

SUMMONS

Council Meeting

Date: **21 October 2014**

Time: **11.00 am**

Place: **Council Chamber - County Hall, Trowbridge BA14 8JN**

**PLEASE SIGN THE ATTENDANCE
BOOK BEFORE ENTERING THE
COUNCIL CHAMBER**

Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic Services, County Hall, Trowbridge, direct line 01225 718024 or email Yamina.Rhouati@wiltshire.gov.uk

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

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

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PART I

Items to be considered while the meeting is open to the public

1 **Apologies**

To receive any apologies for the meeting.

2 **Minutes of Previous Meeting** (*Pages 1 - 52*)

To approve as a correct record and sign the minutes of the last council meeting held on 29 July 2014.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Budget - Setting the Scene**

Corporate Directors Dr Carlton Brand, Carolyn Godfrey and Maggie Rae will update Council

5 **Announcements by the Chairman**

6 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so **at least 10 minutes prior to the meeting**. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Questions

To receive any questions from members of the public received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Corporate Director) **no later than 5pm on Tuesday 14 October 2014**. Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Councillors prior to the meeting and made available at the meeting and on the Council's website.

7 **Petitions**

7a) **Petitions Received**

No petitions received for presentation to this meeting.

7b) **Petitions Update** (*Pages 53 - 56*)

Report of the Democratic Governance Manager.

POLICY FRAMEWORK

Under its Constitution, the Council is responsible for approving the Policy Framework of the Council expressed in various plans and strategies which includes the items referred to at items 8 and 9 below.

8 **City of Salisbury, Milford Hill, Britford and Old Manor Hospital Conservation Area Appraisals** (*Pages 57 - 88*)

To consider the following recommendation from Cabinet dated 17 June 2014:

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

Report by Dr Carlton Brand, Corporate Director is attached.

9 **Licensing Act 2003 - Statement of Licensing Policy 2014 - 2019** (*Pages 89 - 140*)

To consider the following recommendation of the Licensing Committee dated 8 September 2014:

That the Licensing Committee notes the amendments made in the statement of Licensing Policy update and commends the Statement of Licensing Policy (final draft) under the Licensing Act 2003 to the Council for approval at its meeting on 21 October 2014.

Report and Licensing Plan are attached.

COUNCILLORS' MOTIONS

10 **Notices of Motion** (*Pages 141 - 144*)

For Council's ease of reference the rules on how motions on notice are dealt with at Council and guidance on amendments to motions taken from Part 4 of the Council's constitution are attached.

To consider the following notices of motions:

10a) **No. 11 - Fire Authority Merger - Councillors Jeff Osborn and Terry Chivers** (*Pages 145 - 154*)

Report by Corporate Directors Dr Carlton Brand, Carolyn Godfrey and Maggie Rae

10b) **No. 14 - Code of Conduct and Gifts and Hospitality - Councillors Terry Chivers and Jeff Osborn** (*Pages 155 - 156*)

10c) **No. 15 - Publishing of Members' Allowances - Councillors Terry Chivers and Jeff Osborn** (*Pages 157 - 158*)

10d) **No. 16 - Establishment of a Wiltshire Energy Efficiency Board - Councillors Steve Oldrieve and Jon Hubbard** (*Pages 159 - 162*)

Report attached to assist Council in its consideration of the above motion.

OTHER ITEMS OF BUSINESS

11 **Membership of Committees**

To determine any requests from Group Leaders for changes to committee membership in accordance with the allocation of seats to political groups previously approved by Council.

MINUTES OF CABINET AND COMMITTEES

12 **Minutes of Cabinet and Committees**

- a. The Chairman will move that Council receives and notes the minutes of Cabinet and the various Committees of the Council and the Fire Authority as listed in the Minutes Book.
- b. The Chairman will invite the Leader, Cabinet members and Chairmen of Committees to make any important announcements.
- c. Councillors will be given the opportunity to raise questions on points of information or clarification on the minutes presented.
- d. Councillors will be given an opportunity to raise any questions on the minutes of the Wiltshire and Swindon Fire Authority – please submit any questions to Yamina Rhouati by 13 October 2014.
- e. Councillors will be given an opportunity to raise general issues relating to Area Boards but not specific local issues.

COUNCILLORS' QUESTIONS

13 **Councillors' Questions**

Please note that Councillors are required to give notice of any such questions in writing to the officer named on the first page of this agenda (acting on behalf of the Corporate Director) not later than **5pm on Tuesday 14 October 2014**. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Councillors prior to the meeting and made available at the meeting and on the Council's website.

PART II

Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

None

Carolyn Godfrey
Corporate Director and Head of Paid Service
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire BA14 8JN

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COUNCIL

DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 29 JULY 2014 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Desna Allen, Cllr Glenis Ansell, Cllr Pat Aves, Cllr Chuck Berry, Cllr Nick Blakemore, Cllr Richard Britton, Cllr Rosemary Brown, Cllr Liz Bryant, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Terry Chivers, Cllr Ernie Clark, Cllr Mark Connolly, Cllr Christine Crisp, Cllr Brian Dalton, Cllr Andrew Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Stewart Dobson, Cllr Dennis Drewett, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Jose Green, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Russell Hawker, Cllr Mike Hewitt, Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Keith Humphries, Cllr Chris Hurst, Cllr Peter Hutton, Cllr George Jeans, Cllr Julian Johnson, Cllr Bob Jones MBE, Cllr Simon Killane, Cllr Gordon King, Cllr John Knight, Cllr Jerry Kunkler, Cllr Magnus Macdonald, Cllr Alan MacRae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Bill Moss, Cllr Christopher Newbury, Cllr John Noeken, Cllr Paul Oatway, Cllr Stephen Oldrieve, Cllr Helen Osborn, Cllr Jeff Osborn, Cllr Sheila Parker, Cllr Graham Payne, Cllr Nina Phillips, Cllr David Pollitt, Cllr Leo Randall, Cllr Fleur de Rhé-Philippe, Cllr Pip Ridout, Cllr Ricky Rogers, Cllr Jane Scott OBE, Cllr Jonathon Seed, Cllr James Sheppard, Cllr Toby Sturgis, Cllr John Thomson, Cllr Ian Thorn, 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, Cllr Philip Whitehead, Cllr Jerry Wickham, Cllr Christopher Williams and Cllr Graham Wright

46 Apologies

Apologies for absence were received from Councillors Richard Clewer, Simon Jacobs, David Jenkins, Dr Helen McKeown, Horace Prickett, John Smale, Ian Tomes. Mark Packard, Linda Packard, Mary Champion, Jacqui Lay, Bill Douglas and Mary Douglas

47 Minutes of Previous Meeting

The minutes of the last meeting, being the Annual Meeting held on 13 May 2014 were presented.

Resolved:

That the minutes of the last Council meeting held on 13 May 2014 be approved as a correct record and signed by the Chairman.

48 Declarations of Interest

There were no declarations of interest.

49 Announcements by the Chairman

a) Armed Forces Day Celebrations

The Chairman explained that the Council was pleased to support the flying of the Armed Forces Day flag from our main Council office buildings last month for Armed Forces Week. Celebrations were held around the County over the weekend of 28 and 29 June.

The Chairman attended along with the Lord-Lieutenant of Wiltshire, Major General Abraham representing the Master Gunner St James Park, and other dignitaries, to witness the Mayor of Trowbridge grant the Freedom of the Town to the Royal Regiment of Artillery, which had historic links with the Town going back to the First World War. The Freedom Parade was led by the Band of the Royal Artillery, followed by a Section of the Kings Troop Royal Horse Artillery pulling a gun carriage, and a marching Contingent. He commented that all were immaculately turned out.

Armed Forces weekend provides us all with the opportunity to acknowledge the dedication of the Armed Services and to show our support for them, whether serving members, veterans or Cadets. The Chairman acknowledged that these events take many months of planning and thanked and congratulated all those who worked so hard to ensure their success.

b) Her Majesty The Queen's Birthday Honours

The Chairman was delighted to announce that a number of Wiltshire residents had received national recognition in the recent Queen's Birthday Honours' list.

An **OBE** had been awarded to:

Mr. Martin Colclough from Amesbury for services to Disability Sport in the Armed Forces.

MBEs had been awarded to:

Mrs. Vivian Clarke from Pewsey, who is Chair of the Military Wives Choirs Foundation, for services to military families

Mr. Colin Coward from Devizes for services to Equality

Mr. Ralph Flower from Devizes for services to the British Engineering Industry and to the community in Devizes

Mr. Alan Nix from Swindon for services to the community in Swindon

Mr. Mark Romain from Salisbury for services to the Saddlery Industry and Saddlery Training in the United Kingdom and Overseas

Mr. Roger Upton for services to the Cultural Heritage of Falconry in the United Kingdom and Overseas

BEMs had been awarded to:

Mr. Peter Lemon for services to the communities in Grafton and Wilton

Mrs. Janet Marshall for voluntary service to the Warminster & Westbury Visually Handicapped Club

Mr. Edward Pomeroy for services to Young People through the Scouts and to the community in Southwick

The Council joined the Chairman in congratulating them all on receiving national recognition.

c) Town Criers' Competition

The Chairman announced that he had attended a Town Criers' Competition in Calne last month organised by the Town Council. Criers attended from across the country and the standard was very high. The winner came from Bromyard, Herefordshire. He was pleased to say that the Trowbridge Town Crier, Trevor Heeks and his wife had won the 'Best Dressed Couple' competition.

d) Miss Jean Horsfall

The Chairman wished to formally record the Council's debt of gratitude to Miss Jean Horsfall, who died recently at the age of 90. She was a pivotal in promoting music in the County for over forty years. She was Director of the Wiltshire Rural Music School, founder of the Wiltshire Youth Orchestra and the County's Music Advisor. She dedicated her life to nurturing young talent and encouraging musical participation at all levels and her legacy will live on in the County.

Nick Howdle, Head of the Wiltshire Music Service, the Chairman and his wife attended her Memorial Service in St. James' Parish Church in June, which was a fitting tribute to her dedicated service.

e) Royal Visits

The Chairman advised that the County had been fortunate to have had two Royal visits in June.

His Royal Highness The Duke of Gloucester visited four venues in the County:

- the Apprentice Training School at QinetiQ, Boscombe Down, which offers four year Advanced Level Apprenticeships in Engineering Manufacture
- Chemring Countermeasure Limited, a world leader in comprehensive threat weapon systems and missile countermeasure solutions
- Nicholas & Harris Limited, a bakery which has been baking speciality breads, rolls and buns in the Salisbury area since the 1830's, where he opened their new distribution centre; and finally
- He officially opened the new Whiteparish Memorial Centre – which effectively replaced a World War 1 Army hut which acted as the Village Hall for nearly ninety years.

On the 23 June, Her Royal Highness The Duchess of Cornwall came to County Hall to officially open the refurbished buildings. The Chairman explained that it had been an honour for him and the Leader of the Council to welcome her, and to be able to show her how the Council was working with partners to change working practices to improve the delivery of services to Wiltshire residents. Local schoolchildren enthusiastically welcomed her and young families attending a rhyme time session in the Library were delighted to be joined by Her Royal Highness. Staff and members of the public gathered in the Atrium and around the balconies to witness her unveiling a plaque to commemorate her visit. Mrs. Mary Pearce, a resident of Salisbury and whose father was Managing Director of the firm who built the original County Hall building, presented Her Royal Highness with a hamper of Wiltshire produce to thank her for her visit.

f) The Big Walk 13 September

With the Chairman's permission, Councillor Jon Hubbard informed members that he would be involved in The Big Walk on 13 September. The Walk was being organised to support two charities, Hope for Tomorrow, bringing cancer care closer to home and Melksham Extended Services, providing counselling support for young people. He encouraged participation by both members and officers for this very worthwhile cause.

g) Commonwealth Games winners

The Chairman congratulated all Wiltshire participants in the recent Commonwealth Games with special mention of those who had won medals.

50 Public Participation

The Chairman reported receipt of questions from Mr Geoff Yates, Mrs Veronica Stubbings and Mrs Charmian Spickernell, details of which had been circulated together with responses by Cllr Fleur de Rhé-Phillipe, Cabinet Member for Economy, Skills and Transport. A copy of the questions and responses to public questions received are attached as Appendix A.

Questions were presented by Mrs Spickernell who took the opportunity to ask supplementary questions to which Cllr Fleur de Rhé-Phillipe replied.

51 **Petitions**

52 **Petitions Received**

No petitions had been received for presentation to this meeting.

53 **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 presented.

54 **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.

Council considered the following motions:

£ No. 9 - Car Parking Ticket Machines - 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 counter all the negative publicity that Wiltshire Council has received for not operating change giving parking ticket machines, this extra money (that is in reality is not ours) should be returned to the community by way of an equivalent increase in the amount made to community area grants.'

Cllr Chivers took the opportunity to promote his motion to Council and in so doing emphasised that the Council needed to do something positive on this and allocate the extra money referred to in his motion between the Area

Boards.

Cllr John Thomson, Cabinet member for Highways and Transport responded to the motion. He explained that this had stemmed from the Council responding to a freedom of information request by a newspaper made to 350 Councils on overpayments on car parking. This Council unlike a number of Councils, had provided all the information requested but was then compared to much smaller authorities with fewer car parks such as smaller boroughs and district councils. This Council's rate for overpayments as a result of not giving out change averaged at approximately 3% compared to between 6.5% to 7% for other authorities. Cllr Thomson referred to the significant costs of installing ticket machines that did provide change and the costs involved in servicing them. Such a move would increase the cost by 10p. He concluded that he considered the motion to be unsound, undeliverable, not well researched and should not be adopted.

Having been moved by the Chairman and seconded and on being put to the vote, it was

Resolved:

That the motion be debated.

The Chairman invited Group Leaders to speak on the motion before opening the debate to other members. During the debate, Cllr Hubbard proposed the following amendment which was duly seconded:

'That this motion is referred to the relevant scrutiny task group to explore what steps can be taken to avoid people paying more than they should for car parking'.

The debate then centred on the amendment. Cllr Chivers indicated that he would accept the amendment.

The motion as amended was then put to the vote and LOST. It was therefore

Resolved:

That motion no 9 – Car Parking Ticket Machines be NOT adopted.

£ **No. 10 - One Card for Transport in Wiltshire - Councillors Magnus MacDonald and Gordon King**

The Chairman reported receipt of the above mentioned motion from Councillors Magnus Macdonald and Gordon King.

Accordingly, Councillor Magnus Macdonald moved the following motion which was duly seconded by Cllr Gordon King:

'Council recognises the progress that has been made by service providers to introduce Smart Card technologies on public transport across the region.

Council further recognises the potential cost savings that can be achieved through the adoption of such schemes as well as the considerable improvements in customer experience that can result.

Council notes the benefits of integrating such schemes, thus better facilitating residents being able to travel with ease, and further notes that where such schemes are integrated with associated transport schemes, such as car parking and other council services, additional savings and improvements for residents can be achieved.

Council therefore requests that the Administration work with Officers and partners to develop a 'One Card for Wiltshire' scheme that would enable a resident to use a single payment card to pay for both public transport and car parking across the county. Additionally Council requests that the possibility of adding the ability to pay for other council services should be investigated.

Council recognises that there is work being undertaken on a regional basis and that any such scheme will have to be phased in, but requests the Administration to ensure that future developments on use of Smart Cards in the county should focus on delivery of 'One Card for Wiltshire'

Cllr Macdonald took the opportunity to promote his motion to Council. He considered that this should be seen as the start of a process for this Council to use the technology now available to improve travel payment arrangements for the people of Wiltshire. He commented that a number of other authorities were also actively investigating such a move and in time such arrangements could be as firmly established here as the Oyster card was in London.

The Chairman moved that this motion be referred to the Leader without debate and this was duly seconded and on being put to the vote, it was

Resolved:

That motion No. 10 – One Card for Transport in Wiltshire be referred to the Leader for appropriate action without debate.

ε No. 11 - Fire Authority Merger - Councillors Jeff Osborn and Terry Chivers

The Chairman reported receipt of the above mentioned motion from Councillors Jeff Osborn and Terry Chivers.

Accordingly, Councillor Jeff Osborn moved the following motion which was duly seconded by Cllr Terry Chivers:

‘Recognising the dire financial circumstances facing the Wiltshire and Swindon Combined Fire Authority and the need to maintain a viable fire and rescue service for our residents; this Council declares its support for a merger between Wiltshire and Swindon CFA and Dorset CFA.’

Cllr Jeff Osborn in promoting his motion to Council urged the Council to support the merger. He considered that should the merger not take place, it would result in fire station closures and would have a detrimental impact on front line services.

Cllr Stuart Wheeler, Cabinet member for Hubs, Heritage & Arts, Governance and Support Services responded to the motion. Cllr Wheeler considered that the Council should wait for full details of what was being proposed before giving its view. He therefore proposed the following amendment:

‘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’.

Having been moved by the Chairman and seconded and being put to the vote, it was

Resolved:

That the motion be debated.

The Chairman invited Group Leaders to speak on the motion before opening the debate to other members.

The Leader agreed that all possible options on how savings could be achieved should be considered. Due to the squeeze on public sector financing, this was a reality being faced by all public sector organisations and where working in partnership was becoming more and more of a necessity. The Leader considered that the Council should await the release

of full details by the Fire Authority, examine the evidence on how savings could be achieved before it reached a conclusion.

Cllr Jon Hubbard agreed with the Leader's comments. He explained that without the facts being available, he had not yet been able to form an opinion on the merger. He therefore supported the amendment.

This meeting had been preceded by a brief presentation by Cllr Chris Devine in his capacity as Chairman of Wiltshire and Swindon Fire Authority. Cllr Devine explained the financial challenges facing the Fire Authority and the possible solutions to meet them which would all need to be examined in detail and would be the subject of a 14 week consultation period. A public consultation document would be made available detailing the three options under consideration. It was noted that the consultation period would close on 20 October a day before the next Council meeting on 21 October. Cllr Devine did however, assure Council that any views from that Council meeting would be included as part of the consultation feedback.

A number of members participated in the debate. Some members considered that a merger provided the only viable option to achieve the savings needed and therefore the Council should support the merger without any further delay. There was concern that any delay would have a detrimental impact on the quality and response times of the emergency fire service. Cllr Devine assured Council that there would be no threat to the fire service being able to respond to emergencies and that if necessary, financial reserves would be utilised.

A number of other members agreed with the thrust of the amendment, that the Council should be in possession of all the facts before giving its views.

On being put to the vote, the amendment as detailed above, was CARRIED and on being put to the vote as the substantive motion, it was also CARRIED, it was therefore,

Resolved:

That motion No. 11 – Fire Authority Merger be adopted 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.

ε No. 12 - Youth Service - Councillors Jon Hubbard and Trevor Carbin

Public Participation

Cherry Riley and Alysha Green of Bradford on Avon addressed Council on this motion.

The Chairman reported receipt of the above mentioned motion from Councillors Jon Hubbard and Trevor Carbin.

Accordingly, Councillor Jon Hubbard moved the following motion which was duly seconded by Cllr Trevor Carbin:

'Council notes the reforms to the Integrated Youth Service outlined in the cabinet report of 15th May 2014.

Council recognises the plans for a more community led model, and supports the concept of communities having more control over identifying the best delivery model for provision of Positive Activities for Young People through the development of Local Youth Networks (LYN).

Council also notes that every Area Board will have a Community Youth Officer assigned who will work with community groups to develop the new offer and support the developing LYNs.

Council further notes that all youth provision in existing Youth Development Centres and street based youth work supported by the Integrated Youth Service will cease by 30th September 2014.

Council is concerned at the impact of these sudden changes on young people and Wiltshire's communities when the service closes.

Council recognises that when consulted on the changes Young People responded more than anything else that they valued the benefits of having professional youth workers to support them in personal development and decision making, especially the additional support available in times of personal crisis.

Council therefore requests the administration to use the £225,000 recently identified from senior staff savings to provide a transitional service for the next 18 months. This service could provide street based youth workers to work with existing and emerging community providers to support young people within their communities and ensure that the LYN's are voicing the needs of young people in the wider community including the villages.

This will also help to deliver positive activities requested by Young People and not activities imposed on Young People - thus responding to a key concern expressed by Young People during the consultation process.

Council believes that this transitional arrangement will help Area Boards and LYNs to ensure the new Young People's funding best meets the actual needs of Young People in communities; thus better enabling communities to work towards fulfilling the opportunities presented by the new operating model approved by Cabinet'.

Councillor Hubbard in presenting his motion to Council, explained that the motion was not in respect of the changes to the youth service already made by Cabinet as he acknowledged those decisions had already been made. His motion was in respect of the implementation of those decisions in respect of delivery of the service. He considered that the changes were being made too quickly and that the concept of youth work services being delivered whilst being a good approach, needed to be phased in gradually. He commented that communities would need time to train and support those engaged to deliver the service and he considered that making the changes this quickly was a high risk approach which left no room for manoeuvre should things not go according to plan.

Councillor Laura Mayes, Cabinet member for Children's Services responded to the motion. She expressed her disappointment with the motion which seemed to pre-suppose there were additional monies available to continue to fund the service in the way it had been delivered. She considered that children did not like change and uncertainty and the decisions over the future delivery of the youth services had been reached following extensive consultation with the youth of the County. Due to financial constraints, a change to the service was inevitable and children had agreed to work with the Council to arrive at a workable solution. She urged Council to reject the motion to allow implementation of Cabinet's previous decisions.

Having been moved by the Chairman and seconded and being put to the vote, it was

Resolved:

That the motion be debated.

The Chairman invited Group Leaders to speak on the motion before opening the debate to other members.

The Leader also confirmed that the additional monies needed to delivery the service with no changes simply did not exist. She was also dismayed at the motion having been put forward by Councillor Hubbard, who she said had also voted for the now approved budget. She was disappointed that this

issue should be used as a political tool.

Councillor Ernie Clark considered that the motion if approved would at least provide transitional arrangements pending full implementation of the new scheme.

Councillor Dick Tonge, speaking as Cabinet member for Finance also confirmed the budgetary position and expressed his alarm at a motion that sought to provide additional funding which simply did not exist.

A lengthy discussion ensued, during which a number of points were made. Reference was made the role of Area Boards and how they could tailor delivery of the service to meet their own particular needs. A view was expressed that the Council could find the additional monies needed if it wanted to and that the service could be supported in other ways, not necessarily financial. In response to a question from Councillor Jeff Osborn, Councillor John Thomson confirmed that Court Street, Trowbridge was not currently being sold.

The motion was then put to the vote and LOST and it was therefore

Resolved:

That motion number 12 – Youth Service be NOT adopted.

Recorded Vote

A recorded vote having been requested by the requisite number of Councillors, the voting was recorded as follows:

For the motion (30)

Councillors Desna Allen, Glenis Ansell, Pat Aves, Nick Blakemore, Trevor Carbin, Chris Caswill, Terry Chivers, Ernie Clark, Brian Dalton, Dennis Drewett, Peter Edge, Nick Fogg, Jon Hubbard, Chris Hurst, George Jeans Bob Jones, Simon Killane, Gordon King, Howard Marshall, Magnus Macdonald, Ian McLennan, Steve Oldrieve, Helen Osborn, Jeff Osborn, David Pollitt, Ricky Rogers, Ian Thorn, John Walsh, Nick Watts, Ian West,

Against the motion (49)

Councillors Chuck Berry, Richard Britton, Allison Bucknell, Mark Connolly, Christine Crisp, Christopher Devine, Andrew Davis, Fleur de Rhé-Philippe, Stewart Dobson, Tony Deane, Peter Evans, Sue Evans, Richard Gamble, Jose Green, Howard Greenman, Molly Groom, Mike Hewitt, Alan Hill, Charles Howard, Keith Humphries, Peter Hutton, Julian Johnson, John Knight, Jerry Kunkler, Alan MacRae, Laura Mayes, Jemima Milton,

Christopher Newbury, John Noeken, Paul Oatway, Sheila Parker, Graham Payne, Nina Phillips, Leo Randall, Jane Scott OBE, Jonathon Seed, James Sheppard, Toby Sturgis, John Thomson, Dick Tonge, Tony Trotman, Bridget Wayman, Fred Westmoreland, Philip Whalley, Stuart Wheeler, Roy White, Philip Whitehead, Jerry Wickham and Christopher Williams.

Abstentions (2)

Councillors Liz Bryant and Pip Ridout

Meeting Adjourned

The meeting adjourned for lunch at this point, 2.20pm and reconvened at 3.05pm.

ε No. 13 - Improvements to Junction 16 - Councillors Mollie Groom and Ricky Rogers

The Chairman reported receipt of the above mentioned motion from Councillors Mollie Groom and Ricky Rogers.

Accordingly, Councillor Mollie Groom moved the following motion which was duly seconded by Ricky Rogers:

'That Wiltshire Council has failed to consult on or consider fully the impacts that improvements to Junction 16 will have on Wiltshire's environment and people and I request that:

- a) *Junction 16 improvements are put on hold until the impacts are consulted on and considered, and*
- b) *effective public transport improvements for the Wootton Bassett to Swindon corridor are sought urgently, including rail, with the opening of Wootton Bassett station and one at Mannington, and that the cycle path is brought forward from the present schedule of 2021 to 2015'.*

Councillor Mollie Groom presented her motion, explaining the history of the issue and urging Council to support her motion.

Councillor Fleur de Rhé-Philippe, Cabinet member for Economic Development, Skills and Strategic Transport responded to the motion. She explained that the motion even if adopted would not be able to change anything. She referred to Swindon Borough Council discharging of condition 99. She added that had this Council continued with its objection, it would not be engaged in the process. By remaining engaged, this Council would do all it could possibly to secure as good an outcome as possible. She emphasised that this was very important for the economy of north Wiltshire.

Having been moved by the Chairman and seconded and being put to the vote, it was

Resolved:

That the motion be debated.

The Chairman invited Group Leaders to speak on the motion before opening the debate to other members.

The Leader supported the views as put forward by Councillor Fleur de Rhé-Philippe. She considered that the Council had done all it could in originally objecting in 2007. However, following unsuccessful judicial review proceedings by others, it was clear there was no point in pursuing the matter any further.

Councillor Jon Hubbard pointed out that as this was an executive matter, Council would not be able to adopt the motion even if it was minded to. The Chairman agreed but pointed out that if Council were minded, it could refer the matter back to Cabinet for reconsideration. The Leader explained that whilst she would refer to Cabinet should Council so request, in her opinion there was no new evidence to present to Cabinet. Ian Gibbons, Monitoring Officer advised Council confirmed the process over any referral to Cabinet.

Following debate, it was

Resolved:

That Motion Number 13 – Improvements to Junction 16 be NOT adopted.

55 Constitutional Changes Recommended by the Standards Committee

Councillor Julian Johnson, Chairman of the Standards Committee presented a report which requested Council to consider proposed changes to Part 3 (Scheme of Delegation) of the Constitution which included the transfer of the Police and Crime Panel Procedure Rules and Panel Arrangements from Part 3 to a new Protocol. The changes had been considered and recommended by the Standards Committee at its meeting on 9 July 2014. Details of the changes being proposed including as tracked changed documents were presented along with the relevant extract of the Standards Committee minutes.

Councillor Stuart Wheeler, Cabinet member for Hubs, Heritage & Arts, Governance and Support Services explained that a briefing for members had been held on 24 July to explain the proposed changes in detail and provide an

opportunity for members to ask questions. He commended the proposed changes.

Following debate, it was

Resolved:

To approve the proposed changes to Part 3 of the Constitution, including the transfer of the Police and Crime Panel Arrangements to a new Protocol subject to the following changes:

- **That Paragraphs 4.9 – 4.9.8 in respect of the election of chairmen and vice-chairmen of Area Boards be referred back to the Standards Committee via the Focus Group on the Constitution for further consideration and reported back to Council. This is to particularly address the scenario where the outgoing chairman and vice-chairman are standing for election as chairman. The changes as proposed be approved pending further reconsideration.**
- **That paragraph 4.10 in respect of Cabinet representation on Area Boards be referred back to the Standards Committee via the Focus Group on the Constitution and reported back to Council to clarify the position on the attendance of Cabinet members where they are not standing members in their own right. That the status quo position as presented remains in the meantime.**
- **At paragraph 6 – Health and Wellbeing Board**
For clarity, 2nd bullet point replace
‘Wiltshire Council Cabinet representatives with responsibility for Children, Adults and Public Health’
with ‘The Leader of the council and 2 Wiltshire Council Cabinet Members with responsibility for Children, Adults and Public Health’.
- **For clarity, 3rd bullet point replace ‘1 Member of the Opposition representative’ with ‘one member who is not a member of the ruling group(s) on the council.’**

56 Annual Report on Treasury Management 2013/14

With the Chairman’s permission, Councillor Dick Tonge, Cabinet member for Finance, Performance, Risk, Procurement and Welfare Reform presented The Annual Report on Treasury Management for Council’s consideration. Councillor Tonge guided Council through the document and answered members’

questions. A similar report had been considered and agreed by Cabinet at its meeting on 17 June 2014.

Resolved:

To note:

- a) **Prudential Indicators, Treasury Indicators and other treasury management strategies set for 2013-14 against actual positions resulting from actions within the year as detailed in Appendix A of the report presented; and**
- b) **investments during the year in the context of the Annual Investment Strategy as detailed in Appendix B of the report presented.**

57 **Adoption of Legislation and Byelaws in Relation to Cosmetic Piercing and Skin Colouring**

With the Chairman's permission, Councillor Keith Humphries, Cabinet member for Public Health, Protection Services, Adult Care and Housing presented a report which asked Council to approve the re-adoption of sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 and for the making of new byelaws to regulate premises carrying out various skin piercing activities.

These measures would allow the Council to regulate the cleanliness and hygienic practices of premises on which skin-piercing businesses are operating. The Byelaws had been considered and recommended by the Licensing Committee on 2 June 2014.

Councillor Pip Ridout, Chairman of the Licensing Committee confirmed that the proposals had been considered fully by the Licensing Committee.

Resolved:

That Council:

- a) **formally re-adopt the provisions of sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982, providing for the regulation of premises conducting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis, to come into effect on 1st October 2014;**
- b) **agree to make a consolidated set of byelaws for the regulation of acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis, as set out in the model byelaws attached as Appendix 1 to report as presented, for submission to the Secretary of State for Health for confirmation, following the**

completion of the process to re-adopt the relevant sections of the 1982 Act and

- c) agree that the current byelaws relating to cosmetic piercing and semi-permanent skin colouring, which had previously been made by the predecessor district councils, as set out in the table in paragraph 6. of the proposed new byelaws, be revoked on the confirmation of the new model byelaws.

58 **Review of Proportionality and Allocation of Seats on Committees to Political Groups**

The Chairman confirmed that following changes in the number of seats held by individual political groups on the Council, a request had been received from the Leader of the Independent group for a review of the allocation of seats to political groups.

Accordingly, a report reviewing the allocation of seats on committees to political groups was presented for Council's consideration.

It was noted that the political composition of the Council now stood at:

Name of Group	No. of Councillors in Group
Conservative	59
Liberal Democrat	23
Independent	11
Labour	4
Ungrouped Member	1

Following consultation with the affected group leaders, a proposed draft scheme of committee places was presented. The net effect of the change in political group sizes is that the Independent Group gain one seat and the Liberal Democrat Group lose one seat.

Resolved:

- (a) To note this report and the legal requirements.
- (b) To confirm the aggregate number and the draft scheme of committee places available to members of the Council as set out in Appendix B.

59 **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, it was

Resolved:

That Council approve the following membership changes:

Environmental Select Committee

Councillor Mollie Groom off – Councillor Tony Trotman on

Staffing Policy

Councillor Graham Wright now as an independent member
Add Councillor Ernie Clark and Councillor Jeff Osborn as substitutes.

Strategic Planning

Councillor Graham Wright – now an independent substitutes
Add Councillor Trevor Carbin

Southern Area Planning

Councillor Graham Wright now as independent substitutes
Add Councillor Trevor Carbin as substitutes

Appeals

Remove Councillor Graham Wright as substitutes
Add Councillor Gordon King as Sub

Overview and Scrutiny Management

Remove Councillor Mark Packard as Full Member
Add Councillor Peter Edge as Full Member
Add Councillor Mark Packard as Substitute
Remove Councillor Trevor Carbin as Substitute

60 **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 2014	15 May 20 May, 17 June, 22 July
Cabinet Capital Assets Committee	20 May, 22 July 2014
Cabinet Transformation Committee	17 June 2014
Overview and Scrutiny Management Committee	8 July 2014
Children's Select Committee	29 April 2014

Children's Select Committee	3 June 2014
Health Select Committee	6 May 2014
Health Select Committee	15 July 2014
Environment Select Committee	10 June 2014
Licensing Committee	28 April, 2 June 2014
Northern Area Planning Committee	14 May, 4 June, 25 June 2014
Eastern Area Planning Committee	5 June 2014
Southern Area Planning Committee	1 May, 22 May, 12 June 2014
Western Area Planning Committee 2014	30 April, 21 May, 11 June, 2 July
Strategic Planning Committee	16 April, 14 May, 18 June 2014
Standards Committee	9 July 2014
Audit Committee	24 June 2014
Officer Appointments Committee	25 June 2014
Staffing Policy Committee	7 May, 9 July 2014
Wiltshire Health and Wellbeing Board	20 March, 22 May 2014
Wiltshire Pension Fund Committee	5 June 2014
Wiltshire Police and Crime Panel	11 June 2014
Wiltshire and Swindon Fire Authority	12 June 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.

Strategic Planning Committee

Councillor Andrew Davis, Chairman of the Committee reminded members of the Committee scheduled for 30 July 2014 which would include consideration of the Army Basing Masterplan.

Audit Committee

Councillor Caswill asked the Chairman of the Committee if he was satisfied with the performance of the audit. Councillor Tony Deane, Chairman confirmed that generally, he was satisfied and that a few minor concerns were currently being addressed.

Councillor Caswill questioned why the Council still seemed to be experiencing problems with the SAP system so long after its introduction. Councillor Tony Deane explained that use of the system was evolving which brought about some minor problems which were being addressed.

Councillor Terry Chivers withdrew his question to the Chairman of the Fire Authority.

Resolved:

That the above mentioned minutes be received and noted.

61 Councillors' Questions

The Chairman reported receipt of questions from Councillors Terry Chivers, Trevor Carbin, Ernie Clark, Chris Caswill, Ian West, Simon Killane And Bob Jones, 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 3 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 A - Public Questions
- Appendix B - Schedule of Committee Place
- Appendix C - Councillors' Questions

(Duration of meeting: 10.45 am - 4.25 pm)

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

Press enquiries to Communications, direct line (01225) 713114/713115

Wiltshire Council

Council

29 July 2014

Item 5 - Public Participation

From Mr Geoff Yates

To Fleur de Rhé-Phillipe, Cabinet Member for Economy, Skills and Transport

Question 1

Wiltshire has failed to follow the recommendation of Scrutiny following Scrutiny's findings in 2006

In March 2014 the response to an EIA screening application from Swindon Council for proposed modification to J16 was made by an Officer despite Wiltshire having accepted Scrutiny's recommendation in 2006 for **all** " Out of County" applications to be delegated to a Cabinet Member. Why was this recommendation ignored?

Response

Wiltshire Council respond occasionally to 'Out of County Applications' ie applications on land made within an adjoining authority, but which are referred to Wiltshire for comment given the possibility of cross border implications. In this instance, the EIA screening opinion related to land within Wiltshire, and therefore the description 'out of county' does not apply.

Question 2

Wiltshire's refusal to agree the proposed layout for J16 was still valid at the time the Officer gave his screening opinion

The Officer's opinion that there was no need for a planning application was given in March 2014 despite Wiltshire Council's having not agreed the proposed layout in 2007 and before Cabinet withdrew that disagreement on 17th June 2014.

Members of the public have been denied the opportunity to comment on several occasions and when there has been a public meeting at the request of their local member their interests have not been considered by Cabinet.

Response

Requirements relating to the provision of a screening opinion as to whether development is EIA development is covered by Regulation 4 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Regulation 4 carries no requirement for the Local Planning Authority to locally advertise or publicise the

receipt of a screening opinion request or the eventual opinion given. The requirements for making adopted screening opinions available to the public are set out in regulation 23 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

There is no interdependency between the screening opinion and Cabinet's resolution.

Wiltshire Council

Council

29 July 2014

Item 5 - Public Participation

From Mrs Veronica Stubbings

To Fleur de Rhé-Phillipe, Cabinet Member for Economy, Skills and Transport

Question 3

How will Wiltshire Council address the impact on Wiltshire' residents of the congestion on feeder roads that will be caused by increasing the flow of traffic at Junction 16?

Wiltshire has failed in its responsibility to the people it represents in not considering, or giving an opportunity to the public to comment on the impact that increasing the circulation at Junction 16 will have on the feeder roads or on the safety issues at the Junction. The feeder roads are not trunk roads. Consultants for Wiltshire, Halcrows found in 2006 that increasing the circulation at the Junction would cause severe congestion on the feeder roads, particularly along Wootton Bassett High Street and Wharf Road. Scott Wilson consultants for CPRE found there are safety issues at the junction and his Honour Judge Hickinbottom found in his Judgement of June 2009 that there has to be a paramountcy of safety at the Junction and a planning application would trigger the need for an EIA (Para 95 of the 2009 Judgement)

Response

All of these issues were fully considered and consulted upon when planning permission for the scheme was granted in 2005 and during the subsequent judicial review. Wiltshire Council and the Highways Agency have a responsibility for technical approval, and optimising the traffic signals so as to minimise approach queues and delays will carry a high priority. To this end, modelling work is being carried out by Swindon Borough Council as part of the design process.

Wiltshire Council

Council

29 July 2014

Item 5 - Public Participation

From Mrs Charmian Spickernell, CPRE

To Fleur de Rhé-Phillipe, Cabinet Member for Economy, Skills and Transport

Question 4

Re the appointment of representatives to outside bodies, is it correct that the Chairmen of outside bodies are mandated to report back to Wiltshire Council and has Wiltshire Council as a unitary authority applied the same terms as Wiltshire County Council applied previously, for example, has it mandated SWLTB representatives or the Chairmen of the SWLTB to report back to Wiltshire Council from the SWLTB ?

Response

The Council is represented on a number of local, national and regional organisations including the Swindon and Wiltshire Local Transport Board (SWLTB). The Council has within its constitution, Protocol 3 – Guidance to members on outside bodies. which sets out advice to members considering appointments to outside bodies. The Council is represented on the SWLTB by Cabinet members Councillors Toby Sturgis and Fleur de Rhé-Philipe. Both Councillors have routinely kept the Council informed of SWLTB developments and in particular, how they affect Wiltshire and also provided Council feedback to the SWLTB. It must be remembered that SWLTB members act in the interest of the area as a whole and not the geographic interests of their respective member organisations.

Additionally, the agenda and minutes of the SWLTB are public and can be accessed from the following link:

<http://ww5.swindon.gov.uk/moderngov/ieListMeetings.aspx?CIId=940&Year=0>

Question 5

Given the large amounts of money that are set to come through the Government's Growth Deal for infrastructure, and the number of road based projects compared to projects for sustainable transport, will the way Wiltshire's share is allocated be debated by Wiltshire Council?

(According to the SWLEP website, in addition to the first tranche of £11.3million a further £55.9million is set to start in 2016 and it is being said that with £70 million from local partners this will add up to £199.3million and provide 1500 jobs and 2000 houses)

Response

The recent fully or provisionally approved LGF funding for transport schemes in Wiltshire is:

£1.4m towards junction improvements that support expansion of Dyson in Malmesbury
£7.1m for improvements along the A350 at Chippenham and
£16m for Chippenham Station Hub

That clearly represents a good balance of road/sustainable transport projects arising from the first round of negotiation – the Council will play a fundamental role in identifying priorities for continuing rounds, and any key decisions will be publicised and made in the usual way.

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SCHEDULE OF COMMITTEE PLACES

Committee	Total Number of Places for Elected Members	Conservative Group Allocation (59 seats)	Liberal Democrat Group Allocation (23 seats)	Labour Group Allocation (4 seats)	Independent Group Allocation (11 seats)	UKIP (1 seat)
Strategic Planning	11	7	3	-	1	-
Area Planning Committees						
North	11	7	3	-	1	-
South	11	6	2	2	1	-
East	8	7	-	-	1	-
West	11	7	2	-	2	-
Licensing	12	7	3	-	2	-
Overview and Scrutiny Management	15	8	4	1	2	-
Children's Select	13	8	3	1	1	-
Environment Select	13	7	4	1	1	-
Health Select	13	7	3	1	2	-
Standards	11	7	3	-	1	-
Police and Crime Panel	7	4	2	-	1	-
Audit	11	6	3	-	1	1
Appeals	8	5	2	1	-	-
Staffing Policy	9	5	2	-	1	1
Officer Appointments	5	3	1	-	1	-
Pension Fund	5	4	1	-	-	-
TOTALS:	174	105	41	7	19	2

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Wiltshire Council

Council

29 July 2014

Item 14 - Public Participation

From Cllr Terry Chivers, Melksham Without North Division

To Cllr Jane Scott OBE, Leader of the Council

Question 1

On Friday May 17th I was in attendance at the Civic Centre Trowbridge at the time you gave a briefing to Wiltshire Council staff. I was disappointed to see so many staff waking out in disgust when being told they are going to have to suffer even more cut backs and savings.

Is it still your opinion that we still don't have a staff morale problem?

Response

I would like to refute any suggestion that the council has a staff morale problem.

Cllr Chivers is referred to the report and minutes of the staffing Policy Committee meeting in November 2013. The minutes record that the committee was pleased to note that despite the lengthy periods of change that had been taking place, employee engagement had improved with the information suggesting that employees were more engaged with the Council now than when monitoring began in 2011 resolving as follows:

- 1) *To note the contents of the report.*
- 2) *To note that the analysis of all the available data showed that concerns about staff morale could not be substantiated.*
- 3) *To conclude that all of the available data suggested that, despite the changes that had been taking place and the challenges being faced, employees were engaged.*

I would also like to remind Cllr Chivers that in January of this year Cabinet was provided with a summary of the feedback received from the Local Government Association following the Corporate Peer Challenge. The Corporate Peer Team stated that one of the key strengths and important building blocks in continuing the council's transformation journey and mastering the financial challenges ahead was that they found a highly engaged workforce with a real sense of pride in the organisation stating that Staff consistently commented that they were proud to work for the Council.

It is therefore inappropriate for Cllr Chivers to be making suggestions of this nature when there is clearly no sound evidence to support it. Cllr Chivers also needs to recognise that by raising unsubstantiated issues of this nature in itself will affect morale in a negative way which is unacceptable. Cllr Chivers has been advised that if he has concerns about operational matters of this nature he should take these up with directly the Corporate Directors and despite being actively encouraged to do so has chosen not to.

The monitoring of the data available has continued since then and the most recent analysis of the data, based on the information available on 31 March 2014, showed that levels of sickness had dropped when compared to the same period in the previous year, and there had been a slight increase in voluntary turnover (0.3%). There have been no spikes in any of the data to indicate that staff engagement has reduced.

Question 2

How many disabled parking spaces are there at County Hall?

Response

County Hall (Main)

22 spaces for mobility impaired members of staff
9 spaces for mobility impaired visitors to the council

County Hall (East Wing)

2 spaces for mobility impaired drivers

County Hall (Chapman's)

4 spaces for mobility impaired drivers

Total number of spaces for mobility impaired drivers for the entire complex = 37

Item 14 - Public Participation

From Cllr Terry Chivers, Melksham Without North Division

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

Question 3

Does Wiltshire Council have any plans to introduce a doorstep food waste collection service? If so when, if not, why not?

Response

Wiltshire Council has no immediate plans to provide a food waste collection for residents of Wiltshire. The primary considerations are the significant cost that the council would incur in providing such a service (both in initial capital outlay, and annual revenue costs), combined with the fact that we have recently increased the county recycling rate following the successful implementation of new waste and recycling collection services across the county.

In addition to these increases in recycling, 110,000 tonnes of Wiltshire's household waste is now diverted from landfill using alternative treatment technologies. 50,000 tonnes per annum goes to produce energy at the Lakeside Energy from Waste plant in Slough, and now 60,000 tonnes per annum is treated at the new Mechanical Biological Treatment (MBT) facility in Westbury, where it's volume is significantly reduced and a fuel is produced.

Both of these initiatives, combined with ongoing efforts to recycle household waste, have seen the amount of waste landfilled fall to 26.7% of all municipal waste collected. Our target is to reduce this to 25% for 2014/15.

At this time, therefore, we feel that the introduction of a separate collection of food waste would place an additional and unnecessary financial burden on council tax payers when we are making good progress towards achieving recycling and landfill diversion targets.

The council has chosen to focus on food waste reduction to date. The latest research published by WRAP (Waste and Resources Action Programme) found that the average household wasted £700 per year on food and drink which was thrown away. This impacts on the council due to the need to collect and manage this waste as well as impacting on greenhouse gas emissions. The council provides advice on reducing food waste and subsidises food waste digesters which compost all types of waste food.

We shall however keep this under review, and consider the opportunities again once new collection arrangements are in place post-2017. We also note with interest that there is increasing speculation that more challenging recycling targets for local authorities could be on the way, and the potential remains for 'landfill bans' on certain materials, including food and other bio-degradable matter (items such as batteries, tyres and plasterboard are currently already regarded as unsuitable for landfill disposal). However, a food waste collection system should be implemented when required in order to deal with potential new challenges, rather than at present when current services are achieving their objectives.

Item 14 - Public Participation

From Cllr Trevor Carbin, Holt and Staverton Division

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

Question 4

Last November a members' briefing note gave a list of solar farms going through the planning process. Would it be possible to provide an updated version of the list?

Response

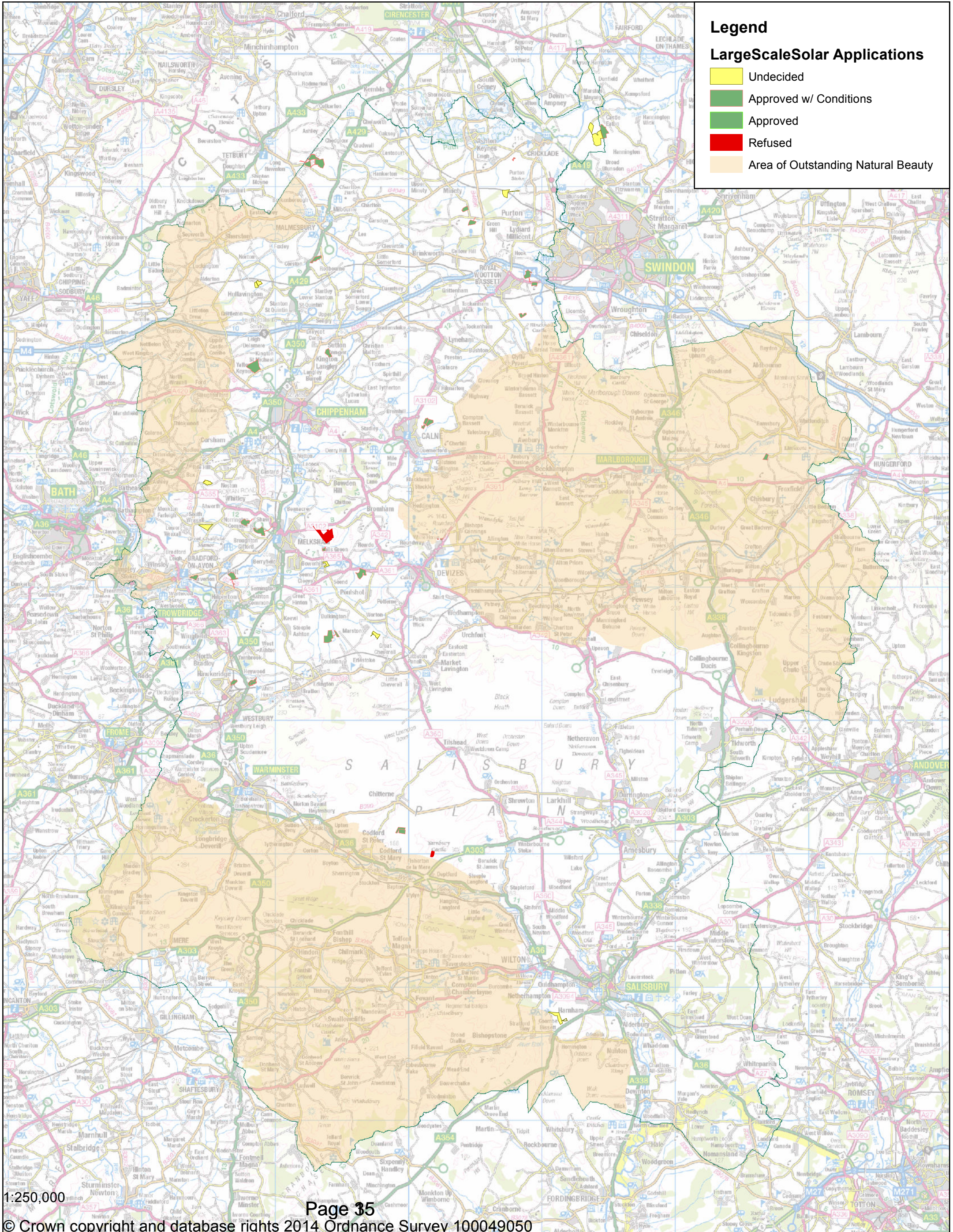
The updated position with Solar Farm applications is as shown below and with a map attachment.

STATUS OF SOLAR FARMS (>1MW)

(Source: planning database)

Reference	Site Address	Capacity (MW)	Area (ha)	Decision
N/11/00003/FUL	Lake Farm, Draycot Cerne, Sutton Benger, Wiltshire SN15 4SQ	5.00	17.44	Permitted
W/11/01064/FUL	Land South And East Of The Cemetry, Holt Road, Bradford On Avon, Wiltshire	5.00	14.35	Permitted
N/11/01081/FUL	Upper Marsh Farm, Brokenborough, Malmesbury, Wiltshire, SN16 9SR	5.00	14.31	Permitted
N/11/01683/FUL	Newnton Dairy Farm, Brokenborough, Malmesbury, Wiltshire SN16 9SR	0.30	0.89	Permitted
W/12/00467/FUL	Land North Of Craysmarsh Farm, Bowerhill Lane, Bowerhill, Wiltshire	1.50	4.73	Permitted
E/2012/0946/FUL	Land at Rudge Manor Farm Rudge Marlborough SN8 2HN	7.00	11.80	Permitted
N/12/01122/FUL	Rodbourne Rail Farm, Grange Lane, Corston, Malmesbury, Wiltshire, SN16 0ES	5.00	17.19	Permitted
W/12/01213/REM	Land North Of Craysmarsh Farm, Bowerhill Lane, Bowerhill, Wiltshire	1.50	0.00	Pending
W/12/02072/FUL	Land West Of 198, Norrington Lane, Broughton Gifford, Wiltshire	12.30	22.52	Permitted
W/12/02081/FUL	Land Adjacent Sewage Treatment Works, Slag Lane, Westbury, Wiltshire	6.10	12.55	Permitted
N/12/02104/FUL	Long Newnton Airfield Brokenborough Malmesbury Wiltshire SN16 9SR	12.00	34.31	Permitted
W/12/02216/FUL	Land North East Of Codford Dairy East Farm, Church Lane, Codford, Wiltshire	7.50	14.13	Permitted
N/12/03968/FUL	Land at Chelworth Industrial Estate, Braydon Lane, Nr Cricklade, Wiltshire	1.00	2.22	Permitted
N/12/04169/FUL	High Penn Farm, Calne, Wiltshire, SN11 8TE	12.00	30.38	Permitted
N/13/00520/FUL	Rodbourne Rail Farm, Grange Lane, Corston, SN16 0ES	0.00	0.02	Permitted

N/13/00623/FUL	Braydon Fields Farm, Braydon, Wiltshire, SN5 0AG	0.25	12.62	Permitted
13/00699/FUL	Land north of Deptford Farm Wylve Warminster Wiltshire	7.50	11.46	Refused
13/00984/FUL	Land to the North of Hopton Industrial Estate	1.30	2.87	Permitted
N/13/01311/FUL	Battens Farm, Allington, Chippenham, Wiltshire, SN14 6LT	11.00	56.40	Permitted
N/13/01495/FUL	Lane East & West of Hill Hayes Lane, Hullavington, Chippenham, Wiltshire	7.00	9.32	Permitted
N/13/01561/FUL	NEWTON DAIRY FARM, BROKENBOROUGH, MALMESBURY, WILTSHIRE	7.20	21.38	Permitted
N/13/01723/FUL	Braydon Manor Farm, Braydon, SN5 0AG	7.00	15.08	Permitted
13/01962/WCM	LAND SOUTH OF 40 Park Lane Heywood Wiltshire	3.50	20.59	Permitted
13/02191/FUL	Spittleborough Farm Swindon Road Lydiard Tregoze Royal Wootton Bassett Wiltshire SN4 8ET	10.00	23.91	Permitted
13/02309/FUL	Stokes Marsh Farm Coulston Westbury Wilts BA13 4NZ	16.60	50.30	Permitted
13/04055/FUL	Land East of Manor Farm Wadswick Box Corsham Wiltshire SN13 8JB	9.60	14.67	Refused
13/04872/FUL	Land at Bentham Farm Bentham Lane Bentham Purton Swindon Wiltshire SN5 4JB	8.00	21.75	Pending
13/05001/FUL	East Farm Office East Farm Codford Warminster Wiltshire BA12 OSJ	6.00	12.20	Permitted
13/05244/FUL	Lodge Farm Poulshot Road Poulshot Devizes Wiltshire SN10 1RQ	16.00	32.81	Permitted
13/06022/FUL	Land to the north of Eastwell Manor Eastwell Road Potterne Devizes SN10 5QG	1.00	0.02	Permitted
13/06140/FUL	Land at Snarlton Farm Snarlton Lane Melksham Wilts SN12 7QP	44.20	76.41	Refused
13/06336/FUL	Land to the west of Bake Farm Buildings Salisbury Road Coombe Bissett Salisbury SP5 4JT	16.07	29.21	Pending
13/06707/FUL	Land South East Of Leechpool Farm Norrington Lane Broughton Gifford Wiltshire	13.00	30.50	Permitted
13/07071/FUL	Goldborough Farm Goldborough Broad Town Swindon SN4 7QX	5.00	11.44	Permitted
14/00592/FUL	Land North Of Marsh Farm Marsh Road Hilperton Marsh Wiltshire	10.10	23.42	Permitted
14/02273/FUL	Lower End Farm Long Street Marston Devizes SN10 5SL	4.90	13.65	Pending
14/02508/FUL	Wickfield Farm Royal Wootton Bassett Swindon SN4 8QR	5.00	10.60	Permitted
14/03084/FUL	Land East of Manor Farm Wadswick Box Corsham Wiltshire SN13 8JB	6.30	15.06	Pending
14/03736/FUL	Land to the east of Bollands Hill and North of The Kennet and Avon Canal, Seend	4.00	9.40	Pending
14/04326/FUL	Land at Water Eaton Farm Latton SN6 6JT	30.00	76.91	Pending
14/05253/FUL	Land West Of Ganbrook Farm Little Chalfield Wiltshire	12.00	23.50	Pending



Item 14 - Public Participation

From Cllr Ernie Clark, Hilperton Division

To Councillor Jane Scott OBE, Leader of the Council

Question 5

It is reported that Wiltshire Council employs 287 staff on 'zero hours' contracts. These contracts are a disgrace for any forward-looking 21st century institution. What action does the Leader intend to take to bring this practice to an end?

Response

Owing to the nature of the question, the Leader has referred drafting of the response to the Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)

The council uses variable hours employment contracts where the requirement for staff is based on demand and the type of service being delivered, and allows flexibility in working patterns for the employee as well as the council. A variable hours contract means that the employee is not contracted to work a fixed number of hours, instead they are paid based on claiming for the hours that they work, and for the council this is what has been referred to as zero hours contracts.

A majority of the staff on these contracts are employed in the council's leisure centres, and in the main are employed in roles providing coaching for swimming and delivering or supporting exercise classes and other leisure activities. The use of variable hours contracts means that the employees have a choice about the hours they work for the council based on other work commitments that they may have, and allows the service to plan in response to the changing demands of its customers. Unlike many other councils Wiltshire still has a significant amount of leisure services in house, hence the comparably high number of staff employed on this basis.

The use of casual staff on zero hours arrangements in these type of roles is common place with other providers of leisure services, and we are aware that in some cases up to 60% of the workforce of some providers are employed on this basis.

The council has worked hard to move its zero hours casual workers to variable hours employment contracts as this means that these employees now have the same employment rights, including terms and conditions of employment, as every other employee at the council which includes payment for sickness absence and holidays.

There are no plans for the council to cease its use of variable hours contracts.

Item 14 - Public Participation

From Cllr 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

It's interesting that Wiltshire Council are finding the money to sponsor Radio Programmes, on Commercial Radio across Wiltshire to promote Connecting Wiltshire. In the short advert its rightly encourages the use of all public transport including buses.

1. Is this the same buses that you have been axing across the County?
2. How much is this sponsorship costing.
3. Would you agree that this money could be better spent on supporting rural bus services cross the County?

Response

The radio adverts are paid for by the Local Sustainable Transport Fund – a grant provided by the government. This part of the funding is specifically for marketing transport related to the LSTF programme i.e. the new TransWilts rail service and access to rail stations.

We are not allowed to spend this money (or any other part of the LSTF funding) on supporting rural bus services. However, we have tried to use the LSTF marketing campaign to encourage patronage on all buses across the county, where the opportunity arises. As radio adverts target a wide geographical area, this was one of those opportunities. It is part of a bus campaign this summer which includes a free fortnight on the Bradford-on-Avon and Melksham Town buses – two supported bus services which access rail stations. Depending on how successful this campaign is, and whether there is further LSTF funding available, we may look at further free weeks on other supported bus services, so long as we can connect them to the LSTF programme.

LSTF funding has been used to pay for the new Melksham Rail Link bus, but this is because it is a new service. We are allowed to use the funding for new services (but not for existing ones unfortunately), and we are hoping that all the marketing work we are doing will make this link bus financially viable when the LSTF funding ceases.

Wiltshire Council

Council

29 July 2014

Item 14 - Public Participation

From Cllr Terry Chivers, Melksham Without North Division

To Cllr Jane Scott OBE, Leader of the Council

Question 7

It seems that Trading Standards has been privatised via the back door. With the consumer part of the service being passed to The C.A.B in Cumbria the public are now being told to ring 0345 4040504 which takes you to the Cumbria based call centre.

So with this in mind could I please have my questions answered which are?

1. When and why was the service transferred to the C.A.B
2. Who made the decision?
3. Why have members not been informed?
4. Where in the minutes can I find this decision?
5. What consultation took place with the public?

Response

A verbal answer will be provided at the meeting by the Cabinet Member for Public Health, Protection Services, Adult Care and Housing (excluding Strategic Housing).

Wiltshire Council

Council

29 July 2014

Item 14 - Public Participation

From Cllr Chris Caswill, Chippenham Monkton Division

To Cllr Jane Scott OBE, Leader of the Council

Question 8

- a. Has the Administration made provision for a capital contribution to a skate park in Chippenham?
- b. If so, how much? And
- c. If so, who made the decision?

Response

- a) The Council has identified funding for the skate park from the sale of the Bridge Centre and the land on which the existing skate park is located.
- b) The indicative budget identified is £275,000
- c) This was a delegated decision by officers negotiated as part of the relocation package of services associated with the disposal.

Item 14 - Public Participation

From Cllr Chris Caswill, Chippenham Monkton Division

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

Question 9

- a. The Chippenham CATG has allocated funds for three road safety projects in Monkton ward in Chippenham – on Lowden Hill, on Langley Road and on New Road. In each case Balfour Beatty carried out the road engineering work but the necessary electrical connections to complete the projects took (or is taking) many additional months. Does the Council's contract with Balfour Beatty not include a requirement for them to liaise effectively with SSE to have projects of this kind completed in partnership and on time?
- b. Do you accept that the failure of these two companies to work together can jeopardise public safety and reduce public confidence in the sub-contracting of this work to the private sector?

Response

The equipment and cables providing power to most of the county's street lights and illuminated signs are the responsibility of the electricity supply company which is generally SSE in Wiltshire. The legislation does not currently allow the Council's contractors to work on this equipment or make connections to it.

This can be a problem especially with regard to street lighting faults where SSE have 20 working days to respond, which is longer than we would wish. It is appreciated that power supplies to hospitals, residents and businesses are likely to take priority to some of the Council's work, especially when there have been storms or flooding.

The Council is working with Balfour Beatty Living Places to review processes to improve delivery of the Integrated Transport schemes, and this includes liaison with SSE. Whether the work is carried out by contractors or an in-house team, the vital connection work would still have to be carried out by SSE.

It is important that the electrical work is carried out correctly and to the required standard and in accordance with the legislation.

Wiltshire Council

Council

29 July 2014

Item 14 - Public Participation

From Cllr Chris Caswill, Chippenham Monkton Division

**To Councillor Keith Humphries, Cabinet Member for Public Health,
Protection Services, Adult Care and Housing (excluding Strategic Housing)**

Question 10

How many full time equivalent qualified social workers were directly employed by Wiltshire Council on:

- a. 1 January 2012?
- b. 1 January 2013?
- c. 1 January 2014?
- d. 1 July 2014?

Response

	FTE			
	1st January 2012	1st January 2013	1st January 2014	1st July 2014
All Social Workers	196.1	192.8	209.34	213.94
Adults Social Workers	101.4	97.3	88.5	94.2
Childrens Social Workers	94.7	95.5	120.84	119.74

These are all Full Time Equivalent figures and the 'All Social Workers' figure is combined adults and children's social worker figures.

Wiltshire Council

Council

29 July 2014

Item 14 - Public Participation

From Cllr Chris Caswill, Chippenham Monkton Division

To Cllr Jane Scott OBE, Leader of the Council

Question 11

- a. Why has Wiltshire Council's planning system allowed so much out of town centre development and done so little to protect and enhance the town centre?
- b. Is this a result of decisions taken by the Conservative leadership of North Wiltshire District Council or of the priorities of the unitary administration which you lead?

Response

Owing to the nature of the question, the Leader referred the drafting of this response to the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste

Wiltshire Council in determining planning applications for retail development takes into consideration national as well as local planning policy. Current national policy, as set out in the National Planning Policy Framework (NPPF) requires that a sequential approach is taken to new retail developments, as follows:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale." (paragraph 24).

This recognises that it is not always possible to locate all retail facilities within town centre locations and that it may be necessary to bring forward sites elsewhere to provide for the needs of the community.

The NPPF goes on to state that for edge and out of centre proposals that an impact assessment should be undertaken for proposals that are in excess of 2,500 square metres to determine whether there will be an adverse impact of the proposal on town centre viability. Within the emerging Wiltshire Core Strategy a lower threshold of 200

square metres is proposed, which will enable greater scrutiny of retail proposals than national policy.

In accordance with the NPPF, when an application fails to satisfy the sequential test or is likely to have significant adverse impact on the town centre including planned investment within it, it should be refused.

The Council implements the above national policy in its decision making, which will have contributed to the level of out of centre development. In the past the Council had the ability to also take into account the need for proposed retail development in terms of quantitative and qualitative need, which helped manage the level of out of centre retail growth. However, this test was removed from national policy some years ago.

This is not the result of the decisions taken by the Conservative leadership of North Wiltshire District Council nor the priorities of the Unitary administration. The decisions were made in accordance with The North Wiltshire Local Plan 2011, which was produced and adopted by the Liberal Democrat administration at North Wiltshire District Council in 2006 and more recently the NPPF para.24 set out above

Question 12

- a. Will the Wiltshire Council be making any representations on the Coalition Government's proposed change to the trespass law, through the Infrastructure Bill about to go through Parliament, which would allow fracking companies to drill under people's homes and land without permission?
- b. Has this Council yet issued any exploration licences for shale gas hydraulic fracturing? If so, how many and for where? If not, has it refused any? What are its future intentions on exploration licenses?
- c. Does this Council believe that the geology in Wiltshire is compatible with unconventional gas and oil extraction?
- d. Can the Council guarantee that the amounts of water required for the hydraulic fracturing process will not negatively impact on river levels and water resource in the County?
- e. Does the Council have a view on whether the County's road infrastructure could cope with the additional truck movements to and from well pads, both during exploration and full production?

Response

Owing to the nature of the question, the Leader referred the drafting of this response to the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste

The Council is not proposing to respond to the consultation regarding changes to simplify procedures for the exploration of shale and gas exploration to no longer require the permission of landowners to drill under their land.

The response to the Question from Councillor Jenkins provided to the Council meeting on 4 February 2014 sets out the background to how shale gas exploration is

regulated. This clarifies that the oil and gas licencing system is managed by the Department for Energy and Climate Change (DECC). In addition to the licence, planning permission from the Council as local planning authority is required. DECC has not granted any exploration or development licenses within Wiltshire and the Council has not received any request from potential developers to engage in preliminary discussions on matters relating to hydrocarbon development potential in Wiltshire.

The Council has not seen any evidence to indicate that the geology in Wiltshire is compatible with unconventional gas and oil extraction. The lack of developer interest would suggest that the potential for unconventional gas and oil extraction in Wiltshire is low.

Should planning applications for the various stages of fracking proposals be submitted, they will be considered in the light of the national planning policy framework (NPPF) and local development plan, which will enable impacts on the water environment and road infrastructure to be considered.

In terms of national policy, the NPPF requires that planning authorities to assess applications for all minerals developments, including conventional / unconventional hydrocarbon developments, to ensure that operations do not have unacceptable adverse impacts. In doing so, planning authorities are also advised to take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.

Planning applications for each stage must be subject to consultation with the local community and relevant statutory consultation bodies - such as the Environment and Highways Agency before the local planning authority can make a decision. Consideration will be given to the impacts on the water environment as well as road infrastructure during the exploration and implementation phase of planning applications.

Shale gas wells, whether for exploration or production, are subject to the environmental impact assessment regime established by the Environmental Impact Assessment (EIA) Directive. The EIA Directive is transposed into English law through the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Under the Regulations, all deep drilling operations, including shale gas wells, will be screened by the local planning authority to assess whether they are likely to have any significant effects on the environment including water and transportation matters. Where significant effects are identified, an environmental statement will need to be submitted to the relevant planning authority before the planning application is consulted on and considered.

Wiltshire Council

Council

29 July 2014

Item 14 - Public Participation

From Cllr Ian West, Till and Wylve Valley Division

**To Fleur de Rhé-Phillipe, Cabinet Member for Economy, Skills and
Transport**

Question 13

Could the Cabinet Member re-assure me that Wiltshire Council will honour the Inspectors decision at the last Inquiry dated 16th November 2011 into By Way 12 at Stonehenge

Response

It is clear the council will continue to honour the inspectors decision at the last Inquiry into By Way 12 at Stonehenge. There are no immediate plans to close the byway. As part of the emerging management plan for the WHS, it is recognised that an appropriate system is needed to protect archaeology, safety and free movement around the site. If new evidence and changing circumstances around the WHS (e.g. closure of the A344, which has happened since the Public Inquiry) merited a review of the decision, then this would of course go through the proper due process. In the meantime the council will continue to honour the Inspectors decision at the last Inquiry into By Way 12 at Stonehenge.

Wiltshire Council

Council

29 July 2014

Item 14 - Public Participation

From Cllr Simon Killane, Malmesbury Division

To Cllr Jane Scott OBE, Leader of the Council

Question 14

Are councillors aware of recent events with the Malmesbury Neighbourhood Plan and the High Court approval of 180 houses on a site that was not recommended in the [Draft Plan](#) have exposed serious issues that government urgently needs to address. [I have written to Government Ministers](#) requesting that the take action to restore confidence in the policy of Neighbourhood Planning. Malmesbury is the first community in Wiltshire to reach "Examination Stage" and is likely to be the first to referendum.

Wiltshire Council, under your leadership, has supported and resourced our steering group to make the most of any opportunity to produce a robust, well evidence, community led plan that conforms to County and National planning policies. Wiltshire Council has helped us to try to deliver real local decision making to the people of the Malmesbury Neighbourhood. The Council has also helped us to set an example about what other Wiltshire Communities could achieve. I wish to thank you for the letter that you have sent. Your letter is one of many that are on their way to the ministers.

I call on all the other councillors in this chamber to act on our example and [write to the ministers](#) expressing their concerns about the delivery of the policy and requesting urgent improvements to make it work for the people of Wiltshire.

Response

Gleeson Developments Ltd were successful in their legal challenge and the decision issued by the Planning Inspectorate on 18 March 2013 for 180 dwellings at Malmesbury on land south of Filands will stand (Appeal Reference: APP/Y/3940/A/12/2183526/NWF). This is disappointing given the local community are actively preparing their Neighbourhood Plan to inform where growth should go at the town. Significant progress has been made with the Malmesbury Neighbourhood Plan since the 'land south of Filands' public inquiry took place early 2013 and examination is programmed for September 2014.

In addition to the Gleeson development, another appeal for 77 dwellings on land off Park Road, Malmesbury (Appeal Reference: APP/Y3940/A/13/2200503) is now before the Planning Inspectorate for determination and a decision is expected on or before 4 August 2014. Wiltshire Council hopes that the Inspectorate will give careful

consideration of the implications of the allowed Appeal (land south of Filands), in particular the impact it will have on the Town and the emerging Neighbourhood Plan.

Wiltshire Council

Council

29 July 2014

Item 14 - Public Participation

From Cllr Trevor Carbin, Holt and Staverton Division

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

Question 15

A year ago the cabinet member for highways announced that Wiltshire Council was to purge unnecessary signage to de-clutter our roads. How many signs have been removed to date as a result of this initiative?

Response

The offer to remove extraneous signs was directed through the Community Area Transport Groups (CATGs), who contacted parish and town councils to provide them with any requests. However take up has been low and only a few requests have been made. Active sign removal schemes are currently being progressed at Trowbridge, Melksham, Limpley Stoke, Corsham, Malmesbury, Warminster and Tollard Royal. As yet it is not possible to provide an exact figure of the number of individual signs being removed.

In addition to those locations requested by the CATG's the opportunity for sign consolidation and sign removal has been taken through the Safety Scheme programme. This includes the locations identified on the collision cluster site list and the route reviews on the A420 and A30.

Item 14 - Public Participation

From Cllr Bob Jones MBE, Cricklade and Latton 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 16

Please identify how many people have been/are employed in a PA role and what the total salary cost including on costs is for:

- 2009/10
- 2010/11
- 2011/12
- 2012/13
- 2013/14
- 2014/15 (current levels)

Response

Based on staff with the term "PA", "personal assistant" or "personal secretary" in their job title on SAP as at 1 April for each financial year. Note that figures shown below do not include vacant roles or roles filled with temporary agency cover.

Note that for 2009, 2010 and 2011 these figures do not include staff who undertook PA duties in services in roles with other titles (e.g. administrator).

Year	No. of employees	Salary plus on costs
2009-10	30	£760,456.46
2010-11	26	£694,692.56
2011-12	31	£780,750.74
2012-13	34	£838,729.44
2013-14	32	£809,571.79
2014-15	21	£507,493.49

Question 17

How many people were employed in a PA role and were subsequently made/given redundancy and what was the cost of these redundancies in:

- 2009/10
- 2010/11
- 2011/12
- 2012/13
- 2013/14

Response

VR costs for staff with the term “PA”, “personal assistant” or “personal secretary” in their job title on SAP.

Year	No of employees	Redundancy costs
2009-10	2	£72,425.60
2010-11	1	£16,507.60
2011-12	3	£14,654.11
2012-13	2	£23,924.66
2013-14	5	£67,412.05
Grand Total	13	£194,924.02

Question 18

Please identify all officer/member positions that have access to PA support and identify which officers/member have shared PA support and which have dedicated PA support. Where there are pooled support please identify the ratio of PAs to Officers (ie if the Corporate Directors share their PAs, then identify how many PAs support the CDs).

Response

Prior to 2011 each service area was responsible for their own PA support and staff providing this support were on a variety of different JEQ's and grades. In many areas there was overlap between administrative and PA roles.

In 2011 a review of PA support was undertaken to identify staff undertaking PA duties and to ensure greater consistency across the council. The outcome of the review was the provision of PA support to Service Directors and Heads of Service on a 1:3 ratio (1 full time PA to 3 full time managers) and to Corporate Directors on a 1:1 basis. In some cases service directors and heads of service chose to take a reduced ratio or not to have PA support in their areas.

In 2014 the decision was take only to provide PA support to Corporate Directors and Associate Directors. There is currently a PA review taking place. Once this is implemented there will be 1:1 PA support for the three Corporate Directors and 13 Associate Directors (in total 16fte PA posts). There will be no PA support for head of service level managers.

In 2014 the PA support to the Leader and Cabinet was reviewed. The ratios of PA support in the cabinet office remained the same (1 full time PA to the leader and two

full time PA's to cabinet – in total 3fte). In addition an apprenticeship role was created to provide opportunities for career development within both the cabinet and corporate PA group.

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Wiltshire Council

Council

21 October 2014

Petitions Update

As of 10 October, 2014, 3 petitions have been received by Wiltshire Council since the last report to Council. Further details are shown at Appendix 1 to this report.

No requests have been received to present petitions at this meeting.

Proposal

That Council notes the petitions received in accordance with the Council's Petition Scheme and the actions being taken, as set out in the Appendix to this report.

Yamina Rhouati
Democratic Governance Manager

Background Papers

None

Appendix 1 – schedule of petitions received

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NAME	DATE RECEIVED	RESPONDENTS	ACTION
Installation of traffic calming measures and a footpath to the residential areas of London Road, Shrewton, SP3 4DN.	05 August 2014	263	Parvis Khansari's Office has sent a letter to Ms Woollard (originator).
Speeding traffic in Spa Road, Melksham.	06 August 2014	91	Response sent to Mr Drake (originator) by Peter Binley via email on 19/09/14.
Lighting Chaffinch Drive, Trowbridge	18 August 2014	25	Response provided by Peter Binley on 29/08/14 and petition raised at Trowbridge Area Board.

Note: This does not include petitions received in respect of regulatory matters ie planning and licensing which are dealt with under different procedures.

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Wiltshire Council

Council

21 October 2014

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

Executive Summary:

The local authority has a duty to consider the designation of conservation areas under the Planning (Listed Buildings and Conservation Areas) Act 1990. In south Wiltshire there are 70 conservation areas. Many of these conservation areas were adopted in the 1970s and 1980s and do not have a conservation area appraisal (a written document to explain why they were designated).

Before unification of the Wiltshire councils, Salisbury staff had commenced upon the process of reviewing the Salisbury Conservation Area with a view to dividing one conservation area into four separate designated conservation areas each with their own written appraisal. The consultation process followed the Statement of Community Involvement process as used for Local Development Framework documents.

Proposal

The purpose of this paper is to seek Council's support 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. A map showing the proposed boundary is provided as **Appendix 1** to this report.

Reason for Proposal

The Council has a responsibility to consider the designation of conservation areas under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Salisbury is already a designated conservation area, this being an amalgamation of four sub-areas namely: the city, Milford Hill, Britford and Old Manor Hospital (Wilton Road). The proposal is to de-designate Salisbury Conservation Area and

simultaneously re-designate City of Salisbury, Milford Hill, Old Manor Hospital and Britford. Each conservation area will be accompanied by an appraisal which will be a useful informative document for development control officers as well as the public. The status of the documents would be documents to support informal decision making on planning matters.

Dr Carlton Brand
Corporate Director

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

Purpose of Report

1. To request that Council agree to the de-designation of the Salisbury Conservation Area, and simultaneously authorise the designation of four separate conservation areas, as authorised by the Planning (Listed Buildings and Conservation Areas) Act 1990. A map showing the proposed boundary is provided as **Appendix 1** to this report. All of the proposed conservation area appraisals and management plans are available at the following webpage:
<http://www.wiltshire.gov.uk/planninganddevelopment/ourplanningservices/conservationhistoricenv/salisburyconservationareaappraisals.htm>

Relevance to the Council's Business Plan

2. Part of the Council's Business Plan is 'creating stronger and more resilient communities – a shared vision of Wiltshire for the future' and outcome 3 of that objective is that 'everyone in Wiltshire lives in a high quality environment'. Part of this is a recognition that the quality of the environment, including the historic environment, contributes to the broader goal of a high quality environment.

Background

3. The local authority has a duty to consider the designation of conservation areas under the Planning (Listed Buildings and Conservation Areas) Act 1990. In south Wiltshire there are 70 conservation areas. Many of these conservation areas were adopted in the 1970s and 1980s and do not have a conservation area appraisal (a written document to explain why they were designated).
4. Before unification of the Wiltshire councils, Salisbury staff had commenced upon the process of reviewing the Salisbury Conservation Area with a view to dividing one conservation area into four separate designated conservation areas each with their own written appraisal. The consultation process followed the Statement of Community Involvement process as used for Local Development Framework documents. Extensive consultations took place in 2009 and 2010 (**Appendix 2 (i)-(iv)** is the table of responses received).
5. Following the amendment of the appraisals, planning officers have been guided by these documents in relation to planning applications; however, we

would like to achieve formal endorsement for them as this would grant them more authority.

6. The proposal to de-designate Salisbury Conservation Area and re-designate four conservation areas with minor boundary amendments, each with a written appraisal has been referred to the Southern Area Planning Committee (January 2014) and Cabinet (June 2014) - see **Appendix 2 (i)-(iv)** for public responses to the consultation. In view of the lapse of time between the initial consultations (2009/10) and presentation at Cabinet, a further process was undertaken and those residents specifically affected by the proposed boundary changes were contacted directly by post. A table of responses received and the actions taken is attached (see **Appendix 3**).

Main Considerations for the Council

7. The four conservation areas and their written appraisals have been formally consulted on and are therefore in a position to be adopted by Council.
8. By re-designating four sub-areas, the Council will recognise the individual qualities which characterise each area, and through the accompanying appraisals described these, forming a useful and self-contained document for both development control officers and the public.
9. In adopting the four Conservation Areas, the Council would both recognise and contribute to the high quality of the built environment, including the historic environment, of Salisbury.

Safeguarding Implications

10. The proposal does not have safeguarding implications.

Public Health Implications

11. The proposal has no public health implications.

Environmental and Climate Change Considerations

12. The maintenance and adaptive re-use of buildings and materials is inherently sustainable, and the formal adoption of the proposed conservation areas would support this principle through the planning system. There would, however, be no new or additional planning restrictions introduced as a consequence of the proposals, as they do not introduce a new conservation area but rather redesignate an existing one into four separate and documented conservation areas.

Equalities Impact of the Proposal

13. There would be no new equal opportunity issues raised by the proposal.

Risk Assessment

Risks that may arise if the proposed decision and related work is not taken

14. New development of a lower quality in relation to the existing built and heritage environment may arise in the absence of the more specific Conservation Area designations and appraisals.

Financial Implications

15. There are minimal financial implications for the Council. The documents will generally be made available via the Council website, minimising printing costs. The only other foreseeable costs are advertising costs in the London Gazette to satisfy legal requirements for the de-designation and re-designation of the conservation areas. These costs can be met within the 2014-15 Economic Development and Planning net budget.

Legal Implications

16. The Council has a responsibility to consider the designation of conservation areas under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. By adopting the proposed Conservation Area Designations and their appraisals, the Council works towards fulfilling its responsibilities.
17. The conservation area appraisals will, when adopted, form part of the Local Development Framework which is part of the Council's policy framework. For this reason they require Cabinet approval for referral to Council for adoption.

Options Considered

18. Do nothing: This option would fail to best recognise and contribute to the quality of the built environment, including the historic environment of Salisbury.

Conclusions

19. Salisbury is already a designation conservation area: the proposal to de-designate the existing Conservation Area and redesignate the four sub-areas recognises the unique qualities of their built and historic environments, while at the same time providing useful documentation for both development control officers and the public.

Alistair Cunningham
Associate Director, Economic Development and Planning

Report Author
Jocelyn Sage
Conservation Officer
Tel No. 01722 434387
30 September 2014

The following unpublished documents have been relied on in the preparation of this Report:

None

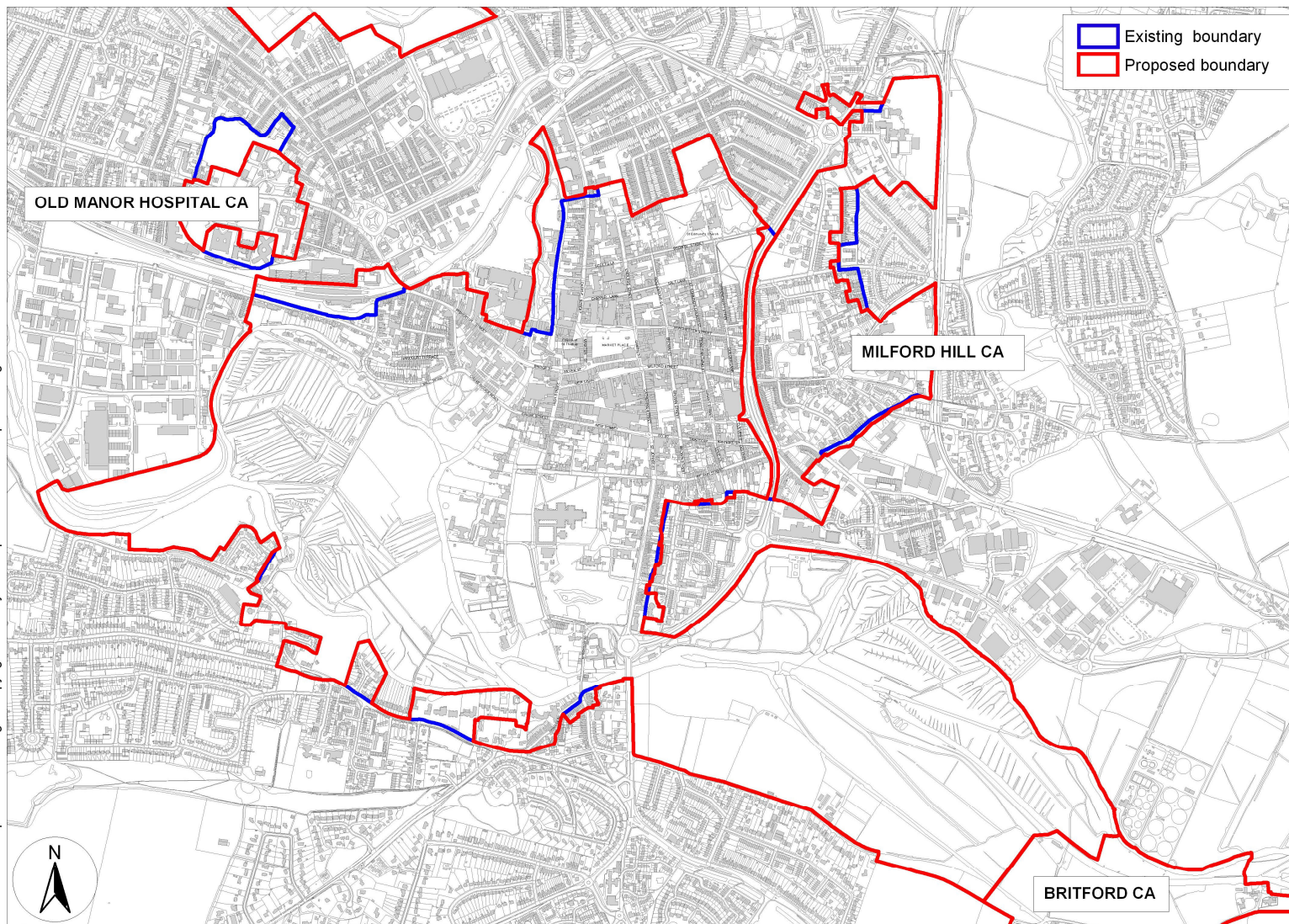
Appendices:

Appendix 1 - Map showing the proposed boundary

Appendix 2 (i)-(iv) -Consultation responses in relation to the 2009/2010 consultation process

Appendix 3 - Consultation responses in relation to the 2014 consultation process (following Cabinet's recommendation)

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Salisbury City Conservation Area: Proposed boundary

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Britford Consultation Responses (2009)

Respondent	Issue No.	Issues Raised	Officer Comment	Action
Brian Wheeler	1	Query over suggestion (ref. 7.3.3 (3)) that block-cut ridges are not appropriate when a master thatcher claimed that the sacrificial ridge should be replaced with a block-cut one to prolong the life of the thatch.	Thatchers differ in their opinions on ridge types. The traditional local style of ridge is flush.	N/A
Gerald Steer	2	Agree with document.	N/A	N/A
Mrs Andrew Rose	3	Would like to see a proposal for the improvement of the footpath network to encourage people to access the area more easily, e.g. could the footbridge at GR 175270 be replaced to enable access from Lower Farm to Alderbury, or a link created between Lower Farm and the fish farm to the north to enable a circular route through the meadows and along the river?	Not within the scope of this document.	N/A
Mr & Mrs Ladbury	4	Should there be some mention of the former estate cottages on the High Road? Need to consider all properties and the school when thinking about the future of the village.	These were looked at before arriving at proposals to amend the boundary of the CA.	N/A
	5	The separation of Britford from the Downton Road developments is important to its setting. Should the fields that create this strategic gap be included in the conservation area in order to preserve the character and appearance of the CA?	It is not the purpose of the CA to protect areas from development.	N/A
	6	Is any funding proposed for repairs to the church lychgate?	The proposals are aspirational. No funding identified at this stage.	N/A
	7	What is proposed to happen to the former estate yard (now owned by the council) – it is unused and partly derelict?	Need to check for any extant planning permission and mention in document.	
Dr Annabel Lawson	8	Same issue as 5 above.	See comments to issue 5 above.	N/A
	9	Some trees have recently been felled. Please check whether the trees shown on plan Figure 9 as screening the sewage works from the bridge at the end of the lane opposite Bridge Farm still exist.	Need to check on site.	

Respondent	Issue No.	Issues Raised	Officer Comment	Action
	10	The idea to create an open-sided wooden barn to house the cycling is welcomed.	N/A	N/A
	11	Should the area of archaeological potential extend beyond Rectory Farm, since this area is probably the site of the original ford and therefore, possibly an ancient route?	Check with consultants.	Having reconsidered this, it is not considered that there is sufficient archaeological potential beyond Rectory Farm.
Malcolm McCoy	12	13.00 Key views and vistas – the views from Lower Road and Church Lane to the north, and views to the northwest from the area near the church and Rectory Farm (para 7.3.1) are marred by the ugly Wessex Water treatment works at Petersfinger. Include this in 'negative elements' (15.00). Suggest screening with suitable vegetation to the south and east of the works would be a great improvement.	Agree.	Add this to 'Negative Elements' section.
	13	The 'strategic gap' between Britford and Salisbury should be maintained.	See comments to issue 5 above.	N/A

Milford Hill Consultation Responses (2009)

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Tim Foat	2	<p>a. Disagrees that no 49 Elm Grove Road should be removed from the CA. Thinks this will result in further erosion of the character of the area.</p> <p>b. Suggests introducing a grant scheme.</p>	<p>We consider character eroded in this area.</p> <p>Not being proposed (no funds)</p>	No further action required
Eileen Pennell	3	Objects to the proposed removal of the Crescent from the CA. Considers the houses are of a distinct character, retaining some of their historic features and with remnants of an orchard. Also would like to see Beckingsale House retained in the CA.	Agree that Crescent has certain arcadian qualities (though few surviving historic features).	Amend boundary to leave The Crescent in the conservation area. Will need to re-consult .
Mrs S A Kerrod	4	Argues that the Crescent and Beckingsale House have a different character to Tollgate and Rampart Road. They have a more arcadian quality – because of the grounds and trees. Could argue that they are an extension to Milford Hill House. Also that the houses retain some historic features.	See previous comments (3).	Amend boundary to leave The Crescent in the conservation area. Will need to re-consult .
Simon Bailey and Amanda Pocock	5	Argues that the Crescent is secluded and of a unique character and that the properties have retained significant original features.	See previous comments (3)	Amend boundary to leave The Crescent in the conservation area. Will need to re-consult .
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Gerald Steer	10	Objects to the removal of Rampart Road on the basis that the omission of this road would result in a further lowering of the quality of the terraces.	Actually don't think the quality could be lowered further as very little survival of historic windows, doors, roofs, proliferation of very large dormers etc. However do	<p>Leave Rampart Road in Conservation Area.</p> <p>Will need to re-consult.</p>

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			consider it is an important view from ring road and a natural boundary to CA.	
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Simon H B Pearce	12	Can’t understand removal of area that was added to the CA following development of The Close. Concerned about implications for Close of deregulation.	See previous comments (8) and (9).	Revise boundary to leave Courtwood Close in the conservation area. Will need to re-consult .
The Wiltshire Archaeological and Natural History Society	13	Seems to raise no objection to the proposal to exclude 5 areas from the Conservation Area.	Noted.	No action required.
Philip Vale	14	Flags up a number of errors in document, namely: <ul style="list-style-type: none"> a. Errors in relation to the numbering of houses in Campbell Road; b. One of the maps (Boundary Review map) at the end of the document contains an error (excludes The Old Rectory which is proposed for inclusion in CA). c. Photo in leaflet incorrectly labelled (shows Campbell Road and not Fowler’s Hill). d. No objections to proposal to include Old Rectory into CA on basis that: doesn’t cover internal works; homeowners will not be compelled to carry out certain works; that they will be able to replace single-glazed wooden sash windows at some future point with double-glazed windows which “utilize modern materials”; does not prevent loft conversions/use of rooflights; will not have to reduce height of fences/walls. 	Noted and agreed. Noted Noted Noted	Amend document Amend Boundary Review map Amend photo in leaflet and check correct in full appraisal No action required

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Michael Drury	15	<p>a. Welcomes Article 4 proposals but thinks that the list should not be so restrictive – but include streets rather than short runs of houses.</p> <p>b. Makes the point about the importance of Highway trees in this area and requests that reinstatement of trees should be contained within the management plan.</p> <p>c. Makes several specific points as follows:</p> <p><i>P22 para 18.1 bullet point 4 – inaccurate numbering;</i> <i>P24 para 20.1 – rewording needed;</i> <i>P27 Appendix 27 line 6 – numbering of houses incorrect;</i> <i>P28 Appendix B – as above.</i></p>	<p>Noted. This could be revisited at the stage of considering an Article 4.</p> <p>Noted</p> <p>Noted. JS to check.</p>	<p>No action needed.</p> <p>Consider amending document.</p> <p>Amend document (JS) Amend document (JS) Amend document if necessary Consider amending document</p>
Nicola Allerton	16	Makes the point that The Crescent has a different character – more tranquil and also verdant. Shares a greater relationship with the YHA than it does with Rampart Road. Feels the area has a more ‘rural’ character and that buildings’ retain their historic character. Would like The Crescent to remain within the CA.	See previous comments (3)	<p>Amend boundary to leave The Crescent in the conservation area.</p> <p>Will need to re-consult.</p>
Christine Wilson	17	Objects to the removal of Courtwood Close from CA. Concerned about erosion of cohesion of area and impact on trees. Also doesn’t understand why it is now being excluded when it was consciously included.	See previous comments (8) and (9)	<p>Revise boundary to leave Courtwood Close in the conservation area.</p> <p>Will need to re-consult.</p>
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Salisbury Conservation Area Advisory Panel	20	Argue that whilst there has been an erosion of historic features, the western group should not be excluded from the CA in view of the visual prominence of the terraces. Suggested redrawing the boundary to exclude road but retain terraces within.	See comments at 10.	Revise boundary to leave in historic roads but exclude Ring Road. Will need to re-consult .
Mr Jim Humberstone	21	Doesn't think enough is made of layout ie inherited elements of layout based on former routes etc. Believes passages, back lanes and alleyways are often not clearly identifiable and therefore vulnerable.	Noted but difficult to see how this could be drawn out in appraisal. Importance of certain lanes ie Milford Hollow is mentioned in text.	No further action proposed.
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Milford Hill Consultation Responses (2009)

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Salisbury City Consultation Responses (2009)

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Salisbury Civic Society	1	Splitting the CA into four seems a reasonable approach; the documents cover a good range of details; the quality of the photographs and maps is to be commended.	N/A	N/A
	2	Suggest need a general map that clearly locates the chequers.	Agree and actioned.	Map of Salisbury to be produced which shows the chequers in context of whole city.
	3	Suggest that more information should be contained within the tables attached to the chequers, e.g. more description of the condition, impact or benefit of the buildings in each chequer, in order to provide better guidance to applicants, officers, etc.	Agree and actioned.	Consultants to provide further text.
	4	Unsure that the chequer approach to analysing the CA is best (not sure that one perceives the chequer character on the ground). Concern that this has resulted in missing out on characterising the wider picture, e.g. views and vistas, which need to be described rather than only marked on maps.	Agree that some further characterisation based on key routes would be beneficial.	Further survey work and characterisation to be carried out.
	5	Guidance for redevelopment should be general, and to include drawings and plans might be seen as prescriptive.	Agree and actioned	Remove sketches showing suggested proposals.
Wiltshire Archaeological and Natural History Society	6	The redrawing of boundaries to exclude modern developments appears sensible.	N/A	N/A
Salisbury Vision Board	7	The board considers that the proposed changes are consistent with the stated objectives of the Vision, and broadly welcomes the proposals.	N/A	N/A
	8	The proposal shown for the bus station site in Endless Street (Fig 173) is contrary to the objectives of the Vision, and would place unacceptable constraints on the council's ability to bring forward the comprehensive redevelopment of the Maltings. Accordingly the board would request that the plan and supporting text are removed from the document.	Agree and actioned	Remove sketch proposals for Bus Station site.

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Gerald Steer	9	P8, 5.1.8 – the plague killed local people, but population was maintained by immigrants from the villages.	Noted.	Amend document accordingly.
	10	P10, 5.3.3 – the buildings around the Market Sq almost all had semi-basements.	Noted.	Amend document accordingly.
	11	P11, 5.4.1 – there are also a no. of high quality Victorian buildings, especially around the Market Sq.	Agree.	Add these buildings to the list.
	13	P13, 6.4.1 – Winchester St could also be mentioned, along with Fisherton St, as being a small centre of locally-owned businesses that are generally successful.	Agree.	Add to document.
	14	P14, 6.5.1 – more mention should be made of the tree-lined horizon around Salisbury, particularly to the south and around Leehurst Swan School.	Agree.	Amend document accordingly.
	15	P16, 6.6.1 – disagree that most of the chequers are given over to parking. Some remain 'green lungs'.	Disagree – there is a significant amount of parking within the chequers.	N/A
	16	P21 – note that 51 Blue Boar Row is definitely from the 1480s, as proved by contract sale from County Records. It is NOT 14 th century as stated.	Noted.	Amend document accordingly.
	17	P23 – in Cross Keys Chequer, Queen St actually faces EAST.	Don't understand this comment.	-
	18	P73 – more emphasis should be placed on the importance of the trees in the Market Place.	Disagree – feel this has been covered adequately (see p105).	N/A
	19	P76 – note that in Exeter Street there are at least two buildings that dates from late 15 th century.	Noted.	Amend document accordingly.
	20	P76 – the Close Wall is made of stone, largely brought down from Old Sarum, hence carved stones. Wall also contains some Hurdcott and Chicks Grove stone.	Noted.	Amend document accordingly.

Respondent	Issue No.	Issues Raised	Officer Comment	Action
	21	P77 – Says The Green CRAFT by mistake.	Noted.	Amend document accordingly.
	22	P81 – there are a number of buildings in Fisherton St that date from the 15 th century, e.g. the Teed Tools building.	Noted.	Amend document accordingly.
	23	P82 – no mention is made of the appalling quality of the north side of the buildings on the north of Fisherton St that back onto the side of the City Hall and face the Playhouse.	Discuss whether we should add something about this.	Add paragraph regarding opportunities for redevelopment or enhancement.
	24	P98 – note that mathematical tiles are also often, more commonly, fixed to continuous butted pine boards nailed to framed buildings behind.	Noted.	Amend document accordingly.
	25	P99 – Victorian influences are not always modest. Ref. The Lloyds Bank (corner of Castle St/Blue Boar Row) and Portland BS (Queen St/Winchester St).	Noted.	Amend document to emphasise that the residential ones are modest.
	26	P100 – should ‘Poultry cross’ be ‘Poultry Cross’?	Noted.	Amend document accordingly.
	27	P101 – ref. Comment 20 regarding mix of stones.	Noted.	Amend document accordingly.
	28	P103, 9.11.1 – there are a no. of slate-hung buildings – Silver St, Crane St, Butcher Row.	Noted.	Amend document accordingly.
	29	P103, 9.12.1 – frames survive from all the centuries between 13 th – mid-16 th centuries. They are not normally referred to as ‘box timber frames’, just ‘timber frames’.	Noted.	Amend document accordingly.
	30	P104 – the serrated ridge tiles in Salisbury are ‘thumb ridges’ NOT ‘hog backs’ (they were made by pinching the ridge between thumb and forefinger). Several examples can be seen in the museum.	Noted.	Amend document accordingly.
	31	P105 – see comment 14 RE: trees.	Noted.	Amend document accordingly.

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	32	P122 – Need more discussions and recommendation for streetscape, surface design and signage. Also suggest comment regarding the chosen design for the Market Place and further pedestrianisation should be mentioned.	The council's public realm strategy will be making recommendations. Noted.	N/A
	33	General – concern over specific plans and axonometrics – too prescriptive. Suggest would be more appropriate to have text only which identifies potential redevelopment sites, and suggest materials, density, heights, but not illustrate.	Agree.	Remove sketch proposals.
	34	Support proposals for inclusion of the terraces in Harnham and the omission of the Grasmere House Hotel and sheltered housing scheme.	N/A	N/A
Salisbury Conservation Advisory Panel	35	Panel happy with the proposed changes to the boundary.	N/A	N/A
	36	The use of chequers as the basis of the appraisals, whilst understandable, has its limitations, and requires a better map showing relationship to surrounding streets.	See comment on Issue 2	N/A
	37	P76 Exeter St – the importance of retaining the complete circuit of the Close wall, particularly its southern section, should be emphasised, to militate against any possible revival of proposals for creating new entrance through it. NB. the materials of the wall are not restricted to solely Chilmark.	Disagree – feel importance of wall is adequately covered.	N/A
	38	6.4.1. Fisherton St – the suggestion that this is 'a successful urban quarter, unlike the central retail area' is highly contentious and needs amending.	Noted.	Amend document accordingly.
	39	Brown St – reference needs to be made to the visual contribution of the unlisted Baptist church.	Noted.	Amend document accordingly.
	40	7.4.9 – the reference to 'modest Victorian influence' underplays the contribution made by Victorian buildings to the city, particularly to the centre.	Noted.	Amend document accordingly.

Respondent	Issue No.	Issues Raised	Officer Comment	Action
	41	14.1 – The Cathedral Hotel, Milford St, should be removed from the BAR list.	Noted.	Remove Cathedral Hotel from BAR list.
	42	The section relating to the bus station in Central car Park should be removed in its entirety, as it is quite unrealistic in the light of the proposed Vision.	Agree.	Remove sketch proposals for bus station.
	43	All references to redevelopment of specific sites should be restricted to written material, with drawings removed (too prescriptive).	Agree.	Remove sketch proposals.
	44	The section dealing with the Market Place needs to be updated to reflect the recent appointment of architects and the particular design approach.	Disagree.	N/A
	45	Further analysis of sites which make a negative contribution to the townscape would be useful. Possible sites include the back gardens of houses on the N side of Fisherton St, which face towards the Playhouse and City Hall, and the small WC-owned car park on the N side of Salt Lane (at its E end, near The Greencroft).	Noted.	Do not consider that it is feasible to go into further detail on individual sites.
	46	21.3.1 – refers to civic society's 'Streetscape – Streets for All' survey document. A reference could also be usefully inserted at some point to the civic society's 'Salisbury in Detail' book, for its portrayal of individual features of value within the CA.	Noted.	Amend document accordingly.
Richard Deane	47	5.2.1 – final sentence unclear.	Noted.	Amend document accordingly.
	48	6.6.1 (Character area 1: historic core, including chequers) says 'most of the chequers are given over to parking in the centre'. Is this not an exaggeration?	Disagree – see issue 15.	N/A
	49	6.6.5 (St Edmund's Ch etc.) 1 st para – after 'demolished in 1865' add 'and replaced by the present chancel'?	Noted.	Amend document accordingly.
	50	6.6.5 townscape summary – update on swimming pool building (2 nd para), and add reference to new Bourne Hill extension?	Noted.	Remove the reference to the swimming pool building and update on extension to Bourne Hill.

Respondent	Issue No.	Issues Raised	Officer Comment	Action
	51	6.6.8 title Water Lane NOT Street.	Noted.	Amend document accordingly.
	52	6.6.10 Watermeadows, townscape summary, 2 nd para – Should be Town Path NOT Walk (mentioned 3 times).	Noted.	Amend document accordingly.
	53	7.4.8 Final point – mathematical tiles on many buildings, but tuck only on a few?	Noted.	Amend document accordingly.
	54	7.7.1 – Point 4 on train station is inaccurate, both by confusing two buildings and getting the listed status wrong (though the latter is corrected later).	Noted.	Amend document accordingly.
	55	Post office is of Chilmark Stone NOT Portland/Purbeck.	Noted.	Amend document accordingly.
Jim Humberstone	56	Opening stages of document – should place greater emphasis on what is so special about the city and its origins. Significance of cathedral being raison d'être for plan of city. This should guide philosophies for the protection of the city.	It is considered that sufficient weight has been given to the origins of the city, for the purpose of this document.	N/A
	57	Historic background – should emphasise the role of bishops as developers and urban entrepreneurs. Important urban design exercise.	It is considered that sufficient weight has been given to the origins of the city, for the purpose of this document.	N/A
	58	Phased development of the city should be mentioned, and how this is identifiable in the street pattern, layout and grain.	Do not consider that this is necessary here.	N/A
	59	Townscape – should place greater emphasis on townscape characteristics as an outcome – not just buildings, design and materials – but the 3-D relationships of spaces and enclosure (in the manner of Gordon Cullen).	Consider that further analysis would be beneficial.	Additional text to be produced based on key routes.
	60	Bibliography – could add 'Salisbury – the Changing City', Breedon Books, 2003 (written by the local studies' librarian), and also 'Understanding Place', EH, 2009.	Agree.	Add to bibliography.

Respondent	Issue No.	Issues Raised	Officer Comment	Action
Network Rail	61	<p>Object to the inclusion of the railway station within the conservation area. Cannot see any reason for doing this, given that the station is a listed building.</p> <p>Furthermore, Network Rail is concerned that CA designation could impact on its ability to operate, manage and improve the railway.</p>	<p>Conservation areas and listed buildings are two separate, sometimes overlapping, forms of designation.</p> <p>Operational issues are not grounds for objecting to CA designation. Can only object on grounds that are not of special architectural or historic interest.</p>	N/A

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Salisbury Boundary Revisions Consultation (2014)

Issue No.	Issues Raised	Action
1	Concerned about residence being removed from Conservation Area	Residence not, in fact, being removed from Conservation Area.
2	Asked for further information/clarification	Provided more information and clarification in person.
3	Requested a more detailed map of proposed boundary changes	Map provided.
4	Commented that residence was no longer in Conservation Area and wondered what impact this had.	Provided explanatory information
5	Concerned about residence of house from conservation area.	Provided more information and rationale for the change.

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Wiltshire Council

Council

21 October 2014

Licensing Act 2003 - Statement of Licensing Policy 2014 - 2019

Summary

This report describes the work undertaken to develop a revised statement of licensing policy (2014-2019) for Wiltshire Council.

Following the Licensing Committee's consideration of the revised licensing policy on 8 September 2014, the committee approved the policy and referred it on to Council for approval.

Proposal

It is recommended:

That Council approves the Statement of Licensing Policy (2014 -2019) (Appendix 1) under Licensing Act 2003

Reason for Proposal

The Council must review its Licensing Policy every five (previously every three) years. The Policy is due for review and must be consulted on and approved by full Council prior to it being published and coming into force.

Maggie Rae
Corporate Director

Licensing Act 2003 - Statement of Licensing Policy

Purpose of Report

1. The Council must review its Licensing Policy every five (previously every three) years. The Policy is due for review and must be consulted on and approved by full Council prior to being published and coming into force. Following amendments considered by the Licensing Committee on 8 September 2014 a final draft version of the Licensing Policy is submitted to Full Council for approval.

Relevance to the Council's Business Plan

2. "People are protected from harm as possible and feel safe"

"People in Wiltshire work together to solve problems locally and participate in decisions that affect them".

Main Considerations for the Council

3. It is a statutory requirement that, at least every five years, the Council, as Licensing Authority must produce a Statement of Licensing Policy. This policy must be approved by Council as this is not a function that can be delegated to the Licensing Committee.

Background

4. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Act with a view to promoting four licensing objectives, namely:
 - The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance, and
 - The protection of children from harm.

The Licensing Act 2003 was designed to be light touch legislation covering a number of "licensable activities". Such activities are defined within the Act and broadly relate to the sale of alcohol, provision of regulated entertainment and provision of late night refreshment. This Policy provides the local

implementation framework and outlines how the Licensing Authority fulfils the Licensing Act 2003 and ensures that the licensing objectives are met.

5. In order for the Licensing Authority to discharge its licensing functions it is required to draw up and publish a Licensing Policy or Statement of Licensing Policy under the Licensing Act. This policy is to be reviewed every five years and be the subject of a full consultation process.
6. A report of 28 April 2014 sought the Licensing Committee's support for the draft Licensing Policy for consultation. Section 7 of the Act provides that functions in relation to the five year Licensing Policy cannot be delegated but must be approved by full Council.
7. A twelve week consultation on the draft policy took place from 9 May – 31 July 2014. There were 23 responses' received from the public consultation, 10 Wiltshire Councillors responded to the member's survey and 5 emailed comments were received direct to the Licensing Team. Most responses were in support of the new draft policy, several pointed out grammatical errors or suggested re-wording and a number of village halls had questions relating to Temporary events notices or fees.
8. Subsequent amendments were made to the Council's draft Licensing Policy before being considered by the Licensing Committee on 8 September 2014. At that meeting the committee approved the revised policy and referred it on to Council for approval.
9. The Licensing Policy is a document setting out the Council's proposals to ensure a balanced approach towards the licensing of premises which sell/supply alcohol or provide regulated forms of entertainment. The revised Policy has been based on the requirements of the Act and includes changes as a result of either new or amended legislation, regulations or guidance issued by the Secretary of State.

Safeguarding Implications

10. One of the key objectives of, the Licensing Act 2003 is 'The Protection of Children from Harm'. Wiltshire Council's Child Protection Team are a Responsible Authority under the Licensing Act 2003. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

Public Health Implications

11. The inclusion of the health service as a responsible authority under the Licensing Act 2003, which occurred in 2012, enables health bodies to have a say in alcohol licensing. As a responsible authority Public Health receives all new and variation applications and has opportunity to comment under the licensing objectives" The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered.

Environmental and Climate Change Considerations

12. There is minimal environmental impact of these proposals. Successful application of the licensing functions should reduce the impact of licensable activities on local communities i.e. noise and public disorder

Equalities Impact of the Proposal

13. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

Risk Assessment

14. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Wiltshire Council in a position of being unable to undertake its statutory responsibilities and functions under the Act.

Risks that may arise if the proposed decision and related work is not taken

15. Criticism of the Council and compromise the reputation of the Wiltshire Council.

Financial Implications

16. There are no additional financial implications of the proposals contained within this report

Legal Implications

17. Under the Licensing Act 2003, the Council is required determine its policy with respect to the exercise of its licensing functions and to publish a statement of that policy. This must be done for each five year period and the current policy is due to expire at the end of this year. The Council must, therefore, now adopt a new policy. The Licensing Act requires the Council to specifically consult various organisations before adopting a new policy, in addition to more general consultation. This consultation has taken place and the views of consultees taken into account in the revised draft.
18. The Statement of Licensing Policy sets out the approach that the Council will take to the exercise of its licensing functions. The Council is required, by section 4 of the Act, to have regard to its policy, when exercising any of its licensing functions. This includes the determination of applications for new licences and reviews of existing licences.

Conclusions

19. The adoption of a revised Statement of Licensing Policy by December 2014 is a statutory requirement.

Proposal

20. That Council approves the Statement of Licensing Policy (2014 -2019) (Appendix 1) under Licensing Act 2003, to come into effect from 1 November 2014.

Maggie Rae
Corporate Director

Report Author: Linda Holland

Linda Holland Public Protection Team Leader - Licensing

24 September 2014

Background Papers

Licensing Act 2003

Home Office Guidance: Section 182

Appendix

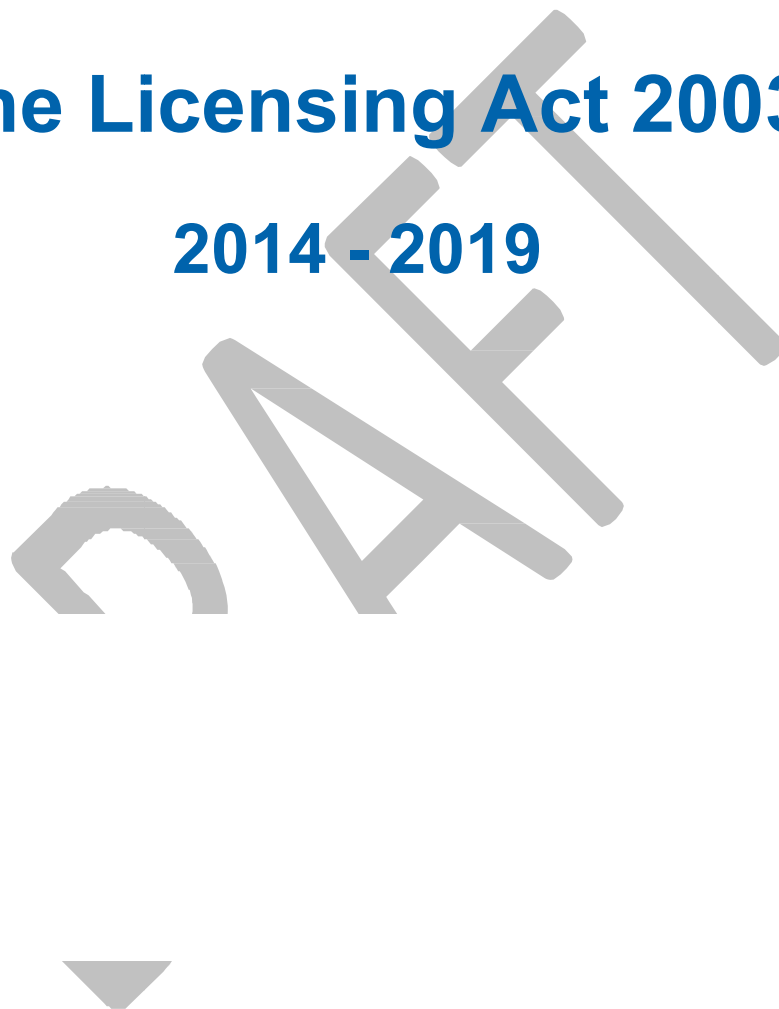
- 1 Statement of Licensing Policy 2014-2019
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Statement of Licensing Policy

The Licensing Act 2003

2014 - 2019



Please read this document carefully and retain it for future reference

Contents

1.0 Introduction

- 1.1 Purpose and scope
- 1.2 Key aims
- 1.3 Consultation
- 1.4 Licensing function
- 1.5 Licensing objectives

2.0 Prevention of crime and disorder

- 2.1 Toughened/safety Glass
- 2.2 Pubwatch
- 2.3 Information sharing and reporting incidents
- 2.4 Door supervisors/stewards
- 2.5 Dispersal policy
- 2.6 Drugs in premises

3.0 Promotion of public safety

- 3.1 CCTV
- 3.2 Alcohol consumption
- 3.3 Alcohol harm reduction
- 3.4 Public health
- 3.5 Occupancy limits
- 3.6 Health and safety

4.0 Prevention of public nuisance

- 4.1 Odour
- 4.2 Lighting
- 4.3 Waste/litter
- 4.4 Noise
- 4.5 Entertainment

- 4.6 Disturbance from customers
- 4.7 Plant and equipment
- 4.8 Servicing
- 4.9 Fly posting, flyers and graffiti

5.0 Protection of children from harm

- 5.1 Age verification/underage sales on/off premises
- 5.2 Proxy Sales
- 5.3 Children and cinemas/theatres

6.0 Licensing process

- 6.1 Application for premise licence and club premises certificates
- 6.2 Licensing conditions
- 6.3 Licensing hours
- 6.4 Permitted temporary activities
- 6.5 Large scale events
- 6.6 Delegation of decision making
- 6.7 Application for personal licences
- 6.8 Delegation of premises supervisors

7.0 Enforcement

- 7.1 Inspection of Licensed premises
- 7.2 Complaints regarding licensed premises
- 7.3 Reviews of licences
- 7.4 Other powers and legislation

8.0 Other licensing authority powers

- 8.1 Cumulative impact policy
- 8.2 Late night levy
- 8.3 Early morning restriction order

9.0 Links to strategies and plans

10.0 Further advice and guidance

11.0 Appendices

Appendix A – Premises License – New Applications

Appendix B – Premise License – Variations

Appendix C – Temporary Event Notice

Appendix D - Review Process for Licensed Premises and Club Premises Certificates

Appendix E - Glossary

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1.1 Introduction

This statement has been prepared having regard to the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003 ('the Act') and as required of the licensing authority under Section 5 of the Act.

This statement of licensing policy will be kept under review throughout its period of validity and amended as considered necessary. Any amendments will be subject to consultation.

This statement takes effect from 1 November 2014 and will be scheduled for review in 2019.

The licensing regime implemented by the Act and operated by Wiltshire Council as licensing authority is about the appropriate control of licensed premises, qualifying clubs and temporary events. It also covers the people who manage these premises or hold personal licences within the terms of the Act. Applications covered by the Act and relevant to this statement include:

- personal licences
- premises licences – including provisional statements
- variations
- transfers
- interim authorities
- temporary events
- club premises certificates
- designated premises supervisors
- reviews.

1.1 Purpose and Scope

This statement sets out the policy of the licensing authority with respect to carrying out its licensing functions under the Licensing Act. These include policy formulation, administration, monitoring, and enforcement activities. The latter will include working with and sharing permitted data with other regulatory and enforcement agencies.

The following will also be relevant to the way in which the licensing authority exercises its functions under the Act:

- Each application will be determined on its own merits having regard to the licensing objectives; relevant guidance including that issued under Section 182 of the Licensing Act 2003, and local criteria.

- The solicitor to the council will ensure that the rules of 'natural justice' will be applied at all times during hearings or reviews.
- The statutory right of any responsible authority or other person to make appropriate representations to an application or to seek a review in respect of a granted authorisation where appropriate is accepted.
- The impact of the activities taking, or proposed to take, place at a licensed premises on businesses or individuals who are likely to be affected by it.
- The licensing authority, on behalf of the council, may notify parties they consider appropriate such as divisional councillors, town and parish councils of relevant applications.
- There is no presumption that any licence under the Licensing Act will be granted.

1.2 Key Aims

The key aims of this statement of licensing policy are for the council as the licensing authority to:

- Promote and give precedence to the licensing objectives.
- Recognise the need to assist in building a fair, vibrant, and prosperous society in Wiltshire that properly balances the rights of residential communities, the business sector and other relevant parties.
- Secure the safety and amenity of residential communities whilst facilitating a sustainable, diverse, entertainment and hospitality sector in Wiltshire.
- Integrate its aims and objectives with other initiatives that will:
 - create an attractive and vibrant area, which has a positive effect on employment
 - reduce local crime, disorder and anti-social behaviour
 - reduce alcohol harm
 - reduce the supply and use of illegal drugs in licensed premises
 - encourage the self-sufficiency of local communities
 - reduce the burden of unnecessary regulation on businesses and promote self-help

- reduce the health impacts of alcohol misuse and dependence; reduce the impact of alcohol related incidences on A&E services
- continue its commitment to working in partnership with other agencies and organisations through both formal and informal arrangements towards the promotion and achievement of the objectives set out in this policy
- endeavour to reflect the diversity of Wiltshire through its blend of urban and rural settlements
- give direction to applicants, so that they can make informed decisions in respect of their own ventures.

1.3 Consultation

In reviewing this statement the licensing authority consulted widely with all necessary bodies and relevant stakeholders. A list of those consulted is available from the licensing authority on request. The consultation process was conducted between May 2014 and July 2014 by way of a direct letter to those identified and also via publication on the council's website. Responses received were listed on a matrix document and each point made was given due consideration.

1.4 Licensing function

The licensing authority recognises that the provision of entertainment is a major contributor to the economy of the council's area. It makes for a vibrant and attractive area, which subsequently has a positive effect on employment. The licensing authority also recognises that owners and occupiers of commercial premises have a legitimate expectation of an environment that makes and keeps their businesses sustainable.

The licensing authority welcomes the opportunity to encourage the development of the cultural, artistic, leisure and hospitality sectors in Wiltshire. It will assist all applicants in endeavouring to meet their aspirations within the law.

The licensing authority also has regard to wider considerations affecting the residential population and the amenity of any area. These include dropping litter and street fouling, noise and street crime. It is, however, recognised that the licence holder has limited control over individuals once they are away from the premises.

The licensing authority recognises that the diverse range of licensed premises throughout Wiltshire makes a major contribution to attracting both initial and repeat visitors to both the historic localities, and diverse venues.

The licensing authority acknowledges that circuses can fall on the edge of the licensing regime depending on the nature of their show. Normally it will expect such events to obtain an authorisation under the Licensing Act (subject to legislative

change, Section 182 guidance etc) where the land concerned is not already licensed under the 2003 Act.

1.5 Licensing objectives

The council will carry out its statutory duties under the Licensing Act 2003 as the licensing authority and have due regard to the licensing objectives.

It is important to note that all objectives have equal importance in the implementation of this policy.

The Licensing objectives are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance and;
- the protection of children from harm

The licensing authority expects individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the nature of the location and the impact on the local community.

Where there are no relevant representations, or they have been withdrawn at or before a hearing, the application will be granted as requested subject only to conditions which reflect the operating schedule and any mandatory conditions. Most premises do and will operate without any significant concerns to the licensing objectives. However, where there is a relevant representation, the application will usually proceed to a hearing, following which the licensing authority may take such steps as are necessary to promote the licensing objectives, as provided for in the Act.

The following sections set out the licensing authority's policy relating to the four licensing objectives. It is emphasised that these objectives are the only matters which can be taken into account by the Licensing Committee and they will pay particular attention to them at a hearing, when determining applications and applying any conditions. A hearing must be called when relevant and valid representations are made by any person or responsible authority, based upon the four licensing objectives.

2.0 Prevention of crime and disorder

The council acting as the licensing authority has a duty to act solely or with its partners to reduce crime and disorder throughout Wiltshire, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. The council as a member of the Wiltshire Community Safety Partnership will work with relevant partners to utilise legislation as required to prevent crime and disorder issues.

Applicants are required by law to set out in their operating schedule the steps they propose to promote the prevention of crime and disorder. Responsible applicants will ensure proper regard in their operating schedule to the location, character and condition of the premises, the nature and extent of the proposed use and the persons likely to be attracted to the premises.

The council expects the premises licence, or club certificate holder to take steps to control excessive consumption and drunkenness on their premises. This will reduce the risk of anti-social behavior and violent crime occurring both on the premises and elsewhere after customers have departed. Licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities. The licensing authority expects all applicants to consider a number of key conditions, where relevant to the type of licensable activity being proposed:

2.1 Toughened/safety glasses

Standard annealed glass bottles and drinking containers used in the leisure and hospitality sectors to supply alcoholic and non-alcoholic drinks may be used as weapons inflicting serious harm during incidents of disorder. Police evidence indicates that incidents are particularly likely in or within the immediate vicinity of a pub, club or nightclub. It is suggested that where the application relates to the sale of alcohol on the premises, the applicant considers measures to prevent glass bottles or glasses being taken off the premises.

In particular this is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond 11pm. Possible exceptions would be facilities for hotel residents and their guests or a restaurant where the bar is primarily provided for restaurant customers.

Outside licensed premises, glass containers, as well as being potential weapons, add to street debris, pose risks to street cleaners and pedestrians and generally undermine the objective to minimise public nuisance. Therefore the policy also applies to any premises where outside areas are provided for consumption of alcohol, particularly where the outside area is in or adjacent to a public place.

The licensing authority believes that the use of safer alternatives to annealed glass i.e. plastic will help promote public safety and the prevention of crime and disorder in licensed venues.

2.2 Pubwatch

The licensing authority recognises the value of Pubwatch schemes will play a supportive role and attend meetings as appropriate. Where such a scheme is active in the locality of a premise, the applicant is strongly encouraged to become an active member of Pubwatch. As well as traditional pubs and entertainment venues, this includes premises that are licensed solely for the sale of alcohol for consumption off the premises.

Pubwatch provides a forum for sharing information, disseminating best practice and meeting with representatives of the licensing authority, the police and other responsible authorities. The licensing authority encourages all licensees to actively participate in their local Pubwatch scheme and is keen to support the development of more schemes where there is a demand.

2.3 Information sharing and reporting incidents

As well as sharing information through formalised Pubwatch schemes, licensees are encouraged to share and report incidents to relevant agencies as and when appropriate, rather than waiting for a next meeting. Any issues of crime and disorder should be reported as soon as possible to Wiltshire Police. If persons or property are in danger then this should be done through calling '999', alternatively the '101' number should be used. Incidents that occur on licensed premises should be recorded and made available to Wiltshire Police and other agencies.

Wiltshire Police and Wiltshire Council work in partnership to target those individuals who cause crime and disorder. Drink Banning Orders (sec 1-14 Violent Crime Act 2006), Exclusion Orders (sec 1 Licensed Premises Act 1980) and Anti- Social Behaviour Orders (sec 1 Crime and Disorder Act 1998) and any replacement powers will be utilised to assist in the prevention of crime and disorder. Information about relevant orders against persons will be shared with premises. License holders are also expected to assist in preventing crime and disorder by notifying Wiltshire Police of any persons who breach orders relevant to their premises.

2.4 Door supervisors/stewards

Any person engaged at licensed premises to carry out security activities including the prevention of access to or the physical ejection of a person from the same premises on behalf of the licensee must hold and display a valid current licence issued by the Security Industry Authority (SIA) or any successor system.

The licensing authority will consider representations that indicate that specific premises require door supervision for the purpose of meeting the crime and disorder or public safety licensing objectives. In such cases, the licensing authority may impose a condition that an agreed number or ratio of licensed door supervisors must be employed at the premises either at all times, or at such times as certain licensable activities are taking place.

In certain circumstances it may be appropriate to use trained stewards to provide a satisfactory level of customer care and general safety awareness. These individuals must not carry out security activities, and would not be required to hold an SIA licence. If they were employed to undertake duties involving children then the applicant should consider whether the relevant level of disclosure check is appropriate.

Front line staff should receive relevant training in conflict management and basic first aid training.

The applicant may find it beneficial in developing the operating schedule for a premises licence or certificate to have undertaken a security risk assessment in order to determine the resources necessary to meet the licensing objectives.

2.5 Dispersal policy

Every venue whether a pub, club or bar will prepare and implement a dispersal policy working in partnership with other venues within the vicinity through mechanisms such as Pubwatch. Applicants should consider how the venue will minimise the potential for disorder and disturbance as customers leave the premises. This should be prepared in consultation with the licensing authority and police and reviewed regularly and staff should be trained in how to implement this policy.

2.6 Drugs in premises

The licensing authority recognises that the supply and use of illegal drugs by individuals is not relevant to all licensed premises but it is recognised that conditions may need to be attached to the premises licences for certain venues if representations are received. The aim will be to endeavour to reduce the availability, sale, and consumption of illegal drugs and to create a safer environment for those who may have taken them. Any conditions will take into account the relevant guidance and advice from appropriate bodies.

The licensing authority expects licensees to permit the access and use of drug dogs within the public and staff areas of the premises upon request of the licensing authority and/or police involved in such an initiative.

The licensing authority expects licensees to permit access for drugs analysis equipment (lon track) and staff so that random drug tests can be carried out on the skin of persons wishing to have access to the licensed premises, in addition to the staff and contractors employed at the premises.

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3.0 Promotion of public safety

The public safety objective is concerned with the physical safety of the people performing in and staff and customers using the relevant premises. Applicants should carefully consider how they intend to promote the public safety objective in their operating schedule.

Where applicants consider that the public safety objective could be compromised by their intended activities, they are encouraged to contact the Wiltshire Council's Health and Safety Section and/or Wiltshire Fire & Rescue Service as the most relevant responsible authorities for guidance. Other organisations such as the Wiltshire Public Events and Licensing Group will be able to offer advice. Contact details for these authorities/groups are available from the licensing authority.

Wiltshire Council promotes the use of community initiatives such as Purple Flag which has been awarded to Salisbury. Wiltshire Council aspires to support similar schemes across the county.

3.1 CCTV

CCTV has a role to play in stopping and deterring crime and anti-social behaviour in certain hotspots and is also used as an evidence and detection tool. However, surveillance cameras should only be used if necessary and proportionate, in addition:

- When considering the use of surveillance camera systems, either as part of the conditions attached to a licence or certificate, or within an operating schedule the licensing authority or applicant must in particular have regard to Code of Practice on CCTV published by the Information Commissioner's Office. Any proposed blanket requirement to attach surveillance camera conditions to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review.
- Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in any particular case. For example, it is unlikely that a surveillance camera condition would be justified for a trouble-free community pub. Where a licence or certificate is granted subject to surveillance camera system conditions, it is the responsibility of the licensee to comply with any data protection considerations that may arise from the use of such a system.

- The public must have confidence that surveillance is appropriate and proportionate, and that those who operate the camera systems, or use the images and information they capture, demonstrate integrity in doing so and can be held to account.
- CCTV recordings should be kept for a minimum of 31 days and shared with the licensing authority and Wiltshire Police upon request.

3.2 Alcohol consumption

The council expects all premises licence holders to take steps to control excessive consumption and drunkenness on relevant alcohol licensed premises. This will reduce the risk of anti-social behavior and violent crime occurring both on and away from the premises after customers have departed. Premises licence holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities.

3.3 Alcohol harm reduction

Communities, agencies and businesses are ultimately best placed to identify and deal with alcohol-related problems in their area. It is important to maximise the benefits of partnership working, focusing and co-ordinating the efforts of local agencies, industry and the voluntary sector in tackling alcohol-related problems. Budgets and expertise can be pooled, providing the right services at the right time, making town centres safer and in doing so encourage more people to enjoy a night out, thus promoting economic growth.

Information is a powerful tool in tackling alcohol-related problems. It is vital to strengthen data sharing within local partnerships, in particular between crime and health agencies and licensing authorities.

The licensing authority will continue to work alongside their partners on a countywide and local level. Groups such as licensing tasking will continue to formulate the basis of partnership work and will have clear aims and objectives to ensure they are fit for purpose. This group will sit within the governance of Wiltshire Community Safety

Partnership and will feed into local initiatives such as Pubwatch, Purple Flag, Best Bar None and Community Alcohol Partnerships as and when required.

3.4 Public health

The inclusion of the health service as a responsible authority under the Licensing Act 2003, which occurred in 2012, enables health bodies to have a say in alcohol licensing. The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered.

As there is not a specific licensing objective related directly to health within the current legislation, health bodies, when making a representation, are most likely to relate such representations to the objectives on public safety and protecting children from harm. This is likely to include the prevention of accidents, injuries and other immediate harms that can result from alcohol consumption, such as unconsciousness or alcohol poisoning. Anonymised data can be collected about incidents relating to specific premises or areas when representations are made.

Health bodies hold valuable information which may not be recorded by other agencies, including analysis of data on attendance at emergency departments and the use of ambulance services following alcohol related incidents. Sometimes it may be possible to link ambulance callouts and attendance to irresponsible practices at specific premises.

The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies.

3.5 Occupancy limits

It is recommended that the applicant or operating company assess and set occupancy limits following a risk assessment of the planned activities being carried out at the premises.

The licensing authority may set an occupant capacity following representations received in order to meet the licensing objectives. It is recommended that premises assess and set

3.6 Health and safety

If more than five people are employed, by law the applicant or operating company must have a health and safety policy statement which must be brought to their attention. Employers must also record the results of risk assessments and ensure a robust tailor made health and safety action plan, is in place for both staff and customers. Applicants should have these documents available at the request of licensing authority or any other responsible authority.

4.0 Prevention of public nuisance

Public nuisance is a broad concept, which concerns how the activity of one person (or business) affects the rights of others, for example, how noise from playing music interferes with another person's right to sleep.

The Act requires, and the licensing authority expects, applicants to demonstrate within their operating schedule how they intend to prevent public nuisance arising. This will be of particular importance where there are residential properties in the vicinity of the licensed premises.

When appropriate on application or review the licensing authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance, anti-social behaviour and other crime which may impact on the promotion of the licensing objectives.

When an operating schedule does not sufficiently address the prevention of public nuisance the licensing authority will consider all reasonable conditions recommended by responsible authorities to prevent public nuisance. In some locations it may be necessary to limit opening hours or the times of other licensable activities.

Where considerations apply to late night refreshment premises, they shall only be taken to apply to their operation between the hours of 11pm and 5am when a premises licence would be required.

Applicants should carefully consider how they intend to promote the prevention of public nuisance objective in their operating schedule. This can include several considerations:

4.1 Odour

The applicant should consider any odour that maybe emitted from the premises. This can include the generation of odour from food preparation, waste, bottle storage and/ or from smoking areas. Steps should be taken or proposed to be taken by the applicant to prevent odour from the premises causing nuisance.

Most commercial kitchens will require a mechanical extraction system, and the type and size will depend on the size of the cooking facility, type of food prepared and type of cooking appliances used. The applicant may need to get advice from specialist air handling engineers about controlling odour from kitchen air extraction systems.

Controlling odour from waste and bottle storage areas is entirely down to good management practice which involves using sealed waste bins big enough to hold all waste, which can be thoroughly cleaned and are regularly emptied.

When designating a smoking area outside it is important to consider who will be affected by the smoke, the possible number of persons using the area and ensuring a facility to safely dispose of lit cigarettes.

4.2 Lighting

Outdoor artificial lighting is used for a number of reasons, including work, recreation, security, safety, advertising, display and to create a pleasant atmosphere where people gather socially. As many of the premises operating under the Licensing Act will use outdoor lighting late at night, it is important to ensure that it does not become a nuisance to others. Light 'spilling over' onto other property can cause annoyance, distraction and discomfort and may cause driving problems by glaring into drivers' eyes or competing with signs and other traffic signals.

4.3 Waste/litter

Licensed premises of all types can potentially cause public nuisance from litter and waste. There are a number of laws relating to proper waste collection and disposal, not least of which is the "duty of care" to ensure any waste is properly contained and controlled while in the operator's possession, and that it is collected by a reputable waste carrier. The Licensing Act does not duplicate these laws, but licence holders will need to apply good waste management practice in order to prevent public nuisance.

Uncontrolled litter, waste and street fouling is unsightly and can lead to a negative image of the area. It can cause offensive odour, may attract rats and insects and therefore be a public health risk, it may cause people to slip, trip and injure themselves, and it may harm the reputation of the licence holder's business.

Typical examples of litter, waste and street fouling that may cause problems include take-away packaging and food dropped by customers, wind-blown waste and litter from refuse storage areas, discarded and broken bottles, glasses and cans, promotional leaflets (flyers) and posters, cigarette ends and chewing gum discarded by customers and people who have consumed too much alcohol urinating and vomiting in the street.

4.4 Noise

Noise can come either directly or indirectly from licensed premises. Direct noise, such as that from entertainment activity, will be under the premises' direct control. Indirect noise, such as that from vehicles and customers coming to and from the premises may not be under direct control, but the premises can strongly influence it. Both direct and indirect noise will be of greater importance between 11pm and 7am. Specific types of noise each need different consideration when reducing their impact on public nuisance.

Small outdoor multiday music festivals (often where camping is also involved) can quickly become a source of public nuisance, organiser's of such events are advised to contact the public protection noise team at an early stage. Organiser's are encouraged to employ event management techniques similar to larger scale events to avoid public nuisance, these can include considering the suitability of the location, the geography, limiting amplifier output, duration or direction.

4.5 Entertainment

Appropriate control measures are needed for premises that operate late at night (after 11pm) and/or have regular entertainment or when the entertainment takes place in the open air or within a marquee. Steps should be taken or proposed to be taken to prevent noise and vibration from entertainment causing nuisance. This may include noise from music, human voices and other forms of entertainment whether amplified or not. Consideration should also be given to ensure noise is not audible at sensitive locations such as dwellings, hospitals, hotels and other business premises. Any noise should also not cause unreasonable disturbance to the wider public, such as passers-by and people using public facilities.

4.6 Disturbance from customers

Appropriate steps must be taken or proposed to be taken to prevent noise and disturbance from customers causing nuisance and anti-social behaviour. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction from customers in the vicinity of the premises including customers congregating outside premises to smoke or drink, customers arriving, leaving or queuing outside a premises.

Particular consideration now has to be given to the potential for public nuisance arising from outside areas following the implementation of smoke free laws in July 2007. It must be noted that there is no legal requirement for licensed premises to provide an outdoor smoking area. However, Wiltshire Council encourages premises where practical to do so to minimise congestion on pavements.

Noise and disturbance from people outside can cause public nuisance even when those people are not behaving badly. This will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 11pm and 7am. However it must be noted that noise and disturbance from customers out of doors can cause public nuisance outside of these times.

4.7 Plant and equipment

Steps should be taken or proposed to be taken to prevent noise and vibration from plant or equipment causing nuisance. This includes noise and vibration from ventilation, air conditioning and refrigeration equipment.

4.8 Servicing

Steps should be taken or proposed to be taken to prevent noise from servicing of the premises causing nuisance. This may include noise from deliveries, collections and the onsite disposal of bottles and other waste or recyclable materials.

4.9 Fly posting, flyers and graffiti

Steps should be taken to prevent fly posting and litter problems arising from the distribution of flyers advertising the premises or events at the premises. The applicant should endeavour to reduce the use of promotional leaflets and only hand flyers directly to the public. Flyers should not be left on vehicle windscreens. Ensure a litter bin is near to the distribution point and clear discarded flyers afterwards. The applicant should also remove any graffiti and fly posting from their surfaces as soon as it appears.

5.1 Protection of children from harm

For the purposes of this policy the licensing authority considers anyone under 18 years of age to be a child or young person unless otherwise agreed.

The policy aims to work alongside the principles set out in the Wiltshire Safeguarding Children Board and Wiltshire Children and Young People's Trust revised Multi-Agency Thresholds for Safeguarding Children (can be found by following this link: <http://www.wiltshirepathways.org/GenPage.asp?ID=60>).

The licensing authority expects that, whether or not alcohol is supplied or proposed to be supplied on or in the vicinity of the premises, operating schedules will identify:

- the extent to which it is proposed that children be admitted to the premises;
- whether it is proposed that unaccompanied children will be admitted;
- if they are, the type of regulated entertainment provided whilst children are present;
- The specific steps undertaken to ensure the safety of children and to further ensure that no products or services are sold to children that are not appropriate for their use or consumption.
- That an unaccompanied young person (i.e. somebody under the age of 16 who is not accompanied by a person over the age of 18) must not be allowed into any premises which are "exclusively or primarily used for the supply of alcohol for consumption on the premises".
- That staff are aware of their responsibility to ensure that an adult should not become over intoxicated if accompanied by a young person or child as to inhibit their ability to safeguard that young person.

Whether or not premises with a mixed use are "exclusively or primarily used" is a matter of judgment and will depend upon the particular circumstances of the case. The guidance makes it clear that this does not mean that where the supply of alcohol is not the exclusive or primary use then young people should automatically be given access.

Where it is appropriate and permissible within the law the Licensing Committee should impose conditions that restrict young people from entering all or part of any premises licensed to supply alcohol:

- at certain times of the day and/or;
- when certain licensable activities are taking place and/or;
- where there is an age limitation (over 18);
- unless accompanied by an adult
- where there is a history of crime and disorder
- where the premises are in a high risk area e.g. close to school; in an area with a history of underage sales; in an area with anti-social and criminal behaviour linked to persons under 18.

Applicants, who propose to admit children, particularly where they would not require them to be accompanied by a responsible adult, should be especially careful in ensuring they meet the requirement that their schedule fully and clearly sets out the nature of the activities for which permission is sought. Further, the schedule should specify in sufficient detail the measures and management controls proposed to protect children from harm.

The licensing authority expects that staff are trained and aware of their responsibility for ensuring that customers are old enough to purchase alcohol. This requirement is particularly relevant for bar staff working at premises where door supervisors control entry to a premise. Particular care and appropriate measures should be in place for venues that, due to the nature of the events, attract both over and under 18 year-old patrons.

5.1 Age verification underage sales on/off premises

There is now a mandatory condition on all premises licenses (in the case of alcohol supply) to have adequate age verification systems in place. This could be through the use of a Challenge scheme i.e. “challenging anyone who looks under 25 to prove their age by use of an approved means of identification”; such a scheme to be advertised and enforced on the premises.

The licensing authority supports and may condition an appropriate age policy in licensed premises. Licensees will need to demonstrate that their staff receive regular and adequate training on the law and practice relating to age restricted sales (including challenging purchasers and checking identification). The training provided should be properly documented so that there is an adequate audit trail and records are available for inspection.

The following are examples of identification used:

- Passport
- Photo-card driving licence
- PASS card
- Official identity card issued by HM forces

Details of training provided to members of staff to prevent underage sales should be recorded in a log. Additionally, when a retailer does refuse the sale of alcohol this should be recorded in a 'refused sales log'. These documents should be kept available for inspection by a police officer or authorised officer of the licensing authority.

5.2 Proxy sales

Adequate procedures must be in place to ensure that all members of staff working at the premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of proxy sales of alcohol, and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.

Steps must be in place to ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure that no alcohol is sold to persons underage

5.3 Children and cinemas/theatres

The licensing authority will expect licensees or clubs to include in their operating schedules their arrangements for restricting children from viewing age restricted films according to the recommendations of the British Board of Film Classification (BBFC) or the licensing authority itself. In the event that the licensing authority is asked to stipulate an age category for a film, video etc that has not been dealt with by the BBFC, the licensing sub-committee or its delegated officers may view the film etc and use the BBFC published guidelines on categorisation as a 'bench mark' in reaching their decision, which will then become a condition.

In considering any application, the licensing authority will take into account any evidence that age restrictions for cinema exhibitions are not being properly observed.

Where performances are for unaccompanied children in theatres and cinemas and relevant representations are received in response to an application/review, the licensing authority may impose conditions requiring an adequate ratio of adult attendants (over 18 years and relevant criminal record check).

6.0 Licensing process

A licensing committee, sub-committee, or licensing officers acting under delegated authority, may carry out the powers of the licensing authority under the Act, in accordance with the council's scheme of delegation.

Many of the licensing procedures are largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness licensing officers generally carry these out.

The licensing authority ensures that all officers and members who deal with applications have received adequate training for their role under the Licensing Act 2003.

A sub-committee of the licensing authority deals with applications and the review of a licence, where there are relevant representations.

When determining applications the licensing authority has regard to any guidance issued by the relevant government department. In particular, account is taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the licensing authority's consideration will be balanced against the wider benefits to the community e.g. single or multiple day events at outdoor event arenas in Wiltshire. Any conditions imposed on licences do not seek to discourage such entertainment, but are aimed solely at promoting the licensing objectives.

6.1 Application for premises licences and club premises certificates

The licensing authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the location and type of premises, the licensable activities to be provided, and the operational procedures.

Applicants should make themselves aware of the council's statement of licensing policy, in particular the issues that will need to be addressed in formulating the operating schedule.

Applicants will be encouraged to make themselves aware of any relevant planning policies, tourism, cultural or local crime prevention, alcohol reduction strategies; and to have taken them into account, where appropriate, when formulating their operating schedule.

When determining applications the licensing authority will have regard to the Section 182 (of the act) and other relevant guidance issued.

Prospective holders of new premises licences and those seeking variations to existing premises licences are advised to consult with the council's licensing team and the various responsible authorities early in the planning stages in order to reduce the risk of confusion and disputes arising.

The licensing authority will endeavour to work in full co-operation with licensees and applicants to minimise the number of disputes that may otherwise arise in this area.

6.2 Licence conditions

Licensing relates to the control of licensed premises, and other events within the terms of the Act. As part of this control, conditions may be attached to licences, and the various other permissions, which focus on matters falling within the control of individual licence holders.

Any conditions will relate to the premises and other places being used for licensable activities, and the impact of those activities in the vicinity. In this regard the licensing authority primarily focuses on the direct impact of any activities taking place on those living, working, or otherwise engaged, in the area concerned.

The licensing function is not a mechanism for the control of anti-social behaviour by individuals once they are beyond the direct control of the licence holder of any premises concerned. Conditions attached to licences must only seek to impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek to enter or leave.

The licensing authority may impose conditions following a hearing. These conditions must not be disproportionate or over burdensome. The licensing authority does not implement any standard conditions. Conditions may be attached as appropriate given the circumstances of each individual case. Conditions will not be attached where adequate legislative control exists.

6.3 Licensing hours

The licensing authority deals with the issue of licensing hours on the individual merits of each application. However, when issuing a licence with hours extending beyond 11pm, higher standards of control generally need to be included in operating schedules in order to promote the licensing objectives, especially for premises, which are situated in, or near, residential areas or in areas where crime and / or anti-social behaviour takes place. There is no presumption within the legislation for longer opening hours.

In considering all licence applications, the licensing authority takes into account the adequacy of the measures proposed to deal with the potential for nuisance and/or public disorder and has regard to all the circumstances of the case.

Where no representations are received an application is approved as applied for. Where a hearing or a review takes place the licensing authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area. In addition the licensing authority may in the case of an application refuse to grant a licence and at a review, revoke an existing licence. Throughout the application process consultation with relevant partners is welcomed and encouraged.

The licensing authority recognises that having fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people leave licensed premises at the same time. The licensing authority aims, through the promotion of the licensing objectives, to reduce the potential for concentrations of people and thus achieve a slower dispersal of people from licensed premises through longer opening times when appropriate.

The licensing authority does not seek to adopt fixed terminal hours in designated areas (known as “zoning”), as this can lead to the significant movement of people across boundaries in search of premises opening later.

Shops, stores and supermarkets are generally permitted to sell alcohol for consumption off the premises during their normal trading hours, unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance.

6.4 Permitted temporary activities (TENS)

The Licensing Act 2003 provides for certain occasions when small-scale events (where no more than 499 people at a time attend and last for up to 168 hours) do not need a licence if advance notice (temporary events notice) is given and no relevant objections are received.

The licensing authority recommends that at least one month’s notice be given to hold these events to allow it to help organisers plan their events safely. Any significantly longer period than this may mean that organisers do not have all the details available at the time of submitting the notice. Any lesser time means that planning may be rushed and haphazard. The minimum legal timescale may be less than this period.

Event organisers are encouraged to make contact for advice at the earliest opportunity when planning their community events. Persons intending to use premises under a TEN are encouraged to discuss their proposals with the community that may be affected before submission.

The police or environmental health may issue an Objection Notice where they consider that any of licensing objectives may be undermined. In such circumstances, the Licensing Sub-Committee will consider the objection by way of a hearing. If the objection notice relates to a “late TENS” a Counter Notice will be

issued making the TENs notice invalid.

6.5 Large scale events

These are events that are temporary but more than 499 people are expected to attend. Much larger crowds may be attracted to large-scale events and the risk to public safety and to crime and disorder, as well as public nuisance, may be considerable. The licensing authority and all other statutory consultees, should be given at the earliest opportunity, notice of such major events to discuss operating schedules with the organiser, prior to a formal application being submitted. It is the responsibility of the event organizer / applicant to provide the licensing authority and all other statutory consultees, at the earliest opportunity, notice of such major events. This will enable discussion about operating schedules prior to a formal application being submitted.

The licensing authority recommends requires they are given at least six months' notice to allow for a sufficient lead in time. Failure to consult in sufficient time may result in an objection on the grounds that insufficient time has been allowed to properly assess and consult to ensure that, in particular, public safety is not undermined.

Wiltshire Council has an established Events Safety Advisory Group (ESAG). This includes relevant council officers, representatives of the emergency services and the voluntary first aid sector. ESAG's aim is to advise on safety at public events held throughout Wiltshire, regardless of whether or not a premises licence or a temporary event notice is required. Event organisers are encouraged to make contact with the Licensing team for advice at the earliest opportunity when planning their community events.

6.6 Delegation of decision making

One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure efficient and cost effective service delivery.

The Act itself requires that applications be granted unless a representation or objection is raised. Where a function is delegated to an officer they will be responsible for liaising with the applicant, interested parties and the responsible authorities to ensure that any licence granted is subject to proportionate and necessary conditions. Where objections/representations are made, the officer will liaise with the applicant, those making the representation and the responsible authorities to see if a settlement is possible to overcome the representations without the need for the matter to go before the licensing subcommittee. Only where issues are raised which cannot be agreed will the application be referred through to the licensing sub-committee for determination.

Whilst contested licensing applications are quasi-judicial in nature, the licensing sub-

committee will try to keep the proceedings as informal as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. The procedures are designed to ensure that all parties are able to express their views openly and fairly. The procedure is inquisitorial rather than adversarial and, whilst applicants, individuals and businesses who may be affected, and responsible authorities are entitled to bring legal representation with them if they wish, this is not a requirement.

Whilst the licensing sub-committee usually meets in public, it does have power to hear certain applications in private and to receive legal advice similarly. A decision is made publicly when the matter has been determined.

The licensing sub-committee will determine each case on its individual merits whilst taking into consideration the terms of this policy document. Where the licensing sub-committee determines that it is appropriate to attach conditions to a licence or certificate it will ensure that those conditions are focused on the direct impact of the activities taking place at the premises concerned. Such conditions will be proportionate to the activity to be controlled and will only be imposed in the interests of the licensing objectives.

The licensing authority will expect the applicant to have had due regard to the contents of this policy and the attached appendices that provide guidance only.

A decision of the licensing authority can be the subject of an appeal at the magistrates' court. As a consequence the licensing authority will record full reasons for any decision(s) made. The refusal of an application does not prevent a further application being made, but the licensing authority would expect the applicant to carefully consider the issues of concern before doing so.

6.7 Application for personal licences

The police will have the right to object to a person applying for a personal licence if that person has a relevant unspent conviction (at the time of application) or if they obtain a relevant conviction during the application period of their licence.

An individual may seek a personal licence valid for ten years whether or not they have current employment or business interests associated with the use of the licence. Applications cannot be made in the name of a corporate body.

The licensing authority must grant a personal licence if the applicant:

- is aged 18 years or over
- is in possession of a relevant licensing qualification or is a person of a prescribed description
- has not forfeited a personal licence in the previous five years, beginning with

- the day the application was made
- has not been convicted of any relevant offence under Schedule 4 of the Act, or a foreign offence
 - has paid the appropriate fee to the licensing authority.

Applicants with unspent criminal convictions for the relevant offences set out in the Licensing Act 2003 are encouraged to first discuss their intended application with the police and licensing authority before making an application.

In order to substantiate whether or not an applicant has a conviction for an unspent relevant offence, applicants will be required to produce a relevant criminal record office basic disclosure certificate, with the application form, together with a signed disclosure form by them.

The licensing authority and police may arrange a joint interview with a prospective personal licence holder(s) to discuss the circumstances surrounding their conviction(s). Ultimately, the police may be minded to object to the grant of the personal licence. In these circumstances, the applicant is entitled to a hearing before the licensing sub-committee. The application will be refused, based on the police's objection, if the licensing authority considers it appropriate for the crime prevention objective to do so.

Wiltshire licensing authority will be the 'relevant licensing authority' for all ten year personal licences issued for the duration of that period, regardless of the subsequent place of residence of the holder. It will maintain all notified changes of address on its database.

6.8 Delegation to premises supervisors

The designated premises supervisor need not be physically on the premises at all times when there is a supply or sale of alcohol but the licensing authority expects that there will be an appropriate authorisation system in place in line with the Section 182 (or other) guidance regarding the sale of alcohol at the licensed premises.

Where a designated premises supervisor is to be newly specified, the premises licence holder will apply to the licensing authority (including an application for immediate effect) and show that the individual concerned consents to taking on this responsible role, and notify the police of the application.

The police are able to object to the designation of a new premises supervisor where in exceptional circumstances, they believe the appointment would undermine the crime prevention objective. Similarly, the police are able to object where a designated premises supervisor is first appointed or transfers to a particular premises, and this combination gives rise to exceptional concerns; such as where a

personal licence holder who has been allowed by the courts to retain their licence, despite convictions for selling alcohol to minors transfers to premises which has a degree of notoriety for underage drinking.

The Act provides that the applicant may apply for the individual to take up the post of designated premises supervisor immediately, and in such cases the issue would be whether the individual should be removed. The licensing sub-committee considering the matter must confine their consideration to the issue of crime and disorder. They will give comprehensive reasons for their decision and either party would be entitled to appeal if their argument is rejected.

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7.0 Enforcement

The licensing authority will seek to work actively with the police in enforcing licensing legislation. It expects the police (subject to public interest immunity) to share relevant information about licensees and licensed premises under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the licensing authority when any enforcement action may be required. A joint enforcement protocol is in place with the police and other statutory agencies. These protocols provide for the targeting of agreed problem and high risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained.

The licensing authority have a well established licensing forum 'Licensing Tasking' for the representatives of relevant organisations to meet on a regular basis to discuss licensing matters related to the four licensing objectives.

The licensing authority recognises that balancing the interests of owners, employees, customers and neighbours of pubs, clubs and off-licences will not always be straightforward, but it will always have regard to the licensing objectives.

The licensing authority will promote 'good practice' in relation to the operation of licensed premises. It will work closely with stakeholders so as to achieve on-going improvements in standards over reasonable periods of time, in the belief that this is in the long term interests of owners, operators, employees, customers and neighbours alike.

In general, action is taken in accordance with agreed enforcement principles and in line with the enforcement policies of the licensing authority and all responsible authorities. The key principles of consistency, transparency and proportionality are acknowledged. Any government advice or requirement in relation to enforcement will be taken into account.

A graduated response is effected where there is evidence of contravention of licensing legislation or licence conditions. Whilst an isolated or minor breach might be dealt with by way of an oral or written warning, more serious breaches and consistent lower level pattern of continued problems are likely to attract prosecution and/or a review of the licence.

Where contraventions or concerns as to compliance with regulations enforced by other agencies are identified during enforcement activities, these matters will be reported to the relevant agency. Complaints against licensed premises, allegations of unlicensed activities, and the breach of licence conditions will be investigated by Public Protection Officers

The licensing authority will refer to the following policies when considering enforcement: - Enforcement Concordat (to be supported by the Regulators'

Compliance Code that enables the 'Hampton principles') and Enforcement Protocol agreed with Wiltshire Constabulary (published on the council's website: www.wiltshire.gov.uk).

Under the Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011 the licensing authority must suspend a premises licence or club premises certificate if the holder has failed to pay the authority the annual fee. This does not apply if the failure to pay the fee when it was due was because of administrative error or the holder informed the authority in writing at or before the fee was due that they were disputing liability.

7.1 Inspection of licensed premises

The licensing authority aim to inspect premises on a risk based approach to secure compliance with the Licensing Act and to promote the licensing objectives.

Authorised officers will have the discretion as to which premises require a 'during performance' inspection and the frequency when they are undertaken. Where appropriate, joint visits will take place encompassing a number of relevant agencies.

Licensed premises will be risk-rated by the licensing authority so as to develop a proportionate and targeted inspection programme.

7.2 Complaints regarding licensed premises

The licensing authority will investigate or refer to other relevant agencies/council services complaints received against licensed premises where appropriate, normally providing that the complainant's personal details and the nature of the issue(s) must be provided from the outset. For certain matters the complainant may be encouraged to raise the issue of concern directly with the licensee.

In exceptional circumstances the personal details referred to above may not be required, whilst the facts of the complaint are referred onto the police.

7.3 Reviews of licences

The Act sets out the arrangements to enable a review of a premises licence where it is alleged that the licensing objectives are not being promoted. This arrangement will follow an application from a responsible authority or any other person. The Section 182 guidance will be used to ensure that all matters for review are considered appropriately. The process shall not be subject to abuse by disaffected parties. Matters for consideration must be relevant, and not vexatious, frivolous or repetitious. However, matters involving the following may be considered as serious shortcomings by the licensing sub-committee at their hearings:

- use of licensed premises for the sale and distribution of Class A drugs and/or the laundering of the proceeds of drug crimes
- use of licensed premises for the sale and/or distribution of firearms
- evasion of copyright in respect of “pirated” films and music
- underage purchase and/or consumption of alcohol
- use of licensed premises for prostitution or the sale of unlawful pornography
- use of licensed premises for unlawful gaming
- use of licensed premises as a base for organised criminal activity
- the closure of the premises by a senior police officer, or an environmental health officer due to noise nuisance
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks
- use of licensed premises for the sale of smuggled tobacco or goods
- the use of licensed premises for the sale of stolen goods
- where the police are frequently called to attend to incidents of disorder
- prolonged and/or repeated instances of public nuisance
- where serious risks to public safety have been identified, and the management is unable or unwilling to correct those
- where serious risks to children have been identified e.g. repeat underage sales
- significant or repetitive breaches of licence conditions/licensing law
- failure to act on previous warnings/advice/uncooperative attitude towards authorised officers.

In a hearing to determine an application for a licence or consider a review application, the overriding principle adopted by the licensing authority is that each application will be considered on its own individual merits. Licence conditions applied at such a hearing will be tailored to the individual premises and activities and only those necessary to meet the licensing objectives will be applied.

Upon review of a premises licence, the licensing authority must, having regard to the application for review and any relevant representations, take such steps as it considers necessary for the promotion of the licensing objectives. Such steps might be:

- the modification of the conditions of the licence
- the exclusion of a licensable activity from the scope of the licence
- the removal of the designated premises supervisor
- the suspension of the licence for a period not exceeding three months
- the revocation of the licence.

7.4 Other powers and legislation

A senior police officer, of the rank of superintendent or higher, or an inspector of weights and measures, may issue a closure notice where there is evidence that a person has committed the new offence of persistently selling alcohol to children at the premises in question, and he considers that the evidence is such that there would be a realistic prospect of conviction if the offender was prosecuted for it. A closure notice will prohibit sales of alcohol at the premises in question for a period not exceeding 48 hours; and will offer the opportunity to discharge all criminal liability in respect of the alleged offence by the acceptance of the prohibition proposed in the notice. The premises licence holder will have fourteen days to decide whether or not to accept the proposed prohibition or to elect to be tried for the offence. Where the licence holder decides to accept the prohibition, it must take effect not less than fourteen days after the date on which the notice was served at a time specified in the closure notice. Closure notices may be served by police officers, trading standards officers and community support officers.

Anti-Social Behaviour Act 2003 permits an authorised officer acting on behalf of the council, to require the immediate closure, for a period of up to 24 hours of any licensed premises if it is considered that noise emanating from within its curtilage is causing a public noise nuisance. The 'test' is a lesser one than required to determine a statutory noise nuisance and the statutory defence of 'best practicable means' is not available.

The licensing authority also recognises that there are other tools and powers at their, and their partner agencies', disposal. All powers are subject to change and amendments, in particular by the Anti-Social Behaviour, Crime and Policing Act 2014. More details can be made available on request to the licensing authority.

Other statutory requirements and opportunities for control, for example relating to planning, building regulations, fire safety, nuisance and health and safety, may apply to the provision of any regulated activities at a premises and the responsibility for compliance lies with the licence holder. Advice may be obtained from the appropriate enforcing authority or from the licensing authority's Licensing Officers.

In general, premises referred to in an application for a licence or certificate should have planning permission granted for that use and be compliant with, or have arrangements in place to be compliant with any conditions attached to the planning permission. It is however recognised that licensing applications should not be a re-run of a planning application and the two regimes are entirely separate.

The licensing team will liaise with the relevant planning authority as appropriate.

The licensing authority will have regard to the European Convention on Human Rights particularly:

- Article 6- entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal and
- Article 8 - the right to respect for home and private life; and
- Article 1 of the First Protocol - that every person is entitled to the peaceful enjoyment of their possessions, as they may interface with the licensing objectives.

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8.0 Other licensing authority powers

8.1 Cumulative impact policy

In the Secretary of State's Section 182 guidance on the Licensing Act 2003, 'Cumulative Impact' is defined as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'. The number, type and density of licensed premises within an area may be such as to give rise to serious problems of crime, disorder and/or public nuisance.

The locality within which licensed premises are, or may be, located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it. Primary consideration will be given to the direct impact of the licensed activity on those living, working or enjoying the local environment.

Licensing law is not a mechanism for the general control of any anti-social behaviour being displayed by patrons once they have left the curtilage of the licensed premises. Other more specific legislation should be used. However when issues can be linked to customers from a particular premise or area then the licensing authority may consider it relevant to the licensing framework.

In some areas there may be concentrated numbers of licensed premises that can lead to problems with the licensing objectives in the area itself or even some distance away. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises. It may not be possible to distinguish individual premises as being the sole cause, or even a major contributory factor to, a particular problem; it is the cumulative impact of all the premises that causes problems for a wider area.

All applications will be considered on their own merits, and no restriction of numbers will be imposed by this policy.

However the licensing authority may receive representations from a responsible authority or an interested party that the cumulative impact of the existing licensed premises or the granting of new licences will lead to an area becoming 'saturated' to the detriment of the locality because of impact on the licensing objectives over and above the impact of the individual premises. In these circumstances the licensing authority may consider that it needs to have a special policy in place.

8.2 Late night levy

Following the introduction of the Police Reform and Social Responsibility Act 2011 the licensing authority may introduce a late night levy. The levy would relate to a late night supply period which begins at or after midnight and ends at or before 6am. Any premises which are not subject to an exemption who supply alcohol during the supply period on any night of the year would be required to pay the late night levy, the level of which is based on rateable value. The late night levy will not be introduced without the required consultation as detailed in the legislation and accompanying guidance.

8.3 Early morning restriction order (EMRO)

Following the introduction of the Police Reform and Social Responsibility Act 2011, if the licensing authority considers it appropriate for the promotion of the licensing objectives they can make an early morning alcohol restriction order.

An order would mean that any premises licence, club premises certificate or temporary event notice that authorises the sale of alcohol during the period specified in the order would not have effect. The period specified must begin no earlier than midnight and end no later than 6am.

9.1 Links to strategies and plans

The Wiltshire Community Safety Partnership is a statutory partnership, which includes a number of local partners. Together the partnership oversees the development of various Wiltshire strategies, in particular:

- Wiltshire Drug Strategy
- Wiltshire Alcohol Strategy
- Wiltshire Children and Young People's Substance Misuse Strategy
- Wiltshire Anti- Social Behaviour Strategy
- Wiltshire Violent Crime Strategy
- Wiltshire Domestic Abuse Strategy.

To obtain a copy of any of these documents please contact the licensing authority.

10.1 Further advice and guidance

Can be obtained from Wiltshire Council's Licensing Team and on the licensing pages of the council's website.

www.wiltshire.gov.uk

Government information on the Licensing Act 2003 and other relevant legislation is available on:

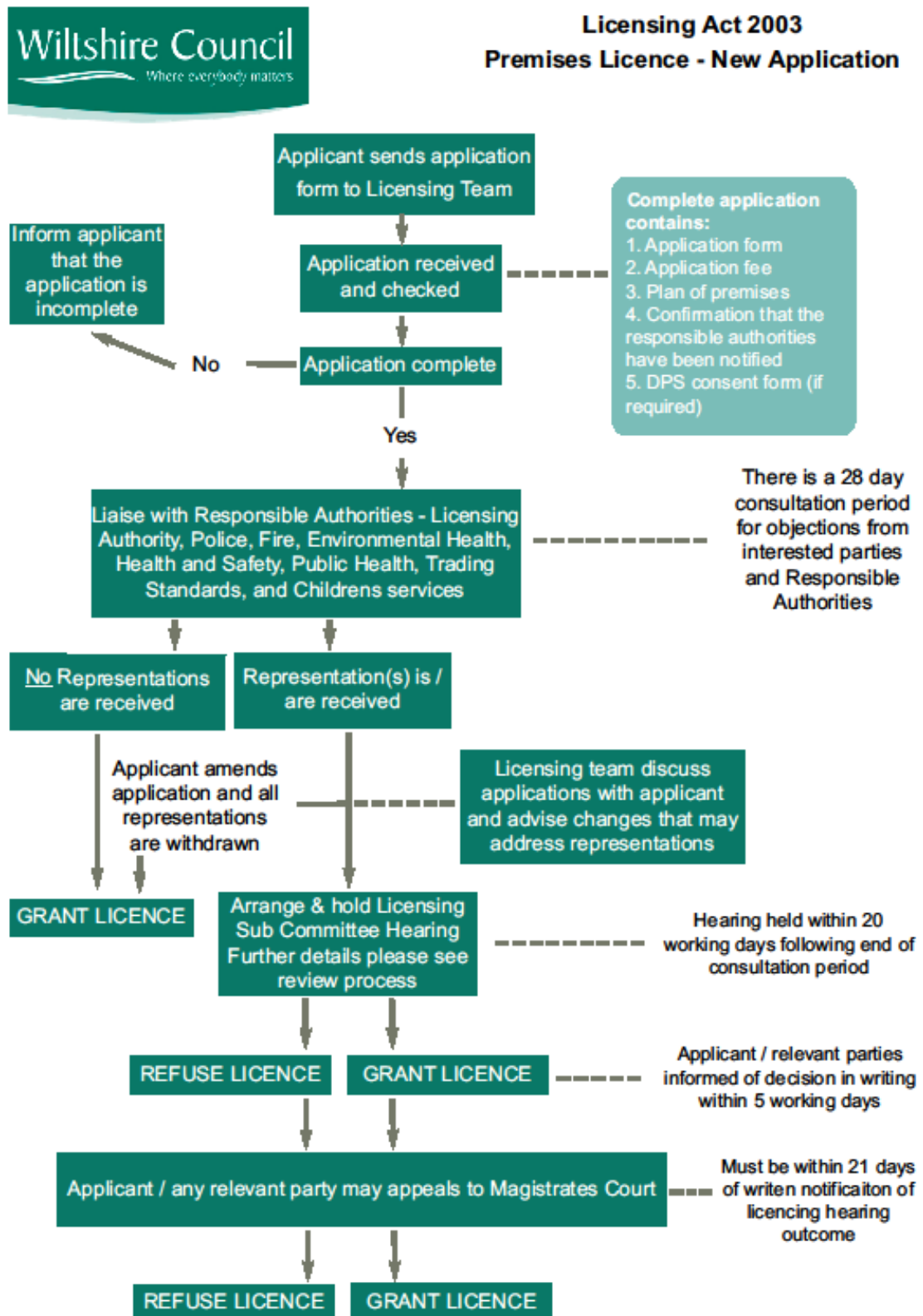
www.gov.uk/government/organisations/home-office

NHS guidance on Units of alcohol and recommended drinking levels:

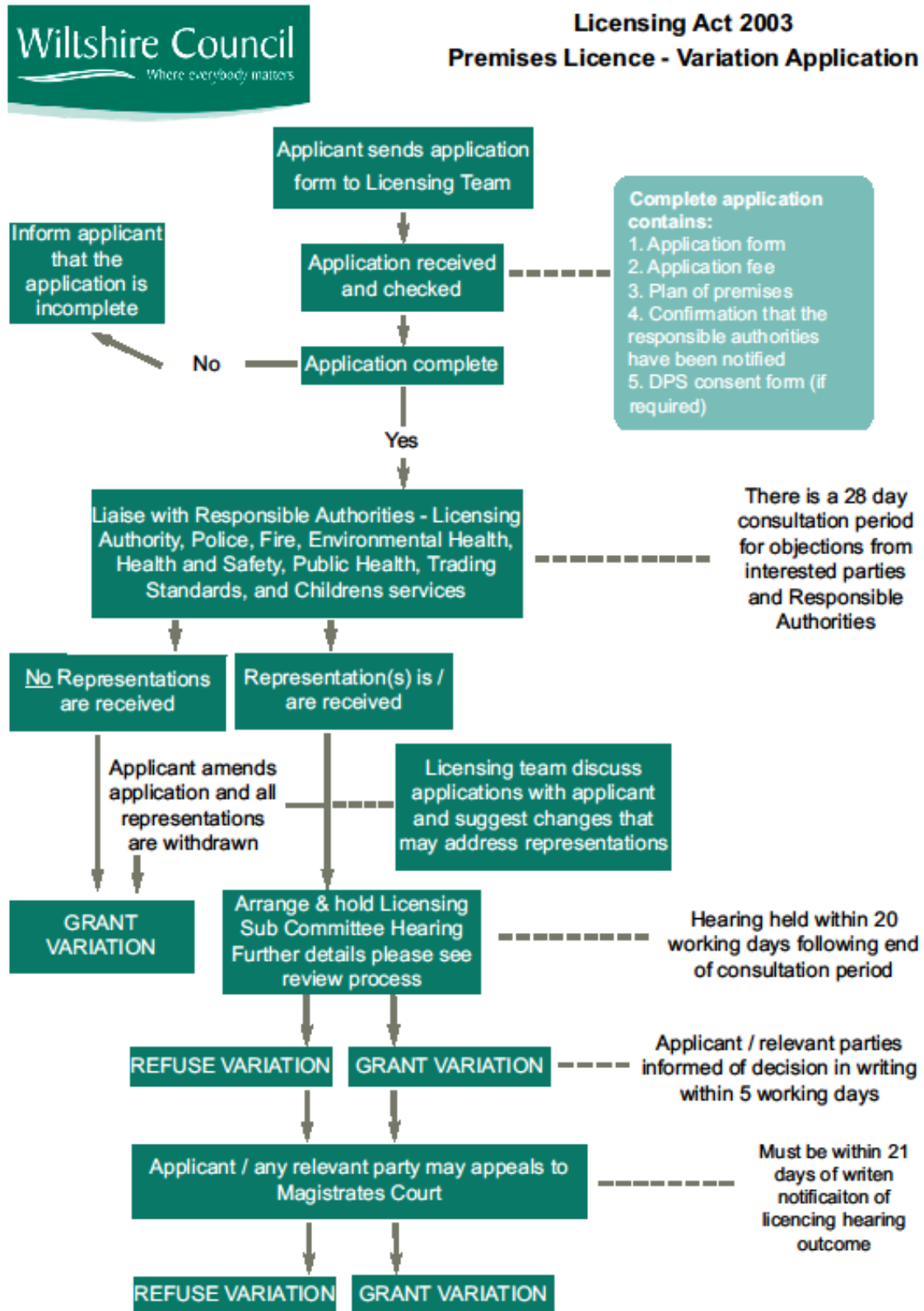
<http://www.nhs.uk/Livewell/alcohol/Pages/Alcoholhome.aspx>

11.0 Appendices

APPENDIX A – Premises License – New Applications



APPENDIX B – Premise License – Variations

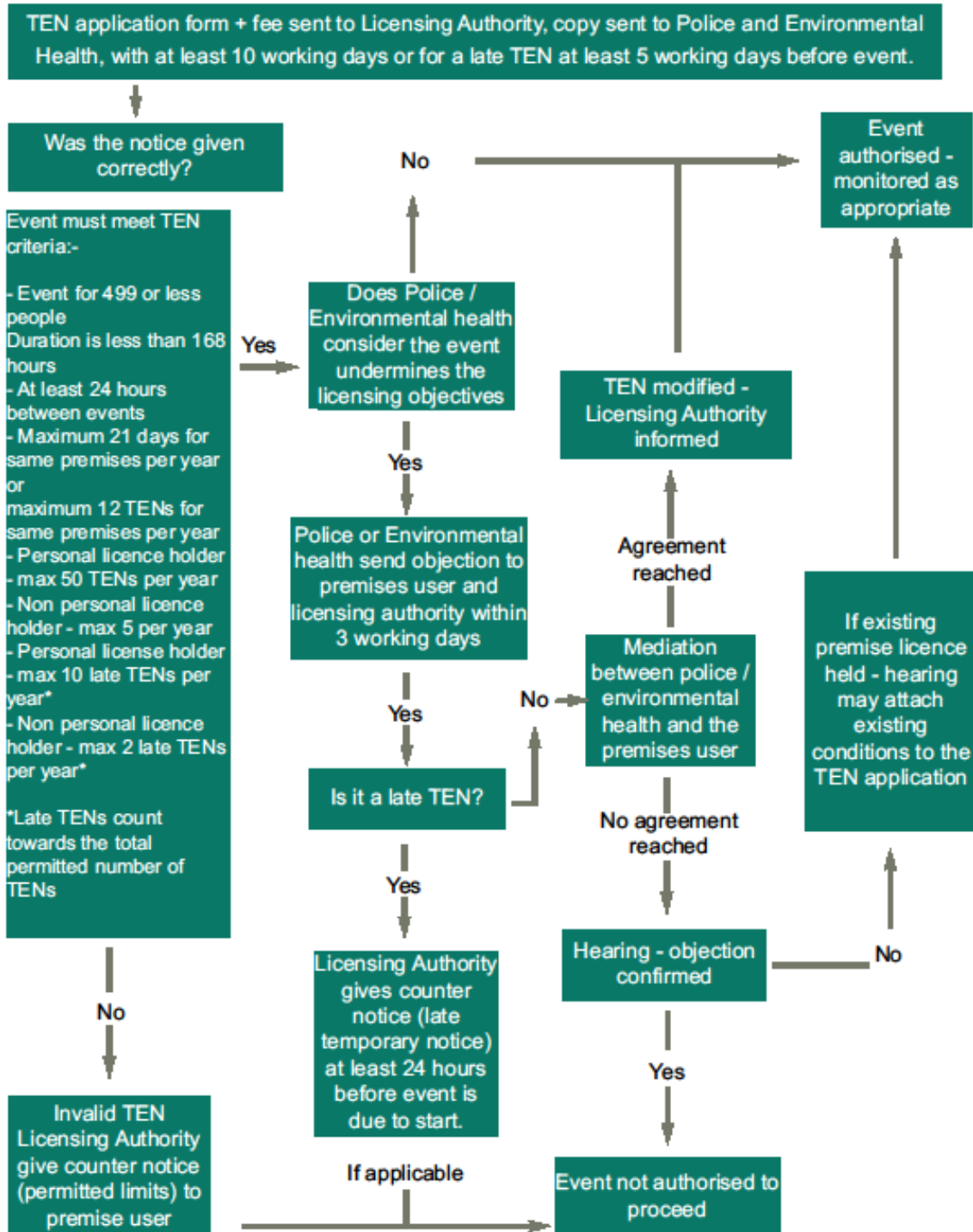


*If request substantial of to extend duration of license - a new application must be submitted. If it is to vary a name, address, or the DPS then a separate process applies.

APPENDIX C – Temporary Event Notice



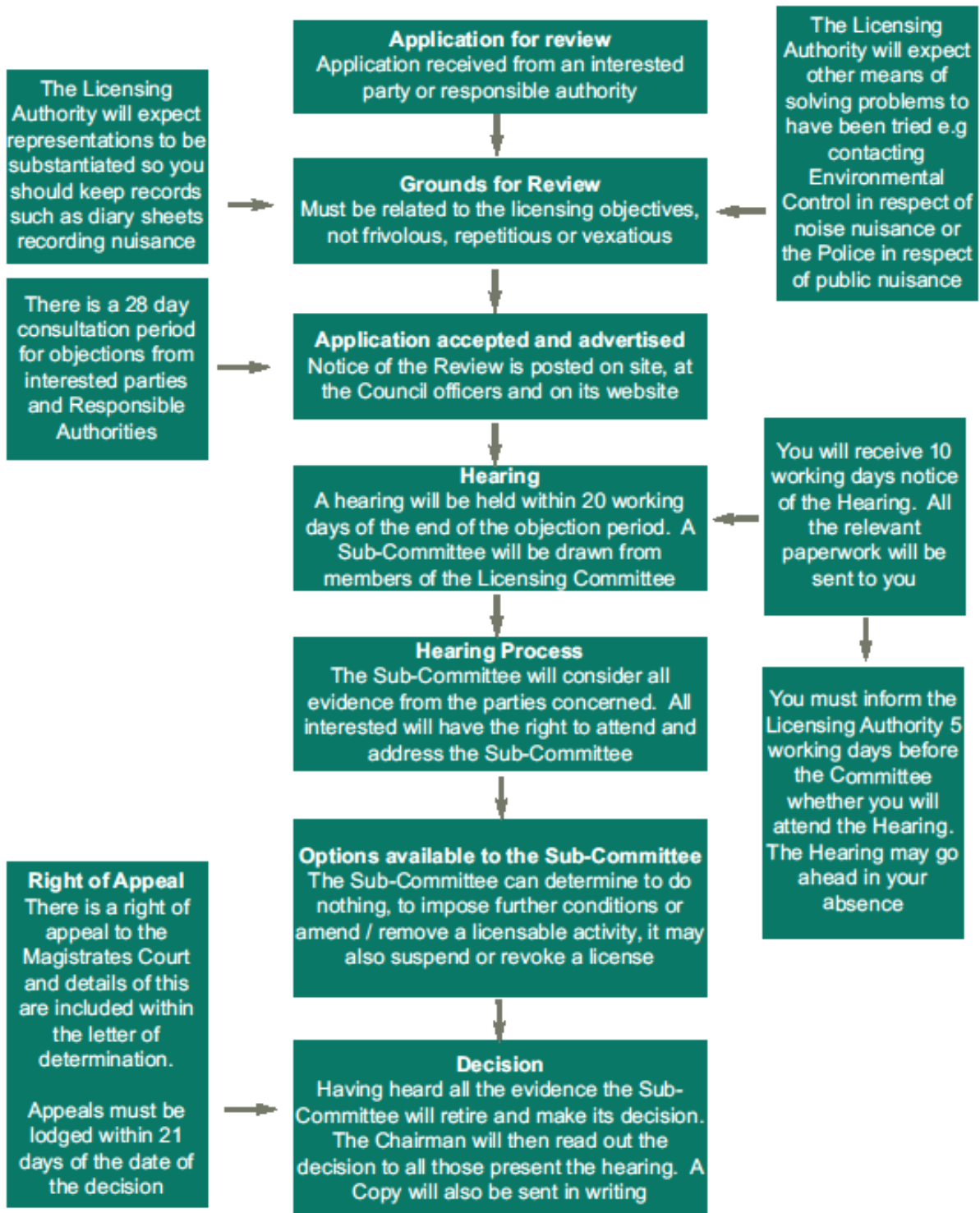
Licensing Act 2003
Temporary Events Notice (TENS)



APPENDIX D – Review Process for Licensed Premises and Club Premises Certificates



**Licensing Act 2003
Review Process for Premises Licences &
Club Premises Certificates**



APPENDIX E – Glossary

The following comprises a glossary of terminology used within the statement of licensing policy. Terms defined at length within the Licensing Act 2003 have generally not been included.

Alcohol harm reduction strategy

A strategy issued by the Government aimed at identifying initiatives and priorities, which may help in the promotion of the licensing objectives.

Appropriate representations

See 'Relevant Representation'.

Basic disclosure check

The Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA) have merged to become the Disclosure and Barring Service (DBS). CRB checks are now called DBS checks. A DBS check may be needed for certain jobs or voluntary work particularly when working with children.

Best bar none

Best Bar none raises standards and rewards excellence for those venues that attain the Award standard. This is delivered at a local level by active partnerships between the industry, local authorities and police.

Club premises certificate

A certificate authorising the use of premises by a qualifying club for one or more club activities.

Crime and Disorder Reduction Partnership

A partnership comprising relevant sections of the council, the police and other interested parties, established to develop a strategy for the reduction of crime and disorder in the area.

Cumulative impact

The potential impact on the promotion of the licensing objectives of a significant number of Licensed premises concentrated in one area.

Designated premises supervisor

The individual specified in the premises licence as the premises supervisor.

High volume vertical drinking establishments

A licensed premise that targets persons wishing to consume a number of drinks, often with minimal seating to maximise room for customers.

LACORS/TSI code of best practice on test purchasing

The Code of Best Practice on Test Purchasing issued by the Local Authorities Co-ordinators of Regulatory Services (LACORS) and the Trading Standards Institute (TSI). The code gives guidance as to the test purchasing of alcohol by trading standards officers.

Licensing committee

The committee established by the licensing authority to discharge the licensing functions of the authority.

Licensing hours

The hours during which authorised licensable activities take place.

Licensing tasking

A Wiltshire based multi agency meeting where premises causing issues are raised, discussed and actions decided.

Natural justice

In English Law this is the technical term for a rule against bias and the right to a fair hearing.

Operating schedule

A prescribed document which must accompany any application for a premises licence or a club premises certificate, setting out the nature of the proposed licensable activities, the proposed trading hours, and the steps envisaged promoting the licensing objectives, amongst other things.

Personal licence

A licence which authorises an individual to supply or authorise the supply of alcohol in accordance with the premises licence.

Premises licence

A licence authorising premises to be used for one or more licensable activities.

Proportionality

The principle under which, in the licensing context, only appropriate conditions can be imposed on licensable activities, taking specific account of the size, style, and characteristics of such activities taking place at the premises concerned.

Pubwatch scheme

An agreement reached by a group of licence-holders in a particular locality to counter, on a collective basis, those who threaten damage, disorder, and violence or use or deal in drugs in their premises. Normally, action consists of agreeing not to admit or serve individuals who cause such problems.

Purple Flag

Purple Flag is the “gold standard” for town centres at night, it aims to raise standards and improve the quality of our towns and cities between 5pm and 5am.

Qualification approved by DCMS

A licensing qualification accredited by the Secretary of State.

Quasi-judicial

Is an entity or a function, generally of a public administrative agency, which has powers and procedures resembling those of a court of law or judge, and which is obligated to objectively

determine facts and draw conclusions from them so as to provide the basis of an official action.

Relevant offence

Any offence listed in Schedule 4 of the Licensing Act 2003.

Relevant representation

A representation regarding the likely effect of the grant of a licence on the promotion of one or more of the licensing objectives.

Responsible authorities

The public bodies that must be fully notified of applications and that are entitled to make relevant representations to the licensing authority in relation to the grant, variation or review of a premises licence. These include as at 1 April 2014:

- the chief officer of police
- the local fire and rescue authority
- the local authority with responsibility for public health
- the local enforcement agency for the Health and Safety at Work etc Act 1974
- the local authority with responsibility for environmental health
- the local planning authority
- a body that represents those who are responsible for or interested in matters relating to the protection of children from harm
- the local weights and measures authority (trading standards)
- the relevant licensing authority and any other licensing authority, in whose area part of the premises are situated.

Safer clubbing

Guidance issued by the Home Office giving advice to nightclub owners, dance event promoters and local authority licensing departments on how to ensure the health and safety of persons attending dance events.

Special policy

A policy setting up a rebuttable presumption that applications for new premises licences or club premises certificates will normally be refused whenever relevant representations are received as to the cumulative impact on the licensing objectives.

Terminal hours

The times at which authorised licensable activities should cease.

Zoning

The adoption of fixed terminal hours in designated areas.

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Notices of motion

The following rules taken from Part 4 – Rules of Procedure – Council explain how motions are to be dealt with at the meeting:

At the meeting

89. The Chairman will invite the proposer, or one of the councillors, who has given notice of the motion to move the motion. Where these councillors are not available at the meeting, the motion can be moved and seconded by any other councillors.
90. A notice of motion must be moved at the meeting, it must then be seconded. If the motion is not moved and seconded, it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.
91. Once moved and seconded at the meeting, the councillor proposing the motion will be given up to five minutes in which to present his or her motion.
92. The Chairman will give the relevant cabinet member an opportunity to respond to the motion giving him or her up to five minutes in which to do so.
93. On considering a notice of motion and subject to paragraphs 95-100 below, the following options shall then be open to the council:
 - debate the motion and vote on it
 - refer it to an appropriate member body with or without debate
 - refer it to the Leader of Council with or without debate
94. The Chairman will move that the motion either be debated on the day or referred to the appropriate member body. This will be seconded by the Vice-Chairman of Council or in his or her absence, another member of the council and put to the vote without discussion. On the question of referring the motion to an appropriate member body, the only amendment the Chairman will accept is to which member body the motion should be referred.
95. If the motion relates to a function exercisable only by the council then the council will debate the motion and on consideration of a report, determine the motion or refer it to a future meeting of the Council.
96. If the motion relates to a function that has been delegated to another member body then the council will vote without debate on whether to refer the motion to that member body.
97. If referred to another member body that member body must consider the motion at its next available meeting. The mover and seconder of the motion will be invited to attend that meeting if they are not already members of that body in order to present their motion but will not be able to vote unless they

have voting rights. The member body must report back to the council as soon as practicable by way of the minutes of that meeting.

98. If the notice of motion is referred to another member body following debate at council, a summary of the debate at council together with any recommendation will be taken into account by the member body when considering the motion.
99. If the notice of motion relates to an executive function, the motion will be referred to the Leader of the Council. The Leader will write to the proposers of the motion with a copy to all members of the council, advising them what steps he or she proposes to take.
100. Any decision of council arising from a motion must comply with the principles of decision making as set out in Part 2, paragraph 14.2 of this Constitution.

Part 4C – Guidance on Amendments to Motions

1. The requirements concerning amendments to motions are contained in the Council's Rules of Procedure in Part 4 of the Constitution. Paragraph 107 provides:

An amendment to a motion must be relevant to the motion and will either be:

- *to refer the matter to an appropriate body or individual for consideration or reconsideration*
- *to leave out words*
- *to leave out words and insert or add others or*
- *to insert or add words*

as long as the effect of the amendment is not to negate the motion.

2. The Chairman will determine the validity of any proposed amendment under this paragraph, after taking advice from the Monitoring Officer. The Chairman's decision on any proposed amendment is final.
3. In exercising judgment on the validity or otherwise of any proposed amendment, the Chairman will have regard to the following principles:
 - the overriding principle of fairness in the conduct of the Council's business;
 - the amendment is relevant to the motion;
 - the proposed amendment does not negate the motion; this can be secured more appropriately by voting against the original motion.
 - The content of the proposed amendment is proportionate to the original motion in nature and extent;
 - The proposed amendment does not amount to a device to frustrate the purpose of the original motion or to raise a late motion.
4. Councillors are encouraged, where practicable, to seek advice from the Monitoring Officer in connection with any proposed amendment in advance of the meeting at which it is to be moved.

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Wiltshire Council

Council

21 October 2014

Assessment of Wiltshire & Swindon Fire Authority Consultation options

1. Purpose of the Report

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’.

It is not possible to include the views of the residents of Wiltshire as the consultation does not finish until 20 October.

The purpose of this report is to provide members with information related to the motion as amended.

2. Background

The seven options put forward in the Wiltshire draft business case for consultation were;

Each fire authority refers to either Wiltshire and Swindon or Dorset.

- Option 1** Each fire authority will stay independent, reduce support functions and reduce service capability;
- Option 2** Each fire authority will collaborate with or join up with local authorities;
- Option 3** Each fire authority will further collaborate or join up with police services;
- Option 4** Each fire authority will further collaborate with or join up with the regional ambulance service;
- Option 5** Each fire authority will share services;
- Option 6** The two fire authorities will combine;
- Option 7** The two fire authorities will combine and work more closely with local authorities, the police and public services.

This was reduced to the following three options in the Public Consultation;

- Option 1** Remain independent and increase collaboration with Wiltshire Council and Swindon Borough Council
Potential level of savings at least £0.8 million within Wiltshire & Swindon
- Option 2** Remain independent and increase collaboration with Dorset Fire Authority while also collaborating with Wiltshire Council and Swindon Borough Council
Potential level of savings at least £0.9 million within Wiltshire & Swindon
- Option 3** Merge with Dorset Fire Authority to create a single Combined Fire Authority while also collaborating with Wiltshire Council and Swindon Borough Council
Potential level of savings at least £4 million joint savings within a combined Wiltshire & Swindon and Dorset

The Dorset Combination Draft Business case shows the financial assessment of the eliminated options. Options 5 (Police) and 6 (Ambulance) are most relevant. An extract is shown at Appendix A.

3. Finance

This report advises members of the financial background surrounding Wiltshire & Swindon Fire Authority proposals to strengthen the fire and rescue service whilst at the same time securing savings to enable a balanced budget.

Of the options proposed by the Fire Authority, none fully address 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).

a. Remaining independent

Due diligence of the £0.9 million savings by Wiltshire Council officers suggests that there is 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. As such £0.9 million is within this margin and could be achieved. There would be upfront costs in some cases to achieve the savings, but it has been assumed these would be funded from the Fire Authority reserves, although at this stage it has not been possible to fully assess the extent of these costs and the timing of achieving these. Clearly though this would leave a significant shortfall in funding.

b. Merger with Dorset while also collaborating with Wiltshire Council and Swindon Borough Council

Wiltshire Council officers have not conducted due diligence on this option. However, it is 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.

4. Equalisation of the precept levels

An unresolved issue is that under a combined Fire Authority there would need to be equalisation of the precept levels. At present the Wiltshire precept is £63.62 and Dorset's is £66.60. That would require a 4.6% (£2.98) increase in Wiltshire's precept to equalise before any other increase. Currently that could mean the Fire precept in Wiltshire and Swindon would exceed the 2% capping limit. As such Fire will need to seek DCLG approval. At this stage it is unclear if this will be given.

5. Financial summary

More savings will need to be identified whichever option were supported. The Fire Authority consultation does not identify how this gap will be bridged. Due diligence has identified positive scope to make savings from both greater sharing of back office functions such as finance and greater sharing of depot/workshop space and facilities (these are included in the savings of £0.481 to £1.074 million shown elsewhere). The exact balance of how these savings would fall between the Fire Authority and the Council would need to be identified through more detailed work. These opportunities should be progressed regardless of the outcome of the consultation as both the Fire Authority and the Council would benefit, although not all of the savings could be possible under a Combined Fire Authority.

Any shortfall would be also dependent on precept levels. With a 1.99% increase on top of equalisation there would be a smaller shortfall, but with no increase in precept other than equalisation it would leave a £1.6 million shortfall. At this stage it is unclear if DCLG approval will be given and if not it would reduce the level of funds available to the combined Fire Authority, thus increasing the size of the gap.

6. Other issues

It is unclear how a combined Fire Authority will make decisions on future savings and service delivery. At present it is assumed that the membership of the Combined Fire Authority will be based on population, if so this would give an in built majority for Dorset. Assuming the current membership of 28, the relative membership would be as follows: Bournemouth - 4, Dorset - 8, Poole - 3, Swindon - 4, and Wiltshire - 9. Other options that might be available is where each Fire Authority areas have 14 seats on the basis that 2 equal Fire Authorities are being merged and they should be equally represented on the new authority.

We are aware that DCLG have confirmed that representation was a matter of local choice provided that it can be justified. In addition, it is unclear how this would affect key local decisions and whether there could be any other mechanism for ensuring that one area was not prejudiced by being outvoted by the other constituent authorities. One possibility is to have reserved matters that need to have a specific majority.

7. Considerations for the Council

These uncertainties make a debate on the options difficult but are laid out for Council before the debate takes place.

To reiterate the main considerations;

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

Dr Carlton Brand, Carolyn Godfrey and Maggie Rae
Corporate Directors

Report Author - Michael Hudson, Associate Director, Finance Tel: 01225 713601, email: Michael.hudson@wiltshire.gov.uk

Related documents are shown at;

Dorset Combination Draft Business Case

https://dorsetfrsconsultation.citizenspace.com/corporate-planning/copy-of-wiltshire-residents-survey/supporting_documents/Combination%20Draft%20Business%20Case%20Jul14%20WEB.pdf

Wiltshire Public Consultation

https://dorsetfrsconsultation.citizenspace.com/corporate-planning/wiltshire-residents-survey/supporting_documents/WFRS%20Combination%20Consultation%20Doc%20Jul14.pdf

Appendix A Extract from the Dorset Combination Draft Business Case Pages 15-20

The following options have been assessed against their ability to meet the vision of the new authority and the ability of the option to meet the predicted financial gap.




Option 1: Each fire authority and service to stay and act independently including reducing support functions and front-line services.

This option would need to deliver savings of between £3.1 and £3.9 million for Wiltshire and Swindon Fire Authority and between £2.3 and £3.2 million for Dorset Fire Authority.

This would mean damaging cuts to front-line services and staff. Over 70 full-time firefighters in each of our services would need to be made redundant and stations would need to move from full-time to day-crewed or on-call only. There would be significant consequences on community safety, with longer response times for fire engines to arrive at emergencies and fewer fire engines available. We would both have problems supporting other front-line services such as our prevention programme. We may also struggle to meet our legal responsibilities. Our ability to work in partnership would be extremely limited as we would have to cut back our staff and funding.

Wiltshire and Swindon CFA		Dorset Fire Authority		New combined fire authority		Safe	Strong	Sustainable
Savings	Remaining deficit range	Savings	Remaining deficit range	Savings	Remaining deficit range			
£3.1 million	£0	£2.3 million	£0					

Key:

-  = Likely to meet all the aims of the vision
-  = Likely to meet some of the aims of the vision
-  = Will not meet most of the aims of the vision




Option 2: Each fire authority and service to stay independent and share some corporate and support functions.

Although many councils and public services share management teams, there are many disadvantages to this type of arrangement. The main concern that we have is that the one management team would report to two political groups. This means that senior officers work less efficiently and differences in policy between the two groups can lead to complicated financial accounting and duplication of effort. An extra complication for us is that both counties are very large geographically and travel times are extended by single-lane rural roads. We would also not be able to take full advantage of reduced spending on things like corporate licences and democratic costs.

Initial work suggests that Wiltshire & Swindon Fire Authority will be able to save £864,000 and Dorset Fire Authority will save £930,000. Each fire authority will still face a significant gap in their finances by 2018.

Wiltshire and Swindon CFA		Dorset Fire Authority		New combined fire authority		Safe	Strong	Sustainable
Savings	Remaining deficit range	Savings	Remaining deficit range	Savings	Remaining deficit range			
£864k	£2.236 – £3.036 million	£930k	£1.37 - £2.27 million					

Key:

-  = Likely to meet all the aims of the vision
-  = Likely to meet some of the aims of the vision
-  = Will not meet most of the aims of the vision

Option 3: The two fire authorities and services to merge into a new authority and service.

This option allows us to make the most of both corporate and technical collaboration associated with our legal duties. As well as making the most of our savings, it would allow us to more speedily take advantage of these savings to make sure that we can make positive changes rather than just use the savings to balance the budget. There are a wide number of fire and rescue partners available to both Dorset and Wiltshire to look to combine with. Following a high-level review, at their December 2013 meetings both fire authorities decided to use a more detailed examination of a formal combination between Dorset and Wiltshire.

This work has identified savings in the region of £4 million. It could also allow further savings of £1.5 million to be achieved by using more resilient and efficient crewing arrangements.

Wiltshire and Swindon CFA		Dorset Fire Authority		New combined fire authority		Safe	Strong	Sustainable
Savings	Remaining deficit range	Savings	Remaining deficit range	Savings	Remaining deficit range			
				£5.5 million	£0 - £1.6 million			

Key:

- = Likely to meet all the aims of the vision
- = Likely to meet some of the aims of the vision
- = Will not meet most of the aims of the vision

Option 4: Each fire authority and service to stay independent and collaborate with their local authorities to make the most of savings made in corporate and support departments.

We work a lot with our local councils and must continue to do so. Some ‘back-office’ or corporate functions could be joined up, but as we have already reduced most of them, the amount of savings from corporate staff and spending would be limited. Preliminary work suggests that savings of £712,000 for Wiltshire & Swindon Fire Authority and £930,000 for Dorset Fire Authority could be achieved with this option. This could mean significant cuts to front-line services would still be needed. The significant funding gaps faced by councils and the pressures on budgets such as adult and children services would also continue to be a concern and could further threaten long-term financial stability.

Wiltshire and Swindon CFA		Dorset Fire Authority		New combined fire authority		Safe	Strong	Sustainable
Savings	Remaining deficit range	Savings	Remaining deficit range	Savings	Remaining deficit range			
£712K	£2.388 - £3.188 million	£930K	£1.37 - £2.27 million					

Option 5: Each fire authority and service to stay independent and collaborate with their individual police forces to make the most of savings made in corporate and support departments.

We work with our police partners in lots of ways including sharing our fire stations. No matter which option is chosen, this will of course continue. Any formal combination with the police would involve a change in the law which would be time-consuming and cause further financial problems for each of us. Some ‘back-office’ functions could be joined up. However, as they have already been reduced, the amount of savings from corporate staff and spending would be Authority, and £915,000 for Dorset Fire Authority could be achieved with this option. This would mean significant cuts to front-line services would still be needed to balance the books.

Wiltshire and Swindon CFA		Dorset Fire Authority		New combined fire authority		Safe	Strong	Sustainable
Savings	Remaining deficit range	Savings	Remaining deficit range	Savings	Remaining deficit range			
£817K	£2.283 - £3.083 million	£915K	£1.385 - £2.285 million					

Key:




- = Likely to meet all the aims of the vision
- = Likely to meet some of the aims of the vision
- = Will not meet most of the aims of the vision

Option 6: Each fire authority and service to stay independent and collaborate with South West Ambulance Service to make the most of savings made in corporate and support departments.

Again, we work with the regional ambulance service, including sharing our fire stations and responding to some medical emergencies on their behalf. Any future collaboration over support services would be complicated due to the fact that the ambulance service is a regional service. The savings that could be found would be limited. This would mean significant cuts to front-line services would still be needed.

Wiltshire and Swindon CFA		Dorset Fire Authority		New combined fire authority		Safe	Strong	Sustainable
Savings	Remaining deficit range	Savings	Remaining deficit range	Savings	Remaining deficit range			
No specific savings identified	£3.1 - £3.9 million	No specific savings identified	£2.3 - £3.2 million					

Key:

-  = Likely to meet all the aims of the vision
-  = Likely to meet some of the aims of the vision
-  = Will not meet most of the aims of the vision

Option 7: The two fire authorities and services to combine and work more closely with all of our local authorities, our police forces, South Western Ambulance and local public services.

We believe that this would give us the best of both worlds. We could make the most of the opportunities from a fire-to-fire combination and do so relatively quickly to make sure that we gain financial savings more quickly. In doing this, we would want to explore all opportunities for closer working or integration of some functions within local authorities, the police and other public services. This would open up areas for further savings and improved economies of scale. It would also mean that we could continue to share our properties and corporate staff. Work carried out so far has identified savings in the region of £4 million. It could also allow further savings of £1.5 million to be achieved by using more resilient and efficient crewing arrangements.

There would be opportunities to reduce the number of senior management positions and there are strong relations already between officers at all levels to make this work. By combining our corporate and technical support teams we would be able to improve overall capacity and organisational strength. By working with our local authorities we would be able to enjoy the benefits of working with a larger partner and so strengthen our approaches in areas of support and delivery.

We would be better able to support Wiltshire Council’s community campuses and other initiatives elsewhere in Bournemouth, Dorset, Poole, Wiltshire and Swindon where public services are provided in a joined-up way and really focus on the needs and wants of local people. By working more closely together we would be able to share our buildings, expertise and information to deliver better services in a more efficient way. This would mean that local people have more straightforward and immediate access to local services, information and advice to help keep them safe and improve their well-being.

Wiltshire and Swindon CFA		Dorset Fire Authority		New combined fire authority		Safe	Strong	Sustainable
Savings	Remaining deficit range	Savings	Remaining deficit range	Savings	Remaining deficit range			
				£5.5 million	£0 - £1.6 million			

Key:

- = Likely to meet all the aims of the vision
- = Likely to meet some of the aims of the vision
- = Will not meet most of the aims of the vision

Wiltshire Council

Council

21 October 2014

**Notice of Motion No. 14 - Code of Conduct and Gifts and Hospitality
Councillors Terry Chivers and Jeff Osborn**

To consider the following motion:

‘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’.

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Wiltshire Council

Council

21 October 2014

**Notice of Motion No. 15 - Publishing of Members' Allowances
Cllrs Terry Chivers and Jeff Osborn**

To consider the following motion:

'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'.

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Wiltshire Council

Council

21 October 2014

**Notice of Motion No. 16 - Wiltshire Energy Efficiency Board
Cllrs Steve Oldrieve and Jon Hubbard**

To consider the following motion:

'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 establish an Wiltshire Energy Efficiency 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'.

To assist Council in its consideration of the above motion an officer's report is attached.

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**Response to Notice of Motion No. 16 – Establishment of a
Wiltshire Energy Efficiency Board**

Purpose of Report

1. To respond to the Motion to establish a new Wiltshire Energy Efficiency Board.

Background

2. By signing the Climate Local commitment on 16 September 2014, <http://www.wiltshire.gov.uk/climate-local-wiltshire-council-initiative.pdf> Cabinet recognises that the council has an important role to help residents and businesses capture the opportunities and benefits of action on climate change. These include saving money on energy bills, generating income from renewable energy, attracting new jobs and investment in 'green' industries, supporting new sources of energy, managing local flood-risk and water scarcity and protecting our natural environment.
3. In signing the commitment, Cabinet recognises the diverse role of the council as a community leader, service provider and estate manager and has published an action plan (<http://www.wiltshire.gov.uk/climate-local-initiative-action-plan.pdf>) setting out the council's wide-ranging commitments.

Main Considerations for the Council

4. The council's ECO Board, chaired by the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, currently oversees the council's actions on energy resilience. There is no equivalent partnership structure to coordinate all energy resilience activity for the county, although existing partnerships such as the Local Nature Partnership have touched on aspects of such activity in the past.
5. Given limited resources and the number of partnerships already in existence, it would be appropriate for the council to demonstrate its community leadership role on energy resilience by initially engaging with partners through discussions at existing partnership meetings.
6. The council is currently developing an Energy Resilience Plan for the county which will set out its approach to maximising energy resilience in Wiltshire. The development of this plan offers the opportunity to engage with key partners in the public, private and third sectors to encourage them to play their part in Wiltshire's low carbon future. Through this work, the council will be able to

gauge the appetite of partners for setting up a new Wiltshire Energy Efficiency Board or developing this function through an existing partnership.

7. At its meeting on 16 September 2014, Cabinet resolved to note council activity to tackle fuel poverty and promote low carbon technologies and encouraged further public engagement on this matter through the Area Boards. Therefore, a programme of presentations will be delivered to Area Boards over the coming months to raise awareness of the council's work in each community area and encourage communities to also play their part.

Conclusion

8. In view of the council's commitment as a community leader and given the opportunity presented by the development of a new Energy Resilience Plan for Wiltshire, a sustained programme of engagement could be developed and delivered over the coming six months to maximise engagement by partners on this topic. This could be done through the Area Boards and existing partnerships as appropriate, and their appetite for a new Wiltshire Energy Efficiency Board gauged in the process.

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