

AGENDA SUPPLEMENT (2)

Meeting: Council
Place: Salisbury City Hall
Date: Tuesday 15 May 2012
Time: 10.30 am

The Agenda for the above meeting was published on Friday 04 May 2012 and indicated that the reports detailed below would be to follow. These are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to John Quinton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718220 or email john.quinton@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

8 **Public Participation (Pages 1 - 2)**

A response to a public question from Mr Phil Matthews

10 **Review of Allocation of Seats on Committees to Political Groups and Appointment of Committees**

10a) **Appointment of Committees and Review of Allocation of Seats on Committees to Political Groups (Pages 3 - 4)**

Following Cllr Peter Colmer joining the Conservative Group, attached is a revised schedule on proportional representation to Committees.

This replaces the schedule on pages 109-110 in the Summons.

13 **Councillors' Questions (Pages 5 - 14)**

Details of various Councillors' questions and Cabinet responses received so far are attached.

14 **Minutes of Cabinet and Committees (Pages 15 – 32)**

Minutes marked 'To Follow' in the Minutes Book, as overleaf:

Eastern Area Planning Committee - 26 April 2012

Note: Agenda Supplement (1) contained the incorrect Eastern Area Planning Committee draft minutes.

Standards Committee - 02 May 2012

Environment Select Committee - 03 May 2012

DATE OF PUBLICATION: 11 May 2012

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM THE PUBLIC – ITEM 9C

**QUESTION FROM MR PHIL MATTHEWS, WILTSHIRE INVOLVEMENT
NETWORK (CHAIR)**

TO CLLR JANE SCOTT, LEADER OF THE COUNCIL

Question 1

If the proposals for the new Scrutiny Arrangements are approved by the Council can I have an assurance that the Wiltshire Involvement Network will still be invited to the Health and Social Care Sub Committee as a Stakeholder like they have been in past years?

Response

This is a matter for the Sub Committee.

However once the new arrangements for Health and Wellbeing Boards are in place, WIN's functions will transfer to HealthWatch, who will have a place on the Health and Wellbeing Board.

Any suggestion therefore that HealthWatch will also have a place on the Health Overview and Scrutiny Sub Committee will have to be carefully considered and managed.

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SCHEDULE

Proportional Representation Table

	Conservative	Liberal Democrat	Labour	Independent	Devizes Guardians	
	62	23	2	8	3	
1	0.633	0.235	0.020	0.082	0.031	1.00
2	1.265	0.469	0.041	0.163	0.061	2.00
3	1.898	0.704	0.061	0.245	0.092	3.00
4	2.531	0.939	0.082	0.327	0.122	4.00
5	3.163	1.173	0.102	0.408	0.153	5.00
6	3.796	1.408	0.122	0.490	0.184	6.00
7	4.429	1.643	0.143	0.571	0.214	7.00
8	5.061	1.878	0.163	0.653	0.245	8.00
9	5.694	2.112	0.184	0.735	0.276	9.00
10	6.327	2.347	0.204	0.816	0.306	10.00
11	6.959	2.582	0.224	0.898	0.337	11.00
12	7.592	2.816	0.245	0.980	0.367	12.00
13	8.224	3.051	0.265	1.061	0.398	13.00
14	8.857	3.286	0.286	1.143	0.429	14.00
15	9.490	3.520	0.306	1.224	0.459	15.00
16	10.122	3.755	0.327	1.306	0.490	16.00
17	10.755	3.990	0.347	1.388	0.520	17.00
18	11.388	4.224	0.367	1.469	0.551	18.00
19	12.020	4.459	0.388	1.551	0.582	19.00
20	12.653	4.694	0.408	1.633	0.612	20.00
21	13.286	4.929	0.429	1.714	0.643	21.00
22	13.918	5.163	0.449	1.796	0.673	22.00
23	14.551	5.398	0.469	1.878	0.704	23.00
24	15.184	5.633	0.490	1.959	0.735	24.00
25	15.816	5.867	0.510	2.041	0.765	25.00
26	16.449	6.102	0.531	2.122	0.796	26.00
27	17.082	6.337	0.551	2.204	0.827	27.00
28	17.714	6.571	0.571	2.286	0.857	28.00
29	18.347	6.806	0.592	2.367	0.888	29.00
30	18.980	7.041	0.612	2.449	0.918	30.00
31	19.612	7.276	0.633	2.531	0.949	31.00
32	20.245	7.510	0.653	2.612	0.980	32.00
33	20.878	7.745	0.673	2.694	1.010	33.00
34	21.510	7.980	0.694	2.776	1.041	34.00
35	22.143	8.214	0.714	2.857	1.071	35.00
36	22.776	8.449	0.735	2.939	1.102	36.00
37	23.408	8.684	0.755	3.020	1.133	37.00
38	24.041	8.918	0.776	3.102	1.163	38.00
39	24.673	9.153	0.796	3.184	1.194	39.00
40	25.306	9.388	0.816	3.265	1.224	40.00
41	25.939	9.622	0.837	3.347	1.255	41.00
42	26.571	9.857	0.857	3.429	1.286	42.00
43	27.204	10.092	0.878	3.510	1.316	43.00
44	27.837	10.327	0.898	3.592	1.347	44.00
45	28.469	10.561	0.918	3.673	1.378	45.00
46	29.102	10.796	0.939	3.755	1.408	46.00
47	29.735	11.031	0.959	3.837	1.439	47.00
48	30.367	11.265	0.980	3.918	1.469	48.00
49	31.000	11.500	1.000	4.000	1.500	49.00
50	31.633	11.735	1.020	4.082	1.531	50.00
51	32.265	11.969	1.041	4.163	1.561	51.00
52	32.898	12.204	1.061	4.245	1.592	52.00
53	33.531	12.439	1.082	4.327	1.622	53.00
54	34.163	12.673	1.102	4.408	1.653	54.00
55	34.796	12.908	1.122	4.490	1.684	55.00
56	35.429	13.143	1.143	4.571	1.714	56.00
57	36.061	13.378	1.163	4.653	1.745	57.00
58	36.694	13.612	1.184	4.735	1.776	58.00
59	37.327	13.847	1.204	4.816	1.806	59.00
60	37.959	14.082	1.224	4.898	1.837	60.00
61	38.592	14.316	1.245	4.980	1.867	61.00
62	39.224	14.551	1.265	5.061	1.898	62.00
63	39.857	14.786	1.286	5.143	1.929	63.00
64	40.490	15.020	1.306	5.224	1.959	64.00
65	41.122	15.255	1.327	5.306	1.990	65.00
66	41.755	15.490	1.347	5.388	2.020	66.00
67	42.388	15.724	1.367	5.469	2.051	67.00
68	43.020	15.959	1.388	5.551	2.082	68.00
69	43.653	16.194	1.408	5.633	2.112	69.00
70	44.286	16.429	1.429	5.714	2.143	70.00
71	44.918	16.663	1.449	5.796	2.173	71.00
72	45.551	16.898	1.469	5.878	2.204	72.00
73	46.184	17.133	1.490	5.959	2.235	73.00
74	46.816	17.367	1.510	6.041	2.265	74.00
75	47.449	17.602	1.531	6.122	2.296	75.00
76	48.082	17.837	1.551	6.204	2.327	76.00
77	48.714	18.071	1.571	6.286	2.357	77.00
78	49.347	18.306	1.592	6.367	2.388	78.00
79	49.980	18.541	1.612	6.449	2.418	79.00
80	50.612	18.776	1.633	6.531	2.449	80.00
81	51.245	19.010	1.653	6.612	2.480	81.00
82	51.878	19.245	1.673	6.694	2.510	82.00
83	52.510	19.480	1.694	6.776	2.541	83.00
84	53.143	19.714	1.714	6.857	2.571	84.00
85	53.776	19.949	1.735	6.939	2.602	85.00
86	54.408	20.184	1.755	7.020	2.633	86.00
87	55.041	20.418	1.776	7.102	2.663	87.00
88	55.673	20.653	1.796	7.184	2.694	88.00
89	56.306	20.888	1.816	7.265	2.724	89.00
90	56.939	21.122	1.837	7.347	2.755	90.00
91	57.571	21.357	1.857	7.429	2.786	91.00
92	58.204	21.592	1.878	7.510	2.816	92.00
93	58.837	21.827	1.898	7.592	2.847	93.00
94	59.469	22.061	1.918	7.673	2.878	94.00
95	60.102	22.296	1.939	7.755	2.908	95.00
96	60.735	22.531	1.959	7.837	2.939	96.00
97	61.367	22.765	1.980	7.918	2.969	97.00
98	62.000	23.000	2.000	8.000	3.000	98.00
99	62.633	23.235	2.020	8.082	3.031	99.00
100	63.265	23.469	2.041	8.163	3.061	100.00
101	63.898	23.704	2.061	8.245	3.092	101.00
102	64.531	23.939	2.082	8.327	3.122	102.00
103	65.163	24.173	2.102	8.408	3.153	103.00
104	65.796	24.408	2.122	8.490	3.184	104.00

	Conservative	Liberal Democrat	Labour	Independent	Devizs Guardians	
	62	23	2	8	3	
105	86.429	24.643	2.143	8.571	3.214	105.00
106	87.061	24.878	2.163	8.653	3.245	106.00
107	87.694	25.112	2.184	8.735	3.276	107.00
108	88.327	25.347	2.204	8.816	3.306	108.00
109	88.959	25.582	2.224	8.898	3.337	109.00
110	89.592	25.816	2.245	8.980	3.367	110.00
111	90.224	26.051	2.265	9.061	3.398	111.00
112	90.857	26.286	2.286	9.143	3.429	112.00
113	91.490	26.520	2.306	9.224	3.459	113.00
114	92.122	26.755	2.327	9.306	3.490	114.00
115	92.755	26.990	2.347	9.388	3.520	115.00
116	93.388	27.224	2.367	9.469	3.551	116.00
117	94.020	27.459	2.388	9.551	3.582	117.00
118	94.653	27.694	2.408	9.633	3.612	118.00
119	95.286	27.929	2.429	9.714	3.643	119.00
120	95.918	28.163	2.449	9.796	3.673	120.00
121	96.551	28.398	2.469	9.878	3.704	121.00
122	97.184	28.633	2.490	9.959	3.735	122.00
123	97.816	28.867	2.510	10.041	3.765	123.00
124	98.449	29.102	2.531	10.122	3.796	124.00
125	99.082	29.337	2.551	10.204	3.827	125.00
126	99.714	29.571	2.571	10.286	3.857	126.00
127	100.347	29.806	2.592	10.367	3.888	127.00
128	100.980	30.041	2.612	10.449	3.918	128.00
129	101.612	30.276	2.633	10.531	3.949	129.00
130	102.245	30.510	2.653	10.612	3.980	130.00
131	102.878	30.745	2.673	10.694	4.010	131.00
132	103.510	30.980	2.694	10.776	4.041	132.00
133	104.143	31.214	2.714	10.857	4.071	133.00
134	104.776	31.449	2.735	10.939	4.102	134.00
135	105.408	31.684	2.755	11.020	4.133	135.00
136	106.041	31.918	2.776	11.102	4.163	136.00
137	106.673	32.153	2.796	11.184	4.194	137.00
138	107.306	32.388	2.816	11.265	4.224	138.00
139	107.939	32.622	2.837	11.347	4.255	139.00
140	108.571	32.857	2.857	11.429	4.286	140.00
141	109.204	33.092	2.878	11.510	4.316	141.00
142	109.837	33.327	2.898	11.592	4.347	142.00
143	110.469	33.561	2.918	11.673	4.378	143.00
144	111.102	33.796	2.939	11.755	4.408	144.00
145	111.735	34.031	2.959	11.837	4.439	145.00
146	112.367	34.265	2.980	11.918	4.469	146.00
147	113.000	34.500	3.000	12.000	4.500	147.00
148	113.633	34.735	3.020	12.082	4.531	148.00
149	114.265	34.969	3.041	12.163	4.561	149.00
150	114.898	35.204	3.061	12.245	4.592	150.00
151	115.531	35.439	3.082	12.327	4.622	151.00
152	116.163	35.673	3.102	12.408	4.653	152.00
153	116.796	35.908	3.122	12.490	4.684	153.00
154	117.429	36.143	3.143	12.571	4.714	154.00
155	118.061	36.378	3.163	12.653	4.745	155.00
156	118.694	36.612	3.184	12.735	4.776	156.00
157	119.327	36.847	3.204	12.816	4.806	157.00
158	119.959	37.082	3.224	12.898	4.837	158.00
159	120.592	37.316	3.245	12.980	4.867	159.00
160	121.224	37.551	3.265	13.061	4.898	160.00
161	121.857	37.786	3.286	13.143	4.929	161.00
162	122.490	38.020	3.306	13.224	4.959	162.00
163	123.122	38.255	3.327	13.306	4.990	163.00
164	123.755	38.490	3.347	13.388	5.020	164.00
165	124.388	38.724	3.367	13.469	5.051	165.00
166	125.020	38.959	3.388	13.551	5.082	166.00
167	125.653	39.194	3.408	13.633	5.112	167.00
168	126.286	39.429	3.429	13.714	5.143	168.00
169	126.918	39.663	3.449	13.796	5.173	169.00
170	127.551	39.898	3.469	13.878	5.204	170.00
171	128.184	40.133	3.490	13.959	5.235	171.00
172	128.816	40.367	3.510	14.041	5.265	172.00
173	129.449	40.602	3.531	14.122	5.296	173.00
174	130.082	40.837	3.551	14.204	5.327	174.00
175	130.714	41.071	3.571	14.286	5.357	175.00
176	131.347	41.306	3.592	14.367	5.388	176.00
177	131.980	41.541	3.612	14.449	5.418	177.00
178	132.612	41.776	3.633	14.531	5.449	178.00
179	133.245	42.010	3.653	14.612	5.480	179.00
180	133.878	42.245	3.673	14.694	5.510	180.00
181	134.510	42.480	3.694	14.776	5.541	181.00
182	135.143	42.714	3.714	14.857	5.571	182.00
183	135.776	42.949	3.735	14.939	5.602	183.00
184	136.408	43.184	3.755	15.020	5.633	184.00
185	137.041	43.418	3.776	15.102	5.663	185.00
186	137.673	43.653	3.796	15.184	5.694	186.00
187	138.306	43.888	3.816	15.265	5.724	187.00
188	138.939	44.122	3.837	15.347	5.755	188.00
189	139.571	44.357	3.857	15.429	5.786	189.00
190	140.204	44.592	3.878	15.510	5.816	190.00
191	140.837	44.827	3.898	15.592	5.847	191.00
192	141.469	45.061	3.918	15.673	5.878	192.00
193	142.102	45.296	3.939	15.755	5.908	193.00
194	142.735	45.531	3.959	15.837	5.939	194.00
195	143.367	45.765	3.980	15.918	5.969	195.00
196	144.000	46.000	4.000	16.000	6.000	196.00
197	144.633	46.235	4.020	16.082	6.031	197.00
198	145.265	46.469	4.041	16.163	6.061	198.00
199	145.898	46.704	4.061	16.245	6.092	199.00
200	146.531	46.939	4.082	16.327	6.122	200.00

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR NICK FOGG, MARLBOROUGH WEST DIVISION

TO CLLR LIONEL GRUNDY, CABINET MEMBER FOR CHILDREN'S SERVICES

Question 1

- a) Where would you say responsibility for OFSTED's finding of 'serious and significant shortcomings' in Wiltshire's care for at least some of its vulnerable children may lie?
- b) What precise steps are being taken to remedy these failings?
- c) Is the report in the Gazette & Herald of April 26th, 2012, which stated that care workers had not been invited to child protection meetings, even though they were best placed to represent the child's interests, correct?

Response

- a) The Ofsted report highlights that all partner agencies must take responsibility for ensuring that vulnerable children are safe. Each agency is accountable for making sure they are clear about their safeguarding responsibilities. All partners have stated that the main priority is to safeguard children and young people and minimise the risk of them being subject to harm and they are in agreement that the improvement plan and actions must be delivered with some urgency, to ensure that Wiltshire children and young people are protected.

A multi-agency Safeguarding Improvement Board has been established and is responsible for monitoring progress and overseeing the delivery and evidence of improvement. The inspectors judged that there is adequate capacity to improve safeguarding services and for looked after children the capacity to improve is good and that the political and managerial ambition and prioritisation across all partners is to improve and be better than adequate across all services.

- b) The inspectors reported that as soon as the issues were raised with the council that immediate and appropriate action was taken to ensure the children and young people identified were re-assessed and appropriately protected. A detailed improvement plan was drafted and shared with inspectors before they left. This plan has subsequently

been developed following receipt of the inspection report.

The immediate actions as set out in the inspection report and the improvement plan are either well underway or have been completed. An Improvement Board has been set up and has already met twice. The terms of reference for this board and its role have been agreed. Its key purpose is to oversee, challenge and support the delivery of improvement. Membership is at senior level and includes representatives from the council, health services and police and the chair of the newly established safeguarding scrutiny task group. An independent chair has been appointed. A multi-agency operational group, will support the board to ensure that the improvements are delivered.

An external audit of all child protection cases and cases held within the Referral and Assessment team has been undertaken and action has been taken in response to any identified issues. Additional management capacity is in place. Staff and managers are regularly updated and invited to attend development sessions.

The Department for Education has confirmed that our actions to date have been timely and appropriate and the inspectors stated that the council is committed, within challenging budget reductions, to protecting its front line services.

c) Without knowing where these comments originated it makes it very difficult to respond to the Gazette & Herald's coverage. However, the Ofsted inspection team, throughout the duration of their inspection and in the final report did not raise any concerns about the attendance of professionals at child protection conferences.

There is a clear process in place; the Local Children's Safeguarding Board (LSCB) has an escalation procedure which sets out the steps to be followed if there are any concerns in respect of child protection practice. It is the responsibility of all professionals to follow this procedure if they have concerns. We can confirm that no specific concerns of this nature have been highlighted to the LSCB or to the Director of Children's Services.

WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR DAVID JENKINS, WESTBURY NORTH DIVISION

**TO CLLR RICHARD TONGE, CABINET MEMBER FOR HIGHWAYS AND
TRANSPORT**

Question 1

With regard to the car parking alterations made under HT-22-12 for the Queen's Diamond Jubilee, it is important to the people and businesses of Westbury that Saturday the 2nd of June is included.

There will be a whole range of events taking place the Town which has been organised by the Town Council and other outside organisations for over two years. The events will vary in size, the numbers of people who attend and choice. They will run through the Saturday and into the evening. It is part of a comprehensive full four day programme of celebration, therefore in view of this can Saturday the 2nd of June be included in the alterations to parking arrangements?

Response

The final date for comments on the 'intention to make a decision' is 15th May. I will discuss the responses with officers very soon after the 15th and issue a decision shortly after that.

The submission by Councillor Jenkins has been logged in and will be considered together with others received.

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WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

**TO CLLR TOBY STURGIS, CABINET MEMBER FOR WASTE, PROPERTY,
ENVIRONMENT AND DEVELOPMENT CONTROL SERVICES**

Question 1

Does the Council's agreement with ING for the redevelopment of the Bath Road site in Chippenham (a) include an expectation that ING will provide alternative facilities for youth service provision currently housed in the Bridge Centre (such as the cafe) or (b) require a cash payment in lieu?

Response

The Development Agreement with ING obliges the company to either provide alternative youth facilities or make cash payment in lieu, at the Council's discretion.

Question 2

If (a) which facilities fall within the ING remit? Or if (b) can we be given an assurance that all the funds provide under this aspect of the agreement will be used for the re-provision of current youth services?

Response

The relocation provision covers all youth services currently operating from the Bridge Centre. It is intended that that if a cash payment was made then it would be used to fund whatever alternative facility is to be provided. For instance, if the service was to be relocated in a community campus then the payment would go towards such a facility.

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WILTSHIRE COUNCIL

COUNCIL

15 MAY 2012

QUESTIONS FROM COUNCILLORS

FROM CLLR CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

TO CLLR JONATHAN SEED, CHAIRMAN LICENSING COMMITTEE

Question 1

- a) What progress has been made towards revision of the Council's Licensing Policy to take account of recent legislative changes and the Government's published Alcohol Strategy?
- b) Will that revision process include consideration of introducing Cumulative Impact Zones in Wiltshire towns?

Response

- a) The question regarding the review of the Licensing Policy was raised at the last Full Council meeting (item 22 draft minutes, Council meeting 28th February 2012).

At this time Councillors were advised that members of the Licensing Policy Committee were aware of the impending changes within the Police Reform and Social Responsibility Act.

It was also reported that the commitment to review the policy was already contained within the work programme of the Committee and that this process would start as soon as full details of the proposal (and guidance) were available. These are now known and officers are working to consider the impact these will have on the review of the Licensing Policy, together with the proposals contained within the National Alcohol Strategy. This review will include a consultation process with both the public and partners together with appropriate training for members of the Committee.

Two measures specifically outlined in the National Alcohol Strategy, the Late Night Levies and Early Morning Restriction Orders will not be available until October 2012.

It is hoped that a revised Licensing Policy will be considered by the Licensing Policy Committee at its meeting in September 2012, and subsequently commended to Council.

- b) Any review of the licensing policy will consider whether it is appropriate to include provisions relating to cumulative impact. Any decision to have such provisions must be based on relevant evidence and will be considered in light of the revised guidance.

QUESTIONS FROM COUNCILLORS

FROM CLLR CHRIS CASWILL, CHIPPENHAM MONKTON DIVISION

TO CLLR LIONEL GRUNDY, CABINET MEMBER FOR CHILDREN'S SERVICES

Question 1

- a) What services are now provided by Connexions in Wiltshire?
- b) How are those services being advertised?
- c) How are the services which are no longer being provided by Connexions being made available to the young people who need them?
- d) What steps are being taken to monitor the provision of these kinds of support services in Wiltshire secondary schools?

Response

- a) The Connexions brand no longer exists. Remaining Connexions staff are now part of the Integrated Youth Service (IYS). Their primary role is to provide support for young people who are not in education, employment and training (NEET) or at significant risk of this.

All Integrated Youth Service staff (Youth Offending, former Connexions staff, Youth Development staff and others) have a youth engagement role to work with young people who are identified as being vulnerable e.g. NEET or risk of NEET, Special Educational Needs, Disability, Child in Care, Young Offender, Teenage Parent, Substance Misuse etc. As such, the IYS provides 'targeted' support to those young people who need it most.

However, a universal 'open access' youth work offer remains in each community area delivered by local Youth Workers. Changes to Connexions have been made in light of statutory government guidance stating that responsibility for careers guidance (formerly 'Information, Advice and Guidance') moves to schools (including academies) and colleges from 1st September 2012 – supported by the new 'National Careers Service'.

- b) Integrated Youth Services are advertised in several ways:-

- Through commissioning consultations directly with young people.
- Regular communications with schools and academies.
- Communication to partners of Children and Young Peoples Trust.
- On 'Sparksite' (youth website) and as communicated by IYS Delivery Teams.
- Within Job Centres where Integrated Youth staff are still present at set times.

We are currently undertaking work to continue to clarify our overall youth offer and to explore the best way of promoting this to local young people. Young people will be involved in this.

- c) Careers Information, Advice and Guidance (which the Council no longer delivers from 1st September) will be provided by schools including academies. As such, there should be no reduction in the overall offer, although it is now split between the Local Authority (focus on vulnerable young people) and schools/colleges (universal offer of careers guidance to all young people). Between May and September, an interim offer of service is in place and has been accepted by schools and colleges.
- d) There is currently no requirement for the Local Authority to monitor the provision of Careers Guidance in schools. However, our Schools and Learning Team are working with schools and colleges to support the provision of careers guidance in schools through our local Raising Participation Age Strategy and Plan, of which schools are a key partner. In addition the Schools and Learning 13-19 Team are working with and encouraging schools to obtain the careers 'Quality Mark' status. Overall the Department for Education will have a lead role in ensuring that effective quality careers advice is delivered by schools and colleges.

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 26 APRIL 2012 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

Present:

Cllr Jane Burton, Cllr Trevor Carbin (Substitute), Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Laura Mayes, Cllr Jemima Milton and Cllr Christopher Williams

Also Present:

Cllr Nigel Carter, Cllr Mark Connolly and Cllr Brigadier Robert Hall

24. Apologies for Absence

Apologies for absence were received from Cllr Peggy Dow (who was substituted by Cllr Trevor Carbin) and Cllr Nick Fogg.

25. Minutes of the Previous Meeting

Resolved:

To confirm and sign as a correct record the minutes of the meeting held on 5 April 2012.

26. Declarations of Interest

There were no declarations of interest.

27. Chairman's Announcements

There were no Chairman's announcements.

28. Public Participation and Councillors' Questions

The Committee noted the rules on public participation and the manner in which the meeting would be held.

29. Appeal by The Society of Merchant Venturers: Land East of Quakers Walk, Roundway, Devizes - Development of Care Village - Planning Application Reference E/2011/1139/OUT

Consideration was given to a report by the Area Development Officer which advised Members of the receipt of an appeal against the decision to refuse planning permission for a care village at Quakers Walk, Roundway, Devizes made by this Committee at its meeting on 15 March 2012.

The Area Development Manager explained that since the decision made on 15 March, the Government had published its National Planning Policy Framework (NPPF) which replaced the previous planning policy statements which this Committee took into account when determining the application. It also replaced the draft NPPF to which only limited weight could be given at the time the decision was made. It was noted that the Planning Inspector would no longer have regard to any of these documents and would instead have regard to the NPPF, the policies of the Development Plan and any other material considerations.

The Committee was informed that it could not reverse its earlier decision on this application as it had already determined it. The decision making power on this application now rested with the Secretary of State through his Planning Inspector and the appeal would continue unless withdrawn by the appellant. The Council could proceed with its reasons for refusal at appeal but, if it did so, would need to produce substantive evidence to justify its decision.

However, the Committee could decide to withdraw its objections to the scheme at any time. In such circumstances, the appeal would still proceed and third parties would be able to present their views on the application but the length and cost of the appeal could be substantially reduced. Members were advised that if this action was to be taken that such a decision was made as early as possible to avoid the appellants in unnecessary costs in providing evidence to challenge the Council's grounds for refusal.

The Area Development Manager also referred to the Council's recent experience of costs awarded by Planning Inspectors and, in particular, two substantial cost awards where the Planning Inspector had found that the Council's reasons for refusal had no substantial evidence to back up the reasons for refusal that it put forward.

He then stated that officers had examined the three reasons for refusal as determined by this Committee at its meeting on 15 March and explained in each case how the reasons would not demonstrate any substantial evidence as would be required by the Planning Inspector.

The Committee then received details of several questions which had previously been submitted by Mr John Kirkman, Chairman of the CPRE Kennet Branch

together with responses which were read out at the meeting and copied to Mr Kirkman.

Statements in support of the Committee's reasons for approval were received from the following members of the public:-

Mrs Judy Rose, representing Quakers Walk Protection Group
Mr Rick Rowland, Chairman, DCAP Housing & Built Environment Thematic Group
Mr John Kirkman, Chairman, CPRE Kennet Branch
Mr Tony Sedgwick, Traffic Advisor, Trust for Devizes
Cllr Chris Callow, Chairman, Roundway Parish Council

The views of Cllr Nigel Carter, Member for an adjoining Division.

On hearing the views of Cllr Laura Mayes, the local Member and after a full discussion,

Resolved:

To advise the Planning Inspector that, in the light of the changed circumstances brought about by the NPPF and a review of the reasons put forward, the Council no longer wishes to pursue the reasons but forward for refusing the application.

(The Committee had agreed to a recorded vote which was as follows:-

Those in favour of the Motion

Cllr Trevor Carbin, Cllr Richard Gamble, Cllr Charles Howard, Cllr Jemima Milton and Cllr Christopher Williams.

Those against the Motion

Cllr Jane Burton, Cllr Chris Humphries and Cllr Laura Mayes.)

30. Planning Applications

30.a E/2012/0204/FUL - 13 Manor Bridge Court, Tidworth, SP9 7NH - Change of Use of Garage to form a Play Room for Childminding

The following people spoke against the proposal

Mrs Karen Mackie, a local resident
Mr Derek Atkinson, a local resident

The following person spoke in support of the proposal

Mrs Natasha Handoll, the applicant

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report which recommended that planning permission be granted subject to conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Mark Connolly, as local Member, who explained that the Town Council, of which he was a member, had raised no objections to the proposal. He had met with several of the local residents and also with the applicant and considered that a reasonable compromise could be reached by:-

- including conditions prohibiting childminding at weekends and Bank and Public Holidays, and
- the erection of a gate by the applicant safeguarding children from access on to the highway.

During discussion, whilst Members supported the erection of a 5 foot gate to safeguard children, several Members did not support the limiting of childminding activities in view of the small number of children who would be on the premises at any one time.

Resolved:

To grant planning permission for the following reason and subject to the conditions as set out below:-

Reason for Decision

The proposed development (now retrospective) seeks to convert the double garage at the front of the dwelling into a childminding business, accommodating a maximum of 6 children at any one time. It is considered that due to the relatively small scale of the childminding business, its limited operating hours and the adequate amount of on-site / public parking spaces nearby, the proposal would be acceptable in principle, would not cause any harm to residential amenity and would not cause any harm to highway safety. The development would therefore accord with the aims and objectives of the development plan, having regard in particular to policy PD1 of the Kennet Local Plan 2011.

Conditions:

1. The use of the premises for childminding shall be limited to a maximum of six children at any one time.

REASON: To limit the intensity of use of the premises, to safeguard the amenity of neighbours and in the interests of highway safety.

2. When the childminding use hereby permitted ceases, the use of the property shall revert to a single dwellinghouse (Use Class C3).

REASON: In the interests of neighbouring amenity.

3. The childminding use hereby permitted shall only take place between the hours of 07:30 – 17:30 on any day.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

4. This development shall be in accordance with the submitted drawings deposited with the Local Planning Authority on 20/02/12, with the additional provision of a 5 foot pedestrian gate on the northern boundary of the garden to allow pedestrian access to the site.

REASON: For the avoidance of doubt.

5. **INFORMATIVE TO APPLICANT:**

Any business operations at the site other than that specified in the application documentation provided may be in breach of planning control and liable to enforcement action. In addition to the planning conditions, Section 79 of The Environmental Protection Act 1990 (legislation that operates outside of the planning system) identifies noise as a statutory nuisance. If a complaint of statutory nuisance is justified an Abatement Notice can be served upon the person responsible, occupier, or owner of the premises requiring that the Nuisance be abated. Failure to comply with an Abatement Notice is an offence and legal proceedings may result.

31. **E/2011/1714/FUL - Land South of 33 Avon Square, Upavon, SN9 6AD - Construction of 5 New Dwellings with Associated Gardens and Sheds, and 20 Car Parking Spaces**

The following people spoke against the proposal

Mr Ralph Hilliard, a local resident
Cllr Cowan, Chairman, Upavon Parish Council

The following person spoke in support of the proposal

Mr Jonathan Arnold, BBA Architects, the agent

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report which recommended that planning permission be granted subject to conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Robert Hall, the local Member, who did not support the proposal.

After discussion,

Resolved:

To defer and delegate the Area Development Manager to grant permission, subject to conditions and the completion of a legal agreement under Section 106 covering the areas outlined in the report, and to the Case Officer reaching agreement with the applicant regarding:-

- **Securing the best practicable parking provision possible, and**
- **An improvement to the design of the houses.**

32. Urgent items

There were no urgent items of business.

(Duration of meeting: 6.00 - 8.10 pm)

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STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 2 MAY 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Wiltshire Council Members

Cllr Nigel Carter, Cllr Peter Fuller, Cllr Julian Johnson and Cllr Ian McLennan

Town/Parish Council Co-opted Members

Mr William Bailey, Mr Craig McCallum, Mr Paul Neale, Mr Robert Oglesby JP, Mr John Scragg and Mr Keith Wallace

Independent co-opted Members

Mrs Jane Bayley, Mr Michael Cronin, Mr Philip Gill MBE JP, Mrs Isabel McCord (Chairman), Mr Stuart Middleton and Mr Gerry Robson OBE (Vice Chairman)

Also Present:

Cllr Trevor Carbin and Cllr Francis Morland

31 Apologies

Apologies were received from Councillor Ernie Clark, Councillor Howard Marshall, Miss Pam Turner and His Hon David MacLaren Webster QC.

32 Minutes of previous meeting

The minutes of the meeting held on 7 March 2012 were presented.

Resolved:

To approve the minutes as a correct record.

33 Chairman's announcements

The Chairman thanked co-opted members for their responses on their interest with regard to moving forward to the new committee. The current position on membership was noted as elected member appointments taking place at Council on 15 May 2012, and co-opted member appointments proposed for Council on 26 June 2012.

34 Declarations of Interest

There were no declarations of interest.

35 Public Participation and Questions from Committee Members.

There were no questions or statements from the public.

36 Revised Planning Code of Good Practice for Members of Wiltshire Council

The revised Planning Code of Good Practice for Members of Wiltshire Council was presented by the Monitoring Officer. He explained that the Code had been modified to reflect changes to the rules on pre-determination in the Localism Act. He added that it would need to come back to the Standards Committee at some time in the future to reflect changes in planning law arising from the Localism Act and regulations and new rules to be issued on declaration of interests.

Resolved:

To recommend Council:

(1) to adopt The Planning Code of Good Practice for Members of Wiltshire Council as amended.

(2) to note that further revisions will be required when the regulations on planning and declaration of pecuniary interests are available.

37 Review of the Council's Overview and Scrutiny Arrangements

Councillor Carter introduced the report which looked at ways to change Overview and Scrutiny to make it more effective. The Scrutiny Manager talked through in detail the proposed changes between the current arrangements shown at Appendix A and those proposed at Appendix B, and a detailed discussion took place.

Concern was raised over the ability of the new sub-committees to set up task groups and the requirement for this to be agreed by the main committee. Following a debate it was agreed that Appendix B should be amended as follows:-

- In the Overview and Scrutiny Management Committee box, replace the fourth bullet point with 'Establish sub-committees/endorse the formation of task groups/appoint representatives to project boards and delegate responsibility as appropriate'
- In each of the three sub-committee boxes remove the wording 'with the agreement of the Management Committee'

Questions were raised regarding the fourth bullet point in the Budget Overview and Scrutiny Task Group box on Appendix B in that a broader membership might be preferable, similar to the sub-committees.

Questions also raised on the role of the proposed new management committee were clarified by the Monitoring Officer, who explained that there was no intention to stifle initiative in the proposed new structure, rather to ensure that functions and resources were used to best effect on matters prioritised with council objectives.

Resolved:

To recommend to Council:

- 1. To approve the outcome of the Overview and Scrutiny Review as set out in the report, subject to the following amendments:-**
 - a. In Appendix B:**
 - **In the Overview and Management Committee box, replace the fourth bullet point with 'Establish sub-committees/endorse the formation of task groups/appoint representatives to project groups and delegate responsibility as appropriate'**
 - **In each of the three Sub-Committee boxes remove the wording "with the agreement of the Management Committee"**
 - b. To authorise the Monitoring Officer to make any consequential constitutional amendments necessary to give effect to the revised arrangements.**
 - c. To review the operation of the arrangements within 18 months.**

38 **New Standards Framework**

Draft Code of Conduct

The Monitoring Officer introduced the draft Code of Conduct drawn up by the Standards Task and Finish Group. It was agreed that paragraphs 15 to 19, relating to members interests, would need to be reviewed once the regulations governing the registration and disclosure of pecuniary interests had been released. He explained that the draft Code is based upon the DCLG illustrative text for a code, but included additional provisions to ensure clarity and enforceability.

It was helpful to refer to the Roles and Responsibilities of Wiltshire Councillors, set out in the Council's Constitution, by way of a preamble to the document. However, it was understood that town and parish councillors would not be expected to adopt this.

The Member Support in the Locality Task Group had considered the draft Code and proposed complaints process. A note of their discussions was tabled at the meeting and fully discussed.

It was agreed to take the draft Code to Council on 15 May for initial consideration and approval for consultation with town and parish councils and for final approval by council at its meeting on 26 June.

Draft Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011

Members considered the comments of the Member Support in the Locality Task Group in respect of the arrangements for dealing with code of conduct complaints.

Following a debate it was agreed to support the changes recommended by the Panel, save that:

- the time limit for complaints to be submitted should be within 20 working days on which the complainant became aware of the matter giving rise to the complaint.
- the aim should be to complete cases within 3.5 months - 20 working days to initial assessment - 30 working days for investigation and 20 working days to hearing. This excludes requests for extension by the member, time spent on reviews and exploring alternative resolution.

Paragraph 4.8 a. should be amended to read - to dismiss the complaint or take no further action on the complaint.'

Resolved: To recommend council at its meeting on 15 May 2012:

- 1. To approve the draft code of conduct attached to the report for consultation with Wiltshire Councillors and Parish, Town and City Councils before final approval is sought at its meeting on 26 June 2012, subject to paragraph 1 of the draft being moved to form part of the preamble.**
- 2. To amend the Arrangements for dealing with Code of Conduct Complaints to reflect the comments of the Member Support in the Locality Task Group, as set out above, for consideration by Council as resolved previously.**

39 Standards Committee Annual Report

The Standards Committee Annual Report was circulated for information prior to it being presented to the Council meeting on 15 May.

Resolved:

To note the report.

40 Annual report on dispensations granted.

The Head of Governance presented the Annual Report on Dispensation Applications. There had been ten applications for dispensations during the year, four of which had been refused. The dispensation requests were considered on an individual basis looking at the specific circumstances and duration for each application.

Resolved:

To note the report.

41 Outcome of Standards Hearing Sub-Committee

The Monitoring Officer drew the Committee's attention to the outcome of a Hearing Sub-Committee.

Resolved:

To note the report.

42 **Outcome of Two Standards Consideration Sub Committees**

The Monitoring Officer drew the committee's attention to the outcome of two Standards Consideration sub-committees.

Resolved:

To note the reports.

43 **Status Report on Complaints made under the Code of Conduct**

The Head of Governance introduced the Status report on Complaints made under the Code of Conduct. The committee noted that all cases were being dealt with within the approved timescale.

Resolved:

To note the report.

44 **Forward Plan**

The forward plan was presented.

Resolved:

To agree the forward workplan.

45 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 5.25 pm)

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ENVIRONMENT SELECT COMMITTEE

DRAFT MINUTES OF THE ENVIRONMENT SELECT COMMITTEE MEETING HELD ON 3 MAY 2012 AT COUNCIL CHAMBER, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Chuck Berry, Cllr Rosemary Brown, Cllr Trevor Carbin (Substitute), Cllr Nigel Carter (Chairman), Cllr Christopher Cochrane, Cllr Peter Doyle, Cllr Jose Green, Cllr Alan Hill (Vice Chairman), Cllr Chris Humphries and Cllr Ian McLennan

Also Present:

Cllr Richard Gamble, Cllr Jon Hubbard, Cllr Toby Sturgis and Cllr Dick Tonge

26 **Apologies and Substitutions**

Apologies were received from Cllrs Howard Marshall, Stephen Oldrieve, Leo Randall and Tom James.

Cllr Oldrieve was substituted by Cllr Trevor Carbin.

27 **Minutes of the Previous Meeting**

The Minutes of the meeting held on **01 March 2012** were presented. It was,

Resolved:

Subject to substituting 'Cabinet Member' for 'Portfolio Holder' in Minute 18 (Real Time Passenger Information), and correcting 'Carbon admissions' to 'Carbon emissions' twice in paragraph 6, Minute 19 (Update on and Review of ECO Strategy Action Plan Structure),

To APPROVE the minutes as a correct record.

28 **Declarations of Interests**

There were no declarations.

29 **Chairman's Announcements**

The Chairman informed the Committee of changes to the agenda, as detailed further in Minute 31.

30 **Public Participation and Councillors Questions**

There were no questions.

31 **Street Lighting Savings**

A report to consider options for reducing the energy consumption and carbon footprint of the Council's street lighting was scheduled to be presented to the Committee ahead of consideration at Cabinet on 22 May 2012.

The Cabinet Member for Highways and Transport was in attendance, and informed the Committee that the report had been delayed at a late stage as the financial assessment had not been completed. In response to queries, it was confirmed the report would also not be readied for the scheduled Cabinet meeting.

The possibility was raised of discussing the item at the proposed special meeting of the Committee for the Wiltshire Core Strategy, subject to further discussions between the Chair and Cabinet Member.

32 **Adaptation Action Plans**

At the 01 March 2012 Environment Select Committee, the Wiltshire Council Adaptation Plan was presented for comment to the Committee. The Committee requested that the Adaptation Plan be amended to include some case studies illustrating the types of climate changes impacts on the council's services.

The Head of Climate Change and the Senior Climate Change Officer were in attendance as requested by the Committee, along with the Cabinet Member for Waste, Property, Environment and Development Control Services, and the officers led a presentation on the details behind the Climate Change Risk Assessments discussed at the meeting on 01 March 2012, including the following:

- By 2050, Wiltshire will be experiencing warmer, wetter winters, and hotter dryer summers as the norm; in 2003, 20,000 additional deaths in France were attributed to a heat wave that would be regular for 2050.
- Rainfall patterns would change, with more extreme weather.
- Other variables contributing to risk factors included flooding, droughts, snow and ice, heat waves and excessive wind speeds
- All Council services assessed their capacity to accommodate and manage the risks associated with these factors.
- 63 risks were identified, 29 determined to be high risk.

- The themes of those risks ranged from the Social (incl. Impacts on working conditions, overheating buildings and health), Environmental (incl. Changes to biodiversity, opportunity for green spaces), Emergency Planning and Business Continuity and more cross cutting risks.

As requested by the Committee, 4 case studies were then presented to illustrate the types of climate changes impacts on the council's services that formed the basis of the adaptation action plans.

The case studies examined looked at Biodiversity, Drainage and Flooding, Schools Buildings and Water Shortages, as detailed within the agenda reports pack.

A debate followed, during which the source of the climate change projections was queried. It was clarified that the estimates used were nationally recognized predictions (document reference UKCP09) from the Met Office, and were the medium projection of likely climate change.

The possibility of projecting costs to meeting specific risks was raised, but it was explained that the multitude of potential factors made this an unlikely goal. In response to queries regarding many risks involving factors and organisations not under the control of the Council, it was stated that there was an intention and on-going work to reach out to Industrial and other partner organisations, for example within the Wiltshire Environmental Alliance.

The Committee also discussed the adaptation action plans being based on risks up to 2050, but the Wiltshire Core Strategy on planning designed for only up to 2026, and the need to carry through appropriate climate change actions to and beyond that date.

The Committee further questioned who within various council services would have responsibility for focusing on the risks identified, particularly in light of future strain on council resources. It was stated that each service had a 'risk owner' identified, who went on workshops and were interviewed to ensure the goals were seen as important alongside normal work, and progress would be monitored.

The Committee then raised the concern of needing high quality housing to meet climate change requirements against the commitment to provide suitable amounts of affordable housing. The Cabinet Member stated there was a balance that needed to be struck to meet both targets, and that at present it was too expensive for developers to maintain the correct percentage of affordable housing and provide the higher quality with regard to climate change risks.

The Head of Climate Change added that to, assist Planning Officers in focusing on climate change considerations, an ECO team member would be seconded to the Development Service to train up officers

After discussion, it was,

Resolved:

- 1) That the four case studies be noted by the Committee and be included for illustrative purposes in the Wiltshire Council Adaptation Plan;
- 2) To request a paper be presented to the Committee or its successor regarding on the inclusion of and impact of an ECO team member to the Development Service.

33 **Forward Work Programme**

The Forward Work Programme was noted, and amendments decided not to be made until the future of the Overview and Scrutiny structure was finalized at Council on **15 May 2012**.

34 **Date of next Meeting**

The date of the next meeting was proposed as a special meeting to consider the Wiltshire Core Strategy ahead of Cabinet on 19 June 2012 and approval at Council on 26 June 2012. The date of **11 June 2012** was proposed as the provisional date, and it was agreed it would be clarified if 12 June would also be possible.

The date of the next ordinary meeting of the Committee was scheduled for 21 June 2012.

It was noted that due to a proposed new structure for Overview and Scrutiny going before Council on 15 May 2012, all dates agreed were subject to change as a result.

35 **Urgent Items**

There were no urgent items.

36 **Exclusion of the Press and Public**

Resolved:

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 Minute 37 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 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.

37 **Minutes of the Previous Meeting**

The confidential minute in respect of *Highways and Amenities Update*, of the meeting held on **01 March 2012**, was presented, and it was,

Resolved:

To Approve the minute as a correct record.

(Duration of meeting: 10.30 - 11.45 am)

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