

**Wiltshire Council**

**Council**

**12 May 2015**

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**Item 17 - Councillors' Questions**

**From Councillor Terry Chivers, Melksham Without South Division**

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

**Question 1**

Residents a of Wiltshire who have signed up for the green waste collection tax. Have been issued with a sticker to place on their bin to identify they have paid the green tax. If a bin has been stolen, or damaged by the Councils contractor will there be a £25 charge for a replacement bin.

**Response**

**Verbal Response:** The £25 delivery charge will apply to residents who ask the council to retrieve their garden waste bin, but who then decide to opt-in to the new chargeable collection scheme within a year. Bins that are lost or damaged would not be subject to a delivery fee. From 15 June 2015 only garden waste bins with a council-issued label will be emptied.

**Question 2**

**Question withdrawn by member**

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**Item 17 - Councillors' Questions**

**From Councillor Terry Chivers, Melksham Without South 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 3**

How many local Parish and town Councils have been forced to increase council tax to provide services that should be provided by Wiltshire council?

**Response**

**Verbal Response:** I take the word 'should' to be determinative - in other words they are services the council *has* to provide under its statutory duty, and the answer is no parish or town council is required to raise funds to pay for any activities that the council has to provide.

If you extend that to say activities that a local council might think the council *ought* to provide, which could be many and varied, then it's up to that parish or town council to increase their precept accordingly in order to provide services that their residents want.

But the short answer to your question is none.

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**From Councillor Terry Chivers, Melksham Without South Division**

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

**Question 4**

As from April 1st all residents of Wiltshire are being charged £40 in the form of a green bin tax. Payment can be made by credit or debit card, by cheque or by phone.

What arrangements are being made for residents without bank accounts that wish to pay by cash.

**Response**

At 6th May 30676 payments had been made of which 105 were cash. Cash payments can be made at the three hubs and Snuff Street in Devizes. Like all payments to the council we promote methods that are the most cost effective and secure for the customer and the council.

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**Item 17 - Councillors' Questions**

**From Councillor Helen Osborn, Trowbridge Lambrok Division**

**To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Communities, Campuses, Area Boards and Broadband**

**Question 5**

May the Council please be informed of the extent of the current overspend on the Corsham campus and the reasons for this?

**Response**

**Verbal Response:** Springfield Community Campus in Corsham is nearing completion. The first phase opened last August, providing a new and expanded library, café, climbing wall, exhibition space and a variety of multi-purpose community rooms for hire. The final phase includes a complete refurbishment of the former leisure centre including swimming pool, wet changing rooms, a new health suite, extended fitness suite and a spin studio. The refurbishment incurred an additional cost due to the need to replace the plumbing and electrics, as well as moving asbestos. The sports hall, two squash courts and the movement studio also required unexpected refurbishment following flooding last December.

These factors combined and a change in contractor led to an increase cost of around £3.4million, which will be met from the Campus budget.

**Question 6**

What is the estimated completion date for the Melksham campus and is it likely to come in on budget?

**Response**

**Verbal Response:** Work to delivery new football and rugby pitches and facilities at Woolmore farm in Melksham will commence in the next few weeks. New facilities will be the first phase of the new Campus and will see new clubs playing from the new venue for the 2016/17 season.

Clearance of protected newts on the site has meant a delay in the building programme and this means both clubs will contain to play at their existing premises for the 2015/16 season.

Woolmore farm is a significant investment of around £6million; the Campus site at Melksham House will commence following relocation of the clubs in May 2016. The Area Board is working with the COB [and] will review the design plans to ensure they are within the approved budget. This works commences in the next few weeks to consider revisions and external funding contributions.

The campus is scheduled to open early 2018. We've actually also invested £21,000 to enable the football and rugby clubs to continue the use of their facilities, as there was some work which had been delayed because they were expected to move. We felt it was only fair to do that work for them.

### **Question 7**

Is the NHS still committed to involvement with the campus programme?

### **Response**

**Verbal Response:** The NHS is committed to being part of the campus programmes and we're in negotiations with them on various campuses on the space and involvement they wish to pursue.

### **Question 8**

What is the capital borrowing requirement for completion of the first seven campuses?

### **Response**

**Verbal Response:** *It is estimated to be in the region of £50m as was set out in previous reports to members.*

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**Item 17 - Councillors' Questions**

**From Councillor Terry Chivers, Melksham Without South Division**

**To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Communities, Campuses, Area Boards and Broadband**

**Question 9**

Wiltshire Council has known about the presence of newts on the new site for Melksham Town FC and Melksham Ruby for some time.

Why was it left so late before these two clubs were told that they would be remaining at their present grounds for another season?

Is it really the newts holding the move up or just a red herring as suggested in the Editorial of The Wiltshire Times?

[http://www.wiltshiretimes.co.uk/news/12882708.Newts\\_delay\\_Melksham\\_developments\\_by\\_a\\_year/](http://www.wiltshiretimes.co.uk/news/12882708.Newts_delay_Melksham_developments_by_a_year/)

**Response**

**Verbal Response:**

Wiltshire Council has known about the presence of newts on the new site for Melksham Town Football and Melksham Town Rugby for some time, and your question was 'Why was it left so late before these two clubs were told?'

The site was identified for the proposed rugby and football club at Woolmore farm as previously dedicated under licence by Natural England as a habitat mitigation in conjunction with the development at Melksham Oak Community School. As such Wiltshire Council has always been aware of the presence of reptiles on this site, and the necessity to secure further licence from Natural England to disturb] the inhabitants of great crested newts.

It should be noted that great crested newts are afforded full protection under the wildlife and countryside protection act 1981, as amended [by the] The conservation of habitats and species regulation (2010).

It is illegal to capture, injure or kill any wild animal protected under this legislation. It is also illegal to damage or destroy any aspect of their habitat without licensed consent from Natural England. Failure to comply with the requirement of this legislation can result in a custodial sentence up to 6 months.

The project team worked with their appointed specialist and Natural England to demonstrate an effective level of migration associated with the development . Also to secure sufficient habitat areas and connectivity between breeding ponds across the site. In order to make the licence acceptable to Natural England it was first necessary to secure the planning permission for the site. Planning was finally received on 16 July 2014, later than anticipated due to the sensitive nature of the site and necessary highway information.

On receipt of planning permission the licence application was made to Natural England, including a detailed reason statement to justify the council's case for further distributing protected species on this site. The licence from Natural England was received on the 28<sup>th</sup> October 2014 approximately 6 weeks later than their original target date, processing the application and listing the licence.

The licence requires an area in question be suitable fenced to enable the effective trapping and removal of the protected species outside of the development area. The licence also states the trapping period must take place over a minimum of 30 days, and the area can only be deemed clear following a period of 5 consecutive days where no reptiles are identified in the traps.

Also, most importantly, the licence precludes any trapping taking place where any night time temperatures fall below 5 degrees. On receipt of the licence and preparations of the reptile fencing it became apparent temperatures had fallen below the required level. As such the operation was postponed pending increased temperatures.

The trapping process has now commenced and it is anticipated that the work will commence on site shortly . Work to deliver the new football and rugby pitches and facilities at Woolmore farm in Melksham will commence in the next few weeks. New facilities [will be]for the first phase of the new campus, and will see the clubs playing from the new venue for the 2016-17 season.

The clearance of protected newts on the site has meant a delay in the build programme and this means that both clubs will continue to play at their existing premises for the 2015-16 season.

Woolmore farm is a significant investment of around £6million. The campus site at Melksham House will commence following the relocation of the clubs in 2016. The Area Board is working with the COB and review the design plans to ensure they are within the approved budget. This work will commence in the next few weeks to consider revisions and external funding contributions and the campus is scheduled to open early 2018.



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**Item 17 - Councillors' Questions**

**From Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question 10**

How many responses were received to the Draft Chippenham Site Allocation Plan? What number and percentage of the total said that they found the Plan to be unsound?

**Response**

**Verbal Response:** We have received 570 representations from 332 contributors of whom 270 contributors stated that they thought the draft Chippenham Site Allocations Plan unsound.

**Question 11**

When will all the public responses to the Draft Chippenham Site Allocation Plan be loaded onto the Council web site? As of 5th May, nearly one month after consultation closed, no responses from the CAUSE 2015 residents group have appeared there, when will they be available?

**Response**

**Verbal Response:** All of the responses are now available on the Council's consultation portal, including the representations from CAUSE 2015.

**Question 12**

How many hectares of land does Wiltshire Council own in each of the Areas C, D and E respectively of the Draft Chippenham Site Allocation Plan?

**Response**

**Verbal Response:** Wiltshire Council owns 77 hectares in Area C, 194 hectares in Area D, and 2.8 hectares in Area E.

### **Question 13**

The official 2011-2016 Wiltshire Infrastructure Delivery Plan 2, Appendix 1 Chippenham Community Area, includes a southern link road and costs for the river crossing. Why is this now being airbrushed out of the Council's plans?

### **Response**

**Verbal Response:** Proposals for development south west of Chippenham contained within the draft Chippenham Site Allocations Plan (proposal CH1) include the requirement that the "Design and layout of development must not prohibit a potential future road connection to land to the east", so not prejudicing the scope for a southern link road in future development plans for the town that look beyond 2026. A southern link road is not being 'airbrushed' out of Council plans. However, it is not needed in the period to 2026.

### **Question 14**

What is the revised timetable for the preparation of the Chippenham DPD? Does this now include reconsideration by the Cabinet?

### **Response**

**Verbal Response:** Officers are currently considering all comments received to determine whether issues of soundness have been raised requiring further consideration by Cabinet, as set out in the resolution of Cabinet on 10 February 2015. If issues of soundness requiring further consideration by Cabinet have been raised, then this will be put on the Forward Work Plan.

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**Item 17 - Councillors' Questions**

**From Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question 15**

How much additional funding has been provided to the Council by Central Government to assist with the implementation of the Care Act 2014, which came into effect on April 1<sup>st</sup>?

**Response**

The Council will receive £2.7m of direct grant, plus £2.5m from the Better Care Fund.

**Question 16**

At 2015 prices, what do you estimate the additional annual cost to the Council of implementing the Care Act will be, after any Government additional funding has been taken into account?

**Response**

The most recent national model used to gauge the impact of the Care Act on the council suggests a total financial impact for carers and support of £5 million. Assessment accounts for £0.5m and support £4.5m. The details are in a paper presented to cabinet on 20<sup>th</sup> January 2015.

**Question 17**

How many additional assessments for carers do you expect the Council will need to carry out in Wiltshire? Are the staff in post to do this work?

**Response**

This is a very difficult question to answer. The Census tells us there are 48,000 carers in Wiltshire. Carers Support Wiltshire, who do all the work for us on our behalf, have identified only 8,000 carers registered with them.

Of the others there'll be lots of people who don't want to be identified as carers for one reason or another and haven't come forward.

What we can say is that last year we carried out assessments on 1200 carers and our modelling is based on 100% increase in that to 2400. But the truth is, in reality, we have no way of knowing how many of those extra 40000 people are going to come forward.

We have got some clues in that there's been an increase in the number of carers coming forward over the whole year and we were expecting a big spike after 1 April

as the Care Act came into force and that hasn't happened. So whether they'll be another one later when the winter period comes on we just don't know.

But we are monitoring the situation as carefully as we possibly can, and if we need extra staff, we will work with Clearance Support Wiltshire to take them on and I also refer you to the Cabinet report in January 2015 in which we spelt out our new model of support for Carers - a new model of assessment and support - which will reduce the number of assessments we actually need to do.

When questioned at the last Council, meeting about the Help to Live at Home Service, your response included the statement that *"At the moment things are going well, and we need to keep them that way."* Since then the Care Quality Commission has found that a second of the four Council HTLH providers, MiHomeCare, is now falling seriously short of the required standards. They 'require improvement' in three out of five inspection categories and are found to be Inadequate in terms of safety. The report states bluntly "The service is not safe." More than one breach of the Health and Social Care Act Regulations is recorded.

At the same time, the CQC web site continues to rate the Mears HTLH service as 'Requires Improvement'. This comes after three inspections in less than a year and (we are told) many hours of work by Council officers to help improve the service. The latest inspection was announced to Mears in advance and does thankfully report some improvements, as one would expect after the amount of attention that has been given over the last 11 months. However the service still 'requires improvement' in four out of five inspection categories and the situation is far less satisfactory than suggested in your upbeat response at the February Council meeting. For example, the CQC found in December that "whilst improvements had been made to the (Mears) service, the administration of people's medicines was not safe".

### **Question 18**

I appreciate that Cabinet administrations, relying on their political majorities, often find it awkward to admit to getting things wrong. But isn't it time in this case to say sorry to those vulnerable Wiltshire people who have relied on the Council's contractors, but have been let down by them, and even sometimes been put at risk?

### **Response**

The CQC report on Mears was published on February 27th 2015 and refers to an inspection that took place in December 2014 at the time restrictions on the company were lifted. The problem is that assessment will stay on the CQC website saying Mears are in need of improvement even though all those improvements have been put in place, and it will stay there until the next CQC inspection which could be 12-18 months time. I think that's grossly unfair, there's a lot of lobbying - not just from us - from across the country to have that system changed but that's the way it is. It does not mean that Mears, at the moment, are in need of improvement.

I'm sorry you think our contractors have let people down but I would like to point out that our customers don't think that is the case.

A recent survey of customers supported at home has shown that the proportion who say that our services have made them feel safe and secure has risen over three years from 83% to 88%.

Overall satisfaction of people who use service has risen from 61% to 72% which in adult care terms is very good. It's got some way to go, but it's good.

In addition the official statistics - in the 6 months up to March 2015 our Help to Live at Home (HTLAH) providers carried out 300,000 visits across all four HTLAH providers to customers. The total number of complaints across all the companies concerning standards in care, late visits and missed calls amounted to just 54 which is about 0.18%.

H2LAH is a complex and innovative service. It involves over 600 staff and several thousand customers with 600,000 visits made annually. Everybody in the system strives to give the best service possible but as in any complex human system situations arise and occasionally things dip.

It is important we learn from such events – safeguarding is paramount. It's something we all care about in our world of adult care, and when we need to, we work to support our providers, to get things back on track as quickly as we can.

Nobody who works with adult care is complacent. We work with the CQC. We have a quality assurance inspection routine in place and are looking to enhance this by working with Health Watch to design an even more robust system.

Therefore, although we have had problems to overcome, and I don't doubt there will be other problems in the future, overall I stand by what I said before, this is a complex system and generally it is working well and we will strive to keep it like that.

### **Question 19**

The whole Better Care Strategy and the widely shared ambition to keep people out of hospital depends on good quality care at home. Isn't it time also to recognise that the commissioning of private, for-profit HLTH services in Wiltshire has not adequately met the needs of Wiltshire residents, and to put in place some urgent actions that build on that recognition?

### **Response**

Nationally over 40% of care providers are requiring improvement under CQC inspections and they are a mixture of charities, not for profit and private companies. Of the 4 HTLAH providers, one is a charity, one is a not for profit company and two are "for profit". Nationally there are some well-known national charities and non-profit organisations which have fallen foul of new CQC inspection regime.

During the next 12 months the Council will begin the process to consider a strategy for the re commissioning of the HTLAH / outcome focused commissioned contracts as they become due.

We will be working with all aspects of the Council including Scrutiny, its customers and partners to determine the most appropriate commissioning strategy and will take into account all the learning gathered in the first years of operation.

### **Question 20**

And should there not be a plan B, for example changing contractors, or considering bringing these services back into the public sector?

## **Response**

As part of Q19

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### **Item 17 - Councillors' Questions**

**From Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Philip Whitehead, Cabinet Member for Highways and Transport**

#### **Question 21**

Will you make clear your reasons for refusing to replace any damaged or destroyed litter bins throughout the County? When will you be reviewing this antisocial policy?

#### **Response**

It must be noted that it is not the lack of a litter bin that is antisocial but the dropping of litter.

It is vital that dropping litter is not given an excuse. There can never be a reason for dropping litter, it is vital the message is given that litter must be disposed of in the correct manner.

If a litter bin is not available take the waste home and put it in your bin.

Whilst the council has a statutory duty to collect litter, it also has a moral duty to avoid unnecessary costs. Collecting litter is one such avoidable cost.

Town and parish councils can provide litter bins and empty them if it is a local priority on their land or Wiltshire Council's land at an appropriate location.

Town and parish councils can relocate the council's current litter bins if they feel this will help address a litter issue and the location is appropriate.

Certain businesses can be requested to remove their litter or their customers litter from up to 100m from their shop frontage. Many businesses provide litter bins themselves to control this litter. For example many local village shops.

A number of organisations provide sponsorship for the direct provision of litter bins, for example McDonalds.

The council is endeavouring to highlight to everyone that collecting litter is an easily avoidable cost. By a small number of irresponsible people not dropping litter the council would save considerable sums. It must be recognised that the vast majority of people are responsible and dispose of their waste correctly. Regrettably it is the

council's experience that it still has to litter pick areas even though there are litter bins present.

When looking at service prioritises the council must undertake the service which meets the demand. Litter is dropped in the town centres even though there are numerous bins, or dropped on the rural highways even though there are litter bins in lay byes.

The council when prioritising its services must fund reactive litter picking, which is proven to remove litter, over litter bins which it has experience of not preventing litter deposits. Education and enforcement are also important and this work must also be continued. However, the council will be pleased to support local communities who may wish to provide litter bins themselves, or undertake community litter picking initiatives or relocate existing litter bins.

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#### Item 17 - Councillors' Questions

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Communities, Campuses, Area Boards and Broadband

A policy has been imposed on Area Boards which requires any issue or proposal coming to a Community Area Transport Group (CATG) to have the support of the relevant Town or Parish Council. It does not allow a CATG to proceed with any solution without that support. This effectively gives Town and Parish Councils a veto, even if the elected Wiltshire Councillor supports action being taken.

#### Question 22

Given that Wiltshire Councillors are encouraged to be 'community leaders', would you not agree that this policy diminishes the role of all Wiltshire Councillors in the areas they represent?

#### Response

**Verbal Response:** It does depend to some extent on the nature of the project. If it is a straight forward project we're actually in the process of producing a pricing list and a set of documentation for parish councils and town councils.

What we want to happen is that Ideas are passed to parish and town councils much much earlier to get their approval because that actually wastes less of our officer time. Because if our officers spend time on producing plans and they do not get through the parish council that is costing us a huge amount of money and slows down other projects going forward.

So we are producing this to go through. If it is a more complicated project then it may well be that we do an initial summary of it, it goes to the parish and town council. If we then have to do more work, they may want to revisit it at some stage but that will only be on complicated systems. So the parish or town council will have access to the requisite amount of expert support.

#### Question 23

CATGs benefit from the professional high quality advice of Council officers when they make their decisions. What steps will you take to make sure that advice is available to Town and parish Councils when they consider whether they are going to support or veto proposals put forward by members of the local public?



## **Response**

**Draft Verbal Response:** All CATG proposals are forwarded to the local town or parish council for consideration, together with a request for financial support. Highways officers are only requested to investigate and report on a proposal where there is support from the town or parish council.

## **Question 24**

Given these difficulties, will you consider revising the Area Board CATG Terms of Reference so that they only require Town and Parish Councils to give an opinion, without the power of veto?

## **Response**

**Verbal Response:** *No*

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**Item 17 - Councillors' Questions**

**From Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Jane Scott OBE, Leader of the Council**

According to the papers of the Health and Wellbeing Board meeting on 25 March, the Wiltshire Clinical Commissioning Group is now engaged in re-commissioning 'Adult Community Services' for Wiltshire residents. This rather dry term doesn't fully convey the large range of what is involved, which is the provision of (to quote the HWB paper):

*Community Beds (inc Step up), Community Geriatrician/Frail Elderly Service,*

*Stroke Therapies Neurology Stroke, Speech and Language Therapy (SALT),*

*MIU, Continence, CTPLD, Hearing Therapies, Tissue Viability Lymphedema,*

*Diabetes, Dietetics, Podiatry, Community Outpatient Musculoskeletal (MSK)*

*Physiotherapy & Extended Scope Physiotherapy (ESP), Orthotics, Wheelchairs, Cardiac (PACE) & Respiratory Services (COPD), Core Community Teams (inc Care Co-ordinators) Outpatient Department services, and Fracture Clinic*

**Question 25**

In the HWB papers it was reported that four organisations had been chosen to go forward to the next stage in the selection process, but these four were not named. As Chair of the HWB, you presumably know who these four are. Will you take this opportunity to make their names public?

**Response**

Wiltshire CCG is leading the re-commissioning process for adult community services. As part of this, the CCG invited the four organisations that have been chosen to go forward to the next stage in the selection process to make their names public. However, not all have chosen to do so, which means these cannot yet be announced publicly in this part of the procurement process.

**Question 26**

What part is Wiltshire Council playing in this commissioning process?

**Response**

As per the paper which went to the Health and Wellbeing Board, Wiltshire Council has been invited to nominate two representatives to the procurement panel.

**Question 27**

The HWB paper referred to in the previous question states that the aim is “to secure the most advantageous (Adult Community) services for the people of Wiltshire”. In your view, as Leader of this Council, could the award of this service contract to a private sector for-profit company be advantageous for the people of Wiltshire?

**Response**

Wiltshire Council will be placing an emphasis on ensuring that, whichever organisation is selected, there will be close working between adult community services, social care teams, GP practices and the acute hospitals. This is crucial for delivering the vision of care outlined in the Joint Health and Wellbeing Strategy and the Better Care Plan – with care at or closer to home and local services clustered around GP surgeries. The final decision on which organisation is best placed to deliver this rests with the CCG, however Wiltshire Council will do all it can and will work with partner organisations to ensure high quality services, free at the point of delivery, are made available to Wiltshire residents - with a strong emphasis on sustained investment in integration of services.

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**Item 17 - Councillors' Questions**

**From Councillor Ernie Clark, Hilperton Division**

**To Councillor Philip Whitehead, Cabinet Member for Highways and Transport**

**Question 28**

I am advised that this council no longer has enough money to replace broken equipment in the play areas it is responsible for. Is this true? If it is, how does this equate with the WC wish to get our children fitter?

**Response**

A considerable number of play areas across the county are provided and funded by the town and parish councils. To ensure a harmonised policy across the county, with all town and parish councils being treated the same, the council continues to seek to asset transfer these facilities to the local community. The council has a budget of circa £145k for the inspection and maintenance of its 184 facilities. The council's priority is to fund the inspection of these facilities to ensure they are safe. When major repairs are required the relevant town or parish council will be contacted to confirm if they wish to fund the repair or take on the facility. If this is not an option the council will prioritise its funding to ensure the safety of the facility.