

Wiltshire Council

Council

12 May 2015

Public Participation

From Mrs Charmian Spickernell on behalf of CPRE Wiltshire, CAUSE 2015, White Horse Alliance, ACA (A36/A35 Corridor Alliance) and Campaign for a Better Trowbridge

To Councillor Jane Scott OBE, Leader of the Council

We the undersigned wish to bring to the attention of Wiltshire Council our concern that the transfer to the Cabinet form of administration in 2007 has led to:

- An excessive centralisation of powers and decision-making;
- A weakening of the democratic accountability of Wiltshire Council; and
- A lack of confidence among local people that decisions made in their name take their wishes adequately into account, and are evidence-based and considered openly and accountably.

ANNEX A presents a statement of cause for these questions.

ANNEX B provides examples of governance process in Wiltshire UC which give rise to these questions

Question 1

Will the Council:

- a) agree that this situation now merits examination?
- b) undertake a review of its governance processes, ensuring that this includes the possibility of return to a Committee system of local government?
- c) ensure that all Councillors are involved in consideration of the issues raised and potential solutions?

Response

We are satisfied that the current executive arrangements operated by the council are working effectively and decisions are made efficiently in accordance with the principles of decision making set out in the constitution.

Both the law and the constitution provide the framework and appropriate safeguards, including Overview and Scrutiny, to ensure that decisions are open and transparent.

We welcome the participation of members of the public and non-executive members in our meetings to enable their views to be taken into account in reaching decisions.

Many of our councillors also value the approach we have to community area working that enables them to engage with their local communities in resolving local issues.

Consequently we do not see any reason to change the current arrangements.

ANNEX A

Summary of cause:

1. Examples of excessive powers and decision making.

Many portfolios are held by few people. One Cabinet Member is responsible for Waste, Property, Environment and Development Control Services, and is a Representative on SWLTB. Another is responsible for Economy, Skills, Strategic Transport, and is also a Representative on SWLTB.

Portfolio holders take too many delegated decisions, e.g. the proposed 20 mph limit, a road safety policy of high public significance, was first recommended to be signed off as a delegated decision by the portfolio-holding Cabinet Member thereby failing to allow a contentious matter with cost implications to be debated by Full Council following the consultation. Only due to strong public intervention was that decision reversed and the issue put to the Environmental Scrutiny Task Group.

Recently the portfolio holder for transport decided to cut the bus link for West Wiltshire to the main hospital in Bath without, it seems proper consultation or debate. No contact was made by the Transport member with Wiltshire NHS Clinical Commissioning Group or the local voluntary Link schemes,

There appears sometimes to be no clear separation between the owner and decision maker as required under Government guidance, e.g. the portfolio holder for Property is also the portfolio holder for strategic planning and two Chippenham sites for development turn out to be County Farm sites.

Moreover the present system is in danger of distancing elected members from their electorate and reducing confidence in their ability to represent local needs.

2. Weakening of democratic accountability

- a) Decisions that used to be taken by Full Council are now taken by Cabinet. In July 2014, the Leader refused to take a matter back to Cabinet for further consideration. The Legal Officer subsequently clarified that it is possible for Full Council to request a matter to be returned to Cabinet.
- b) Area Boards and Committees do not deal with strategic planning, strategic housing, transport, economic development and environment. This is all left to Cabinet.

- c) Too often since the change to the cabinet system, Wiltshire councillors who are not on the Cabinet have been insufficiently involved in, or knowledgeable of major decisions that affect the County at its heart. Councillors are often not aware of what decisions are being taken even in their own area.
- d) The Minutes of SWLTB quarterly Meetings are not up-loaded until the week before the next meeting, a significant and undemocratic informational weakness.

3. Lack of confidence among local people that decisions are evidence based and considered openly and accountably.

The system for dealing with questions differs from that of other Counties. Questions have to be submitted five days before a meeting and these are set out together with a reply from the Officers. The member of the public has one opportunity to ask a further question and then the portfolio holder replies. There is no further chance for the member of the public to speak, even though something may be said that they wish to reply to because it may be factually incorrect.

Principles and practice:

The guidance given by the Local Government Association in its publication 'Rethinking Governance' (23 January 2014) explains that '*local people need the confidence to know that decisions made in their name are high-quality, evidence based and considered openly and accountably*'. It explains that Councils have a responsibility to ensure that decision-making is as effective as it can be. '*Decision-making should critically benefit from the perspective of all councillors, but also be accountable, and involve the public.*'

Wiltshire Unitary Council is evolving an oligarchic style of management — policy-making and government by a few in too many important matters, and in the frequent limitation of governance to a very small group it is failing to match these principles.

The LGA guidance notes: '*Many councils are making ... changes to their governance arrangements including tightening up existing processes, making sure that avenues exist for all members to get involved in the policy development process ... and putting in place consultation arrangements for particularly contentious decisions. Some councils have decided to go a step further, and revisit their formal governance arrangements, looking at the different decision-making models available to them and taking steps to make a legal change to a different governance system*'.

We believe that Wiltshire's procedures now compare unfavourably with the relative openness and transparency which can be observed in the administrative processes of other Authorities. The LGA guidance explains that since the Localism Act there is a range of governance options available to all councils.

- South Gloucestershire voted in May 2012 to return to the Committee system, with ten committees made up of elected members.
- Like Wiltshire, Cornwall covers a large area. Its Council has a large number of members, many of whom wished to take a more active part in decision-making. Cornwall established an independent governance commission which looked at proposals in more detail, resulting in proposals to adopt revised decision-making processes.

- B&NES has introduced a local initiative scheme (with funding) and specific topic "champions" with clear roles (such as for the rivers environment). They are looking at further ways of enhancing local member roles within the decision-making process.
- Norfolk County Council has recently dispensed with the Cabinet and returned to Government by Committee.

Examples of cases where the Cabinet system has led to high-handed decision-making in which (sometimes pre-determined) outcomes were arrived at by token reference to democratic process which was in practice shallow or curtailed.

1. The A350 Corridor

The Swindon and Wiltshire Local Enterprise Partnership (with Wiltshire Council a key partner) produced a Strategic Economic Plan in March 2014 which specified that the *'long term vision is that the A350 Corridor is nationally recognised as a highly productive economic zone'*, the essence being widespread development in the countryside involving substantial warehousing, and a lorry route.

The Council Chair is on the LEP; two Wiltshire Cabinet Members who cover strategic planning, housing, waste and environment, are members of its Transport Board. Yet local councillors we have spoken to in the area affected didn't even know of the existence of the Strategic Economic Plan, let alone that it put forward an area for development that was to be 'nationally recognised'. Hot-housing rural Wiltshire as a nationally important growth corridor extending from Malmesbury to Warminster is an important step to take without being sure that local people and their councillors are on board and understand the repercussions.

2. Swindon & Wiltshire Local Transport Board, Wiltshire Cabinet and lack of public involvement and accountability

(a) The first meeting of the SWLTB, 8 July 2013, following a Cabinet meeting, prioritised J16 improvements for transport funding along with widening of the A350 north of Chippenham and J15 improvements. (Wiltshire Council's refusal (2007) to agree the locally-preferred layout of Junction 16 still stood, and was not withdrawn until June 2014.) The two representatives from Wiltshire Council were appointed by the Leader without any democratic reference. They already hold many portfolios each. In the early days of the LTB meetings members of the public were not allowed to speak. Following a question to Wilts Council from CPRE, members of the public are now allowed to speak but only at the discretion of the Chairman. In the October 2014 meeting, the Chairman heard some questions and a statement and then said no more were needed as the matter had already been decided

(b) A transport priorities Consultation requested by the DfT was conducted in September 2013, and results were reported to the SWLTB at its meeting on 2 October 2013. The Minutes at 3.7 state "The prioritisation process and outcomes have been consulted on for 6 weeks and no fundamental issues have been raised". However, prioritisation had been submitted to the DfT on 30 July and the submission was formally approved at the LTB's October meeting. The value of the consultation seems nugatory, if indeed the process was not totally cynical. Parish Councils, NGOs and CPRE had written in requesting the re-opening of railway stations. The current list for funding puts stations at the bottom of the list. It includes funding for the Wichelstowe western access via a tunnel under the M4 to Junction 16. There has been consistent widespread opposition to this route with a public preference for the route to go over the railway back into Swindon as originally planned. These are examples of where the wishes of the public have not been listened to and a pre-determined outcome has been supported all along by the few who hold power.

(c) The decision about an EIA screening application for 'Junction 16', January 2014, was delegated to an officer and did not go to Cabinet or a planning committee. Apparently this is

allowed under current rules despite the 2009 judgement of Mr Justice Hickinbottom (acknowledged in Cabinet papers for 17 June 2014), which says (para. 95) that “If and when junction alterations need planning permission in the future, then, if they are likely to have significant effects on the environment, an environmental impact assessment will be required.” The Officer reported, 11 March 2014, in his letter to the Swindon Wichelstowe Planning Team: *“The works relate to the improvement of a substantial motorway junction that is already in existence and in this context would not have a significant urbanising effect with regards to the landscape character of the area. Equally there is no evidence that the development is likely to have significant long term irreversible impacts on humans or on the environment and the development is not considered to have trans-boundary effects or to be of more than local significance.”* Even though residents in Swindon had been consulted, this meant, in effect, that residents of North Wiltshire would never be consulted on road proposals for this area.

3. Core Strategy Housing Numbers for NE Wiltshire.

In the final inquiry held in November 2014, it appeared that 700 houses granted on Appeal in North East Wiltshire adjoining the boundary with Swindon had been allowed by Wiltshire to be counted toward the Swindon Local Plan housing numbers. This meant that Wiltshire could have had to find 700 houses elsewhere in Wiltshire had the Inspector confirmed that the overall number must be 44,000. There was no transparent accountability or democratic responsibility for this decision: it lacked any public reference at all, and it does not appear to have been reported to Wiltshire Council.

4 Bradford-on-Avon Historic Core Zone and Pedestrian Crossings

The Historic Core Zone has been developed with the community over a number of years. Consultation revealed that the scheme had support with one exception: with a high proportion of elderly people in the town, instead of removing the pedestrian crossing, a thousand signature petition had been presented to Wiltshire Council asking for these crossings to remain. The portfolio holder insisted on a parish poll, with townspeople asked whether or not they wanted the Historic Core Zone. Many said “no” as it meant removing the crossings, at which point all funding was withdrawn by Wiltshire Council, despite a great outcry from the shops in Bradford-on-Avon as they saw the Historic Core Zone as key in the future.

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From Mr Michael Sprules - Chairperson RADAR (Residents Against Development Affecting Residential Land)

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

Statement

“Pop” goes the “Core Strategy” as Conservative Manifesto proposes “Extension” on “Right to Buy” Scheme for Housing Association Tenants.

Cabinet Members and attending Elected Members

Over the past four years, Wiltshire Council has spent a great deal of time and expense in preparing and, subsequently, “**Adopting**” the “**Core Strategy for Wiltshire**”. Indeed, Wiltshire Council is among only a select number of Local Authorities that have successfully achieved this monumental task.

Having now “**Adopted**” the “**Core Strategy for Wiltshire**” at the previous Full Council Meeting, held on 20th January 2015, I can only speculate on how Cabinet Members, Elected Members and Officers must now be feeling, especially in light of the potential “**Chaos**” that could ensue, should this Conservative “**Manifesto Pledge**”, of the “**Right to Buy**” Scheme for Housing Association Tenants become a reality.

Indeed, in a recent article, published by the Gazette and Herald on 21st April 2015 the Chief Executive of GreenSquare Group, Mr. Howard Toplis, said that the scheme would **exacerbate** the **housing crisis** by reducing the number of homes available for social rent. He pointed to figures from the Department for Communities and Local Government (DCLG) that show local authorities are selling off more homes under Right to Buy than they are building.

Mr Toplis said: “*We don’t have an **ownership crisis**; we have a **housing crisis**. The problem is not with **demand**, it is with **supply**. If followed through, this policy would **deprive future generations of decent affordable housing**”.*

I am saddened that all of the hard work that has been carried out by Wiltshire Council, over the past four years, to prepare a “**Core Strategy**” that has been adjudicated to be both “**Sound**” and “**Robust**” by the Planning Inspectorate, could, potentially, now lead to a “**Core Strategy of Chaos**”, should this “**Manifesto Pledge**” become Policy.

Question 2

Taking my Statement into consideration, my question to Full Council is :

Notwithstanding that there may be the potential for a further General Election later this year, could the Cabinet Member for Strategic Planning, Councillor Toby Sturgis, give an assurance, in the event of such a Government Pledge becoming Law, that the figures currently "Adopted" for "Housing Allocations", throughout Wiltshire, will remain "Sound" and Robust" ?

Furthermore, could Councillor Sturgis also give an assurance, should such a Government Pledge become Law, that Wiltshire Council will put into effect a "Contingency Plan" that continues to keep the "Wiltshire Core Strategy" both "Sound" and "Robust" and that any further consultations required to keep the "Adopted Core Strategy for Wiltshire" both "Sound" and "Robust", will be fully publicised in order that the Public and Housing Associations can participate in such Consultations ?

May I, once again, thank Cabinet Members and, indeed, Elected Members for allowing me to ask this question.

Response

A verbal response will be provided at the meeting.

Statement

“Use It Or Lose It” Planning Policy suggested in Labour Manifesto proposes “Local Councils” should “Buy Back” Land from Housing Developers.

Cabinet Members and attending Elected Members

Over the course of the General Election Campaign, I have listened intently to some of the **“Proposed Housing Policies”** that have been put forward by numerous Political Parties.

I have already asked a question today, in regard to the **“Core Strategy Chaos”**, that could, potentially, be caused, in the event that the Conservative **“Manifesto Pledge”**, of **“Extending”** the **“Right to Buy Scheme”** to Housing Association Tenants, were to become Government Policy. The Labour **“Manifesto Pledge”** of **“Use It or Lose It”**, is, sadly, no less controversial.

If this Labour **“Manifesto Pledge”** were to be implemented as a **“Does What It Says On The Tin”** Policy, then that would be well understood by everyone. However, The Labour Leader recently explained this proposed Policy, in great detail and, if implemented, it would most certainly not **“Do What It Says On The Tin”**.

This proposed Policy would suggest that if a Developer had failed to deliver a residential development within the current three year time limit, then Local Councils would **“Buy Back”** the Land from the Housing Developer and then develop the Land as it sees fit.

There are distinct advantages to this potential Labour **“Manifesto Pledge”**. However, there are also disadvantages to this potential **“Pledge”**, such as the finance available to Local Councils to **“Buy Back”** the Land.

Question 3

Taking my Statement into consideration, my question to Full Council is :

Notwithstanding that there may be the potential for a further General Election later this year, could the Cabinet Member for Strategic Planning, Councillor Toby Sturgis, give an assurance, in the event of such a Government Pledge becoming Law, that Wiltshire Council will exercise this new Policy, in particular, where Developers continue not to implement their obligations under Section 106 Agreements ?

Furthermore, could Councillor Sturgis also give an assurance, should such a Government Pledge become Law, that Wiltshire Council would have the finances in place, in order that this proposed **“Manifesto Pledge”** of **“Use It or Lose It”** could be exercised ?

May I, once again, thank Cabinet Members and, indeed, Elected Members for allowing me to ask this question.

Response

A verbal response will be provided at the meeting.

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From Mr Ian James - Bremhill Parish Council

To Councillor Jonathon Seed, Cabinet Member for Housing, Leisure, Libraries and Flooding and Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste

Question 4

The Environment Agency is concerned with the proposed development to the East of Chippenham, and is conducting flood modelling of all the land where development is proposed. Please could you inform Bremhill Parish Council when those results will be available to view?

Response

A verbal response will be provided at the meeting.

Question 5

On 10th March Councillor Toby Sturgis stated "The Environment Agency has no objection to the development to the east of Chippenham" In view of recent comments from the Environment Agency and the work being carried out on Flood Modelling, that comment made by Councillor Sturgis no longer holds weight, and therefore should not be used in evidence for the development to the East. Is that a true reflection of the current facts?

Response

A verbal response will be provided at the meeting.

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From Mrs Iris Thomson

To Councillor Phillip Whitehad, Cabinet Member for Highways and Transport

Question 6

The matter of the proposed highway scheme at the junction of A429/B4014 Malmesbury goes back a long way, when it was proposed by Sainsburys in 2011.

The latest design of the roundabout proposed by Dyson is virtually identical to that proposed by Sainsbury. Sainsburys own Road Safety Audit at the time identified safety problems associated with Inglenooks access. NTP have demonstrated that the latest roundabout is unsafe for traffic using Inglenook's access. TMS Consultancy's RSA has identified safety problems associated with Inglenook's access.

Neither FMW Consultancy, Wiltshire Council, nor J Bartlett Consulting have ever denied there will be road safety problems associated with Inglenook's access.

I have a letter from Brian Taylor at Wiltshire Council which clearly states that if any aspects of the proposed roundabout are unsafe it will be Dyson's responsibility to overcome the road safety problems.

PLEASE EXPLAIN HOW THE COUNCIL WILL ENSURE THAT THE ROAD SAFETY PROBLEMS WILL BE OVERCOME PRIOR TO COMMENCEMENT OF CONSTRUCTION.

Response

A verbal response will be provided at the meeting.