

AGENDA

Meeting: Cabinet
Place: Council Chamber - Council Offices, Browfort, Devizes
Date: Tuesday 24 May 2011
Time: 10.30 am

Membership:

| | |
|----------------------------|--|
| Cllr John Brady | Cabinet Member for Economic Development, Planning and Housing |
| Cllr Lionel Grundy OBE | Cabinet Member for Children's Services |
| Cllr Keith Humphries | Cabinet Member for Health and Wellbeing |
| Cllr John Noeken | Cabinet Member for Resources |
| Cllr Fleur de Rhe-Philippe | Cabinet Member for Finance, Performance and Risk |
| Cllr Jane Scott OBE | Leader of the Council |
| Cllr Toby Sturgis | Cabinet Member for Waste, Property and Environment |
| Cllr John Thomson | Deputy Leader and Cabinet Member for Adult Care, Communities and Libraries |
| Cllr Dick Tonge | Cabinet Member for Highways and Transport |
| Cllr Stuart Wheeler | Cabinet Member for Leisure, Sport and Culture |

Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic Services, County Hall, Trowbridge, direct line 01225 718024 or email yamina.rhouati@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

All public reports referred to on this agenda are available on the Council's website at www.wiltshire.gov.uk

Part I

Items to be considered while the meeting is open to the public

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

1. **Apologies**

2. **Minutes of the previous meeting** (*Pages 1 - 4*)

To confirm and sign the minutes of the Cabinet meeting held on 19 April 2011, previously circulated.

3. **Chairman's announcements**

4. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

5. **Public participation**


The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement. Written notice of questions or statements should be given to Yamina Rhouati of Democratic Services by 12.00 noon on Friday 20 May 2011. Anyone wishing to ask a question or make a statement should contact the officer named above.

'Deliver high quality, low cost, customer focused services'**


6. **Housing Improvement Plan** (*Pages 5 - 56*)

Report of the Corporate Director – Department of Neighbourhood & Planning is circulated.

7. **Devizes Wharf Planning Brief** (*Pages 57 - 118*)

 Report of the Corporate Director – Department of Neighbourhood & Planning is circulated.

8. **Public Protection Enforcement Policy** (*Pages 119 - 142*)

 Report of the Corporate Director – Public Health & Wellbeing is circulated.

9. **Contract Award for Term Property Maintenance Contracts** (*Pages 143 - 150*)

Report of the Corporate Director – Resources is circulated.

10. **The Wiltshire Council Member and Parish, Town & City Council Review of the Development Control Service of Wiltshire Council** (*Pages 151 - 178*)

Report of the Corporate Director – Department of Neighbourhood & Planning is circulated.

'Work together to support Wiltshire's Communities'**

11. **Wiltshire Military Civilian Integration Programme** (*Pages 179 - 188*)

Report of the Chief Executive is attached.

'Ensure local, open, honest decision making'**

12. **Wiltshire Council Charitable Trusts** (*Pages 189 - 238*)

Report of the Corporate Director – Community Services is circulated.

13. **Urgent Items**

Any other items of business, which the Chairman agrees to consider as a matter of urgency

14. **Exclusion of the Press and Public**

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Items Number 15 and 16 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 2 and 4 and 3 respectively of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

15. **Provision of Internal Audit** (*Pages 239 - 314*)

Report of the Interim Chief Finance Officer is circulated.

16. **Facilities Management Services; Extension to Contract** (*Pages 315 - 324*)

🔑 Report of the Corporate Director – Resources to follow

CABINET

MINUTES of a MEETING held in COUNCIL CHAMBER - COUNCIL OFFICES,
BROWFORT, DEVIZES on Tuesday, 19 April 2011.

| | |
|----------------------------|--|
| Cllr John Brady | Cabinet Member for Economic Development, Planning and Housing |
| Cllr Lionel Grundy OBE | Cabinet Member for Children's Services |
| Cllr John Noeken | Cabinet Member for Resources |
| Cllr Fleur de Rhe-Philippe | Cabinet Member for Finance, Performance and Risk |
| Cllr Jane Scott OBE | Leader of the Council |
| Cllr Toby Sturgis | Cabinet Member for Waste, Property and Environment |
| Cllr John Thomson | Deputy Leader and Cabinet Member for Adult Care, Communities and Libraries |
| Cllr Dick Tonge | Cabinet Member for Highways and Transport |
| Cllr Stuart Wheeler | Cabinet Member for Leisure, Sport and Culture |

| | |
|---------------------|---------------------------|
| Also in Attendance: | Cllr Christopher Cochrane |
| | Cllr Peter Colmer |
| | Cllr Tony Deane |
| | Cllr Richard Gamble |
| | Cllr Jon Hubbard |
| | Cllr David Jenkins |
| | Cllr Alan Macrae |
| | Cllr Howard Marshall |
| | Cllr Laura Mayes |

50. **Apologies**

An apology was received from Councillor Keith Humphries

51. **Minutes of the previous meeting**

The minutes of the meeting held on 22 March 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 22 March 2011

52. **Leader's announcements**

There were no announcements:

53. **Declarations of Interest**

There were no declarations of interest.

54. **Public participation**

No members of public were present

55. **South West UK Brussels Office - TUPE transfer of Wiltshire Council employees**

The Cabinet Member for Economic Development, Planning and Housing presented the report and explained the background to the report sought approval to undertake further consultation with staff and trade union representatives leading to the TUPE transfer of staff from Wiltshire Council to the new company established to take on the work of the South West UK Brussels Office

Cabinet members asked for clarification regarding the governance of the new company and it was explained that an advisory group would be set up of which Wiltshire Council would be a member.

Resolved:

That Cabinet:

- (i) **Agrees further consultation with staff and trade union representatives and due diligence leading to the TUPE transfer of staff from Wiltshire Council to the new South West UK European Partnership Company.**
- (ii) **Delegates authority to the Service Director Economy and Enterprise to progress and conclude the transfer of the Council's employees as required.**

Reasons for the decision

- (i) The South West UK Brussels Office has been viable in its current form owing to 50% funding being made available by the South West Regional Development Agency (SWRDA) which was withdrawn from 31 March 2011. A new model has therefore been developed to enable the service to continue in the absence of such funding.

- (ii) Further due diligence and consultation with staff and trade unions in respect of the TUPE transfer of staff to the new company will help to reassure Wiltshire Council that any risks to either the Council or its staff have been minimised and to help identify those staff that are willing to be transferred. Wiltshire Council's Constitution requires Cabinet to approve the transfer of Wiltshire Council employees to other Councils or organisations.

56. **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.45 am)

| |
|--|
| These decisions were published on the XXXX and will come into force on XXXXX |
|--|

The Officer who has produced these minutes is Yamina Rhouati, of Democratic Services, direct line 01225 718024 or e-mail yamina.rhouati@wiltshire.gov.uk
Press enquiries to Communications, direct line (01225) 713114/713115

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Wiltshire Council

Cabinet
24 May 2011

Subject: Housing Improvement Plan

Cabinet Member: Councillor John Brady
Economic Development, Planning and Housing

Key Decision: No

Executive Summary

This paper sets out the New Plan for the necessary improvement to deliver a quality landlord service, the action taken in shaping the Plan and the progress since the inspection of the housing services in 2010.

Proposal

To approve the New Plan for Improvement for landlord services.

Reason for Proposal

Following a poor Audit Commission report in May 2010 an Improvement Plan was developed addressing every recommendation of the inspection and as many actions again, that reflected local aspirations. Although the Plan was originally intended to carry through to March 2012 it has been recently reported to the joint staff, tenant and member Housing Commission Board that good progress has been made to implement the actions in the Plan. Three quarters of the actions in the Plan have been completed.

In January 2011 the Housing Commission Board noted two significant developments: firstly there had been some major developments since the inspection around finance, regulation and changes to tenancies and allocations; secondly a conference in December of Tenants, staff and Councillors proposed a series of new developments and changes that they wanted to see built into future change.

Additionally in 2010 an Annual Report was prepared that responded to the new service standard framework developed by the Tenant Services Authority. It is clearly important that this Plan relates to those services standards.

The Board took the view that the Council needed to develop a New Plan that would still remain some of the ambitious goals for governance and high quality performance but set those in a new context.

MARK BODEN

Corporate Director
Department of Neighbourhood & Planning

Housing Improvement Plan

Purpose of Report

1. To seek approval for the New Plan for improvement of the Council's Landlord Service.

Background

2. In 2005 an Options Appraisal of the Council's housing stock concluded that the only way of securing sufficient investment in the housing stock to meet tenants' aspirations was to undertake a Large Scale Voluntary Transfer. In 2006 tenants voted against transfer and in order to meet the decent homes standard by 2010 and balance the Housing Revenue Account (HRA) for as long as possible the Council made significant savings and efficiencies. This clearly had an impact on the level of service that has been delivered and in May 2010 the conclusion of an Audit Commission inspection was that Wiltshire Council's landlord service was poor with limited prospects for improvement.
3. The Council has reacted positively to this conclusion and with good prospects of the current restrictive subsidy system coming to an end, has invested resources to increase capacity to address the issues highlighted by the Audit Commission. It is recognised that the Inspection Report findings highlight a service that is not up to the standard which is acceptable or tenants expect. In fact the Council and tenants had aspirations to go beyond the requirements of the Audit Commission and consequently took the view that a new model for governance should be explored and that the process of developing a new Asset Management Strategy and Business Plan be used to confront some of the big investment challenges that lie ahead and through the development of comprehensive prospectus for housing offer tenants real choices around service delivery, standards, investment priorities and governance.
4. An Improvement Plan was developed that put in place over 100 actions, some that focused down on specific activities others on the bigger, more strategic. They addressed every recommendation of the inspection and as many actions again that reflected local aspirations. Although the Plan was originally intended to carry through to March 2012 it was recently reported to the joint staff, tenant and Member Housing Commission Board that good progress has been made to implement the actions in the Plan. Three quarters of the actions in the Plan have been completed.

5. In January 2011 the Housing Commission Board noted two significant developments: firstly there had been some major developments since the inspection around finance, regulation and changes to tenancies and allocations; secondly a conference in December of Tenants, staff and Councillors proposed a series of new developments and changes that they wanted to see built into future change. Consequently the Board took the view that the Council would need to develop a New Plan for Improvement that would still retain some of the ambitious goals for governance and high quality performance but set those in a new context.

Main Considerations for the Council

6. The New Plan for Improvement is **attached**. With the guidance of the Tenant Services Authority (TSA), the social housing regulator, the Council wants to ensure that the New Plan for Improvement provides assurance that the regulatory standards set by the TSA are met but also that it is made very clear what actions will bring in terms of the tangible benefits for the tenants.
7. The Housing Management Team are ambitious for the future of the service and are currently working with the Chartered Institute of Housing to develop new approaches to putting tenants at the heart of how performance and work are assessed in a co-regulatory way. It is intended to continue to learn from best practice and to move forward with implementing this where appropriate.
8. This revised Plan for Improvement incorporates the remaining actions from the Initial Plan but focuses much more clearly on providing assurance that the regulatory standards are complied with and also what is planned has been agreed with and shaped by tenants, with clear outcomes for them as a result. It is recognised the importance to tenants to focus on arrangements for involving them and prepare now for the new arrangements for consumer and service regulation. Also highlighted, as a priority by tenants, staff and Members is that the transition to self financing for the service is managed and the risks and opportunities this will bring. The changes to social housing proposed in the Localism Bill are also an issue that needs to be worked through with tenants.
9. The Plan will reflect the ambitions and understanding of tenants' views at this point in time but will continually evolve and be updated particularly following some of the major consultation exercises included in the New Plan for Improvement around self financing and the prospectus for Council housing.
10. As well as ensuring that the TSA regulatory standards are met it is necessary to agree a revised "local offer" with tenants. Local offers represent a new way of tailoring the services of social housing providers based on what tenants in a local area want. Wiltshire Council has drawn up a set of local standards in consultation with the tenants, and with the Tenants Panel it has been agreed that the local offer will be based around these. The aim however is to continually review the local offer, learning from best practice elsewhere and working with the tenants to ensure that it is a true reflection of their priorities and can be monitored by them.

Key features of the New Plan For Improvement

11. The New Plan groups objectives under the 6 TSA Service Standard themes.
12. Wherever possible actions have SMART objectives.
13. Some of the key objectives from the original Plan have been retained such as to be a top quartile performing Local Authority landlord, to deliver an Asset Management Strategy; to re-structure the service and to consult with tenants on the Best Deal (a package of service standards and Investment Plan); to investigate a modern approach to governance.
14. It incorporates new ambitions such as introducing a new robust scrutiny role for tenants; ensuring that management and business planning is fit for the new purpose of self financing; re-modelling of sheltered schemes; improving debt advice; working with the Regional Government Advisor on anti-social behaviour to develop a really effective response.
15. Whilst the original Plan had over 100 actions ranging from the very strategic to the very detailed, the New Plan contains just over 40 key actions ensuring that the focus is on the areas of weakness.

Environmental Impact of the Proposal

16. There are no known environmental issues.

Equalities Impact of the Proposal

17. Equality impact assessments are an integral part of the Improvement Plan and will be undertaken as part of the development of any new strategies, policies and procedures.

Risk Assessment

18. The new regulatory arrangements set out by the TSA require housing organisations to ensure that they meet the service standards set up by the TSA and influenced at a local level by tenants. Throughout the New Plan it has sought to show where the standards are met and where it is felt there is a need to do more work to ensure full compliance with the standards and meet tenant priorities.

Financial Implications

19. Contained within the Improvement Plan is an action to agree a viable 30 year Business Plan that meets tenants' aspirations. Delivery of the Improvement Plan itself will require additional resources yet to be fully assessed but can be contained comfortably within HRA reserves. The resources required from this Improvement Plan will also have to be considered in light of the planned HRA self financing regime, as the impact of this change has not been finalised.

Legal Implications

20. There are no specific legal or human rights implications.

Consultation

21. Many of the new proposals in the Plan have been developed following good practice field trips that enabled staff, tenants and Councillors to visit high performing landlords. The visits led to a Conference at which staff tenants and Councillors proposed and discussed many new ideas for improvement.
22. The Housing Commission Board included Councillors, tenants and the external expertise of two landlord CEOs. This body has had a considerable influence on the ambitions going into the Plan and has also been able to consider the new Plan for Improvement as a whole.
23. The Tenants Panel has considered the New Plan and has collectively given support as well as some very strong individual endorsement.
24. The Tenant Services Authority have been invited to comment on the draft.
25. The report Draft Plan has been available on the Council's website providing an opportunity for tenants to make individual submissions.
26. The Tenant Housing Improvement Steering Group is a group of tenants with a specific focus on improvement and they have also been invited to look in detail at the Plan.
27. Full feedback arising from this consultation will not be available prior to circulation of Cabinet Reports; however, Cabinet will be provided with a full update of any strong proposals to make changes to the Draft Report arising from these consultations.

Conclusions

28. The New Plan for Improvement provides the opportunity for the landlord services at Wiltshire Council to build on the excellent progress already made since the Audit Commission inspection to ensure a high quality, customer focused service is provided to tenants.

MARK BODEN

Corporate Director
Department of Neighbourhood & Planning

Report Author:
Derek Streek
Head of Housing Management
Tel No: 01722 434351

The following unpublished documents have been relied on in the preparation of this Report:

None.

Appendices

Appendix 1 – “Getting better all the time” – the New Plan for Improvement.

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Getting better all the time

The plan for a quality landlord service from 2011



Wiltshire Council

Landlord services

The New Plan for Improvement

2011

The approach and actions set out in this plan have been developed in partnership with tenants, elected members and staff

April 2011

For further information on this plan please contact:

Amanda Roberts,
Project Administrator

Tel : 01722 434307

Amanda.roberts@wiltshire.gov.uk

You can down load a copy of this report from the councils web site www.wiltshire.gov.uk

Information about Wiltshire Council services can be made available on request in other languages including BSL and formats such as large print and audio.

Please contact the council by telephone 0300 456 0100, by textphone 01225 712500, or email customerservices@wiltshire.gov.uk

如果有需要我們可以使用其他形式（例如：大字體版本或者錄音帶）或其他語言版本向您提供有關威爾特郡政務會各項服務的資訊，敬請與政務會聯繫，電話：0300 456 0100，文本電話：(01225) 712500，或者發電子郵件至：customerservices@wiltshire.gov.uk

Na życzenie udostępniamy informacje na temat usług oferowanych przez władze samorządowe hrabstwa Wiltshire (Wiltshire Council) w innych formatach (takich jak dużym drukiem lub w wersji audio) i w innych językach. Prosimy skontaktować się z władzami samorządowymi pod numerem telefonu 0300 456 0100 lub telefonu tekstowego (01225) 712500 bądź za pośrednictwem poczty elektronicznej na adres: customerservices@wiltshire.gov.uk

ولٹشائر کونسل (Wiltshire Council) کی سروسز کے بارے میں معلومات دوسری طرزوں میں فراہم کی جاسکتی ہیں (جیسے کہ بڑی چھپائی یا آڈیو ہے) اور درخواست کرنے پر دوسری زبانوں میں فراہم کی جاسکتی ہیں۔ براہ کرم کونسل سے 0300 456 0100 پر رابطہ کریں، ٹیکسٹ فون سے (01225) 712500 پر رابطہ کریں یا customerservices@wiltshire.gov.uk پر ای میل بھیجیں۔

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Useful web links:

Annual Report

www.wiltshire.gov.uk/housing-mgt-d35-housing-annual-2009-10-report.pdf

Audit Commission report 2010

www.wiltshire.gov.uk/housing-mgt-d139-services-inpection.pdf

Improvement Plan 2010

www.wiltshire.gov.uk/housing-mgt-d138-wc-landlord-service-improvement-plan.pdf

Web page with links to major landlord policies, strategies and reports

www.wiltshire.gov.uk/counciltaxhousingandbenefits/housing/councilhousesouthwiltshire/housingmanagementpublicationspage.htm

Foreword

Councillor John Brady



During the last year it has been my great pleasure to work alongside John Hinnis and other tenant representatives as part of the Wiltshire Housing Commission, a board set up to take ownership of the improvement plan for the council's landlord service.

The Commission was created as an early response to the Audit Commission's assessment of the service as a poor performer. The Commission which also includes the Chief Executives for Wiltshire Council, Aster and Poole Housing Partnership has been a source of great energy and enthusiasm in supporting housing officers to take forward the many improvements that have occurred, and I am pleased to say that of the 113 actions that made up that plan, 75% have now been completed.

Much of the work we carried out last year laid the foundations for significant improvement we hope to deliver for service outcomes over the coming year and I am confident that the service is in good shape to deliver the outcomes that tenants have asked for.

Amongst the major successes this year has been the tripartite working of the Commission – we have certainly seen the value of tenants and independent experts working with the council to shape the service. We have also seen the value of sharing experiences with other high quality landlords. I am encouraged to believe that this type of working has a good future in Wiltshire and will be a key ingredient in delivering this new Plan for Improvement.

A handwritten signature in black ink, appearing to be 'J. Brady'.

Councillor John Brady
Cabinet member for Economic Development, Planning and Housing

Chair of the Tenants' Panel



As Chair of the Tenants' Panel I am in a strong position to comment on the progress of improvements made by Wiltshire Councils' Housing Management. With George Loggie I play an active role in the Housing Commission and have been working alongside tenants, councillors and senior staff of Wiltshire Council.

Also on the Commission is the Chief Executive of Poole Housing Partnership, Joe Logan, who invited Wiltshire Council staff and tenants to visit his organisation last year. The visit was productive and inspirational. We found that we had some ways of working in common and we also came back to Wiltshire with fresh ideas.

I have personally witnessed how closely tenants and Housing Officers have worked in partnership to achieve targets on the Improvement Plan. As always, I have been impressed with the willingness and empowerment of tenants to get involved in the many new groups created. I can only deduce that this is as a result of ongoing trust and loyalty to a housing department that has served them well over many years.

As a group of tenants we have been involved in the development of the New Improvement Plan and we look forward to its implementation and doing further work with the Housing Commission.

Kind regards

A handwritten signature in black ink that reads "J. Hinnis CHAIRPERSON".

John Hinnis
Chair of Wiltshire Council Tenants Panel

Section 1:

The approach we have taken

Introduction

This paper sets out the context to our new plan for the necessary improvement to deliver a quality landlord service, the action we have taken in shaping the plan and the progress Wiltshire Council has made since the inspection of our housing services in 2010.

This should be read in conjunction with our New Plan for Improvement which is the place where we have set out in detail the actions we are taking to improve the service. This is based not only on the feedback from the inspection but on the work we have carried out with tenants to find out their priorities for the service.

The work we are putting into the New Plan for Improvement and the approach set out here reflects the leadership commitment to deliver improvements; how we will deliver the improvements and how we will work in partnership with tenants to make sure there are clear and deliverable service benefits.

As our annual report demonstrated we are seeking to engage with tenants in an open and honest way and we accept that tenants need to feel and experience the changes we make. Their ongoing feedback will determine whether the improvement plan will be judged a success.

The period since the Audit Commission's inspection has been a year of challenge and exciting developments in the service. We had some important things to get right immediately. We also had to put things in place for the longer term journey to a high quality service, such as researching the makeup and needs of tenants. Tenants, staff and councillors also went in search of good practice and took the time to develop their own ideas and priorities. This ground work and developing knowledge have all helped to shape the New Plan for Improvement.

Context

In 2005 an Options Appraisal of the council's housing stock concluded that the only way of securing sufficient investment in the housing stock to meet tenants' aspirations was to undertake a Large Scale Voluntary Transfer. In 2006 tenants voted against transfer and in order to meet the decent homes standard by 2010 and balance the Housing Revenue

Account (HRA) for as long as possible the council made significant savings and efficiencies. This clearly had an impact on the level of service that has been delivered and in May 2010 the conclusion of an Audit Commission inspection was that Wiltshire Councils landlord service was poor with limited prospects for improvement.

The council has reacted positively to this conclusion and with good prospects of the current restrictive subsidy system coming to an end, has invested resources to increase capacity to address the issues highlighted by the Audit Commission. We recognise that the inspection report findings highlight a service that is not up to the standard we should accept or tenants expect. In fact the council and tenants had aspirations to go beyond the requirements of the audit commission and consequently took the view that we would explore a new model for governance and that we would use the process of developing a new asset management strategy and business plan to confront some of the big investment challenges that lie ahead and through the development of comprehensive prospectus for housing offer tenants real choices around service delivery, standards, investment priorities and governance.

An improvement plan was developed that put in place over 100 actions, some that focused down on specific activities others on the bigger, more strategic. They addressed every recommendation of the inspection and as many actions again that reflected local aspirations. Although the plan was originally intended to carry through to March 2012 we have recently reported to our joint staff, tenant and member Housing Commission Board that good progress has been made to implement the actions in the plan. Three quarters of the actions in the plan have been completed.

In January the Housing Commission Board noted two significant developments: firstly there had been some major developments since the inspection around finance, regulation and changes to tenancies and allocations; secondly a conference in December of Tenants, staff and councillors proposed a series of new developments and changes that they wanted to see built into future change. Consequently the Board took the view that the Council would need to develop a New Plan for Improvement that would still retain some of the ambitious goals for governance and high quality performance but set those in a new context.

With the guidance of the Tenant Services Authority, the social housing regulator, we want to ensure that our New Plan for Improvement provides assurance that we meet the regulatory standards set by the TSA but also that we are very clear about what our actions will bring in terms of the tangible benefits for our tenants.

The housing management team are ambitious for the future of the service and are currently working with the Chartered Institute of Housing to develop new approaches to putting tenants at the heart of how we assess our performance and work in a co regulatory way. We continue to learn from best practice and are keen to move forward with implementing this where appropriate.

This revised Plan for Improvement incorporates the remaining actions from the initial plan but focuses much more clearly on providing assurance that we are complying with the regulatory standards and also that what we plan to do has been agreed with tenants with clear outcomes for them as a result. We recognise the importance to tenants that we focus on our arrangements for involving them and prepare now for the new arrangements for consumer or service regulation. Also highlighted as a priority by tenants, staff and members

is that we manage the transition to self financing for the service and the risks and opportunities this will bring. The changes to social housing proposed in the Localism Bill are also an issue that we will work through with tenants.

The plan will reflect our ambitions and our understanding of tenants' views at this point in time but will continually evolve and be updated particularly following some of the major consultation exercises included in the New Plan for Improvement around self financing and the prospectus for council housing.

As well as ensuring that we meet the TSA regulatory standards we need to agree a revised "local offer" with tenants. Local offers represent a new way of tailoring the services of social housing providers based on what tenants in a local area want. Wiltshire Council has drawn up a set of local standards in consultation with the tenants, and with our Tenants Panel we have agreed that our local offer will be based around these. Our aim however is to continually review the local offer, learning from best practice elsewhere and working with our tenants to ensure that it is a true reflection of their priorities and can be monitored by them

Our Mission Statement

Working together with Wiltshire Council tenants we will provide a Decent Home to all our tenants and will continually aim to improve housing services.

Specifically our objectives are

- Provide customer-focused, high quality services to our residents.
- Maintain the 'Decent Homes' standard across the housing stock.
- Provide energy-efficient, comfortable homes that residents are proud to live in.
- Ensure all targets agreed with the Council are achieved.
- Support and contribute to the Council's strategic priorities.
- Ensure effective communication and consultation using plain English.
- Make services available and easily accessible to all in the local community, including 'hard to reach' groups.
- Work with and involve residents to provide excellence in service delivery.
- Maximise choice and value for money for residents.
- Empower and encourage residents to participate in and shape the services they receive.
- Consult on and publish clear and measurable standards for all service areas.
- Recognise the central role of our staff in delivering services.
- Enable a motivated and focused staff through empowerment, team building, training and effective appraisal.
- Provide innovative, flexible and responsive housing management and maintenance services.
- Work with all our partners to provide best value, quality solutions and continuous improvement across all services.
- Be an outward-looking, learning organisation at the forefront of innovation and development in the housing sector.
- Use complaints and customer feedback positively to learn and improve services.

Section 2:

Wiltshire Council's compliance with the TSA Standards

In this section we have listed our achievements to date since the Audit Commission Report, other features of our service which we feel meet with the TSA standards and our priorities for the New Plan for Improvement to ensure full compliance.

The focus of both the old and the new plans has always been delivery of actions that make a high impact on tenants and which ensure that we meet regulatory standards. There are 5 regulatory standards which apply to local authorities and our priorities for action are set out against each of these. The sixth regulatory standard has been framed to apply to housing associations, however we feel that in the emerging self financing world there are elements of the sixth standard that are now relevant to local authority landlords and so we have also framed part of the New Plan for Improvement to respond to some aspects of the sixth standard.

This plan provides an update to the information set out in our annual report.

Achievements, compliance and priorities are listed below under each relevant TSA standard.

1. Tenant involvement and empowerment standard - customer care, complaints, diversity and tenant involvement

Achievements and compliance to date:

1.1 Customer service and choice

- Face-to-face at Milford Street Customer Services, Salisbury
- Home visits
- Phone numbers published in tenant magazine
- Internet with free access at Libraries
- Browse-a-loud: software that reads website content to you
- Publications in brail/audio/ large print/ in different languages
- Estate offices at Bemerton Heath and the Friary modernised to DDA compliance standards
- Worked with tenants to produce/review publications including leaflets which are accessible at Milford Street and on the internet. Permanently on display at Milford street are:
 - How to complain – the corporate complaints leaflet
 - Housing Management Service Standards leaflet
 - Homes for Wiltshire/Choice Based lettings application form and information leaflet
 - The Repairs Guide – diagnostic guide on reporting repairs
 - Handyperson leaflet
 - Annual gas servicing fact sheet
 - Help with rent arrears fact sheet
 - Hate crime and harassment leaflet
 - Neighbour nuisance leaflet
 - Moving home fact sheet

1.2 Complaints

- Housing Management follows Wiltshire Council's corporate complaints procedure. An up-to-date leaflet is always available at Milford Street and on-line.
- You said, we did double page spread as a permanent feature in Housing Matters

- Six monthly complaints monitoring report considered by Tenants' Panel

1.3 Involvement and Empowerment

Training already provided to tenants on:

- Performance Indicators x 2
- KLOEs x 2
- Value for Money x 2
- Neighbourhood Voice training
- Rolling programme of basic computer training

Governance arrangements for tenants

- Tenants' Panel
- Sheltered Housing Forum
- Wiltshire Tenants' and Residents' Voice
- Tenant Housing Improvement Steering Group
- Formal tenant representation on Area Boards.

Further opportunities

- Regular invitation to join governance tenant groups in tenant magazine
- Six month Task and Finish tenant working group to make recommendations for the reactive repairs service, including development of new service standards
- Mystery Shopping
- Mental Health self-help group with primary focus on developing self-confidence and social skills
- KPIs and ASB reports delivered and discussed at every Tenant Panel meeting. Recommendations for presentation of KPIs were put forward by the Task and Finish tenant group for reactive repairs
- Results of consultations published in the Annual Report and Housing Matters
- Monthly estate inspections in partnership with tenants, housing officers, councillors and police
- Housing Matters magazine editorial group and tenant interviewers
- We now have tenant profiles for 63% of our tenants
- Tenant satisfaction surveys

To achieve fuller compliance we will:

- 1.1 Carry out equality impact assessments for all tenant participation activities. Tenants have been trained in working on Equality Impact Assessments and we have used these skills in assessing many of our policies
- 1.2 We will collect profile information for at least 95% of our tenants.
- 1.3 Collaborate with tenants and the Housing Commission to produce a revised local offer that will include:
 - the types of services provided
 - the service standards
 - governance
 - investment
- 1.4 We will provide independent advisors to support tenant representatives in shaping the local offer. We will ensure that the offer is placed in every household and that each tenant has the opportunity to comment, express preferences and propose changes. Once approved by tenants the offer will become the Best Deal for Council Housing, an agreement between tenants and landlord that can be reported on and scrutinised by tenants on a formally agreed regular basis.
- 1.5 We will research and implement best practice for successful tenant involvement. Through learning from and working in partnership with tenants and other landlords we will incrementally work towards 80% tenant satisfaction for opportunities for involvement while still achieving excellent value for money by April 2012. Our tenants will tell us how best to involve them at governance and grass roots levels.
- 1.6 We have joined a collaborative working project involving Aster, GreenSquare and Synergy. This will be key to developing our approach to tenant scrutiny. GreenSquare have considerable experience in this area and tenants, staff and councillors will be engaging with GreenSquare to help develop our approach to scrutiny.
- 1.7 We will work with tenants and the Chartered Institute of Housing to develop tenant inspectors and share the mystery shopping/inspector skills with our local partner landlords.

- 1.8** We will develop and agree performance measures based on overcoming barriers that lead to low engagement with tenants and agree processes to measure their effectiveness
- 1.9** We will review with tenants the Tenant Compact to take account of TSA standards and New Plan for Improvement actions
- 1.10** We will carry out a programme of specialist training around specific aspects of Equalities and Diversity e.g. Gypsies and Travellers, disability and focus on specific staff alongside the more generic E& D training all staff receive.
- 1.11** We will provide high quality and ongoing training to facilitate resident involvement which is developed with service users
- 1.12** We will promote sustainable communities

2. Home standard – quality of accommodation, repairs and maintenance

Achievements and compliance to date:

2.1 Quality of Accommodation

- Decent Homes Standard was achieved by December 2010
- Ongoing planned maintenance programme to maximise the works done under Decent Homes Standard
- We have improved the service to new tenants by visiting them in their homes to provide information to assist with such things as:
 - how to deal with the mains tripping out
 - knowing where the stop tap is
 - how to operate the central heating system. This will release pressure on the repairs department therefore providing value for money
- Six month Task and Finish tenant group to make recommendations for the Repairs Service, which included:
 - Service Standards
 - Landlord vs Tenant responsibilities
 - Priority times and categories

2.2 Reactive repairs

- Appointments made and kept 97%
- Jobs completed 'Right First Time' 88.16%
- Repairs Handbook sent to all tenants for self-diagnosis
- Handyperson Service
- Additional training provided to the Repairs Administrators who have the ability to adapt the service to suit vulnerable tenants
- Tenant profile flagging on repairs IT system to assist repairs administrators to understand an individual callers needs

2.3 Health and Safety of tenants in their homes

- Asbestos strategy
- Fire safety survey
- Legionella survey
- Asset Management survey
- Newly appointed Health and Safety Advisor

To achieve fuller compliance we will:

- 2.1** In consultation with tenants offer a cleaning and maintenance service subject to a service charge for all homes linked to a communal area. The new charges will be introduced on 1 April 2012.
- 2.2** Complete the lean systems review of the responsive repairs service that is currently underway.
- 2.3** Throughout the 30 year Business Plan ensure the maintenance of all homes, as a minimum, at the level of the decent homes standard.
- 2.4** Raise tenant awareness of central government energy efficiency initiatives and sources of funding. We will continue to assess our stock and research best practice for improving the efficiency of our properties while maintaining value for money. Large scale capital investment will be highlighted as part of the Asset Management Strategy and evaluated as part of the option appraisal and consulted on in the development of the Business Plan and long term investment strategy.
- 2.5** We will conduct a strategic review of sheltered accommodation. This will also be carried out as part of the asset management strategy. We will create virtual extra care pilot projects with a view to developing a system that best benefits sheltered housing tenants.
- 2.6** We will offer sheltered housing tenants the opportunity to have a garden area for which they can be individually responsible.
- 2.7** Complete the programme to provide new homes to tenants to Code level 4
- 2.8** Review and improve the delivery system of aids and adaptations to maximise benefit to tenants within the limited resources available

3. Tenancy standard – allocations, rent and tenure

Achievements and compliance to date:

3.1 Choice Based Lettings (CBL)

- In place for two years
- Recently audited and found to be fair and transparent
- Published policy which is available in plain English with pictures
- Banding policy in place for different needs including over/under occupancy

3.2 Rents

- Comply with objective and framework set out in the Government's Direction to the TSA
- Rent arrears reduced from 2.35% in 2009/10 to 2.06% in 2010/11

3.3 Tenure

- 12 month introductory tenancy followed by secure tenancy upon compliance with tenancy agreement
- New sign up procedure and post tenancy support visit to sustain tenancies and maximise income.

3.4 Partnership working

- In-house Housing Options department to deal with potential homelessness of tenants in debt
- Working with other organisations such as Community 4 to provide support services to our tenants in need
- In house Mental Health Support Worker linking with Community Mental Health Team
- Anti-social Behaviour Reduction Officer working in Housing to achieve sustainable communities

3.5 Submit all our CORE forms on each new letting and return them to central government for analysis

To achieve fuller compliance we will:

- 3.1** We will consult with tenants and applicants about the new flexibilities that are to be provided, in particular on making more internal transfers available, introducing flexible tenancies and the possibility that the housing waiting list might be limited to only those in housing need.
- 3.2** Achieve top quartile performance for rent collection.
- 3.3** Improve access for rent payments by introducing a mobile chip and pin facility and encouraging direct debit payments
- 3.4** Provide improved debt advice through the appointment of a Welfare Benefit/Debt Advisor

4. Neighbourhood and community standard – managing neighbourhoods, anti social behaviour and local area co operation

Achievements and compliance to date:

4.1 Neighbourhood Management

- Regular risk assessment inspections of all communal areas
- Cleaning communal areas
 - Cleaning service provided to our two biggest estates at the Friary and Bemerton Heath
 - Tenant consultation – tenants have expressed a wish for a cleaning service to all blocks of flats with further consultation required on how the costs should be allocated
- Program of estate inspections established including tenants, leaseholders, housing officers, Anti-social Behaviour Reduction Officer, Councillors, Police and Parish Representatives. Program advertised six months in advance in every edition of Housing Matters and involved tenants invited to inspections in their area.
- Friary Pilot Project
 - Renovation of games area
 - Provision of recycling bins for all properties on the estate
 - Monthly estate inspections with tenants and housing officers
 - Resident association established
 - Improved co-ordination of council services to estate such as grounds maintenance and street sweeping

4.2 Anti-social behaviour

- ASB Panel including representatives from
 - Probation
 - Social services
 - Youth service
 - Police
- Multi-agency meetings at the Bemerton Heath Centre
- Partnership with Salisbury City Council at the Bemerton Heath Residents' Association with regular features on their works in the tenant magazine

- Signed up to Government Respect Standard
- Regular ASB report to the Tenants' Panel giving KPIs
- All new ASB cases are screened immediately, if urgent dealt with within 24 hours, if non urgent dealt with within five days

To achieve fuller compliance we will:

- 4.1** We will take positive action to address differences in staff, active tenant and community profiles
- 4.2** Carry out a full review of the effectiveness of ASB policy and procedure
- 4.3** Complete our updated Anti Social Behaviour strategy and continue staff training to ensure our approach to domestic violence, racial harassment and hate crime is robust.
- 4.4** We work with the regional government advisor for Anti Social Behaviour to learn from best practice elsewhere with a first meeting booked for 15 April 2011.
- 4.5** We will evaluate the success of the Friary pilot project and consider extending it to our other estates.
- 4.6** We will research and implement best practice for bringing together communities at grass roots level for the improvement of the neighbourhood
- 4.7** Implement action plan to address differences that have been highlighted between staff profile, active tenant profile and community profile
- 4.8** Develop and implement a programme of intensive management projects to continue on from the Friary one after another
- 4.9** Continue to support the "Help to Live at Home" project for our sheltered housing residents

5. Value for money standard – delivering services efficiently

Achievements and compliance to date

Value for Money secured and tested

- 5.1 Lean review of repairs service
- 5.2 Value for Money Audit (Plan2Do) – top quartile for cost of service with median or better performance
- 5.3 DLO report (Consult CIOH)– low risk, good value for money
- 5.4 Value for Money training provided to staff
- 5.5 Value for Money presentation to Tenants' Panel
- 5.6 Pre-inspections on reactive repairs reduced from 90% to under 10%
- 5.7 Void turnaround time reduced from 43 days to 24.07 days (top quartile)
- 5.8 Implementation of 'Right First Time' policy for responsive repairs
- 5.9 Procurement strategy for future planned and responsive maintenance contracts
- 5.10 Reduction in number of repairs inspectors

To achieve fuller compliance we will:

Plans and priorities for delivery of further value for money improvements

- 5.1 We will review the structure of the housing service to respond to the outcomes of our internal service reviews and external commissioned assessments to best meet tenant priorities and value for money
- 5.2 We will continue with our procurement of a new IT system to support our delivery of a more customer focused service.

- 5.3** We will undertake a process/system review in conjunction with tenants income management
- 5.4** We will develop a strategic approach to garage management.
- 5.5** We will achieve top quartile performance against the indicators set out in the Performance Scoreboard while remaining a low cost service that focuses on improved delivery
- 5.6** We will continue with the procurement strategy for all repairs and maintenance contracts

6. Governance and financial viability standard

Whilst this standard does not strictly apply to local authority landlords we feel that in the new world of self financing it is good for a local authority landlord to be mindful of some of the requirements of this standard. Moving to a self-financing system significantly alters the risk profile in HRA business plans. Risks and how they are managed fundamentally changes from focusing on those associated with unpredictability and political intervention to a wider understanding of those inherent in running a separate business: inflation, interest rates and local responsibility for spending. There must be robust and accountable arrangements in place that will allow local decision making for housing investment whilst ensuring viability in both the short and longer term.

On governance the required outcomes include that registered providers shall ensure effective governance arrangements that deliver their aims, objectives and intended outcomes for tenants and potential tenants in an effective, transparent and accountable manner. Clearly in a local authority there is well defined legislation setting out the arrangements and responsibilities for decision making. Wiltshire Council has a history that includes a beacon role in involving localities in shaping the way services are delivered. The council has been well regarded for the way it has introduced area boards and we are able to now use that experience and ethos to support the development of new governance arrangements for council housing.

We are committed to:

- 6.1** Exploring with tenants the possibility of a future governance arrangement that builds on the successful work of the tripartite Housing Commission Board. In particular we would like to examine the option of councillors involving tenants and external expertise to plan the strategic management of the service.
- 6.2** Developing new and robust arrangements for customer scrutiny. Currently the Tenants Panel has worked on the development of service standards and performance is reported to the panel regularly. We now want to investigate with tenants the significant strengthening of arrangements, including the possibility of a dedicated trained team of tenants with powers to investigate and challenge and commission research and reports.

- 6.3** Putting in place a management structure for the service that is robust and accountable, capable of managing the long term financial risks.
- 6.4** Investigating the most effective way of making high quality financial and business planning expertise available to the service.
- 6.5** Putting in place effective controls and procedures to ensure security of assets and the proper use of public funds.

Further achievements since inspection that have not already been mentioned

1. Recorded 88% tenant satisfaction with the landlord service.
2. Moved the service to new accommodation with good disabled access including upgraded estate offices and the main one stop shop reception.
3. Completed a programme of field trips to good practice landlords involving most staff and a number of tenants and councillors. This fed into a good practice conference at which tenants and staff proposed new ways to improve, feeding into the New Plan for Improvement.
4. Developed 'fast track' arrangements for new tenants who need adaptations to their homes before they can move in.
5. Developed a comprehensive corporate debt policy.
6. Developed a full tenant participation strategy action plan

Section 3:

Capacity for improvement

Turning ambition into reality

When putting together our improvement plan in 2010, we shared a big ambition with our tenants to put right every part of the service that was poor and by April 2012 to be a top performing council landlord. However whilst ambition is a necessary condition for improvement, it is not sufficient. Ambition has to be coupled with the capacity to change and improve. Over the past year we have had a lot of success and much of it has been in laying down the foundations for delivering major improvement in 2011/12, giving ourselves the capacity to deliver future improvement. In addition there have been external changes such as the decision to end the Housing Revenue Account subsidy system, a change that makes getting better that bit more possible.

Self Financing

The introduction of self financing from April 2012 provides the council with an opportunity for the first time since HRA Business planning was introduced, to have a business plan that balances whilst maintaining the Decent Homes Standard. Our work on self financing, supported by expertise from Chartered Institute of Housing consultancy services, indicates that we will have some headroom for investing in the service. We will be consulting with tenants on their priorities for improvements to services. Based on the work we will do to prepare our business plan for the 30 years from April 2012 we will be engaging with tenants on the choices available to us about how we spend our resources in future.

New policies, new systems, new data

We have devoted a lot of time this year to working with tenants to get many of our policies right, we have carried out major reviews of our systems such as voids and repairs, and are continuing with that work in other areas such as income management and anti social behaviour. These changes will start delivering results in 2011/12 in terms of improved performance. Staff, tenants and councillors have exposed themselves to new experiences and new ways of working through field trips to other landlords. We have upgraded our data sets, are developing an effective profile of our tenants, upgrading our stock condition data

and analysing our experience of climate friendly advances. These have all been necessary elements to put in place to understand how we need to develop our customer service, to improve performance and to know how to approach asset management. Finally we have been initiating major procurement projects around maintenance and IT and we expect these to deliver in 2011/12. The need to upgrade our 13 year old IT system was identified early as a precondition of delivering some of features we need to give better customer interfaces and manipulate data better.

Capacity and performance management

Wiltshire Council housing service has set its ambitions with tenants and is realistic about its capacity levels. Self financing does give us the opportunity to move the service forward on a robust business planning approach. We will need to proactively manage future business risks as well as further develop our governance and scrutiny arrangements with tenants at the heart of it.

We are revising our approach to benchmarking and how we assess our performance more generally in light of the new arrangements for regulation and away from external programmes of inspection. As part of this we are having a benchmark launch with HouseMark together with data collection training for key staff. We need to ensure that the organisation measures itself against the best. We have set key performance indicators that reflect our objectives, tenants' priorities and the aspiration to have top quartile performance in our housing services. Whilst we feel this is realistic we recognise it will still be a challenge to achieve in some areas.

Since the inspection a number of good practice visits have taken place and staff fed back at a staff seminar in November 2010 the ideas from those visits they felt should be included in the New Plan for Improvement. This is an important step in reclaiming ownership of the improvement project and developing it from a reactive plan that responded to Audit Commission findings, to a plan that will provide the impetus to continuously improve.

Putting in place the organisational capacity

Almost our first action after delivering the improvement plan last year was to establish the Housing Commission Board tasked with ownership of improvement of the landlord service. The Board includes the Council's Chief Executive officer as well as the Chief Executives of the Aster Group and Poole Housing Partnership. The Commission includes councillors and tenants and we have recently bolstered the external challenge through the involvement of the CIH. Initially the day to day work was led by a steering group of officers from housing and across the council. We then gradually established a project team led by the Director of Housing who took on the role of project manager and joined by staff seconded from the housing management service. Back-filling has taken place to cover staff seconded to the team. We took on an interim advisor to lead on the review of void management and we also

have in place two full time advisors leading on the systems review of repairs as well as seconding two staff into dedicated roles in that project. We now have a Diversity and Equalities officer embedded in the team who has played a key role in delivering training, carrying out EIAs and reviewing policies and information.

Working with our near neighbours

We have benefited from a close relationship with both the Aster Group (RSL) and Poole Housing Partnership (ALMO). Both organisations have engaged through their senior officers and shared experience. The relationship with Poole has developed into a very strong and long term relationship. Their staff have spent a lot of time working with our staff and been able to share approaches and host events that offered much shared learning. Work has also been carried out with Poole jointly around IT procurement. Through Aster we joined a collaborative working partnership that also involves two other Group RSLs operating in Wiltshire and will form a good basis for developing our approach to tenant scrutiny.

Governance and tenant scrutiny

We are working with the Chartered Institute of Housing to look at the future governance and scrutiny arrangements for housing in Wiltshire. This is linked to our approach to tenant involvement and will be developing over the next few months as more detail about new regulatory requirements become clear. We have refocused the improvement plan to highlight the work we will do on our strategy for tenant involvement and development of tenant led scrutiny.

Monitoring the plan

The Housing Commission Board has been set up to take ownership of the plan and the Commission receive regular monthly updates on progress. Additionally there are two councillors on the council's Environment Select Committee (Scrutiny) and they report back verbally on a regular basis and via a formal report every six months. The tenant members of commission report back to the Tenants Panel and there is also a dedicated sub group of that panel the main task is to engage with the Improvement Plan – this is the Tenant Housing Improvement Steering group (THIS). Once items have been completed the task owner advises the THIS group (if it has tenant related outcomes) and provides the necessary evidence to show that it is complete and then the THIS signs it off if they can verify completion. The improvement of the housing landlord service also sits on the councils corporate risk register and it is necessary for the Director of Housing to report regularly on the progress of the plan and any impact on associated risk.

Section 4:

Performance scoreboard

A key aim of our Plan for Improvement is to have a performance on a par with the top performing local authority landlords by April 2012. In order to know whether or not we are on track to achieving that it is necessary to identify a suite of performance indicators that meet the following criteria:

- They are measurable
- There is a reasonably well defined national definition
- There is benchmarking data available for other local authorities and that we are reasonably confident that it includes a range of authorities from poor to excellent
- That the quality benchmarking data will still be there in the future
- The indicators we choose are indicative of performance across the entire span of activities
- The indicators must be relevant to tenants and something that they are interested in
- The indicators must be measures of performance not simply measures of activity.

The measures set out on the next page fit the above criteria and are the measures by which our tenants and partners will be able to judge our success in becoming a top performer.

| Performance Score board | | | | | | | |
|-------------------------|---|--------------|-----------------|-------|--------------|--------------|---------|
| Ref | Description | 09/10 actual | Latest position | trend | 10/11 target | 11/12 target | top 25% |
| PS1 | % Decent council homes | 98.3% | 98.30% | ↑ □ | 100% | 100% | tbc |
| PS2 | % of homes with a valid Landlord Gas Safety Record | 98.2% | 99.8% | ↑ □ | 100% | 100% | tbc |
| PS3 | Average SAP rating of housing stock | 68.35 | 68.5 | ↑ □□ | 72.8 | 72.8 | 72.8 |
| PS4 | Tenants with profiling data | 2% | 64% | ↑ □ | 50% | 95% | tbc |
| PS5 | Overall satisfaction of council tenants with the service provided by their landlord | 79.62% | 88% | ↑ □ | 85% | 85% | 85% |
| PS6 | Tenant's satisfaction with repairs service | 96.49% | 96.07% | ↔ □ | 95% | 95% | 95% |
| PS7 | Tenant's satisfaction with ASB | na | 43% | ↔ □ | 95% | 95% | 95% |
| PS8 | Average % of all repairs completed within time | 92.42 | 96.01% | ↔ □ | 85% | 85% | 85% |
| PS9 | Average time taken to re-let local authority housing (calendar days) | 43.05 | 24.07 | ↑ □ | 34 | 24 | 24 |
| PS10 | Local Authority rent collection and arrears: rent arrears of current tenants as a proportion of the authority's rent roll | 2.35% | 2.06% | ↑ □ | 1.72% | 1.72% | 1.72% |
| PS11 | % satisfaction with opportunities for participation | 55.25 | 52% | ↓ | 71% | 80% | 71.00% |
| PS12 | Weekly management cost | £10.26 | 10.41 | - | £11 | £11 | tbc |

Section 5:

Plan for improvement

The improvement plan has been refocused so that it:

- Addresses underlying areas of weakness;
- Is SMART;
- Is fully resourced and appropriately prioritised;
- Demonstrates compliance with regulatory standards; and
- Has as its focus outcomes to tenants.

Tenant involvement and empowerment standard

| Ref | Description | Lead | date | Actions and timescales | How its measured and outcomes for tenants |
|------------|--|---------------|--------|--|---|
| TE1 | Carrying out comprehensive equality impact assessments on major aspects of tenant involvement, report on the findings and identify steps to address any barriers. | Linda Diamond | Oct 11 | Equality Impact Assessments completed and a programme of action developed. | EIA and action plan complete by the due date. Intermediate tasks completed in line with agreed action plan. Improved feedback from tenants regarding how we involve them. This will ensure all our tenants can get information and access our services as well as get involved in a way that suits them. |
| TE2 | Continually increasing the profile data we have on our tenants | John Pearce | Mar 12 | 1. Review our current level of profile data and set a target of at least 95% - May 2011 of all tenancies 2. Give individual staff a target to meet and identify responsibilities for collection of data. – May 2011 | Checking that incremental targets have been met each quarter through the overall monitoring of this plan as well as individual performance monitoring Tenants will receive a better service, right first time based on our knowledge of their needs used to inform the service we deliver |
| TE3 | The Commission, with tenants to develop a prospectus for housing. The prospectus should set out service standards with a focus on the local offer we have agreed, the new arrangements for resident scrutiny, options for future investment and planning | Derek Streek | Aug 11 | 1. Capture and promote our new procedures and approaches as they develop 2. Work with tenants to develop the structure and style of the new prospectus as well as the consultation plan - 30/8/11 3. Agree final contents - 31/10/11 | Prospectus complete and agreed with tenants by the due date. Intermediate tasks completed in line with agreed action plan. Improved feedback from tenants that we listen to them and |

| | | | | | |
|------------|---|------------------------------|----------|---|---|
| | future use of assets. Once agreed by tenants and the council the Prospectus will become the Best Deal for Council Housing. | | | 4. Identify how prospectus will be produced – printing/web - 30/8/11 5. Publish and launch prospectus - 15/11/11 | involve them. Tenants will be fully involved in the priorities for the service and on choices on spending. They will have clear expectations and understanding of what should be delivered. |
| TE4 | Introduce the Best Deal for Council Housing - This will be a comprehensive programme based around the agreed Prospectus for Wiltshire Homes | Graham Hogg | Mar 2012 | 1. Following on from the consultation on the prospectus introduce the agreed deal from April 2012 2. Tenants panel and Cabinet to agree deal amending proposals in prospectus based on consultation - Jan 2012 3. Set out a programme for delivery of Best Deal and decide who will own and oversee implementation including how it will fit with the new resident scrutiny arrangements - Feb 2012 4. Commence implementation - Mar 2012 5. Monitor and report back on implementation - Apr 2012 | This will be measured through the performance management system and information that goes to residents (all residents and the formal resident scrutiny), staff and members Tenants will be involved in monitoring and measuring performance and ultimately receive a better service, right first time. |
| TE5 | In consultation with tenants develop a programme that endeavours to give as many tenants as possible to get involved and to have an effective and satisfying input into shaping the service. Also take quarterly soundings on satisfaction levels with opportunities for engagement | Ruth Howard | Mar 12 | 1. review and evaluate current arrangements for getting involved 2. set a target of satisfaction levels above 80% via incremental targets 3. consult with tenants on a range of options for getting involved including new role in scrutiny of the service | This will be monitored through the Housing Commission Board as well as performance management system Monitor quarterly satisfaction levels More tenants will be engaged with us and feel they are being listened to. |
| TE6 | Explore, develop and agree new robust and effective scrutiny arrangements with tenants in partnership with | Carisa Whittal/Nicola Jarvis | Jun 11 | 1. Commission work to support development of new arrangements – March 2011 (completed) 2. Work with CIH, tenants | The Housing Commission Board will monitor through monthly meetings with a focus on an |

| | | | | | |
|------------|--|------------------------------|--------|--|---|
| | Aster, GreenSquare and Synergy | | | and members to consider options, look at best practice and the proposed new regulatory arrangements 3. Consult with tenants, linked to work to improve engagement overall to 4. Prepare final recommendations and implementation plan with resources 5. Agree preferred option and actions with tenants, and commission and final approval with Cabinet | increase satisfaction with the way in which we are involving tenants. Tenants will be at the heart of decision making as well as assessing and monitoring the performance of the service. We will deliver an improved service based on enhanced scrutiny arrangements. |
| TE7 | Develop and agree performance measures based on overcoming barriers that lead to low engagement with tenants and agree processes to measure their effectiveness | Linda Diamond | Oct 12 | 1. Agree measures with tenants following review of current arrangements for resident involvement. 2. Consult and implement measures including how they will be monitored | Through sampling periodically test the groups of tenants affected to see if engagement is improving. More of our tenants will be engaged in the delivery of our service and this will lead to an improved service to them. |
| TE8 | Carry out a programme of specialist training around specific aspects of Equalities and Diversity - e.g. Gypsies and Travellers, Disability and focus on specific staff alongside the more generic E& D training all staff receive. | Linda Diamond | Mar 12 | 1. Carry out an assessment of training needs. 2. Source the training for staff and agree the content and delivery. 3 Roll out the training 4 Carry out an evaluation of training 5. Consider with tenants whether this training would also be useful to tenants involved in the new arrangements for scrutiny etc | Monitor completion of each stage of this activity within the overall monitoring of the improvement plan, initially through the Housing Commission Board. The service received by tenants will be improved through a greater awareness of staff of E&D issues. |
| TE9 | Working with CIH and the Wiltshire Tenants Voice explore opportunities for a county wide system that allows tenants from one landlord to act as service inspectors or mystery shoppers for another landlord. | Carisa Whittal/Nicola Jarvis | Jun 11 | 1. Carry out training of Wiltshire tenants 2. Contact partner landlords to explore joint working on this. 3. Roll out a programme of tenant mystery shoppers etc as part of scrutiny arrangements. 4. Promote this approach to highlight successes and | Wiltshire Tenants voice together with Housing Commission Board will monitor the implementation of this against agreed timescales. Service targets and satisfaction levels. If this approach is |

| | | | | | |
|--------------|--|-------------------------------|----------|---|---|
| | | | | encourage further engagement from tenants. | adopted tenants will receive a better service as a result of improved scrutiny and use of this to change the way it is delivered. |
| TE 10 | Review with tenants the Tenant Compact to take account of TSA standards and Improvement plan actions | Carissa Whittal/Nicola Jarvis | Sept 11 | <ol style="list-style-type: none"> 1. With tenants agree how tenants will be involved in review-early May 2. Set out a timetable and plan for review – Late May 3. Recommendations of review to go to Cabinet, Commission and Tenants Panel – Sep 2011. 4. Publish revised compact Sep 2011 | Progress will be measured and monitored by checking actions completed against agreed timetable. The publication of an approved new compact is a clearly evident output and the implementation of the new compact arrangements should lead to greater opportunity for high quality engagement and improved satisfaction with opportunity for involvement |
| TE 11 | Develop and implement a three year programme of high quality and ongoing training to facilitate resident involvement which is developed with service users | Ruth Howard | Mar 2014 | <ol style="list-style-type: none"> 1. Identify training needs – June 11; 2. Source and cost provision Aug 11. 3. Identify tenants' individual requirements – Aug 11 4. Develop programme year 1 – Sep 11 5. implement y1 Oct 11 – Mar 12 6. review programme and needs each March | Needs will be identified initially and on an ongoing basis; Resident Training programme in place for those that wish to participate; service users will have used these opportunities to make a real impact on improving services |
| TE 12 | Promote sustainable communities | Ruth Howard | Mar 12 | Demonstrate links between resident involvement and community development | Measure the number of involved tenants in community development activities |

Home standard

| Ref | Description | Lead | Date | Actions and timescales | How its measured and outcomes for tenants |
|-----------|--|---------------|--------|---|--|
| H1 | Develop options for cleaning and maintaining communal areas. Calculate service charges and consult with Tenants centrally and locally on implementation then introduce new services and charges. | Pennie Taylor | Apr 12 | <p>1. Report on options to the Tenant Panel – May 11</p> <p>2. Agree preferred option and charges for wider consultation- June 11</p> <p>3. Tenants consulted in groups on options. Jul –Sept 11</p> <p>4. Procure cleaning services Sept11 – Feb 12</p> <p>5. Introduce new services and charges including following appropriate legal and regulatory procedure – April 12</p> | <p>Monitored through the HCB as well as performance management system overall.</p> <p>Measured through tenant satisfaction with the new services and financial targets being met.</p> <p>Tenants should receive a high quality customer focused service that is value for money.</p> |
| H2 | Complete the systems review of repairs and have recommendations ready for consultation with tenants | Andrea Baker | Oct 11 | <p>1. Prepare summary and detailed report of review findings including tenant consultation - Sept 11</p> <p>2. Report presented to Housing Commission Board and tenants panel or sub group – Sept 11</p> <p>3. Response made</p> | The Housing Commission board will monitor as well as through maintenance team plan. Impact on relevant KPIs and satisfaction |

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|-----------|---|---------------|--------|---|---|
| | | | | to recommendations of review and action plan agreed- Oct 11 | levels will be measured. Ultimately tenants should receive a better service, right first time with improved value for money. |
| H3 | Ensure that the business plan reflects the need to maintain at least the decent homes standard throughout the lifetime of the business plan | Derek Streek | Jul 11 | A business plan that allows for funding at least the decent homes standard and provides a firm foundation for the preparatory work on self financing. | Completed business plan that meets that requirement |
| H4 | In order to help meet our SAP target we will ensure that we have a programme developed to help tenants access any available programmes and advice to improve home energy efficiency and that we make available complementary investment throughout the year to improve our SAP rating | Peter Bravery | May 12 | <p>1. Production of a report, including review of best practice, with a raft of feasible actions that will improve the SAP rating of properties either through our investment or tenants accessing funding. – Sept 11</p> <p>2. Agree focus of work on this and actions / timescales – Dec 11</p> <p>3. Promote this work more widely to tenants – Apr 12</p> | <p>This will be monitored through the Housing Commission Board and project team objectives.</p> <p>There should be an improvement in SAP rating and tenants should benefit from more affordable energy and warmth</p> |
| H5 | Investigate remodelling of sheltered schemes and consider extra care potential. | Derek Streek | Mar 12 | Identify virtual extra care pilots, give particular emphasis to sheltered accommodation in asset management strategy | Report produced detailing option appraisal |

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|-----------|---|--------------|----------|---|--|
| H6 | Providing tenants in sheltered housing schemes with the opportunity, support and funding to maintain the communal garden areas at schemes should they wish to do so | Chris Kemp | July 11 | <p>1. Consult with sheltered housing scheme tenants on proposals. May – June 11</p> <p>2. Provide materials to those schemes that take up the offer</p> | Tenants taking ownership of the environment around them if they want to |
| H7 | Complete the programme to provide new homes to tenants to Code level 4 | Derek Streek | Mar 12 | <p>Complete the programme of 67 new homes. 41 have already been completed.</p> <p>4 more to be completed at St Thomas, Trowbridge by November 11, 22 to be provided at Pembroke Park Trowbridge by Mar 12</p> | Completion of programme. |
| H8 | Review and improve the delivery system of aids and adaptations to maximise benefit to tenants within the limited resources available | Ben Lawson | Nov 11 | <p>Policy consultation Sept 11</p> <p>Amendments made as necessary</p> | <p>Faster delivery of Aids and Adaptations. Improved value for Money. Improved tenant satisfaction</p> |
| H9 | Once a business plan has been agreed in July to meet decent homes standard long term it will then need to be developed to meet the expectations of the prospectus and Best Deal | Derek Streek | Mar 2012 | <p>1. Modelling options throughout the development of prospectus and new deal.</p> <p>2. once preferred options identified the business plan needs to be approved and agreed by Tenants Panel, cabinet and the Commission</p> | <p>Outputs will include various sets of modelled data. The final outcome will be a new business plan that takes account of the preferred options and new opportunities presented by Self Financing</p> |

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| | | | | | and new VFM being delivered |
|--|--|--|--|--|-----------------------------------|

Tenancy standard

| Ref | Description | Lead | Date | Actions and timescales | How its measured and outcomes for tenants |
|-----------|--|-----------------|----------|--|--|
| T1 | Consult tenants on housing issues in the Localism Bill including internal transfers, restrictions to the waiting list and flexible tenancies | Ruth Howard | April 12 | <ol style="list-style-type: none"> 1. Consult tenant on options – June 11 2. Develop proposals for further consultation- Sept 11 3. Implement any changes – April 12 | The Commission will have seen the delivery of - Revised lettings policy; clear approach to transfers; possibly new types of tenancies and conditions that have been developed after consultation with tenants and other stakeholders |
| T2 | Provide improved debt advice | Chris Greenwood | Oct 11 | <ol style="list-style-type: none"> 1. By Sep 11 Assess how improved debt advice can be incorporated into the service. 2. Ensure that the agreed requirements are reflected in the new staff structure Oct 2011 | Improved advice and advocacy for tenants. Reduced rent arrears Reduced evictions |
| T3 | Improve access to rent payments | Chris Greenwood | May 11 | <ol style="list-style-type: none"> 1. Introduce mobile chip and pin method of rent payment- May 11 | New method of payment introduced |

Neighbourhood and community standard

| Ref | Description | Lead | Date | Actions and timescales | How its measured and outcomes for tenants |
|-----------|--|-----------------|---------|--|---|
| N1 | Complete our updated Anti-social Behaviour strategy | Chris Greenwood | Sept 11 | Revise policy May 11 Commence EIA May 11 Consult tenants on policy August 11 | Revised policy published Improved satisfaction with Anti-social Behaviour Training and briefings available for officers (multi agency) and tenants. New leaflets, guides and web pages |
| N2 | We will work with other regional government advisor for Anti-social Behaviour to learn from best practice elsewhere. | Chris Greenwood | Sept 11 | Initial meeting April 11 Establish program to September | Revised policy published Improved satisfaction with Anti-social Behaviour |
| N3 | Implement action plan to address differences that have been highlighted between staff profile, active tenant profile and community profile | Linda Diamond | Mar 14 | This will be a long term plan with both intermediate developmental targets and performance goals | By June 11 the plan should have been developed. The plan will include a programme of actions to be implemented July 2011 to Mar 2014. These will include Incremental targets to address significant and unwarranted imbalances between profile |

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|-----------|--|---------------|---------|--|--|
| | | | | | and community |
| N4 | Carry out a full review of the effectiveness of ASB policy and procedure | Pennie Taylor | Dec 11 | Review of tools - ID customer needs - process mapping - identify waste and ineffective processes - engineer new process | Meeting milestones in agreed timetable and delivering recommendations for revised approach by due date. The end result should be an effective system that delivers outcomes and identifiable closure of the majority of cases. |
| N5 | Evaluate the improvements delivered through the Friary estate intensive management pilot. Identify measures that can be used on other estates and measures that can be reused as part of an ongoing intensive management programme | Pennie Taylor | May 11 | Research changes that lead to positive outcomes; identify if they can be rolled out universally and others that may be used in future intensive management programme | Completion of report with recommendations |
| N6 | Develop and implement a programme of intensive management projects to continue on from the Friary one after another | Derek Streek | Mar 13 | 1. Production of a programme; 2. completion of each project within the programme (likely to be 6 months each project) | The Commission will be able to approve the establishment of a full programme by July 2011. Completion of each project |
| N7 | Research and implement best practice for bringing together communities at grass roots level for the improvement of the neighbourhood | Ruth Howard | Sept 11 | 1. Review pilot of Neighbourhood Voices May 11 Research good practice June 11 2. Provide publicity and training to tenants to encourage more involvement | Increased number of engaged tenants. Also increased satisfaction with the level of and ways to be involved or influence |

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|-----------|--|--------------|--------|--|--|
| N8 | Continue to support the “Help to Live at Home” project for our sheltered housing residents | Derek Streek | Nov 11 | Provide information to the Dept of Adult Services to enable the TUPE transfer of Housing Support Officers to a new provider. Ensure that no gaps are left in the service | The more efficient provision of care and support services to those in need. Increased satisfaction with sheltered housing services and reduction in difficult to let sheltered schemes |
|-----------|--|--------------|--------|--|--|

Value for money standard

| Ref | Description | Lead | Date | Actions and timescales | How its measured and outcomes for tenants |
|-----|--|-----------------|----------------------|---|---|
| V1 | Review structure of landlord service to meet with outcomes of service reviews and aspirations of the Best Deal for Council Housing. | Graham Hogg | Apr 2011 to Mar 2012 | <ol style="list-style-type: none"> 1. Review Management Structure - Apr May 2011; 2. Implement new management structure – Jul 11 3. Agree rest of structure by Oct 2011 4. Complete Recruit and match into new structure – Mar 12 | Delivery of each element of the plan by agreed dates |
| V2 | Ensure that there is an efficient and cost effective IT system in place to deliver the outcomes set out in this improvement plan | Simon Haugh | Apr 12 | <ol style="list-style-type: none"> 1. Agreement by Capital Assset Com; 2. Finalise spec; 3. Formal tender process; 4. Identify provider; prep and installation; 6 go live | Monitor completion of actions by agreed dates in timetable. |
| V3 | Undertake a process/system review in conjunction with tenants income management | Chris Greenwood | Dec 11 | Review of tools - ID customer needs - process mapping - identify waste and ineffective processes - engineer new process | Meeting milestones in agreed timetable and delivering revised approach by due date. |
| V4 | Develop a strategic approach to garage management. | Derek Streek | Oct 11 | As part of asset management strategy review use and charges for garages and possible use of land. This should be a report on a specified area that can be inserted into the asset management strategy | Delivery of report and agree the preferred options |
| V5 | Achieve top quartile performance against the indicators set out in the performance Scoreboard while remaining a low cost service that focuses on improved delivery | John Pearce | Apr 12 | Target is to achieve top quartile performance by Apr 2012 and to set incremental targets over the next 12 months | Monitor if achieving incremental targets |

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|-----------|--|---------------|--------|---|---|
| V6 | Continue with the procurement strategy for all repairs and maintenance contracts | Peter Bravery | Jan 12 | OJUE Notice – APR 11 Tender – Nov 11 Tender Evaluation Dec 11 New Contracts – APR 12 | Re-letting of all repairs and maintenance contracts. Improved performance on repairs and reduced costs of major works |
|-----------|--|---------------|--------|---|---|

Governance and financial viability standard

| Ref | Description | Lead | Date | Actions and timescales | How its measured and outcomes for tenants |
|-----------|--|------------------|--------|--|---|
| G1 | Consult on future arrangements for governance. Prepare options that set out how tenants, councillors and possibly external expertise can be engaged to oversee the strategic direction of the landlord service | Graham Hogg | Oct 11 | Sub group of the Commission to develop options. Options to be included in the prospectus. Tenants to be consulted throughout the prospectus on the options | Stages in action plan to be met in accordance with timetable culminating in tenants being able to express a view on preferred option. |
| G2 | In preparation for the introduction of self financing develop a new 30 Year business plan. The plan should generate options that can be consulted on through the prospectus. | Derek Streek | Oct 11 | Indicative debt settlement received, Business Plan, Financial modelling currently taking place | Agreement on a business plan by the cabinet |
| G3 | Carry out an assessment of how best financial and business management can service the needs of self financing | Sub Group of HCB | May 11 | Report and recommendation on preferred option | Delivery of report |

Wiltshire Council

Cabinet

24 May 2011

Subject: Devizes Wharf Planning Brief Consultation

**Cabinet Member: Councillor John Brady - Economic Development,
 Planning and Housing**

Key Decision: Yes

Executive Summary

The purpose of the report is to seek Cabinet approval to consult on a draft Planning Brief for Devizes Wharf. Subject to the outcome of the consultation the intention is for the planning brief to be adopted by the Council as a Supplementary Planning Document within the Wiltshire Local Development Framework.

The purpose of the Planning Brief is to help promote local ambitions for leisure and tourism based regeneration and growth at Devizes Wharf which has the potential to add to the vitality and viability of Devizes town centre.

The Devizes Wharf Planning Brief interprets existing Kennet Local Plan policies (ED21 and HC10) for the area and seeks to bring about incremental development that will complement and enhance the area and not diminish future opportunities. The ambition is to create a distinctive 'canal quarter' in Devizes that appears as a cohesive and coherent whole.

The focus of the planning brief is a series of objectives to protect and enhance the area supported by a statement of design principles that need to be adhered to when considering any planning applications on the site to deliver those objectives.

It is proposed that consultation on the draft Planning Brief place takes place over the period 13 June to 5 August to coincide with the consultation period proposed for the emerging Wiltshire Core Strategy (to be discussed at the special meeting of Cabinet on the rising of this meeting).

Proposal

That Cabinet:

- (i) approve the process of consultation outlined in paragraph 14 and 15 for the emerging draft Devizes Wharf Planning Brief;
- (ii) consider the contents of the emerging draft Devizes Wharf Planning Brief (**Appendix 1**) and approve it for the purposes of consultation and
- (iii) agree to delegate authority to the Corporate Director, Neighbourhood and Planning in consultation with the relevant Cabinet Member to make amendments to the draft Devizes Wharf Planning Brief (**Appendix 1**) to respond to comments raised by Cabinet and to prepare it for consultation purposes.

Reason for Proposal

There have been local ambitions for leisure and tourism based regeneration at Devizes Wharf for many years. As yet proposals have not been implemented, partly due to fragmented ownership. The creation of Wiltshire Council has brought about the opportunity to re-invigorate the project by bringing together services which were previously carried out by either the District or County Council.

In 2010 an approach was made to officers through the Devizes Area Board to revisit the proposals and find an opportunity to re-invigorate the project. The primary motivation was local concerns that this area is underused and under-valued but there was also some concern about the potential impact of an anticipated application by McCarthy and Stone on the adjacent gas holder site.

Mark Boden
Corporate Director, Neighbourhood and Planning

24 May 2011

Subject: Devizes Wharf Planning Brief Consultation

**Cabinet Member: Councillor John Brady - Economic Development,
Planning and Housing**

Key Decision: Yes

Purpose of Report

1. To seek Cabinet approval to consult on a draft Planning Brief for Devizes Wharf. Subject to the outcome of the consultation the intention is for the planning brief to be adopted by the Council as a Supplementary Planning Document within the Wiltshire Local Development Framework.

Background

2. Specific planning policies for the general area of Northgate, Devizes Wharf and Devizes Hospital were included in both the 2001 and 2011 Kennet Local Plans and although development has progressed on land covered by the same policies on Northgate Street there has been no development at the Wharf or Devizes Hospital¹. The plan policies promoted visitor based attractions at the Wharf to improve the vitality and diversity of the town centre. Leisure and tourism was the focus with some complementary uses. The development was to respond architecturally to the canal side setting and provide opportunities for water related business to develop. Local ambitions for leisure and tourism based regeneration at Devizes Wharf were restated through the Wiltshire Core Strategy consultation that took place in the Autumn/Winter 2009. Other documents such as the Devizes Community Area Plan and Devizes Design Code also refer to the potential of the Wharf area.
3. In 2010 an approach was made to officers through the Devizes Area Board to revisit the proposals and find an opportunity to re-invigorate the project. The primary motivation was local concerns that this area is under-used and under-valued but there was also some concern about the potential impact of an anticipated application by McCarthy and Stone on the adjacent gas holder site. (An application has since been submitted and is currently being considered by the Council - E/110057/FUL Former Gasholder Site, The Wharf, Devizes).

¹ The future of Devizes hospital has been uncertain over recent years due to changes in how the health service is delivered locally. The current proposal is for the site to continue to be used to deliver health services in Devizes.

Main Considerations for the Council

4. The Council needs to consider the best way to support the Devizes community fulfil their aspirations for the Devizes Wharf area. The proposed changes to the planning system being introduced through the Localism Bill will not remove extant local plan policies or the opportunity to prepare supplementary planning documents (SPD) to support those policies.
5. Planning Policy Statement 12 – Local Development Frameworks states that '*A planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its DPDs*' (para 6.1) Planning Policy Statement 1 states that '*One of the principles of sustainable development is to involve the community in developing the vision for its area*'. (para 41) Once completed, with appropriate consultation embedded in the process, and adopted by the Council, SPD can be used as a 'material consideration' in the determination of planning applications and will become part of the Wiltshire Local Development Framework.
6. It is proposed that the Devizes Wharf Planning Brief is prepared as an SPD to policies in the adopted Kennet Local Plan (KLP) to provide appropriate weight to its contents. In the future, once the Wiltshire Core Strategy has been adopted the SPD can be reviewed and up-dated to relate to regeneration policies of that document. Alternatively, the SPD can be linked to policies in a neighbourhood plan² for Devizes.
7. The outcome of a successful planning brief will be an improved and highly valued public realm which has attracted further investment in Devizes town centre. It could be seen as an example of how to help local communities develop their own identity and deliver its local aspirations.
8. An emerging draft Devizes Wharf Planning Brief, prepared for the purposes of consultation is attached at **Appendix 1**. The project has been lead by a team of elected Members and officers. The brief relates primarily to the land owned by Wiltshire Council (outlined in red in **Figure 1**) but also provides guidance to encourage the co-ordinated and integrated development of the wider area including the adjacent sites of the police station, hospital, Lower Wharf and the site of the former gas holders.
9. The brief contains:
 - (i) An appraisal of the context and setting of Devizes Wharf, including objectives to protect the area arising from that appraisal
 - (ii) A review of relevant local policies and plans, including objectives to enhance the area arising from the review

² The concept of neighbourhood plans has been evolving alongside work on the Devizes Wharf Planning Brief. The level of detail required in relation to the Wharf at this stage is not thought to be appropriate to a neighbourhood plan but this position may change as knowledge about the form and content of neighbourhood plans develops.

- (iii) A statement of design principles to be used when considering any applications for development at the Wharf and
- (iv) Consideration of how the proposed development could be delivered.

Consultations so far

10. To inform this version of the brief a series of local consultations have already taken place. The first stage of consultation was to discuss local aspirations and ambitions about Devizes Wharf with its occupiers and users. The engagement took the form of informal meetings and telephone conversations with a variety of users followed by 2 stakeholder workshops. The first to pull aspirations and ambitions together and the second to discuss proposed design principles for inclusion in the brief. The main objective for the stakeholder events was to begin to develop a shared vision for the future of the Wharf. The key points to emerge from the workshops, to be used to inform the content of the planning brief were:

Things to value – public open space, access to the canal, linear historic buildings, views of the site, green backdrop, car parking.

Things to change – quality of surrounding buildings, pedestrian experience, connections to town centre, car parking, sense of enclosure, lack of public toilets.

Opportunities – introduce craft workshops, more activity, new space for open air performances, links to Lower Wharf, change in levels to create interest, relate to the industrial past.

11. As the project has progressed up-dates have been reported to the Devizes Area Board on 19 July 2010, 4 October 2010, 29 November 2010 and 21 March 2011. The main points to emerge from the Area Board meetings were:

- Key point is to cater for incremental development
- It has been frustratingly slow in the past so need to make sure this is something that can be delivered
- May need to accept some limited housing to lever contributions
- Hope it will be a catalyst to improve the wider area eg New Park Street/Couch Lane?
- Like to see Wharf as part of a wider area with a long term masterplan framework for mixed development.
- Pleased to see British Waterways involved
- Recognise need to get McCarthy and Stone on board

12. A full statement of community engagement which records the meetings held and the comments made during those meetings will be made available as part of the proposed summer consultation.

Proposed Summer Consultation

13. In February 2010 Wiltshire Council approved and published a 'Statement of Community Involvement' which outlines the level of consultation required for the variety of documents contained in the Local Development Framework. In relation to SPD, consultation is to take place at both the informal stages of the SPDs production and the more formal stages. The process of consultation that has taken place so far in relation to the draft Devizes Wharf Planning Brief equates to Stage 1: Evidence gathering and early community involvement.
14. The next stage is to consult more widely on a draft Devizes Wharf Planning Brief. This is required by planning regulations if the planning brief is to be adopted as SPD. The proposal is to publish a draft SPD for a eight week period to coincide with the proposed Wiltshire Core Strategy consultation over the period 13 June – 5 August 2011. Comments would be invited in response to the questions:
 - Do the ten objectives for the brief, set out in Chapters 2 and 3 of the planning brief, identify the correct elements of the Wharf to protect and enhance?
 - Do the six design principles (Chapter 4, 1 of the planning brief) which seek to influence the appearance of development at the Wharf, accurately reflect the objectives and promote a greater sense of place for the Wharf?
 - Do the four design principles (Chapter 4, 2 of the planning brief) which seek to introduce vitality at the Wharf reflect local aspirations for the nature of uses to be encouraged at the Wharf?
 - Will the three design principles (Chapter 4, 3 planning brief) which seek to improve pedestrian and vehicular movements to and through the Wharf enhance the use of the area?
15. The local press and media will be used to advertise the consultation and notification of the consultation will be sent to everyone registered on the local community area network (generally people who have attended Area Boards or had discussions with representatives of the Local Area Board). Everyone who has been involved in the stakeholder workshops will be sent an electronic copy of the brief directly. There will also be at least one event held within Devizes at the same venue as the Core Strategy consultation and material to raise awareness of the Planning Brief will be available in the local library.
16. At the end of all community consultation exercises, comments received will be fully considered and taken into account before progressing to the next stage which would be to take the brief back to Cabinet for them to consider and agree any changes to the document as a result of the consultation, before seeking approval of the SPD at Full Council.

Environmental Impact of the Proposal

17. Development at the Wharf will have an impact on the existing environment. Objectives are included within the Planning Brief to ensure that the architectural and historic environment are respected and that the general open nature of the site is retained to minimise the impact on the canal corridor. As the site is within the Devizes Conservation Area it is the intention that, through the Brief, all proposals improve and enhance the character of the area.

Equalities Impact of the Proposal

18. The consultation requirements set out above in accordance with the Council's adopted Statement of Community Involvement will provide the opportunity for all sectors of the local community to be involved.

Risk Assessment

19. There were and continue to be a number of risks relating to the Devizes Wharf project, these include:
 - (i) Financial objectives for Council land and activities at the Wharf override community objectives
 - (ii) Developers submit applications before a coherent plan for the area has been established
 - (iii) Existing leisure based activities, which are seen as the catalyst to attract new uses, move away from the Wharf
 - (iv) Economic climate affects the financial viability of any proposed scheme.
20. The risks outlined at (ii) and (iii) are already materialising which adds to the urgency of delivering this Planning Brief. Additional work is required to ensure the proposals remain deliverable in the current economic climate.

Financial Implications

21. Work by officers to prepare the Planning Brief will be undertaken within existing agreed budgets. However, there will be an additional cost to 'buy-in' market expertise for advice on the deliverability of the individual components of the scheme to be included in the final version of the Planning Brief to ensure proposals are realistic.
22. Combining this consultation with the proposed Wiltshire Core Strategy consultation in June/July (see Agenda Item ??) will be more cost effective than undertaking any consultation separately and any additional costs are anticipated to be managed with the agreed budget..

23. The general proposals envisage a reduction in the overall number of car parking spaces in the Wharf area. The income target for 2011/12 was set at £53,000; however, the car park has a low occupancy rate, except on market days. No detailed analysis or modelling has been undertaken on the impact the reduction would have on achieving the income target.
24. The site has been listed as a potential asset for disposal in the future; however, no monetary value has been assigned. Any further disposal would generate a capital receipt that would be used to finance the Council's overall Capital Programme. There is also currently no budget within the Capital Programme for any future capital investment in the site.

Legal Implications

25. The Devizes Wharf Planning Brief is a proposed SPD which will become part of the Wiltshire Local Development Framework. The LDF is part of the policy framework of the Council as defined in paragraph 1 of Part 3 of the constitution (even though SPD generally interpret or implement existing policies). It is a function of Cabinet therefore to consider the draft document to ensure the proper procedures are followed before the final SPD is considered by Full Council.
26. Additionally in order to adopt SPD consultation arrangements need to comply with the Town and Country Planning (Local Development) (England) Regulations 2004 as amended in 2008 and 2009. Officers consider that the consultation arrangements already undertaken and proposed in this report comply with these Regulations.

Options Considered

27. Three courses of action were considered:
 - (i) Do not prepare a detailed brief for the area and rely on existing and emerging planning policies to respond to development in the area;
 - (ii) Agree to prepare a Planning Brief at a later stage once the Wiltshire Core Strategy has progressed to adoption;
 - (iii) Prepare a Planning Brief now to respond to comments raised during consultation on the emerging draft Wiltshire Core Strategy and respond to the request from the Devizes Area Board.
28. Given the development pressures currently being experienced at the Wharf and the continuing concerns of the local community about the lack of progress by the former Council's to respond to the challenges at the Wharf the option to act now was considered appropriate.

Conclusions

29. The Devizes Wharf area has been the subject of debate for several years and had become the focus of local concerns expressed through the Devizes Area Board and responses to the Wiltshire 2026 Core Strategy consultation carried out in Autumn 2009. Pressures for development around the Wharf and the uncertainty surrounding future uses at Devizes Hospital have raised questions about appropriate future uses and the nature and form of development in the general area. For these reasons it is timely to prepare a detailed Planning Brief for the area to aid Development Management when considering applications which affect the Wharf and provide advice to prospective developers about the expectations from any development they propose. A Supplementary Planning Document to the Kennet Local Plan is the appropriate vehicle to respond to these challenges which brings with it consultation requirements as set out in this report.

Mark Boden
Corporate Director Neighbourhood & Planning

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The following unpublished documents have been relied on in the preparation of this Report:

None

Appendices

Appendix 1 - Emerging draft Devizes Wharf Planning Brief

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Draft Devizes Wharf Planning Brief

Prepared for Cabinet

May 2011

NB. This version of the planning brief has been prepared to support a report to Cabinet on 22nd May 2011. It is an emerging plan and will be amended in light of comments made during the cabinet meeting before being published for consultation.

NB. Throughout the document plans and photographs are provided for illustrative purposes only to demonstrate one way the principles in the brief could be applied. They are not intended to suggest other solutions are not possible.

Contents

Forward

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1. Introduction

2. Appraisal of context and setting of Devizes Wharf

- a) Current uses
- b) Historical context
- c) Visual appraisal
- d) Opportunities
- e) Conclusions

3. Review of relevant policies

Conclusions

4. Design principles

- 1) Appearance of development
 - a) Layout and building form
 - b) Enclosure of space-Devizes Wharf
 - c) Building frontage
 - d) Building height and mass
 - e) Detailing
 - f) Established quality and performance standards
- 2) Introducing vitality
 - a) Existing canal warehouses
 - b) Uses and activities
 - c) Public realm
 - d) Public art
- 3) Vehicle and pedestrian movement
 - a) Access to Devizes Wharf
 - b) Car and coach parking
 - c) Servicing

5. Planning obligations, Devizes Wharf

Appendix: Summary of Advice and Recommendations for Devizes Wharf

Forward (to be developed further)

The future use and purpose of Devizes Wharf has been under discussion for several years but as yet no proposals have been implemented, partly due to fragmented ownership.

The creation of Wiltshire Council has brought about the opportunity to re-invigorate the project by bringing together services which were previously carried out by either the District or County Council.

The development potential of Devizes Wharf and neighbouring sites has also focused local concerns about the areas future.

Your views are invited on the contents of this draft Devizes Wharf Planning Brief over the period 13th June to 5th August 2011. In particular your views are invited on the following issues:

- Do the 10 objectives for the brief, set out in Chapters 2 and 3 of the planning brief, identify the correct elements of the Wharf to protect and enhance?
- Do the 6 design principles (Chapter 4, 1 of the planning brief) which seek to influence the appearance of development at the Wharf, accurately reflect the objectives and promote a greater sense of place for the Wharf?
- Do the 4 design principles (Chapter 4, 2 of the planning brief) which seek to introduce vitality at the Wharf reflect local aspirations for the nature of uses to be encouraged at the Wharf?
- Will the 3 design principles (Chapter 4, 3 planning brief) which seek to improve pedestrian and vehicular movements to and through the Wharf enhance the use of the area?

Copies of the draft planning brief are available online at www.wiltshire.gov.uk/planningpolicy or can be sent to you directly if you e-mail spatialplanning@wiltshire.gov.uk

Comments can be submitted

directly on the council's on-line consultation portal (add link)

via e-mail to spatialplanning@wiltshire.gov.uk, or

by writing to Spatial Planning, Economy and Enterprise, Wiltshire Council, Bythesea Road, Trowbridge,

DRAFT

Executive Summary

The prospect from Wharf Bridge (front cover) captures the essence of Devizes Wharf and the neighbouring canalside ; the distinctive topography with a pre-eminence of public open space and unassuming historic buildings for leisure orientated activity that collectively make this a special place within the community. This panorama highlights the significant impact development could have on the character of this dramatic setting.

Chapter 1 Introduction

This outlines the nature of this Planning Brief and its purpose to guide development proposals for Devizes Wharf and the adjacent canal corridor.

The constant theme of the brief is the recognition of the value of the cultural and historic assets at the Wharf. The brief includes measures that both **protect** and **enhance** these to help ensure the long term sustainability of Devizes Wharf as a prime community, leisure and tourism attraction within the town. Safeguarding the assets is essential to help attract appropriate development, and for the contribution that development can then bring to their viability and maintenance through greater recognition, footfall and custom for Devizes Wharf and the canalside.

The area encompassed by the Planning Brief is identified. Parameters for development on Devizes Wharf and neighbouring sites are incorporated within chapters of the brief that should both complement the setting of Devizes Wharf and the adjacent canal side and not compromise the ability to achieve a cohesive and integrated overall development for the area. This coordinated approach reflects that development may come forward on an incremental rather than comprehensive basis given economic conditions and the numerous and varied landholdings.

Chapter 2 Appraisal of context and setting of Devizes Wharf

Provides an appraisal of the significance and value attached to Devizes Wharf and the adjacent canal corridor by outlining:

- a) The unique and specific functions and uses that Devizes Wharf provides within the town and the important service function to the canal;
- b) The completeness of the canalside buildings and spaces that gives a good appreciation and understanding of its original historical purpose and function, and ;
- c) The particular drama of the complex and distinctive topography of the wharfside and adjacent canal corridor, and the heightened interest and enjoyment this provides.

Key components are identified from the above from which are drawn a number of objectives for the **protection** of this attraction.

Opportunities for improvement to sustain this attraction in the longer term are identified which point to the poor physical condition of the area, and general lack of activity across Devizes Wharf.

Chapter 3 Review of relevant policies

Outlines planning policy and guidance prepared in recent years, generally in recognition of this vulnerability. A number of objectives for the **enhancement** of this attraction are drawn from this.

Chapter 4 Design principles

Provides thirteen design principles that embody the objectives arising from Chapter 2: the area appraisal and Chapter 3: review of planning policy and guidance. The design principles are explained under three headings and the essence of these is summarised below. The collective application of this guidance to development will help achieve a greater sense of place.

- 1) Appearance of development - covers the layout, form and scale of new buildings and their corresponding relationship with the canalside, streets and spaces:
 - a) New building should reflect the character of the historic town: the overall and detailed scale of buildings and layout following the urban grain. In this regard the historic small town warehouses are an appropriate precedent for canalside development, and being suitably distinctive provide a suitable basis for enhancement to celebrate the special setting while reflecting their specific function without resort to pastiche.
 - b) The canal itself with its panoramic views over lively boating activity is the essential ingredient of Devizes Wharf. Paramount to maintaining this attraction is a suitable 'activity space' fronting and including the adjacent canal. The extent of this is defined on plan and referred to throughout this chapter. Emphasis is placed on the management and uses of the water space itself and defined limits on the size and location of building extensions and new building within the activity space within which a feature pavilion is suggested.
 - c) Building frontages facing primary public spaces should be continuous or closely spaced in order to suitably define and contain these spaces, and be suitably active and accessible (such as shopfronts) to engage with and animate these spaces. In this regard ground floor residential on Devizes Wharf and on the key approach along Wharf Street is largely discouraged.
 - d) The potential overbearing effect of building height and mass is highlighted particularly where development will be exaggerated by the topography of the study area: elevated above Devizes Wharf and the canal, and seen from the numerous and wide vantage points. Appropriate limits on building height and mass are defined to suitably respect the character and setting of Devizes Wharf and the canal corridor.
 - e) In recognition that the quality of the secondary detailing is crucial to the overall aesthetic success of a development, which often hinges on this, the inherent expressive qualities of traditional materials and detailing is encouraged, with considered visual, 'weight', 'depth,' proportions and placing of elements emphasised in order to suitably reflect the historic quality of the Conservation area
 - f) Development that demonstrates a high standard of sustainability is encouraged through a creative design approach integral to the design process from the outset, and with the application of recognised quality standards.

2) Introducing Vitality - focuses on how the activity and attraction of public space can be increased through:

- a) Significant but sensitive 'opening up' of the public faces of the canal museum and Wharf Theatre (or any future community and leisure related use for these) to convey and capitalise on the attractions within. This should create a more obvious, accessible and welcoming draw from the public space and approaches while maintaining an appreciation of the buildings historic past.
- b) Recognising the potential for a range of cultural, leisure and tourism uses and activities that can complement, contribute to, and benefit from the waterside and water borne activity including a high quality café or similar facility as a catalyst.
- c) The corresponding improvement to the design of these spaces, benefitting existing uses and recognising the attraction of the landscape setting including the potential offered by the site levels.
- d) The creative integration of public art within the design of buildings and spaces to reinforce the qualities and significance of Devizes Wharf.

3) Vehicle and pedestrian movement – recognises its success as a leisure and tourism destination as part of the overall visitor attraction of the historic town centre is equally dependant on providing suitably attractive, convenient and practical pedestrian access, vehicle parking and servicing:

- a) It establishes the importance of bringing Wharf Street and Couch Lane up to a suitable standard ideally concurrent with the enhancement of Devizes Wharf if this is not to have a negative effect on the lasting impression made by the attraction. This will involve upgrading street surfaces and boundaries, with new building frontage reconnecting Wharf Street to the urban fabric of the town.

The significance of the proposed footpath link promoted by planning policy along the canal between Devizes Wharf and Lower Wharf is conveyed : its form and stature to suitably reflect the leisure and tourism potential of these spaces and the connection onwards to the famous Caen Hill locks.

A potential future link with the town centre arising from any future development of the adjacent area highlights the relatively obscured and restricted access to this stretch of canalside.

- b) The importance of maintaining a suitable presence for public car parking and coach drop off for visitors to the prime uses and activities on Devizes Wharf is outlined while its future capacity will be conditioned by local factors.
- c) The ability of design proposals to accommodate servicing for existing uses /activities on Devizes Wharf and new development while not unduly impacting on the attraction, accessibility and safety of public spaces .

Within the wider study area the need to incorporate car parking and vehicle servicing in an efficient and discrete manner is emphasised in order to release prime public spaces and frontages for attractive and more valuable uses and activities.

Chapter 5 Delivering the strategy

This identifies the approach to planning obligations for development. This is in the context of the significant area of public realm, notably Devizes Wharf and the likely expenditure necessary to suitably enhance this to a high quality. Consequently development may be required to contribute to this and should benefit from the amenity and value this brings to the area.

DRAFT

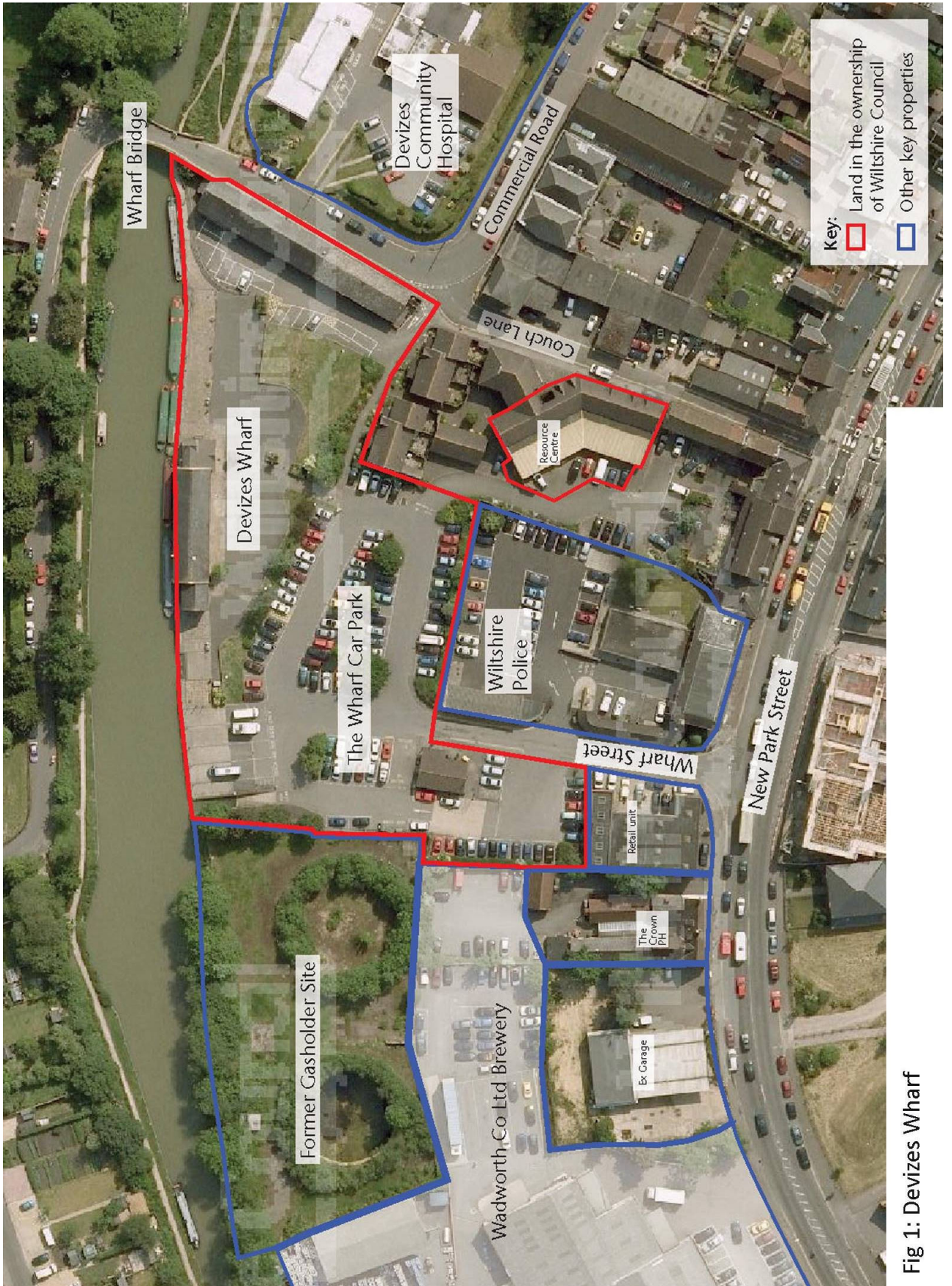


Fig 1: Devizes Wharf

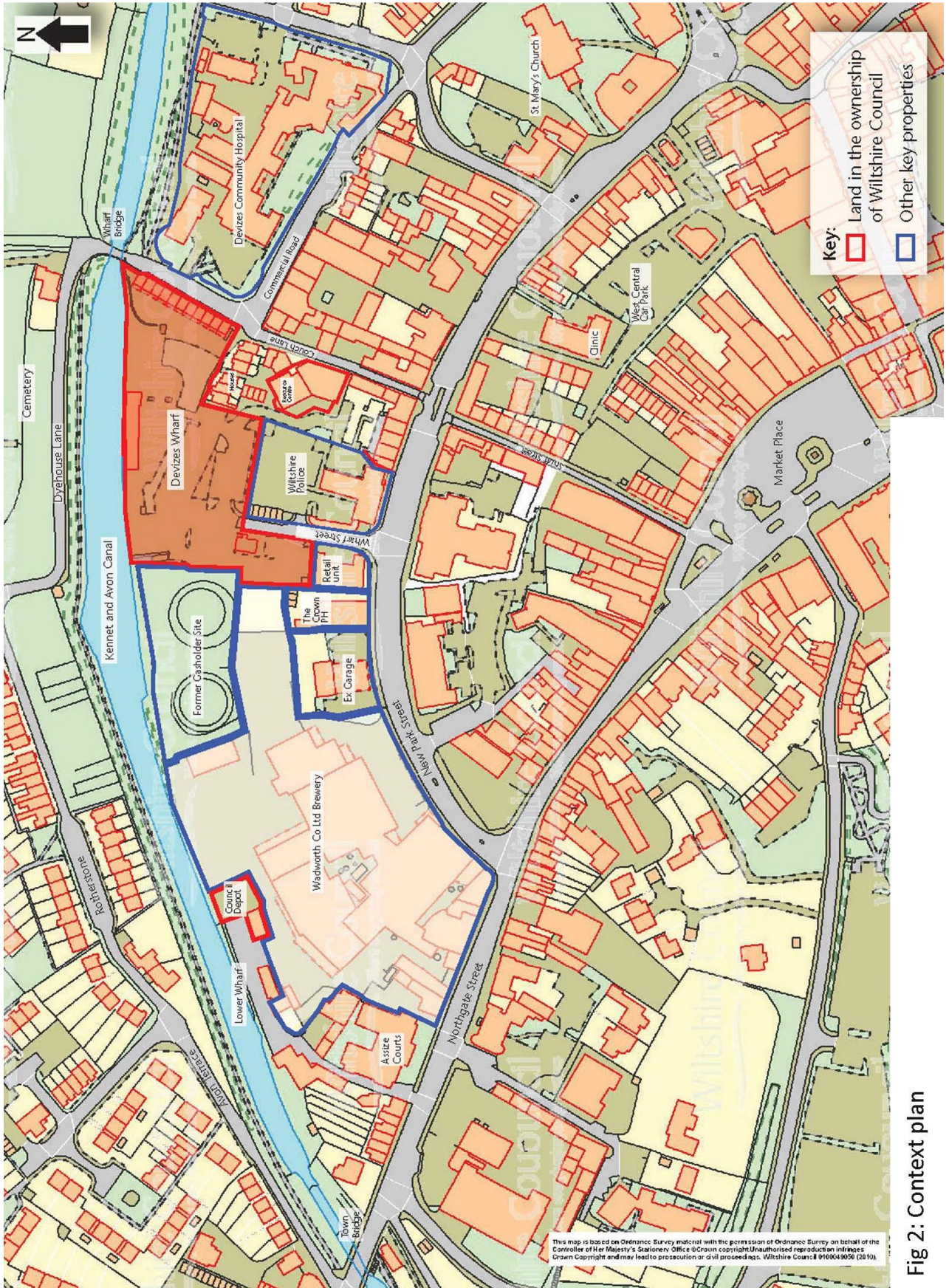


Fig 2: Context plan

1. Chapter 1 - Introduction

- 1.1. The restoration and reopening of the Kennet and Avon Canal provided a new leisure attraction for Devizes and placed a new emphasis on the potential of Devizes Wharf and its historic importance. The canal corridor/towpath, canal side activity space, Canal Museum, and the Wharf Theatre collectively form a key community and visitor attraction. The local community attach considerable value to protecting these assets and ensuring their long term sustainability.
- 1.2. The **purpose** of this planning brief is to help promote local ambitions for leisure and tourism based regeneration and growth at Devizes Wharf which has the potential to add to the vitality and viability of Devizes town centre.
- 1.3. The **objective** of this planning brief is to inform the community and provide guidance to prospective developers with the **aim** of helping to protect and enhance Devizes Wharf for the benefit of the community and visitors. It forms a material consideration of any planning application.
- 1.4. By analysing the nature and setting of Devizes Wharf and with a review of planning policy and guidance it establishes specific design objectives and design principles to be taken into account. This is the focus of the document.
- 1.5. This study focuses on Devizes Wharf and the constituent Wharf Car Park **Fig 1. (site aerial view)** In consideration of the approach to and setting of Devizes Wharf and to encourage a coordinated and integrated development of the wider area it incorporates guidance for neighbouring sites, principally the police station, hospital, Lower Wharf and site of the former gasholders. **Fig 2 (context plan)**
- 1.6. Individual development proposals should therefore be set in this context so that **incremental development** will complement and not diminish or prevent suitable development on remaining areas in the future, in order to realise a cohesive and coherent whole.
- 1.7. Devizes Wharf must adapt to changing economic pressures and leisure patterns in order to help retain the current attractions, and provide for their upkeep and maintenance. A realistic level of development to suitably upgrade the standard and quality of the study area and contribute to achieving efficient and attractive development will almost certainly require a significant element of commercial uses. A creative and crafted approach to the design of buildings and spaces is necessary to realise commercial value while achieving a high quality of design that will protect and enhance the valued character, setting, uses and activities of Devizes Wharf and the adjoining canal corridor.
- 1.8. Developers should explain and illustrate how their proposals respond to the design principles of this planning brief both in pre application consultation with Wiltshire Council and in any planning application. This should include the relationship of the proposal to its site and the wider setting encompassed by this planning brief on the basis of CABI guidance referred to in paragraphs 3 & 4 on page 31 of the Devizes Town Centre Conservation Area Statement, September 2005.

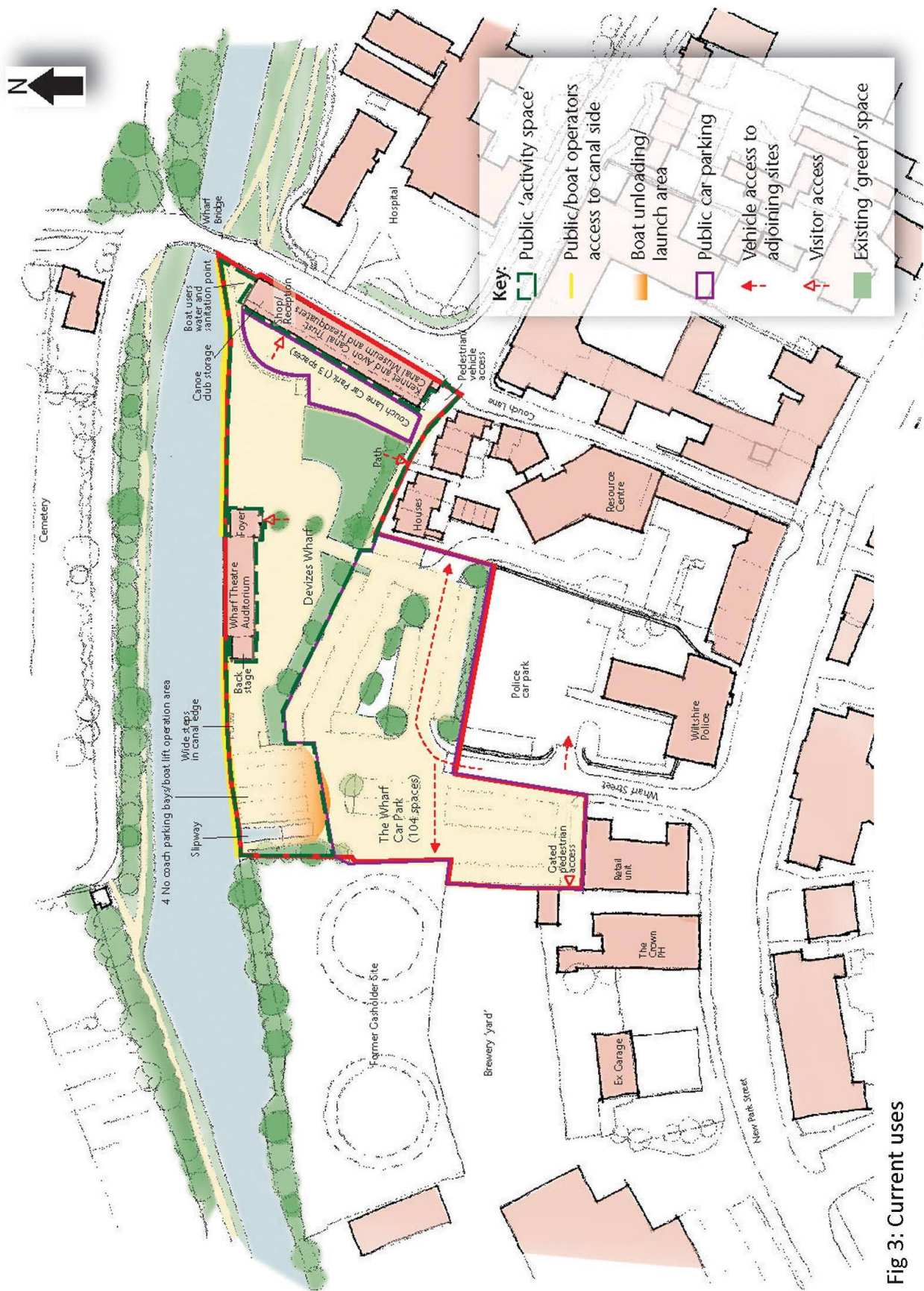


Fig 3: Current uses

Chapter 2: Appraisal of context and setting of Devizes Wharf

2.1. To appreciate the value of Devizes Wharf and the adjoining area requires an understanding of the various uses and activities and how these relate to and complement each other.

a) Current uses

2.2. Devizes Wharf in its current form was laid out in the early 1980s and comprises a pedestrian orientated public open space with direct frontage to the canal, converted bonded warehouses housing the complimentary attractions of the Canal Museum / Headquarters of the Kennet and Avon Canal Trust, and the Wharf Theatre, and two public car parks. **(Fig 3).**

Activity space

2.3. The extent of this general area is identified on Fig 3. and realistically includes the Coach Parking and slipway area over which there is also generally unrestricted public access. In size the overall space is comparable with and second only to the Market Place as an area of hardstanding. The activity space provides for:

- Public relaxation and strolling. The landscaped grass areas provide a sitting out area popular in summer with lunchtime workers and at weekends.
- Public access to the canalside, Canal museum and Wharf Theatre.
- The staging of public events and official canal boat gatherings: Key annual current attractions are The Devizes to Westminster Canoe Race with a staged start over one weekend in the spring, and the one day Devizes Beer Festival in the early summer with the erection of a large marquee, other associated stalls and an external music stage.

2.4. The activity space facilitates the operational requirements for:

- Victual ling, general cleaning and basic upkeep of canal boats moored alongside the Wharf including hire boats, hotel boats (including those for special needs groups) and the passenger day trip boat, fresh water and sanitary waste disposal point for boat users is located against the side wall of the canal museum.
- Unloading, launch and retrieval of small boats from the slipway and wharfside, temporary standing of boats/boat trailers using the slipway, canoes, rowing skiffs and other 'small' craft:
- Boat lift operation adjacent to the slipway using mobile crane and canal boat transporter/trailer;
- Servicing to the Canal Museum, Wharf Theatre, and boat users sanitation/waste disposal point;

Official access and limited parking for operators over the activity space and unloading adjacent to 'premises' is by agreement with Wiltshire Council.

Canalside buildings

2.5. Both former canal warehouses are not statutory listed buildings, and while relatively unassuming as individual examples of their type have in their setting with the adjoining open space and canal a group value of considerable 'historical significance'.

- 2.6. The building occupied by the Canal Trust has Bath Stone external walls on three sides which are listed with the adjoining stone canal bridge. The museum documenting the history of the canal and its restoration occupies the majority of this building which incorporates an associated gift shop and administration offices for the Trust. Parts of the building are specifically used by the Devizes Canoe Club for equipment storage and improvised club gatherings and meeting facilities for the Devizes Angling Club. The continued, improved or new provision of facilities for these important canal based uses is encouraged with any development on Devizes Wharf.
- 2.7. The building occupied by the Wharf Theatre has undergone considerable internal alteration to accommodate an auditorium and extension at both ends for front and back of house facilities but its original function is externally still readily discernable. Regular evening and matinee stage performances and theatre workshops are provided. A small refreshment area used during performances is incorporated with the foyer /reception space.

Boat launch

- 2.8. The Wharf provides a suitable area of hard standing and access for the craning of larger vessels into and out of the water and maintenance plant and equipment onto and off craft. ie excavators and pumps.
- 2.9. The boat lift operation generally comprises a mobile crane and boat trailer which are parked alongside within the coach parking bays and end on to the canal. The surrounding area is coned off and boats are then swung through 90 degrees from the canal. This operation is generally relatively infrequent and carried out in the early morning when the Wharf is quiet.
- 2.10. The retention of this capability is valued by British Waterways as there are currently no suitable alternative facilities nearby and very few other areas along the canal where this can be practically undertaken. It also enables the transfer of maintenance craft by road from other sections of the canal nearer to the work being undertaken rather than navigate to the work site solely by water.
- 2.11. The localized stepping in the canal wall and nearby slipway provides a practical facility for the launch of small craft. The slip is capable of launching 'smaller' narrowboats up to around 23ft in length. Note that the canal wall alongside the canoe club equipment store is not particularly suitable for getting canoes into and out of the water and the store is furthest away from the slipway and steps in the canal wall where this can be more easily achieved.

Coach parking area

- 2.12. Marked out on the wharfside are 4 coach parking bays. In this location coaches will dominate and restrict views to and from the activity space and the attraction of the Wharf generally. However the bays are generally underused as coaches defer from setting down and laying over here due to the lack of neighbouring toilet facilities for drivers and passengers. The space is informally used for the parking of minibuses bringing frequent school parties to the Canal Museum and for boat trips, for the offloading of small craft such as kayaks and rowing skiffs and the occasional parking of motor homes.

Public Car Parking

- 2.13. There are two separate areas of public car parking at Devizes Wharf. In the Couch Lane Car Park 13 spaces are provided directly across the frontage of the Canal Museum. The location and access to this car park is not obvious to visitors. In the Wharf Car Park fronting the activity space and accessed off Wharf Street 104 spaces are provided. This car park appears to be underused for the vast majority of time apart from a few hours round midday when the weekly market (Thursday) displaces cars from the Market Place but even then full capacity is not often reached. This is borne out by previous parking studies undertaken for Kennet District Council.

Adjoining sites

- 2.14. A terrace of six private houses fronts onto and has pedestrian access directly from Devizes Wharf. There is a gated vehicle access from the Wharf Car Park into the adjoining derelict former gasholder site, and open access to a 'yard' servicing the rear of the houses, commercial premises on Couch Lane and New Park Street and the Devizes Community Resource Centre. This is a day centre for adults with disabilities and health difficulties for which the public car park provides convenient additional parking. A gate provides pedestrian access from the corner of the car park into the rear customer courtyard and sitting out area of The Crown public house behind which is a limb of the brewery yard fenced off from the car park. Adjoining the public car park on the south side is the walled car park of the Police Station and blank side of a retail unit within a former car showroom. Commercial road forms the eastern boundary of Devizes Wharf with the Devizes Community Hospital complex on the raised plateau opposite.

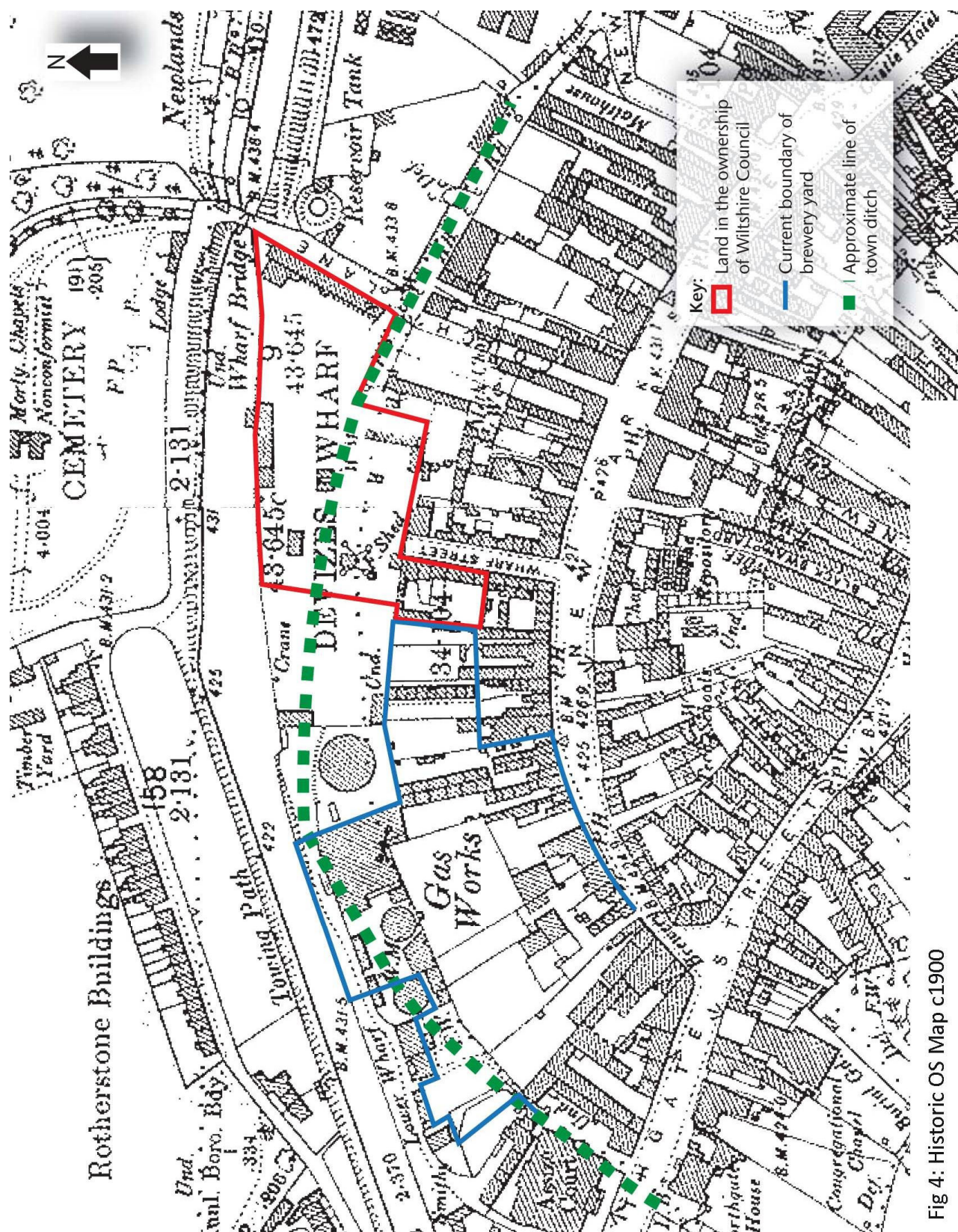


Fig 4: Historic OS Map c1900

b) Historical context

- 2.15. The greenery and vegetation lining the canal corridor through this area of the town forms an attractive backcloth much of which has grown up with the demise of the canals function for the carrying of goods and materials. With the restoration of the canal this has become a valued part of the canals growing leisure and tourism use. Historical maps (Fig 4) reveal that this valued 'green' corridor between Town Bridge and the Wharf once took on a rather more urban character with 'industrial' uses forming a largely continuous fringe on the south bank of the canal contrasting with the relatively green undeveloped north bank.
- 2.16. Lower Wharf was once longer to facilitate the shipment of coal and to serve the gas works complex dating from 1827. Up the mid 1970s this occupied a significant canal side frontage and depth on part of the area now comprising the Wadworth Brewery yard and may be considered a precedent for reinstating a similar degree and scale of built frontage to the canal in this general area.
- 2.17. The original extent of Devizes Wharf comprising an open 'yard' used for the transfer and storage of goods and materials to and from the canal has remained largely intact. Only a portion at the western end beyond the warehouses has been encroached upon by later development of the gasholders. The original relationship and setting of the open space with the warehouses would appear to have been maintained and not affected by smaller incidental buildings appearing within the yard over time and since removed.
- 2.18. The gasholder site was further extended eastwards in the 1920s to provide the second gasholder and later to include a small portion of land now returned to the wharf and accommodating the slipway. The gas works closed in 1955 but the gas holders survived into the 1990s and this land has since remained derelict.
- 2.19. The definition of the Wharf has been weakened on its southern side with the loss of buildings on what is now part of the rear yard to the brewery and the Police Station staff car park and particularly the demolition of terraces which once formed a strong edge and sense of enclosure to both sides of Wharf Street.
- 2.20. The line of the buried medieval town ditch can be readily traced across Devizes Wharf and neighbouring sites where it has not been encroached upon by later development. By the late 17th century the ditch had been filled forming a track some of which was later incorporated in town streets. The approximate line of the ditch is shown on Fig 4. (Ref: 'The Archaeology of Wiltshire's Towns – An Extensive Urban Survey: Devizes' Prepared by Wiltshire County Archaeology Service, Libraries and Heritage, Wiltshire County Council, August 2004. esp item 5.510 (DE003))

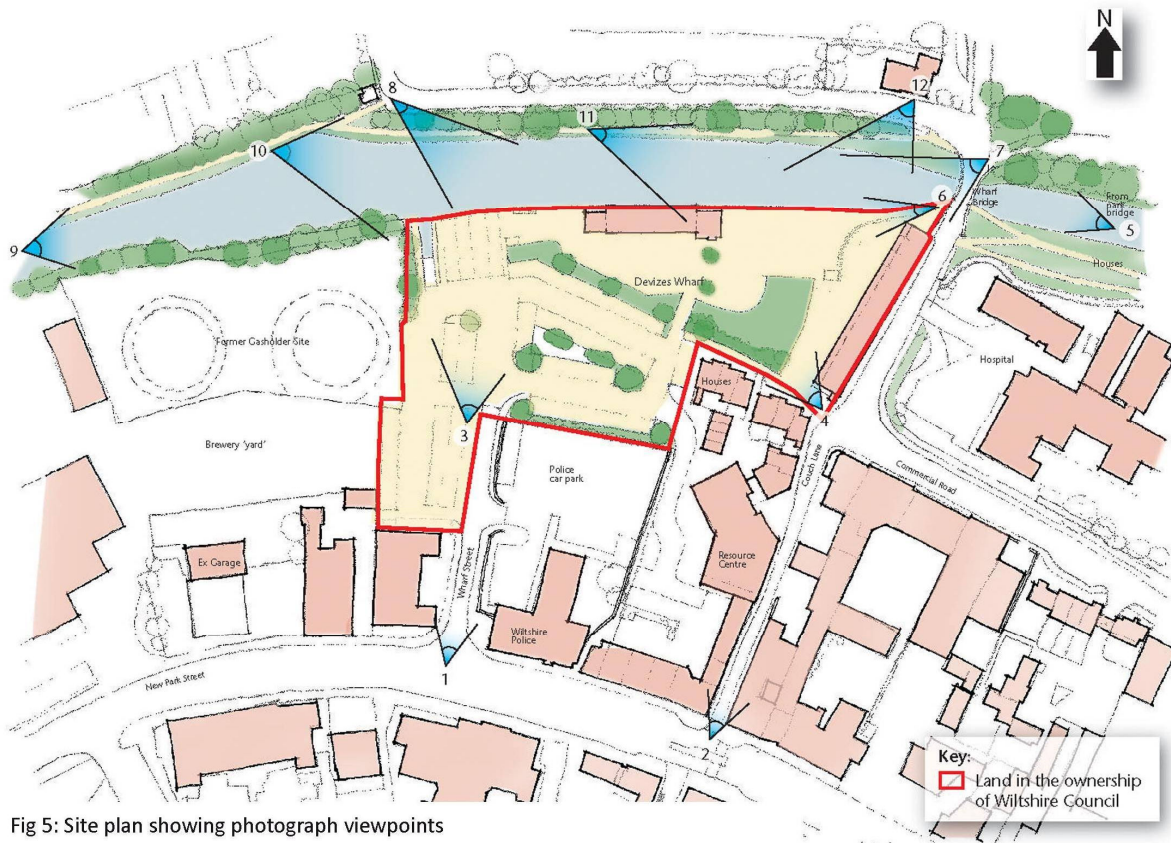


Fig 5: Site plan showing photograph viewpoints

c) Visual Appraisal

2.21. The viewpoint of the photographs shown in this chapter are referenced on **Fig 5**

Access

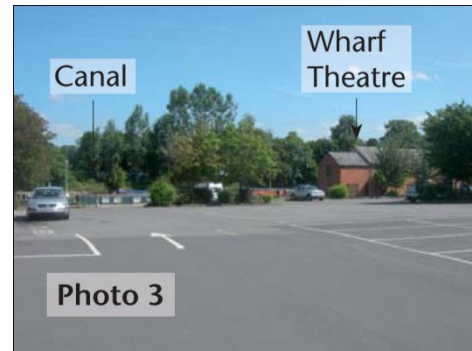
2.22. The two key land approaches to Devizes Wharf are both off New Park Street: along Wharf Street (**photo 1**) and Couch Lane (**photo 2**). Both streets rise gradually up towards the Wharf with the trees beyond (rising above the north bank of the canal) forming a backdrop visible from New Park Street. The canal itself cannot be readily appreciated until the crown of the slope is reached at the entrance to the Wharf proper and the land slopes back down to the canal edge revealing dramatic views over the activity space (**Photo 3**). (The crown of the site is very approximately about 1.5 metres above New Park Street and the canal edge of the wharf. The slope is most pronounced alongside the Wharf Theatre) This is a unique and dramatic feature of Devizes Wharf most pronounced at the entrance to the activity space from Couch Lane with a similar fall down alongside the canal museum and transverse slope down across the site to the west following the line of path and car park edge. This



provides a panorama over virtually the whole activity space and Wharfside, the canal seen either side of the Wharf Theatre building (**Photo 4**).

2.23. The nature and significance of the attraction on Devizes Wharf is only partly conveyed by these routes given it is relatively distanced from major arteries through the town. Historically, attention has been focused on developing a connection between the

Market Place and the east end of the Wharf via Snuff Street and Couch Lane. This link to the heart of the town has a defined and signalled pedestrian crossing of New Park Street; overhead decorative metal signage spanning the entrance to Couch Lane and more recent redevelopment along the west side of Snuff Street to define the space. The demolition of terraces in Wharf Street has led to fragmentation and has created a secondary nature to the streetscape beyond New Park Street which contrasts with the relatively dense and enclosed form of the town centre. This creates the perception of Devizes Wharf as being relatively isolated and tucked away from this lively commercial and community heart.



The Canal

2.24. The canal corridor through this area of the town is generally set in a cutting lined by trees and undergrowth. The canal approach to Devizes Wharf from the east is contained in a deep cutting with a rural feel: heavily tree lined on the north bank and revealing little of the significant complex of Devizes Community Hospital high above the grass embankment on the south side or the close proximity of Devizes Wharf ahead (**photo 5**).



Immediately passing under Wharf Bridge the canalside provides dramatic surprise and contrast with a view opening up towards the town across a large area of the Wharf open space (**photo 6**). A panoramic view in this direction over the Wharf and car park is seen from the Wharf Bridge over the canal (**photo 7/front cover**) and glimpsed from Dyehouse Lane through the trees and undergrowth lining the canal bank (**photo 8**).



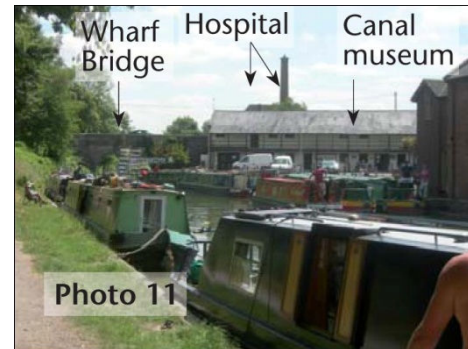
2.25. The topography of the canal approach from the west provides selective views over the canal side and Wharf space towards the town through breaks in the vegetation. The view highlights individual and grouped buildings raised above or set back from the canal (**photos 9 and 10**). These are generally of not more than two storeys and of domestic scale so that open space or greenery predominates creating a perceived 'soft' fragmented edge to the town. This contrasts to the relatively contained, dense built form of the historic town centre beyond. The tree cover over the Wharf and adjacent ex gasholder site generally obscures the town skyline with the brewery and St. Mary's Church tower standing proud. The Church tower is also prominent on this approach together with the chimney and three storey building within the Devizes Community Hospital forming a distant backdrop rising above the roofline of the Canal Museum building (**Photo 11**).



On Devizes Wharf

2.26. With direct building frontage on the Wharfside limited to the Wharf Theatre building, the full extent of Devizes Wharf can be readily appreciated. Tree planting and shrubbery across the open space and on the abandoned gas holder site now draws the eye well into the space from the canal and opposite bank. It gives the perception of a green lung into the town, which is seen and sensed beyond (**Photo 12**). The expanse of the open space on Devizes Wharf is accentuated by the length of exposed canal frontage, lack of built enclosure on its south and west sides and the relatively long and lower linear form and simple unadorned appearance of

the two original Wharf warehouses. In relation to the overall size of the space and with their ground floor level being generally set at the lowest point of the sloping site they appear a relatively unassuming and integral part of the space.



d) Opportunities

2.27. This appraisal identifies the following key components of the Wharf which should be protected:

- The extent of public open 'activity' space and perceived openness of the space in contrast to the enclosure and containment of the town centre.
- The use of Devizes Wharf for community events;
- The canal side setting including important views over the canal, to the historic Wharf buildings and to the green backdrop provided by the canal; Public access to the canal including use of the slipway;
- The heritage value of the site and its appreciation and understanding in context with its surroundings;
- The collective group value of leisure based activities and uses and canal related attractions within the area such as the canal museum and theatre.

2.28. The following opportunities for improvement are identified. These require particular attention in any development proposals if Devizes Wharf is to be sustained as a key leisure and tourism asset:

- The relatively large size of Devizes Wharf open space in relation to the custom generated from limited uses fronting the open space. These are generally unable to generate sufficient level of activity to create and sustain a suitable vitality and vibrancy in the absence of large and frequent special events on the space;
- The physical condition of the open space showing considerable wear and tear of surfaces and fixtures and dated design.
- Lack of permeability with adjacent sites and suitably active and engaging compatible uses on these. This includes the lack of direct canal side access between Devizes Wharf and Lower Wharf / Assize Courts
- Limited range and nature of uses and facilities to retain interest and encourage extended stay;
- Limited 'active' and accessible frontage. The theatre and canal museum by their nature can be inward looking i.e. limited glazed frontages and use of outdoor area to promote attractions;
- Limited opening hours of the theatre lacks the necessary draw at the heart of the Wharf. Use times for the theatre and Canal Museum do not coincide with each other limiting the possible joint attraction;
- Lack of supporting public facilities;
- Poorly defined and unattractive approach along Wharf Street and over the expanse of the car park. No definition on the access from New Park Street.

2.29. While being within close proximity of the town centre the above collectively give Devizes Wharf the feel of being a quiet backwater in comparison with the bustle and activity of New Park Street and the Market Place. This can lead to a mismatch between expectation and overall experience.

e) Conclusions

2.30. There are a number of specific objectives arising from the appraisal that should be applied to the design of any scheme to retain the attractiveness of the area.

Objective 1: Retain the current uses and operational requirements (identified in section 2a)

Maintain at least the current size, accessibility and flexibility of the activity space.

Objective 2: Ensure there is no significant new building directly on the Wharfside

Maintain dramatic views over Devizes Wharf from the crown of the site, through the canal corridor, from Wharf bridge and the opposite bank and general visibility across the space to the Wharf Theatre, canal museum and wharfside.



Objective 3: Retain the perception of a green lung into the town

Maintain at least a similar extent of landscaped green space on Devizes Wharf for sitting out (shown on Fig 3). Maintain the current extent of planting on the north bank of the canal screening the rear of properties and a similar extent of planting on the south bank screening the former gasholder site and the brewery yard.



Objective 4: Respect the industrial and archaeological heritage

Retain the two existing canal warehouses; stone edging and steps to the Wharfside and Recognise the historic significance in terms of their group value and open setting with the original wharf 'yard'. Recognise the significance of the Town Ditch.

Objective 5: Retain existing access rights across Devizes Wharf

Maintain vehicle and pedestrian access to Devizes Wharf from Wharf Street and Couch Lane and across the Wharf for servicing the above uses and activities; Maintain the existing or an

equivalent agreed vehicle and pedestrian access from Wharf Street (currently through the Wharf Car Park) to the adjoining sites identified.

Chapter 3: Review of Relevant Policies

a) National and strategic policy

- 3.1. There is a whole range of national policy guidance contained in planning policy guidance notes and statements, within which there will be pertinent policy for Devizes Wharf for example on sustainable location, transport and regeneration opportunities. Highlighted below are two areas of national policy which do have a specific bearing on Devizes Wharf.

Planning Policy Statement (PPS) 1: Delivering Sustainable Development

- 3.2. Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. It states that planning authorities should plan positively for the achievement of high quality and inclusive design for all development. It encourages authorities to develop design policies that concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally. (paragraph 38) Quality design is the key to a successful regeneration of the wharf.

Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth

- 3.3. As PPS's provide the current national policy it is worth acknowledging some of the expectations on local planning authorities that may influence the design of development at the wharf. Policy EC3.1 of PPS4 encourages local authorities to identify sites or buildings within existing centres suitable for development, conversion or change of use and to encourage residential or office development above ground floor retail, leisure or other facilities within centres.

b) Wiltshire and Swindon Structure Plan 2016, April 2006

- 3.4. The Wiltshire and Swindon Structure Plan contains the strategic planning policy for Wiltshire until 2016. Planning applications for development at Devizes Wharf will be considered against the saved policies within this plan. The objectives of the plan include to encourage the regeneration of small towns through new investment and community improvements and to secure the effective and appropriate re-use of developed land and buildings, including land which is derelict or has been previously contaminated, for economic and/or community purposes. There are also relevant detailed policies such as policy DP1 which refers to improving the amenity of settlements in the pursuit of sustainable development and policy HE7 requires that development should preserve or enhance the character of the conservation area. (The equivalent conservation policy in the KLP, HH5, was not saved.)

c) Local policies and plans

3.5. As mentioned earlier there have been discussions about the future of Devizes Wharf for many years. Some objectives have been established through adopted planning policy whilst others have been prepared through local community plans and published research. Information relevant to the Wharf from each document is summarised below and in Appendix 1. Essentially they all support a leisure and tourism led regeneration of the wharf and some provide insight into local community aspirations for the area.

Kennet Local Plan 2011 (add extract from plan)

3.6. The Kennet Local Plan (KLP), adopted in April 2004, contains the adopted planning policy for Devizes ie the policies against which any application for development on Devizes Wharf will be considered unless there has been a material change in circumstances since the plan was adopted. Clearly some time has passed since these policies were adopted but they do form a benchmark against which later guidance can be tested. One of the fundamental aims of the plan is to 'create or enhance places, spaces and buildings that work well, wear well and look well' (KLP para 1.08). The space, buildings and activities at Devizes Wharf provide an opportunity to fulfil this aim for this part of Devizes.

3.7. The Kennet Local Plan contains specific policies in relation to Devizes Wharf, namely policies ED21 (The North gate, Wharf and Devizes Hospital), ED22 (Lower Wharf) and HC10 (The North gate, Wharf and Devizes Hospital). Other relevant policies which need to be considered are:

- PD1 on design, (See section 5 & 6)
- HC28 /HC30 if housing is proposed ,
- HC34/35 on provision of recreational space if housing is proposed,
- AT19, AT20 and AT12 on cycling provision, and
- AT9 in relation to car parking

All of these policies are 'saved' policies until subsequent policies are adopted and should influence how a scheme is delivered.

3.8. Policy HC10 states that the wider area of North gate, the Wharf and Devizes Hospital is suitable for mixed redevelopment including residential, leisure, recreation, retail and employment development. Policy ED21 provides some contextual criteria to make the development site integrate into the wider area including improvements to pedestrian links to the town centre and the Lower Wharf. Other criteria cover design quality, retention of listed buildings and good quality buildings and scale and pattern of development. The main objective for the Wharf was to develop visitor based attractions and improve the vitality and diversity of the town centre. Leisure and tourism was the focus with some complementary uses. The development was to respond architecturally to the canal side setting and provide opportunities for water related business to develop. There was also mention of an events space and the plan clearly states housing should not be the predominant use.

3.9. Policy PD1 is also an important policy for the Wharf as it sets out the parameters to be considered to deliver good design. The individual elements of policy PD1 are considered in more detail in section 4, below. Fundamentally the policy seeks to ensure development respects local distinctiveness by respecting:

- distinctive patterns of building layout, plot and street patterns
- relationships to existing features and key structural elements of a site
- local building character which is often dominated by the use of local materials

3.10. It is also worth considering requirements in the Kennet Local Plan in relation to car parking and cycling. The Kennet and Avon Canal towpath is identified as part of the Devizes town centre cycle network (policy AT20) and development should not be permitted that would prejudice the implementation of this network. It may also be appropriate given the location of the wharf on the cycle network to provide facilities for cyclists within the overall scheme (policy AT19). In relation to car parking it is important to remember that new development will bring with it expectations of car parking which will need to be accommodated (policy AT9). The KLP previously accepted that it could be appropriate to reduce public car parking provision in Devizes to enhance the character of the town (unsaved policy AT5) although this would need to be seen within the wider context of managing public parking provision across the town centre.

d) Emerging Wiltshire Core Strategy

3.11. Since the formation of Wiltshire Council in 2009 work has been progressing on a Wiltshire Core Strategy. In October 2009 a document called ‘Wiltshire 2026: Planning for Wiltshire’s Future’ was published for consultation which drew together information about each of the market towns. In this document the wharf and the landmark building of the Assize Courts were seen as priority redevelopment sites. Consultation responses supported the need for improvements to this area but strongly indicated this should not be solely for housing rather for tourism, leisure and recreation uses. Comments suggested that future development should relate to the waterway and its history. The site was seen as having a short, level walking route to and from town. A proposal comprising all housing on the site was seen as damaging to the character of the town.

e) Summary of other local documents

***Strategic Action Plan 2007-2012:
Shortcomings of Devizes Wharf and development potential recognised**



limited activity and focus

‘the untapped potential of the Wharf’ *



parking dominates



‘a bit of a backwater’ *

no draw to the attraction beyond

3.12. Historically the future of Devizes Wharf has been debated in many forums. The main documents to provide guidance about the space are the Devizes Town Centre Design Code (adopted for the purposes of development control by Kennet District Council in 2007); the Devizes Community Area – Strategic Action Plan 2007-2012, (adopted by Devizes Community Area Planning Partnership (DCAPP) in 2006); the Devizes Town Centre: Baseline Review and Analysis (commissioned by Kennet District Council and South West Development Agency in July 2005); the Devizes Community Area Plan 2003 -2015, (prepared by Devizes Community Area Planning Partnership in 2003); the North Gate and the Wharf Planning Brief (prepared by Kennet District Council in April 1999); Devizes Conservation Area Designation Statement (prepared in 2005 by Kennet District Council) and the Kennet and Avon Conservation Plan (prepared in 2000 by the Kennet & Avon canal Partnership). A more detailed appraisal of the objectives of these documents is contained in Appendix 1. The principle objectives for the Wharf promoted by these documents can be summarised as:

- Conserve the historic character of the area **1a**
- Protect important views and vistas **1a**
- Protect the open character of the canal **1a**
- Ensure local distinctiveness is maintained **1a+d**
- A visitor orientated development **2b**
- Maintain a healthy mixed use development **2b**
- Provide additional leisure and cultural uses **2b**
- Create an attractive and active waterfront **2c**
- Create a new public space around the Theatre **2c**
- New buildings should enclose and define spaces **2b**
- Greater integration with the town centre **3a**
- Enhance access vehicular and pedestrian routes within and to the site **3a**
- Clearly defined entrances and gateways **3a**
- Recreate Wharf Street **3a**

(Figures in red indicate where these plan objectives are discussed further in chapter 4 Design Principles)

Conclusions

3.13. There are a number of specific objectives arising from the review of policies and plans (additional to those identified in Chapter 2) that should be applied to the design of any scheme to retain the attractiveness of the area.

Objective 6: Create an active and attractive waterfront

With visitor based attractions that relate to the canalside setting to enhance the vitality and diversity of the town centre.

Objective 7: Enable the projected link path between Devizes Wharf and Lower Wharf

To provide convenient access between Devizes Wharf and Lower Wharf with the potential to improve this area and as part of the 'tourist trail' along the canalside to Caen Hill Locks.

Objective 8: Create distinctive patterns of building layouts and street patterns

Deliver an attractive environment that creates defined spaces, including the enhancement of vehicular and pedestrian movements to the site (eg recreation of Wharf Street), and responds to the architectural heritage of the area.

Objective 9: Encourage a healthy mixed use development

The main focus of the scheme should be for cultural and leisure uses but the use of upper floors for complimentary uses should also be encouraged. Housing should not be a predominant use.

Objective 10: Enable appropriate management of car, coach and cycle parking

As a revitalised destination in Devizes, opportunities for parking should be integrated into any proposals.

Chapter 4: Design Principles

- 4.1. The objectives arising from the site appraisal (Chapter 2) and review of planning policy and guidance (Chapter 3) are embodied in these guiding principles that will help achieve appropriate development on Devises Wharf and within its wider setting. Overall development on this basis could convey an identifiable 'canal quarter' within the town while maintaining the local distinctiveness of the town centre and forming a visually integrated part of it. An indicative possible form of development combining Devises Wharf with the adjacent area leading back to New Park Street (ie: Wharf Street and the Police Station) is illustrated on **Fig 10** at the end of this chapter.

1) Appearance of development

a) Layout and Building form within the study area

The general form, scale and character of proposals should be conditioned by local planning policy and informed by the historic tradition and character of the waterway

- 4.2. The requirements of Kennet Local Plan Policy PD1 and guidance in the Devises Town Centre Design Code to conserve the historic character of the area should be followed.
- 4.3. The orientation of new development extending back from the canal corridor towards New Park Street should generally reflect the towns underlying historic grain of linear burgage plots and routes radiating out from the town centre, the generalised north/south and east/west orientation of plots and buildings and the irregular and relatively informal nature of open spaces and degree of enclosure.
- 4.4. This northern part of the town retains some semblance of its past as the focus of major commerce and trade in the town. In addition to Devises Wharf the former Ansties Factory on New Park Street and warehouses on Commercial Road are lasting examples of this.
- 4.5. These buildings are typically robust and workmanlike under a simple pitched roof with constant ridgeline, repetitive well proportioned spacing and size of uniform openings in the classical architectural tradition using a limited palette of materials.
- 4.6. As examples of this building type, typical provincial small town canal warehouses display these characteristics. Relatively 'long, low and narrow' their distinctive form is consistent with the historic grain and particularly complementary to general scale of buildings and spaces within the historic town centre. They can form a suitable precedent for new buildings particularly where these address Devises Wharf.
- 4.7. The distinctive character of canal architecture is generally derived from its function. The appearance of new buildings should similarly reflect their specific function and not overtly defer to the canals 'industrial and commercial past' or loosely replicate traditional features which could be interpreted as pastiche, confuse the historic understanding of Devises Wharf and devalue the significance of the two historic canal warehouses. In the context of the leisure activity focus of Devises Wharf, enhancement of the simple restrained appearance of this building type is therefore appropriate for example through bay windows and balconies to suitably animate the activity space and celebrate the canal setting.

- 4.8. Individual buildings should be differentiated through a change in building height, limited set backs of the building line, variation in external detailing and finishes. Selective skyline views to St. Mary's Church and the brewery should be maintained and where possible consciously framed through the enclosure of spaces and steps in building height.



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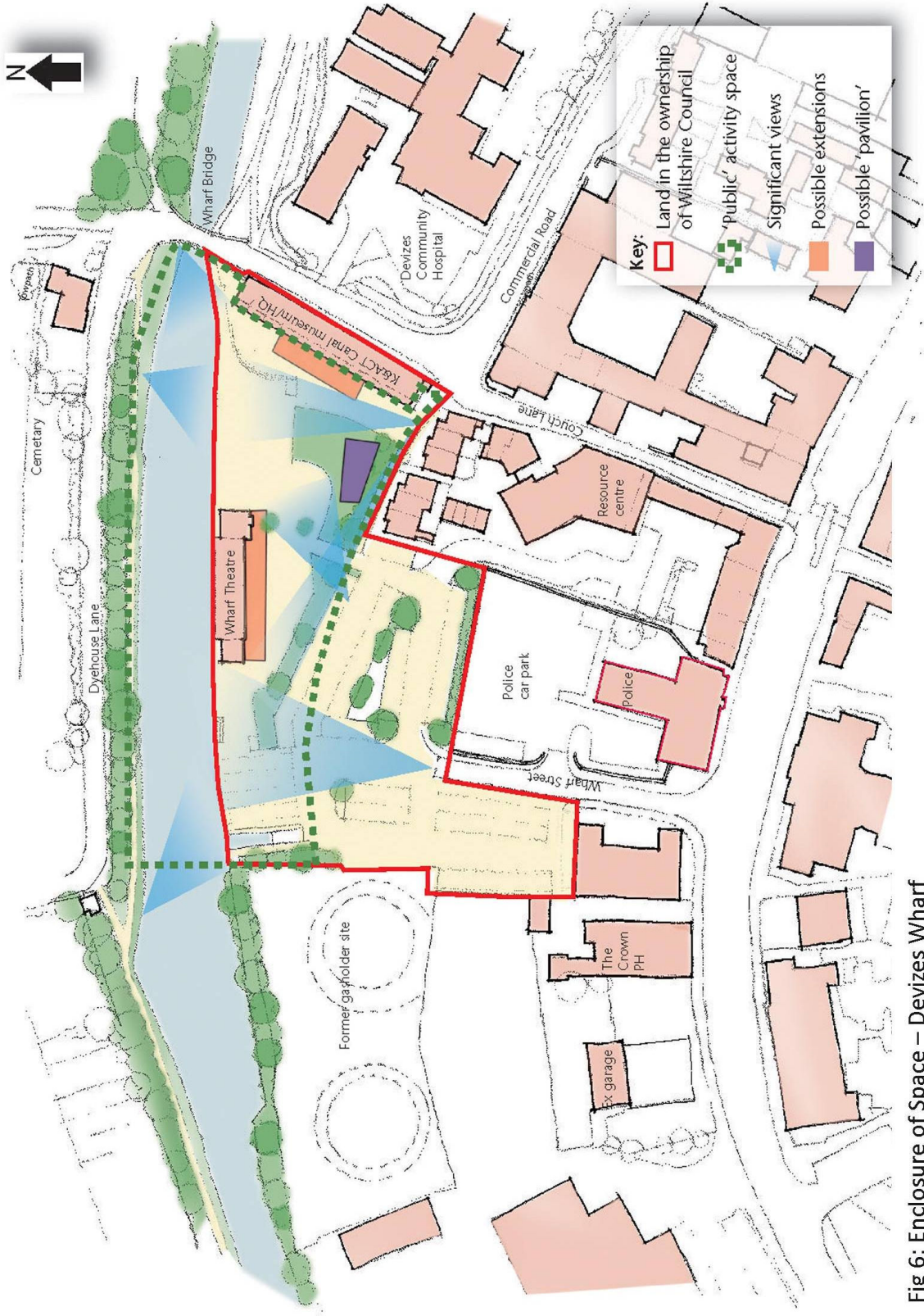


Fig 6: Enclosure of Space – Devizes Wharf

b) Enclosure of space-Devizes Wharf

Proposals should respect the continuity, accessibility and advantageous views over Devizes Wharf –Fig 6

4.9. The very essence of Devizes Wharf as a valued community leisure and tourism destination is the nature and attraction of the canal itself as an animated space, both clearly visible and readily accessible throughout from within the depth of Devizes Wharf. Vital components of this are:

- The frequent coming and going of ‘colourful’ canal craft and watersports activity and the attraction of a visible significant body of open water: management of the waterway should continue to ensure these qualities in this location.
- The unique and dramatic panorama over the activity space and canal obtained across the site identified in the site appraisal: new development should maintain the views across the activity space shown.

4.10. The canal itself must be seen as an integral part of the overall open ‘activity space’ at Devizes Wharf. The general extent of this space together with the significant views across it and access to the waters edge which should be maintained is defined on **Fig 6**.

To enhance these views and access:

- Short stay moorings for visitors and other more permanent moorings should be located away from the immediate wharfside where the side of boats could unduly obscure views and restrict access to the water. A concentration of permanent moorings along the canal corridor within the study area should be avoided. Similarly commercial operations trading from the waters edge such as floating cafes and retail barges can extend use and activity onto the water but should not become permanently moored fixtures at the wharfside;
- New building should not be located directly along the wharfside where it could sterilize the canalside and isolate the canal from the town behind;
- Any new extensions, building or structures within the defined activity space should be strictly limited in number and size as shown to maintain the continuity of the overall space, historic presence of the two warehouse buildings and retain significant views over the canal and activity space. Within these parameters a creative building form within the landscaped slope is promoted ie a stand alone glass ‘pavilion’ or similar public attraction that will help to achieve a continuity of ‘active’ public frontage along the perimeter and draw the canal museum into greater focus within the overall space. This would otherwise appear distanced by the landscaped area from the potential concentration of building frontage and associated activity on the western half of the activity space.



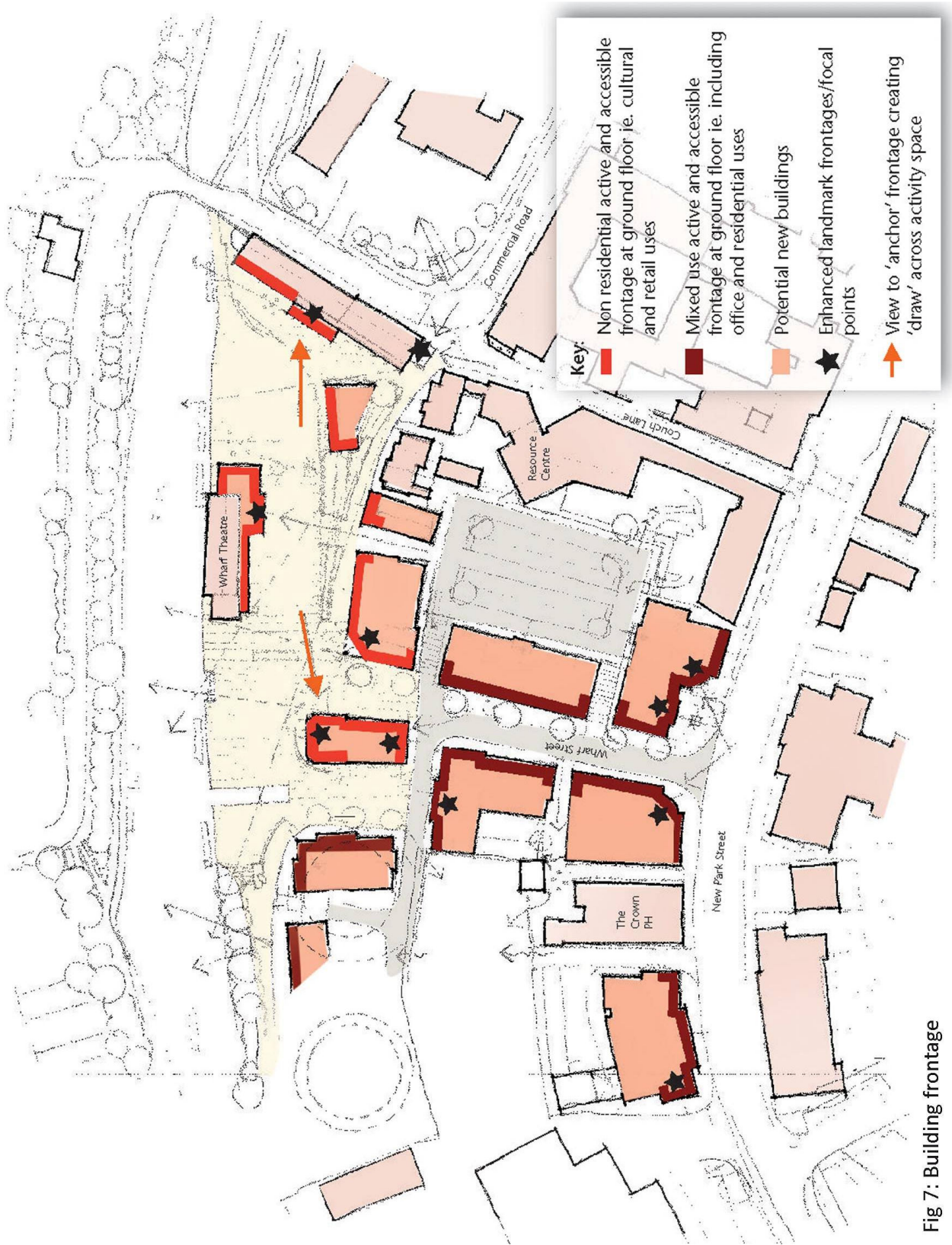


Fig 7: Building frontage

c) Building frontage

Public streets and spaces should be enclosed by suitably 'active' and accessible frontages to encourage activity and movement and generate footfall-Fig 7.

4.11. For new frontages facing onto the Devizes Wharf activity space, Wharf Street, New Park Street, and Lower Wharf:

- Buildings should generally form a continuous or closely spaced built frontage facing onto the Devizes Wharf activity space, Wharf Street, New Park Street, and Lower Wharf. This should generally follow the edge of the space or street although some set back could help define the entrance from New Park Street and enable Wharf Street to be modelled as a wider tree lined avenue (see item 3a 'Wharf Street' of this chapter). Any resident's gardens should be placed at the rear and externally accessible. Any occupier's car parking should also be placed at the rear and served from a single common vehicle access point along the street.
- Housing should not become the predominant use facing onto the Devizes Wharf activity space resulting from incremental development.
- Residential should not occupy the ground floor of new development facing onto the east and south sides of the Devizes Wharf activity space, or facing onto Lower Wharf (with the exception of limited frontage for communal residents' entrances to any flats above).

This is unlikely to generate a suitable level of public attraction, accessibility and activity to these primary spaces and along these primary routes. 'Active' frontages include: glazed shop fronts and enhanced reception areas to commercial, cultural and public facilities.

- Residential should ideally not be the predominant ground floor frontage along the west side of Wharf Street although its inclusion here is not discounted: page 23 of the 'Devizes Design Code, September 2007' encourages a 'Mix of residential with potential for craft/business uses on ground floor' to reform the west side of the street.
- Similarly an alternative more active ground floor frontage is encouraged on the east side of the street currently forming the Police Station site and facing onto New Park Street.
- Frontages should be suitably enhanced to celebrate their setting and prominence for example through building elements such as bay windows to frame key waterside views and help define 'landmark' frontages on key approaches to Devizes Wharf.
- All ancillary requirements to new development, i.e. refuse, storage, plantrooms, utility service cupboards and service risers should not be accessed from or occupy primary frontages.
- Substantial leisure orientated building uses should 'anchor' each end of Devizes Wharf activity space with prominent 'active' frontages at ground floor. These could provide a lively 'draw' over the activity space so that no areas appear underused or feel secondary. An enhanced frontage to the canal museum could fulfil this at the east end while a

restaurant with outdoor seating would provide a suitably animated focus across the west end of the activity space.

4.12. For potential new frontage onto the canal from the former gasholder site local planning policy requires new development along this perimeter to help facilitate the future provision of a canalside footpath link between Devizes Wharf and Lower Wharf. In this context:

- The fronts of new properties should face the footpath and canal. These frontages should be suitably active with windows taking advantage of the attractive setting. Some direct access from buildings to the footpath is encouraged.
- The path should be readily overlooked by new development and not unduly hemmed in by high walls or hedges. Boundaries should be brick walls (limited to 1.1 metres high) and/or railings. The rear or side of residential back gardens should not front onto the footpath.
- Built frontages should be aligned to follow the curvature of the canal and suitably set back from the boundary with the footpath to avoid the effect of the path feeling constricted or running in a narrow defile between building face and canal bank recognising the considerable length of this frontage. (see item 3a of this chapter).

4.13. To complete the link a strip of the brewery yard which currently abuts the canal bank would be required unless an alternative solution can be found.

4.14. It is recognised that at the moment health facilities are being retained at Devizes Hospital. However, in case of future changes, new frontages from the grounds of Devizes Community Hospital onto the canal corridor and facing Commercial Road (up to Wharf Bridge):

- The hedge along the canal perimeter should be retained. The grass embankment to Commercial Road (up to Wharf Bridge) should be retained with selective regarding to achieve additional pedestrian /cycle access into new development from the road.
- High fences and walls along or set back from the top of the embankment fronting Commercial Road and the canal cutting are discouraged in favour of accessible communal open space i.e. any residential gardens should not face or side onto the perimeter of the hospital site. The front of new buildings should face the perimeter. These should be suitably active with windows and other openings from which direct access to the perimeter open space is encouraged.

4.15. The architectural quality and heritage of the earlier hospital buildings facing Commercial Road and New Park Road is recognised by their inclusion within the 'Devizes: Victoria Road Quarter Conservation Area Character Appraisal and Management Proposals, September 2007' with a presumption in favour of conserving these in any development.

d) Building height and mass

New development facing Devizes Wharf and the canal corridor should respect the overall scale of the existing canal buildings and the canalside -Fig 8:

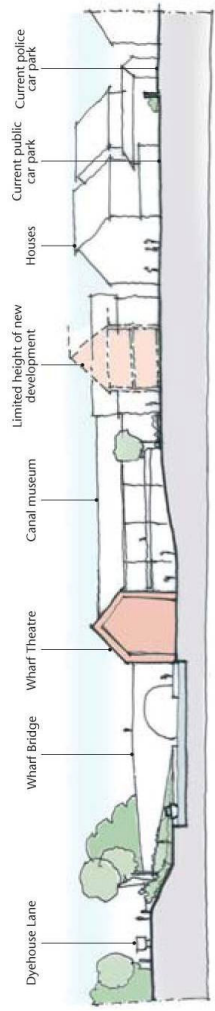
- 4.16. It is inevitable that any significant development adjoining the activity space or set within it will have an appreciable visual bearing on the character of Devizes Wharf and setting of the two historic canal side buildings. This effect is exaggerated by the perimeter of the activity space being generally set at or near the crown of the site approximately 1.5 metres and well above the wharfside, and the juxtaposition with the unassuming modest size and form of the two canal buildings set at the lowest point, particularly the Wharf Theatre. This is a natural focus at the centre of the overall space and nearest to the 'open' south and west perimeter.
- 4.17. Any sizable development above the canal embankment on the adjoining former gasholder site, hospital site and on The Wharf Car Park will form a prominent backcloth to Devizes Wharf and the canal approaches to it. This could have the unfortunate effect of unduly closing in the perceived generosity of the space and drawing attention away from the canal buildings and wharfside. New buildings have the potential to appear overly dominant and overbearing in this setting unless clear limits are placed on their mass and height as identified below.
- 4.18. Greater localised building height and larger building mass may be justified where the function of the building has a special significance in the cultural life and identity of the community. Its design and outward appearance should convey the civic importance attached. i.e. a theatre.
- 4.19. The size (span & pitch) of sloping roofs to new development should generally reflect the typical limited main building depth and roof span lining the town's historic streets with internal valleys and return pitches where necessary to accommodate larger building footprints. High level monopitch/flat roofs should be avoided. Large expanses of flat roof should also be avoided at lower level unless consciously designed as green roofs/readily accessible 'garden' terraces.
- 4.20. Fronting the canal corridor, Devizes Wharf activity space, Lower Wharf and adjoining sites
- The apparent perceived mass of building should not be significantly larger than that of the Wharf theatre. Buildings of greater unbroken length should be differentiated through a change in building height and limited set back of building line. Some variation in external detailing and finishes may also assist.
 - Building heights should generally be limited to two storeys and two and a half storeys (i.e. generally not more than typical commercial floor heights for small premises around 6 metres to eaves and around 10 metres to ridge).
 - Localised and limited three storey elements may be possible where the building is well set back from the wharfside to help create a variation in building height. For example along the southern side of the Devizes Wharf activity space defining landmark corners at the entrance to Wharf Street, or to the long frontage along Lower Wharf following the current building line. These higher frontages should be of limited length and roof spans generally not more than 7 metres in depth so that building height and mass is suitably constrained in this setting. This relates to the traditional roof span of the former canal warehouses on Devizes Wharf and typifies building frontage on neighbouring streets.
- 4.21. Fronting Wharf Street and New Park Street:

- A greater extent of two and a half and three storey frontages should be appropriate (i.e. around 8 metres to eaves and around 12 metres to ridge) to reflect the generally more enclosed and higher built form towards the town centre.

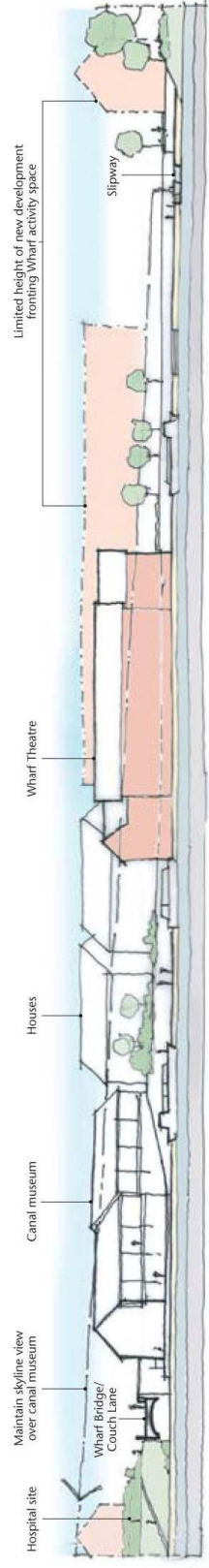
4.22. The hospital site fronting Commercial Road and the canal cutting:

- The hospital site is unusually raised above a grass perimeter embankment on a plateau around 2 metres above Commercial Road running across the rear of the canal museum which again is set at a lower level down from the road. See Fig 8. The site is relatively undeveloped at this end consisting of car parking and single storey buildings set well back from the top of the bank and not readily apparent from the road. The buildings cannot therefore be seen from Devizes Wharf where the sky forms a singular and attractive backcloth over the roof of the canal museum. This importantly contributes to the open and 'green' setting of Devizes Wharf. Any sizable development at this end of the hospital site has the potential to detract from the clarity of this setting, rising at close quarters above the roof of the canal museum, and having an overbearing effect on Commercial Road and the canal cutting.
- Similarly the height of new buildings on the hospital site should generally maintain the apparent skyline seen above the perimeter hedge when viewed from canal level.

4.23. Any future development on the hospital site should therefore have particular regard to the location form, massing and height of new buildings in order to maintain the setting with Devizes Wharf and the canal corridor and not unduly impact on Commercial Road. Significant landscaping along the top of the embankment to Commercial road could provide some screening in conjunction with the above measures and to any car parking at the fronts of properties.



a) Cross section through Devises Wharf (looking east)



b) Devises Wharf elevation from canal (looking south)

Fig 8: Building height



e) Detailing

Building and spaces should be suitably robust and expressive, characteristic of the traditional canal side vernacular.

- 4.24. This would appear to be well suited to a restrained contemporary approach to external design exemplified by the contextual development on the west side of Snuff Street. Detailing should reflect its public setting and avoid appearing overly suburban or domestic.
- 4.25. Materials, techniques and detailing should enhance the Conservation Area. Detailing that may be deemed crude or heavy handed by comparison with its traditional counterparts should be avoided including : UPVC windows, doors and heavy box fascias/soffits; plastic gutters and downpipes; dry cloak ridge and verge systems; 'bolt on' GRP and similar prefabricated turrets , dormers, porches, bays, and exposed steel box framing to balconies; visibly bracketed/bolted panels and fixings; concrete roof tiles; straight solder course brickwork banding and heads to windows; and pencil thin reveals in walls and mouldings.
- 4.26. There is considerable variety in the external finishes of historic buildings in the area; natural stock brick and stone would appear the characteristic wall finishes with roofs of plain clay tiles or natural slate. These materials should predominate. The use of render, timber cladding, and high quality metal roofs in zinc or lead should generally only be used selectively.
- 4.27. The proportions of openings and primary subdivision of fenestration within wider openings should have a vertical emphasis. Heads to openings should generally comprise traditional gauged brickwork and natural or high quality reconstituted stone. Similarly cills should be in 'stone'.
- 4.28. Shop fronts should be suitably detailed to reflect the traditional shop fronts in the town avoiding overlarge fascias and internally illuminated signage panels.(further guidance is provided on page 24 of the Devizes Conservation Area Statement, September 2005).
- 4.29. External elements such as Juliette balconies should project significantly from the wall face having visual 'weight and depth' with a deck and side return faces rather than simply comprise rails/panels applied directly across the opening. Similarly bay windows should include glazed side returns.
- 4.30. The selective incorporation of Chimneys or turrets/ ventilation cowls (a feature of traditional industrial buildings) along roof ridgelines are encouraged to enliven and complement the town centre skyline. The provision of some south facing roof slopes will facilitate solar and photovoltaic panels. Panels should be incorporated within roof slopes obscured from public view where possible including the use of small photovoltaic tile modules.
- 4.31. A comprehensive overall approach to townscape design is required:
- A co-ordinated range of robust street furniture, signage and external lighting which should avoid being unduly fussy or traditional. Careful location of fixtures will avoid unnecessary 'structures' and clutter that could otherwise detract from key vistas. The subtle lighting of the canal buildings as part of an overall lighting strategy should provide a sense of drama to the activity space.

- A consistent approach throughout for external surfaces. This should avoid complex patterns or abrupt colour changes. Tarmacadam should predominate in trafficked areas including the activity space to provide a suitably robust surface. The extensive use of unrelieved block paving should be avoided. Small gridded blue/grey brick pavements and granite sett rumble strips within the Devizes Market Place are an attractive example and use for parking bays and pedestrian areas. Pavements to streets should comprise stone flagstones/artificial stone pavings. Granite setts should demarcate crossing points and define access to vehicle restricted areas while minimising the use of bollards.
- All public boundaries should be contained by a combination of railings and brick walling (a minimum 214mm thick). All walls should generally be finished with traditional bullnose or half round cappings and with plain tile creasings to deter staining of wall faces.

f) Established quality and performance standards

Development is promoted which takes a lead on sustainability.

- 4.32. A commitment beyond the scope of specific Building Regulation amenity and energy performance requirements is encouraged. Where applicable, specific targets, in relation to established quality and performance standards should be achieved. For specific non residential building types this could include Building Research Establishment Energy Assessment Methods (BREEAM) and for residential buildings: Building for Life, Code for Sustainable Homes, Lifetime Homes and the Homes and Communities Agency Design Development Standards. All residential (ie both affordable and open market) should be to the same standard and design quality. 'Secured by Design' principles should be applied to all proposals.
- 4.33. The contribution of waterside development towards sustainability is highlighted on page 33 of 'England's Historic Waterways: A working heritage' (British Waterways and English Heritage 2009) in which consultation with British waterways is encouraged on the possible use of canal water for the heating and cooling of buildings and wildlife habitat creation and enhancement opportunities.
- 4.34. The above aspects should be addressed in pre- planning application discussions with Wiltshire Council. Planning applications should clearly set out and explain how the relevant standards and targets are specifically met by the development proposals in the accompanying Design and Access Statement.

2) Introducing vitality

a) Existing canal warehouses

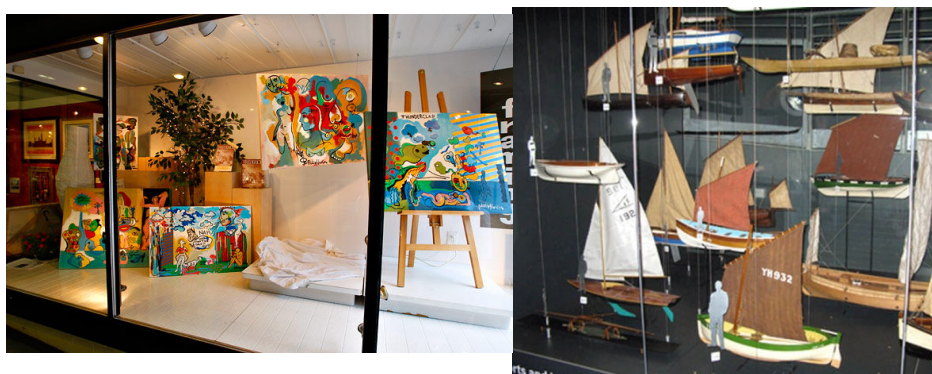
The historic canal buildings should be enhanced to present a more lively and exciting visual presence and animation of the Wharf activity space.

- 4.35. Sensitive alteration, rebuilding and extension could achieve a more transparent 'active' and accessible frontage to both the Canal Museum and Wharf Theatre, for example, generous glazing and an expressed entrance to provide a greater sense of the attractions within.

Openings at both ground and first floor could also exploit exciting views over the Wharf and canal and reinforce this connection from within.

Any changes to the structure, fabric and use of these buildings should maintain a clear understanding and appreciation of their historic use and significance.

- 4.36. The dominance of the original building should be retained. Building work may be necessary to maintain the integrity of the structure and fabric. Extending the use of these buildings could include: leisure related activities, eating and drinking areas and art and craft galleries.



b) Uses and activities

A range of leisure and tourism orientated uses and activities that promote attractive activity over the wharves throughout the day and into the evening are encouraged.

- 4.37. Passenger trip boats, holiday hire and hotel boats, special boats serving disabled groups and availability for organised boating activities and events should form the prime uses fronting both Devizes Wharf and Lower Wharf to promote a suitable degree of variety, interest and activity.
- 4.38. There is a widely recognised need for both a Café on Devizes Wharf and Public Toilets close by to complement the existing uses and activities, help attract greater custom and increase the length of stay. Significant and high quality provision is required which is readily accessible and open for extended periods during the day.
- 4.39. An active glazed frontage to the Café should directly overlook the activity space, provide views to the canal and open onto an associated seating area or raised terrace. Public toilets should be well overlooked but not located within the activity space or occupy prime frontage onto it. The details of any scheme should be agreed with Wiltshire Council to enable their possible adoption.
- 4.40. New buildings should enable the practical incorporation of a wide range of active and appealing community leisure and tourism orientated businesses and facilities to support and complement existing uses and activities on Devizes Wharf and Lower Wharf. For example this may include: a family and evening restaurant, chandlery, canoe, boat, cycle sales and hire, angling and hiking/outdoor recreation shops, art and craft gallery & studios, boutique hotel, environment/'eco centre and related business operations.

- 4.41. Consideration should be given to extending active leisure uses to the upper floors facing the activity space taking advantage of dramatic views over the canal with for example the provision of bay windows, balconies and terraces to further animate the space. This should include the potential for enabling changing and storage facilities to serve combined water based activities with for example a club lounge at first floor overlooking the canal.
- 4.42. The continued operation of The Forge blacksmith and the possible addition of other complementary craft based workshops on Lower Wharf as publicly accessible visitor attractions and services to the canal are promoted. Any redevelopment of the derelict builders yard at the west end should address the possibility of retaining an open space at its centre as an attractive feature courtyard providing direct public access from the rear of the adjoining former Assize Courts and the brewery. This could bring potential complementary uses within these buildings 'through' to the wharfside and form a future destination from Devizes Wharf.



c) Public realm

Create an attractive and practical waterfront and public spaces

- 4.43. Creative redesign of the Devizes Wharf activity space and adjacent areas should:
- Where possible in incremental or comprehensive development facilitate the seamless visual and physical integration of adjoining sites through the removal of existing boundaries, extension of open areas, creation of new building frontages, access points and linkages. This may also enable a more practical and efficient use of space. For example the integration of the rear service yard access next to the resource centre as indicated on the development model Fig 10;
 - Consider the subtle differentiation of areas to incorporate related outdoor areas to the building uses (while maintaining the connectivity of the overall space) making imaginative use of the site slope and levels. For example: a forecourt displaying artefacts to the canal museum, stepped viewing terraces to the Wharf Theatre for outdoor performances, a more level standing area within the overall space to help improve the approach to the Wharf Theatre entrance and to assist the practical operation of the Beer Festival, and definition to signify the specific boat launch /watercraft area;
 - Provide a distinctive structural planting scheme with sizable planting beds, a variety of 'colourful' specimens (including the retention or relocation of the palm trees), and promote biodiversity. The growth and density of planting should retain the identified

principal views to, from and over the activity space. Areas of lawn should be suitably designed to deter overrun by vehicles and wear from pedestrian desire lines;

- Address with the resurfacing and re-grading of ground levels and design of foundations the possible disturbance of the buried 'town ditch', the possible reconstruction of the foul water chamber and buried pipeline in the slope fronting the Wharf Theatre and the potential flood risk, surface water run off and prevention of contaminants into the canal;
- Safeguard the potential for the creation of a canal basin between the Wharf Theatre and Canal Museum;
- Construct all hard standing to highway standards, suitably robust to prevent damage or undue wear and tear in normal use by heavy vehicles;
- Provide a discrete but well overlooked cycle parking facility on the activity space. This should be conveniently placed to serve the Wharf Theatre;
- Provide external electrical points to assist existing boat operations and established events and help facilitate the greater scope and type of events. Provide surface mounting points to assist the staying/securing of the Beer Festival Marquee. Upgrade the appearance and provision of the fresh water, sanitation and waste disposal point for canal boat users;
- Along the south bank of the canal retain the appearance of a visual foil that the planting provides to the former gasholder site and brewery yard. Selective thinning and tree removal may be required to remove 'dead wood' and maintain a stable canal bank/revetment while allowing limited framed views onto the canal from the potential canal side link path along the top of the bank. Retain the level of tree and shrub planting to the north bank of the canal.
- Realise the opportunity to reinforce the immediacy and connectivity of the canal with the town in the provision of the footpath link from Devizes Wharf to Lower Wharf through: intermediate feature incidents / 'pause points' for viewing the canal and; possibly a combined wharfside /footpath link with additional visitor moorings alongside to the Brewery Yard perimeter. There would appear to be a precedent for this: the historic map (see Fig 4) indicates that Lower Wharf would appear to have originally extended along what is now the embankment to the Brewery Yard allowing mooring alongside to serve the former gas works. This wharf edge could be re-established by re-grading the levels, reclaiming the overgrown canal edge and forming a firm revetment.

d) Public art

Public Art should be an integral part of the design for Devizes Wharf to reflect its historic context green setting, and express the vitality of the leisure uses and activities.

- 4.44. Installations should be strong and bold. The creative incorporation within the external fabric of buildings and sculpturing of the site levels is encouraged for example relief lettering / motifs to advertise 'Devizes Wharf' on key landmark frontages and landscape forms / descriptive panels to celebrate the bicentenary of the canal, and convey the significance of the canoe race, and town ditch.

3) Vehicle and pedestrian movement-Fig 9.

4.45. The two principal approaches are along Wharf Street and Couch Lane. The following principles are cross referenced to Fig 9:

a) Access to Devizes Wharf and the canal

Substantial enhancements of the approaches to Devizes Wharf are necessary to emphasise the attraction and create a welcoming first impression

4.46. Wharf Street:

- Recreate Wharf Street as an enclosed linear space with a distinctive architectural character for buildings along it. Maintain a direct axis and line of sight to Devizes Wharf (1);
- Incorporate a broad formal tree lined avenue that will help draw the eye from the 'green' canalside into the town and visa versa and reinforce the significant view from New Park Street of the backdrop of trees rising above the north bank of the canal (2);
- Create a clearly defined 'gateway' to Devizes Wharf with the potential redevelopment of the Police Station site and retail unit opposite at the entrance to Wharf Street from New Park Street (3). This should be readily apparent on the approaches along New Park Street sufficient to effectively draw the attention of passing vehicles. The distinctive rounded corner frontages on the west side of the Snuff Street redevelopment are an example of one approach to this. The continuation of some distinctive common ground or building features will help to reinforce the links with the Market Place;
- Possibly establish a suitable 'landmark' building frontage or feature at the entrance to Devizes Wharf from Wharf Street (4);
- Consider the possible emphasise on New Park Street of the two pedestrian links from Market Place; via Snuff Street (5) with a possible increased pavement width; and the less apparent route via the retail passage with a new pedestrian crossing (6).
- Any new approach into the rear yard of The Crown Public House should be welcoming, of generous width, well overlooked and linked to the highway (7).

4.47. Couch Lane:

- Recognise Couch Lane as the continuation of the axis along Snuff Street from the Market Place. Incorporate some common surface materials to visually reinforce the connection with Snuff Street and Market Place (8). Redevelopment along the west side of Snuff Street has considerably enhanced this street and reflects the importance attached to this route as the primary access to Devizes Wharf from the heart of the town. Improvements to the appearance of the two yards off the west side of the street is encouraged with boundaries and surfaces following guidance in 1f of this chapter.

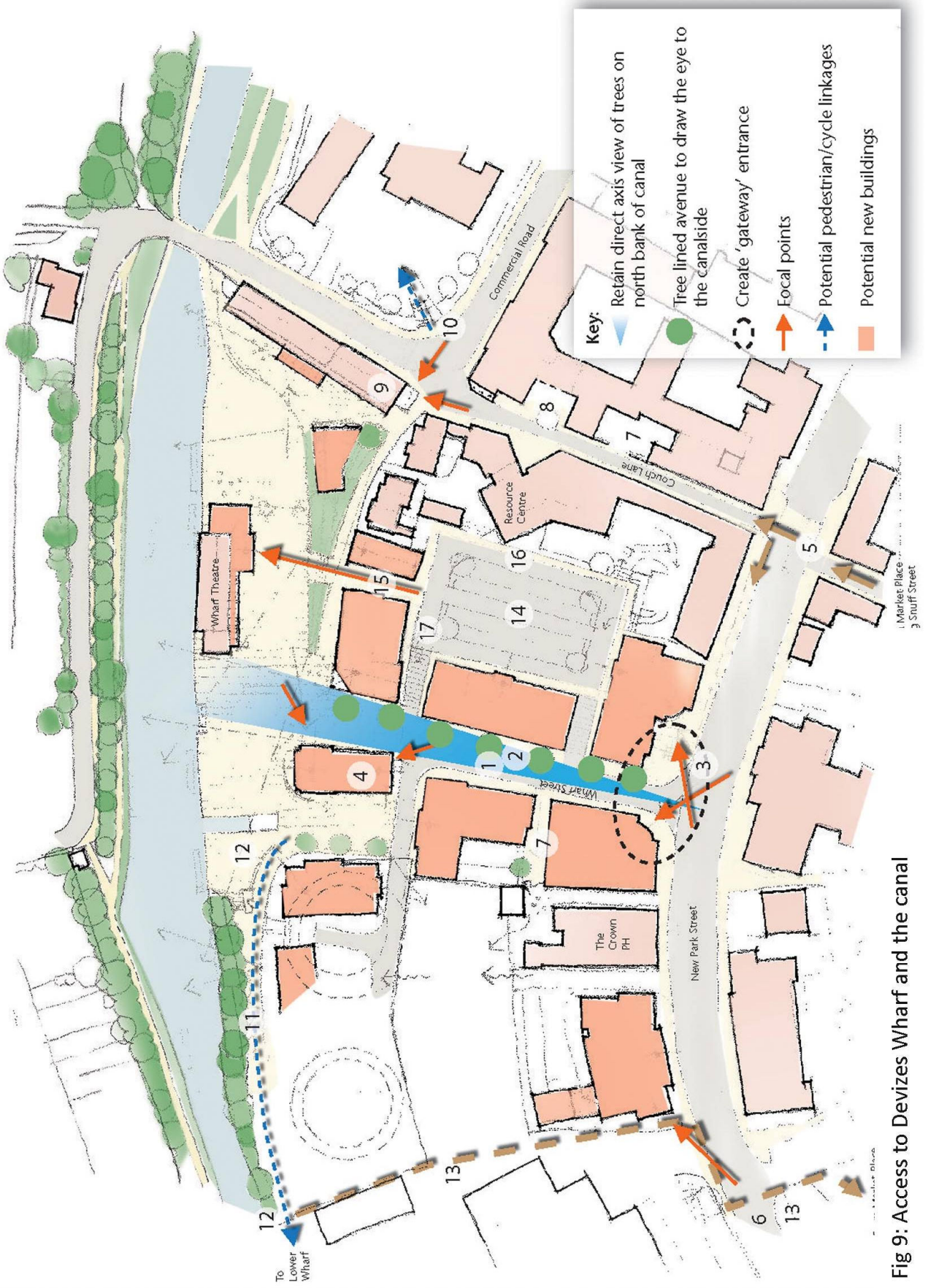


Fig 9: Access to Devises Wharf and the canal

- Enhance the signage on the gable end of the Canal Museum to advertise Devizes Wharf and this attraction (9);
- Reinforce the 'gateway' entrance to Devizes Wharf by improving the junction of Couch Lane with Commercial Road (10). Any future redevelopment of the hospital should create a prominent and easily accessible connection with Devizes Wharf at this corner for example by re-grading the embankment at this point to create a shallow pedestrian entrance ramp sloping back into the hospital site.

4.48. **Potential canal side link between Devizes Wharf to Lower Wharf and Town Bridge:**

- Access along the south bank from Devizes Wharf has long since been disengaged with the growth of the gas works requiring the canal to be crossed twice to regain the towpath along the opposite bank between Wharf Bridge and Town Bridge, and bypassing Devizes Wharf and Lower Wharf. The towpath is part of the National Cycleway Network Route 4.
- The potential for a footpath link (11) along the south bank of the canal is mentioned in item 1c of this chapter in relation to adjoining frontage. The link should provide attractive and direct pedestrian access to the complimentary potential enhancement of Lower Wharf and the Assize Courts, encourage greater activity over both spaces, and strengthen the historic association experienced as part of the 'tourist trail' along the canalside between the canal museum and Caen Hill Locks. Reflecting this importance is suggestive of the path taking on the appearance of a 'broad walk' rather than a 'narrow lane'. The opportunity this presents to enhance the public realm is also emphasised in item 2c of this chapter. Upgrading the footpath alongside Dundas Court and securing its continuation over or around the waterway pump chamber is necessary to complete the connection with the towpath at Town Bridge.
- Access to the footpath from both Devizes Wharf and Lower Wharf should suitably express this importance so that access for walkers and cyclists is made obvious and movement along the route is straightforward and experienced as a natural continuation of the linear canal side (12). From Devizes Wharf the barrier presented by the brick retaining wall, change in level and slipway should be overcome by creating a broad swept ramped entry leading walkers and cyclists past the end of the slipway avoiding abrupt changes in direction and the need to use steps. The path should be experienced as a natural extension of the activity space. A reduction or removal of the brick retaining wall, extension of the activity space beyond the slipway and appropriate set back of building frontage at this point should achieve the visual and physical integration necessary.
- Boundaries to the footpath along the top of the embankment should be suitably set back to enable a minimum 2 metres wide path with clearance both sides for shared pedestrian /cycle use, from overhanging trees and access for canal bank maintenance (see also item 1c of this chapter).

4.49. **Other potential linkages:**

There is a considerable break in access to the canal from the town centre west of Wharf Street as this area is the brewery. A coordinated approach to any future incremental development of the former garage on New Park Street and neighbouring landholdings to

the rear may enable access to the canal. For example a link between the canalside and New Park Street along the west boundary of the former garage and gasholder sites (13). This could form a convenient continuation of the pedestrian access linking Market Place with New Park Street through the retail passage which has been the subject of improvement. Design proposals in this area should consider the possibility for future integration of adjoining sites.

b) Car and coach parking

Address the balance between the location and provision of vehicle parking on Devizes Wharf and achieving a vibrant overall development

4.50. In principle a reduction in public car parking is promoted on the basis that the current Devizes 'Wharf Car Park' (104 spaces) and Coach Parking are generally underutilised, dominate the approach to the Wharf and form a dull backdrop to the activity space. The current parking requires around half of the Wharf area. This balance should be addressed with the redesign of parking provision to accommodate more engaging and attractive uses focused on the approaches to Devizes Wharf and alongside the Wharf activity area. The extent of any reduction achievable in parking will be conditioned by local factors; Wiltshire Council's parking strategy and related surveys.

4.51. Redesign of public car parking should:

- Remove the Public Car Park (13 spaces) fronting the Canal Museum;
- Not occupy frontage onto the activity space or visually dominate, obscure and physically obstruct the access and approach(s) to the Wharf (14);
- Provide pedestrian access directly between the public car parking and the Devizes Wharf activity area (15). This should be readily apparent and accessible, welcoming and attractive;
- Provide public car parking within similar proximity to the Resource Centre (16).

4.52. Proposals for coach parking should:

- Remove the designated Coach Parking bays alongside the slipway. Where possible an alternative remote location should be sought for the extended lay-over of larger coaches.
- Provide a Coach and minibus drop off and pick up facility (17) within the close vicinity of the designated Devizes Wharf activity space to provide for organised parties to the Wharf Theatre, canal museum and passenger boat trips;
- Provide a sheltered waiting/seating area with public toilets easily accessible close by and within sight of the drop off point. Provide for limited minibus parking within the parking area.

c) Servicing

Servicing requirements should be efficiently and discretely accommodated and form an integral part of the design proposals

4.53. Any development proposal for the redesign of Devizes Wharf should:

- Maintain the current limited and restricted council authorised access and temporary parking for vehicles over the activity space from Wharf Street and Couch Lane to service the Wharf Theatre, Canal Museum, canal boat operations, events and other official uses;
- Illustrate (through 'parking' plans and vehicle track plot/swept path analysis):the ability to effectively manoeuvre and park vehicles and trailers to enable boat launch and boat lift operations, and the operation of the principle events within the space i.e. offloading during the Devizes to Westminster Canoe Race and accommodation of the Beer Festival;
- Enable general unhindered pedestrian access and visibility along the activity space and wharf side. Subtle surface definition of the activity space should emphasis parking is set well back from the canal edge.

4.54. The heavy lifting operation and consequent movement of larger vehicles and trailers on the Wharf and through the town streets is perhaps not ideal and any potential future re-location off site for the lifting of larger boats is encouraged.

4.55. New development should not be serviced from the Devizes Wharf activity area (apart from the stand alone pavilion identified). To achieve an efficient use of space servicing to new development should consider the incorporation of dedicated shared lay-by and trolley routes to individual premises or front servicing on limited access highways.

4.56. Any proposals for the redevelopment of the retail unit (former garage) at the junction of Wharf Street and New Park Street should consider the potential rationalisation of servicing as part of a wider development to enable an active return frontage of significant length along Wharf Street.

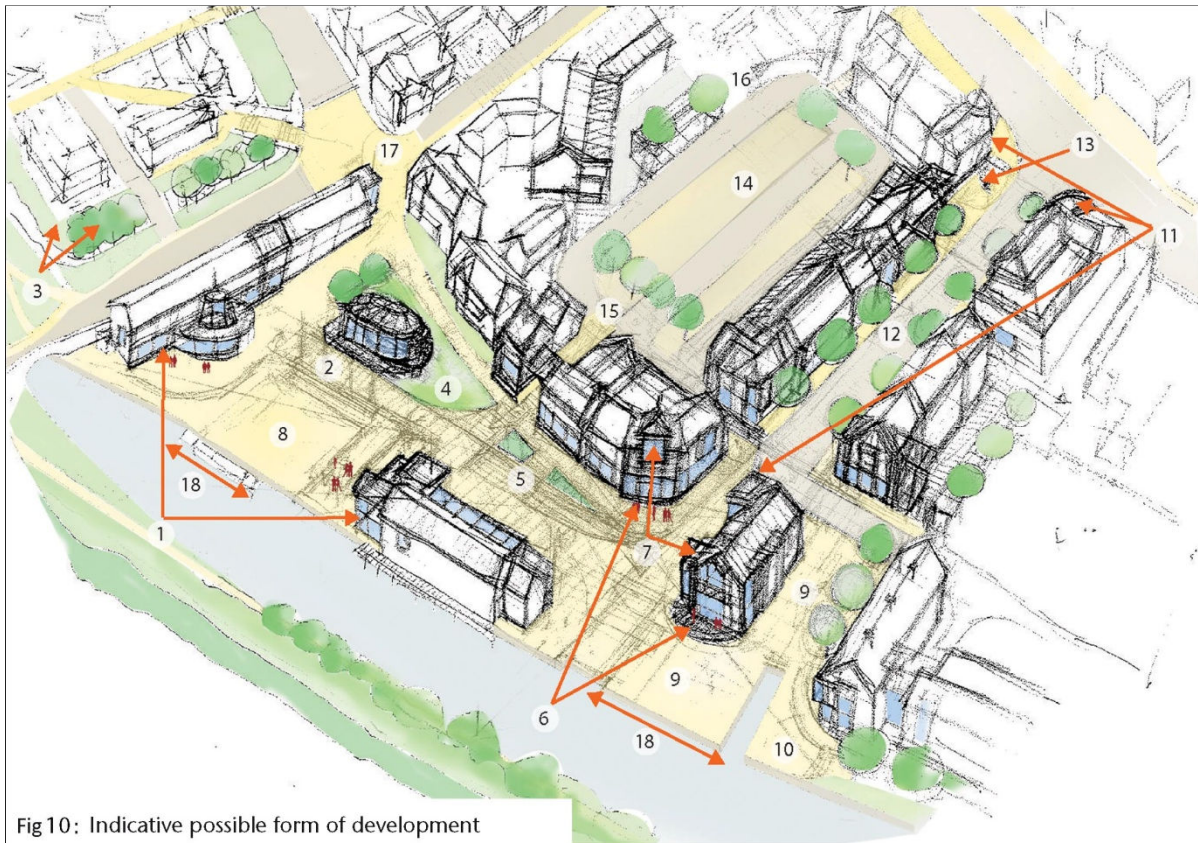


Fig 10: Indicative possible form of development

1. Enhanced existing frontage (4.36) and limited extension (4.11) to museum and theatre.
2. Possible pavilion type building (4.11).
3. Retain landscape embankment and perimeter hedge (4.15).
4. Distinctive structural landscaped sitting out area (4.44).
5. Stepped viewing terrace/performance area (4.44).
6. Leisure orientated uses at ground floor eg. Café (4.40/4.41).
7. Possibly extend leisure uses to upper floors overlooking activity space and canal (4.42).
8. Potential for future canal basin (4.44).
9. Defined boating activity/launch area around slipway (4.44).
10. Broad entry/extended wharf edge to new footpath link along canal bank (4.44).
11. Key landmark frontages (4.47).
12. Tree lined avenue draws eye to the wharf and town (4.46).
13. Defined entrance 'gateway' from New Park Street (eg possible set back feature square) (4.46).
14. Discretely located public car parking (4.47).
15. Direct access from car parking to wharf activity space (4.47)
16. Integrate adjoining sites for improved accessibility and efficient use of space (4.44).
17. Enhance 'gateway' to wharf from Couch Lane with feature to end of museum building. Upgrade Couch Lane and possible future access to hospital site (4.48).
18. Maintain a lively canal alongside Devizes Wharf (4.10/4.11).

Chapter 5: Delivering Enhancements at Devizes Wharf

- 5.1 Previous plans and policies relating to Devizes Wharf have not resulted in development. It is therefore essential that the proposals in the planning brief are realistic and deliverable. This is true of both the introduction of buildings to define space and enhancements to the public realm. As landowner Wiltshire Council has the opportunity to be a catalyst for change on Devizes Wharf and the Wharf Car Park but will need to respond to private developers on other elements of the site.
- 5.2 There will be two delivery tools open to the Council to ensure public realm improvements take place:
- Capital receipts from small scale development on council owned land which can be reinvested in the project, and
 - Planning obligations that are reasonably related to the development being proposed.
- 5.3 Both depend on the proposed mix of activities at the Wharf being commercially viable. If they are not developers or developer partners will not come forward. (Add more information commercial viability)

Approach to Planning Obligations at Devizes Wharf

- 5.4 Policies in the emerging Wiltshire Core Strategy will, in time, replace those within Kennet Local Plan. However, the core strategy is not timetabled for adoption until autumn 2012 and the Council remain committed to a consistent and effective policy towards section 106 obligations. Therefore until a replacement policy is in place the policies in the Kennet Local Plan remain relevant to the negotiation of planning obligations. In March 2004 Kennet District Council adopted the Devizes Strategic Development Brief to develop a co-ordinated approach to the negotiation of planning obligations in relation to allocated housing sites in Devizes in the Kennet Local Plan. The intention of the brief was to look at the implications arising from cumulative impact of housing in Devizes. The general area of North Gate/Wharf and Devizes Hospital was considered within this document. The general approach to pooling section 106 contributions to address the cumulative impact of development is still relevant provided there is a clear audit trail between the need for the contributions and use of the monies received.
- 5.5 One of the fundamental aims of the Kennet Local Plan is to 'create or enhance places, spaces and buildings that work well, wear well and look well' whilst one of the objectives of the Devizes Wharf Planning Brief is to guide all development on Devizes Wharf to make sure the individual parts come together as a well designed, cohesive whole. Policy PD1 of the Kennet Local Plan is the tool to ensure both of these objectives are met.
- 5.6 The design principles described in Section 4 acknowledge that it is often the quality of spaces within and around buildings rather than the buildings themselves that define a space and create local character. In the case of Devizes Wharf 'creating a well used, attractive and safe public realm' (criterion 5, policy PD1, KLP) is a primary objective of the planning brief. Lack of attention to detail within this space will undermine the overall concept for the site. Delivering

the required improvements to the public realm will rely on limited public funding, community support and developer contributions.

Development in and around Devizes Wharf will impact on the amenity value of Devizes Wharf. Wiltshire Council will consider the cost of providing amenity, recreation and community areas within the Devizes Wharf area and develop a fair and reasonable process for the calculation of contributions towards delivering this element of the scheme.

Planning Obligations relating to housing

- 5.7 As stated above the document 'Devizes Strategic Development Brief' was adopted to mitigate the impact of new housing in Devizes in March 2004. Since then, in March 2005, Kennet District Council also adopted supplementary planning guidance called 'Community Benefits from Planning' which provided supplementary information on how the council was seeking to deliver several policies in the Kennet Local Plan 2011 in relation to social and community infrastructure. This document extended the approach to mitigating the impact of housing development to the whole of Kennet. It established the conditions that would apply to any new large housing developments.

The potential impact of any housing development within the Devizes Wharf on existing education, recreation and community buildings will be assessed in accordance with adopted SPG on planning obligations. Where contributions towards mitigating the impact of development on recreation provision or community buildings are required it will be directed towards delivering the amenity, recreation and community elements of the Devizes Wharf Planning Brief.

Add more on potential use of capital assets and viability

Appendix 1 : Summary of Advice and Recommendations for Devizes Wharf

The **Devizes Town Centre Design Code** was adopted for the purposes of development control by Kennet District Council in 2007 following initial consultation on a Devizes Town Centre Action Plan, and was itself subject to public consultation in Mar/Apr 2007. The Design Code indicates that key characteristics and features that are to be retained have to be identified, views and vistas into the site should be examined, new buildings should help enclose and define spaces and the impact of new development on the skyline should be assessed. Specific proposals included some mixed residential development, improvements to the space around the theatre to add interest, recreation of Wharf Street, additional leisure activities associated with canal centre buildings. The Design Code also highlights the need to maintain and improve public open space, enhance biodiversity, recognise the historical context of the site and enhance access routes within and to the site. Other opportunities to link to gap site of the former filling station and the Assize Court are identified.

The **Devizes Community Area – Strategic Action Plan 2007-2012**, was adopted by Devizes Community Area Planning Partnership (DCAPP) in 2006 to guide the work of the partnership in the short to medium term. The strategic plan concentrates on proposals which will help to progress DCAPPs priorities; priorities identified through consultation. The Wharf is seen as a priority project stating *'It is critically important that what takes place on the Wharf is in line with the community's aspirations and benefits both locals and visitors alike. Leisure and cultural uses need to play a key part in any development and it is likely that while the commercially profitable elements of any development will 'look after themselves', considerable effort and support will be needed to attract new leisure uses and champion the 'softer' existing cultural and leisure elements like the Wharf Theatre and Kennet & Avon Canal Trust Museum which are needed to maintain a healthy mixed use development.'*

The **Devizes Town Centre: Baseline Review and Analysis** (Gillespies study) was a study commissioned by Kennet DC and South West Development Agency in July 2005. The objectives of the study included to promote regeneration of Devizes town centre and boost investor confidence in the town. Shortly before the study was commissioned British Waterways had prepared a draft 'Town Wharf' master plan which included Devizes Wharf, the Lower Wharf and the site of Devizes Hospital (2003). This plan was reviewed by Gillespies. The objective of the master plan was to revitalise this part of the town and create an attractive and active waterfront with the added aim of creating more extended connections along the canal and to the town centre. The British Waterways Brief was consulted on but results of consultation were not analysed and the brief was never adopted. In relation to Devizes Wharf the British Waterways plan proposed a new public space around the theatre; restaurant, leisure and retail businesses associated with open space, residential to the west fronting the canal and a new 'boulevard' along Wharf Street.

The Gillespies report went on to identify Devizes Wharf as a principal space in the town which is a key location for arts and leisure with a highly active edge to the canal. There was concern that the space felt remote because of the non active ground floor uses between the Wharf and the town centre which doesn't encourage pedestrians to go there.

The **Devizes Community Area Plan 2003 -2015**, was a document prepared by Devizes Community Area Planning Partnership in 2003 in consultation with the Devizes community to identify the major issues facing the town and its community area. Objectives within the plan included to retain the theatre in Devizes (Culture and Leisure), to ensure local distinctiveness is maintained and that important local buildings are repaired and brought back into use e.g. the Assize courts (Housing & Built Environment), to provide jobs and facilities through development of brownfield sites, including the Wharf, the Northgate and the West Central area. (Economy)

The **North Gate and the Wharf Planning Brief** was prepared by Kennet District Council in April 1999 and was adopted as supplementary guidance to policies about the North gate and Wharf area in the Kennet Local Plan 2001 (Policy MC24, Area D The Wharf). The 2001 Kennet Local Plan contained an expectation that development at the wharf should be visitor orientated although housing and employment could complement the leisure and recreational uses. Proposal should not include a significant retail element. Development should respond architecturally to the canal side setting. Other objectives were: well defined spaces, spaces that allow activity within them rather than people just passing through, improved pedestrian connections to and from the town centre, clearly defined entrances and gateways, scope for some small retail units at the Wharf linked to craft workshops, relocation of the theatre considered to integrate with cinema, food outlets linked to locally sourced food, serviced small scale office space for start ups, canal side housing

The **Kennet & Avon Canal Conservation Plan** was prepared by the Kennet & Avon Canal Partnership in 2000. The conservation plan is based on 4 objectives – the canal to be preserved for the enjoyment of everyone, the canal to be conserved as a unique example of a working waterway, to protect and expand the existing habitat and wildlife of the water environment and to seek to conserve and enhance the character and setting of the canal and its environment. There are no specific policies aimed at Devizes Wharf but policies to conserve and enhance the historic significance and local character of the canal are relevant (K1), as are policies to ensure visitor activities are consistent with sustaining the water way (U1), new facilities are sustainable (U4), canalside furniture is relevant (U14), to use indigenous species for new planting schemes and conserve mature trees (LH5 and 6) and to conserve features of historic importance (LH8). Policy BH11 is perhaps most relevant stating ‘in planning and designing for new development, the retention, recovery and safeguarding of the historic character, fabric and spaces of the canal shall be the primary consideration’. There are also policies to protect the open character of the canal and its relationship to local landscape character (H2).

The **Devizes Conservation Area Designation Statement** was prepared by Kennet District Council in 2005. It identifies the Canal and Wharf as a character area within the conservation area. Key elements of the area are noted as the canal including the bridges and the lock, the vegetation providing a green ‘lung’ through the built up area, the tranquil atmosphere created by the canal and its setting together with the slow and quiet movement of the boats, the Wharf Theatre and Canal Trust Buildings.

Wiltshire Council

Cabinet

24 May 2011

Subject: Public Protection Enforcement Policy

Cabinet member: Councillor Keith Humphries – Public Health and Wellbeing

Key Decision: Yes

Executive Summary

This report seeks Cabinet's approval and adoption of an enforcement policy for Public Protection Services.

The intention of the policy is to ensure that all enforcement action is compliant with all relevant legislation and guidelines and must be fair, clear, transparent, consistent, proportionate, risk based and robust. It relates to any enforcement actions taken by officers in Public Protection Services, and establishes a consistent approach regarding the use of both formal and informal mechanisms to achieve effective and efficient compliance with relevant legislation. This will assist local businesses contributing to supporting the economy as outlined in the council's business plan.

A draft policy was sent out for consultation between December 2010 and February 2011.

Proposal

That Cabinet approves and adopts the Public Protection Service Enforcement Policy.

Reason for Proposal

To ensure that any enforcement actions taken by Public Protection Officers are consistent, proportionate, fair and effective.

Maggie Rae
Corporate Director for Public Health and Wellbeing

Subject: Public Protection Enforcement Policy

Cabinet member: Councillor Keith Humphries – Public Health and Wellbeing

Key Decision: Yes

Purpose of Report

- 1.0 This report seeks Cabinet's approval and adoption of an enforcement policy for Public Protection Services (Appendix 1).

Background

- 2.0 Before the establishment of Wiltshire Council an interim enforcement strategy was produced, which covered the former District Council environmental health functions together with the trading standards duties from the former County Council. This strategy was built upon the best practice from the former policies of all the constituent authorities, but was never formally adopted. During subsequent structure changes where community safety and emergency planning teams were added to the Public Protection Service, it was identified that a review of the strategy was required.
- 2.1 During recent enforcement action taken by the council challenges have been raised as to the status of the existing strategy, and that it has not been formally adopted. Having a robust policy rather than strategy approved by the authority will reduce the risk arising from such challenges, and provide a consistent framework for action.
- 2.2 Public Protection Services deals with a wide range of regulatory functions covering in the region of 140 primary Acts of Parliament (as listed in Appendix 2) together with numerous other regulations and orders. The legislation involved covers a wide range of issues, and seeks to protect consumers, residents and businesses as well as the environment. Investigations under these acts can result in both informal and formal actions being taken to ensure compliance with the law.
- 2.3 The policy addresses the practical application of Public Protection enforcement procedures (covering all environmental health and trading standards powers, as well as any relevant community safety and emergency planning laws), and aims to provide a fair and effective approach to any enforcement action taken by officers of the authority. It seeks that any enforcement action must be compliant with all relevant legislation and

guidelines, be fair, proportionate, clear and transparent to those involved, and be consistent and robust.

- 2.4 Enforcement in the context of this policy includes action carried out in the exercise of statutory enforcement powers and duties. It covers the inspection of premises, provision of advice and education and use of intelligence, as well as more formal enforcement action including fixed penalty notices, statutory notices and prosecution.
- 2.5 The policy covers all aspects of the service and seeks to assist officers in the decision making process when dealing with enforcement issues. It sets out a consistent approach on the use of all enforcement mechanisms or 'tools' at officers' disposal to achieve effective and efficient compliance with relevant legislation.
- 2.6 The policy contains appendices which detail the enforcement options, and prosecution guidelines which introduce a structured review of the merits or otherwise of a proposed enforcement action.
- 2.7 A draft enforcement policy went out to extensive consultation between December 2010 and February 2011. It sought views and comments from Area Boards, Chambers of Commerce, Business Link and other groups representing the local business community, and other interested parties. The consultation was also placed on the council's website. No comments were received on the draft document.

Main Considerations for the Council

- 3.0 The draft policy has been in use recently but has not been formally adopted.
- 3.1 The legacy authorities in Wiltshire all adopted the national Enforcement Concordat some years ago which established the principles of good enforcement, and set out what businesses and others being regulated are entitled to expect from enforcement officers. More recently there have been moves by central Government to both reduce the level of red tape and bureaucracy in local government regulation. This has resulted in the Government's Compliance Code: Statutory Code of Practice for Regulators.
- 3.2 This code requires the council to consider the impact of regulatory intervention on economic progress, including thorough consideration of the costs, effectiveness and perceptions of fairness of regulation. A particular approach will only be adopted if the benefits justify the costs and it entails minimum burden compatible with achieving objectives. It also encourages the prompt communication of general information, advice and guidance to make it easier for businesses to meet their regulatory obligations.
- 3.3 The policy ensures that the service meets the standards set out in the compliance code, and that any enforcement action is proportionate to the risk and seriousness of the breach of legislation, and that enforcement actions are reasonable and necessary.

Environmental and climate change considerations

- 4.0 There are no direct climate change implications in adopting the enforcement policy, and minimal environmental impact from adoption of the policy itself. However successful application of the policy will assist in delivering efficient regulation which may reduce environmental damage, and ensure that resources are targeted where there is most significant environmental harm.

Equalities Impact of the Proposal

- 5.0 A screening for the equalities impact assessment has been carried out on the effect of the policy. The policy has low relevance in relation to its impact on the areas under the statutory duties contained in the equalities impact assessment template, but contributes towards the corporate goal of local, open and transparent decision making.

Risk Assessment

- 6.0 The enforcement policy is based on a risk based approach to ensuring compliance with the variety of legislation which is administered by Public Protection Services.
- 6.1 The risk of not adopting the policy is that the council will be vulnerable to legal challenges and the resulting financial penalties. This may result in criticism of the council and damage its reputation.

Financial Implications

- 7.0 Pursuit of enforcement action is a labour intensive activity and the council can incur significant costs in defending appeals and taking court action or carrying out works in default. In addition aggrieved defendants can seek to recover their own costs from the Council where it has been determined that it has acted unreasonably.
- 7.1 Adoption of the policy will provide the council with a platform for efficient and effective use of resources, and a stronger basis on which to resist claims for costs where it has followed its own practices and procedures. Failure to adopt the policy could result in legal challenges to the Council with both potential costs and financial penalties being imposed as described in paragraph 6.1 above.

Legal Implications

- 8.0 Legal Services have been involved in the development of the enforcement policy. The adoption of the policy will improve the council's ability to withstand legal challenges when pursuing formal enforcement action, by ensuring that any actions taken are legally correct, proportionate and risk based.

- 8.1. The policy itself requires adherence to best professional practice and compliance with other legislation including the Humans Rights Act 1998 and the Criminal Procedure and Investigations Act 1996.

Options considered

- 9.0 The option of not adopting the policy is not favoured for the reasons set out in this report, particularly in section six above.

Conclusions

- 10.0 The adoption of single new policy will improve the transparency of any enforcement actions taken by the service, and ensure that all actions will be compliant with all relevant legislation, and are fair, clear, transparent, consistent, proportionate, risk based and robust.

Maggie Rae
Corporate Director for Public Health and Wellbeing

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Tel: 01225 776655 Ext 5590

Date of report: 24 May 2011

Background Papers

The following unpublished documents have been relied on in the preparation of this report: None

Appendices

Appendix 1 - Public Protection Enforcement Policy
Appendix 1a - Public Protection Enforcement Policy - Formal Enforcement Options Guidelines
Appendix 1b - Public Protection Enforcement Policy - Prosecution Guidelines
Appendix 2 - List of Public Protection primary legislation

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Wiltshire Council

Public Protection Enforcement Policy

1 Introduction

- 1.1 This policy addresses the practical application of the Public Protection enforcement procedures and aims to provide a fair and effective approach to enforcement action by officers of the authority.
- 1.2 All enforcement action must be compliant with all relevant legislation and guidelines and must be fair, clear, transparent, consistent and robust.
- 1.3 The policy covers all aspects of the service and seeks to assist officers in the decision making process when dealing with enforcement issues. It sets out a consistent approach regarding the use of formal and informal mechanisms at their disposal to achieve effective and efficient compliance with relevant statutes.

2 Purpose of enforcement

- 2.1 The service supports the judicious use of statutory powers as an effective means of ensuring that businesses and individuals, local premises, practices and activities comply with statutory requirements and do not put the economic wellbeing, health and safety or amenity of the general public, employees, other businesses or consumers at risk. We will assist and advise wherever possible but will also take firm action against those who act irresponsibly or flout the law.

3 Scope

- 3.1 This policy applies to all enforcement activities taken by the Public Protection Service.
- 3.2 This policy should be read in conjunction with any service specific and corporate policies and procedures as well as national guidance on enforcement issues, and the Public Protection Enforcement and Legal Process Manual.
- 3.3 Enforcement in the context of this policy includes action carried out in the exercise of statutory enforcement powers and duties. It includes the inspection of premises, the provision of advice as well as formal enforcement including fixed penalty notices, statutory notices and prosecution.

- 3.4 All officers will follow this enforcement policy as far as reasonably practicable. Any departure from the policy, for example to deal with situations of urgency or imminent risk, must be justifiable and be approved by the appropriate line manager when practicable, which may be after the event.
- 3.5 There may be circumstances where shared or complementary enforcement action may be taken with other agencies. In such cases the decision on enforcement options shall have regard to any relevant policies and procedures of the other agency.

4 Principles

- 4.1 Regulatory effort will be directed in accordance with the Government's "Regulators' Compliance Code: Statutory Code of Practice for Regulators", by:-
- Considering the impact of regulatory intervention on economic progress, including thorough consideration of the costs, effectiveness and perceptions of fairness of regulation. A particular approach will only be adopted if the benefits justify the costs and it entails minimum burden compatible with achieving objectives
 - Promptly communicating general information, advice and guidance to make it easier for businesses to meet their regulatory obligations
- 4.2 The Council has also adopted the Enforcement Concordat, which established principles of good enforcement and set out what businesses and others being regulated are entitled to expect from enforcement officers.
- 4.3 Enforcement activities will be conducted in an open and transparent manner. Officers will explain clearly in plain language what is expected of those to whom legislation applies and what can be expected of the enforcement service. Clear distinctions will be drawn between statutory requirements and advice or guidance regarding what is good practice but not compulsory.
- 4.4 The authority will seek to raise awareness about the need to comply with legislation using an educational approach to promote good practice.
- 4.5 We aim to provide a courteous and efficient service, and all enforcement activities will be carried out in a helpful manner, actively working with businesses to advise on compliance.

- 4.6 Any enforcement action will be proportionate to the risk and seriousness of the breach of legislation.
- 4.7 The Service will endeavour to ensure that enforcement action is consistent by taking a similar approach in similar circumstances. However officers will take into account many variables such as level of risk, compliance history and the attitude and actions of those involved which may result in different outcomes in what appear potentially similar investigations.
- 4.8 Officers engaged in enforcement activity will be expected to maintain an open mind during the course of an investigation.

5 Investigative Procedures

- 5.1 All investigations into breaches of legislation will follow best professional practice and the requirements of the following:-
- [The Human Rights Act 1998](#)
 - [The Regulation of Investigatory Powers Act 2000](#)
 - [The Police and Criminal Evidence Act 1984](#) and associated [Codes of Practice](#)
 - [The Criminal Procedure and Investigations Act 1996](#)
 - [The Code of Practice for Crown Prosecutors](#)
- 5.2 Regard shall be had to corporate guidance and policies on the specific requirements of the above legislation.

6 Enforcement Options

- 6.1 All officers will have regard to:
- the documented procedures listed in the schedule,
 - any departmental or organisational procedure notes
 - any relevant guidance in Statutory Codes of Practice or guidance notes issued under the relevant statutes or by a recognised body and which are accepted as providing a national standard
 - the Public Protection Service Enforcement and Legal Process Manual

6.2 Informal Action

- 6.2.1 Informal action includes offering advice, verbal warnings and requests for action, the use of informal letters and inspection reports. Informal action should be considered against the following criteria:-

- The act or omission is not serious enough to warrant formal action and does not pose a significant risk to public health, safety or economic welfare.
- The individual or company's history is such that it can be reasonably expected that the informal action will achieve compliance.
- The officer has high confidence in the individual or management's ability to correct a defect or contravention and undertake any works which may be required.
- Standards in general are good, suggesting a high level of awareness of statutory responsibilities.
- The consequences of non-compliance are acceptable, e.g. minor matters, or the time period allowed to seek compliance does not present a risk to health safety or welfare.

6.2.2 Informal action includes education, publicity and media campaigns and working with commercial and community groups.

6.3 Formal actions

6.3.1 Formal action involves the proportionate use of formal mechanisms to achieve compliance. Formal action may be taken where informal action has been unsuccessful or is deemed inappropriate when considering the seriousness of the offence or the urgency of the situation. Administrative penalties, including fixed penalty notices may be used without prior informal action.

6.3.2 Formal action includes the use of Statutory Notices, Penalty Notices, works in default or direct action, review or revocation of licences or other approvals, simple cautions, or prosecution and any other legal action of any nature.

6.3.3 Decisions to instigate formal actions will be taken in accordance with the Enforcement Options Guidelines (Appendix 1), which will be reviewed and updated as necessary under the authority of the Director or Service Director.

6.3.4 Decisions to instigate prosecutions will be taken in accordance with the Prosecution Guidelines and all other guidelines and procedures (Appendix 2), which will be reviewed and updated as necessary under the authority of the Director or Service Director.

7. Qualifications and Authorisations of Officers

- 7.1 The Director or Service Director shall ensure that officers who carry out enforcement duties are appropriately qualified and trained.
- 7.2 The Director or Service Director shall ensure that officers carrying out enforcement duties are authorised in writing and that the extent of the authorisation is reviewed from time to time in the light of their qualifications and experience.

8 Equal Opportunities

- 8.1 The service recognises that there is diversity within the community and enforcement activities will have regard to its [equality policy](#).

9 Complaints Procedure

- 9.1 The Council has a formal [complaints procedure](#) which ensures that any complaint is dealt with quickly, consistently and helpfully. Complaints can be made in person, in writing, by e-mail or on-line complaints form.
- 9.2 Where repeated or vexatious [complaints](#) are received advice may be sought from the corporate complaints officer.

10 Review

- 10.1 This Enforcement Policy will be reviewed every two years or when significant new legislation affects the policy and updated as appropriate.

11 Access to this policy

- 11.1 A copy of this policy is available on the Council website, or can be obtained by writing to the Public Protection Service Director, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA12 8JN.

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Appendix 1a: Formal Enforcement Options Guidelines

1 These guidelines should be read in context with the Public Protection Enforcement Policy. Enforcing officers should identify what enforcement options are available, what is the purpose of the enforcement action and then choose the most appropriate action which may include informal actions such as:

- A warning letter
- Advice
- Request for action

2 The following formal options may be available and should be considered subject to the specific legislation. A list of formal options is given below together with some factors which indicate whether the option is appropriate. Options may be applied individually or in combination.

2.1 Statutory Notices are not a punitive action and may be used where:

- There is non compliance with informal action
- There is a history of non-compliance
- Works or actions are required of the recipient
- Service of a notice is mandatory

2.2 Works in default or direct action may be used where:

- There is non-compliance with a statutory notice
- In advance or without a statutory notice where the legislation permits; and it is appropriate to deal with an urgent risk
- It is appropriate and proportionate to resolve outstanding requirements
- To deal with urgent risks

2.3 Fixed Penalty or other Administrative Penalties may be used where:

- Evidence of an offence is found
- It is a proportionate method of dealing with an infraction.

2.4 Review or Revocation of licence or other permit may be used where:

- It is a proportionate response to the gravity of the situation

2.5 Simple Cautions may be used where there is an admission of guilt and in line with Home Office guidance to

- Deal quickly and simply with less serious offences

- Divert less serious offences away from the courts
- Reduce the chance of repeat offences

2.6 *Civil Procedures e.g. Undertakings to trade fairly, injunctions*

- Where there is a history of persistent complaints or offences

2.7 *Seizure/Forfeiture*

- To deal with goods or equipment that is unsafe, illegal or have been used in the commissioning of an offence

2.8 *Prosecutions may be used where*

- There is sufficient evidence of the offence and a realistic prospect of conviction.
- It is in the public interest

Prosecutions will only be instigated in accordance with the prosecution guidelines in Annexe 2.

Appendix 1b: Prosecution Guidelines

1. Purpose

- 1.1 To ensure that recommendations and decisions about prosecutions are made in a consistent and fair manner.
- 1.2 These guidelines are intended to act as a guide to Officers in taking enforcement action. These guidelines are not intended to limit or fetter an Officer's Discretion.

2. Application

- 2.1 These guidelines are to be read in the context of the enforcement policy, relevant legislation and case law and in accordance with national guidelines. In particular:
 - 2.1.1 The Code for Crown Prosecutors issued by the CPS (February 2010) http://www.cps.gov.uk/publications/code_for_crown_prosecutors/
 - 2.1.2 Regulators' Compliance Code – Statutory Code of Practice for Regulators issued by the Department for Business, Enterprise and Regulatory Reform (BERR) (17 December 2007). <http://www.bis.gov.uk/files/file45019.pdf>

3. Making the Decision to Recommend Prosecution

- 3.1 Prosecution should take place when:
 - 3.1.1 It is in the public interest to prosecute the offender for the charges chosen; and
 - 3.1.2 There is sufficient evidence, capable of being admitted as evidence in Court, to support the prosecution.

4. The Public Interest Test

- 4.1 In deciding whether it is in the public interest to prosecute an offender under clause 3.1.1 above, regard must be had to all relevant public interest considerations that weigh in favour of, and against, prosecution proceeding. Annex 1 to these guidelines is a checklist of factors that, if relevant, the Officer ought to turn his or her mind to in deciding whether or not it is in the public interest to proceed with criminal charges.
- 4.2 The factors listed do not form a test. They are intended as a guide to help focus the decision-maker's mind on matters of relevance in determining whether the prosecution is in the public interest. The number of factors in favour of, or against, prosecution is not necessarily relevant as to whether or not prosecution is recommended.

5. The Evidential Sufficiency Test

- 5.1 In determining whether there is sufficient evidence under clause 3.1.2 above, the Officer must be satisfied that there is sufficient admissible evidence to provide a “realistic prospect of conviction” against each proposed defendant on every charge.
- 5.2 The Officer must be satisfied that the evidence to be relied on will not be excluded by the Court under any enactment or rule of law. In particular:
 - 5.2.1 All interviews, confessions and other formal statements of the proposed defendant have been recorded and obtained in accordance with Police and Criminal Evidence Act (PACE).
 - 5.2.2 All information resulting from investigations has been obtained in accordance with the provisions of Regulation of Investigatory Powers Act where applicable.
 - 5.2.3 All searches have been undertaken by the persons with the required powers and have been conducted in accordance with PACE, its codes of practice, or the particular legislation that governs that search.
 - 5.2.4 The evidence relied on will not be excluded for being hearsay or documentary hearsay.
 - 5.2.5 The evidence must also be reliable. In determining whether the evidence is sufficiently reliable to be accepted by the Court, regard must be given to:
 - 5.2.5.1 Where reliance is being placed on a confession, whether that confession is affected by the defendant’s age, intelligence, level of understanding or the circumstances in which the confession was made.
 - 5.2.5.2 Any explanation given by the defendant. Is the explanation credible and likely to be accepted by the Court? If so, does the explanation constitute a defence to the charges?
 - 5.2.5.3 The identity of the defendant when this is put in issue by the defence. Do eyewitnesses suitably identify the defendant?
 - 5.2.5.4 Is there any unused evidence obtained in the investigation, which is disclosable to the defence, that may undermine the prosecution in any way?
 - 5.2.5.5 The credibility and accuracy of prosecution witnesses. In the event of a conflict of evidence between the

defendant and the prosecution witness, is the prosecution witness's evidence likely to be believed?

5.2.6 Evidence that may not be reliable ought not to be discarded. Its reliability must, however, be considered in determining whether there is a realistic prospect of conviction.

6. Selecting and Recommending Charges

6.1 After considering the factors listed above in part 3.1, Officers may exercise their discretion in the following ways:

6.1.1 Issuing an informal caution either orally or in writing;

6.1.2 Deciding to recommend a Simple Caution; or

6.1.3 Deciding to recommend a formal prosecution.

6.2 An informal caution ought only be recommended if the officer is satisfied that:

6.2.1 An informal caution is likely to be an effective deterrent to the offender; and

6.2.2 The caution is appropriate for the type of offence, the gravity of the offending and the circumstances and history of the offender.

6.3 A simple caution must be recommended in accordance with Home Office Circular 30/2005.

6.4 If prosecution is recommended, then charges ought to be selected that reflect the seriousness and extent of the offending and provide the Court with sufficient power to sentence the defendant adequately.

6.5 Where numerous offences appear to have been committed, consideration ought to be given to proceeding with specimen charges and having the remaining offences taken into consideration by the Court upon sentencing.

6.6 Charges should not be selected solely for the purpose of negotiation, with a view to dropping them in return for a guilty plea on other charges. Each charge must fulfil the criteria detailed in clause 3.1.

6.7 Recommendations shall be made in a timely manner, bearing in mind any time limits for bringing a prosecution, the need for adequate time for legal services to prepare and issue summonses and the reluctance of the Courts to entertain cases where there has been unnecessary delay.

7. **Accepting Guilty Pleas**

- 7.1 In certain circumstances a defendant may wish to plead guilty to some but not all of the charges. Prosecuting Officers should only accept the guilty pleas in such cases if they are of the opinion that the Court is able to pass a sentence which matches the seriousness of the offences. Officers must never accept a guilty plea because it is convenient.

**ANNEX A:
QUESTIONS TO BE ADDRESSED IN CONSIDERING WHETHER IT IS IN THE
PUBLIC INTEREST TO PROSECUTE**

| Questions potentially in favour of prosecution. | Relevant | Irrelevant | Comments |
|---|----------|------------|----------|
|---|----------|------------|----------|

Regarding the offence

| | | | |
|--|--|--|--|
| Is conviction likely to result in more than a nominal penalty? | | | |
| Was the defendant the ringleader or organiser of the offence? | | | |
| Was the offence premeditated? | | | |

Regarding the victim

| | | | |
|---|--|--|--|
| Was the victim vulnerable? | | | |
| Did the victim suffer fear, damage, disturbance? | | | |
| Could the alleged offence have cause, or did it actually, cause pain, distress or suffering to animals? | | | |
| Has the victim made a personal statement and, if so, does it support any particular enforcement action? | | | |

Motivation and Intention

| | | | |
|--|--|--|--|
| Was the offence motivated by discrimination? | | | |
| Did the offence involve deliberate misrepresentation or fraud? | | | |
| Did the offence occur because the defendant neglected or failed to take due diligence? | | | |

Further Policy considerations

| | | | |
|---|--|--|--|
| Are there relevant previous convictions / cautions? | | | |
| Is the offence likely to be continued or repeated? | | | |
| Is the offence, although not serious, widespread? | | | |
| Was the offence committed whilst on bail or on a conditional discharge? | | | |
| Is there is an element of public risk / danger to health? | | | |
| The case would have precedent value or deterrent effect. | | | |
| Is there a possibility of significant economic disadvantage to consumers or businesses? | | | |

| Questions potentially against prosecution. | Relevant | Irrelevant | Comments. |
|---|-----------------|-------------------|------------------|
| Has there been a failure to comply with enforcement notices? | | | |
| Could the alleged offence have caused, or did it actually cause, harm to human health including injury? | | | |
| What is the attitude of the offender? Is there a desire to compensate? | | | |
| Is another entity better suited to prosecute? | | | |
| Was the offence a genuine mistake? | | | |
| Will there be a long delay between the commission of the offence and the first Court date? | | | |
| Would a prosecution be detrimental to the victim's health? | | | |
| Is the defendant elderly or suffering from significant mental or physical ill health? | | | |
| The offender has been, or is being, sentenced for similar offending and the prosecution would add little further. | | | |
| The offender is under 18 | | | |

Other issues not otherwise considered:

Note: This checklist is not intended to be a test. It is to be used as a guide to direct consideration of relevant issues in determining whether prosecution is in the public interest. It is not exhaustive. Any other factors of relevance that are not included on this list must be taken into account as well.

Appendix 2 - List of Public Protection primary legislation

| Trading Standards legislation |
|---|
| Accommodation Agencies Act 1953 |
| Administration of Justice Act 1970 |
| Agricultural produce (Grading and Marking) Acts 1928 and 1931 |
| Agriculture (Miscellaneous Provisions) Act 1968 |
| Agriculture Act 1970 |
| Animal Health Act 1981 |
| Animal Welfare Act 2006 |
| Anti-Social Behaviour Act 2003 |
| Architects Act 1997 |
| Business Names Act 1985 |
| Cancer Act 1939 |
| Children and Young Persons (Protection from Tobacco) Act 1991 |
| Children and Young Persons Act 1933 |
| Clean Air Act 1993 |
| Companies Act 2006 |
| Consumer Credit Act 1974 |
| Consumer Protection Act 1987 |
| Copyright, Designs and Patent Act 1988 |
| Criminal Attempts Act 1981 |
| Criminal Justice Act 1988 |
| Criminal Justices and Police Act 2001 |
| Criminal Law Act 1977 |
| Crossbows Act 1987 |
| Education Reform Act 1988 |
| Enterprise Act 2002 |
| Estate Agents Act 1979 |
| European Communities Act 1972 |
| Explosives Act 1875 - 1976 |
| Fair Trading Act 1973 |
| Farm and Garden Chemicals Act 1967 |
| Fireworks Act 2003 |
| Food Safety Act 1990 |
| Forgery and Counterfeiting Act 1981 |
| Fraud Act 2006 |
| Hallmarking Act 1973 |
| Health Act 2006 |
| Health and Safety at Work etc Act 1974 |
| Housing Act 2004 |
| Intoxicating Substances (Supply) Act 1985 |
| Knives Act 1997 |
| Licensing Act 2003 |
| Magistrates Court Act 1980 |
| Malicious Communications Act 1988 |
| Medicines Act 1968 |

| |
|---|
| Mock Auctions Act 1967 |
| National Lottery etc Act 1993 |
| Olympic Symbol etc (Protection) Act 1995 |
| Performing Animals (Regulation) Act 1925 |
| Petroleum (Regulation) Acts 1928 and 1936 |
| Poisons Act 1972 |
| Prices Act 1974 and 1975 |
| Property (Misdescriptions) Act 1991 |
| Protection from Harassment Act 1997 |
| Protection of Children Act 1986 |
| Regulation of Investigatory Powers Act 2000 |
| Road Traffic Act 1988 |
| Solicitors Act 1974 |
| Sunday Trading Act 1994 |
| Theft Act 1968 |
| Timeshare Act 1992 |
| Tobacco Advertising and Promotion Act 2002 |
| Trade Descriptions Act 1968 |
| Trade Marks Act 1994 |
| Unsolicited Goods and Services Act 1971 |
| Veterinary Surgeons Act 1966 |
| Video Recordings Act 1984 and 1993 |
| Weights & Measures Act 1976 and 1985 |

| Environmental health & licensing legislation |
|---|
| |
| Animal Boarding Establishment Act 1963 |
| Animal Health Act 1981 |
| Animal Health and Welfare Act 1984 |
| Animal Welfare Act 2006 |
| Anti-Social Behaviour Act 2003 |
| Breeding of Dogs Act 1973 and 1991 |
| Building Act 1984 |
| Caravan Sites & Control of Development Act 1960 |
| Caravan Sites Act 1968 |
| Children Act 1989 |
| Children and Young Persons Act 1963 |
| Cinemas Act 1985 |
| Clean Air Acts 1956, 1968 and 1993 |
| Clean Neighbourhoods and Environment Act 2005 |
| Control of Pollution Act 1974 |
| Crime and Disorder Act 1996 |
| Criminal Justice & Public Order Act 1994 |
| Dangerous Dogs Act 1991 |
| Dangerous Wild Animals Act 1976 |
| Deer Act 1963 and 1990 |
| Dogs (Fouling of Land) Act 1996 |
| Environment Act 1995 |

| |
|--|
| Environmental Protection Act 1990 |
| European Communities Act 1972 |
| Explosives Act 1875 |
| Factories Act 1961 |
| Fire Safety at Places of Sport Act 1987 |
| Food Act 1984 |
| Food and Environmental Protection Act 1995 |
| Food Safety Act 1990 as amended (and subordinate regulations) |
| Gambling Act 2005 |
| Gaming Act 1968 |
| Guard Dogs Act 1975 |
| Health & Safety at Work etc. Act 1974 |
| Health Act 2006 |
| Housing Acts 1985 and 2004 |
| Imported Food Regulations 1997 |
| Licensing Act 2003 |
| Local Government (Miscellaneous Provisions) Act 1976 and 1982 |
| Lotteries and Amusement Act 1976 |
| National Assistance Act 1948 |
| Noise & Statutory Nuisance Act 1993 |
| Noise Act 1996 |
| Nurses Agency Act 1957 |
| Office, Shops and Railways Premises Act 1963 |
| Performing Animals (Regulations) Act 1925 |
| Pet Animals Act 1951 |
| Poisons Act 1972 |
| Police and Criminal Evidence Acts 1984 |
| Police, Factories etc (Miscellaneous Provisions) Act 1916 |
| Pollution Prevention and Control (England and Wales) Act 1999 |
| Prevention of Damage by Pests Act 1949 |
| Private Places of Entertainment Act 1967 |
| Products of Animal Origin (import and export) Regulations 1996 |
| Products of Animal Origin (Third Country Imports) (England) (No. 3) Regulations 2004 |
| Products of Animal Origin (third country imports) Regulations 2002 |
| Protection from Eviction Act 1977 |
| Public Health (Control of Diseases) Act 1984 |
| Public Health Acts 1936 and 1961 |
| Refuse Disposal (Amenity) Act 1978 |
| Regulation of Investigatory Powers Act 2000 |
| Riding Establishment Act 1964 and 1970 |
| Safety of Sports Ground Act 1975 |
| Scrap Metal Dealers Act 1964 |
| Shops Act 1950 and 1965 |
| Sunday Trading Act 1994 |
| Theatres Act 1968 |
| Town Police Clauses Act 1847 |

| |
|-------------------------|
| Water Act 1989 |
| Water Industry Act 1991 |
| Zoo Licensing Act 1981 |

Wiltshire Council

Cabinet

24 May 2011

Subject: Award of Building Term Maintenance Contract

Cabinet member: Councillor John Noeken – Resources

Key Decision: No

Executive Summary

Existing arrangements for building maintenance have been in place since 2007, with a Term Maintenance Contract implemented by the then County Council. Four contractors were appointed under contracts to provide reactive maintenance and to undertake small scale planned maintenance works across the County. During the course of the last four years, these contracts have proven to be very successful and enabled a high level of service to be maintained across Council properties. These arrangements lasted for a period of four years, and hence have become due for replacement.

Procurement of new contracts for Building Term Maintenance Contracts has been conducted under the overarching governance of the Procurement and Commissioning Programme. An Opportunity Assessment has been completed ensuring that lessons are learned from the previous term contracts, and that opportunities are identified, captured and implemented to maximise the savings available through procuring at this time.

By comparing the current tenders with those submitted in 2007 it is determined that there will be a 12.7% saving on the rates available through the previous contracts. On the baseline revenue spend of £2.3m, savings in the order of £290,000 per annum are expected, which equates to £24,000 per month. These savings are being captured by the Procurement and Commissioning Programme, and a benefit tracking process is in place to confirm savings achieved match those expected.

Proposal

That the Corporate Director, Resources be given delegated authority to award the contracts for the Building Term Maintenance Contract as follows, following the satisfactory conclusion of the requisite “standstill” period (10 days)

- i) Steele Davis (Swindon) Ltd for the East, West and South geographical lots
- and
- ii) Wilkins Builders Ltd for the North geographical lot,

Reason for Proposal

To put in place means to maintain the Council's premises following the expiry of the existing contracts.

**Carlton Brand
Corporate Director, Resources**

Subject: Award of Building Term Maintenance Contract

Cabinet member: Councillor John Noeken – Resources

Key Decision: No

Purpose of Report

1. To seek approval for the appointment of two building term maintenance contractors and approval for a reserve choice if needed.

Background

2. The Council is responsible for maintaining over nine hundred premises throughout the County. They comprise many different types of building and need to be maintained in order for the Council to meet its statutory duties and to ensure Council services can continue to be delivered.
3. In order to provide reactive maintenance for emergency repairs and minor repairs, a Term Maintenance Contract is required with contractors who can respond to maintenance and emergency issues within an appropriate response time.
4. Existing arrangements for building maintenance have been in place since 2007, with a Term Maintenance Contract implemented by the then County Council. Four contractors were appointed under contracts to provide reactive maintenance and to undertake small scale planned maintenance works across the County. During the course of the last four years, these contracts have proven to be very successful and enabled a high level of service to be maintained across Council properties.
5. The transition to Wiltshire Council resulted in works to all buildings inherited by the new Council being undertaken through the existing County Council term maintenance contract. This enabled works to ex-District Councils to be undertaken through a formally procured arrangement, and ensured a consistent approach across the new Council's buildings.
6. The baseline spend through this contract is typically £3.9m per annum, of which approximately £2.3m is revenue and £1.6m is capital. This maintenance spend is most typically raised through a high volume of low value orders. Approximately 8000 works orders are raised annually, with works being prioritised by the response time required to deal the matter in hand.

Main Considerations for the Council

7. As a result of the ending of the existing contracts, a re-procurement exercise was carried out, and has been captured by the Procurement and Commissioning Board. An Opportunity Assessment has been completed which looked at the lessons learned from the previous four year term, and areas where cashable revenue savings were able to be identified, quantified and captured.
8. The contract was subsequently tendered through an OJEU (Official Journal of the European Union) compliant process. This process received 62 initial expressions of interest from which 8 contractors were shortlisted to tender formally.
9. The contract was offered in four geographical lots (North, West, East and South) to enable small and medium size businesses the opportunity to bid and to allow discounts to be offered for the award of multiple lots.
10. Tenders were evaluated on the basis of 70% price, 30% quality.
11. The most economically advantageous combination was:
 - iii) Three lots awarded to Steele Davis (Swindon) Ltd
 - iv) One lot awarded to Wilkins Builders of Calne.
12. Whilst the geographical base of contractors cannot legitimately be used as a means of selection of contractors and the proposed contractors have been evaluated on their technical, quality and financial merits, members may wish to note that the two contractors proposed to be appointed are based in Wiltshire, employing predominantly local labour and sub-contractors.
13. Both proposed contractors are currently on the Council's existing Term Maintenance Contract, and hence the award of contracts to these contractors removes any practical issues related to the transition of work from one group of contractors to another. There are also no significant TUPE staff transfer issues that result from this contract award.
14. The proposed contracts are due to commence on 1st July 2011, and whilst there is a legally required "Stand-still" period, during which unsuccessful contractors are notified and may challenge the evaluation. Once this period expires, and assuming no formal challenge is made, officers would propose implementing the new contract rates with immediate effect to maximise the benefits available from the more competitive contract.

Environmental and climate change considerations

15. Contractors are required to comply with regulations on Site Waste Management, and Environmental Performance, which commits them to recycling waste, minimising risk of environmental incidents such as oil tanks spillages and the like.

Equalities Impact of the Proposal

16. As criteria for short listing the procurement process tendering contractors were required to hold and implement an Equal Opportunities Policy.

Risk Assessment

17. The key risks associated with the contract award are listed below:
 - i) Challenge from unsuccessful bidders – there is a residual risk of a delay due to a challenge during the “standstill” period. A legal challenge, whether successful or not, would delay the awarding of the contract whilst it is investigated and responded to.
 - ii) Financial security of contractors – the current market place is considered to be extremely tough, and there is a risk that contractors may come under continuing pressure over the term of this contract. In the event of one contractor going into liquidation, the Council may either go to the next most competitive tenderer, or extend the number of lots undertaken by the other appointed contractor, thus mitigating the risk.
 - iii) Claims-based approach from contractors – with a greater level of pressure expected in the market over coming years, it is to be expected that contractors will take a stronger line in testing the boundaries of the existing contracts. This requires a stronger and more stringent approach to contract management within the Strategic Property Services group to ensure that the Council continues to obtain the right quality of service within the financial terms of the contract.

Financial Implications

18. The contract is priced on the basis of a number of adjustments to the National Schedule of Rates. This reflects the following topics, on which contractors have tendered percentage adjustment to the scheduled rates:
 - i) Overall competitive adjustment – to reflect the overall adjustment to reflect market conditions.
 - ii) Value banding adjustments – the contractor’s adjustment depending on priority response time for individual orders.
 - iii) Area adjustment – adjustment to reflect the geographical “lot” area.
 - iv) Multiple lot adjustment – to reflect the benefit available to the Council for awarding one contractor more than one geographical lot.
19. An Opportunity Assessment has been undertaken within the governance of the Procurement and Commissioning Programme which identified certain areas where savings could be made.
 - i) Geographical lots
The contract was divided into four geographical areas (north/south/east/west) so that local, small/medium business enterprises

could bid for one or two of the lots. However, larger providers may also be able to offer best value through economies of scale. It was considered not in to be the Council's interests to seek a single provider at this time and so a minimum of two and a maximum of three providers would be appointed which ever combination offered best value for the Council.

ii) Consolidated invoicing

The contract typically involves the issue of multiple low value orders each year (c.8,000). By seeking to consolidate the invoicing, savings will result within Property Services and more significantly within Shared Services. This topic is the subject of a separate workstream within the Procurement and Commissioning Programme.

iii) Prioritisation

The rates the contractor can charge are linked to the response time the Council requires. An emergency call requiring a response within two hours typically attracts a premium of 25% on standard rates. All orders will be defaulted to standard rates unless the work is urgent by way of health and safety or to avoid an unacceptable disruption to the provision of services to the public.

20. The nature of the contract is such that there is no defined scope of work, or overall contract value. Accordingly, in order to determine best value, tenders are evaluated by applying the contractors' tendered rates to a 'basket of work'. The basket gives a notional quantity and type of maintenance work undertaken by the Council as a means for comparison of prices received.
21. The tenders received have been analysed using this "basket of goods" approach, and the following summarises the results of the tender process.
22. By comparing the current tenders with those submitted in 2007 we can determine that there will be a 12.7% saving on the rates available through the existing contracts. On the baseline revenue spend of £2.3m, savings in the order of £290,000 per annum are expected, which equates to £24,000 per month. These savings are being captured by the Procurement and Commissioning Programme, and a benefit tracking process is in place to confirm savings achieved match those expected.
23. It should be noted that whilst paragraph 19 above identifies the cashable revenue savings achievable through these contracts, the contract is also available for use on small capital building projects. This expenditure could represent a further capital spend of up to £1.6m. The result would reduce the cost of these works by a similar amount. These cost savings are harder to capture, but will result in reduced capital expenditure on these capital works. However, for capital works the most efficient means of procurement must always be weighed up between using these term maintenance contracts and using a one-off competitively tendered approach.
24. It is worth noting that the extremely competitive nature of the property and construction markets has resulted in extremely beneficial rate adjustments. The national benchmark currently demonstrates a marginal increase in rates for building maintenance works over the period 2007-2011. The local market has

enabled far more competitive rates to be achieved, and hence it can be seen to be a good time to be procuring this type of contract. A consequence of this market picture is that contractors at all levels of the supply chain are under pressure, and hence careful management of these contracts is required to ensure that quality and service levels are maintained, and that their financial stability is kept under review.

Legal Implications

25. Legal Implications are included within the report

Conclusion

26. It is recommended that the Director of Resources be delegated authority to award the contract lots for the Building Term Maintenance Contract as follows, following the satisfactory conclusion of the requisite “standstill” period (10 days)
- iv) Steele Davis (Swindon) Ltd for the East, West and South geographical lots and
 - v) Wilkins Builders Ltd for the North geographical lot.

Carlton Brand Corporate Director – Resources

Report Author:
Neil Ward, Head of Strategic Property Service

Background Papers:

The following unpublished documents have been relied on in the preparation of this Report: None

Appendices

None

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Wiltshire Council

Cabinet

24 May 2011

Subject: The Wiltshire Council Member and Parish, Town & City Council Review of the Development Control Service of Wiltshire Council following a year of operation

**Cabinet member: Councillor John Brady
Economic Development, Planning and Housing**

Key Decision: No

Executive summary

On 19 October 2010 Cabinet considered a report containing recommendations for changes to the way the Development Control Service operates. The recommendations had been generated by a review of the service carried out in 2009/10. The report covered a variety of operational matters including 'The Scheme of Delegation to Officers' and 'The Planning Code of Good Practice'.

Cabinet discussed the report at the meeting where a decision was made to defer consideration to allow: -

- a) a number of suggested changes to be incorporated
- b) a separate Member meeting to take place to consider the 21 day call in rule
- c) any necessary changes to be incorporated which flowed from the then imminent publication of the Localism Bill.

In addition to the original recommendations, the current version of the report incorporates the changes requested by Cabinet and the recommendations of the Members who met to discuss the 21 day rule. The Localism Bill contained nothing which impacted on the way the service is delivered (although this may change with the publication of future consequential legislation). It also includes a revised version of the Scheme of Delegation to Officers reflecting suggestions derived from the review, changes in legislation and addressing a number of ambiguities and gaps in the scheme which have been identified since 2009.

Proposals

- (a) That Cabinet endorse the recommendations as detailed at paragraph 48 of this report.
- (b) That Council be recommended to approve the following:
 - the revised Scheme of Delegation for Development Control (Appendix 1)
 - the revised Planning Code of Good Practice for Members of Wiltshire

Council (Appendix 2)

- That the function of revising and or setting planning fees be delegated to the Strategic Planning Committee

and that the Constitution be amended accordingly.

Reason for proposals

The recommendations result from a careful and reasoned analysis of the consultation responses and subsequent input from Wiltshire Council members and officers and if agreed, should improve the way the Development Control Service operates, its customer focus and its performance.

The Scheme of Delegation and the Planning Code of Good Practice (Protocol) form part of the Constitution and changes to them need Council approval.

Mark Boden
Corporate Director, Neighbourhood & Planning

Wiltshire Council

Cabinet

24 May 2011

Subject: **The Wiltshire Council Member and Parish, Town & City Council Review of the Development Control Service of Wiltshire Council following a year of operation**

Cabinet member: **Councillor John Brady**
 Economic Development, Planning and Housing

Key Decision: **No**

Purpose of Report

1. To seek Cabinet's agreement for changes to the manner in which Wiltshire Council's Development Control Service operates following a review of the service.

Background

2. In the lead up to the creation of the new Wiltshire Council a detailed review of the development control service was jointly undertaken by members of the former districts and county council. The objective was to produce a set of working procedures and protocols which could be used by officers and members following the creation of the new council in April 2009.
3. At that time, every effort was made to build on 'best practice' and the final operating guidelines incorporated elements from all of the former councils. Members were very conscious, however, that what they were putting into place was something which would need to be reviewed and then endorsed by the elected members of the new council. It was therefore agreed that it made eminent sense for the way the service operates to be reviewed by members and the parish, town and city councils after eight or nine months.
4. The Members of Wiltshire Council and all parish, town and city councils were canvassed between November 2009 and February 2010 and views sought on:
 - (a) The Scheme of Delegation to Officers
 - (b) The Planning Code of Good Practice
 - (c) Training
 - (d) Communication
 - (e) What is, and is not working well
 - (f) General comments/concerns/suggestions about the service.
5. Officers from the Legal & Democratic and Development Services also contributed their thoughts on appropriate changes and these were also captured. All of the feedback received was then carefully analysed and recommendations formulated.

6. The proposed recommendations were then reviewed by the Cabinet member for Neighbourhood & Planning along with the chairmen and vice chairmen of the Area and Strategic planning committees and the Focus Group on the Review of the Constitution. The changes they then proposed were incorporated into the Cabinet report.
7. Cabinet then discussed that report at its meeting on 19 October 2010 at which time a decision was made to defer consideration to: a) allow a number of suggested Cabinet changes to be incorporated, b) to allow a separate meeting to take place to consider the 21 day call in rule and c) to allow any necessary changes to be incorporated which flowed from the then imminent publication of the Localism Bill.
8. This current version of the report now incorporates Cabinet's suggestions, Member's suggested changes to the 21 day rule and comments on the implications of the Localism Bill. It also includes a revised version of the Scheme of Delegation to Officers reflecting suggestions derived from the review, changes in legislation and also addressing ambiguities and gaps in the scheme which have been identified by planning and legal officers since 2009.

Main Considerations for the Council

9. Whether to:
 - (i) Agree with the recommendations contained in this report;
 - (ii) Amend the recommendations for change;
 - (iii) Table additional recommendations.

Environmental Impact of the Proposal

10. Major operational changes in the way the Development Service is delivered could have an environmental impact but the council still has to operate the service under the umbrella of national guidelines and policy which would not be affected by any decisions made on this report.

Equalities Impact of the Proposal

11. There are none stemming from the officer recommendations contained in the report.

Risk Assessment

12. There are no recommendations in the report which expose the council to any risks, over and above those any council is exposed to when operating a regulatory planning service.

Financial Implications

13. In the main, the financial implications of the recommendations in this report stem from the officer time and resources required to implement the variety of proposed procedural changes. The principal changes will be improvements to

consultation methods and revising and improving documentation for consultees. The proposed changes to the Scheme of Delegation to Officers allowing additional categories of application to be 'called in' by Members and 'relaxing' the 21 day call in period will also have some limited resource implications.

14. The resources required to action the recommendations can be provided within existing budgets and there will be no call for additional funding.

Legal Implications

15. As contained within this report.

The Analysis and Subsequent Cabinet Suggestions

16. The detailed analysis of the feedback from the review and all recommendations were set out fully as part of the earlier October 2010 Cabinet report. The current report does not repeat this background work and focuses on the actual recommendations, the changes requested by Cabinet in October, the implications of the Localism Bill and additional revisions to update the Scheme of Delegation to Officers which it is considered expedient to make in the light of its operation for two years.

Cabinet Proposed Changes

The Scheme of Delegation to Officers.

17. Cabinet indicated that the 21-day timing for Member call in was not crucial as there was no longer any planning delivery grant. Members appreciated, however, that some timescale was necessary and the proposal was to set up a small Member group to look at the 21-day date.
18. The meeting was to be chaired by Councillor Brady and invitations were sent as requested to Councillors Wheeler, Carter, Trotman and Hubbard.
19. The meeting took place on 11 January 2011 attended by Councillors Brady and Wheeler and the decision was to recommend that Cabinet insert the following wording into the Scheme of Delegation: -

“Retain the 21 day call in limit but where it has not been possible or appropriate to call an application in within that time, officers will accept call in requests in the following circumstances: -

- a) An application has not been determined and it can still go to committee and be determined within the target date.*
- b) The application is already going to go out of time (because of negotiations/amended plans etc.) and taking it to committee will make no difference to performance.*

Where neither of the above apply, and the Division Member thinks there is a strong case to delay the determination of the application and take it to committee, they can discuss the case with the relevant Area Development

Manager who will then make an informed decision whether or not to exercise delegated powers.”

This wording has now been inserted into the revised 'Scheme of Delegation to Officers' which forms Appendix 1.

The Planning Code of Good Practice

20. Section 9.6 - second paragraph

Cabinet asked that the ability to register to speak at committee be extended to allow this to be done by phone and e-mail but no more than three working days before the meeting. The premise is that registration will take place on a first come first service basis and if one of those three speakers do not turn up the opportunity to speak will then be offered on to the fourth member of the public to speak. This wording has now been changed accordingly.

21. Section 9.6 - third paragraph

Cabinet asked officers to change the wording of the final sentence to read “If an application is near the boundary with an adjacent parish, each affected council will have a four minute slot. Any additional time will be at the committee chairman’s discretion.” This wording has now been changed.

22. Paragraph 9.7 - final paragraph

Cabinet discussed changes to the final paragraph in this section and sought clarification on the role of Members who were part of the council’s formal appeal submission team, as opposed to making independent submissions. The wording has now been changed to clarify that Members who form part of the formal team will have to submit a Rule 6 statement.

23. Section 11 - Order of Events at Committee Meetings

Cabinet was concerned about proposal (d) whereby members of the public/applicants/agents who wished to make representations in support of an application could have a conflict. Cabinet wanted the wording changed so where there were two or more members of the public who wished to speak in support of an application, only the applicant **or** agent should be allowed to speak, not both. This wording has now been changed.

All of the changes have been incorporated into the relevant sections of the revised 'Planning Code of Good Practice' which forms Appendix 2.

The Localism Bill

24. The key changes to the Planning System proposed in the Localism Bill related to: -

- Abolition of regional strategies.
- Neighbourhood planning.
- Community right to build.
- Requirement to consult communities before submitting very large planning applications.
- Strengthening enforcement rules.
- Reforming the community infrastructure levy.
- Reform the way local plans are made.

- Nationally significant infrastructure projects.
25. None of these have a direct impact on the Scheme of Delegation or the Planning Code of Good Practice but subsequent enabling legislation may have, particularly in respect of clarifying the rules on “predetermination.” The existing rules were developed to ensure that councillors came to council with an open mind. In practice, however, these rules have been interpreted in such a way as to reduce the quality of local debate and stifle valid discussion. In some cases councillors have been warned off doing such things as campaigning, talking with constituents, or publicly expressing views on local issues, for fear of being accused of bias or facing legal challenge.
 26. The Localism Bill makes it clear that it is proper for councillors to play an active part in local discussions, and that they should not be liable to legal challenge as a result.
 27. Unfortunately, the enabling legislation has not yet been passed so no changes are proposed to Section 5 of the Planning Code of Good Practice which relates to ‘Fettering Discretion in the Planning Process’. As soon as the legislation is published the appropriate changes will be made.

Review and officer proposed changes relating to the Scheme of Delegation to Officers

28. The review of the service, changes and anticipated changes to legislation and experience of operating the scheme of delegation have highlighted a number of areas where revisions and additions are necessary to allow the service to continue to operate effectively and reduce the risk of external challenge.
29. This section deals with the proposed changes to the current Scheme of Delegation to Officers and all suggested changes have been incorporated in the revised scheme at Appendix 1.

Expand categories of application which can be called in

30. Considerable concern has been expressed by respondents to the review about the current Scheme’s restriction on Members ability to call some types of application in. It is therefore proposed amend the Scheme to expand the types of application which can be called in to include Listed Building & Conservation Area Consents and Advertisements.

Enforcement

31. The current wording of the enforcement provision may be open to challenge. The intention was that officers could take enforcement action and prosecute on all planning and heritage matters where appropriate, but the wording could be interpreted as only allowing action in line with a Council, i.e. Committee/ Cabinet/Full Council decision. The wording has been amended to remove the ambiguity.

Appeals

32. Where there is a substantial risk of costs being awarded and Counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the council's case and time does not permit referral back to Committee, officers should be authorised to consult with the Chairman and inform the appellant and the Planning Inspectorate that the council will not seek to defend such reason(s) at appeal. A provision has been inserted.

Trees & Hedges

33. Two provisions have been added dealing specifically with tree and hedge matters to ensure prompt action can be taken in respect of breaches of control, amenity and safety issues.

Other Decisions and Correspondence

34. The provision to make decisions and deal with correspondence has been amended. As currently worded officers can act where legislation **requires** them to do so. There are numerous occasions where officers have to act but there is no specific legislative requirement to do so. The provision has also been amended to cover handling government and inter-planning authority consultations.

Local Validation Checklist

35. There is now a requirement for Councils to validate new planning applications against a locally adopted checklist. Provision has been added to enable officers to prepare the checklist and amend it when necessary.

Article 4 Directions

36. Directions remove permitted development rights and it could be argued that they are not covered by the enforcement clauses so a specific clause has been added to allow service and confirmation.

Revise Planning Conditions

37. There are occasions where there are delays between a committee decision and the issue of a decision notice (for example while negotiations take place to finalise legal agreements) during which circumstances change. This can result in conditions no longer being required, relevant or worded appropriately. (Other examples would be where there are clear errors/typos in conditions, to reflect changes in circumstances between a meeting and issue of a decision or a need to add to a condition or reword a condition to ensure that it complies with policies and legal guidance.) Any changes will be reported back to a subsequent meeting for Members to note. The scheme has been amended to allow such changes to be made in certain circumstances.

Fees for Planning Advice and Planning Applications

38. In response to changes in legislation the council introduced fees in April for a number of its advice services. Over time these will need to be revised

repeatedly in response to changes in circumstances or legislation.

39. The Government look likely to introduce legislation to allow authorities to set planning application fees (at the moment these are set nationally). The council will have to act quite quickly once the legislation is in place and it is unlikely that the timeframe will allow these to follow a lengthy approval route. As the setting of planning fees is not an executive function, it is suggested that Council be recommended to delegate this function to the Strategic Planning Committee.

Judicial Reviews and Challenges

40. The current scheme refers to instituting judicial reviews but is moot on defending reviews or other challenges. The scheme has been amended to address this issue.

Applications Considered by the Strategic Planning Committee

41. The current Scheme of Delegation contains a provision that the following type(s) of application shall be determined by the Strategic Planning Committee:

Large-scale major developments (defined as those of 200 houses or more or 10,000 square metres of non-residential floor space) which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance. This will include applications of a similar nature by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person (Regulation 3 applications);

42. A problem has arisen with the final sentence of this clause which can be read as requiring all of the council's own applications meeting the definition criteria having to go to the Strategic Planning Committee. This was never the intention but it has recently resulted in an application for a large extension to a secondary school, supported by both the parish and local Member going before the committee. Had the clause been worded differently the application could probably have been approved under delegated powers.
43. Officers believe the wording should therefore be changed and simplified as follows:

Large-scale major developments which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance. This will include applications of a similar nature by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person which have similar implications or raise similar issues;

Conclusion

44. The Scheme of Delegation to Officers and the Planning Code of Good Practice have now been amended to reflect the recommendations flowing from the service review, the views expressed by the Cabinet Member for Neighbourhood & Planning and the Chair and Vice Chairs of the four Planning Committees, the

Focus Group on the Review of the Constitution, a Member group looking specifically at the 21 day rule and Cabinet at its meeting on 19 October 2010.

45. The revised Scheme also includes changes to address practical and operational issues which have come to light since it was drafted in 2009.
46. The changes from all sources are considered to be appropriate and are itemised individually in the recommendation below. The changes have also been incorporated into the revised versions of the Scheme of Delegation and Code of Good Practice which form Appendix 1 and 2.
47. If agreed by Cabinet, and following consultation with the Standards Committee, Council will be asked to approve the recommendations to incorporate the changes into the constitution. (This procedure is required by Article 16.3 of the constitution.)

Recommendations

48. It is recommended that the actions contained under a) and b) below be endorsed by Cabinet.

a) The Scheme of Delegation to Officers specific to Planning (Part 3C)

It is recommended that the following takes place:

1. Amend the Scheme to expand the types of application which can be called in by Members to include Listed Building & Conservation Area Consents and Advertisements.
2. Amend the Scheme to extend the Member 21 day call in period in specific circumstances (as set out in Appendix 1).
3. Simplify guidance on Member call in procedure for planning applications and ensure officers confirm what action they are taking.
4. Retain current practice of Division Member only call in unless the Chairman has discussed the application with Members who may have conflicting views, and then decides to call the application in.

(The Focus Group wanted clarification on what happens when the Chairman is the Division Member and for this to be set out clearly in the Code of Good Practice – it now has been included in para 9.3 of the revised version of the Code, Appendix 2)

5. Amend the Scheme to include the discharge of conditions.
6. Amend the Scheme to clarify what delegated enforcement powers officers have.
7. Where an appeal has been lodged against a planning decision and Counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the council's case or that there is a substantial risk of costs being awarded against the council, officers be

authorised to inform the appellant and the Planning Inspectorate that the council will not seek to defend such reason(s) at appeal.

(The Focus Group suggested that the matter be brought back to Committee if time permits and if not, the decision should be taken in consultation with the Chairman. This suggestion has now been incorporated into the revised version of the Scheme of Delegation, Appendix 1)

8. Amend the Scheme to cover actions in respect of tree and hedgerow matters.
9. Amend the Scheme to make it clear that officers can deal with decisions, correspondence and consultations covered by legislation and serve Building Preservation Notices.
10. Amend the Scheme to include determining the requirements for and amending when necessary the local validation list for planning applications.
11. Amend the Scheme to cover the making and confirmation of Article 4 Directions.
12. Amend the Scheme to confirm that the Director of the Service has delegated power to make changes to conditions approved at committee provided this is in line with the principles of the committee's decision which would be reported back to Committee for information.
13. Amend the Scheme to make provision for delegated fee setting for advice and subsequent amendments to officers, and recommend to Council that fee setting for applications becomes a function of the Strategic Planning Committee.
14. Amend the Scheme to cover defending judicial reviews and other statutory challenges in consultation with the head of Legal Services:
15. Remove any ambiguity about what constitutes a 'senior officer' (private applications submitted by them will have to go to Committee if objections are received) by defining this in the Scheme as follows:

A 'senior officer' within the Development Service will mean a Team Leader, Area Development Manager or the Service Director. In respect of other council services, a 'senior officer' will mean any Service Director, Corporate Director or the Chief Executive.

*(The Focus Group discussed this proposal and some members considered that if **any** planning officer submitted an application in a private capacity it should automatically be referred to committee. Officers believe that limiting referral to senior officers as originally defined is an appropriate probity safeguard and have not changed the recommendation.)*

16. Revise the Scheme of Delegation to clarify that applications submitted on **behalf** of the council by senior officers will not be treated differently from other applications. (Council applications submitted by senior officers will be treated in exactly the same manner as applications submitted by the public. Objections will not automatically trigger committee consideration.)
17. Amend the Scheme to clarify that similar considerations apply to both the council's own applications and the public's in respect of triggering consideration by the Strategic Planning Committee.

b) The Planning Code of Good Practice

It is recommended that the following takes place:

1. Amend the Planning Code of Good Practice so that it states that Division Members can nominate a substitute to undertake their planning duties, including 'call in' when they have a conflict of interest or are absent due to holidays or illness.

*(The Focus Group wanted this ability to nominate captured in the Scheme of Delegation rather than just in the Code of Good Practice. This has been inserted as part a. of the revised Scheme, **Appendix 1**)*

2. That the order of events at committee meetings be amended to the following: -
 - a) The planning officer will introduce each item and set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting.
 - b) Committee Members will then ask the officer to clarify any points/ask technical questions.
 - c) Members of the public who wish to make representations opposing the application will then be invited to do so.
 - d) Members of the public/applicant/agent (in this order) who wish to make representations in support of the application will then be invited to do so. Where two members of the public wish to speak in support of an application, only the applicant **or** agent will be allowed to speak, not both. If there is only one member of the public wishing to speak both the applicant and agent can speak.
 - e) Consultees who wish to make representations will be invited to do so.
 - f) The town/city or parish council representative, if present, will then be invited to make representations.
 - g) The division member will be invited to make representations*.
 - h) The planning officer will then have an opportunity to respond to comments or provide clarification of any points raised.
 - i) The chairman will then normally ask if anyone is prepared to move the officer recommendation or propose an alternative motion. Once a motion has been seconded it will be open to the councillors to debate it

and ask further questions of officers if required and determine the issue. The rules of debate as detailed in Part 4 of the Constitution will apply.

This wording of i) was revised by the Focus Group.

- * Any division member, be they a member of the committee or not is welcome to attend committee meetings and make representations on any application within their division. Councillors who are part of the committee will have voting rights but those who are not can speak, but are not eligible to vote. Division members who are not on the committee may be invited to participate in any debate on an application in their division at the chairman's discretion.
3. Amend the Code to clarify that parish/town/city councils have an individual slot to make representations at committee. Only one representative per council (representing the council's views, rather than their own individual thoughts) will be allowed to speak. Where an application site covers more than one parish, one representative from each of the affected parishes may speak.
 4. Add a section to the Code of Good Practice explaining that in certain circumstances, Members could be expected to act as the council's witness. Alternatively, consultants can be engaged to defend the appeal where a Member is unavailable.

(The Focus Group supported the view that Members who overturn recommendations should be prepared to support that decision if appeals are lodged. This has been picked up in the final paragraph of section 9.7 of the revised Code, Appendix I)

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The following unpublished documents have been relied on in the preparation of this Report:

Paper and electronic feedback from Members and parish and town councils on the consultation.

Appendices:

1. The Scheme of Delegation to Officers;
2. The Planning Code of Good Practice;

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Appendix 1

Revised version recommended by officers

DEVELOPMENT CONTROL SCHEME OF DELEGATION

The Director of Development (and any officers designated by that officer) is authorized to: -

- determine any planning application and discharge conditions under delegated powers (including tree/hedgerow work applications);
- deal with all enforcement matters (including deciding on the expediency of taking/not taking action and issuing enforcement notices, including listed building enforcement and urgent works notices and taking any further action, including prosecution and direct action in respect of any breach of control);
- deal with all types of appeal and their format;
- where an appeal has been lodged against a planning decision and Counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the council's case and time constraints prevent the matter being brought back to committee, officers, in consultation with the committee Chairman are authorised to inform the appellant and the Planning Inspectorate that the council will not seek to defend such reason(s) at appeal;
- make and confirm Tree Preservation Orders; Tree Replacement Notices and serve notices requiring action in relation to dangerous trees, and to initiate any associated direct action required to deal with dangerous trees; deciding whether to prosecute for breaches of the Planning Acts in relation to tree and hedgerow matters;
- determining any applications made under the High Hedges provisions of the anti-social behaviour legislation; including any necessary enforcement action;
- deal with decisions, correspondence and consultations under relevant local government, social, planning, listed building, conservation, building and environmental and other legislation. This includes proposals to change legislation or national guidance and consultation by other planning authorities;
- determine the requirements for, and amend when necessary the local validation list for planning applications;
- make and confirm Article 4 directions restricting or removing permitted development rights;
- nominate officers to represent the council on forums and working parties;
- authorise officers to enter land and buildings in the course of their duties;

- enter into, modify or discharge planning or legal agreements securing controls over development (e.g. Section 106 of the Town & Country Planning Act);
- make changes to conditions approved at committee (in the light of changing circumstances between the meeting and the issue of the decision) provided this is in line with the principles of the committee's decision. Any such changes will be reported back to a subsequent committee for member's information;
- set fees for planning advice and applications where legislation allows such fees to be set 'locally';
- set charges for copying, planning history searches, high hedge applications and discretionary fees for Local Land Charges;
- refuse applications following a resolution to grant permission or consent if the required legal agreements are not completed by the applicant within the timeframe set out in the officer's report;
- institute and defend judicial reviews and statutory challenges in consultation with the head of legal services.
- Make and serve Building Preservation Notices.

This is provided that none of the following conditions apply.

Reference to Committee by Wiltshire Council Division Member

Division Members can requests in writing/email that a planning application within **their** Division proceed to determination by way of an area committee. (Any request must be received within 21 days of the circulation of the weekly list of 'applications received' in which it appears, and set out the material planning consideration(s) which warrant the application going before committee). Officers will confirm what action is being taken following receipt of the request.

Where it has not been possible or appropriate to call an application in within this time, officers will accept call in requests in the following circumstances: -

1. An application has not been determined and it can still go to committee and be determined within the target date.
2. The application is already going to go out of time (because of negotiations/amended plans etc.) and taking it to committee will make no difference to performance.

Where neither of the above apply, and the Division Member thinks there is a strong case to delay the determination of the application and take it to committee, they can discuss the case with the relevant Area Development Manager who will then make an informed decision whether or not to exercise delegated powers.

- a. It is perfectly acceptable for councillors to nominate a substitute(s) to undertake their planning responsibilities, including application 'call in', if they have a conflict of interest or during periods of absence such as holidays or illness.
- b. Applications for tree work, prior approvals, Certificates of Lawfulness; notifications and variations/discharge of legal agreements - where the latter would bring them in line with a planning decision already made by the council, will not be eligible for call-in and will be dealt with under delegated powers.
- c. If private applications are made by an elected member or a senior officer of the council or their close relations, where representations objecting to the application have been received, permission can only be given by committee.

The following applications shall be dealt with by the Strategic Planning Committee:

- Large-scale major developments which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance. This will include applications of a similar nature by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person which have similar implications or raise similar issues.
- Planning applications for mineral extraction or waste disposal, other than small scale works which are ancillary to an existing mineral working or waste disposal facility;
- Applications, which if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval;
- Applications called in by a Division Member that cross the boundary of two area committees;
- Any application that the Director of Development deems raises issues that should be considered by the Strategic Planning Committee.

There will be occasions where it would be possible to deal with certain applications under delegated powers but where the Director of Development considers it inappropriate to do so, having considered any public representation and consultee responses. In these cases the applications will be determined by an appropriate planning committee.

Definitions

Planning application means any application submitted to the council for determination and included within the Governments' PS1 and PS2 returns. (This is a statistical questionnaire dealing with performance which local authorities have to submit regularly to the government and which divides planning application into distinct categories; householder, minor, major etc.)

'Large scale major development' means any application for 200 or more houses; residential development of 4ha or more or other development of more than 10,000 square metres or more than 2 ha, as defined by the Government in the PS1/2 return.

Householder development and the other descriptions of development referred to above shall have the meaning ascribed to them in the Government's PS1/2 return.

Enforcement notices includes all other formal notices under the Planning Acts used to investigate and remedy alleged breaches of planning control or improve the appearance of an area, including Breach of condition notices and Section 215 notices.

A private application is one which has no connection with a member or officer's council duties. For example, if an officer submitted a Regulation 3 application on behalf of Wiltshire Council it would not be a private application.

A 'senior officer' within the Development Service will mean a Team Leader, Area Development Manager or the Service Director. In respect of other council services, a 'senior officer' will mean any Service Director, Corporate Director or the Chief Executive.

A close relation is defined as spouse, partner, sibling, parent or offspring.

May 2011

Revised version recommended by officers 2011

Working Together

The Planning Code of Good Practice for Members of Wiltshire Council

1. Why a Code of Good Practice is Required

- 1.1. As a local councillor you will inevitably be involved in planning matters; as a councillor representing your division's constituents; as a councillor responsible for overseeing the planning framework for Wiltshire, or as a councillor responsible for deciding planning applications at an area or strategic planning committee. You will have a crucial role to play in both making the planning system work and ensuring the best possible outcomes for the community, both now and in the future.
- 1.2. The key purpose of planning is to manage development in the public interest. However, concerns are sometimes expressed about the probity of councillors meeting developers, applicants and interest groups and then taking decisions on an impartial basis. The aim of this code of good practice is to ensure that in the planning process in Wiltshire there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. Your role as a member of the council is to make planning decisions openly, impartially, with legally sound judgement and for justifiable reasons. This Code of Good Practice has been prepared to help you in this task.

2. When the Code of Good Practice Applies

- 2.1. This code applies to councillors at all times when involving themselves in the planning process. This includes not just the taking part in the planning committee meetings of the council, but on less formal occasions, such as meetings with officers, the public, parish/town/city councils and pre-application and consultation meetings. It applies equally to planning enforcement matters or site-specific policy issues as it does to planning applications.
- 2.2. If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of his/her staff, and preferably well before any meeting takes place.
- 2.3. This code is based upon the 'Model Members Planning Code' adopted by the Association of Council Secretaries and Solicitors in 2003 (updated in 2007). The Model Code was produced following consultation with the Standards for England, the Local Government Ombudsman and the Audit Commission.

3. Relationship to the Members' Code of Conduct

- 3.1. The Members' Code of Conduct must be complied with at all times. This Planning Code of Good Practice seeks to explain and supplement the Members' Code of Conduct for the purposes of planning. It provides helpful guidance for members. However, you are advised that if you do not abide by this Code of Good Practice, you may put the council at risk of proceedings on the legality or maladministration of the related decision and yourself at risk of either being named in a report made to the Standards Committee or council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Committee.
- 3.2. In the event of a conflict between this Planning Code of Good Practice and the Members' Code of Conduct the latter will prevail.

4. Development Proposals and Interests under the Members' Code

- 4.1. It is a fundamental point of principle that those who have a significant interest in the outcome of a planning decision should not take part in the decision making process, for example, Members may wish to make their own planning proposals, such as extending their own property.. Members should disclose the existence and nature of their interest at any relevant meeting, including informal meetings or discussions with officers and other members. Such interests should be declared at the start of the meeting.
- 4.2. Where your interest is personal and prejudicial:
 - Notify the Monitoring Officer in writing or by e-mail of your interest, if at all possible no later than the submission of the proposal;
 - Consider employing an agent to act on your behalf in dealing with officers and any public speaking at Committee - at any meeting, you must ensure that you leave the room whilst the meeting considers it;
 - Ask another elected member to represent division views;*
 - Do not participate in the processing of the application or the making of any decision on the matter by the Council;
 - Do not seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a councillor.
 - Your proposal will not be dealt with by officers under delegated powers if a valid planning objection to it is received. Where this happens it will be reported to a committee for a decision.
 - At the meeting of the committee you may speak on the application, but only to the extent permitted for members of the public (not as a local member) in accordance with paragraph 9.6 below. You must then leave the room.

* It is perfectly acceptable for councillors to nominate a substitute(s) to undertake their planning responsibilities, including application 'call in', if they have a conflict of interest or during periods of absence such as holidays or illness. In the case of death, the Chairman will nominate a stand in.

5. Fettering Discretion in the Planning Process

- 5.1. The integrity and public support for the planning process relies on members of planning committees making decisions that are open, transparent and above board. To participate in decision-making on planning matters, it is essential that you do not state how you will vote on planning matters prior to formal consideration of them at the meeting of the planning committee where you will have the officer's report and hear the evidence and arguments on both sides.
- 5.2. If you appear to have made your mind up prior to the meeting by publicly supporting or opposing a proposal, or have announced how you will vote, you will have fettered your discretion. Taking part in the decision in these circumstances will put the council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination, or a failure to take into account all of the factors enabling the proposal to be considered on its merits. Where you have fettered your discretion, do not speak and vote on a proposal and consider whether you should withdraw from the council meeting for that item. You should ensure that your decision not to speak and vote on these grounds is recorded in the minutes. However, where you are representing the views of your local electors and have fettered your discretion, you may still speak in your capacity as a local member as long as you do not have a personal and prejudicial interest. In these circumstances, you should ensure that your actions are recorded and you must not vote.
- 5.3. *Where I am a member of a parish, town or city council, can I still attend the parish/town/city council meetings where planning matters are discussed and still be a member of a Wiltshire Council planning committee?*

You can still take part in debates on planning proposals at parish/town/city council meetings, provided that:

- The proposal does not substantially affect the well being or financial standing of the city/town/parish council;
- You must make it clear to them that any views you express are based on the limited information before you only and that you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee;
- You make it clear that you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that parish, as and when it comes before the Committee and you hear all of the relevant information;
- When the development proposal comes up for consideration at a Wiltshire Council Planning Committee, if you intend to speak or vote you should disclose the personal interest regarding your membership or role at the town/city or parish council.

6. Contact with Applicants, Developers and Objectors

6.1. As a community leader and local representative you will want to be involved in relevant public meetings, pre-application discussions and policy production. Councillors can involve themselves in discussions with developers and others about planning matters provided you keep to the following guidelines:

- Where developers organise a public exhibition or display of their proposals, it is acceptable to visit to examine the proposals and ask questions of the developers to ensure that you are fully informed of the nature of the proposals. You may feed in your own and your local community's concerns and issues and engage in discussion. However, be aware that you must have an open mind at the point of decision-making and therefore you should not state how you or other members might vote.
- Pre-application meetings with developers or prospective applicants may be a positive way of engaging the developer to seek to ensure that community needs are met. However, if approached, you should refer any requests for such a meeting to an officer of the Development Service. The officer(s) will then organise the meeting and ensure that those present are advised from the start that the discussions will not bind the authority to any particular course of action and that the meeting is properly recorded.
- Refer those who approach you for planning, procedural or technical advice to officers;
- Advise those looking for policy guidance to examine the policies in adopted local plans and the Local Development Framework;
- Avoid meeting developers alone or putting yourself in a position where you appear to favour a person, company or group.

7. Lobbying and Councillors

7.1. Lobbying is recognised as a normal and proper part of the political process. However, it is important for members to protect their impartiality and integrity in planning matters. You will not breach this code of Good Practice by listening to or receiving viewpoints from residents or other interested parties provided that you make it clear that you are keeping an open mind. Expressing an intention to vote one way or another before a meeting of the Council would prejudice your impartiality. Councillor's attention is drawn to the following advice: -

- Avoid accepting gifts or hospitality from any person involved or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure that its acceptance is declared as soon as possible and enter it into the register of interests where its value exceeds £25 (twenty five pounds) in writing within 28 days of accepting such hospitality;
- Pass a copy of any lobbying correspondence that you receive to the relevant Development Control Area Team Manager or the case officer at the earliest opportunity;

- Do not pressurise or lobby officers for a particular recommendation;
- Promptly refer to the Development Control Area Team Manager any offers made to you of planning gain or constraint of development, through a Section 106 Planning Obligation or otherwise;
- Inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) who will in turn advise the appropriate officers to follow the matter up.
- Political Group Meetings should never dictate how Members should vote on a planning issue and members should not excessively lobby fellow councillors regarding concerns or views, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

7.2. *Can I remain a member of an amenity society when it makes representations on planning matters?*

There are many general interest groups who concentrate on issues beyond particular planning proposals. These include bodies such as the National Trust; CPRE; Wiltshire Archaeology and Natural History Society; Ramblers Association; local civic societies. It is acceptable to be members of these societies, provided that a personal interest is declared when that organisation has made representations on a particular proposal and you make it clear that you have reserved judgement and the independence to make up your own mind on each separate proposal. However, if you become a member of or lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals, you will have fettered your discretion and are likely to have a personal and prejudicial interest.

8. The Role of Officers

8.1. Officers and members work together to deliver the outcomes that seek to deliver the right development at the right place at the right time, whilst protecting the built and natural environment. It is therefore essential that there is mutual trust and understanding between officers and members. Officers will advise and assist members in their formulation of planning advice and the determination of applications and will provide:

- Impartial and professional advice;
- Committee reports that include a clear and accurate analysis of the issues in the context of the relevant development plan and other material considerations; the substance of the representations and views of those who have been consulted and a clear recommendation of action.

Officers will process and determine applications in accordance with the council's code of Conduct for Officers and the Royal Town Planning Institute's Code of Professional Conduct.

9. Decision Making

- 9.1. Planning decisions are made within the context of a national, regional and local planning framework and Inspectorate decisions. By law, the council has to make decisions in accordance with the Development Plan unless material planning considerations indicate otherwise.
- 9.2. As a member, you can request that the relevant planning committee considers a planning application in your division and not be dealt with under delegated powers (although there are a few exceptions, such as tree applications, set out in the Scheme of Delegation). To call-in an application, you need to do this in writing, (an electronic proforma is available for electronic submission), and send it to the relevant area team manager or case officer handling the application. Requests must be received within 21 days of the circulation of the weekly list (but there are some exceptions set out in detail in the Scheme of Delegation to Officers – Part 3B of the Constitution). The proforma must record planning reasons why the committee should deal with the application. (It would be helpful if councillors would contact the case officer prior to call-in to discuss the planning issues involved and whether a call-in is necessary.) Following receipt of a request, officers will confirm the action to be taken and keep the member informed when they are ready to make a recommendation.
- 9.3. While there is a strong presumption that the Division Member's views on call in should prevail, if another Member (i.e. one from a neighbouring division which is affected by the development) thinks an application should go to committee and this is contrary to the view of the local Division Member, it will be open to that member to discuss the application with the Chairman of the committee. Having discussed the application and considered the possible impacts the Chairman will then have the ability to ask for the application to proceed to committee for determination. In the rare event that the application is in the Chairman's own division, the adjoining member can discuss the application with the Director of the service.
- 9.4. Councillors should arrive at meeting with an open mind and make a decision only after due consideration of all the information reasonably required to make that decision including any matters reported at the meeting. If you feel that there is insufficient information before you, you should request that further information. If necessary, defer or, if the grounds are adequate, refuse the proposal.
- 9.5. *Site Visits* – Councillors will be expected to be familiar with the site and the issues surrounding the decision when they arrive at a committee meeting. It is acceptable to visit the site and, if necessary, surrounding properties that may be affected by the proposal, as an individual councillor before the meeting, although councillors should not enter onto a site without the consent of the owner. On no account should councillors express a view on the merits of the application to anyone, including the applicant, owner or any third party. With regard to the Strategic Committee, for major and controversial applications arrangements will exceptionally be made for organised site visits where these are considered necessary.

The committee reports and officer presentations should provide ample information

for councillors to determine applications. Very exceptionally, councillors at a committee may feel that a site visit is appropriate to assess the implications of the development. In these cases, reasons for the site visit will be provided and consideration of the application should be deferred pending the visit. (The site visit will be arranged by officers and although the owner's permission will be required, there should be no dialogue with members of the public or applicant/owner during the visit.) The application will then be re-listed on the following agenda.

- 9.6. *Public Speaking at Meetings* - The council has an established procedure in respect of public participation at planning meetings. This should be complied with. In particular, it is not permissible during meetings for members of the public to communicate with councillors debating the proposal either orally or in writing, as this may give the appearance of bias.

Consultees and members of the public who wish to speak at a planning meeting, either in favour of or against an application will be asked to register with Democratic Services. Notification can be given in advance of the meeting, but not before the agenda has been published, by contacting the Democratic Services Officer identified on the agenda. However it should be noted that the Democratic Services Officer must receive registrations in person at least ten minutes prior to the meeting; registration will take place on a first come first served basis and if someone fails to register in person the opportunity to speak will be offered to someone else if appropriate. If a large number of speakers wish to speak on an application, Democratic Services will advise them to coordinate their speakers.

Town/parish/city councils will have an individual four minute representation slot should they wish to speak. Only one representative per council should speak and it is important that the spokesperson expresses the formal views of their council, and not their own individual thoughts. If an application is near the boundary with an adjacent parish, each affected council will have a four minute slot. Any additional time will be at the committee chairman's discretion.

There will be a maximum of three members of the public permitted to speak in objection to an application and three members of the public permitted to speak in support of an application. Where a committee member with a prejudicial interest wants to speak as a member of the public (as they are entitled to do) they will need to secure one of the 'public slots'.

Each speaker will be allotted 3 minutes to address the committee and an audible 30 second warning may sometimes be given before the end of the three minutes.

In the case of particularly controversial or large scale applications the chairman of the committee will have discretion over these timings and will be able to allow more speakers. It is imperative, however, in the interests of natural justice that any increase in time allowance is applied equally between those speaking for and against.

- 9.7. *Decisions Contrary to Officer Recommendation*

There will be occasions when councillors wish to make a decision that conflicts

with the planning officer's recommendation. In these circumstances, members proposing, seconding or supporting such a decision must clearly identify and understand the planning reasons leading to this decision and must give the planning officer an opportunity to explain the implications of it. The reasons for the decision must be given prior to the vote and be recorded. If an application is to be approved, councillors should set out any particular conditions they would like imposed which will be in addition to the 'standard' conditions for that type of development which will be added by officers. An opportunity must be given to the planning officer to comment on conditions suggested by members and if necessary, the application should be deferred to the next available meeting to enable proper consideration to be given to the wording needed to achieve members' objectives or members may delegate to the officers the imposition of suitable conditions.

Reasons for refusal against officer advice must be planning related, clear and convincing. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge or appeal.

Where councillors think they could have concerns about any given recommendation at committee, officers will be happy to discuss the application beforehand to explore the options which may be open to the Members.

In cases where councillors have overturned a recommendation and the applicant lodges an appeal with the Planning Inspectorate which will be dealt with by way of hearing or public inquiry, Members should be prepared to defend that decision. This defence should be made in person or, at the Member's discretion in writing. Where Members attend and give evidence as part of the council's 'official team,' e.g., they are supported by counsel (as opposed to turning up to speak on an individual basis,) a Rule 6 statement will be required which usually has to be submitted nine weeks before the appeal hearing/inquiry. (Members may of course also be called upon to support the council's case on appeal where the decision has been made in line with the officer recommendation.)

10. Training

Planning is a complex area, but one that generates a great deal of interest amongst local residents and is at the heart of much of the activity of the council. Great care needs to be taken over procedural matters and to ensure that consideration of applications takes place in a clear and open manner and that decisions are based on sound planning principles. For these reasons, it is **mandatory** for all elected councillors of Wiltshire Council to have training in planning matters prior to sitting on a planning committee. All elected councillors will be able to attend this training and it will be arranged immediately after each election. For those elected at by-elections, similar training will be made available.

11. The Order of Events at Committee Meetings

Meetings will normally commence at 6 p.m. and the applications will be determined in the order in which they appear in the agenda unless the chairman has valid reasons for changing the order. Officer will try and ensure that applications which are likely to attract large numbers of the public appear early in the agendas. If the order is changed, this will be announced at the start of each meeting. The usual procedure will be:

- a) The planning officer will introduce each item and set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting.
- b) Committee Members will then ask the officer to clarify any points/ask technical questions.
- c) Members of the public who wish to make representations opposing the application will then be invited to do so. (up to 3 minutes each)
- d) Members of the public/applicant/agent (in this order) who wish to make representations in support of the application will then be invited to do so. Where two members of the public wish to speak in support of an application, only the applicant **or** agent will be allowed to speak, not both. If there is only one member of the public wishing to speak both the applicant and agent can speak.
- e) Consultees who wish to make representations will be invited to do so. (up to 3 minutes each)
- f) The town/city or parish council representative, if present, will then be invited to make representations. (up to 4 minutes each)
- g) The division member will be invited to make representations[†].
- h) The planning officer will then have an opportunity to respond to comments or provide clarification of any points raised.
- i) The chairman will then normally ask if anyone is prepared to move the officer recommendation or propose an alternative motion. Once a motion has been seconded it will be open to the councillors to debate it and ask further questions of officers if required and determine the issue. The rules of debate as detailed in Part 4 of the Constitution will apply.

[†] Any division member, be they a member of the committee or not is welcome to attend committee meetings and make representations on any application within their division. Councillors who are part of the committee will have voting rights but those who are not can speak, but are not eligible to vote. Division members who are not on the committee may be invited to participate in any debate at the chairman's discretion.

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Wiltshire Council

Cabinet

24 May 20011

Subject: Wiltshire Military Civilian Integration Programme

Cabinet member: Cllr Fleur de Rhé-Philipe - Finance, Performance and Risk

Key Decision: No

Executive Summary

This report is presented to Cabinet for information and to ask Cabinet to continue to support the Programme. The report outlines the work that has become known as the Military Civilian Integration (MCI) Programme to support improvements in military civilian integration in Wiltshire.

The report summarises the work that has been successfully completed in the programme, highlights key aspects of the on-going work and demonstrates how existing work streams join up from the point of view of Wiltshire Council and its partners. Also, this report recognises that particular work streams within the programme are now gaining a much higher profile and merit consideration, and active support, by members of the Cabinet.

Proposal

That Cabinet:

- (a) continues to support the MCI Programme and in particular the development of the Salisbury Plain Super Garrison.
- (b) recognises the higher profile, and likely media interest, in the:
 - Personnel Recovery and Assessment Centre at Tedworth House, Tidworth
 - Drawdown of RAF Lyneham, including the announcement that the town of Wootton Bassett will become Royal Wootton Bassett later this year.

Reason for Proposal

The significance of the work being carried out by the MCI Programme merits active support by the Cabinet.

Andrew Kerr
Chief Executive

Wiltshire Council

Cabinet

24 May 2011

Subject: Wiltshire Military Civilian Integration Programme

Cabinet member: Cllr Fleur de Rhé-Philippe - Finance, Performance and Risk

Key Decision: No

Purpose of Report

1. This paper is presented to Cabinet for information. The paper outlines the work that has become known as the Military Civilian Integration (MCI) Programme to support improvements in military civilian integration in Wiltshire.
2. The paper summarises the work that has been successfully completed in the programme, highlights key aspects of the on-going work and demonstrates how existing work streams join up from the point of view of Wiltshire Council and its partners. Also, this paper recognises that particular work streams within the programme are now gaining a much higher profile and merit consideration, and active support, by members of the Cabinet.
3. Previously, the Cabinet received a report on the MCI Programme in July 2008.

Background

4. The significant military presence in Wiltshire is changing. The development of the Salisbury Plain Super Garrison (the first super garrison in the UK), change of use of RAF Lyneham, and a number of other military changes that are due to take place will have far reaching implications for local communities across the county for the foreseeable future.
5. Although there was an awareness of these changes¹ taking place, Wiltshire Council (and Wiltshire County Council before it) working with Headquarters 43 (Wessex) Brigade and partners, wanted to both quantify what this meant in terms of infrastructure, services and economic activity and examine the opportunities for joint working. Therefore, the MCI

¹ The impact of the Strategic Defence and Security Review (October 2010) on Wiltshire continues to be assessed.

Programme was set up in 2007 to shape and positively influence these changes, where possible.

6. The MCI Programme has attracted the attention of local MPs, other local authorities who wish to attract or retain a military presence in their area, and a range of other stakeholders. The lifetime of the programme has coincided with the formation of the Unitary Authority and the recent reduction in government grant funding to local councils.

Main Considerations for the Council

Programme Aim and Objectives

7. The aim of the MCI Programme is to optimise the *economic* and *social* benefits of the military presence in Wiltshire.
8. The programme has 5 main objectives:
 - To identify the changing military 'footprint' in the county
 - To quantify the economic contribution of the military to the county, and region
 - To enable the realignment of service provision to meet the changing needs of the military, their families and veterans (known as the Armed Forces community)
 - To spot opportunities for regeneration and building sustainable communities in the Salisbury Plain area
 - To ensure the county continues to remain an attractive location for long-term investment by the MoD

Programme Organisation

9. A group led by Wiltshire Council is managing the MCI Programme. Wiltshire Council is the 'Senior Responsible Owner' on the Sponsoring Group that comprises:
 - Andrew Kerr, CE Wiltshire Council
 - Brigadier Stephen Hodder, Commander 43 (Wessex) Brigade
 - Cllr Fleur de Rhé Philipe, Wiltshire Council/Chairman Plain Action
 - Mark Boden, Corporate Director Neighbourhood and Planning
 - Michael Constable, Defence Infrastructure Organisation
 - Alistair Cunningham, Service Director Economy and Enterprise
 - Bill Dowling, SO1 Salisbury Plain Super Garrison
 - Philippa Read, CE Community First (Voluntary sector representative)
 - Alan Truscott, Plain Action
 - Michael Williams, CE Wessex Association of Chambers of Commerce (Private sector representative)
 - Ian Cambrook, MCI Programme Manager
 - Specialist representatives, as required

10. As a result of changes made by the coalition government representatives from Government Office for the South West and the South West Regional Development Agency left the Sponsoring Group in March.
11. The MCI Sponsoring Group meets about every 6 weeks to provide strategic direction and guidance, and review progress with the programme.

Completed MCI Projects

12. **Impact of the Military on the Agricultural Sector:** The purpose of this early project was to identify the impact of changes in the military population, activities and land and airspace utilisation on the countryside and land-based sector in Wiltshire. The report was produced by ADAS UK Ltd and published in May 2008 and is available on the council website.
13. **South West Research:** The South West of England Regional Development Agency commissioned Wiltshire Council to undertake research to strengthen the evidence base on the military presence in the South West. The Military Presence and Economic Significance in the South West Region report was published in March 2009 and is available on the council website.
14. **Wiltshire Research:** The Wiltshire Research Project, Envisioning the Future provides a comprehensive assessment of the military presence in the county and identifies issues that exist in local communities where there is a military presence. The report was published in July 2009 and is available on the council website.
15. **Sustainable Communities Study:** The purpose of this project is to improve understanding of the dynamics of existing communities (specifically Bulford, Larkhill, Ludgershall, Tidworth, and Warminster) including the impacts of the proposed changes to these settlements as a result of the Super Garrison development. The project carried out by Drivers Jonas Deloitte was funded by the Plain Action Leader (EU) programme and partners and was completed in March 2011.
16. **Joining Things Up – a co-ordinated approach to services for military families:** The purpose of this project is to audit the provision of services to military families, including veterans, by statutory and voluntary agencies. This project was completed in March 2011. One spin-off from this project was the formation of the Armed Forces Housing Forum that allows stakeholders to share information on the housing needs of military personnel and on the services available.

Key on-going MCI work

17. **Salisbury Plain Super Garrison:** Supporting the development of the Salisbury Plain Super Garrison is the 'core' project within the programme and this work focuses on the plans for the future MoD use of the Salisbury Plain Training Area. There has been significant investment in infrastructure through the MoD's Project Allenby/Connaught (Total project costs are £8bn in Salisbury Plain and Aldershot for this 35 year contract) and increases in

the numbers of soldiers (around 2,000) based in the county. Super garrisons are also being developed in Aldershot, Catterick and Colchester.

18. **RAF Lyneham:** The MCI Sponsoring Group has provided a valuable forum to consider the implications of the drawdown of RAF Lyneham. The Wiltshire research estimated that the departure of the RAF would result in a £90m loss to the economy in the period up to 2015. Wiltshire Council is pressing the MoD for a decision on the future of Lyneham, following the announcement to withdraw the RAF by 2012. James Gray, MP for North Wiltshire, led a Westminster Hall debate on this subject at the end of January.
19. Wiltshire Council is extremely concerned about the future use of the site and the impact its closure will have on the local community and surrounding towns and villages. In October the Leader wrote to Dr Liam Fox, Secretary of State for Defence, expressing the strong preference for either a fully operational military use for Lyneham or for the site to be released, allowing the private sector to utilise the site for economic activity.
20. The speed up of the withdrawal of the Armed Forces from Germany announced in the recent Strategic Defence and Security Review – 20,000 troops returning to the UK by 2020 – could be an opportunity to retain a permanent military presence at Lyneham if the MoD decides this option. Wiltshire Council also needs to consider and discuss possible commercial options for Lyneham should the MoD decide not to have a military presence there.
21. **Tedworth House, Tidworth – Army Personnel Recovery and Assessment Centre:** In parallel to the Salisbury Plain Super Garrison development, MoD recently announced the setting up of a Personnel Recovery and Assessment Centre (PRAC) at Tedworth House in Tidworth. The role of the PRAC is to give wounded, injured and sick soldiers additional care and support to help them successfully return to duties or transition into civilian life.
22. Tedworth House will be part of a co-ordinated network of 11 Personnel Recovery Units around the UK. Only 2, Tidworth and Catterick, will be PRACs and Tedworth House will be the first one to open. Tedworth House will open with an interim capability in June (29 residents) and be fully operational (increasing capacity to 50 residents) in 2012.
23. These centres, built by Help for Heroes and run jointly by The Royal British Legion and the Army, will provide a residential base for those that need such care. Help for Heroes has committed £17m to the development and refurbishment of Tedworth House and The Royal British Legion is contributing £5m to this venture. The opening of Tedworth House is likely to attract considerable interest and publicity.
24. **Relationship with the MoD:** Since 2008 the government has introduced a series of new measures to deliver improved welfare and support for the

Armed Forces community². Wiltshire Council and Headquarters 43 (Wessex) Brigade contributed towards this early policy development in the MoD. More recently, the coalition government is continuing with this work to improve and develop 'The Military Covenant' (The covenant between the nation and its Armed Forces).

25. Also, MoD is continuing to develop its relationship with Wiltshire Council through the MCI Programme and new initiatives are being explored working with such groups as the Military Stabilisation Support Group. In February the first Army officer spent 2 weeks on placement with Wiltshire Council learning about governance, education and the youth development service as part of his pre-deployment training for Afghanistan where he will serve in a Provisional Reconstruction Team.

How MCI work streams join up

26. **Salisbury Plain Super Garrison and Sustainable Communities:** Wiltshire Council continues to support the development of the Salisbury Plain Super Garrison. The Sustainable Communities Study is a comprehensive report that considers possible development options focusing on Bulford, Larkhill, Ludgershall, Tidworth, and Warminster.
27. In particular, the study examined existing expectations of growth, mid-growth and maximum growth options in each settlement translating this into what it would mean in terms of population, new jobs and new homes. This work also involved limited community consultation to test the options under consideration and gauge community support for these proposals.
28. The timing of this report fits well with development of the Wiltshire Core Strategy and it offers an implementation plan which could be pursued by Wiltshire Council and its partners or adopted by the new Local Enterprise Partnership for Wiltshire, if it chose to do so.
29. **Lyneham:** The MCI Programme Sponsoring Group has enabled a constructive relationship to be built with RAF Lyneham and MoD's Defence Infrastructure Organisation (was Defence Estates until 1st April). Currently, the RAF is preparing to handover the site to the Defence Infrastructure Organisation for what is known as their disposals process.
30. The priority for Wiltshire Council is safeguarding the long-term future of Lyneham either by another MoD use or commercial use of the site. Increasingly community and economy related groups, particularly the chambers of commerce, are expressing their serious concerns about the future of Lyneham when the RAF depart from the area.
31. To help address some of the concerns of the business community the North Wiltshire Economic Partnership commissioned Roger Tym and Partners in March to conduct further research to assess the impacts of the RAF drawdown on local businesses in the area. In particular, businesses and the

² The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans (July 2008).

wider community are concerned to minimise any gap that might occur between the departure of the RAF and any other use of the site either by the MoD or commercially.

32. On 6th April a business consortium led by Mr Eddy Shah announced their ambitious plans for the development of a Lyneham theme park, including 1,000 new eco-homes, on this 1400 acre site. The feasibility of this proposal is contingent upon MoD making a timely final decision regarding the site.
33. On 7th April the first meeting of the Lyneham Steering Group was held at RAF Lyneham to bring together community and economy related groups who will be affected by the closure of RAF Lyneham to provide a voice for their particular concerns. Cllr Toby Sturgis was elected as Chairman for this group and the meeting was set up through the MCI Programme.
34. RAF drawdown related events, including the Prime Minister's announcement about granting 'Royal' title to Wootton Bassett in recognition of its efforts to honour the UK's war dead, will trigger a higher profile for RAF Lyneham, and Wiltshire, in the months ahead. In June there will be a handing back the Freedom of Swindon parade. In the same month the Hercules aircraft fleet will transfer to RAF Brize Norton and the last Hercules will leave Lyneham on 1st July. Repatriation ceremonies will be carried out at RAF Brize Norton in future and the runway at RAF Lyneham is due to close by the end of September.
35. **Tedworth House:** Wiltshire Council is supporting the re-development of Tedworth House into a Personnel and Recovery Centre through the MCI Programme. The substantial financial support made by Help for Heroes and The Royal British Legion clearly demonstrates the commitment that these organisations have to this centre and injured soldiers.
36. The Joining Things Up Project which was designed to put in place a more co-ordinated approach to services for military families will assist the development of Tedworth House and the range of services it is able to offer. The project report was published in March and it maps the provision of services (statutory and voluntary) available to military families, including veterans. This work is being led by Wiltshire Council and is 'work in progress'.
37. **Local Procurement:** A successful supplier and buyer event was held at Lackham College in March as the centrepiece of the 'Sustainable Food Chains' project led by Wiltshire Council and Headquarters 43 (Wessex) Brigade. The project was commissioned by South West Food & Drink and funded by the South West Regional Development Agency.
38. Headquarters 43 (Wessex) Brigade, encouraged by the Wessex Association of Chambers of Commerce, has used this project as an opportunity to increase local procurement and local trade. In particular, the project has helped to break down barriers, so that local producers can supply military Messes for special functions and establish effective working relationships with the Brigade.

39. **Greening the Army in the South West:** Wiltshire Council has started to work with 43 Wessex Brigade on a pilot project to support the Army move to a more sustainable approach to its estate and fleet management, procurement and personnel behaviours and thereby stimulate the green and low carbon economy in the South West. The project could enable the Army to adopt a low carbon approach to running its operations in order to reduce its carbon footprint, promote renewable energy and encourage resource productivity. Initial scoping work has been undertaken to investigate the potential of this project.
40. **Castledown Business Centre, Ludgershall:** The Castledown Business Centre, funded by Wiltshire Council and the South West Regional Development Agency, comprising 18 business units and a business incubation centre, was opened in 2010 near Tidworth. It was designed to attract and support start up businesses, including Service leavers and many with valuable skills, small businesses and encourage enterprise.
41. Currently, 16 units are let (85% occupancy rate) despite the economic slowdown and there is scope to expand the business park when the economy improves. Thirty-six people are working from the centre and a further thirty-six work off site (14 have direct links with the military). The Castledown Business Centre was identified in the Sustainable Communities Study as a 'strength' offering new employment opportunities and an opportunity to create a 'cluster' of military related employment activities.
42. Also, the Castledown Business Centre is establishing an effective working relationship with the MoD's Careers Transition Partnership based at Tidworth. The Careers Transition Partnership offers resettlement advice and guidance to military personnel leaving the Armed Forces and they dealt with over 1700³ personnel in 2010.
43. **Wellington Academy:** Although outside the MCI Programme, strong links have been established with the Wellington Academy (1,150 students) with its £32m investment in new facilities. The academy has an important role to play in the regeneration of Ludgershall and Tidworth in future.
44. The academy will have a Combined Cadet Force and up to 100 boarding places, many of which are expected to be taken by children from military families. Also, Wellington Academy is using 2 business units at the Castledown Business Centre to strengthen their relationship with the business community and enhance ICT and applied learning.
45. **Plain Action:** Plain Action is an EU Leader (rural development) programme running until 2013 funded by Defra and the Rural Development Programme for England by the EU (£2.5m). The programme was bid for with military civilian integration as one of its underlying themes and was the catalyst for

³ Service leaver clients who utilised Career Transition Partnership services at the Regional Resettlement Centre, Tidworth.

the development of the MCI Programme; it continues to work very closely with the MCI Programme.

46. Over 35 projects have been supported financially, so far, and around £1.4m has been committed to projects that will benefit communities in the Salisbury Plain area. Following the coalition government decision to disband the South West Regional Development Agency control of Plain Action funding will transfer to Defra in June.
47. **Wiltshire Assembly:** Commander 43 (Wessex) Brigade has been invited to speak at this year's Wiltshire Assembly conference on 9th June. The conference will focus on the theme of creating a lasting legacy for Wiltshire's people and places.
48. The conference will provide Commander 43 (Wessex) Brigade with an opportunity to explain how we can improve local efforts to respond to the needs of our veteran communities.
49. **Public Service Board/Area Boards:** Commander 43 (Wessex) Brigade is a member of the Public Service Board helping the public sector within Wiltshire to work together in a more focused way to improve its efficiency and effectiveness in the context of the MCI Programme.
50. Also, Commander 43 (Wessex) Brigade has ensured appropriate representation, and participation, in Area Boards where there is a military presence in the community.

Environmental and climate change considerations

51. The 'Greening the Army' and Local Procurement projects both have the capacity to reduce the carbon footprint of the Army in Wiltshire and support the Army move to a more sustainable footprint for its facilities and resource management.

Equalities Impact of the Proposal

52. One of the original objectives of the MCI Programme was 'To enable the realignment of service provision to meet the changing needs of the military, their families and veterans (known as the Armed Forces community)'. A number of strands of work and project have contributed to improving quality of life and providing opportunities for military families, serving personnel and veterans.

Risk Assessment

53. The programme was established to aid the understanding of the impact, of the changes of the military presence in Wiltshire.

Financial Implications

54. The cost of programme management is met from the Economy & Enterprise Service. Project funding is secured for each project using both internal and external funding sources.

Legal Implications

55. There are no legal implications in managing the MCI Programme. The legal implications of individual projects are considered as part of the project initiation process.

Options Considered

56. Given the continued changes in the military footprint in Wiltshire and the success of the MCI Programme to date, discontinuation of the programme is not considered a viable option.

Conclusions

57. The success of the MCI Programme so far is the result of strong 'joint' leadership by Wiltshire Council and 43 (Wessex) Brigade, and the Sponsoring Group, who have been focused on the best use of resources. This success seems all the more remarkable when considered against the background of the economic slowdown, severe funding pressures faced by all partners and restructuring of partner organisations over the last 2 years.

Andrew Kerr
Chief Executive

Report Authors:

Alistair Cunningham, Service Director Economy & Enterprise
Ian Cambrook, MCI Programme Manager
Date of report: 18 April 2011

Background Papers

The following documents have been relied on in the preparation of this report:

Defence Spending and the Military Presence in the South West Region, March 2009: Wiltshire County Council
Envisioning the Future, July 2009: Wiltshire Council
Strategic Defence and Security Review, October 2010: MoD
Sustainable Communities Study Report, March 2011 (awaiting publication)
Help for Heroes – Support for our Wounded, March 2011: Help for Heroes
MoD Website
Plain Action Website
RAF Project Future Brize Website
Wellington Academy Website

Wiltshire Council

Cabinet

24 May 2011

Subject: Wiltshire Council Charitable Trusts

Cabinet member: Cllr John Thomson - Adult Care, Communities and Libraries

Key Decision: No

Executive Summary

This report sets out the background and rationale for the potential transfer of council Charitable Trusts to the Community Foundation for Wiltshire and Swindon, and in particular seeks Cabinet's approval for a specialist Community Foundation consultant to approach the Charity Commission for an 'in principle' sanction. The report therefore seeks Cabinet approval of the proposals set out below.

Proposal

That Cabinet:

1. gives approval to an approach being made to the Charity Commission to seek 'in principle' sanction to the transfer of 11 'in scope' Trusts to a leading charitable body;
2. approves the selection of the Community Foundation for Wiltshire and Swindon as an appropriate leading charitable body to whom the 11 'in scope' Trusts could be transferred, subject to the agreement of the Charity Commission;
3. gives approval to the appointment of a specialist Community Foundation consultant to undertake the work required to obtain 'in principle' sanction from the Charity Commission and
4. receives a further report following the approach to the Charity Commission for 'in principle' sanction, setting out the next steps including agreement to seek final sanction and to complete transfer, if appropriate.

Reason for Proposal

This is current best practice for making the most effective use of charitable trusts by local authorities. Transferring the Charitable Trusts to a leading charitable body will reduce costs associated with the management of these trusts which are not core Council business. Furthermore, the council will see a greater impact from the grant funding available due to the added value that will be derived from aligning the grant making of the transferred Trusts with the Community Foundation's existing grant making programmes.

Sue Redmond
Corporate Director, Community Services

Wiltshire Council

Cabinet

24 May 2011

Subject: Wiltshire Council Charitable Trusts

Cabinet member: Cllr John Thomson - Adult Care, Communities and Libraries

Key Decision: No

Purpose of Report

1. To seek Cabinet approval to obtain 'in principle' sanction from the Charity Commission for the transfer of a number of Charitable Trusts from the council to the Community Foundation for Wiltshire & Swindon (CFWS).

Background

2. Wiltshire Council holds as Trustee (as sole or custodian trustee) 18 charitable trusts, bequests, and prizes made to and for various issues and causes in and around the county. In some cases, the funds have become dormant or frustrated as the original intentions or governing documents of the funds are now out of date.

The 18 Trusts are as follows:-

| | |
|-----------------------------|--|
| William "Doc" Couch Trust, | RMH, Childs Dacs trust |
| Alfred E Withy's Trust. | Warminster Old British School |
| Billen Bequest | John Creasey Trust |
| Bodinnar's Trust | Edwin Young Trust |
| Charles & Jess Fortune | Calne Library Endowment |
| Corsham British School Trus | Colonel William Llewellyn-Palmer Charity |
| Esme Parrot | Westbury Public Baths |
| Hosier Educational Trust | King Georges Field Warminster |
| JB Childs Dacs trust | King Georges Field Melksham |

3. Increasingly, local authorities are recognising that acting as a charity trustee is not a core purpose and there is insufficient capacity and expertise to manage these funds effectively (for example, due to the recent staff restructurings at the council, the officer employed within Student Finance who managed many of the educational trusts left the council on the 31st March 2011 with no replacement currently identified to take on this role). Subsequently the Charity Commission has endorsed the release of these funds to leading charitable bodies.
4. Moreover the Charity Commission has specifically endorsed the transfer of assets to Community Foundations who have appropriate investment knowledge, charity commission reporting frameworks, and community grant-making track records (The Boost Initiative). Over 15 local authorities in England have transferred charitable assets to their local Community Foundation in order to get maximum benefit from Trusts which otherwise have traditionally under-achieved.
5. In line with Charity Commission thinking, and council practice nationwide, the Council is investigating the transfer of Wiltshire Council's Trusts to a third party charitable body.
6. In Wiltshire, the Community Foundation for Wiltshire and Swindon (CFWS) has been identified as a possible organisation to whom these funds can be transferred. Based on a model of philanthropic giving started in the USA nearly 100 years ago, Community Foundations are now well established and recognised parts of the British voluntary sector. They have been established to cover specific geographical areas and to support their local communities at grassroots level. They are set up as charitable trusts to enable many donors to collaborate in creating a permanent capital fund for the benefit of the local area. This will generate income for grant making that will be available for the long term, responding to local needs and issues at the time.
7. CFWS has a 20 year history of working for the good of Wiltshire by building a sustainable source of funding for the Voluntary Sector. They have an £8m endowment fund and deliver contracted grant making for funders across the country. Over the past 5 years CFWS have made grants amounting to just over £1.3 million to support over 300 groups, individuals and projects across the Council area, working to meet a range of needs, including the support of children and young people, the arts, older people, disabled people, conservation and the environment.
8. The Council has a well established working relationship with CFWS and provides core funding under the terms of a three year Partnership Agreement. In the current financial year the council is using the CFWS to distribute small amounts of grant funding. (Further information about CFWS and their relationship with Wiltshire Council can be found in their proposal at Appendix 1).
9. A number of meetings have been held between CFSW and the council's Voluntary and Community Sector Unit to explore the possibility of the transfer of the council's charitable trusts.

10. In addition, consultation has taken place with Legal Services and colleagues in Central Finance, Student Finance and the Arts Service, who are all involved directly in the administration of the council's Trusts.
11. A further meeting was held in January 2011, involving representatives of CFWS, legal services and a specialist Community Foundation consultant Colin Evans, where an analysis of the 18 trusts resulted in the identification of 11 'in-scope' and seven 'out of scope trusts'.

The 11 trusts identified as being 'in scope' and appropriate for transfer are:-

| | |
|------------------------------|-------------------------------|
| William "Doc" Couch Trust, | Esme Parrot |
| Alfred E Withy's Trust # | Hosier Educational Trust |
| Billen Bequest | JB Childs Dacs trust * |
| Bodinnar's Trust | RMH, Childs Dacs trust * |
| Charles & Jess Fortune | Warminster Old British School |
| Corsham British School Trust | |

The Alfred E Withy Trust is part 'owned' by Swindon Borough Council. The ownership of the trust dates back to when Swindon were part of Wiltshire County Council. As WC and SBC are separate authorities, a payment of 29% of the income is paid to Swindon Borough Council every six months.

* The JB Childs Dacs Trust and RMH Childs Dacs Trust are funds held by the Council in respect of compensation payments awarded to two individual 'named' children from the Criminal Injuries Compensation Board. The money is held by the Council, and will be released to the recipients when they reach eighteen years of age)

12. The remaining seven trusts deemed as being 'out of scope' and inappropriate for transfer are:-

| | |
|--|-------------------------------|
| John Creasy Trust | Westbury Public Baths |
| Edwin Young Trust | King Georges Field Warminster |
| Calne Library Endowment | King Georges Field Melksham |
| Colonel William Llewellyn-Palmer Charity | |

13. The reasons for these seven being deemed out of scope are as follows
 - The John Creasey Trust and Edwin Young Trust have been subject to a review by the Manager of the Arts and Archives service and have been found to offer the council a significant opportunity to fundraise, and generate income through tourism revenues. In addition they also have the potential to

acquire significant works at below market rates or as gifts. The Trusts also provide a potential long term opportunity to grow a collection of regional/national significance, which in turn would offer the opportunity to fundraise for the development of a municipal art gallery.

- The Colonel William Llewellyn-Palmer Charity, whilst distributing charitable funds also involves the holding of land. This does not fit with CFSW's profile regarding the holding of land or property. Furthermore this Trust is also subject to a separate proposal from Bradford on Avon Town Council to take on this responsibility.
 - Westbury Public Baths, King George's Field Warminster and King George's Field Melksham all involve the holding of land. As with the Colonel William Llewellyn-Palmer Charity this does not fit with CFSW's profile regarding the holding of land or property. Westbury Public Baths are being considered as part of the leisure review in consultation with the community.
 - Calne Library Endowment does not fit with the Foundation's grant priorities and with the endowment set up to exclusively to fund projects within Calne library there is little added value that CFWS could bring.
14. Further to the meeting of the 31st January 2011 a detailed proposal from the CFWS has now been received and can be found at Appendix 1.
15. To assist with the transfer process it is proposed to engage the services of a specialist Community Foundation consultant, Colin Evans. Mr Evans is the Vice President – Public Sector, for the Community Foundation for Greater Manchester. He has extensive experience in working with local authorities and has overseen the relationship with the 10 Local Authorities across Greater Manchester, identifying and liberating over £2m of Moribund (Dormant and Ineffective) Trust Funds in Greater Manchester and personally transferring over 600 Trust Funds to Community Foundations from local Authorities across England and Wales

Main Considerations for the Council

Benefits

16. In transferring its Charitable Trusts to a leading charitable body the Council will benefit from a reduction in the costs associated with activities that are not part of the Council's core business. The true cost of this work to the Council includes the salaries of officers administering, assessing and distributing the grants, supervision of the employees by line managers, involvement of Service Directors for grants being made in their areas, involvement of portfolio holders and councillors on panels, legal, accountancy and auditing costs, reports to the Charity Commission and Trustees of the Trusts and time reviewing performance. In addition there are investment management fees and monitoring by finance staff.

17. Furthermore, the council is likely to see a greater impact from the grant funding available due to the added value that will be derived by aligning the grant making of the transferred Trusts with CFWS's existing grant making programmes. The CFWS will also be in a position to grow the size of the funds by attracting additional resources that are not available to the council.

Appropriateness

18. For the council's Charitable Trust's to be transferred to the Community Foundation there must be accord between the charitable objectives set out in each fund's Trust Deed and the charitable objectives of the Foundation.
19. Following a review of all the council's Trusts, both dormant and active, two large trusts, the William "Doc" Couch Trust and the Alfred E Withy's Trust and a group of smaller trusts (Billen Bequest, Bodinnar's Trust, Charles & Jess Fortune, Corsham British School Trust, Esme Parrot, Hosier Educational Trust, JB Childs Dacs trust, RMH Childs Dacs trust and Warminster Old British School) have been deemed suitable by both parties and considered 'in scope' for possible transfer.
20. These trusts fall within the charitable objects of the Foundation and would fit within their two main strands of work, grants to individuals and grants to groups.
21. The Trusts identified have combined assets of £4,456,928 as of 31 March 2010. The Foundation proposes using £2,029,000 of these assets towards groups and £2,427,928 towards grants to individuals as set out in more detail in Appendix 1

Environmental Impact of the Proposal

22. The proposal has no adverse environmental impact.

Equalities Impact of the Proposal

23. WSCF operates under the terms of a robust Equal Opportunities Policy that governs all aspects of the Foundation's work including the delivery of funding programmes. CFWS are opposed to discrimination on any grounds and recognise that in some situations it is necessary to take positive action to eliminate discrimination and disadvantage. Regarding the delivery of grant programmes CFWS criteria are informed by equal opportunities considerations.
24. CFWS also recognise that positive action may be required to address social and cultural inclusion, and that there are implications for allocation of resources when planning and delivering programmes of work. CFWS also manage and distribute funds, grants and awards on behalf of a range of other national, regional and local funding bodies and private donors, each of which operate within separate sets of criteria, often using positive action to target resources where they are most needed, or directing funds to special interest groups or geographic areas according to private donors wishes.

25. Monitoring this aspect of the policy is carried out through an analysis of grants and funds allocated, evaluation reports, and adhering to the distribution and reporting requirements of funders.
26. Whilst there are no proposals to change the charitable purposes of the council Trusts 'in scope', it will be both possible and preferable, in some cases, to redefine the target recipients. Such a change of emphasis will help to ensure that future grant making better meets the needs of today's diverse communities and that grant making is more inclusive in terms of the people it supports and irrespective of where they live in the county.
27. For example, CFWS's proposals for distributing the funds generated for grants from the William "Doc" Couch Trust involve a wider interpretation of the original charitable purpose that will enable the support of disadvantaged young people from across the whole of Wiltshire to access further/higher education. This will add value and extend the reach of an existing CFWS programme 'One Degree More' which currently only enables them to provide financial support to disadvantaged young people living in the old district of West Wiltshire.

Risk Assessment

28. By seeking 'In Principle' sanction to transfer the 11 'in-scope' trusts from the Charity Commission the risks to the council are minimal because at this stage the council would not be committed to any further action.
29. If the council were to subsequently transfer the 11 'in-scope' Trusts to the CFWS it could do so knowing that the risk to the council would be minimised by transferring to an organisation with appropriate investment knowledge, charity commission reporting frameworks, and community grant-making track records. Furthermore WSCF is part of the national network of Community Foundations that have been specifically endorsed by the Charity Commission through the Boost Initiative. CFWS is an associate of the Boost Initiative.
30. The CFWS is also fully accredited by the national Community Foundation Network, having received its re-accreditation in April 2010. The Community Foundation accreditation scheme is one of only seven voluntary sector accreditation schemes that have been officially endorsed by the Charity Commission.

Financial Implications

31. There are no financial issues relating to seeking 'in principle' sanction from the Charity Commission. Whilst the costs of engaging the specialist Community Foundation consultant will be in the region of £1200, a request will be made by the consultant to the Charity Commission to allow ALL 'fair and reasonable' professional fees to be deducted from the assets at the time of final transfer. The cost of engaging the consultant are such that this can be carried out without the need to tender.

32. If these 11 Trusts are transferred to the CFWS this will leave seven funds still to be administered by the council. Of these seven, two Trusts, The John Creasey Trust and Edwin Young Trust have been reviewed by the Manager – Arts and Archives, and have been found to offer the council a significant opportunity to fundraise, and generate income through Tourism revenues.

Legal Implications

33. The Charity Commission will be consulted in order to receive ‘in principle’ support regarding the possible transfer.
34. Any subsequent transfer of the funds will require the specific agreement of the Charity Commission following application by the council using either a scheme arrangement; appropriate resolution given by the current trustee(s) or sections 74 and 75 of the Charities Act 1993 as amended by the Charities Act 2006.
35. Any subsequent transfer would also be examined in relation to the council’s Contract Regulations and Procurement Rules. However, based on the experience of the other local authorities in England the act of transferring these charitable assets will be a transaction between one set of trustees and another, and ultimately because the CFWS will not be providing a service on behalf of Council this should remove the need to deal with the transfer under the council’s procurement rules.

Options Considered

36. Option (a): To continue as at present, with all 18 trust funds being managed by Wiltshire Council
37. Option (a) would continue the present situation, whereby the council continues to incur costs associated with the management and administration of the Trusts, some funds continue to be moribund and others are not meeting the needs of local people as effectively as they could be.
38. Option (b): To transfer the 11 ‘in scope’ trust funds to a body who will act as trustee and manage the funds.
39. Option (b) would result in a reduction in both time and financial costs incurred by the council. It would result in the funds being used to meet the needs of local people through an independent organisation regulated by the Charity Commission which would also be best placed to grow the size of the funds by attracting resources that are not available to the council.

Conclusions

40. Cabinet are asked to ratify the recommendations contained within this report.

Sue Redmond
Corporate Director, Community Services

Report Author:

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Date of report:

Background Papers

The following unpublished documents have been relied on in the preparation of this report: None

Appendices

Appendix 1 – ‘Proposal for The transfer of Wiltshire Council held Charitable Trusts to The Community Foundation’ April 2011 (The Community Foundation for Wiltshire & Swindon)



The Community Foundation
for Wiltshire & Swindon

Appendix 1

Proposal

The transfer of Wiltshire Council held Charitable Trusts to The Community Foundation

Presented to Sandie Lewis

Head of Community Strategy and
Voluntary Sector Support
Wiltshire Council

April 2011

Working in partnership with

Wiltshire Council
Where everybody matters

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1. Introduction

The Community Foundation for Wiltshire & Swindon (the Foundation) is working in partnership with Wiltshire Council (the Council) to deliver a sustainable source of funding for the Voluntary Sector for the future. The Foundation supports the council by providing strategic advice, working closely with the VCS unit and through securing funding for the voluntary sector in the county. During our 20 year history, we have built up an endowment fund of £8m from corporate donors, individuals, families and independent charitable trusts. We have secured contracts from Government, the Big Lottery, Comic Relief and the European Social Fund which have all contributed to our overall contribution of £6,786,944 in grants made to 2,328 groups in our area since our inception.

The Council is now considering transferring a number of charitable trusts inherited by the Council to the Foundation. This will help the Council achieve a number of objectives. Firstly, it will reduce cost for the Council by removing management of trusts which is now not part of the Council's core business. Secondly, the Council is keen to see greater impact from the grant funding available to meet the changing needs of the community. Lastly, the Council will be able to increase the profile of the Council charitable trusts through achieving greater impact from the funding in the community and focussed marketing of them by the Foundation. Our proposal would relieve the Council of its current charitable, legal, management, and administrative responsibilities.

This proposal follows a number of meetings held between both parties to identify suitable trusts currently held within the Council. This proposal sets out a guide through the process required to release moribund and ineffective trust funds and transfer appropriate active trust funds with the support of the Charity Commission. All qualifying funds would be held in perpetuity for the benefit of future generations in Wiltshire, and invested to generate income for grants.

We are proposing to follow a proven model which is being adopted across the United Kingdom by members of the Community Foundation Network who are collectively engaged in partnership working with over 50 Councils. This approach has identified in excess of £20 million of redundant and ineffective trust funds for liberation/transfer and created in excess of £1.3 million of increased capacity in local grant making to grassroots community groups.

2. Executive Summary

Having worked closely with the Council for a number of years, the Foundation has been approached to determine whether transferring some or all of Charitable Trusts held by the Council to the Foundation would be possible. This project would enable the Council to reduce the costs and administrative burden of carrying out non-core business whilst ensuring that the Trusts continue to achieve their charitable objectives and increase the benefit to the community.

Following a review of the Trusts considered in scope, two large trusts, the William “Doc” Couch Trust and the Alfred E Withy’s Trust and a group of smaller trusts; Billen Bequest; Bodinnar’s Trust; Charles & Jess Fortune; Corsham British School Trust; Esme Parrot; Hosier Educational Trust; JB Childs Dacs trust; RMH Childs Dacs trust; Warminster Old British School; and Wiltshire County Council are deemed suitable by both parties. These trusts fall within the charitable objects of the Foundation and would fit within our two main strands of work, grants to individuals and grants to groups. The Trusts identified have combined assets of £4,456,928 as of 31 March 2010. We propose using £2,029,000 of these assets towards groups and £2,427,928 towards grants to individuals. Making the transfer of assets to the Foundation would relieve the Council of its current charitable, legal, management, and administrative responsibilities.

The cost of administering these Trusts is a key concern for the Council. These costs include; the salaries of Council Officers administering, assessing and distributing the grants; supervision of the employees by line managers; involvement of Service Directors for grants being made in their areas; involvement of Councillor Portfolio holders; legal, accountancy and auditing costs; reports to the Charity Commission and Trustees of the Trusts; time reviewing performance by the Council Executive. In addition there are investment management fees and monitoring by finance staff and the time allocated by the Communications team to market the funding and take advantage of the PR opportunities that arise. This places a considerable burden on the Council to administer non-core business. For the Foundation, administering Trusts and all the work involved is core business.

For the Foundation to take over and administer these trusts for the future will cost a one off set up fee (amount yet to be mutually agreed) and an annual administration

charge based on a % of the individual fund values determined at 31st March each year. For a detailed breakdown of the fees please see section 4. The set up fee covers the administration to transfer the trusts the foundation, investment management costs and marketing the funding to potential beneficiaries. The ongoing management fee covers the annual financial costs, grant administration, ongoing marketing and monitoring and reporting. We believe our proposal will represent a substantial saving to the Council over the costs currently incurred.

The Foundation has a 20 year history of working for the good of the County by building a sustainable source of funding for the Voluntary Sector. We have an £8m endowment fund and deliver contracted grant making for funders across the country. We are a net contributor to the welfare of the county. Working on behalf of the Council to administer these Charitable Trusts is an opportunity we are keen to take. The benefits the Council will gain by working in partnership with the Foundation will help us both meet the changing needs of our communities in these difficult economic times.

The Foundation would be grateful for the permission of the relevant stakeholders to obtain guidance and an 'in principle' sanction from the Charity Commission.

3. Identified Trusts and Proposed Use

In or Out Of Scope

The first task was to carry out an analysis of all the Trusts concerned in order to determine whether or not they could be considered in or out of scope for transfer to the Community Foundation.

The results of this analysis can be found below at pages 12 and 13.

Trust Transfer

For those trusts identified as being in scope the Foundation's the Council is seeking agreement to transfer the trusteeship in full to the Foundation.

In Scope Trusts

The following trusts are those that have been identified as suitable for transfer:-

- William "Doc" Couch Trust,
- Alfred E Withy's Trust and a number of small trusts which are listed below.
- Billen Bequest
- Bodinnar's Trust
- Charles & Jess Fortune
- Corsham British School Trust
- Esme Parrot
- Hosier Educational Trust
- JB Childs Dacs trust
- RMH, Childs Dacs trust
- Warminster Old British School
- Wiltshire County Council

Many of the Trusts identified are very old and their original purposes could be better met by bringing the use of the funding up to date. Having reviewed the Trusts, we do not propose changing their charitable purposes but do suggest redefining the target recipients. This change of emphasis will enable the Council to meet the needs of today's communities.

The Trusts identified have combined assets of £4,456,928 as of 31 March 2010. We propose making £2,029,000 of these assets towards groups and £2,427,928 towards grants to individuals.

Benefits to the Council

The grants to groups would focus on those groups working with young people with disabilities. This is an area where funding is decreasing and many of the smaller local groups catering for this community are finding it increasingly difficult to compete with the new Commissioning model for funding which favours single larger providers (many of whom are not local to the county). Transferring this funding to the Foundation would give the Council the opportunity to demonstrate its financial support for the sector, supporting smaller groups in addition to those working through the commissioning model and offset any negative PR which may result as the changes to funding become a reality.

Our current structure allows us to make grants to individuals for both university scholarships and for vocational training. This is a specialist area which we have developed thanks to a legacy and two previous trust transfers. Developing the skills of our young people and raising aspirations for those who may think themselves excluded from higher education will provide both a benefit to the individuals and to the economic prosperity of the county. The university funding is important due to the facts that university fees have gone up significantly and not having a university in the county makes it difficult for students to study and live at home. Vocational training is a key strand of the Action for Wiltshire Agenda and we are already one of the few organisations providing funding for this area. The transfer of the identified Trusts will significantly boost our ability to do more to support young people with their training and development across the county.

This is a new area for the Council and one that has already generated significant profile through our One Degree More campaign. For the Council to be a major funder of this work would give both the Foundation and the Council a real advantage in the media and generate significant goodwill.

For the Foundation to look after the Council's charitable trusts there must be accord between the charitable objectives set out in each fund's Trust Deed and the charitable objectives of the Foundation.

Detailed Proposals for the In Scope Trusts

WILLIAM “DOC” COUCH TRUST

Assets – as at 31/3/2010 value of £4,058,000

Purpose: Provide aid & assistance to those in need and/or to handicapped children & young persons. Provides grants to individuals, schools or community groups to provide funding for specialist equipment, training projects or activities that will support children & young people aged under 18 years with disabilities or who have a genuine need through hardship.

The Council currently welcomes applications for:

- grants to individuals or organisations for equipment to help young people under 18 years old, who live in Wiltshire and have a disability or other needs
- financial help to community projects or events where it can be shown that the users will be young persons who are under 18 years old, who live in Wiltshire and have a disability or other needs
- grants to schools who need financial help to support low income families or others in need, for school activities such as music, sport, drama and trips - the Trust will give the most help to schools in areas of greatest need

Foundation proposal

The Foundation proposes on transfer of the Trust, distributing the funds generated for grants from William “Doc” Couch Trust in two areas; Grants to Individuals (to support disadvantaged young people from across Wiltshire to access further/higher education and/or assist with equipment/educational/training/activity costs) and Grants to Community Groups, to support groups working with young people under 18 years old, who live in Wiltshire and have a disability or other needs. We would like to put 50% of income generated into each area.

It should be noted that the legal position in respect of this trust has been investigated by the Council’s legal department who have advised that any change of trustees will need an approach to the Charity Commission. Given the relationship built up by Community Foundations with the Charity Commission in this area we would like to

seek the permission of the relevant stakeholders to obtain guidance and an 'in principal' sanction from the Charity Commission.

ALFRED E WITHY'S TRUST

Assets - as at 31/3/2010 value of £227,000

Purpose - to support young people living in Wiltshire who are "poor in pocket but rich in merit".

The Council currently welcomes applications for:

- parents of young people aged between 11 and 18 living in Wiltshire who need help with financial costs such as school trips, uniform, specialised equipment or tuition
- Students who live in Wiltshire who need help with college or university expenses

Foundation Proposal

The Foundation proposes distributing the funds generated for grants from Alfred E Withy's Trust for our Grants to Individuals (to support disadvantaged young people from across Wiltshire to access further/higher education and/or assist with equipment/educational/training/activity costs).

It should be noted that the legal position in respect of this trust has been investigated by the Council's legal department who have advised that there are no apparent powers to appoint trustees so the Charity Commission would need to be consulted. The Foundation suggests the same approach as outlined for the William "Doc" Couch Trust above.

OTHER MISCELLANEOUS FUNDS

Total Assets - as at 31/3/2010 value of £171,928 comprising:

| | |
|------------------------------|---------|
| Billen Bequest | £1,588 |
| Bodinnar's Trust | £355 |
| Charles & Jess Fortune | £6,449 |
| Corsham British School Trust | £67,471 |
| Esme Parrot | £691 |
| Hosier Educational Trust | £58,901 |
| JB Childs Dacs trust | £481 |

| | |
|-------------------------------|---------|
| RMH, Childs Dacs trust | £7,258 |
| Warminster Old British School | £28,641 |
| Wiltshire County Council | £93 |

Purpose – each fund has an educational focus with the three largest being:

- Corsham British School Trust – to promote the education of persons under the age of 25 who are in need of financial assistance and are resident in Corsham; to provide items, services and facilities for Corsham Primary School; to promote charitable purposes for the benefit of the inhabitants of Corsham by assisting organisations operating in the Parish to provide or hire facilities for meetings, lectures and classes
- Hosier Educational Trust - promoting and assisting the agricultural education of students in the county of Wiltshire
- Warminster Old British School - providing scholarships, allowances or grants towards any school, university, college of education or further education (professional or technical); providing financial assistance towards school clothing, equipment or books, travel expenses, music or other arts to help residents of Warminster with their education; providing special benefits for children in Warminster schools that are not provided for by the Local Education Authority; providing financial help in promoting religious education, such as Sunday School

Foundation Proposal

The Foundation see the educational themes of these trusts as fitting very well with its Educational Grants stream (see above) and, as the distribution from these funds has been small in recent years, the Foundation proposes amalgamating the trusts to support this initiative either as part of the asset in perpetuity, or to be expended over the short term to deliver immediate grants, or a combination of these two.

It should be noted that the legal position in respect of these trusts has been investigated by the Council’s legal department.

The Foundation hopes that these proposals are of real interest to the Council.

SUMMARY OF PROPOSAL

| Trusts In Scope | 31/3/10 Value £ | Proposal |
|-------------------------------|--------------------|---|
| William "Doc" Couch Trust | 4,058,000 | 50% to Grants to Individuals (to support disadvantaged young people from across Wiltshire to access further/higher education and/or assist with equipment/educational/training/activity costs) and 50% to Grants to Community Groups, to support groups working with young people under 18 years old, who live in Wiltshire and have a disability or other needs. |
| Alfred E Withy's Trust | 227,000 | Grants to Individuals (to support disadvantaged young people from across Wiltshire to access further/higher education and/or assist with equipment/educational/training/activity costs). |
| Billen Bequest | 1,588 | Grants to Individuals (to support disadvantaged young people from across Wiltshire to access further/higher education and/or assist with equipment/educational/training/activity costs), either as part of the asset in perpetuity, or to be expended over the short term to deliver immediate grants, or a combination of these two. |
| Bodinnar's Trust | 355 | As per Billen Bequest above |
| Charles & Jess Fortune | 6,449 | As per Billen Bequest above |
| Corsham British School Trust | 67,471 | As per Billen Bequest above |
| Esme Parrot | 691 | As per Billen Bequest above |
| Hosier Educational Trust | 58,901 | As per Billen Bequest above |
| JB Childs Dacs Trust | 481 | As per Billen Bequest above |
| RMH, Childs Dacs Trust | 7,258 | As per Billen Bequest above |
| Warminster Old British School | 28,641 | As per Billen Bequest above |
| Wiltshire County Council | 93 | As per Billen Bequest above |
| Total | 4,456,928 | |

| Trusts Not In Scope | 31/3/10 Value £ | Reason for trust not being in scope |
|--|----------------------------|---|
| John Creasy Trust | 171,171 | Does not fit with the Foundation's grant priorities. Also the Council wish to investigate the use of the assets to generate an income stream. |
| Edwin Young Trust | 359,271 | Does not fit with the Foundation's grant priorities. Also the Council wish to investigate the use of the assets to generate an income stream. |
| Calne Library Endowment | 94,076 | Does not fit with the Foundation's grant priorities.. |
| Colonel William Llewellyn-Palmer Charity | 1,431,311 | Does not fit with the Foundation's profile regarding the ownership of land or buildings. |
| Westbury Public Baths | 665,137 | Does not fit with the Foundation's profile regarding the ownership of land or buildings. |
| King Georges Field Warminster | 1,556 | Does not fit with the Foundation's profile regarding the ownership of land or buildings. |
| King Georges Field Melksham | 291,682 | Does not fit with the Foundation's profile regarding the ownership of land or buildings. |
| Total | 3,014,204 | |

4. Cost Summary

The true cost of this work to the Council includes the salaries of Council Officers administering, assessing and distributing the grants. There is supervision of the employees by line managers, involvement of Service Directors for grants being made in their areas, involvement of Councillor Portfolio holders, legal, accountancy and auditing costs, reports to the Charity Commission and Trustees of the Trusts and time reviewing performance by the Council Executive. In addition there are investment management fees and monitoring by finance staff and the time allocated by the Communications team to market the funding and take advantage of the PR opportunities that arise. This places a considerable burden on the Council to administer non-core business. For the Foundation, administering Trusts and all the work involved is core business.

Our costs are competitive, fixed in advance, with the Fund managed under a service level or partnership agreement, providing for bi-annual reviews of performance and fee structures. Our fee structure is split into two parts, a one off set up fee followed by an annual management fee.

In the first year only we are proposing to charge a nominal one off set up fee (amount yet to be mutually agreed) based upon the value of the assets transferring to represent the direct costs aligned to the work undertaken by the Foundation to establish and transfer all trust funds in scope.

Set Up Fee

The transfer of the Trusts:

- the essential preparatory work in engaging with stakeholders within the Council
- establishing and putting into action the policies and processes required for transferring the assets in scope and physically integrating the funds into the Foundations fund structure and grants panel structures
- presenting the formal proposal for transfer to the Charity Commission and liaising with them to obtain an initial “in principle” and ultimate “absolute” sanction to transfer the Trust Funds in scope and where appropriate modernise the objects to reflect the future needs of the community, broadly in line with the original objects

- preparing all documentation in connection with the integration and launch of the funds including the application process, defining and agreeing the process for monitoring and evaluating successful grant applicants
- defining the Council's requirements for Impact Reporting and developing internal processes for delivering the report on an annual basis

Marketing the funding to beneficiaries:

Grants to groups

- We would email our eligible grant recipients with details of the additional funding, the criteria they have to meet and timings of grants rounds
- We would notify the infrastructure organisations of the new funding with the same information so they could refer applicants to us
- We would include the details on our website
- We would send out press releases to the local media including radio, TV, local newspapers and county publications
- We would send out press releases to the relevant voluntary sector associations responsible for disability and children's groups with hardship needs
- We would arrange a press launch to announce the partnership with the Council and the funding available

Grants to individuals

We have existing relationships with the state secondary schools in West Wiltshire and have been actively marketing to the rest across the county to fundraise for our One Degree More Campaign. From our experience it takes at least three visits to the school to build up the trust required for the schools to refer their more deprived students to the Foundation for funding. We work closely with the Head Teachers and Heads of Sixth Form to work out the most appropriate way to market to their students and parents. This involves either the Development Director or CEO going to the school to present to parents evenings or assemblies and providing marketing literature. Our evaluation of our costs done in 2010 has shown that this activity costs approximately £950 per school to get the applications coming in.

We also market our grants to individuals to statutory referrers including social workers, voluntary sector referrers including the Charities Information Bureau and the CAB's.

The work would include the following:

- We would visit the remaining 38 schools, @ £950 per school
- We would update and reprint our existing literature
- We would email all groups working with young people with information in particular the youth clubs and young carers
- We would email social workers and other statutory referral agents
- We will update our details with the Charities Information Bureau to enable them to refer people to us
- We would include the details on our website
- We would send out press releases to the local media including radio, TV, local newspapers and county publications
- We would send out press releases to the relevant voluntary sector associations responsible for disability and children's groups with hardship needs
- We would arrange a press launch to announce the partnership with the Council and the funding available

Any marketing outside of this brief will require separate consideration may incur additional charges.

Ongoing management fee

The Foundation's ongoing management fee is calculated as a % of the value of the endowed fund as at 31st March each year. Our fee is taken as a charge against the quarterly income receipts of the fund in the course of the year. The work required to distribute funds to individuals is greater than that for groups and the % charged reflect this difference. The fee for grants to individuals is 1.5% of the value of the endowed fund and for grants to groups is 1% of the value of the endowed fund. This reflects the work undertaken directly by management and team members within the Foundation in actively promoting and carrying out effective grant making in line with the Fund's agreed criteria. These charges cover the costs of providing:

- Investment Management and governance
- Financial management, accounting and ensuring independent auditing
- Annual returns to the Charity Commission and to Companies House
- Ongoing promotion of the funds on the Foundations web site

- Managing the promotion of the funds to potential beneficiaries and grant recipients
- Provision of advice and support to individual and groups in completing applications
- Undertaking all grant administration
- Assessing all eligible applications, taking up references and undertaking due diligence on the individual or applicant group
- Servicing the relevant grants panel two/three times per annum
- Responding to unsuccessful applicants and drawing up grant terms and conditions for successful applicants
- Making payments to the successful applicants in line with the agreed Fund criteria
- Providing annual donor statements of the funds including details of amounts applied for and grants awarded, projects supported, numbers benefiting, nature of the applicants, breakdown of geographical areas etc
- Obtaining monitoring information from successful applicants and evaluating same to ensure accurate and meaningful annual Impact Reporting
- Providing an annual impact report for the Council in line with your reporting requirements – structure to be agreed in advance

Any additional work outside of this brief will require separate consideration and may incur additional charges.

5. The Transfer Process

To make the process of the asset transfer as easy as possible, the Foundation is taking advice from Colin Evans, the Vice President – Public Sector, for the Community Foundation for Greater Manchester. Colin has extensive experience in working with local authorities and has overseen the relationship with the 10 Local Authorities across Greater Manchester, identifying and liberating over £2m of Moribund (Dormant and Ineffective) Trust Funds in Greater Manchester and personally transferring over 600 Trust Funds to Community Foundations from local Authorities across England and Wales.

His role is to

1. Help us draw up a formal proposal between the Foundation and the Council outlining the terms of our acceptance of the Trust Transfers
2. Draw up a Formal Agreement ratifying the approval to transfer assets to the Foundation provided by the Council's Executive or Cabinet members
3. Liaise with the Charity Commission to obtain an initial "in principle sanction" to utilise sections 74 and or 75 of the 1993 and 2006 Charities Acts and ultimately undertake the work to facilitate the transfer of all qualifying trust funds
4. Liaise with the Council's Legal Team, copying them into the content of the formal request and any queries which the Commission raise for the "in principle" and "absolute" sanctions. Providing transparency for the Legal Team

Once all the relevant approvals have been given the Foundation will work closely with the Council to make the transfer of assets as straightforward as possible and has experience of this from previous trust transfers. This can be time consuming but depending on the nature of the assets can often be achieved by changing ownership with the holder of the investments rather than via complicated transactions.

6. Timetable

The following is a potential timetable for the work to complete the transfer of the trusts to the Foundation and to begin the delivery of the grants:

March 2011

- The Foundation is given the permission of the relevant stakeholders to obtain guidance and an 'in principal' sanction from the Charity Commission
- The Foundation, supported by Colin Evans, approaches the Charity Commission for an 'in principal' sanction

April 2011

- In principal sanction received from the Charity Commission
- The Foundation produce a written response to the issues identified by the Council's legal team and puts the overall proposal to the Council at Cabinet or Executive level – as required
- The Foundation, supported by Colin Evans, approaches the Charity Commission for an 'absolute' sanction

June 2011

- Absolute sanction received from the Charity Commission
- The Foundation work with the Councils Finance team to collate all the relevant paperwork to facilitate the transfer of assets

July 2011

- The Foundation develops the marketing and impact reporting materials with the Council

September 2011

- Completion of assets transfer
- Press launch to announce the partnership
- The Foundation markets the funds

November 2011

- First grants are made

7. Summary

The Council and the Foundation have an established and beneficial relationship working together on behalf of the voluntary sector and the County. Making best use of Council assets is another way we can work together to enhance our communities. Our track record of working in partnership with both the council and other organisations has been won by our professional, honest and transparent approach. We appreciate the challenges that face the Council in these difficult economic times and are committed to do our part in helping you achieve the goals you have set. We hope that you will decide to transfer the Trusts administered by the Council to the Foundation through the:

1. Transfer of trusteeship in full to the Foundation of active trusts
2. Transfer of the administration of the active trusts if the Charity Commission determine that the Council have to remain the trustee
3. Transfer of trusteeship in full to the Foundation of moribund or inactive trusts

This proposal is based upon the Foundation's unique position in delivering a high level of charitable service directly to the heart of the local community. By working in partnership with the Foundation we believe the Council can continue to serve the county "today and forevermore" ensuring that a real difference can be made to the lives of ordinary people in need. The Foundation looks forward to working with the officers and members of the Council to this end and thanks the Council for its attention.

The Foundation would be grateful for the permission of the relevant stakeholders to obtain guidance and an 'in principal' sanction from the Charity Commission.

Rosemary Macdonald

Chief Executive

Appendices

Appendix 1 - An Introduction to The Community Foundation for Wiltshire & Swindon

The Foundation is a company limited by guarantee, a registered charity and a fully accredited member of the Community Foundation Network to standards endorsed by the Charity Commission. The Foundation is one of 58 across the country, who distribute over £70m of funding each year, and is governed by a board of Trustees drawn from all parts of the county and the commercial, voluntary and statutory sectors. In the year 2009/10 the Foundation distributed £913,000 to 255 groups/individuals in Wiltshire and Swindon including contracts to distribute grants on behalf of central government.

Established in 1991 the Foundation's role is to develop a permanent source of funding for the voluntary sector across Wiltshire and Swindon. We work with donors, both large and small to help them support a huge variety of projects across the county whilst building an endowment fund which will be there to fund our voluntary sector in perpetuity. Our focus is on people and disadvantage. We can draw on a large network of stakeholders that share our interests and want their communities to thrive. We work in partnership with some and as advisors to others whilst ensuring that the groups that make a difference to the lives of their beneficiaries have the resources they need to deliver. Harsh economic times make it all the more imperative that we are successful. We are here to help the groups who are taking up the challenge, funding them to maintain their service provision in the short term, become more sustainable in the longer term and to work more closely with others where appropriate.

The Foundation provides a cost effective and efficient broker service that provides support to new initiatives and enables different groups to work together. This simple structure allows the public sector, organisations and associations, wealthy individuals and successful businesses to maximise the potential of cause related community involvement, ensuring that all gifts have a real impact, for all the right reasons and for all time. The Foundation represents a new generation of social business, accountable, transparent, creative and active in engaging committed donors and matching them with areas of genuine concern. This is done in a manner that

improves, develops and supports Wiltshire diverse charity, voluntary and community organisations.

The Chief Executive of the Foundation is Rosemary Macdonald, who also chairs the Resilient Communities Partnership, is a member of the Action for Wiltshire Programme Board and sits on the Fredericks Wiltshire Advisory Board on behalf of the Council. Rosemary is also a Trustee of the Community Foundation Network (CFN), our membership body, and leads the network of 7 South West Community Foundations.

The Council have supported the Foundation's core costs in recent years and used the Foundation to distribute grants funding, notably in 2011 to older people's lunch clubs. Over the past 5 years the Foundation have made grants amounting to just over £1.3 million to support over 300 groups, individuals and projects across the Council area, working to meet a range of needs, including the support of children and young people, the arts, older people, disabled people, conservation and the environment.

Appendix 8 provides a list of groups and projects supported in Wiltshire during this period and an insight into the diverse range of groups the Foundation has supported. Furthermore the Foundation manages an Endowment Fund of nearly £8 million and utilises the services of professional investment fund managers. The Foundation's running costs are met through a range of fees that are charged for managing and administering funds and also from private sector donations in support of core costs.

The Foundation provides a professional approach for those that want to invest in local communities and to be engaged in proactive change making. The Foundation's service includes philanthropy advice, fund management, data collection, marketing and reporting in order to maximise impact, ensure transparency and guarantee donor involvement through specific reporting procedures. Appendix 7 provides a list of the individuals and organisations who have managed their giving by using the Foundation.

Appendix 2 - Our Service

Transferring redundant and ineffective trust funds and the transfer of appropriate active trust funds to the Foundation will relieve the Council of the cost and annual burden of administration and ensure that the interest and dividends earned on the money held in perpetuity will meet the current and future needs of the community.

Governance

The Foundation has an exceptional and well connected board of Trustees, drawn from the commercial, voluntary and statutory sectors. Each of the Foundation's Trustees must sit on a sub-committee related to their expertise and interests. The Board and all sub-committees meet quarterly. We have a strategic and operational plan and have charity commission approved quality accreditation. The Trustees set grant priorities annually, review investment performance quarterly and ratify all grants made. A list of our trustees and patron is included in the Appendices. We work closely with the Lord Lieutenant and the High Sheriff, the Bishop of Swindon and Salisbury Diocese.

Meeting needs

As with any funder, there is more need than funding available. In any community, many fundamental needs are hidden from view, with a great deal of vital work being undertaken by smaller, less known groups. It can be difficult to find out about local charities and community projects that need support. The Foundation works closely with a range of organisations to help prioritise where help is needed most and to identify where other funders are active to ensure that we are using our funds to their best effect. Our Grant Priorities are set following research and evaluation which is approved by our Trustees.

In addition young people in need of extra support to realise their potential and to maintain their aspirations can be difficult to reach. The Foundation's local knowledge and significant community and educational networks can help to identify suitable recipients and therefore reach those who might not otherwise find the funds they need. We have assembled a panel of experts in the education, finance and disability fields who are complimented by donor representatives to allocate funding to the most deserving youngsters.

We can guarantee that money will only be spent locally and in support of charitable purposes.

Enquiry handling

The Foundation will handle all grant enquiries to the trusts. The Foundation has put electronic systems in place to manage initial enquiries which reduces the number of ineligible applications being processed, reducing cost. Applications that do not meet the criteria of the fund are signposted to alternative funding. Those groups needing further support to be fit for funding are referred to the infrastructure organisations for guidance. This “funder plus” approach greatly reduces the risk of local groups/individuals being disappointed or turned away due to lack of funds.

Professional, cost effective grant administration

We have a professional Grants Team who are trained and supported with technology. Five of our Trustees are specifically focussed on Grants, working with the staff team to identify funding priorities and ensuring that our systems and processes are robust. A Strategic Grant Making project led by our Programme Director and undertaken in 2009 was rated highly for its innovation and impact and was featured at our National Conference. This has led to another Donor providing a large Strategic Impact Fund for the elderly in Salisbury, which we are in the process of structuring.

Our systems are specifically designed to reduce the administrative burden and reduce costs associated with high volume grant making. Applications are received electronically and a thorough review of our grant making processes in 2010 has resulted in further streamlining of our systems. For example, putting an electronic Expression of Interest form at the start of our process which needs to be completed before we send out an application form has reduced the number of applications not being returned or being ineligible by 40%. A considerable saving of time and cost.

Expert and local decision-making

It is proposed that our local well established grants panels, working to specific terms of reference, review applications, grant assessments and award grants. The Foundation provides the necessary panel recruitment, training and administration. The Foundation’s role is to ensure that members are trained and empowered to make grant decisions. Our network of grant panel volunteers, provide expertise and

local intelligence allowing the Foundation to understand the priorities for funding in their geographic area. This network is made up of local professionals and voluntary sector workers. The Council would be able to nominate additional members for the panels to enhance this further and take an active role in the decision making process. In keeping with Charity Commission requirements grant decisions are presented to the Foundation's board for ratification.

Collective giving

The proposal incorporates the income on these funds with existing funding streams managed by the Foundation. This means the Council is operating collectively with other donors in Wiltshire to meet local needs. This may mean that the Council will be able to joint fund projects with other donors, or provide top up funding where small amounts are required in addition to or instead of being the sole funder.

By being part of a community of Donors, the Council will be able to meet with other Donors as part of our Funding Forum and understand what their funding priorities are. This will help us both focus on where we are needed rather than duplicating funding.

The Foundation sees this as a true partnership between all the parties exhibiting a joined up approach to the delivery of grant funding. The Foundation works tirelessly to widen this partnership, source new income and deliver growth to the endowment and distribution elements of the funds through the work of its Development Committee.

Professional Investment Management

Management of your funds to maximise income is a key requirement for any donor when working with the Foundation. We use investment managers UBS Wealth Management to deliver our returns on investment. Their performance is monitored quarterly by an Investment Committee and managed on a day to day basis by the Finance Manager and CEO of the Foundation. The Chair of our Investment Committee is John Rendell, who has been performing this function for 11 years, he was the Head of Ernst and Young in Swindon. He is supported by David Holder, an accountant from Monahans and Andrew Kerr, CEO of Wiltshire Council.

Our endowment is valued at £8m for which we currently pay 0.5% for UBS Investment Management Services. Your funds will be invested with our current endowment and benefit from the same terms.

Our Investment Policy and report on Investment Performance is enclosed in the Appendices.

Publicity support

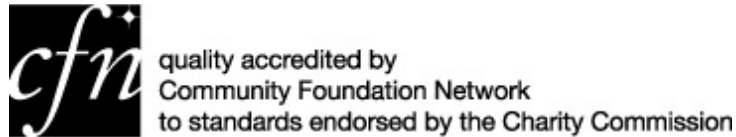
Through our marketing and communications activity we will maximise the PR potential of the new funds by actively promoting both the benefits passing to local groups and the Council's commitment to the development of the county's young people through our Grants to Individuals. This will demonstrate your commitment to social responsibility and the Big Society without placing an additional burden on your internal communication team. We will of course follow any corporate guidelines necessary and would be delighted to attend any planning meetings with your communications team to maximise publicity. Our assuming this function on behalf of the council will increase the capacity within your existing staffing and provide additional resource for the council, ensuring your work with us is fully recognised and well documented.

We would suggest that we hold a formal fund launch providing positive news about new money to support scholarships and groups – good news in the doom and gloom about cutbacks!

This function is used extensively by our other corporate donors. We provide copy for websites, media coverage and bespoke printed materials to support new grants programmes. We have an excellent relationship with the BBC, Radio and Local Television News, other local radio stations, the local papers and county magazines.

Appendix 3 - Quality and Administration

Quality Accreditation



The Foundation is quality accredited through our national body the Community Foundation Network. We have held the Quality Accreditation Standard set by the Community Foundation Network (CFN) since 2006. In 2009 the Foundation underwent CFN's Re-accreditation process as one of two pilot Foundations to go through a revised and more comprehensive standard and was awarded accreditation in April 2010.

Quality Accreditation is the standard set by CFN to ensure Community Foundations are healthy, strong and sustainable. The standard is aimed at making it easier for those Community Foundations that have attained the accreditation to bid for and deliver national contracts and partnerships.

The CFN Quality Accreditation Standard has received the endorsement of the Charity Commission ensuring that those Community Foundations who achieve the standards will be effective in the delivering of a quality service to their groups, donors and stakeholders.

Administration

We have a robust system of measures to check the validity of applications and prevent fraud. This is particularly important with our Grants to Individuals. All applications undergo a detailed assessment by a member of the grants team, this always includes a home visit to individuals applying for a grant and to most groups, especially if the application is from a new group or the project needing funding is out of the ordinary for the applicant. We also use our formal and informal networks of contact to provide information and document our findings on our central database for future reference. Should a group/individual give any cause for concern, they are flagged on our database and may be refused funding in future.

At the end of a grant, applicants are required to submit reports and are often visited for monitoring purposes. The information gathered is used to inform members of grants panels and the Board of Trustees and to provide reports to donors. All applicants are required to submit interim and end of project monitoring as a standard part of the terms and conditions which they agree to. Failure to comply with these conditions may preclude future applications. Grants made are annually analysed against the Foundations stated priorities and other themes to ensure equity and fairness. We also comply with Equal Opportunities and provide additional support for those needing extra help to apply for funding.

Monitoring and evaluation

All information gathered through these robust processes would be incorporated into a detailed report to the Council on the continued impact of the funds. The frequency of this reporting will be annually unless the Council requires more frequent reporting. The report provided can be tailored to meet your own reporting requirements and branding guidelines. The overall activity will be summarised in the Foundation's annual review and reported in our report and accounts.

Appendix 4 - Investment Policy

Introduction

This paper sets out the current investment policy of the Community Foundation for Wiltshire and Swindon in accordance with good practice recommended by the Charity Commission. The investment policy is reviewed annually by the Investment Committee.

The Needs of the Charity and its Beneficiaries

Central to Community Foundation's mission is the development of endowment funds, providing sustainable support for local communities in the long term whilst tackling need and deprivation through appropriate, targeted grant aid. The Foundation aims to achieve a balance between meeting current needs and developing the endowment to meet the needs of future generations.

The Foundation aims to make grants from unrestricted funds in any year up to the level of income available for expenditure. For staffing and support costs, the aim will be to meet these in each year from unrestricted donations, earned income, current account interest and income from endowment and keep reserves to cover three months' staffing and support costs.

Powers of Investment

Under the Foundation's Deed of Trust, the Trustees have wide powers to apply or invest The Community Foundation's monies as they shall in their absolute discretion think fit.

Investment objective

The Community Foundation's objective is to sustain investment fund growth at a level equal to or above inflation and generating a spendable annual return of at least 5%. The income for distribution is determined quarterly on the basis of the value of the dividends and interest received.

Investment Approach / Strategic Asset Allocation

The endowment fund is invested in Common Investment Funds, equities, and cash deposits. The asset allocation for the fund is determined by the Investment

Committee and is reviewed quarterly. Presently we do not invest in Government or Corporate Bonds or directly in commercial property.

Investment criteria

We do not impose any restrictions, ethical or otherwise, on the choice of investments, either directly ourselves or on our Investment Managers.

Investment Managers

The Trustees appointed, with effect from June 2009, UBS as investment managers, who are regulated by the Financial Services Authority, to manage part of the investment portfolio. UBS have delegated discretionary powers of investment, as detailed in their investment management agreement with us.

Investment performance

Investment performance is reviewed quarterly by the Investment Committee.

Approved by the Board of Trustees: September 2010

Appendix 5 - Fund Performance

The Foundation uses well established fund managers to ensure safe, ethical investment while achieving good levels of growth that will sustain effective grant making programmes. At present our endowment investments are diversified across a number of investment vehicles. In 2009 UBS were selected as our Fund Manager and we have been moving the management of our investments across to them on a gradual basis as and when it is most beneficial to do so.

The Foundation's Board of Trustees comprises members of the business and finance community and meets regularly to assess the progress of investments and to ensure that the Foundation is receiving best value for money to enable the sustainable generation of interest for grant making purposes. Names of board members are contained in Appendix 6.

The table below gives the Foundations net investment performance over the past five years i.e. after Investment Fess have been deducted at source.

| Year | Endowment Value £ | Net Investment Return £ | Net Investment Return % |
|----------|----------------------|----------------------------|----------------------------|
| 01/04/06 | 3,583,529 | | |
| 01/04/07 | 4,554,229 | 155,283 | 4.33 |
| 01/04/08 | 6,862,222 | 220,762 | 4.85 |
| 01/04/09 | 5,749,670 | 270,112 | 3.94 |
| 01/04/10 | 7,301,098 | 168,278 | 2.93 |
| 31/12/10 | 7,675,299 | 253,083* | 3.47* |

(*Forecast)

Fund performance will be evaluated quarterly and a statement of account produced annually in accordance with Inland Revenue and Charity Commission criteria. This will also be published in the Foundation's annual report and accounts.

Appendix 6 - Patrons & Board of Trustees

Patrons

Mr John Bush OBE – Lord Lieutenant of Wiltshire

The Right Reverend Dr Lee Rayfield – Bishop of Swindon

The Right Reverend Dr David Stancliffe – Bishop of Salisbury

Baroness Warnock DBE

Trustees

Mr Richard Handover CBE (Chairman)

Mrs Denise Bentley

Mr Christopher Bromfield

Mrs Clare Evans MBE

Mr David Holder (Treasurer)

Mr Andrew Kerr

Mr Angus Macpherson

Dame Elizabeth Neville

Mr Tim Odoire

Mrs Alison Radevsky

Mr John Rendell

Dr Fiona Richards

Mr Ram Thiagarajah

Mrs Sarah Troughton DL

Miss Elizabeth Webbe (Vice-Chair)

Mr John Woodget

Mr Simon Wright

Appendix 7 - Donors with funds managed by The Community Foundation

Endowed Funds

Named Funds (require a minimum pledge of £20,000)

| | |
|-------------------------------------|--|
| A.W. Gale Fund | Mrs L.E. Sutton Fund |
| Abbots Fund | Nationwide Building Society Fund |
| Avon Rubber Fund | Newbigging Fund |
| Barclays Bank Fund | Paul Osborne Fund |
| Bluemay Fund | “Paws On” Fund |
| Boris Karloff Fund | Robert & Julia Hiscox Fund |
| Clark Holt Fund | Rotary Club Of Swindon North |
| Cleland Family Fund | S.W. Farmer Trust Fund |
| Dolby Laboratories Fund | Sir Charles and Lady Nunneley Fund |
| Edwards Ford Fund | Tessa and John Manser Fund |
| Enterprise Inns Fund | The APT Electrics Fund |
| European Metal Recycling Fund | The Castrol Fund |
| Friends of The Community Foundation | The Catalent UK Fund |
| Friends Provident Fund | The Fiege Fund |
| Fuelforce Ltd Fund | The Gazette & Herald Fund |
| Giles Family Fund | The Gold Fund for Older People |
| Handy Fund | The Greenacres Fund |
| Hannick Fund | The Harrison Fund |
| Haydon Wick Fund | The James Smith Fund |
| Heart Fund | The Kestrels Fund |
| Herbert & Peter Blagrave Fund | The Knorr-Bremse Fund |
| Herbert & Peter Blagrave Strategic | The QinetiQ Boscombe Down Fund |
| Impact Fund | The Salisbury Fund |
| Hescott Fund | The Taurus Fund |
| High Sheriff's Fund | The Wansbroughs Fund |
| Honda Logistics Fund | The Wiltshire & Swindon Fund |
| Honda Of The UK Manufacturing Fund | The Wiltshire Society |
| HSBC Fund | The Withy King Fund |
| Ian Mactaggart Fund | The Youth Action Wiltshire Growth Fund |
| Innogy Fund | Thomas Grace Fund |
| Intel Corporation (UK) Fund | Tithegrove Fund |
| Intergraph Fund | Trethowans Fund |
| Jane Mactaggart Fund | Triumph International Fund |
| John and Valerie Rendell Fund | Tyco Electronics Fund |
| JP Morgan Fund | Uniq Fund |
| Kilcreggan Trust Fund | Wadworth Fund |
| KPMG Fund | William and Madeline Wilks Fund |
| Millennium Youth Fund | Wiltshire Education Fund |
| Motorola Fund | |

Foundation Funds (require a minimum pledge of £5,000)

Ainslie Fund
Airey Fund
Alastair and Lindsey Muir Fund
Ancram Fund
Annabel and Michael Gibb Fund
Clare Evans Fund
Fitzwilliam-Lay Fund
Hopton Sports Fund
Ian and Daphne Wilson Fund
James and Lucilla Joll Fund
Macdonald Family Fund
Moyra James Fund
Nicholas and Diana Baring Fund
Ottons Land Rover Fund
Sangster Group Fund

Sir Martyn Arbib Fund
Stanley Security Solutions Fund
Steve Willcox Fund
The Best Fund
The Cairns Fund
The Central Wiltshire Fund
The Marsden Fund
The Matthews Family Fund
The Peter & Nicky Alberry Fund
The Peter & Sarah Troughton Fund
The Reekie Fund
The Swindon Fund
The Wilsons Solicitors Fund
The Wiltshire Times Fund
Walter and Barbara Marais Fund

Legacies

The David Rogers Fund
Kitty O'Connor Fund
Michael Wilson Fund
Nora Clayton Fund
Peter Holmes Fund
The Maples Family Fund
The Shuker Educational Fund

Flow Through Funds

Big Lottery Fund (Fair Share)
Cabinet Office - Office of the Third Sector (Grassroots Grants)
Curry Memorial Fund
Herbert & Peter Blagrave Small Grants
J & M Charitable Trust Fund
Swindon Borough Council Small Grants
The Joffe Fund
The Leslie Smith Foundation
The Rupert Smith Memorial Fund
Verdon Smith Family Trust

Other Supporters

Core Cost Funders
Big Lottery (BASIS)
Fulmer Charitable Trust
Intel Corporation (UK) Ltd
Nationwide Building Society
South West Regional Development Agency
The Inchcape Foundation
Underwood Trust
Wadworth & Co Ltd
Wiltshire Council

2009/10 Event Sponsorship

David Owen & Co
Mr Richard Butler
Mr Richard Ensor
Mr Tim Ingram-Hill
SG Hambros Bank Limited
The Dowager Countess Jellicoe
The Kilcreggan Trust
Wansbroughs Solicitors
Wiltshire Life

In-kind support

APT Electrics
EMO
T H White Installation Ltd

Appendix 8 - Grants made in Wiltshire by the Community Foundation in the last 5 years

| <u>Group</u> | <u>Amount Awarded £</u> |
|--|-------------------------|
| 1st Amesbury Girls Brigade | 400.00 |
| 1st Wilton Scout Group | 2,000.00 |
| 2nd Amesbury Brownies | 8,478.00 |
| 4th Devizes Guides | 1,250.00 |
| 4th Salisbury (Harnham) Scouts | 5,000.00 |
| Ability Sports Association | 4,000.00 |
| Action on Addiction | 6,250.00 |
| Aero Badminton Club | 2,895.00 |
| AFC Corsham | 500.00 |
| AFC Melksham | 4,204.00 |
| Age UK Wiltshire | 38,590.86 |
| Aldbourn Allotment Association | 3,500.00 |
| Aldbourn Youth Council | 5,000.00 |
| Aldbourn Pre-School | 7,000.00 |
| All Cannings Pre-school | 3,948.00 |
| Amesbury Baptist Centre | 2,000.00 |
| Amesbury Open Award Centre | 2,040.00 |
| Andover Community Education Group | 3,000.00 |
| Arts Together | 10,000.00 |
| Ashton Keynes Badminton Club | 359.00 |
| Ask St Nicholas Ltd | 5,000.00 |
| Atworth Village Hall & Recreation Ground | 987.00 |
| Atworth Youth Club | 9,420.00 |
| Aviation For Paraplegics & Tetraplegics | 3,000.00 |
| Avon Small Saints Pre School | 1,490.00 |
| Aye Foure Scout Explorer Scout unit | 194.99 |
| Baby Fun with Yoga and Massage | 5,314.00 |
| Bath & District Bereavement Care | 2,065.00 |
| Beanacre Cricket Club | 5,000.00 |
| Bemerton Scout Group | 5,627.00 |
| Benger Bears Pre-School | 6,700.00 |
| Bishopdown Farm Community Preschool | 2,584.00 |
| Bishops Cannings Pre-School | 3,467.00 |
| Bishops Cannings Youth Football Club | 6,184.00 |
| Bishopstone Village Hall Committee | 5,000.00 |
| Bluez & Zuz | 2,450.00 |
| Bluez n Zuz Chippenham | 500.00 |
| Bluez n Zuz Marlborough | 500.00 |
| Bourne Valley Good Neighbour Link Scheme | 480.00 |
| Bourne Valley Historical Society | 2,000.00 |
| Bourne Valley Youth Project | 500.00 |

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| Bowerhill Youth Group | 6,750.00 |
| Bradford on Avon Arts Festival | 500.00 |
| Brinkworth Butterflies Pre-School | 6,511.00 |
| Brinkworth Recreational Group | 5,400.00 |
| Broughton Gifford Village Hall | 5,000.00 |
| Broughton Gifford Youth Club | 5,000.00 |
| Burbage & Easton Royal Cricket Club | 5,000.00 |
| Calne Area Transport | 5,000.00 |
| Calne Community Area Partnership | 5,000.00 |
| Calne Community Day Centre | 3,034.00 |
| Calne Family Action Group | 3,473.00 |
| Calne Football Club | 1,000.00 |
| Calne Heritage Centre | 5,000.00 |
| Calne Physically Handicapped Club | 1,500.00 |
| Calne Police Bluez and Zuz Youth Project | 500.00 |
| Calne Twinkles | 5,115.00 |
| Calne Youth Trust | 500.00 |
| Carers Support North Wilts | 5,233.00 |
| Carers Support Salisbury | 3,000.00 |
| Castle Gardens Pre-School | 1,000.00 |
| Central Methodist Church Luncheon Club | 810.00 |
| Charities Information Bureau South & West | 3,902.00 |
| Cherhill Playgroup | 7,000.00 |
| Cherhill Village Hall | 5,000.00 |
| Chinese Community Association of Wilts | 11,410.00 |
| Chippenham & District Talking Newspapers | 166.00 |
| Chippenham Breast Cancer Support Group | 530.00 |
| Chippenham Contact Centre | 500.00 |
| Chippenham Hospital Radio | 1,503.00 |
| Chippenham Luncheon Club | 857.00 |
| Chippenham Rotary St. Nicholas Appeal for a Pool | 1,750.00 |
| Chitterne Church Council | 1,000.00 |
| Christian Malford & Foxham Luncheon Club | 273.00 |
| Circular Arts | 22,000.00 |
| Colerne Luncheon Club | 782.00 |
| Community First | 11,684.00 |
| Community Transport South Wiltshire | 9,000.00 |
| Co-operative Futures | 10,000.00 |
| Corsham Knitting & Crochet Group | 3,855.00 |
| Corsham Police Bluez and Zuz Youth Project | 500.00 |
| Corsham Running Club | 758.00 |
| Corsham Wind Band Association | 6,975.00 |
| Craft Chat and Coffee | 100.00 |
| Creating Safer Communities | 500.00 |
| CVS North Wiltshire | 6,026.00 |
| Dance Aware | 4,644.00 |
| Dance South West | 1,140.00 |
| Dauntsey Pheonix Community Interest Company | 500.00 |

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|---|-----------|
| David Michael Hockney | 483.00 |
| Department for Children, Schools and Families | 21,115.07 |
| Devizes & District Association for the Disabled | 5,447.00 |
| Devizes & District Tuesday Handicapped Club | 250.00 |
| Devizes and District U3A | 2,500.00 |
| Devizes Budo Club | 7,350.00 |
| Devizes Canoe Club | 5,000.00 |
| Devizes Carnival Committee | 6,500.00 |
| Devizes Christian Fellowship | 4,000.00 |
| Devizes Club for the Blind and partially sighted | 1,000.00 |
| Devizes Hospital Radio | 3,692.00 |
| Dogs for the Disabled | 1,800.00 |
| Doorway | 4,034.00 |
| Easterton, Market Lavington and Urchfont LINK | 500.00 |
| Elizabeth House Social Centre | 18,451.00 |
| Erlestoke Social Enterprise Community Interest Co | 4,997.00 |
| Evaluation Trust | 9,437.00 |
| Foundation Stage - Lyneham Primary School | 100.00 |
| Fovant Youth Club | 2,300.00 |
| Friendly Tuesday Club | 6,755.00 |
| Friends of Holy Trinity School Calne | 150.00 |
| Friends of Langley Fitzurse School Association | 89.00 |
| Frowds House Scheme (Salisbury) | 6,000.00 |
| Goatacre Cricket Club | 5,000.00 |
| Great Bedwyn British Legion Club | 5,000.00 |
| Great Bedwyn Swings & Slides | 7,000.00 |
| Great Bedwyn Youth Group | 1,000.00 |
| Greatwood | 6,940.00 |
| Happy Caterpillars Pre-School | 7,000.00 |
| Harnham Memorial Hall | 5,000.00 |
| Heddington Under 5s | 7,830.00 |
| Hilperton 60 Plus | 500.00 |
| Holt Luncheon Club | 933.00 |
| Holt Sport & Recreation Committee | 4,800.00 |
| Home-Start Kennet | 10,653.00 |
| Hope Counselling | 7,500.00 |
| Humpty Dumpty Pre-School | 7,000.00 |
| Idmiston Parish Hall | 5,000.00 |
| Jubilee Centre | 6,672.00 |
| Kaleidoscope | 500.00 |
| Kandu Arts Sustainable Development | 1,000.00 |
| Kennet Accordion Orchestra | 200.00 |
| Kennet Citizens Advice Bureau Ltd | 11,908.00 |
| Kennet Friends | 11,500.00 |
| Kennet Furniture Re-cycling | 5,511.00 |
| Kennet Valley Arts Trust - Riverbank | 7,679.00 |
| Kennet Valley Sixty Plus Club | 1,000.00 |
| Kennet Valley Village Hall | 8,000.00 |

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| Kids on a Mission Youth Group | 200.00 |
| KSM Music and Movement | 168.00 |
| Lambert Lunch Club | 500.00 |
| Langford Lakes Watch Group | 895.00 |
| Lansdowne Lunch Club | 208.00 |
| Lavington Youth Social Sports Group | 6,525.00 |
| Leslie Knightsbridge-Knight | 125.00 |
| Lifestyles Wessex Ltd | 4,500.00 |
| Link 6 | 1,300.00 |
| Lions Club of Devizes | 1,800.00 |
| Little Cuckoos Parent and Toddler Group | 4,637.00 |
| Little Fishes | 1,455.00 |
| Luckington Pre-School | 5,725.00 |
| Lydiard Millicent Luncheon Club | 1,026.00 |
| Malmesbury Leisure Project | 660.00 |
| Malmesbury Lunch Club | 2,871.00 |
| Malmesbury Tuesday Club | 75.00 |
| Malmesbury Youth Football Club | 4,000.00 |
| Marden House Centre | 5,000.00 |
| Market Lavington Old School Day Centre | 1,000.00 |
| Marlborough Area Development Trust | 6,188.00 |
| Melksham 1st | 15,101.00 |
| Melksham PHAB Club | 1,328.00 |
| Melksham Town Cricket Club | 3,000.00 |
| Melksham Volley Ball Club | 2,340.00 |
| Mid West Region Riding for the Disabled | 4,000.00 |
| Minety Lawn Tennis Club Junior Section | 500.00 |
| Minety Pre School | 5,000.00 |
| Moonbeam Pre School | 3,020.00 |
| Morning Star Salisbury | 6,000.00 |
| Netheravon Day Centre | 500.00 |
| Newton Toney PCC | 2,418.00 |
| North Bradley Cricket Club | 4,748.00 |
| North Bradley Youth Club | 500.00 |
| North Wilts CAB | 2,000.00 |
| North Wilts Holiday Club | 8,500.00 |
| Nursted Centre | 4,520.00 |
| Old Tyme & Mod Sequence Dance Club | 917.00 |
| Olive Branch Counselling | 4,866.50 |
| Open Blue Trust | 1,805.00 |
| Parochial Church Council of Berwick St John | 5,000.00 |
| Pepperbox Pre School | 6,500.00 |
| Pewsey Vale Rugby Football Club | 5,000.00 |
| Phoenix Brass Training Band | 500.00 |
| Pockeridge & Potley Community Association | 6,891.00 |
| Positive Images | 14,620.00 |
| Potterne Village Hall | 5,000.00 |
| Pound Arts Trust Ltd | 2,995.00 |

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| Radio Bemerton | 7,000.00 |
| Rainbow Day Centre | 877.00 |
| Ramsbury Luncheon Club | 1,138.00 |
| Reach Out (Wiltshire) | 11,847.00 |
| Redlynch Village Hall Committee | 7,784.00 |
| Refurbiz | 4,144.00 |
| Richmond Fellowship Employment & Training | 9,694.00 |
| RISE Trust | 1,595.00 |
| Rosemary Goddard Day Centre | 3,000.00 |
| Rowde Community Shop Steering Group | 2,000.00 |
| Rural Needs Initiative | 5,000.00 |
| Salisbury & District Bangladesh Sports and Social | 4,590.00 |
| Salisbury and South Wiltshire Scouts | 3,000.00 |
| Salisbury Art Trail | 2,500.00 |
| Salisbury Child Contact Centre | 2,536.00 |
| Salisbury Studio Theatre | 2,000.00 |
| Sarum Counselling | 6,100.00 |
| Scuba in Schools Project | 6,975.00 |
| Seagry Pre-School | 4,610.00 |
| Shaw Village Hall and Playing Fields | 1,500.00 |
| Sherston Busy Hands Pre School | 2,771.00 |
| Sherston Whitewall Explorers | 2,000.00 |
| SHINE Community Project | 4,680.00 |
| Social Outreach Club | 5,180.00 |
| Soundwell Music Therapy Trust | 8,000.00 |
| South Marston Youth Club | 5,280.00 |
| South Wilts Mencap | 2,040.00 |
| Spinal Injuries Association | 4,375.00 |
| Splash Wiltshire | 29,057.00 |
| Springboard Opportunity Group | 4,467.00 |
| St Barnabas Pre-school | 200.00 |
| St Johns Toddler Group | 2,616.00 |
| St Michaels Tuesday Club | 1,880.00 |
| St Osmunds Pre-School | 6,509.00 |
| Stanton St Bernard Village Hall | 3,500.00 |
| Summer Fun In Calne | 5,951.32 |
| Sunflowers Pre School | 176.00 |
| Swallowcliffe Wednesday Luncheon Club | 282.00 |
| SWAN Advocacy Network | 5,750.00 |
| The Bridge Youth Project Trust | 14,500.00 |
| The Combine Bus | 3,000.00 |
| The Duke of Edinburgh's Award Local Panel | 3,000.00 |
| The Durrington Walls Wind Band | 6,950.00 |
| The Forum Stroke Club | 500.00 |
| The Friends of Fives Court | 4,956.00 |
| The Friends of Seagry School | 7,085.00 |
| The Friendship Club | 550.00 |
| The Green Room | 612.00 |

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|---|---------------------|
| The Lavington Tract & Field Coaching Trust Ltd | 3,073.00 |
| The Lydeaway Allotment Association | 500.00 |
| The Monday Club | 4,000.00 |
| The Music Club, Berwick St John | 500.00 |
| The Princes Trust | 264.00 |
| The Ridge Luncheon Club | 453.00 |
| The Riverside Club | 3,381.76 |
| The Seend Trust & Community Centre | 2,000.00 |
| The Tommy Crocker Memorial Playing Field | 5,000.00 |
| Thomas Maddison | 479.00 |
| Thursday Senior Section | 120.00 |
| Till Valley Day Centre | 100.00 |
| Tisbury & District Community Minibus Ltd (TISBUS) | 2,435.00 |
| Treetops PreSchool | 6,448.00 |
| Trowbridge Rangers Football Club | 1,508.00 |
| Trussell Trust | 13,567.00 |
| Upper Kennet Churches | 500.00 |
| Urchfont Village Hall Management Committee | 2,500.00 |
| Voluntary Action Kennet | 12,000.00 |
| We Love Marlborough | 5,000.00 |
| Wessex Community Action | 13,279.00 |
| Wessex Stoma Support Group | 2,481.00 |
| West Lavington Youth Club | 2,500.00 |
| West Wiltshire Interfaith Group | 7,470.00 |
| White Horse Cricket Club | 1,500.00 |
| Wilcot Cricket Club | 5,500.00 |
| Wiltshire & Swindon Fire Authority | 3,525.00 |
| Wiltshire and Swindon Crimebeat | 4,067.00 |
| Wiltshire Children's Breakaway | 5,000.00 |
| Wiltshire College Salisbury | 500.00 |
| Wiltshire Guild of Spinners, Weavers & Dyers | 5,000.00 |
| Wiltshire Heritage Museum | 5,000.00 |
| Wiltshire Music Centre | 9,009.00 |
| Wiltshire North Girl Guiding | 5,402.00 |
| Wiltshire North Guide Association | 3,000.00 |
| Wiltshire People First | 2,500.00 |
| Wiltshire Police Authority | 2,000.00 |
| Wiltshire School of Gymnastics | 7,000.00 |
| Wiltshire Scrapstore and Resource Centre | 17,269.00 |
| Wiltshire Search and Rescue (WILSAR) | 7,117.00 |
| Wiltshire Village Hall Association | 2,728.00 |
| Woodleys Out of School Club | 7,000.00 |
| Worton Youth Club | 400.00 |
| Youth Action Wiltshire | 3,995.00 |
| Total Grants to Groups | 1,189,411.50 |
| Total Grants to Individuals (Confidential) | 113,170.22 |
| Total Grants in Wiltshire | 1,302,581.72 |

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