter Edge

2) Northern Area Planning

REMOVE - Councillor Howard Marshall

ADD - Councillor Nick Watts

REMOVE SUB - Councillor Nick Watts

ADD SUB - Councillor Linda Packard

3) Appeals

REMOVE - Councillor Howard Marshall

ADD - Councillor Ian West

4) Strategic Planning

REMOVE SUB - Councillor Howard Marshall

ADD SUB - Councillor Brian Dalton

5) Licensing

REMOVE SUB - Councillor Howard Marshall

ADD SUB - Councillor Jon Hubbard

6) Standards

REMOVE SUB - Councillor Howard Marshall

ADD SUB - Councillor Ian Thorn

75 Minutes of Cabinet and Committees

The Chairman moved that Council receive and note the following minutes as listed in the separate Minutes Book and this was duly seconded by the Vice-Chairman:

Cabinet	16 September 2014, 7 October 2014
Cabinet Capital Assets Committee	16 September 2014
Cabinet Transformation Committee	16 September 2014
Overview and Scrutiny Management Committee	9 September 2014
Environment Select Committee	2 September 2014
Licensing Committee	8 September 2014
Northern Area Planning Committee	16 July 2014, 27 August 2014, 17 September 2014
Eastern Area Planning Committee	7 August 2014, 28 August 2014
Southern Area Planning Committee	3 July 2014, 14 August 2014
Western Area Planning Committee	25 September 2014 23 July 2014, 3 September 2014
Strategic Planning Committee	24 September 2014 16 July 2014, 30 July 2014
Audit Committee	31 July 2014
Wiltshire Health and Wellbeing Board	31 July 2014
Wiltshire Pension Fund Committee	17 July 2014, 11 September 2014
Wiltshire Police and Crime Panel	4 September 2014

The Chairman invited questions from members on points of information or clarification on the above minutes and gave the Chairmen of those meetings the opportunity to make any important announcements on the work of their respective Committees.

Northern Area Planning Committee – 17 September 2014

Councillor Chris Caswill referred to the time change of the Committee. Councillor Tony Trotman, Chairman of the Committee responded and referred Councillor Caswill to his submitted question and response under 'Councillors' questions' – minute below.

Resolved:

That the above mentioned minutes be received and noted.

76 Councillors' Questions

The Chairman reported receipt of questions from Councillors Terry Chivers, Jeff Osborn, Helen Osborn, Simon Killane, Chris Hurst, Steve Oldrieve And Ernie Clark, Jon Hubbard And Chris Caswill, details of which were circulated in Agenda Supplement No. 1 together with responses from the relevant Cabinet member. Details of questions and responses are attached as Appendix 2 to these minutes.

Questioners were permitted to each ask one relevant supplementary question per question submitted and where they did so, the relevant Cabinet member responded.

Appendices

Appendix 1 – Questions from members of the public

Appendix 2 – Questions from members of the Council

(Duration of meeting: 11.00am – 5.20pm
Including an adjournment for lunch)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024, e-mail Yamina.Rhouati@wiltshire.gov.uk

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Wiltshire Council

Council

21 October 2014

Item 6 - Public Participation

From Mr Stephen Eades, Chippenham Resident

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

Question 1

Is Wiltshire Council affirming in its current review of the Chippenham Development Plan Document (DPD) the strategic view that it expressed in June 2014 to the Inspector at the Core Strategy Examination in Public regarding the western boundary of Chippenham ? For the strategic view in question, I refer to the view expressed in the Section titled: *Strategic Approach to New Development in Chippenham*, paragraph 5.54b of the Wiltshire Council Document titled "*Modified version of the Chippenham Area Strategy*", as set out in the emerging Wiltshire Core Strategy (updated June 2014)

Response

From a planning policy perspective, for the purpose of identifying strategic mixed use development (housing, employment and community facilities) at the town currently the A350 is considered to be the logical boundary. Consequently land to the west of the A350 has not been identified as a potential direction for the town's growth for the purposes of the emerging Chippenham Site Allocations Development Plan Document (DPD).

Modifications to the emerging Wiltshire Core Strategy proposed by the Council during the examination process in relation to Core Policy 10 'Spatial Strategy - Chippenham Community Area' require strategically important mixed use sites for the town's expansion to be identified in a Chippenham Site Allocations DPD and sets out criteria to guide development at the town. The policy is accompanied by a diagram that indicates the areas of search for the strategic growth at the town that will be identified through the DPD, which do not include land to the west of A350. It is these strategic areas that are being assessed through the DPD process.

Core Policy 10 alongside other policies in the development plan (saved policies in the North Wiltshire Local Plan 2011 and emerging Wiltshire Core Strategy) and other material considerations including the National Planning Policy Framework will be taken into consideration in assessing relevant planning applications that come forward in advance of the DPD.

Item 6 - Public Participation

From Countess Amanda Cairns

To Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste and Councillor Fleur de Rhé-Phillipe, Cabinet Member for Economy, Skills and Transport

Question 2

- a) At the turn of the century North Wiltshire District Council, with the strong support of its Member of Parliament and a leading Councillor and of the residents west of the A350, rejected an application by Honda to erect a major assembly plant west of the A350, and the District Council designated the A350 as the logical and natural western boundary for Chippenham. This policy was endorsed at the time, and later confirmed in 2014, by Wiltshire Council. Does Wiltshire Council still hold absolutely to this same boundary policy concerning the A350 and, if not, why not ?
- b) If development, which would breach the long established A350 western boundary of Chippenham, were to be considered in principle by Wiltshire Council, would Officers and Officials of the Council seriously consider as an essential part of the planning process ,the immense human, and material damage and the personal distress which would be inflicted on Chippenham and Allington residents and on the rural and agricultural interests of communities nearby?

Response

From a planning policy perspective, the A350 is still considered to be a logical boundary to the town. Consequently, land to the west of the A350 has not been identified as a potential direction of growth for the purposes of the emerging Chippenham Sites Allocations DPD.

If a planning application for development to the west of the A350 was submitted, the applicant would be expected to provide supporting evidence. For proposed employment land, the applicant would be expected to demonstrate that their proposal is in the right location and supports the strategy, role and function of Chippenham as set out in the Wiltshire Core Strategy. For proposed retail development, the applicant would be expected to provide an impact assessment in accordance with national guidance which demonstrates that proposal will not harm the vitality and viability of Chippenham town centre. A sequential assessment would

also need to be undertaken to ensure development is on the most central site available.

Also, where a development will have significant transport implications, the Council would require a transport assessment to be prepared and submitted alongside an application in accordance with national guidance.

Any planning application will be thoroughly assessed to consider the impact of any development upon a whole range of considerations, including impact on: local residents through noise, lighting and other potential disturbance; ecology, archaeology visual impact and local landscape; local drainage system; and other matters that can be considered legitimate 'material planning considerations'.

The North Wiltshire Local Plan 2011 is the adopted development plan for the area. Appropriate weight will be given to relevant policies when determining any application. These include Policy BD3 Business Development on unallocated sites, Policy R4 Proposals Outside Primary Town Centre and Secondary Town Centre Frontage Areas and C3 Development Control Core Policy. The Local Plan 2011 is available to view at

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/northwiltshirelocalplan.htm>

Relevant policies in the emerging Wiltshire Core Strategy will also be a material consideration when determining any application. These include CP10 Spatial Strategy for Chippenham Community Area, CP34 Additional Employment Land and CP38 Retail and Leisure. The emerging Wiltshire Core Strategy is available to view at

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/wiltshirecorestrategy/wiltshirecorestrategyexamination.htm>

Wiltshire Council

Council

21 October 2014

Item 6 - Public Participation

From Mr David Levy, Bristol Resident (Wiltshire Student)

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

Question 3

What relevance does the DPD have when the council can override this for commercial development purposes and is the council obliged to produce documentary evidence that they have considered all currently registered sites under the DPD before promoting breaching the A350 Western Boundary

Response

Modifications to the emerging Wiltshire Core Strategy proposed by the Council during the examination process in relation to Core Policy 10 'Spatial Strategy - Chippenham Community Area' require strategically important mixed use sites for the town's expansion to be identified in a Chippenham Site Allocations DPD. These sites will include provision for commercial development.

This preparation of this DPD does not and should not prevent other proposals for appropriate commercial development from coming forward. Core Policy 10 alongside other policies in the development plan (saved policies in the North Wiltshire Local Plan 2011 and emerging Wiltshire Core Strategy) and other material considerations including the National Planning Policy Framework will be taken into consideration in assessing relevant planning applications. The Local Plan 2011 is available to view at <http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/northwiltshirelocalplan.htm>

From a planning policy perspective, for the purpose of identifying strategic mixed use development (housing, employment and community facilities) at the town, currently the A350 is considered to be the logical boundary. Consequently land to the west of the A350 has not been identified as a potential direction for the town's growth for the purposes of the emerging Chippenham Site Allocations Development Plan Document (DPD).

For any application for commercial development on a site not identified in the development plan, an assessment, based on allocations previously proposed through the Wiltshire Core Strategy process to date, known sites and indeed sites under promotion through the Wiltshire Core Strategy and DPD should be

undertaken in order to demonstrate why they are not viable or suitable for the proposed use, and the positive impact and need for any proposed development at the identified location would need to be clearly spelt out.

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Item 14 - Public Participation

From Councillor Terry Chivers, Melksham Without North Division

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

Question 1

Over the past few months I have received endless complaints that replacement and new waste bins haven't been delivered within the 28 days which I understand is Council policy. I have today (14.08.14) received a complaint from a resident that is still waiting after 4 months. Some of the reasons given for this disgraceful service have been amazing. The latest being blaming the floods of last winter.

- 1) Can you tell me why residents are being forced to wait so long for replacement and new bins to be provided?
- 2) How much stock does the Council keep to ensure that replacements are provided within 28 days?
- 3) Will the Council make a public apology to the residents affected by this disgraceful level of service?
- 4) As well as a public apology can I suggest you write a letter of apology to those affected?

Response

1) I am pleased to report that we have now caught up with bin deliveries in the west of the county and we are complying with the 28 day delivery policy. There are a number of reasons why the service fell behind with delivering bins. West Wiltshire District Council introduced wheeled bins from 1994. Given the age of those original bins we experienced an unprecedented failure rate earlier this year following a period of bad weather, during which many bins were damaged having been blown over. It also became apparent that there was a fault with some of the lids on the plastic bottle and cardboard bin lids. The supplier has reimbursed the costs associated with replacing these lids, but this additional demand for service added to the backlog of deliveries. We have also had difficulties with staff shortages and during such times we prioritise the collection of waste and recycling over the delivery of bins. Additional resources have been deployed to enable us to clear the backlog and we have reviewed the number of people we need to deploy on this activity to ensure we meet our delivery times.

2) Historically we have ordered new bins once the stock levels fall to 800 bins for each type used. Given the increase in demand we are increasing these levels to 1,000 bins to ensure we don't run out of stock.

3) Any resident who has contacted the council to ask why their replacement bin has not been delivered has received an apology for the delay.

4) Those residents who complained in writing have received a written apology. Given that the backlog has now been cleared, it would not be a cost effective use of resources to write retrospectively to those residents who were affected.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Jeff Osborn, Trowbridge Grove Division

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

Question 2

For a number of months I have been trying to obtain a full list of all the sites/properties that Wiltshire Council has for disposal as capital assets.

To date despite a series of requests in various quarters, I have obtained only what can at best be termed a partial list.

Please can this situation be rectified so that I, and all members, can be provided with a comprehensive list at Full Council?

Response:

1. The list of "assets held for sale" that was requested by and provided to Cllr Osborne was an extract from the accounts and was, in accordance with the code of practice for the accounts, a list of those assets that the Council is beginning to sell rather than a full list of assets declared surplus for disposal. It was therefore a partial list.
2. Wiltshire Council has a full list of the land and property assets owned by the authority and also a list of potential assets that could be declared surplus by the Council. A full list of sites/properties that Wiltshire Council has for disposal as capital assets will not be provided at full council as this information is deemed to be commercially sensitive in that publication could materially affect the saleable value / capital receipt for sites/ properties and undermine the council's ability to secure the best consideration reasonably obtainable in accordance with its duty under section 123 of the Local Government Act 1972.
3. The programme for property asset disposals is subject to changing circumstances and is managed closely by the Strategic Asset Management Team and Finance Team and decisions are made within the governance framework of the Cabinet Capital Assets Committee (CCAC).

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Jeff Osborn, Trowbridge Grove Division

To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Highways and Streetscene and Broadband

Question 3

A month or so back Hatts Travel went into administration. Much hard work was put in by our officers to get the services this company supplied retendered.

May I please have a statement documenting the extra cost involved in this retendering exercise?

Were all services satisfactorily retendered?

Where did the extra money come from?

What are the budgetary implications for the next and future financial years?

Response

The additional cost to the authority in the current financial year is £586,000. Most of this is due to significant increases in the cost of public transport contracts, including the Salisbury Park & Ride.

All of the public transport, education transport (both SEN and Mainstream) and social care contracts have been successfully re tendered in line with current procurement regulations and there were no disruptions to the travelling public. Due to the size of the contract (14 vehicles) the Park & Ride service is still being operated under short term arrangements by two of the local operators whilst a full scale procurement exercise is carried out to secure a long term operator.

Although, due to a lot of hard work by staff over the summer, all of the contracts were replaced without any break in service, Hatts' demise has created a situation where there is an acute shortage of buses and PCV drivers in Wiltshire at busy periods. As a result it is now proving difficult to deal with some of the capacity issues that normally arise at the start of the new school year.

The additional costs will have to be met from the Passenger Transport budgets.

The additional costs incurred are the equivalent of a full financial year impact of £746,000. However, due to the need to maintain continuity of service the contracts

have currently been let for relatively short periods, and it is expected that prices will fall again to some extent when they are next retendered and when the market has begun to adjust to Hatts demise. It is not known by how much this will reduce the additional costs, but it is likely that there will remain a significant longer term increase in costs. These extra costs will add to the financial pressures already facing the passenger transport budgets and make further reductions in bus services inevitable.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Jeff Osborn, Trowbridge Grove Division

To Councillor Stuart Wheeler, Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)

Question 4

Does the Council HR department operate a compromise agreement policy when staff leave our employment?

Does such a policy apply on a general or selective basis, that is, does it apply to all staff or only in exceptional cases?

Response

The council does not have a policy on settlement agreements and therefore these are not routinely used. However, the council reserves the right to use settlement agreements on occasions should the situation require it.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Helen Osborn, Trowbridge Lambrook Division

To Councillor Stuart Wheeler, Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)

Question 5

I'm sure that I am not the only Wiltshire Councillor that receives complaints from members of the public, concerning the length of time it takes for the telephone to be answered by Wiltshire Council – customer care - at certain times of the day.

What is the average time, it takes for a call to be answered, how many calls are lost, or go un-answered in an average month?

How many staff are employed on the Council switchboard at present compared to 4 years ago?

Response

The current average connection rate for Customer Services is 86%, which is below the corporate target of 90%. This is largely due to a high turnover of staff over the last few months (around 10% of the workforce). This provides the challenge of recruiting and training new staff, as well as taking staff away from answering enquiries to provide the necessary training.

Average time to answer calls is currently running at 50 seconds.

The current structure in Customer Services is 71.9 FTEs, which covers dealing with enquiries from the public and associated administration on multiple access channels; i.e. Telephone, Face to face, Email/Letter, social media, e-form and application forms.

Staffing of Customer Services 4 years ago amounted to 108 FTEs.

NB: The subsequent reduction in staffing includes removing 2 layers of management from the team and responsibility for Revenues & Benefits enquiries being moved back to the service with additional resource transferred from Customer Services. It may also be useful to know that telephony demand has been managed down over time, the current average call volumes being approximately 50,000 calls per month, as opposed to an average of 70,000 calls per month 4 years ago.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Terry Chivers, Melksham Without North Division

To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Highways and Streetscene and Broadband

Question 6

Homes on the main A365, in Shurnhold, and Shaw, were flooded on the night of 24th September, it could be alleged, to the fact that Wiltshire Council have neglected in the duty to clear drains and gullies on this busy main road.

Would you not agree that by the photos, I have provided with this question it could be alleged that these drains haven't been touched for several years?

Would you agree, that as Cabinet Member for highways, that you should make a public apology on behalf of the Council that have let these residents down so badly?

Do you also feel that the Council should offer compensation to residents whose homes have been flooded, and seen their cars written off?

Response

I refer you to the Officer's response on 28th/29th September 2014.











Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Jeff Osborn, Trowbridge Grove Division

**To Councillor Richard Tonge, Cabinet Member for Finance, Performance, Risk,
Procurement and Welfare Reform**

Question 7

- a) How much has the Council borrowed over the last twelve months?
- b) How much interest are we paying on this?
- c) How much more can we borrow before we hit the “ceiling”?
- d) Will this be sufficient to finance the Campus programme?

Response

The answers to the first three questions can be found in the following papers. If Councillor Osborn could have these reports at hand on his Ipad I will refer to them in my verbal response.

- 1. How much has the Council borrowed over the last twelve months?**
- 2. How much interest are we paying on this?**
- 3. How much more can we borrow before we hit the “ceiling”?**

Cabinet 16th September 2014

http://cms.wiltshire.gov.uk/documents/s80038/Quarterly%20report%20on%20Treasury%20Management%20Strategy%202014-15_Qtr%20Ended%2030%20June%202014.pdf

Cabinet 24th September 2013

http://cms.wiltshire.gov.uk/documents/s63742/Quarterly%20report%20on%20Treasury%20Management%20Strategy%202013-14_Qtr%20Ended%2030%20June%202013_Updated%20for%20Cllr%20Ton.pdf

Council 25th February 2014

<http://cms.wiltshire.gov.uk/documents/s70043/Treasury%20Management%20Report.pdf>

- 4. Will this be sufficient to finance the Campus programme?**

The current programme is covered in the Treasury and Capital plans.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Jeff Osborn, Trowbridge Grove Division

To Councillor Richard Tonge, Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform and Councillor Jonathon Seed, Cabinet member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding

Question 8

- a) What was the total budgeted cost of Corsham Campus?
- b) Has it come in under budget, on budget, or over budget?
- c) If it is the latter, can we please told by how much?
- d) What are the implications for the overall campus programme?

Response

- a) The initial budget allocated for the design and build of the campus was £12.5m
- b) The first phase of the campus opened in July this year. The second phase which includes the refurbishment of the existing leisure centre has uncovered the need for investment into new pipes and plumbing, new electrics and the removal of asbestos. This investment along with additional enhancements to reflect community need have resulted in the allocation of additional budget from the overall campus capital funding.
- c) The additional works and investment are estimated at £1m.
- d) The approved campuses (x 7) will be delivered within the overall campus capital funding budget.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Jeff Osborn, Trowbridge Grove Division

**To Councillor Jonathon Seed, Cabinet member for Communities, Campuses,
Area Boards, Leisure, Libraries and Flooding**

Question 9

Please may the Council be informed of the governance structure and responsibilities of the newly opened Corsham campus?

Is this likely to be a blueprint for other campuses as they are rolled out?

Response

The first phase of Corsham campus opened this July (2014). The campus will be fully open in 2015. The governance arrangements are still being developed for Corsham and other campuses. It is likely that a blueprint will be developed to ensure community input into an operational campus.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Terry Chivers, Melksham Without North Division

To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Highways and Streetscene and Broadband

Question 10

Over the past year local residents have had to dodge a large pothole outside The Bear Garage Atworth on the A365. This has damaged cars entering and leaving the garage which isn't good for trade, this has been reported a number of times.

I welcome the fact that this has been repaired on a temporary basis this week, but am also horrified to learn that this is the seventh time this year alone that a temporary job has been done.

How much has it cost to repair this pothole seven times on a temporary basis, would you note agree that this is a total waste of public money?

When can we expect a permanent job to be done on this dangerous pothole that has damaged countless cars?

Response

I refer you to the Officer's response of 3rd October 2014 at 9:51.

Item 14 - Public Participation

From Councillor Simon Killane, Malmesbury Division

To Councillor Jane Scott OBE, Leader of the Council

Question 11

Use of media broadcasting technology to bring all Important Wiltshire Council Public meetings to the public!

1) I welcome the progress that is being made with visual and sound recording of Full Council Meetings. I would like to know about how the council will make full recordings available so that the public can use the internet to access the meetings live or when most convenient for them. I would also like to know how it is proposed to make it easy to those who do not have access to computers. Will meetings be played or streamed in public areas at all major council hub buildings?

2) I would also like to know how the public will be able to easily access particular agenda items of interest without the need to trawl through what can be lengthy meetings. Finally I would like to know what plans the council may have to roll out recording to their important Wiltshire Council meetings such as Cabinet, Area Planning, Area Boards and Scrutiny Committees.

Response

- 1) The meetings that are recorded will be streamed live to the web and can be accessed in real time as proceedings happen. There will be a link on the Council web site that will allow access to the Wiltshire page on the Public-I site. Once broadcast, recordings will remain available for viewing on the website for a minimum of 6 months and options are being assessed to extend this further.

The broadcast will be available on any device that can access the Council website – mobiles, tablets etc. and can be viewed via this medium. The minutes of the meetings will remain as the formal record and these will be available via the usual channels after the meeting.

The streaming or playing of the broadcasts in public areas of major council buildings is under consideration but will not be provided for the October full Council meeting.

- 2) The agenda and any relevant papers will be available in links and shown in the resources section at the top of the screen during the live webcast. Once completed, the webcasts are listed on the right hand side and opening them

up will display the sections of each meeting plus provide access to the documentation. The name of the lead speaker for each item will also link into details relating to their organisational profile

With regard to the second part of the question there is only a commitment to webcast Full Council meetings at this current time.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Simon Killane, Malmesbury Division

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

Question 12

Giving Working Councillors and the General Public the opportunity to conveniently attend meetings about major housing, business or retail developments in their area.

I and the other members of the Northern Area Planning Committee have been informed that our Monthly Committee meetings are to be re-scheduled to 3pm rather than the current 6pm time. Issues surrounding the locking the building have been touted as the justification for the change.

I am puzzled and dismayed by this change and the flimsy reasons reason given for the change to an earlier time. Firstly, shouldn't all committee councillors be consulted properly and given the opportunity to vote on any time change? It was made clear to us at the previous meeting by the chair that the change was not open for debate at that meeting! How can it be right to make a change that has serious consequences for councillors who need to work to subsidise their incomes! Please note that committee councillors also attend an officer briefing that usually lasts an hour and so would need to be there for 2pm. How can it be right to make it more difficult for members of the public to attend meetings that we all know can be of immense interest and importance to them?

Surely this kind of decision just makes the council more inaccessible to working councillors and the public. Isn't this a backward step that fails to address the need to make the council more representative of the people that it serves?

Response

The Chairman of NAPC is conscious of the concerns of some members regarding the timing of committee meetings and has sought to balance the needs of applicants, agents, members and visitors alongside the experience of committees which habitually meet during the working day. The current timing of Northern Area Planning Committees is now in line with council, cabinet, capital assets and other important committee meetings, indeed both the Western Area Planning Committee and Strategic Planning Committee's are held during the day.

It is unfortunately not possible to meet all expectations when scheduling meetings. The change in start time of the Committee has been widely publicised prior to the meeting on 8th October 2014.

We have notified all Parish/Town councils of the change, all local planning agents have been advised, all Division Members in the north and those who are on NAPC have been advised.

The ability to keep Council hubs, including Monkton Park open past 6.00 pm still remains. The change of time for the meeting was agreed with the Chairman for the reasons detailed previously.

The timings of committees will be on the agenda for the next planning committee which takes place on the 29th of October and will be discussed then, taking into consideration the needs of all those with an interest in attending the meetings..

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Christ Hurst, Royal Wootton Bassett North Division

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

Question 13

Why has the Council decided to stop maintaining overgrown trees in Royal Wootton Bassett?

Response

The council has not stopped maintaining trees on its land in Royal Wootton Bassett. However, we do not cut back healthy trees simply due to their size. The budget available for tree works is focussed on dealing with trees that are dead, dying or dangerous or causing physical damage to property. These works continue to be carried out in Royal Wootton Bassett just as they do across Wiltshire as a whole. Neighbouring landowners are legally permitted to cut back overhanging branches as far as their boundaries. If a resident wants to carry out additional works beyond their boundary they should agree these with the countryside team and use a suitably qualified contractor who has been approved by Wiltshire Council.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Terry Chivers, Melksham Without North Division

To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Highways and Streetscene and Broadband

Question 14

Residents in the Melksham area are fed up with litter bins not being emptied. Both I and Melksham Without Parish Council are constantly reporting missed bins. And only this week in the Melksham News, residents in Bowerhill are complaining that bins are not being emptied.

Why is this part of the BBLPs not being monitored, and what will you be doing to ensure it is.

Response

The Council retains ownership and is responsible for emptying 3,687 litter bins across the county. Some ownership has transferred or remains the responsibility of the Town or Parish Councils who have their own arrangements for emptying to meet local demand.

The bins which are Wiltshire Council's responsibility are all emptied on a regular schedule basis. The frequency of emptying is predetermined and is set which varies depending on use. It is possible from time to time that some bins can overflow due to unexpected use. The Council will attend to these when brought to our attention through the App or other means. Where it is identified that a change in frequency is needed, this is can be made.

It is not possible to check the condition of every bin all the time, so the Contractor BBLP, is monitored on emptying of these bins on a random basis.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Terry Chivers, Melksham Without North Division

To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Highways and Streetscene and Broadband

Question 15

Conservative controlled Devon County Council, are cutting back on gritting this winter even suggesting that residents should grit their own roads.

Can you guarantee that Wiltshire Council have no plans to cut the gritting service this winter?

Response

The Council has over a number of years identified the roads which form a network of precautionary routes. These consist of all A, B and some C roads which are routinely treated with salt during the winter season. These roads represent the most heavily trafficked and to which finite resources of gritting vehicles, salt and operatives are deployed. In times of adverse weather as these resources become available and where reasonably practicable they are deployed onto other roads.

Following the extreme weather of 2013 and 2014, the Secretary of State for Transport published a report encouraging the transport sector including councils to have robust contingency plans to mitigate against significant weather encountered in the winter seasons. To this end The Department of Transport working with the Met Office and other Government Departments this year has reissued advice in respect of 'Get Ready for Winter' Campaign. As in previous years this includes promoting the advice the Government produced on self-help, known as the Snow Code. (www.metoffice.gov.uk/get-ready-for-winter/out-and-about/the-snow-code) The guidance provides advice on the public clearing snow and ice from footpaths and pavements.

The Council has successfully delivered the 1t salt bags scheme to many Town and Parishes and continues to work with the more remote communities to develop Snow Wardens self help and build resilience.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Terry Chivers, Melksham Without North Division

To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Highways and Streetscene and Broadband

Question 16

Looking back at a copy of last Septembers Wiltshire Gazette and Herald, Michelle Donelan Conservative PPC, for Chippenham, had a letter published calling for free parking in the Chippenham area. She also had the support of Eric Pickles MP.

Our local MP Duncan Hames has also started a local petition calling for one hours free parking.

Taking into account the current financial state of this Council, can we deliver free parking in the County, or are Michelle and Duncan headline grabbing?

Response

As has been widely publicised, the Council has embarked on a review of car parking service in Wiltshire, including looking at parking charges. Having consulted main stakeholders earlier in the year regarding the review, we are about to start full consultation which will last three months. Everyone including local politicians are invited and encouraged to feed into the consultation and all comments will be given due considered, with a decision by Cabinet expected in March 2015.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Jeff Osborn, Trowbridge Grove Division

To Councillor Laura Mayes, Cabinet Member for Children's Services

Question 17

There has been much media attention recently accorded to a statement from the charity "4 Children" saying that as a result of funding restrictions they will be closing various children's centres just when they are starting to have a positive impact in local communities.

Knowing that 4 Children operate children centres in the county, could I please be informed whether any are scheduled, or likely, to close - particularly in the Trowbridge area.

Response

All of Wiltshire's Children's Centre services are provided by voluntary and community sector organisations. The contracts for running these early support services for families with young children expire on 31 March 2016. Discussions on the future delivery of Children's Centre services are starting now so that we can look at how we wish to deliver support for families with young children in the future. These discussions need to take account of the Council's future responsibilities for commissioning Health Visitors and the development of the Council's Early Help Service within Children's Services. The Children's Services Select Committee will be involved in work to look at the future delivery of early support services through Children's Centres.

Item 14 - Public Participation

**From Councillor Stephen Oldrieve, Trowbridge Paxcroft Division and
Councillor Ernie Clark, Hilperton Division**

**To Councillor John Thomson, Deputy Leader of the Council and Cabinet
Member for Highways and Streetscene and Broadband**

Question 18

With reference to the construction of the Hilperton Relief Road and on-going discussions we have been having with Officers, please can you:

1. Provide details on provisions to mitigate impact on Bats
2. Provide details of lighting for the proposed road
3. Provide details of landscaping

Response

1. The developer has obligations under condition 11 of their planning permission 04/01389/FULES as follows:

No development shall take place until details have been provided to facilitate the crossing above the road by bats at Middle Lane have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details before the road is opened to traffic.

This condition was partially discharged by the developer several years ago when details of a bat gantry were provided and approved in writing by the Council. By way of background, bat gantries are wire bridges erected across carriageways along the line of hedgerows or other linear features where they are being breached by a new road scheme. The theory is that where hedgerows are being used by bats for commuting, the wires provide a guide, encouraging them to fly above the height of passing traffic and thus avoid being killed by oncoming cars. Bats are protected throughout Europe by the Habitats Directive 1992 which is enacted in England through the Habitats Regulations. These place a duty on competent authorities to have regard to the presence of protected species. Bat survey work undertaken by the developer at the time of the planning application demonstrated that bats used the hedgerows along Middle Lane for commuting. A bat gantry was therefore proposed as mitigation and duly conditioned.

The Landscape and Design Service was contacted by the developer earlier this year asking whether it was still necessary to implement this condition. Since the permission was granted, scientific research has been conducted on A roads in the

North of England which has cast doubt on the effectiveness of bat gantries. Correspondence between one of the Councils Ecologists and the developers Engineer explored the possibility of alternatives in particular the use of bunds and tree planting to raise the height of bats as they flew towards the road. However it was clear that additional land take would be required to erect bunds and ensure the safe provision of the adjacent pedestrian and horse crossing. The developer did not therefore consider this to be a viable alternative and the intention is currently to erect the bat gantry as agreed.

The gantry could yet be omitted altogether and the council could give proper consideration to this if an application was made to remove the condition. Further consideration would be needed by the Councils ecologist to decide whether there was a sufficient weight of evidence to justify not erecting the gantry. The Ecologist has been in discussion with Lighting Engineers at Atkins to ensure the lighting scheme is designed to minimise impacts on bats.

2.

The lighting plan is in the process of an ongoing technical engineering approval. Officers will be happy to supply the details of the lighting plan once the approval has been obtained.

3.

Landscaping details are contained within the planning file for the Hilperton Relief Road. Planning officers can provide the required details on request, and if there are any further questions on this or other matters relating to the planning permission, officers will be happy to respond to these and provide any information that is required.

Item 14 - Public Participation

From Councillor Jon Hubbard, Melksham South Division

To Councillor Laura Mayes, Cabinet Member for Children's Services

Question 19

a) Could the cabinet member inform me what the increase in participation in Council Funded youth services has been following the introduction of the new Community Led Positive Activities for Young People which started on 1st October 2014?

b) Is this number in line with your expectations?

Response

The model came into effect on 1st October and as such it is too early to measure participation rates linked to the new model. Community Area Boards, supported by Community Area Managers and Community Youth Officers, are working hard to ensure the development of youth/positive activities in each area. Local Youth Networks (LYNs) are being established and Community Youth Officers have so far been appointed to 17 of the 18 areas – with the interview for the remaining area (Trowbridge) scheduled to be completed by 14/11/14.

Community Youth Officers and Community Area Managers will be work with their Local Youth Networks to embed effective arrangements for monitoring and evaluating the impact of the positive activities offer in each area. Overall; this is the responsibility of the LYN and therefore CYOs have a direct responsibility for supporting the monitoring of outcomes. There will however be an onus on providers to report back on positive activity outcomes to the Area Boards. The toolkit that has been issued supports this.

Examples of the type of activity that is taking place to commence delivery of the new model are summarised below:

Corsham – Campus event for young people planned for 22/10/14. First Local Youth Network (LYN) meeting fixed for 4th November which will bring together providers and young people to plan provision for their area. A 12-months sports programme is also being arranged with the charity Sporting Family Change

Devizes – The LYN has now met for the first time, and the Community Youth Officer has been consulting with young people through schools. Plans include holding a workshop for young people in order to identify key positive activities required; although activities are beginning to take shape with the Area Board supporting Rowde Parish Council to continue with their youth club, plans for a Year 11 lunch

club at Devzies School, and the official opening of Devizes Skate Park on 18/10/14 which many young people have campaigned for.

Calne – The LYN is being set up and an Youth Open Space Event has been arranged for 18/11/14 where there will be opportunities for young people and the community to come together to share ideas on what activities they would like in the area. The Community Youth Officer (CYO) a “positive ticket” initiative for young people in partnership with the Neighbourhood Policing Team which will reward good deeds with a chance to gain prizes and make a presentation to the local Area Board.

Chippenham – Use of Riverbank Studios for youth activities looks set to continue with plans for self-defence and anti-bullying classes. The inaugural meeting of the LYN is this week

Pewsey – Young people are being contacted via social media through Pewsey Vale School to encourage their involvement in the LYN. The LYN management group is being set and will be undertaking a survey to ask young people what they want and what they consider is missing in their area. The CYO will reach out to ‘hard to reach’ young people in order to ensure that their views are heard.

Malmesbury – The CYO has been active in meeting community groups and young people – building contacts and consensus which will inform the makeup of the LYN which will be launched in December.

Marlborough – A special youth themed Area Board meeting is fixed for 25/11/14 when the CYO will be launching a draft strategic plan for the area which will set the direction for provision of youth activities in the area.

RWB, Lyneham, Purton & Cricklade – Two LYNs are being set up; one for Purton and Cricklade and another for RWB and Lyneham. The CYO is working with local partners including Green Square Housing to set up activities and local schools. There is a plan to hold a regular surgery in the secondary schools so young people can approach and suggest ideas or gain information on youth activities and to make active use of social media.

Warminster – A youth conference is planned at Kingdown School on 3rd December. The LYN is being set up and taking shape.

Trowbridge – A drop-in event for young people is planned for 8th and 13th November. This will help to collate young people’s views. Consultation with schools and young people online will also take place to determine local priorities.

Bradford-on-Avon – The LYN is taking shape with an open day planned for young people and community members 18/10/14 in order to coordinate and harness enthusiasm for setting up the LYN.

Melksham – A network evening was held on 24/09/14 bringing together providers of services and to launch the LYN. The Melksham Multi-Agency Forum is also being re-launched to ensure local services work together to provide quality support for children and young people.

Westbury – The CYO is setting up the LYN and finalising an action plan. The CYO has been meeting with a range of local organisations and there are plans for a networking event in November

Salisbury – The LYN is being set up by the CYO and the area board will be meeting young people at Salisbury teenage market as well as planning a youth assembly conference in November. There will also be a consultation event with young people through Salisbury College.

South West Wiltshire (Mere & Tisbury) -The area board and CYO are considering how to ensure transport is available to take people around the area. They are also working with a local charity called Seeds for Success to ensure provision into the future.

Southern Wiltshire - Voluntary-led youth clubs in West Dean, Old Sarum and Alderbury are being set up and the area board and CYO are working with existing voluntary-led youth clubs to provide support. The core of the LYN management group has been formed and it has been agreed to set up the LYNs in six clusters for the rural area.

Tidworth – The CYO and Area Board have started work setting up the LYN and are planning a youth-themed area board in November as well as a consultation event with Wellington Academy.

From the above, it can be seen that Area Boards have fully embraced the new Community Led Model and are working energetically to deliver on the new agenda. I am confident that we will be able to demonstrate effective outcomes although it must be noted that we will not be able to have our first reports in respect of these until 2015.

Item 14 - Public Participation

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Jane Scott OBE, Leader of the Council

Question 20

- (a) Why has this administration approved moving Planning Committee meetings from evenings to afternoons, thereby excluding thousands of working people from attending and effectively depriving councillors with day jobs of the opportunity to become members of Planning committees?
- (b) Why has there been no public information, and no public consultation, about the change in the case of the Northern Area Planning Committee? Is it because this change is considered unimportant?
- (c) It has been suggested that the change of time may be something to do with no longer being able to keep the Monkton Park offices open after 6 PM. If so, why is this not possible, given that it has been possible for the last two decades?
- (d) If it is really impossible to keep the building open, why was nothing done to find an alternative venue?
- (e) Will you take this chance to say publicly that the Northern Area Planning Committee meetings will be moved back to evenings as soon as possible?

Response

- (a) Why has this administration approved moving Planning Committee meetings from evenings to afternoons, thereby excluding thousands of working people from attending and effectively depriving councillors with day jobs of the opportunity to become members of Planning committees?

The Chairman of NAPC is conscious of the concerns of some members regarding the timing of committee meetings and has sought to balance the needs of applicants, agents, members and visitors alongside the experience of committees which habitually meet during the working day. The current timing of Northern Area Planning Committees is now in line with council, cabinet, capital assets and other important committee meetings, indeed both the Western Area Planning Committee and Strategic Planning Committee's are held during the day.

It is unfortunately not possible to meet all expectations when scheduling meetings. The change in start time of the Committee has been widely publicised prior to the meeting on 8th October 2014.

- (b) Why has there been no public information, and no public consultation, about the change in the case of the Northern Area Planning Committee? Is it because this change is considered unimportant?

We have notified all Parish/Town councils of the change, all local planning agents have been advised, all Division Members in the north and those who are on NAPC have been advised.

- (c) It has been suggested that the change of time may be something to do with no longer being able to keep the Monkton Park offices open after 6 PM. If so, why is this not possible, given that it has been possible for the last two decades?

The ability to keep Council hubs, including Monkton Park open past 6.00 pm still remains. The change of time for the meeting was agreed with the Chairman for the reasons detailed previously.

- (d) If it is really impossible to keep the building open, why was nothing done to find an alternative venue?

We have used alternative venues where Monkton Park has not been available, but this does have cost implications. Members and offices may weight this cost against the potential benefits of an alternative venue as part of any review.

- (e) Will you take this chance to say publicly that the Northern Area Planning Committee meetings will be moved back to evenings as soon as possible?

The timings of committees will be on the agenda for the next planning committee which takes place on the 29th of October and will be discussed then, taking into consideration the needs of all those with an interest in attending the meetings.

Item 14 - Public Participation

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Jane Scott OBE, Leader of the Council

Question 21

What protocols are currently in place for the desirable maximum time delay for officer responses to (a) members of the public and (b) elected members? Is performance in this area being monitored and encouraged?

Response

1. The information relating to officer responses to members of the public is detailed in the customer care performance standards:
 - a. The standard target is for officers to respond to 100% of letters or e-mails from the public within 10 working days of receipt or, if this is not possible, to acknowledge within five working days. Similarly, all councillors are expected to reply to correspondence within 10 days. Paragraph 7 of the Code of Conduct states that members must 'have regard to' the 'Roles and Responsibilities of Wiltshire Councillors' (Appendix 1 to the Code), which states at paragraph 6.8 that unitary councillors will be expected to 'acknowledge any enquiries normally within 4 working days of receipt, and provide a substantive response, where required, within 10 working days if possible'.
 - b. The "public" excludes agents/consultants when acting on the Council's behalf and members of the Council.
 - c. Appendix 1 to Protocol 2 of the Council's constitution regarding Councillor - Officer Relations details that a responses to councillor enquiries via emails and telephone calls:
 - will be acknowledged within two working days of receipt, giving details of an alternative contact if the officer concerned is absent from the office
 - a substantive response will be provided within seven working days of receipt. If that is not possible an explanation will be given as to the reason for the delay, what action is being taken, and when a response will be sent.

2. Performance monitoring in relation to response times is unable to be monitored. This is because individuals are charged with sending out their own responses and it is not done via a pool. Many responses are also sent via email, which does not provide a mechanism for monitoring.
3. Complaints and Freedom of Information requests are dealt with separately and responded to corporately within 20 working days as defined in the Freedom of Information Act (2000). Careful monitoring is carried out by the Council's Governance team to ensure compliance with the statutory requirements.

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)

Question 22

(a) How much has this Council spent on Local Welfare Assistance schemes to support vulnerable people in each of the Financial Years 2012-13 and 2013-14?

(b) How much is budgeted for the current Financial Year?

(c) Is it your expectation that this Council's expenditure on these kinds of support for vulnerable people will be scrapped in 2015-16 if the Coalition Government goes ahead with its proposed removal of the £347 million? Or if not scrapped, significantly reduced?

Response

a - 2012/13 None
 2013/14 £355,000

b - £400,000 (includes an additional £50k included for bad weather provision and potential impact of roll out of universal credit)

c – A verbal answer will be given at the meeting

Wiltshire Council

Council

21 October 2014

Item 14 - Public Participation

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)

Question 23

The Care Quality Commission produced a highly critical report on one of the Council's Help to Live At home providers, Mears, in July this year. The service was deemed to be inadequate in all five of the CQC review areas. As you know, the responses to that Report were reviewed by the Health Select Committee last month, where we were assured that lessons were being learnt and that Mears had an Action plan in place to remedy the many very troubling deficiencies in the services being provided to Wiltshire residents. We were also told that the CQC would be carrying out a follow up investigation.

A second very critical CQC report has now been published. In August, the Mears service to Wiltshire residents was still found not to meet the necessary standard for 'the care and welfare of the people who use its services'? While this latest review reports fewer missed visits, it also found 6 out of 8 care plans were either missing or out of date, office computer records which did not match the records in the visited homes, medical needs not being met, people at significant risk of harm, a lack of responsiveness to peoples' concerns, ill-informed managers and a leadership that is 'not effective'. It bluntly records a major impact of the ongoing deficiencies and states that this Help to Live at Home service is failing to meet the requirements of the law.

- (1) What conclusions have been drawn from this second report, and by whom?
- (2) What actions did the Council take to secure improvement in the Mears service between the two CQC visits and what was achieved by those actions?
- (3) Overall Mears is still listed on the CQC web site as failing to meet standards in four of the five CQC review areas. Mears have been prohibited from taking on any more clients for twelve weeks while these problems are addressed. What is the Council going to do to sort this out in the next weeks rather than months?

What lessons have been learnt from this unfortunate saga about the effectiveness of the Council's commissioning processes?

Response:

(1) What conclusions have been drawn from this second report, and by whom?

The question refers to the second report that was issued as a result of a visit by the CQC to Mears which took place over nine weeks ago. There have been significant improvements since then.

At the Health Select Committee meeting in September attended by the CEO of Mears, their chief operations manager and James Cawley, Associate Director a very full and frank explanation of the sudden problem that had occurred was given and a copy of the detailed Mear's recovery plan was presented. A full debate took place at the meeting.

The minutes of the meeting can be viewed at:

<http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=1123&MId=8191&Ver=4>

The action plan can be viewed at:

<http://cms.wiltshire.gov.uk/documents/s80299/Mears%20CQC%20Action%20Plan.pdf> .

The council's view is that that following the first report there were significant issues that it would be unlikely could be overcome in a few weeks. Time would be required to ensure that the robust action plan could be fully implemented and work continues with Mears to ensure this is the case.

In a later inspection report published on October 3rd the CQC noted that improvements have been made. They also stated that the outcome in respect of care and welfare of customers no longer required enforcement action.

Weekly reports are provided to the Council detailing hours delivered, staff recruited (and left), missed visits and arrangements made to manage these. Copies of these reports are going to be provided to the Chair, Vice-Chair of the Health Select Committee and the Chair H2L@H task group

(2) What actions did the Council take to secure improvement in the Mears service between the two CQC visits and what was achieved by those actions?

In addition to analyzing and reviewing the weekly reports mentioned above an officer of the Council spends one day a week in the Mear's office checking delivery of the service and back office functions.

Mears, at our request, have introduced an electronic monitoring system that records all visits, appointed a service manager and senior manager to work exclusively in Wiltshire and are undertaking customer and staff surveys.

In addition, the Council's quality assurance team is meeting with 60 customers to review their support plans and obtain their views of the service. Officers are also monitoring Mears' plans for ensuring every customer has a support plan in their home and that staff receive the required training and supervision.

The situation regarding missed visits last for the week 6th -12th October was

No. of planned visits	Missed visits	Late visits	Alternative arrangements
6845	2	0	0

(3) Overall Mears is still listed on the CQC web site as failing to meet standards in four of the five CQC review areas. Mears have been prohibited from taking on any more clients for twelve weeks while these problems are addressed. What is the Council going to do to sort this out in the next weeks rather than months?

Mears continue to deliver a service to their existing customers. Until the company are allowed to take new clients we source alternative services if required.

The CQC web site shows the results of the inspection in August and should be updated following the planned inspection in November. We are confident that the actions Mears have taken will be reflected in this follow up inspection.

It is worth noting that unemployment figures in this part of the county are low and care staff are in short supply. Mears have a plan to address this which includes offering all members of staff the opportunity to become salaried rather than have a zero hours contract. Sixteen new members of staff are in the pipeline.

Wiltshire Council is working with the company to explore a range of options to assist with recruitment including providing accommodation for staff.

What lessons have been learnt from this unfortunate saga about the effectiveness of the Council's commissioning processes?

The care of our elderly and vulnerable residents is of the highest priority for the council and accordingly great effort was put into ensuring that the best possible outcome of the tender process for the H2L@H service was obtained.

Mears were appointed as a result of a very robust tender process which was completed in accordance with the Council's procurement regulations. It resulted in a number of bids which were subjected to a full assessment process. The Corporate director, Cabinet member for Adult services and Wiltshire CCG Chief accountable officer were involved in the final selection panel as were customers, and operational staff. This panel reviewed all the evidence from the various assessments and the company presentations. There is no doubt that the process was rigorous and that the best bidder won both on quality and price. The final decision was unanimous. The service offered by Mears in the south was working well (as it continues to do in the east) until late May. The problem which occurred was unique to the circumstances and despite due diligence by Mears could not really have been foreseen at the time for the reasons already explained to the members of the Health Select Committee and in the paper provided by Mears for that meeting. It should be noted that earlier this year the council received a national award, assessed by an independent panel, as the best council in the country for its commissioning, specifically the H2LaH service. It should be further noted that on November 12th the council is due to receive another national award, assessed by a different organisation, as the countries best council for commissioning of services for the over 50s.