

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.

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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.

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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.

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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 Honorary 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.

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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.

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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.

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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.

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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.

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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>)

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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.

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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.

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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

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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.