

COUNCIL

DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 13 NOVEMBER 2012 AT MELKSHAM ASSEMBLY HALL, MARKET PLACE, MELKSHAM, SN12 6ES.

Present:

Cllr Desna Allen, Cllr Richard Beattie, Cllr Chuck Berry, Cllr John Brady, Cllr Richard Britton, Cllr Rosemary Brown, Cllr Allison Bucknell, Cllr Jane Burton, Cllr Trevor Carbin, Cllr Nigel Carter, Cllr Chris Caswill, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Christopher Cochrane, Cllr Peter Colmer, Cllr Linda Conley, Cllr Mark Connolly, Cllr Christine Crisp (Chairman), Cllr Michael Cuthbert-Murray, Cllr Brian Dalton, Cllr Paul Darby, Cllr Andrew Davis, Cllr Peter Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Bill Douglas, Cllr Mary Douglas, Cllr Peggy Dow, Cllr Peter Doyle, Cllr Rod Eaton, Cllr Nick Fogg, Cllr Peter Fuller, Cllr Richard Gamble, Cllr Jose Green, Cllr Howard Greenman, Cllr Mark Griffiths, Cllr Mollie Groom, Cllr Lionel Grundy OBE, Cllr Brigadier Robert Hall, Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Malcolm Hewson, Cllr Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Chris Humphries, Cllr Keith Humphries, Cllr Peter Hutton, Cllr Tom James MBE, Cllr George Jeans, Cllr David Jenkins, Cllr Julian Johnson, Cllr John Knight, Cllr Jerry Kunkler, Cllr Alan MacRae, Cllr Howard Marshall, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Francis Morland, Cllr Bill Moss, Cllr Christopher Newbury, Cllr John Noeken, Cllr Stephen Oldrieve, Cllr Helen Osborn, Cllr Mark Packard, Cllr Graham Payne, Cllr Stephen Petty, Cllr Leo Randall, Cllr Fleur de Rhé-Philipe, Cllr Pip Ridout, Cllr Bill Roberts, Cllr Ricky Rogers, Cllr Judy Rooke, Cllr Paul Sample, Cllr Jane Scott OBE, Cllr Jonathon Seed, Cllr Carole Soden, Cllr Toby Sturgis, Cllr Julie Swabey, Cllr John Thomson, Cllr Dick Tonge, Cllr Anthony Trotman, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Ian West, Cllr Stuart Wheeler, Cllr Roy While (Vice Chairman), Cllr Christopher Williams and Cllr Graham Wright

75 Apologies

Apologies for absence were received from Councillors Liz Bryant, Simon Killane, Jacqui Lay, Laura Mayes, Jeff Ody, Jeff Osborn, Sheila Parker, Nina Philips and John Smale.

76 Minutes of Previous Meeting

The minutes of the Meeting held on 10 July 2012 were presented.

Resolved:

That the minutes of the previous Council meeting held on 10 July 2012 be approved as a correct record and signed by the Chairman.

77 **Declarations of Interest**

Cllr Francis Morland declared a disclosable interest in the item Council Tax Support Scheme (minute no. 83 refers) as a Wiltshire council tax payer and gave notice that he would leave the meeting for the duration of the item.

78 **Announcements by the Chairman**

The Chairman made the following announcements:

(a) Olympic and paralympic medalists

On behalf of Council, the Chairman congratulated all Wiltshire residents who took part in the Olympic and Paralympic games, whether as a volunteer, official or athlete. In particular, she congratulated the following athletes who won medals in their events:

- Ed Mckeever - olympic gold medal –sprint kayaking
- Aaron Moores – paralympic silver medal –100m backstroke
- Stephanie Millward:
 - paralympic silver medal – 100m backstroke,
 - bronze medal - 4x100m freestyle relay,
 - silver medal - 400m freestyle,
 - silver medal - 200m medley,
 - & silver medal - 100m medley relay

(b) The legacy of 2012

The Chairman acknowledged that 2012 had been an extraordinary year for Wiltshire, celebrating Her Majesty The Queen's Diamond Jubilee, the Olympic Games and the Torch Relay, with hundreds of events being held across the County throughout the summer. Such events had had a huge impact, with significant benefits to the local economy and communities, and a huge volunteering effort from over 1,000 Wiltshire council staff.

The Chairman advised that a Legacy Steering Board had been established to ensure the momentum of this year was continued and that actions would be taken to create a real legacy for the future.

(c) Remembrance Day Services and Parades

The Chairman explained she had been delighted to attend the launch of the Wiltshire Royal British Legion Poppy Appeal at Salisbury Racecourse recently where she purchased and was presented with the first poppy sold in Wiltshire. With the strong armed services link to Wiltshire, the Chairman had welcomed the opportunity to be involved with this important and vital fund raising work undertaken by the Royal British Legion.

Annual Remembrance Day service and parades took place across Wiltshire last weekend. She was pleased to say that, where invitations had been received from towns and parishes for the Council to be represented, Wiltshire Councillors attended services and laid wreaths at war memorials across the County on behalf of the Council. The Chairman thanked Councillors for their willingness to be involved in and attend these important ceremonies.

In view of the proximity of this meeting to Remembrance Day, at the request of the Chairman, all those present stood for a moment's silence.

(d) Bruce Trust: Paralympics

The Chairman explained she had been pleased to have had the opportunity to join other dignitaries at the invitation of the Great Bedwyn-Based Bruce Trust to send off the Diana, one of four specially-designed, purpose-built, wide-beam canal boats, on a voyage to the Paralympics. The Diana provided holidays for disabled people on the Kennet & Avon Canal. It undertook the 82-mile canal and river journey to London and provided accommodation at the Paralympics for disabled visitors, arriving in time for the opening ceremony. The Chairman explained the background, the voyage, involvement of various rotary clubs and The Bruce Trust and the provision of trips to local groups of people with special needs.

(e) The Marlborough Tile Mural

The Chairman informed Council that the Mayor of Marlborough, Mrs Edwina Fogg, had welcomed Her Royal Highness The Duchess of Cornwall to the town last month to unveil a tiled mural to commemorate Her Majesty The Queen's Diamond Jubilee. The mural was designed and produced by Marlborough Tiles and reflected the town's historic building, street scenes in and around the town and landmarks in the surround countryside. Permission had also been obtained for the Royal Coat of Arms to be included in the mural.

The Chairman had also attended the visit and had been very impressed with the mural which would provide the town with a lasting and beautiful artefact to commemorate this wonderful landmark by our Sovereign. The Mural would be displayed in the Court Room of the Town Hall and Councillors were encouraged to view it when visiting the town.

(f) Official Opening Of County Hall

The Chairman referred to the official opening held in the new County Hall Atrium on 1 November which had been attended by a number of Councillors. More than three hundred people from communities across the County gathered to meet Ed Mckeever, 2012 Olympic Gold Medallist, Aaron Moores, 2012 Paralympic Silver Medallist, and Francesca Fox, 2012 Olympic competitor.

Exhibitions were delivered by Francesca Fox and British National Champion and Commonwealth Judo Championship winner and Wiltshire Council's funding future Olympian grant recipient, Jemima Duxberry, and her coach Jason Parsons. Twenty seven torchbearers who carried the torch through Wiltshire this summer attended in their distinctive white tracksuits carrying their torches, and the six local games makers who assisted at the London 2012 games were also present.

The event was a great opportunity to bring our communities together to relive a little of this unique and special year and to thank them for making this year such an outstanding success and to thank our local athletes for giving us such a sense of pride in our County and Country and giving us the motivation to create a lasting legacy. the costs of the event were covered by sponsorship.

The first public exhibition in the Atrium was also opened showcasing the Wiltshire stars and athletes of 2012. Salisbury City Council and a local torchbearer had kindly loaned their Olympic torches as the centre piece for the exhibition and many people had taken the opportunity to have their picture taken with a torch.

Baroness Hanham, Parliamentary Under Secretary of State for the Department of Communities and Local Government assisted the Chairman with the official opening as part of her visit to Wiltshire to find out more about how we are transforming our building portfolio, working flexibly and helping communities to drive and design the campus programme.

A lot of positive feedback had been received from people who attended the opening who said it was a great thank you for their work this year and many people voiced their views via the video booth so that their

memories of this year are now captured. A DVD with brief footage of the official opening was shown to the Council.

(g) Survey

The Chairman explained that as part of the annual Democratic Services review and current systems review, Democratic Services were inviting all Wiltshire Councillors to complete a short questionnaire concerning the extent and quality of service provided by Democratic Services to Wiltshire Councillors.

The feedback from this survey would influence the way in which Democratic Services delivered their services to Wiltshire Council Councillors in the future and will hopefully improve the range and quality of the service. Councillors were asked to return the completed questionnaires to a member of the Democratic Services Team.

79 **Petitions**

(a) Petitions Received

The Chairman explained that no petitions had been received for presentation to this meeting.

(b) Petitions Update

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

Cllr Helen Osborn requested an update on affordable English language teaching for women, the subject of one of the petitions referred to in the update. It was agreed to provide Cllr Helen Osborn with a written reply.

Resolved:

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

80 **Public Participation**

Mr Brian Warwick addressed Council on the decision of Cabinet dated 6 November 2012 on 'Integration of Public Health' – Cabinet minute no 124 refers. Mr Warwick requested a meeting with the Leader of the Council to discuss his concerns over protecting care services and the Government White Paper on Healthy Lives and Healthy People. The Chairman advised that such a

meeting had been arranged and would be held shortly. Mr Warwick was satisfied with this response.

81 **Emergency and Civil Contingency Plans - Council's Major Incident Plan and Recovery Plan**

Cllr Keith Humphries, Cabinet member for Public Health and Public Protection presented a report on the Council's Major Incident Plan and Recovery Plan that had recently been reviewed and extensively amended to reflect current Council structures. Both Plans had been approved by Cabinet on 24 July and 23 October 2012 respectively for onward recommendation for adoption by Council.

Councillors were advised that under the Civil Contingencies Act 2004 Wiltshire Council was designated as a Category 1 responder. As such it was required to develop and maintain emergency plans that were appropriate, up to date and kept in readiness for emergencies. The Council worked in close cooperation with the other partner organisations of the Wiltshire and Swindon Local Resilience Forum (LRF). Multi-agency arrangements had been agreed by the LRF and internal plans and procedures were designed to work within these arrangements.

It was noted that the Major Incident Plan set out arrangements for the Council's response to emergencies within or affecting Wiltshire, and potentially impacted on the entire range of Council services. The Plan was generic, and provided a mechanism for mobilising staff and resources in response to an emergency and for performing Council functions in relation to a wide range of possible scenarios. The aim of the Recovery Plan was to establish the processes and procedures necessary for any Wiltshire community to overcome and/or adapt to the effects resulting from a significant disruptive challenge, whatever the cause.

A number of comments and questions were raised by Councillors to which Cllr Keith Humphries replied. A number of minor amendments were also requested to bring the document up to date.

In connection with the Major Incident Plan, Cllr Bill Douglas asked a question, details of which were presented (Appendix A) concerning the flooding of commercial premises on Chippenham High Street to which Cllrs Keith Humphries and Toby Sturgis replied. It was suggested that details of Cllr Bill Douglas' concerns be pursued through Chippenham Area Board.

It was agreed to provide Cllr Soden with a written response to her question on whether towns and parishes were required to prepare emergency plans and if so, would they receive any help/guidance.

Resolved:

- 1. That the reports be noted.**

2. That the Major Incident Plan and Recovery Plan be adopted.

82 Electoral Arrangements 2013

Cllr John Noeken, Cabinet member for Resources presented a report which updated members with the results of consultation relating to a number of anomalies within the electoral arrangements for 2013. The report also recommended the making of an Order to correct the anomalies and to make changes at Warminster and Royal Wootton Bassett.

Members were reminded that details of the anomalies were presented to Council on 10 July 2012 when it was resolved to undertake further consultation as the first part of making an order under the Local Government and Public Involvement in Health Act 2007. The responses to the consultation were set out in the report.

Resolved:

- 1. That, subject to there being no objections from the Local Government Boundary Committee for England, the provisions of the Statutory Instrument 2009 No. 531 The County of Wiltshire (Electoral Changes) Order 2009 be amended as follows:**
 - a) The Calne Town Council to consist of 19 councillors, representing four wards: Calne Chilvester & Abberd (4 members) Calne North (5 members), Calne Central (5 members) and Calne South (5 members), with no alteration to the areas shown on the 2009 Order maps.**
 - b) The Corsham Town Council to consist of 20 councillors representing five wards: Corsham Town (7 members), Corsham Pickwick (7 members), Corsham Gastard (2 members), Corsham Neston (3 members) and Corsham Rudloe (1 members) with no alteration to the areas shown on the 2009 Order maps.**
 - c) Warminster Town Council should comprise 13 councillors, representing four wards: Warminster Broadway (4 members), Warminster East (4 members), Warminster West (4 members) and Warminster Copheap & Wylde (1 member) with no alteration to the areas shown on the 2009 Order maps.**
 - d) The names of the Unitary Divisions of Wootton Bassett North, Wootton Bassett South and Wootton Bassett East and the town wards of Wootton Bassett North, Wootton Bassett South and Wootton Bassett East be amended by**

the inclusion of the prefix “Royal” in their titles with no alteration to the areas shown on the 2009 Order maps.

- 2. The effective date for the commencement of the Order be set to provide for the effective conduct of the 2013 parish and town council elections in May 2013.**
- 3. Power be delegated to the Head of Legal Services to complete the Order in accordance with the contents of this report.**

83 Council Tax Support Scheme

Councillor John Thomson, Cabinet member for Adult Care, Communities and Housing presented a report previously considered by Cabinet on 6 November which provided options in response to the Government’s Welfare Reform changes that would see a significant reduction in the Council’s funding of Council Tax Benefit.

It was proposed therefore to bring in a local, means tested, method of calculating a reduction in council tax; as well as a number of technical changes to council tax discounts and exemptions to go in part to meet that imposed funding gap. A consultation had taken place and it was reported that there had been no significant changes to the results.

The council tax support scheme would only be applied to non-pensioners, on a low or fixed income and be introduced by next April. Legislation required that this be a decision of full council and that decision then enables a series of defined steps the Council must take to introduce a robust and lawful scheme approved by DCLG by 31st January in order to set its 2013/14 Council Tax and budget requirement thereafter.

The report also identified ways in which the Council proposed to help those most affected through further discretionary support schemes in order to meet its objective of protecting the most vulnerable and strengthening and building resilient communities.

The Leader paid tribute to the work carried out by Cllr Thomson, Michael Hudson and his team in responding to this challenge. She also considered that the proposals put forward as recommended by Cabinet was the fairest way of introducing such a scheme.

Cllr Jon Hubbard also thanked Michael Hudson and his team for their work. However, he pointed out that the Liberal Democrat group had responded to the consultation, details of which had not been incorporated into the report presented. Cllr Thomson acknowledged receipt of the Liberal Democrat proposals and assured him they would be included as part of the consultation responses.

Resolved:

- 1. That a local council tax support scheme is introduced, as set out at paragraphs 16 to 18 of the report presented. In particular that capital savings of £10,000 be approved as the level up to which to account for before applying the scheme.**
- 2. That Technical changes are made to the way in which council tax discounts for second homes and exemptions for properties in classes A, C and L are applied from 1 April 2013, as set out at Appendix 2 of the report, and paragraph 20.**
- 3. That Council introduce a discretionary fund to be administered in conjunction with the discretionary housing payments (DHP) and ring fence the Social Fund grant allocation to mitigate the impact of transition from the old scheme to the new, in cases where householders may feel the impact of other changes to benefit entitlement, under-occupancy costs, for example. Criteria for awards under this scheme to be approved by Cabinet and Council by January / February 2013 and implemented from 1st April 2013.**
- 4. That the Council expresses its concerns and dismay over requirements in the Welfare and Reform Act which negatively impact residents of Wiltshire.**

84 Membership of Committees

At the request of the respective Group Leaders, the following changes to membership were sought:

Southern Area Planning Committee
Cllr Paul Sample off – Cllr Graham Wright on

Children's Select Committee
Cllr Peggy Dow off – Cllr David Jenkins on
Cllr Peggy Dow added as a substitute

Licensing Committee
Cllr Peggy Dow added as a substitute

Eastern Area Planning Committee
Cllr Peggy Dow off – Cllr Trevor Carbin on
Cllr Chris Humphries off – Cllr Jerry Kunkler on
Substitutes: Cllr Jerry Kunkler off – Cllr Stuart Wheeler on
Cllr Francis Morland off – Cllr Peggy Dow on

Strategic Planning Committee
Cllr Chris Humphries off – Cllr Peter Colmer on
Substitute: Cllr Peter Colmer off – Cllr Alan Macrae on

Environment Select Committee
Cllr Chris Humphries off – Cllr Charles Howard on
Substitute: Cllr Howard off – Cllr Peter Davis on

Resolved:

That the above changes be approved.

85 **Notices of Motion**

There were no Notices of Motion received.

86 **Councillors' Questions**

The Chairman reported receipt of questions from Councillors Ernie Clark, Nicholas Fogg, Stephen Oldrieve and Chris Caswill details of which were circulated and attached as Appendix B to these minutes together with the responses given.

Questioners agreed to take their questions as read and were given an opportunity to ask a relevant supplementary question to which the relevant Cabinet member responded. Supplementary questions are summarised as follows and should be read in conjunction with the questions and responses:

Cllr Steve Oldrieve – Question on the changes to policy at the Wiltshire Probation Service – asked if the Leader as a local Division member for Chippenham agreed with the submitted question. The Leader explained that policy change referred to was the responsibility of the Wiltshire Probation Service but that she would obtain further information on this issue.

Cllr Ernie Clark – Question on recovery of non pensionable honorarium payments – sought details of the legal team's recommendations on this issue. The Leader explained that the Corporate Leadership Team would in due course and in consultation with her, consider recommendations. Given that details could not be discussed in open session, the Leader suggested that Cllr Clark should discuss the matter with the Monitoring Officer.

Cllr Ernie Clark – Question on the KPMG Executive Summary on the non pensionable honorarium payments – asked that given the advice received, what was being done to recover the increased redundancy payment. The Leader referred to her response to the supplementary question above.

Cllr Ernie Clark – Question on the KPMG Executive Summary on the non pensionable honorarium payments – asked how many other redactions had been made to the full report. The Leader suggested that Cllr Clark may also wish to discuss this with the Monitoring Officer and explained that the Council had a duty to follow the advice of the Information Commissioner on what information could be released into the public domain.

Cllr Chris Caswill – Wiltshire Core Strategy and wind farms – asked what had happened between the Cabinet meeting on 19 June and Council meeting on 26 June 2012 which resulted in a different conclusion and the inclusion of an amendment in respect of wind farms by the Council. The Leader explained that it was a different debate at the Council meeting where all members present had the opportunity to be involved and not just the Cabinet. She considered that this represented good governance as it demonstrated that Council considered all the issues involved and did not simply endorse the Cabinet proposals.

Cllr Chris Caswill – Privatisation of the care service – Concern over privatisation of care services by the Health and Wellbeing Board. The Leader assured Cllr Caswill that the Council would examine the outcomes and challenge if there were any concerns. She advised that Healthwatch would also be represented on the Health and Wellbeing Board which would also play a part in keeping a close eye on the situation.

Cllr Chris Caswill – Winterbourne View – asked whether Cllr John Thomson shared his concerns over the transition from the NHS to the CCG. Cllr John Thomson explained that the issues raised at Winterbourne View were of interest to all local authorities and those in care and their families. Whilst doctors would be responsible for commissioning services, they would not be responsible for commissioning mental health services, which would be commissioned by the Avon and Wiltshire Mental Health Partnership NHS Trust. Cllr Thomson further advised that the Council was in the process of providing further information to parents of children being provided with mental health services. This was with a view to examining the way the Council provided support and communicated with those affected.

Cllr Chris Caswill – Pay Day loans – referred to new statistics which showed a 50% increase in those taking out pay day loans or considering them – asked that more should be done to regulate pay day loans. The Leader advised that a report would be considered by Cabinet in February 2013. She considered that the community banks of which there were 3 or 4 in the County should join together to provide an alternative to the temptation of the pay day loan. The Leader considered that the Government should be lobbied on this issue and that television adverts for pay day loan companies should be banned. She suggested a joint letter from her as Leader and the Leader of the Opposition be sent to lobby the Government. Cllr Thomson also explained that the Council was considering investing money into Credit Unions to enable them to take on more work.

87 **Minutes of Cabinet and Committees**

The Chairman moved that Council receive and note the following minutes as listed in the separate Minutes Book and the additional minutes circulated separately in the Agenda Supplement and this was duly seconded by the Vice-Chairman.

Meeting	Date
Cabinet	24 July, 10 September, 23 October and 6 November 2012
Cabinet Capital Assets Committee	24 July, 10 September and 6 November 2012
Overview and Scrutiny Management Committee	17 July, 6 September and 18 October 2012
Children's Select Committee September	26 July and 27 September 2012
Environment Select Committee	30 August and 1 November 2012
Health Scrutiny Committee	12 July 2012
Northern Area Planning Committee	18 July, 8 August, 29 August, 19 September, 10 October and 31 October 2012
Eastern Area Planning Committee	19 July, 9 August, 11 October and 1 November 2012
Southern Area Planning Committee	12 July, 23 August, 4 October and 25 October 2012
Western Area Planning Committee	11 July, 1 August, 22 August, 3 October and 24 October 2012
Strategic Planning Committee	12 September 2012
Licensing Committee	14 September 2012
Standards Committee	30 July and 24 October 2012
Audit Committee	7 September and 19 September 2012
Staffing Policy Committee	4 July and 5 September 2012
Wiltshire Pension Fund Committee	25 July and 14 September 2012

The Chairman then invited questions from councillors 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.

Cllr John Noeken, Cabinet member for Resources gave an update on the Parliamentary Boundary Review, details of which were presented.

Cabinet 6 November 2012 – Minute no. 126 – Controlled Waste Regulations 2012 and Proposed Changes to the Council’s Charging Policies

Cllr Soden explained that whilst the above minute made reference to Village Hall Committees it did not specifically refer to Village Halls as had been requested. The Leader agreed with this and gave an assurance that the minute would be altered for the next Cabinet meeting.

Northern Area Planning Committee

Cllr Tony Trotman, Chairman of the Northern Area Planning Committee advised that the meeting scheduled for 21 November 2012 had been cancelled.

Standards Committee 24 October – Minute no. 19 – Implementation of New Standards Framework – Update

The Chairman drew Council’s attention to the minutes of the Standards Committee dated 24 October 2012 which had been previously circulated in the Agenda Supplement and treated as an addition to the Minutes Book for consideration under this item.

These minutes contained a recommendation to the Council which Cllr Julian Johnson, Chairman of the Standards Committee presented. The Standards Committee had at Council’s request, considered whether it was appropriate to require any additional pecuniary and non-pecuniary interests to be declared and registered under the Council’s Code of Conduct in accordance with the discretion it had under Section 28(3) of the Localism Act 2011. It had also considered whether Councillors with disclosable pecuniary interests should be required to withdraw from meetings.

The Standards Committee recommended Council to adopt an interim position of amending the Council’s Code of Conduct to require Councillors to register details of a number of specific interests as listed in the Standards Committee minute (and in the resolution below); for Councillors to declare the existence and nature of any such interests at meetings and having declared such interest, Councillors may then speak and vote on the matter unless Councillors considered it would be inappropriate to do so due to other special circumstances.

This would be an interim position pending consultation with parish, town and city councils, the outcome of which would be reported back to Council in February 2013 with a final recommendation for adoption by the Council.

In the discussion which ensued, there was general acceptance of the recommendation by the majority of Councillors present. However, concern was expressed by some Councillors that the recommendation had not been reflected in the Council Summons as business to be transacted at the meeting

and was therefore not being dealt with in an entirely transparent way. The Chairman explained that following legal advice, she was satisfied that the item could be considered by Council.

The Monitoring Officer acknowledged the concerns expressed that the item had not been explicitly mentioned in the Summons and apologised for this omission. He reiterated the point made by the Chairman that the minutes of the Standards Committee had been circulated in the Agenda Supplement where Councillors' attention was drawn to the Committee's recommendation. The item on the Summons 'Minutes of Cabinet and Committees' covered the submission to Council of minutes of meetings for the period since the last Council meeting. He reminded Council that the item was considered by the Standards Committee in open session and therefore dealt with in a transparent way. He advised that the Council could proceed lawfully and reasonably to consider the recommendation if it wished to do so.

Cllr Johnson responded to questions and queries raised during the debate. The Leader of the Council emphasised that this was an interim position pending consultation and that Council would make the final decision in February taking into account the outcome of the consultation.

Resolved:

To adopt the following recommendation of the Standards Committee dated 24 October 2012: (minute no. 19 of the Standards Committee refers)

To adopt the following as an interim position, pending consultation with parish, town and city councils, and to report back to the Council at its meeting in February 2013 on the outcome of the consultation and any final recommendations for adoption by the Council.

To amend Wiltshire Council's Code of Conduct to require Councillors to:

a. register details of any interest in the following:

- **any body of which the councillor is a member or in a position of general control or management and to which the councillor is appointed or nominated by the Council;**
- **any body exercising functions of a public nature of which the councillor is a member or in a position of general control or management;**
- **any body directed to charitable purposes of which the councillor is a member or in a position of general control or management;**
- **any body one of whose principal purposes includes the influence of public opinion or policy (including any political**

party or trade union) of which the councillor is a member or in a position of general control or management;

b. declare the existence and nature of any such interest at any meeting of the Council where business relating to the interest is being conducted.

Having declared such interest Councillors may then speak and vote on the matter, unless the Councillor decides this would not be appropriate due to other special circumstances.

Note – Recorded Vote

Cllr Francis Morland requested his vote against the above decision be recorded.

Standards Committee 24 October 2012 – Minute no. 23 Minutes of a Hearing Sub-Committee

Cllr Christopher Newbury asked a question on the Hearing in respect of Cllr Chris Humphries. Details of the question together with the response from Cllr Julilan Johnson, Chairman of the Standards Committee attached as Appendix C to these minutes.

Cllr Newbury was concerned that there was no process for a Councillor to appeal against a Hearing Sub-Committee's findings other than an expensive application for judicial review to the High Court.

The Monitoring Officer explained that the procedure in place which did not provide a right of appeal had been approved by Council with the aim of streamlining the process previously in place under the former statutory regime. Cllr Newbury nevertheless asked if the Standards Committee could consider an alternative appeal mechanism. Cllr Julian Johnson said he would look into the matter.

Resolved:

That the minutes of the above mentioned minutes be received and noted.

88 Wiltshire Police Authority

The report and minutes of the Wiltshire Police Authority meetings held on 20 July 2012 and 20 September 2012, along with a report from Cllr Carole Soden, Vice-Chairman of the Police Authority were received and noted. No questions from Councillors had been received on these documents.

Cllr Soden reported that the Police Authority had met for the last time on 1 November 2012 and would be replaced by the new Police and Crime Commissioner arrangements on 22 November 2012. It was noted that the election for a Police and Crime Commissioner would be held on 15 November 2012.

Council thanked Cllr Soden for all her hard work in representing the Council on the Wiltshire Police Authority, particularly as its Vice-Chairman and for her regular update reports to the Council.

89 **Wiltshire and Swindon Fire Authority**

The minutes of the Wiltshire and Swindon Fire Authority meeting held on 27 September 2012 were received and noted. No questions had been received from Councillors.

Appendix A - Question from Cllr Bill Douglas re flooding on Chippneham High Street (minute 81 refers)

Appendix B - Questions from Councillors and responses given (minute 86 refers)

Appendix C - Question from Cllr Newbury on Standards Committee minute 23 (24/10/12)

(Duration of meeting: 10.30 am - 1.45 pm)

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

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Wiltshire Council

Council

13 November 2012

Item 7b - Major Incident Plan

From Cllr Bill Douglas, Chippenham Hardens and England Division

To

Cllr Keith Humphries, Cabinet Member for Public Health and Protection Services

Question 1

In the light of the Presentation today of the Major Incident Plan is the Cabinet Member aware of the flooding of commercial premises on Chippenham High Street? This has been a continuing problem of the past years and the severity has increased in the near past.

The problem occurs when heavy rains fill the available drains and surface water flows down the High Street entering shops and flooding at the lower end of the High Street. Two of our major businesses, Wilkinsons, W.H.Smiths and shops on either side are regularly flooded.

I have received E-mails and verbal complaints from the Managements asking that action be taken as soon as possible, as the near forecasts include several severe flood warnings. Also, with the approach of Christmas they are concerned that flooding would have a devastating effect on their businesses.

Our Incident Plan should cover this unusual flooding situation as a matter of urgency as these warning signals could be a prelude to a major incident. I do understand that drainage is difficult but one would think that with the river being within 20metres of the affected area a system carrying overflow into the river, could be devised. Will the Member ask that this problem have urgent assessment and action by the Engineering Section concerned?

Response

A verbal response will be given at the meeting.

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Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Ernie Clark, Hilperton Division

To

Cllr Allison Bucknell, Chairman of Staffing Policy Committee

Question 1

How many full time staff are currently employed by Wiltshire Council as 'office staff' (i.e. excluding teachers etc.)? How many of these employees work 'compressed hours' in order to work on four, rather than five, days a week? When working 'compressed hours', how are members of the public able to contact these members of staff outside the time when the telephone switchboard is open?

Response

It is difficult to answer the first part of Cllr Clarke's question as Wiltshire Council does not recognise the term "office staff", similarly working patterns for staff are not recorded centrally so we are unable to provide details of the number of full time staff who work compressed hours.

As you know the council has a range of flexible working policies available for staff and these include a compressed hours policy. Officers are encouraged to work from home where practical and hot desking is becoming the norm under the new ways of working. This is delivering significant savings for the council as the saving per workstation is estimated at £4,000. For example there are 650 desks provided for 1150 staff in the new county hall facility, and this arrangement can only work if staff adopt the new ways of working, and this includes working flexibly.

Officers are also encouraged to adopt a "we go to them" approach which means that some officers, e.g. planning officers, are likely to be out of the office for a greater proportion of their working time.

The role of some officers, e.g. Customer Services and Social Care helpdesk, is to be available to answer calls from the public during core working hours. Outside of these working hours, there is an Out of Hours service to deal with emergencies. There is no requirement for an officer to be available to the public outside of core hours unless that officer provides a service which necessitates that, or the officer has made an arrangement.

Managers, in services which have direct or indirect contact with the public have a primary regard to operational requirements when considering requests from staff to work compressed hours. They may refuse requests if agreeing to compressed hours would have a negative impact on customers and their ability to access the service. Each manager is responsible for making arrangements for dealing with contact from the public in line with the councils published guidelines with respect to opening hours. This information is available to the public via the council's website, and is listed under council offices and departments.

The link is <http://www.wiltshire.gov.uk/council/councilownedpremises.htm>

The council is committed to flexible working and recognises the benefits it can bring as it enables us to shape our services around the needs and concerns of our customers, as well as providing improved motivation, morale, increased productivity, better work life balance and reduced levels of stress for our employees.

Many service areas and functions are involved in Systems Thinking reviews to redesign services to ensure that that customer is at the heart of everything we do. If Cllr Clarke has a specific issue with officers or a service area, he is advised to contact the manager of that service directly to discuss ways of improving the service or even getting involved in the review process.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Nicholas Fogg, Marlborough West Division

To

Cllr John Brady, Cabinet Member for Finance, Performance and Risk

Question 1

How many businesses have applied for rate relief in the county and, in particular, in towns such as Marlborough and Devizes by specific number?

Response

20 applications received so far 2012/13 (6 awards made - 4 still being determined - 10 refused)

1 application received for Devizes (refused)

3 for Marlborough (refused)

Question 2

What has been the overall cost through the county and, again specifically, for Marlborough and Devizes?

Response

Total cost to Wiltshire council £7869.08 to date for 2012/13

No awards have been made in Devizes or Marlborough

Question 3

What publicity and promotion has the council undertaken to ensure that businesses in difficulties in these hard times are aware that they can apply for discounts?

Response

Details of all discounts and exemptions are on the council's website, with application forms.

Question 4

Have the Chambers of Commerce in all Wiltshire's main towns been given promotional material?

Response

No, but we use the Wiltshire Business Support Service to help determine each application. They are fully aware of the scheme.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Stephen Oldrieve, Trowbridge Paxcroft Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

Recent changes in policy at the Wiltshire Probation Service now requires community groups to make a financial contribution to the service for work to be undertaken by people on the community pay-back schemes. Do you support this policy?

Response

It is not for me as the leader of the Council to comment on the policies of other independent public services. We continue to work in partnership with all agencies in Wiltshire and understand that all such organisations have the responsibility to target their resources as effectively as possible following consultation with the community. I understand that the WPT policy of charging beneficiaries can also be waived on a case by case basis in order not to exclude some organisations or charities. There are no plans to introduce the approach into the Wiltshire Youth Offending Service (over which Wiltshire Council has direct influence) which also delivers Reparation Work Projects in the community. Wiltshire Probation Trust is very happy to respond directly to any public enquiries about their policy. Contact details for WPT can be made available for all members.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Ernie Clark, Hilperton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

What progress is being made with respect to recovering the secret 'Non-pensionable Honorarium payments' to certain members of staff at Kennet District Council between 1 January and 1 April 2009?

If you have decided to take no further action, please indicate whether the decision was based upon legal advice and, if so, whether the advice was provided internally or externally.

Response

Having now clarified what documentation is available in response to the request from one of the party's solicitors, the council's legal team is now in a position to make recommendations as to next steps. This is likely to be based on a combination of external legal advice already obtained and internal legal advice.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Ernie Clark, Hilperton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

The KPMG 'Executive Summary' into the Kennet District Council 'Non Pensionable Honorarium' payments states: 'At Kennet, honorarium payments were included in redundancy calculations for two members of staff. Whether or not it was correct for Kennet to have done so given its powers and the existing law is a matter on which Wiltshire will need to obtain legal advice. We understand from a memorandum from a solicitor at the Audit Commission that, in his view, honorarium payments should not have been included in redundancy calculations.'

Was such legal advice sought? If so, from whom? If not, why not? Assuming that legal advice was sought, what was the advice given to Wiltshire Council?

Response

External legal advice was sought. The advice confirmed that there was a reasonable argument that honorarium payments should not have been included in redundancy calculations which would justify pursuing recovery but that depending on the facts that may emerge there may be potential defences available to the recipients in any recovery action.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Ernie Clark, Hilperton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

In a previous question relating to the Kennet non-pensionable honoraria payments for this meeting, I quoted the KPMG executive summary statement which stated 'We understand from a memorandum from a solicitor at the Audit Commission that, in his view, honorarium payments should not have been included in redundancy calculations.'

However, in the full report (page 50 paragraph 4.2.1) this sentence has been redacted. Why was this redaction made to the full report?

Response

I am advised by officers that there have been a number of requests for information in respect of this matter. I am not sure as to which documents from those requests you refer to.

However the sentence was redacted at one stage because the officer doing the redacting considered that as it was legal advice given to KPMG legal professional privilege (a recognised exemption) may attach. It was subsequently decided that this exemption would not attach to this sentence.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

- a. The penultimate page of the Minutes of the July Council meeting records the three questions which I asked you in connection with the Minutes of the 19 June Cabinet meeting. Why is it not been possible in the intervening four months to provide written replies which were promised in July?
- b. Will you now take this opportunity to provide the outstanding responses?

Response

The Service Director of Law and Governance provided a written response to a number of related questions in August. At that time it was understood that these responded to the outstanding concerns that Cllr Caswill had regarding wind turbines and the emerging Core Strategy, and no further response was required. However, in the interests of completeness the response to the specific questions made is provided below.

Cabinet (19 June 2012) in making their recommendation to Council took into consideration all the papers before them including the Appendices to the report and accompanying documents. The recommendation specifically supports the Proposed Changes set out in Appendix 1.

The consultation views and officer responses set out in Appendix 2 formed part of the Cabinet's decision making and were taken into account in making the recommendation to Council that the Wiltshire Core Strategy Pre-Submission Document together with the Proposed Changes in Appendix 1, including those to Core Policy 42, be submitted to the Secretary of State for Examination.

Core Policy 42 (as proposed to be changed) sets out a number of criteria to be addressed in determining wind farm developments. The intention behind

this policy, as with any criteria based policy, is that the criteria will be applied to individual planning applications that come forward (alongside other relevant policies within the development plan). As with any application these will be determined on their merits.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

Given that Council officers are now to be statutory members of the Wiltshire Health and Well-Being Board, and that that Board will be meeting in public and taking decisions on health services in Wiltshire which are vitally important for its residents, will steps be taken to revise the protocol for member-officer relations so that questions can be asked about the opinions and voting choices of the officers on the Board?

Response

Detailed regulations are still awaited on memberships and voting on the Health and Wellbeing Boards. The regulations were due to be laid before Parliament during the autumn but in view of the change in ministerial leadership at the Department this has now been delayed until early in the new year. The Department is aware that the implementation date of 1 April 2013 to have the Boards up and running may present some challenges to local authorities because of the cycle of Council meetings with the forthcoming elections and the need to set the budget.

The clear understanding from the Department is that these regulations will not be prescriptive in terms of membership – other than that contained in the Act – and will not specify specific voting arrangements. It will be for individual councils to determine these on appointing the Board.

Any consequential amendments that are required to the Constitution or any of its protocols will be made at that time.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

Is she aware of the revelations on the recent Channel 4 Dispatches programme about the extent of NHS services across the country which have been taken over by Virgin Care, and the serious reductions in service which followed?

Will she give an assurance that she would use her influence on the Wiltshire Health and Well-being Board to resist the takeover of NHS services in Wiltshire by private companies like Virgin Care?

Response

The focus of the new health system is intended to be on **improved outcomes**, regardless of the status of the service provider (NHS, private or 3rd sector organisations). The Health and Wellbeing Board will have a big part to play in monitoring these improvements.

The Health and Wellbeing Board is in shadow form at present and will not officially start as a formal committee until April 2013. It is currently developing its role, membership, work plans, and a new health and wellbeing strategy.

There will be a number of channels and checks which can be used to ensure services that are commissioned by the CCG and others are high quality, meet the needs of the local community, and achieve good value for money. A number of examples are highlighted below.

- The membership of the health and wellbeing board will include key representatives that will have oversight of all health related services in Wiltshire. It will work closely and encourage integrated working between commissioners of NHS, public health and social care services. As the chair I will seek to build these relationships and promote the most appropriate health services to meet the needs of all Wiltshire residents.

- A new first draft of the Health and Wellbeing Strategy has been developed and will be published for consultation in November. The commissioning plan produced by the CCG must have regard to this strategy, consult and improve choice, and follow the NHS Commissioning Board mandate.
- The Council will continue to undertake health scrutiny through its Health Select Committee.
- The setting up of Local Healthwatch, which will act for the benefit for the local community. This will involve patients and the public in the commissioning, provision and scrutiny of local health and care services. It will be able to make recommendations and will be represented on the Health and Wellbeing board and the board of the CCG.
- The new role of Monitor, which makes it the independent regulator of all healthcare services. Its role includes making sure all healthcare services are economic, efficient and effective; maintaining and improving the quality of services; licensing all NHS healthcare providers; and addressing anti-competitive behaviour in the provision of health care services where this is against the interests of patients.

All of this work undertaken as part of the new health reforms will seek to ensure health services in Wiltshire will be developed and enhanced for the benefit of all local residents.

(Background note: The Channel 4 programme was broadcast on 29 October 2012 and was titled 'Getting Rich on the NHS'. It looked at healthcare contracts being awarded to private firms and focused on Virgin Care. More information is available from the following link:

<http://www.channel4.com/programmes/dispatches/episode-guide/series-112/episode-4>)

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

**Cllr John Thomson, Deputy Leader and Cabinet Member for Adult care,
Communities and Housing**

Question 1

- a. As the trial of staff at Winterbourne View has now concluded, are you now in a position to give the Council a statement about the lessons which Wiltshire Council has learned from this shocking episode, and from the CQC and Safeguarding reports which have been produced in recent months?
- b. In particular, are you satisfied that Wiltshire Council has in place the right procedures for listening to any 'whistleblowing' reports about residential accommodation in the county, and about accommodation outside the county where Wiltshire residents have been placed by the Council?
- c. Would you anyway agree that one of the immediate needs is to look again at the level of support which is provided by this Council to any Wiltshire parents who are concerned about the treatment of their children (of all ages) in residential homes, including guidance on the extremely complicated division of responsibilities between the Council, the NHS and other organisations?

Response

- a) Since the scandal at Winterbourne View Hospital was brought to public attention by the BBC Panorama programme a total of five reports have been published to date.
 - Winterbourne View Hospital: A serious Case review
 - Report of the NHS Review of commissioning of care and treatment at Winterbourne View.
 - Care Quality Commission, internal Management review of regulation of Winterbourne View

- Care Quality Commission, Learning Disability Services, inspection programme, National Overview
- Out of Sight: Mencap and Challenging Behaviour Foundation.

Between them, the reports produced 115 recommendations of which 35 need to be considered by all local authorities and their partners, including the NHS. (The other recommendations are primarily in the domain of the NHS, the Care Quality Commission, the Department of Health and service providers.)

Like all Councils across the Country officers of the Council and their PCT colleagues have scrutinised all of the recommendations and are in the process of developing a formal action plan to address them where necessary. The scope of the plan will cover not only the subjects of the Winterbourne View hospital, who were NHS In-patient Assessment and Treatment Units but also residential and nursing home placements as well, as we would wish to ensure the safety of all vulnerable adults, not just the very small number who need to be admitted to specialist health settings. That is why the council is working with the PCT/CCG on a joint plan.

- b) “Whistle blowing” is taken very seriously in Wiltshire. All allegations are investigated thoroughly. Since Winterbourne View hit the headlines the number of safeguarding alerts generated by residential care staff across the county has increased. This is a positive statement in so far as it indicates that the procedures do work well and that the processes have been able to respond to the heightened awareness of staff.

We encourage and have always encouraged staff, people who use services and members of the public to raise with us any concerns they have about care in any care homes in Wiltshire.

- c) Fortunately, very few people with a learning disability in Wiltshire have needed to be admitted by the NHS to specialist assessment and treatment units. At the moment the NHS have 4 people in specialist settings.

For this small number of people and their families it is a stressful time and it is indeed complicated once the mental health act is implemented and a psychiatrist has decided that hospital admission is appropriate. The NHS have the responsibility in these circumstances but as always the council will continue to work with our partners to ensure we can help as much as possible where appropriate .

The Council and the CCG jointly fund an advocacy service for people and families who are involved with the NHS re their mental

health issues, so they can have access to independent advice and support. In addition we will be working with the CCGs and other Health agencies in the coming months as part of the improvement plan to ensure the few families who are involved in these very complicated arrangements are supported and also consulted on what more support they would need.

In due course, the Government will publish a final report in relation to Winterbourne View Hospital and should any new recommendations or statutory requirements emerge from that document they will be incorporated into the Wiltshire action plan.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

Has there been a delay in rolling out the additional Government funding for free pre-school nursery education, and if so why?

Response

There has been no delay in the rolling out of the provision of free pre-school nursery education in Wiltshire.

Children are eligible to receive 15 hours a week of free entitlement to childcare for 38 weeks of the year in a nursery or pre-school of their choice from the term after their third birthday until they go to school. The take up of this entitlement is very good in Wiltshire with over 95% children accessing childcare. This take up is above the national average. Some parents prefer to keep their children at home with them. We currently have sufficient places for parents to access childcare in Wiltshire.

This free entitlement is gradually being extended to the most disadvantaged 2 year olds in the country. Wiltshire has had a target of 90 places for two year olds. This will be extended to 800 places by September 2013 and 1500 by 2014. This provision is not a legal requirement until September 2013.

Wiltshire is meeting its planned roll out of these places. Our target to place 400 children by September 2012 has been reached. Currently 432 disadvantaged two year old children have nursery places for between 10 and 15 hours a week. The criteria used to identify children has been widely publicised and health visitors use the referral form to apply for a placement. The criteria used are primarily financial, with children living in workless households given priority. Other criteria highlight children in need and include children looked after, those on child protection plans and whose parents have substance misuse issues. The referral form includes the requirement to gather evidence of need on a Common Assessment Framework (CAF).

A multi-agency panel agrees the children eligible for the funding and the early year's team works closely with nurseries to find the most appropriate pre-school setting for the child. We have had no difficulty in finding suitable places for the children.

Parents are supported by an outreach worker from their local children's centre to offer the whole family parenting and family support.

From September 2013, Her Majesty's Revenue and Customs will inform the parents that are eligible, directly and they will apply to pre-schools and nurseries themselves. The local authority will publish a list of approved pre-schools, nurseries and childminders.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

- a. What steps are being taken to replace the Community Care Grants and Crisis Loans which the Government is abolishing from next April?
- b. What steps if any is the Council intending to take to counter the rising tide of high interest payday loans which is causing such distress and hardship to those who are in debt and are being tempted to go down that route?

Response

a) **Background**

- Welfare reform Act 2012 – key functions of social fund will be devolved to local authorities from April 2013
- Currently two parts – Regulated social fund/discretionary social fund
- Discretionary elements – Community care grants/crisis loans
- Emergency expenses – one off
- Replace white goods – fridge/cooker/washing machine
- Fuel reconnected
- Furniture – bed/sofa
- Leave care/prison

Key Principles

- To support people through personal economic/life crisis- alleviate immediate hunger or poverty this may be through signposting or direct support
- To prevent economic crisis by promoting Independence – helping people to try and help themselves through sound financial management advice and support.

Wiltshire's Approach

Wiltshire were contacted in late August 2012 by the DWP confirming that £619,000 will be awarded to the council to distribute through any new scheme

it decides to introduce, in replace community care grants and crisis loans, only. The DWP will continue to deliver other emergency payments.

The delivery model is being designed, building on existing software and processes in use by the Revenues and Benefit service. As only £6,000 has been allowed for set-up costs, it would be difficult to design a bespoke system. Revs and Bens will provide the service, be it by telephone or face to face, from their current offices across the County. It is they who will process the applications forms, issue payment in its various forms and record the outcome.

The service has to be delivered by an accessible team capable of issuing payment, quickly. Payment may be in the form of an automated BACS payment but more likely via a credit to spend on essential or refurbished white /brown goods, travel expenses of even food parcels. This also requires working with partners, particularly the voluntary sector who can offer support or appropriate goods or services to those who qualify.

To achieve these aims the following has still to be determined:

- Design application/including self serve
- Agree budget
- Out of hours service provision
- Appeal process
- Mapping existing services across the council to avoid duplication of service provision
- Consultation -next steps – principles, name

Once a scheme has been fully designed the scheme will then be brought to cabinet and once implemented will have to be marketed in order to raise awareness, specifically in agreement with the DWP who will need to be able to signpost mutual customers to this new service.

- b) The Council recognises that there are various sources of credit available to people in Wiltshire. Illegal sources of credit (loan sharks) are being identified and tackled through our partnership with England's Illegal Money Lending Team. Legal sources of credit include door-step lenders and companies offering 'pay-day' loans. We recognise that many of these sources of credit are very expensive and, frankly, unaffordable for the people who use them (especially those on a low income). However, they are **legal** sources of credit and the Council respects the right of individuals to borrow from them and the right of such business to operate. Instead, what we are doing is working with partners, through the Wiltshire Money partnership, to increase understanding of the cost of unaffordable credit and also promote alternative sources. So, for example, we are promoting Wiltshire Community Bank which sees credit unions in the county offering savings accounts and affordable loans to their members. We are working with children's centres to raise understanding amongst staff about debt and affordable credit so that they are better placed to support their clients. We are also researching an alternative 'pay-day loan' product with Wiltshire Community Bank. Ultimately, we want to promote responsible borrowing and in some cases further loans will compound an already difficult situation. In these cases we urge people to seek advice from Wiltshire Citizens Advice because the solution is often not more borrowing but to tackle the debt they are facing.

Further information:

www.wiltshiremoney.org.uk

www.wiltsccommunitybank.co.uk

www.cabwiltshire.org.uk

Wiltshire Council

Council

13 November 2012

Item 7b - Major Incident Plan

From Cllr Bill Douglas, Chippenham Hardens and England Division

To

Cllr Keith Humphries, Cabinet Member for Public Health and Protection Services

Question 1

In the light of the Presentation today of the Major Incident Plan is the Cabinet Member aware of the flooding of commercial premises on Chippenham High Street? This has been a continuing problem of the past years and the severity has increased in the near past.

The problem occurs when heavy rains fill the available drains and surface water flows down the High Street entering shops and flooding at the lower end of the High Street. Two of our major businesses, Wilkinsons, W.H.Smiths and shops on either side are regularly flooded.

I have received E-mails and verbal complaints from the Managements asking that action be taken as soon as possible, as the near forecasts include several severe flood warnings. Also, with the approach of Christmas they are concerned that flooding would have a devastating effect on their businesses.

Our Incident Plan should cover this unusual flooding situation as a matter of urgency as these warning signals could be a prelude to a major incident. I do understand that drainage is difficult but one would think that with the river being within 20metres of the affected area a system carrying overflow into the river, could be devised. Will the Member ask that this problem have urgent assessment and action by the Engineering Section concerned?

Response

A verbal response will be given at the meeting.

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Wiltshire Council

Council

13 November 2012

Item No. 13 – Minutes of Cabinet and Committees

Question from Councillor Christopher Newbury on the Minutes of the Standards Committee – ‘Minutes of a Hearing Sub-Committee’ (on the Hearing of a Complaint against Councillor Chris Humphries)

(Minute no. 23, dated 24 October 2012, page 124 of Agenda Supplement)

On the Standards Committee's decision in the Chris Humphries case, I have looked at the file of papers online and read the sub-committee's minutes. As Mr Humphries was advised by his solicitor to withdraw, it seems unfair that the sub-committee went on in his absence to give more weight to the complainant's evidence than to his, especially on points where they were contradicting each other.

Another worry I have is that it is also very clear from the documents that from the outset there was collaboration between the complainant and one of the council's key witnesses. It also seems to be a mistake that the council judged the case by reference to the old Model Code of Conduct, instead of the seven Nolan principles, which does not seem to comply with the Secretary of State's intentions which were given effect by the Localism Act 2011 (Commencement No. 6) Order 2012.

Under the former Model Code of Conduct there was a right of appeal to the First Tier Tribunal, but there is now no right of appeal, except to the High Court, with the risk of all the costs of both sides falling on Mr Humphries. In those circumstances, should there not be a new local hearing, so that Mr Humphries's evidence can be heard? Alternatively, should the council not offer to pay its own costs in the High Court in any event, agreeing not to seek to claim them against Mr Humphries?

Response from Councillor Julian Johnson, Chairman of the Standards Hearing Sub-Committee

The Sub-Committee considered the evidence before them and made findings of fact on careful and proper weighing of the evidence, applying the correct standard of proof, having regard to legal advice and the views of the independent person.

Councillor Humphries, on legal advice, chose to withdraw from the process and, therefore, his statements could not be tested by cross examination. While Councillor Humphries denied himself the opportunity to challenge the evidence against him, that evidence was tested by the Sub-Committee.

The Sub-Committee, therefore, directed themselves properly on the law and evidence, in reaching their decision.

It is not clear on what basis it is suggested that there was collaboration between the complainant and a witness. However, it would have been open to Councillor Humphries to challenge the evidence on these grounds if he had remained in the hearing.

On a correct interpretation of the transitional regulations it was appropriate to determine the case by reference to the Code of Conduct that was in place at the material time.

There is no power to rehear the case under the Council's procedures and no grounds for doing so. The Sub-Committee's decision, including the decision to proceed in the absence of Councillor Humphries, was lawful and reasonable in the circumstances. Therefore, the Council should not waive the right to recover public funds in the event of an unsuccessful application to the High Court.