

## COUNCIL

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### MINUTES OF THE COUNCIL MEETING HELD ON 18 OCTOBER 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

#### Present:

Cllr Desna Allen, Cllr Glenis Ansell, Cllr Chris Auckland, Cllr Pat Aves, Cllr Chuck Berry, Cllr Nick Blakemore, Cllr Richard Britton (Chairman), Cllr Allison Bucknell (Vice-Chair), Cllr Jamie Capp, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Mary Champion, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Mark Connolly, Cllr Christine Crisp, Cllr Anna Cuthbert, Cllr Andrew Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Stewart Dobson, Cllr Mary Douglas, Cllr Dennis Drewett, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Mollie Groom, Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Alan Hill, Cllr Atiqul Hoque, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Keith Humphries, Cllr Chris Hurst, Cllr Peter Hutton, Cllr Simon Jacobs, Cllr David Jenkins, Cllr Julian Johnson, Cllr Bob Jones MBE, Cllr Gordon King, Cllr John Knight, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Magnus Macdonald, Cllr Alan MacRae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Bill Moss, Cllr Christopher Newbury, Cllr Paul Oatway QPM, Cllr Stephen Oldrieve, Cllr Sheila Parker, Cllr Graham Payne, Cllr Nina Phillips, Cllr David Pollitt, Cllr Horace Prickett, Cllr Fleur de Rhé-Philipe, Cllr Ricky Rogers, Cllr Baroness Scott of Bybrook OBE, Cllr Jonathon Seed, Cllr James Sheppard, Cllr John Smale, Cllr Toby Sturgis, Cllr Melody Thompson, Cllr John Thomson, Cllr Ian Thorn, Cllr Ian Tomes, Cllr Dick Tonge, Cllr Tony Trotman, Cllr John Walsh, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Ian West, Cllr Stuart Wheeler, Cllr Roy While, Cllr Philip Whitehead, Cllr Jerry Wickham, Cllr Christopher Williams and Cllr Graham Wright

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#### 63 Apologies

Apologies for absence were received from Councillors Helen Osborn, Pip Ridout, Simon Killane, Josie Green, Brian Dalton, Bill Douglas, George Jeans, Mark Packard, Linda Packard, Leo Randall, Terry Chivers, Rosemary Brown and Howard Greenman.

#### 64 Minutes of Previous Meeting

The minutes of the Meeting held on 12 July 2016 were presented.

#### Resolved

**That the minutes of the last Council meeting held on 12 July 2016 be approved as a correct record and signed by the Chairman.**

## 65 **Declarations of Interest**

The Chairman advised that whilst a Councillor's membership of a town or parish council was not a disclosable interest, Councillors may wish to declare their membership of any town or parish councils if they wished to speak or vote on relevant items.

## 66 **Announcements by the Chairman**

The Chairman drew the meeting's attention to the arrangements for the day's meeting, specifically referencing fire safety and that the meeting was being recorded for live webcast.

The Chairman welcomed Councillor Chris Auckland to his first meeting of council as an elected member following his successful by-election on 14 July 2016.

The Chairman stated that details of his and the Vice-Chairman's activities since the last meeting would be available via his blog:

<http://wiltshirecouncilchair.blogspot.co.uk/>

These, in summary, included:

- Alabaré Annual Celebrations
- Beating The Retreat and Sunset Ceremony
- Civic Services
- Fly the Red Ensign for Merchant Navy Day
- Organ Restoration Appeal, St. Thomas' Church
- Unveiling of Victoria Cross Commemorative Paving Stone – Lt. Col. Tom Adlam, Guildhall, Salisbury
- British Empire Medal Ceremony
- The Showmen's Guild of Great Britain, Western Section

The Chairman made special mention of having had the pleasure of a wide tour of Wiltshire presenting best kept village awards for the Council for the Protection of Rural England (CPRE) in conjunction with the lord-lieutenant of Wiltshire and the High Sheriff. The Chairman paid tribute to the arrangements made by the CPRE; expressed his gratitude to Hills Waste for their continued sponsorship of the event, and formally congratulated the three winning villages:

The Winterbournes	- The Best Kept Large Village
All Cannings	- The Best Kept Medium Village
Rushall	- The Best Kept Small Village
Aldbourne	- Winner of the Laurence Kitching Award

## 67 **Petitions Received**

No petitions had been received for presentation to this meeting.

## 68 **Petitions Update**

A report by the Head of Democratic Services was presented which gave Council details of the two petitions received for the period since the last Council meeting.

### **Resolved**

**To note the petitions received and the actions taken, as set out in the appendix to the report presented.**

## **69 Public Participation**

The Chairman invited those registered to put statements or questions to the Council.

Councillor Andrew Bryant of Trowbridge Town Council made a statement expressing concern as to a number of street scene issues that he wanted to bring to Councillors' attention.

Councillor Philip Whitehead, the Cabinet Member for Highways, thanked the Councillor for the update and explained that he was in regular contact with the Town Council and encouraged further reporting through the MyWiltshire App.

The Chairman noted that the question asked on behalf of the CPRE would be taken under the Motion no. 37 to which it related.

Mr Bill Jarvis thanked the Council for the responses to his written questions, circulated in agenda supplement one, and asked two supplementary questions.

Councillor Toby Sturgis stated that the Council had a duty to consult with neighbouring authorities should proposals be progressed in the specific sites referred to in the original question.

Councillor Toby Sturgis stated that the council would review its policies in relation to the impacts of any international agreements as necessary.

Details of questions and responses are attached in Appendix 1

## **70 Medium Term Financial Plan and Efficiency Statement 2017-2020**

The Chairman invited Councillor Dick Tonge to present the report which invited Council to consider and assess its medium term financial plan, and the four year funding offer from Government. The meeting's attention was also drawn to the information published in Agenda Supplement One and the outcome of the discussion at Cabinet.

Issues highlighted in the course of the presentation and discussion included: That the government's funding proposal was for a four year agreement; that this was part of a wider consultation on financial issues; that the Revenue Support grant from government would eventually drop to zero; the involvement of the public and Councillors in the consultation; that the share of non-domestic rates would increase slightly over the period; how signing up to the deal would allow the council to use money from capital receipts to fund some transitional work; the efficiency plan appended to the report; that £45m would be needed to save in the next four years; how the chief financial officer had worked with other partners to develop the assumptions used to plan; that more detailed budget plans would be presented to the budget and council tax setting meeting on 21 February 2017; that the plan would not fetter the discretion of future council administrations to make different savings; that only one

council, nationally, was rejecting the 4 year deal; the concerns of some Members as to the overall direction for local government under the deal; and the involvement of Scrutiny in reviewing the proposals were noted.

Having been put to the vote, it was;

#### **Resolved**

- 1. To approve the Efficiency Statement at Appendix A for submission to the DCLG, subject to conditions at paragraph 2.7 of this report, as part of the conditions to accept the current four year funding 'deal' offered by central government;**
- 2. Subject to conditions at paragraphs 2.6 and 2.7 of this report, as part of its Medium Term Financial Plan (MTFP) set out a Council Tax increase of 2% each year for 2017-2020. This does not fetter future administrations from having a lower Council tax increase should further savings be made; and**
- 3. Subject to conditions at paragraphs 2.6 and 2.7 of this report, as part of its MTFP set out a Social Care Levy increase of 2% each year for 2017-2020.**

#### **71 Revised Planning Obligations Supplementary Planning Document**

The Chairman invited Councillor Toby Sturgis to present the report which updated Council on the response to the consultation on the Draft Revised Planning Obligations Supplementary Planning Document (February 2016); and recommended that the Revised Supplementary Planning Document be adopted by Council.

Having been put to the vote, the meeting;

#### **Resolved**

- 1. To note the response to the consultation on the Draft Revised Planning Obligations Supplementary Planning Document set out in Appendix 2 of the report presented.**
- 2. To adopt the proposed Revised Planning Obligations Supplementary Planning Document Appendix 1 of the report presented.**
- 3. To agree that the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste undertake the final stages associated with the formal adoption of the Supplementary Planning Document, including any minor textual changes in the interest of clarity and accuracy.**

#### **72 Wiltshire Council's Statement of Gambling Principles - Appendix**

The Chairman invited Councillor Jerry Wickham and Councillor Peter Hutton to introduce the report which invited Council to consider the recommendations of the Licensing Committee from its meeting on 19 September 2016 in relation to proposed amendments to the Statement of Gambling Principles.

Having been put to the vote, the meeting;

## **Resolved**

**To approve the new Appendix A - Local Area Risk Assessment to the Statement of Gambling Principles (2015 -2018) (Appendix 1) under the Gambling Act 2005 for incorporation into the existing Statement of Gambling Principles with immediate effect.**

### **73 Community Governance Review - Consequential Issues**

The Chairman invited Councillor Stuart Wheeler to introduce the report which sought approval of further changes to community governance arrangements, as set out in the report and to authorise the making of Community Governance Orders to bring those changes into effect from 1 April 2017.

Having been put to the vote, the meeting;

## **Resolved**

- a) To approve the further changes to community governance arrangements, as set out in this report and to authorise the making of Community Governance Orders to bring those changes into effect from 1 April 2017.**
- b) To approve the consequential changes to community governance arrangements for those parishes whose areas are to change as a result of the previous decisions of Council, as set out in this report,**
- c) To authorise the Solicitor to the Council:**
  - i) To make the necessary Community Governance Order(s) to bring into effect all of the changes arising from this report and the previous decisions of Council on 24 November 2015 and 12 July 2016 on the community governance review.**
  - ii) To approve the proposed changes to governance arrangements set out in this report for Tidworth Parish Council and also for Grafton Parish Council, in consultation with the Community Governance Working Group, subject to the completion of the consultation process, for inclusion in the Community Governance Order(s), provided that this does not prejudice the timescale for such Order(s)**
- d) To take no further action at this stage in respect of the proposal to transfer the area shown hatched on the Plan for Scheme 104 on Appendix 4 from Steeple Ashton parish to Trowbridge parish, pending further consideration,**
- e) To authorise the Electoral Registration Officer to make any necessary changes to polling districts to bring them into line with the agreed governance changes.**

### **74 Notices of Motion**

The meeting considered the following notices of motion:

74a) **Notice of Motion No. 33 - Water Sprinklers in New Schools - From Councillors Graham Payne and Peter Edge**

The Chairman reported receipt of the above mentioned motion from Councillors Graham Payne and Peter Edge.

The motion had also been supported by Councillors Ernie Clark, Mollie Groom, John Knight, Chris Devine, Ricky Rogers, Bob Jones, Bridget Wayman and Christopher Newbury

Accordingly, Councillor Graham Payne moved the following motion which was duly seconded by Councillor Peter Edge:

*“That Wiltshire Council views with great concern the decision of HM Government to remove the requirement for the compulsory fitment of water sprinklers to all new school buildings.*

*We therefore propose that Wiltshire Council establishes the necessary policies to ensure that the fitment of water sprinklers will continue to be a requirement in all new school buildings including school extensions and those school buildings undergoing major refurbishment in our County”.*

To assist Council in its consideration of the motion, an officer briefing note was also presented.

Following a short debate which included a response from the Cabinet member, Councillor Laura Mayes, as to whether the existing policy sufficiently addressed the points raised in the motion, Councillor Payne agreed to amend the motion replacing the word ‘establishes’ with the word ‘reaffirms’.

Having been put to the vote, the meeting;

**Resolved**

**That Wiltshire Council views with great concern the decision of HM Government to remove the requirement for the compulsory fitment of water sprinklers to all new school buildings.**

**We therefore propose that Wiltshire Council reaffirms the necessary policies to ensure that the fitment of water sprinklers will continue to be a requirement in all new school buildings including school extensions and those school buildings undergoing major refurbishment in our County.**

74b) **Notice of Motion No. 34 - Fire Authority - From Councillors Ernie Clark and Ricky Rogers**

The Chairman reported receipt of the above mentioned motion from Councillors Ernie Clark and Ricky Rogers. Accordingly, Councillor Ernie Clark moved the following motion which was duly seconded by Councillor Ricky Rogers:

*“Wiltshire Council, being mindful of the difficult and wide ranging requirements in the merger of two public bodies, congratulates Dorset and Wiltshire Fire & Rescue*

*Service on the successful and professional manner in which the merger has been carried out and the way in which excellent standards of service are provided to the residents of Wiltshire, Swindon, and Dorset”.*

Baroness Scott of Bybrook responded to the motion. She considered that it was too early to pass comment on the performance of the Fire Authority. Baroness Scott moved the following amendment which was duly seconded:

This council congratulates the Dorset and Wiltshire Fire Authority on a smooth harmonisation of two public bodies into a single authority. The council requests that the Chairman of the Fire Authority brings a report to the council at its July 2017 council meeting to enable members to have informed debate on performance of the fire authority after its first full year of operation.

Following debate and at the request of Councillors Clark and Rogers, it was agreed to insert the following words ‘and all the personnel of Dorset and Wiltshire fire and rescue service’ after ‘Fire Authority’ in the first sentence.

Following further debate, it was

#### **Resolved**

**This council congratulates the Dorset and Wiltshire Fire Authority and all the personnel of Dorset and Wiltshire fire and rescue service on a smooth harmonisation of two public bodies into a single authority. The council requests that the Chairman of the Fire Authority brings a report to the council at its July 2017 council meeting to enable members to have informed debate on performance of the fire authority after its first full year of operation.**

#### 74c) **Notice of Motion No. 35 - A Fair Chance for Every Child in Wiltshire - From Councillors Jon Hubbard and Steve Oldrieve**

The Chairman reported receipt of the above mentioned motion from Councillors Jon Hubbard and Steve Oldrieve. Accordingly, Councillor Jon Hubbard moved the following motion which was duly seconded by Councillor Steve Oldrieve:

*“The Conservative Government in Westminster have issued a Green Paper suggesting that every school could convert to a Grammar School, reintroducing selective education for children across the county of Wiltshire.*

*Sir Michael Wilshaw\*, the head of Ofsted, has described the expansion of Grammar Schools as a “retrograde step” and this view has been echoed by educationalists from across the country.*

*Currently in Wiltshire there are 2 Grammar Schools, both in Salisbury where there are 5 other state schools offering secondary education. No other community in Wiltshire enjoys having so many comprehensive schools in such a small geographical area.*

#### **Council notes:**

- *Should one, or more, of Wiltshire’s market town schools, which is served by*

*just one secondary school, convert to a grammar school then this would leave many children without a local school to attend*

- *Even Free School founder and right ring columnist Toby Young has publically stated that introducing new grammar schools with do nothing to help boost social mobility*

**Council believes:**

- *That should rural comprehensive schools in Wiltshire be converted to grammar schools it would disadvantage Wiltshire's children, with many being forced to travel significant additional distance to schools each day*
- *That there is a considerable risk to the county's budget, should the council have to fund passenger transport for young people to schools other than those local to them as a result of not passing the 11 plus*
- *That dividing young people at the age of 11, based on their individual performance during a 145-minute one-off exam, is a retrograde step which will end up in the majority of young people be left feeling they are failures*
- *That former Prime Minister David Cameron was correct to say "I think it is delusional to think that a policy of expanding a number of grammar schools is either a good idea, a sellable idea or even the right idea."*

**Council calls for:**

- *A statement to be issued by Wiltshire Council stating: "This Council does not support the further expansion of grammar schools in Wiltshire"*
- *The Cabinet Member for Children's Services to lobby all parliamentarians in Wiltshire to do all in their power to prevent existing comprehensive schools being converted to grammar schools*
- *The Cabinet Member for Children's Services to write to the Secretary of State stating that Wiltshire Council does not believe that the conversion of comprehensive schools to grammar schools in rural communities is in the best interests of **all** young people"*

Following agreement to debate the motion, the Chairman invited Councillor Hubbard to speak to his motion.

In response to the motion, Councillor Laura Mayes, as the relevant Cabinet member, commended the motion as comprehensive and well researched, but that she could not recommend support for the motion due to the need to consult further with partners and those affected, before writing to MPs and the Secretary of State to put the views of the Council and the people of Wiltshire in response to the Green Paper.

Following a debate, where the merits of the motion were discussed, the motion was put to the vote, and the Council;

**Resolved**

**That motion No. 35 be NOT adopted.**

74d) **Notice of Motion No. 36 - Capping Town and Parish Councils - From Baroness Scott of Bybrook OBE and Councillor John Thomson**



The Chairman reported receipt of the above mentioned motion from s Baroness Scott of Bybrook OBE and Councillor John Thomson. Accordingly, Baroness Scott of Bybrook OBE moved the following motion which was duly seconded by Councillor John Thomson:

*“The Council has received notification of a consultation from the Department for Communities and Local Government which includes the suggestion that a referendum would be needed if a Town and Parish Council wished to increase its precept by more than 2 per cent.*

**Specifically;**

- *For the first time, referendum principles will apply to Town and Parish councils for which the Band D charge is higher than £75.46 and the total precept is over £500,000.*
- *However, those Town and Parish councils where a service had been transferred from a local authority would not be subject to the referendum principle, providing certain conditions are satisfied.*
- *The government is also prepared to consider extending the referendum principles to all Town and Parish councils.*

**Preamble**

*Towns and Parishes receive no government money therefore the level of precept should be decided locally and not by government. As far as a referendum is concerned this would impose extra costs on the Town or Parish that chooses to have one, putting additional pressure on the precept.*

*Towns and Parishes are the core of local democracy and should not be fettered and undermined by government.*

**Motion**

*That Council agrees that a cap should not be imposed on town and parish councils, that it responds to the consultation robustly and uses other contacts to influence the consultation.*

<https://www.gov.uk/government/consultations/local-government-finance-settlement-2017-to-2018-technical-consultation>”

Following a short debate, where the motion gained support from across the chamber, the meeting;

**Resolved**

**To adopt the motion.**

*Admin Note: Councillor Ernie Clark asked that his vote against the motion be recorded.*

74e) **Notice of Motion No. 37 - Rethinking Wiltshire Council Governance - Cllrs Chris Caswill and Jon Hubbard**

Public Participation

Mrs Anne Henshaw made a statement and asked questions previously submitted and circulated.

The Chairman reported receipt of the above mentioned motion from Councillors Chris Caswill and Jon Hubbard.

Subsequently, Councillor Chris Caswill moved the following motion which was duly seconded by Councillor Jon Hubbard:

“Council notes the provision made in Section 21 of and Schedule 2 to the Localism Act 2011 (which amended the Local Government Act 2000) and in the Local Authorities (Committee System) (England) Regulations 2012 that provide the option for Local Authorities to adopt a committee system in place of Cabinet governance.

Council also notes that under these provisions, a Local Authority such as Wiltshire is enabled to decide how its functions, i.e. the powers given to it by central government, are delivered.

In considering this option, Council takes account of those authorities that have in recent years decided to move to a committee-based system of decision making, and the advantages that those changes are seen to have delivered. For example:

- Nottinghamshire County Council
- London Borough of Sutton (unitary authority)
- Brighton and Hove City Council (unitary authority)
- Reading Borough Council (unitary authority)
- Norfolk County Council

To quote the 2014 Local Government Information Unit (LGIU) report <sup>1</sup>:

*“The most cited advantage (and reason for changing) is that the committee system is inherently more democratic, with more councillors directly involved in decision-making. The opposition has more say and its voice is more strongly heard.”*

And

*“The supporters of the committee system do feel that decisions are more out in the open. Of course, especially in councils with majority administrations, important decisions are taken by the political groups. This can, at times, curtail genuine discussion. However, a committee system means that there is more likelihood of fewer decisions being pre-determined and that it is worth opposition members proposing alternatives or moving amendments to decisions – which will sometimes gain support from councillors with a majority. In councils with no overall control there is no certainty about what will happen at a committee. Councils represented here did say that councillors in general were having to take on extra work so that they could contribute effectively to their committees and they needed more training. But council leaders felt this was positive, as was the need for officers to be better at*

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<sup>1</sup> LGIU Policy Briefing “Changing to a Committee System in a New Era”, 16 December 2014

*forward planning.”*

Council further notes that none of those Authorities moving to a committee system have wanted simply to replicate the old committee arrangements and all have introduced streamlined committee arrangements. In most cases these arrangements have either replaced Scrutiny Committees as part of a push for cost-neutrality, or reduced Scrutiny to a single committee with a clearly defined remit. From the LGIU report again:

*“All of the councils insisted that they were not going back to the system pre 2000. They were, they said, building on the best of that system but also on the best of the cabinet model.”*

Council recognises the benefits of this change and believes that a modern committee system would, in principle, provide more open and inclusive governance for Wiltshire, especially in its ability to engage members in the decision making process, and provide more open and transparent decision making for the public who vote for and pay for the Council.

Council also recognises that such a change cannot be made overnight, and requires careful preparation<sup>2</sup>. It also recognises that it would not in any case be appropriate or democratic to introduce a new system within a few months of an ‘all-out’ election.

**Council therefore resolves:**

- 1. To recommend to the incoming Authority that a committee based system of decision making would in principle be preferable to a Cabinet system, for the reasons given above, and those which underpin the changes made by other Authorities**
- 2. To ask Cabinet to set up a cross party task group, in consultation with Group Leaders, to explore detailed options for how a committee system could best work for Wiltshire and what part, if any, scrutiny arrangements could usefully play within them**
- 3. That the task group and officers should be asked specifically to investigate how such a change could be introduced on a cost-neutral basis**
- 4. That the task group be asked to report in time for its conclusions to be considered by the incoming g Council at and soon after May 2017”.**

Following agreement to debate the motion, the Chairman invited Councillor Caswill to speak to his motion.

Following a debate, where the merits of the motion were discussed, the motion was put to the vote, and the Council;

**Resolved:**

**That motion No. 37 be NOT adopted.**

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<sup>2</sup> LGIU ‘Rethinking Governance’ Guidance, January 2014

74f) **Notice of Motion No. 38 - Democratic Accountability - Cllrs Chris Caswill and Chris Hurst**

The Chairman reported receipt of the above mentioned motion from Councillors Chris Caswill and Chris Hurst. Accordingly, Councillor Chris Caswill moved the following motion which was duly seconded by Councillor Chris Hurst:

*“Council notes the extensive powers attributed within the Wiltshire unitary system to the Leader and the Cabinet, and to Officers under Delegated Powers. Council asserts the importance of democratic debate and challenge, and of the active engagement of backbench members and the public in the Council’s work.*

*It has accordingly proposed detailed measures designed to:*

- (a) increase the accountability of the executive, in its various forms, and*
- (b) improve those elements of the system which provide for the contributions of individual elected members, and*
- (c) Strengthen the participation of , and engagement with, the Wiltshire public, and*
- (d) Thereby strengthen the democratic legitimacy and contribution of Wiltshire Council*

*These measures are set out at Annex 1 to this Motion.*

**Council resolves that :**

- 1. The list at Annex 1 be adopted as the ambition for changes to current procedures, instruments and practices**
- 2. The changes proposed for Scrutiny be referred to the Overview and Scrutiny Management Committee, for its agreement to implementation or report back to Council at its next meeting**
- 3. Cabinet be asked to have the process of implementing the other changes begun as soon as possible**
- 4. Officers be requested to identify for an early Cabinet meeting those changes which can be implemented, or at least initiated, before May 2017 and to begin work on those as a matter of priority**
- 5. Cabinet be asked to report on progress by the end of March 2017, along with a justification of any changes it rejects**
- 6. And a plan for implementation of remaining changes after May 2017, subject to the agreement of the new Council.**

**Annex 1 to Council Motion on Democracy and Accountability  
List of proposed changes to current procedures, instruments and practices**

**Scrutiny**

- 1. All Scrutiny Committees will be chaired by a Councillor from outside the**

*ruling administration group.*

- 2. Membership of all Scrutiny Committees shall include two members of the public, appointed on the basis of responses to advertised vacancies and selection by the Committees*
- 3. Cabinet responses to Scrutiny recommendations will be brought to Committees by the relevant Cabinet members in person. Recommendations and responses will be prominently displayed on the Council web site*
- 4. Provision will be made for public petitions to be presented and discussed at Scrutiny meetings (see below)*
- 5. Scrutiny meetings will be advertised on the Council web site and members of the public invited to address Committees on high profile items*
- 6. It shall be established within Constitution protocols understood that Scrutiny Committee decisions are not taken on party political / group lines, without prior group briefing*
- 7. Cabinet members and portfolio holders shall not be members of Scrutiny Committees*
- 8. Strengthened staffing of Scrutiny support will be regarded as a corporate priority. Scrutiny staff will be brought together as a separate team, together with Democratic Services*

#### **Area Boards**

- a) Provision will be made for public participation at the beginning of Area Board meetings, similar to that made for Cabinet and other committees*
- b) Provision will be made for public petitions to be presented and discussed at Area Board meetings (see below)*

#### **Planning**

- i. The right of local residents to call in planning applications for committee decisions in public will be restored, with a threshold of six signatories*
- ii. Speaking time for members of the public will be increased to a maximum of 5 minutes*
- iii. All planning meetings will begin in the early evening, preferably at 6 pm, to allow working residents to attend.*
- iv. It shall be established within Constitution protocols understood that decisions within all Planning Committees are not taken on party political / group lines, without prior group briefing*
- v. Guidance will be given to planning officers that their reports should explicitly address those residents' objections that relate to planning*

*policies, not simply list them*

- vi. A user-friendly guide will be provided for residents who wish to make representations on planning applications and the Council web will be restructured to provide well signposted and user-friendly routes for that purpose.*

### **Licensing**

- 1) Local members will be informed of any formal warning notices sent to licensed premises in their areas*
- 2) New user-friendly guidance will be provided for the public on the licensing system and opportunities for the public to engage.*

### **Highways**

- All CATG meetings will be held in public, and advertised on the Council web site*
- A route will be restored for local members to make direct contact with Council officers on highways issues, and bring issues directly to CATGs*
- All highways work that will disrupt roads or pavements for more than one day will be required to display reasons and timetables for the work*

### **Democratic opposition**

- Direct Democratic Services and research support will be provided to Opposition groups with four or more members, to be determined by discussion between the Leader and Opposition Group Leaders*

### **Engagement of Individual members**

- I. The Constitution protocol for providing information to local Members will be strengthened, so that it the expectation will be that local members will be informed in advance, and in good time, of all decisions and decisions under consideration that would enable them to discharge their responsibilities as community leaders, irrespective of considerations of any embarrassment to the ruling administration*
- II. Clear protocols will be introduced to provide opportunities for individual backbench members to challenge and bring forward for review significant decisions taken by Officers under Delegated Powers, recognising that work will need to be done in advance on a classification and presentation of a limited group of significant decisions (to avoid all Officer decisions being capable of review)*

### **Council and committees**

- 1. The annual State of Wiltshire debate will be restored, with officer support available to opposition groups for research purposes*
- 2. Now that the electronic voting system is in place, all votes at Council*

*meetings will be recorded.*

- 3. Councillor's questions will be taken higher on the agenda at Council meetings, after public participation but prior to any Resolutions, and with a time limit of 30 minutes for supplementary questions and answers*
- 4. All Council, Cabinet and other committee agendas will be published sufficiently far in advance of the meeting to allow the public at least five clear working days to read the papers and indicate a wish to make a statement or ask a question*
- 5. The combined Democratic Services and Scrutiny functions will report directly and independently of executive functions to the Monitoring Officer, and then preferably to a restored Chief Executive post.*

#### **Engagement with the Public**

- Provision has already been made above for enhanced public engagement with scrutiny, planning and licensing. Additionally, the threshold for petitions which will automatically generate a debate will be reduced to 1000. Petitions achieving this threshold may be discussed at full Council or be referred to the relevant Scrutiny Committee, where the petitioner(s) will have the opportunity to participate in the debate. Presenters of petitions with over 50 proper signatures will have the opportunity to have their petition discussed at the relevant Area Board(s), should they wish, and to have a decision from the Board(s) as to the next steps*
- There will be a professional independent review of the Council web site, leading to its replacement or restructuring into a user-friendly format that interactively engages the public"*

Following agreement to debate the motion, the Chairman invited Councillor Caswill to speak to his motion.

Following a debate, Councillor Caswill agreed to withdraw the motion to enable the individual Cabinet Members to consider the suggestions put forward.

#### **Motion Withdrawn**

#### **74g) Notice of Motion 39 - Delegation to Elected Members - Cllrs Chris Caswill and Cllr Jon Hubbard**

The Chairman reported receipt of the above mentioned motion from Councillors Chris Caswill and Chris Hurst Accordingly, Councillor Chris Caswill moved the following motion which was duly seconded by Councillor Chris Hurst:

**“Council notes that Section 236 of the Local Government and Public Involvement in Health Act 2007 gave the power for Local Authority delegation to individual Councillors.**

**Council further notes that a significant number of Local Authorities have arrangements in place which delegate budgets to individual Members, and that these include:**

- The London Boroughs of Haringey, Hillingdon, Lewisham and Westminster**
- Cornwall, Cumbria, Devon, Hampshire, Hertfordshire, Kent, Lancashire, Northamptonshire, Suffolk and Warwickshire County Councils**

**and that although the majority of these delegations relate only to community grants, at least two, Hertfordshire and Suffolk delegate funding for highways improvements. Council notes that Suffolk County Councillors have a £10,000 locality budget for 'local projects in their Division that benefit the local community' and each also has a highways budget of £15000, which can be rolled forward.**

**Council recognises that the increasing pressures on the Wiltshire budget have resulted in rationing systems and delegations to town and parish councils that have left individual members with reduced roles. And also that those financial pressures are expected to increase, and with that further reductions in the ability of individual members to contribute locally, and deliver their responsibilities as local representatives, community leaders and 'champions of their divisions', as set out in Part 12 of the Constitution ('Roles and Responsibilities of Members').**

**Council supports the creation of individual grant and highways budgets for elected Wiltshire Council Members as an important step to reverse that trend, and because of the benefits it will bring, including:**

- Expressed trust in the qualities and judgements of individual members**
- Enhanced roles for Members in their local communities**
- Encouragement of small scale and local community awards**
- Enhanced engagement of the public with individual members**
- An enhanced role for elected members of Wiltshire Council, and hence an increased incentive for candidates of quality from all walks of life to put themselves forward for election to the Council**
- More flexible and speedy decision making**
- Increased accountability of individual Members to local communities Council recognises four particular challenges in making this change:**
  - a. Accountability : In addition to the record keeping required by the 2007 Act, there are opportunities for regular reporting to the local communities via meetings of the Area Boards, and by easily accessible reports on the Council's web site**



- b. Adequate budgets : this will require increases in the amounts delegated by Cabinet and from Officer delegations, which is to be welcomed in its own right
- c. The relationship with Area Board community grants : Community Area funds can and should be retained for Area-wide applications. Councillor budgets would be complementary, smaller, and used for purposes local to their Divisions. It should also be possible for two or more members to pool their funding for local applications that cross Division boundaries
- d. Managing the flows of funds; Council is confident that Wiltshire Council's officers and systems are at least as capable of coping with this requirement as those in the other Authorities which already operate this kind of delegation

***Council accordingly resolves:***

- 1. That the Leader be asked to initiate a system of Member delegated budgets, and that these should be in place prior to the May 2017 elections, so as to help attract a diverse range of good quality candidates***
- 2. And that those delegated budgets should include funds for community grants and minor highways works, alongside some fund retained for Community-wide grant applications***
- 3. And that accountability to the public will be achieved by annual presentations of decisions and outcomes at Area Board meetings, and on the Council web site***
- 4. And that the aim should be for Member annual budgets to be initially £ 2000 for local (Divisional) community awards and £10,000 for minor"***

The Chairman invited Councillor Caswill to speak to his motion. Councillor Caswill explained that he believed the measures outlined would strengthen the role of councillors and their standing in their community.

The Leader, Baroness Scott of Bybrook, OBE, stated that she could not support the proposals chiefly for the additional administrative costs. Councillor Glenis Ansell stated that the proposals would be difficult to administer.

Having been put to the vote, the meeting;

**Resolved**

**That the motion be NOT adopted.**

The Chairman drew the meeting's attention to the report which asked Council to consider a request from Councillor Helen Osborn for a further extension of office beyond the six month period of non-attendance due to ill health. In presenting the report, the Chairman and members wished Councillor Osborn a speed recovery.

There being no further questions or statements, the meeting;

#### **Resolved**

- 1. To approve the request from Councillor Helen Osborn for a further extension beyond the six month period of nonattendance on the grounds of ill health; and**
- 2. That such an extension be granted until the end of February 2017.**

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

The Chairman drew the meeting's attention to the report, and the appendix in agenda supplement one, which proposed changes in the number of seats held by political groups following the result of the by-election held on the 14 July 2016 won by Councillor Chris Auckland.

There being no further questions or statements, the meeting;

#### **Resolved**

- (a) To note the 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 2 (circulated in agenda supplement one).**
- (c) To make the changes to the appointment of councillors and substitutes to serve on those committees in accordance with the revised scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989.**
- (d) In accordance with paragraph 4.4 of Part 3 of the Constitution (Responsibilities for Functions) to ratify the appointment of Councillor Chris Auckland to the Trowbridge Area Board.**

### **77 Membership of Committees**

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

Following requests made by Councillor Glenis Ansell, Leader of the Liberal Democrat Group, and Baroness Scott of Bybrook, OBE, Leader of the Conservative Group, it was,

**Resolved:**

**To approve the following committee changes:**

**1. Strategic Planning Committee**

- **Remove Councillor Mary Douglas as a substitute member**
- **Add Councillor Christine Crisp as a substitute member**

**2. Licensing Committee**

- **Remove Councillor Bill Moss as a substitute member**
- **Add Councillor Anna Cuthbert as a substitute member**

**3. Overview & Scrutiny Management Committee**

- **Remove Councillor Mary Douglas as a substitute member**
- **Add Councillor Anna Cuthbert as a substitute member**

**4. Children's Select Committee**

- **Remove Councillor Bill Moss as a substitute member**
- **Add Councillor Anna Cuthbert as a substitute member**

**5. Health Select Committee**

- **Remove Councillor Mary Douglas as a full member**
- **Add Councillor Atiqul Hoque as a full member**

**6. Standards Committee**

- **Remove Councillor Mary Douglas as a substitute member**
- **Add Councillor Charles Howard as a substitute member**
- **Remove Councillor Alan Macrae as a full member**
- **Add Councillor Peter Evans as a full member**
- **Councillor Paul Oatway to replace Councillor Julian Johnson as the Chairman of the Standards Committee**

**7. Staffing Policy Committee**

- **Remove Councillor Bill Moss as a substitute member**
- **Add Councillor Richard Britton as a substitute member**

- Add Councillor Glenis Ansell as a full member

#### 8. Wiltshire Pension Fund Committee

- Remove Councillor Bill Moss as a full member
- Add Councillor Richard Britton as a full member

#### 9. Appeals Panel

- Add Councillor Chris Auckland as a full member

### 78 Minutes of Cabinet and Committees

The Chairman moved that Council receive and note the following minutes as listed in the separate Minutes Book.

The Chairman then 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.

There being no further questions, the meeting;

**Resolved:**

**That the minutes of the circulated Minutes Book be received and note**

- Cabinet – 19 July, 13 September, 11 October
- Cabinet Capital Assets – 19 July, 13 September
- ONS Management – 5 July, 6 September, 10 October
- Children’s Select – 31 May, 21 June, 19 July
- Environment Select – 7 June, 13 September
- Health Select – 21 June
- Licensing – 19 September
- Strategic Planning – 13 July
- Northern Area Planning – 13 July, 3 August, 24 August, 14 September
- Eastern Area Planning – 4 August, 15 September
- Southern Area Planning – 21 July, 11 August, 1 September
- Western Area Planning – 29 June, 10 August, 28 September
- Audit – 26 April, 27 July
- Joint Strategic Economic Committee – 1 July
- Health and Wellbeing Board – 9 June
- Local Pension Board – 20 July
- Pension Fund Committee – 30 June
- Police and Crime Panel – 16 June
- Staffing Policy Committee – 4 May, 6 July, 7 September, 26 September
- Dorset and Wiltshire Fire Authority – 23 June

### 79 Councillors' Questions

The Chairman reported receipt of questions from Councillors Terry Chivers, Ernie Clark, Chris Caswill, Peter Edge, Jon Hubbard, details of which were circulated in Agenda Supplement No. 1 together with responses from the relevant Cabinet member or Committee Chairman, details of which are attached as Appendix C. Where questions had related to a specific item on the agenda, they had been dealt with under that item.

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

1. Councillor Terry Chiver to Councillor Stuart Wheeler (16/34)

The written answer to the question, circulated with the agenda supplement, was noted.

2. Councillor Ernie Clarke to Councillor Toby Sturgis (16/35)

The written answer to the question, circulated with the agenda supplement, was noted.

3. Councillor Chris Caswill to Councillor Laura Mayes (16/36)

The written answer to the question, circulated with the agenda supplement, was noted. A supplementary question was answered in a debate earlier in the meeting.

4. Councillor Peter Edge to Councillor Jonathon Seed (16/43)

In response to a supplementary question, Councillor Seed stated that in the light of financial constraints, following a review of the costs of the event, it had been decided not to proceed.

4. Councillor Jon Hubbard to Councillor Toby Sturgis (16/44)

In response to a supplementary question, Councillor Sturgis stated that it had been felt appropriate to use the DVLA definitions for commercial vehicles to ration the service, but that he would direct officers to offer appropriate support to the specific case mentioned in the question so that the customer was not unduly affected by the change.

5. Councillor Chris Caswill to Councillor Toby Sturgis (16/38)

The written answer to the question, circulated with the agenda supplement, was noted.

5. Councillor Chris Caswill to Councillor Toby Sturgis (16/39)

In response to a supplementary question, Councillor Sturgis stated that duty to process applications when they were ready, and should not risk appeal through undue delay. He noted that this had been acknowledged by the Inspector.

6. Councillor Jon Hubbard to Councillor Toby Sturgis (16/46)

In response to a supplementary question, Councillor Sturgis stated that the housing land supply questions are a minimum requirement.

7. Councillor Chris Caswill to Councillor Toby Sturgis (16/40)

In response to a supplementary question, Councillor Sturgis stated that the application in question had been approved subject to the signing of a s106 agreement, and if an agreement was not reached, the application would have to be reconsidered.

8. Councillor Chris Caswill to Councillor Toby Sturgis (16/41)

In response to a supplementary question, Councillor Sturgis stated that it was difficult to make a comparison based on the evidence provided, and that the quote referred to had, in part, been taken out of context.

9. Councillor Chris Caswill to Councillor Baroness Scott of Bybrook OBE (16/42)

In response to a supplementary question, Baroness Scott stated that there was a good spread of toilets available in the town. The facility referred to in the question was not fit for purpose and would have required a lot of refurbishment. The Council had an ambition to develop this site, and hope that further facilities could be provided as part of a mixed use development.

(Duration of meeting: 10:30 – 17:55)

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](mailto:Yamina.Rhouati@wiltshire.gov.uk)

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**From Bill Jarvis, Keep Wiltshire Frack Free**

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

### **Question (Ref P16/13)**

Wiltshire Council are no doubt aware that the 4 licence areas for unconventional gas development (PEDLs ST84,85 and ST94,95) to the west of the County have recently been abandoned by the potential Developer and handed back to the Oil and Gas Authority (OGA).

- a) To give reassurance to the people of this County that no unconventional gas extraction (fracking) will take place, will Wiltshire Council confirm that they have established from the OGA that these licences will not be reissued, either to the original developer or to any other organization in the future
- b) If the Council cannot give this assurance, we must assume that these licences could well be reactivated at any time.

The Council Planning Department has issued a briefing note to Councillors entitled Onshore Hydrocarbon Extraction (Briefing note 303), which concludes that there is no further action required to protect the County from the dangers of fracking. As demonstrated by the many unanswered questions we have submitted to you previously we do not agree with this conclusion.

Please advise therefore how Wiltshire Council will give assurance of protection from the impacts of fracking as their existing policies fail to do so.

### **Response**

- a) The OGA has confirmed that all four of the blocks of land in Wiltshire offered under the 14th Onshore Licencing Round will not now be awarded. These licences will not be reissued under the 14th Round as the 14th Licencing Round is closed. South Western Energy or any other prospective developer will now have to reapply under a new 15th licencing round (if one occurs) or the 'out-of-round' process. However, the out-of-round process can only be used if justified by exceptional circumstances, and should not be seen as a routine alternative to the Licensing Rounds system.
- b) See response to question a) above.

The Councillor Briefing Note did not conclude as suggested. The conclusion is as follows:

#### **24. Conclusion**

*24.1. This report outlines the current position with respect to shale gas and coalbed methane development, both nationally and in Wiltshire. These technologies are new in an onshore UK context but the Government considers that they will potentially have a significant future role to play in achieving benefits, both economically and in terms of energy security.*

*24.2. Following the granting of PEDL licences, Wiltshire Council has not received any application in relation to oil and gas exploration and hydraulic fracturing (fracking). Before an application is submitted, it is expected that engagement between the licensee and public will occur.*

*24.3. It is considered that the planning system and current national and local planning policy provides an appropriate basis for assessing the environmental implications of any such future proposals. In addition, such proposals would be subject to substantial additional controls under separate regulatory regimes administered by the Environment Agency, DECC and the Health and Safety Executive.*

*24.4. The Council will continue to review the progress of PEDL licences both within Wiltshire and other Local Authority areas.*

#### **Question (Ref P16/14)**

What plans have Wiltshire Council put in place to discharge their responsibilities to the people of Wiltshire with respect to the Paris Agreement, being ratified by the UK Govt before the year end?

All questions put to the Council from Keep Wiltshire Frack Free.

#### **Response**

Wiltshire Council has a responsibility for addressing climate change through adaptation and mitigation both within its services and as part of its community leadership role.

The Council's Energy, Change and Opportunity (ECO) Strategy 2011 – 2020, is a framework document designed to identify how Wiltshire as a council and a community can act on climate change. The overarching framework document is supplemented by three detailed action plans, which set out more specifically how we are going to deliver our climate change ambitions.

- Carbon Management Plan for the council's emissions (published March 2011)
- Climate Change Adaptation Plan for Wiltshire (revised 2016)
- Wiltshire Energy Resilience Plan (published 2015)



The Energy, Change & Opportunity Board met most recently on the 5th October 2016.

The Board approved the 2016 revised Climate Change Adaptation Plan. Reports were received from across the Council services including Fleet, Waste, Public Health, Property and Economic Development and Planning as climate change activity is now embedded within the authority's services (Climate Change Adaption Plan). The revised Climate Change Adaptation Plan is being loaded onto the Council's website and should be available for download towards the end of next week.

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**Public Participation**

**From Mrs Anne Henshaw, CPRE Wiltshire Branch**

**To Councillor Richard Britton, Chairman of Council**

**Question (Ref P16/15)**

Given the importance to the public of the substance of the Motions proposed by Councillor Caswill we ask whether there is any reason why there should not be a free vote on them?

We ask for a free vote.

**Response**

In accordance with Paragraph 30 of Part 4 of the Constitution, a verbal response will be provided at the meeting.

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## **Councillor Questions Update**

### **Questions Received**

1. A total of 13 questions from Councillors have been received since the last meeting of Full Council on 12 July 2016.
2. Details of questions submitted and the order they will be received at the meeting are shown at Appendix 1. Responses are included at Appendix 2.
3. 1 question was determined to be purely an operational query, and so in accordance with paragraph 59 of Part 4 of the constitution, a response has been provided by the relevant Associate Director.
4. A total of 8 other questions were received by the first deadline of 4 October 2016, and were therefore guaranteed written responses as attached to this report.
5. 4 further questions then were received by the final deadline of 11 October 2016. These were therefore not guaranteed written responses. Where a verbal response is provided a written response will follow within five working days of the meeting.
6. In accordance with Paragraph 62 of Part 4 of the Constitution, no more than 20 supplementary questions may be asked at any meeting, with no more than 1 supplementary per question submitted. As the number of questions received for this meeting is fewer than 20, there will be no need to restrict the number of supplementary questions to 20.
7. Where a question relates to an item on the agenda appearing before the receipt of Councillors' questions, it may be taken under that item. This will still count toward the total of 20 questions to be received in total at the meeting.
8. The Chairman will go through the questions and responses and, as is customary, take them as read and giving the questioner an opportunity to ask one relevant supplementary question for each question submitted.

**Yamina Rhouati, Democratic Governance Manager, 01225 718024,**  
[yamina.rhouati@wiltshire.gov.uk](mailto:yamina.rhouati@wiltshire.gov.uk)

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Appendix 1 - Councillor Questions Summary

Appendix 2 - Questions and Responses

## Appendix 1 - Councillor Submitted Questions Summary

Questions will be received in the order listed below as specified in Paragraph 63 of Part 4 of the Constitution.

### Questions for Council (attached at Appendix 2)

Ref	Questioner	Date Received	Written or Verbal	Subject	Cabinet Member/Committee Chairman
16/34	Cllr Terry Chivers	21/7/13	Written	Webcasting	Cllr Stuart Wheeler
16/35	Cllr Ernie Clark	30/9/16	Written	Hills Waste Contract	Cllr Toby Sturgis
16/36	Cllr Chris Caswill	4/10/16	Written	Grammar Schools	Cllr Laura Mayes
16/43	Cllr Peter Edge	6/10/16	Verbal	Cycle Sportive, Salisbury	Cllr Jonathon Seed
16/44	Cllr Jon Hubbard	7/10/16	Verbal	Household Recycling Centres	Cllr Toby Sturgis
16/38	Cllr Chris Caswill	4/10/16	Written	Rawlings Green	Cllr Toby Sturgis
16/45	Cllr Jon Hubbard	7/10/16	Verbal	Household Recycling Centres 2	Cllr Toby Sturgis
16/39	Cllr Chris Caswill	4/10/16	Written	Rawlings Green2	Cllr Toby Sturgis
16/46	Cllr Jon Hubbard	10/10/16	Verbal	Land Supply	Cllr Toby Sturgis
16/40	Cllr Chris Caswill	4/10/16	Written	Rawlings Green3	Cllr Toby Sturgis
16/41	Cllr Chris Caswill	4/10/16	Written	Forest Farm	Cllr Toby Sturgis
16/42	Cllr Chris Caswill	4/10/16	Written	Public Toilets	Cllr Baroness Scott of Bybrook OBE

### Operational Questions (not attached)

Ref	Questioner	Date Received	Response Provided	Subject
16/37	Cllr Chris Caswill	4/10/16	11/10/16	Planning Committee cancellations and agenda item numbers

**Councillor Terry Chivers, Melksham Without North Division**

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

**Question (16/34)**

It is now some considerable time since Wiltshire Council installed the video system in the Council Chamber. At the present time the Council only broadcast Full Council meetings.

Are there any plans to broadcast other meetings, such as Cabinet and Planning, and if so when, and how much did the system cost to buy and install.

**Response**

The Council is committed to the use of technology as part of encouraging its citizens to engage in the democratic process, and is looking to expand use of recording and webcasting meetings and events where suitable provision exists.

The recording equipment was installed in the Council Chamber as part of the wider refurbishment programme of County Hall. The Kennet Room recording equipment up was installed as a second phase and has been trialled on a number of occasions. Feedback has been that the current camera positions do not provide the same technical coverage as the Chamber within the limited range of available adjustment and needed a solution. This has been on-going with the supplier in trying to utilise the existing equipment in different configurations without incurring additional costs. Further trials are underway and feedback being sought.

The costs incurred so far have been:

- Council Chamber equipment initial purchase: £25,000 and an average annual maintenance of £5,000
- Webhosting (based on usage) and Kennet Room equipment lease and maintenance: £22,000 per annum reduced to £15,000 for this year under contract extension

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**Councillor Ernie Clark, Hilperton Division**

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

**Question (16/35)**

With regard to the waste collection contract recently awarded to Hills, has there been any challenge from an interested party to the awarding of the contract?

**Response**

The council has received a legal challenge from FCC that has been registered with the High Court. This means we cannot enter into contracts for Lot 2 (management of nine household recycling centres), or Lot 5 (waste and recycling collection services) until that challenge has been resolved.

The council intends to resolve this challenge. Whilst we are unable to award the contracts, we will continue to plan the mobilisation of these critical public services to reduce risks that may affect the planned start date of 1 August 2017.

For legal reasons the council is unable to comment further at this time. When it is appropriate further communications will be issued.

**Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Laura Mayes, Cabinet member for Children's Services**

**Question (16/36)**

Now that the Prime Minister and the Leader of your Party has announced the Government's intention to return to a Grammar School system, could you indicate which of the four secondary schools in Calne and Chippenham you envisage becoming a Secondary Modern, to accommodate the children who fail the Grammar School entrance test?

**Response**

The Green Paper currently out to consultation includes proposals to increase the supply of good school places by lifting the restrictions on selection, but at the same time requiring selective schools to play a greater role in raising standards at other schools. It does not propose a re-introduction of the binary or tripartite system of the past or a simple expansion of existing selective institutions. The paper proposes that selective schools should be asked to contribute to non-selective schooling in certain ways, ensuring the expansion of good selective education alongside the creation of new good school places in non-selective schools.

The government is proposing to allow existing non-selective schools to become selective by removing existing restrictions on selection, subject to meeting certain conditions as set out below. These schools would become selective in response to local demand. As this is currently a Green Paper the Government will consider measures to preserve school diversity in areas where schools choose to convert in this way, but there is no detail at the current time.

Conditions for agreeing a conversion to selective status being considered at this time include:

- Taking a proportion of pupils from lower income households. This would ensure that selective education is not reserved for those with the means to move into the catchment area or pay for tuition to pass the test;
- Establish a new non-selective secondary school, with the capital and revenue costs paid by government;
- Establish a primary feeder in an area with higher density of lower income households to widen access, with the capital and revenue costs paid by government;

- Partner with an existing non-selective school within a multi-academy trust or sponsor a currently underperforming and non-selective academy. Under these arrangements, selective schools would be expected to share resources, assist with teaching, provide curriculum support, assist with university applications and contribute to governance expertise.
- Ensure that there are opportunities to join the selective school at different ages, such as 14 and 16, as well as 11. This might be facilitated through partnership or sponsor arrangements with other schools.

The consultation on the Green Paper will close in December 2016 and the local authority will assess the potential impact of proposals on secondary education within Wiltshire when statutory guidance is provided by central government.



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**Councillor Peter Edge, Wilton and Lower Wylve Valley Division**

**To Councillor Jonathon Seed, Councillor Jonathon Seed, Cabinet Member for  
Housing, Leisure, Libraries and Flooding**

**Question (16/43)**

Earlier in May this year it was scheduled to hold a Cycle Sportive in Salisbury on the day before the professional race on the Sunday. Both events have been very well supported over the past years and it is with some concern amongst local cyclists that the event was cancelled. When I asked the question why, I was told that it was not economically viable and that a new date had been set for October the 2<sup>nd</sup> 2016. This date was set so that it would coincide with the official opening of the Five Rivers Health and Well Being Centre. I pointed out to officers my disappointment of the new date, as most sportives end around September. The big local event on the 17<sup>th</sup> September for the charity CALM (Campaign Against Living Miserably) is well established and attracts well over 800 riders.

So it was with some disappointment that I learnt that the Salisbury event had been cancelled due to lack of applications.

- a) Can the member tell me how much this has cost the council to cancel the event?
- b) Can the member let the cycling public look forward to the event being held again in May next Year?

**Response**

In accordance with Paragraph 56 of Part 4 of the Constitution, a verbal response will be provided for the meeting.

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**Councillor Jon Hubbard, Melksham South Division**

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

Could the Cabinet Member tell me what steps have been taken to mitigate the impact on local residents who have family vehicles that, as a result of the arbitrary decision on the cabinet member, are no longer able to freely access the council's Household Recycling Centres.

Specifically, I bring to the Cabinet Members attention the case of a family in my ward who has only one vehicle for the household, a Nissan Navara vehicle (pictured below) that they have now been told they will only be able to take to the Recycling Centre 12 times a year.





**Question (16/44)**

Can the Cabinet Member tell me how reducing the opportunity for residents to use recycling facilities helps encourage people to help meet the council's stated targets and objectives to increase the rate of recycling in the county?

**Response**

In accordance with Paragraph 56 of Part 4 of the Constitution, a verbal response will be provided for the meeting.

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**Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question (16/38)**

Did you in any way encourage the bringing forward of the Rawlings Green planning application less than a working week before the Government's Inspector was due to re-open his Enquiry into Chippenham housing, including of course the Rawlings Green site? If not, were you aware of it and did you take any steps to address the fact that it was pre-empting the Examination in Public?

**Response**

I did not encourage the bringing forward of this application. The Rawlings Green application was put on the committee agenda when it had been fully assessed. The Council took legal advice on the question of prematurity and were assured that it was appropriate to bring the application before the committee in September. The Inspector holding the hearings was advised and in a letter to the Council stated that *"The Council is entitled to determine applications which are before it and it is not part of my role to interfere with this procedure"*.

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**Councillor Jon Hubbard, Melksham South Division**

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

**Question (16/45)**

When the Garden Waste Tax was introduced last year with the charging for kerbside collection of garden waste Council was told that there was no reason residents could not take their garden waste to the Recycling Centres themselves if they wanted. Now that such visits are to be rationed for some residents will the Cabinet member review that charge for those residents being penalised for having the 'wrong' car?

**Response**

In accordance with Paragraph 56 of Part 4 of the Constitution, a verbal response will be provided for the meeting.

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**Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question (16/39)**

Why was that application processed just a few days before the EIP restarted? Were you afraid the Inspector would otherwise rule against Rawlings Green, and yet again against the Council' plans and preparations?

**Response**

See answer to 16/38.

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**Councillor Jon Hubbard, Melksham South Division**

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

**Question (16/46)**

When considering applications for new housing developments in the county, to address the current shortfall of housing land supply in Wiltshire to meet national DPD targets and conform with the relevant planning policies of the Council, why are Council planning officers not also:

- a) ensuring that robust s106 Terms and Conditions are negotiated to meet the key outcomes of all the Strategic Objectives in the Wiltshire Core Strategy 2006-2026 as amended in May 2015; and
- b) Specifically alerting all Councillors with relevant local, town, parish and Planning Committee interest in any application where the cumulative population growth impact of approval of an application for new housing in any locality where multiple application approvals have already been granted might render a community less resilient unless all the key outcomes of both Strategic Objectives 4 and 6 are also achieved to ensure that community, health and infrastructure provision is in place to support those communities.

**Response**

In accordance with Paragraph 56 of Part 4 of the Constitution, a verbal response will be provided for the meeting.

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**18 October 2016**

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**Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question (16/40)**

Were you aware that any decision on the Rawlings Green application was premature under the terms of the National Planning Policy Framework (NPPF) PPG 21b/14? If so what notice did you take of that shortcoming?

**Response**

Having read the committee report I was not aware that there was any unresolved issues relating to prematurity. The matter of prematurity was fully addressed in the Officer report on the planning application and in the presentation to members before the debate commenced.



**Wiltshire Council**

**Council**

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**Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question (16/41)**

Are you aware that one objector to the Council's Chippenham plans cited your answers on Forest Farm at a Council meeting in support of his objection? For example your statement that land quality was a reason for Forest Farm's exclusion when actually it has some of the least best and most valuable agricultural land of any site around Chippenham? Would you care to make a statement about that embarrassing situation?

**Response**

I am fully conversant with the Agricultural Land Classification used in the CSAP Site selection papers. My answer at Full Council was not in the context of the planning application but related to the evidence for the plan.

I understand that there was some reference at the meeting to what I said at Full Council. However I can't possibly know if it accurately reflects what I did say at the time. However, I attach the pertinent extract from Full Council.

*Councillor Sturgis explained that he could not support amendment iv) as the Forest Green site had, following a balanced assessment, not scored as highly as other preferred sites. Additionally, he considered that having undertaken detailed evidenced based work on the site selection process and to then at this stage substitute one site for another, would undermine the site selection process and therefore put at risk the soundness of the Plan. He also responded to points raised by Councillor Caswill*

The Council's reasons for opposing the Forest Farm application are set out in the resolution approved by the Strategic Planning Committee on 14 September 2016.

**Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council**

**Question (16/42)**

At a recent Cabinet meeting you made a statement, in front of several public witnesses, to the effect that public toilets in Wiltshire would not close on your watch. You rightly pointed to the discriminatory effects of any such closures. In that context, it is unfortunate that the Liberal Democrat - led town council with the largest financial expenditure in Wiltshire, Chippenham, has not found it possible to take on the maintenance of the public toilets in its town centre. So that two Chippenham town centre public toilets are now closed. Some, including myself, are campaigning to get the town council to change its mind. This remains a possibility, as does the possibility that a more enlightened town council will be elected in May 2017.

Given your stance on public toilets, is it not extraordinary that your administration is now proposing not only to allow the toilets to close but to *demolish* one of them, beside the busy Bath road car park and a busy national and local bus stop?

Is this what you meant when you said that no public toilets would *close* on your watch – *rather that they would be demolished*?

Or will you now take this opportunity to deliver on your promise, to the extent that you at least call a halt to the demolition proposals until after the May 2017 elections?

**Response**

Thank you for your question. I feel very strongly that local facilities should be maintained wherever possible and it is absolutely right that a town should have public convenience facilities.

After a long consultation with Chippenham Town Council, it was agreed together to maintain 4 facilities. These 4 facilities are: a facility at the bus station, Monkton Park, Emery Gate and the Town Council offer the use of their office toilets to the public during opening hours. 4 public toilet facilities are felt adequate for a town the size of Chippenham.