

# AGENDA SUPPLEMENT (1)

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Meeting: **Council**  
Place: **Council Chamber - County Hall, Trowbridge BA14 8JN**  
Date: **Tuesday 12 May 2015**  
Time: **11.00 am**

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**The Agenda for the above meeting was published on 1 May 2015. Additional documents are now available and are attached to this Agenda Supplement.**

Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718024 or email [Yamina.Rhouati@wiltshire.gov.uk](mailto:Yamina.Rhouati@wiltshire.gov.uk)

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This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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**7 Public Participation (Pages 3 - 26)**

Details of statements and questions submitted by members of the public are attached.

**8 Petitions**

**8a) Petitions Received (Pages 27 - 28)**

Details of petitions received for presentation to this meeting are attached.

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

**11a) Appointment of Committees and Review of Allocation of Seats on Committees to Political Groups (Pages 29 - 30)**

Appendix 2 – Updated numerical guide to political proportionality is attached.

17 **Councillors' Questions** (*Pages 31 - 46*)

Details of Councillors' questions are attached.

As a result of the General Election and the attendant demands upon officers and members, many questions will receive a verbal response at the meeting rather than a written response as previously advised to Group Leaders.

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DATE OF PUBLICATION: 8 May 2015
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Wiltshire Council

Council

12<sup>th</sup> May 2015

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## Public Participation

**Statement from Mr Michael Sprules, - Chairperson RADAR  
(Residents Against Development Affecting Recreational Land)**

Item No. 7

### Statement :-

**“Digger Dances” as Westinghouse Bowls Clubhouse Falls leaving a “Deficit”  
in “Sport Provision” at the West End of Chippenham.**

Cabinet Members and attending Elected Members

It is with a heavy heart that I, once again, write another Statement to Full Council today. Cabinet Members and Elected Members will be aware that I have spoken and submitted Statements at Cabinet many times, over the past five years, in regard to my concerns over Westinghouse Sports Ground and the potential for this **“Existing Sport Provision”** to be **“Lost”** prior to being provided elsewhere.

Indeed, at the last Full Council Meeting, held on 20<sup>th</sup> January 2015, I submitted a Statement to Full Council which demonstrated a potential for the **“Loss”** of **“Existing Sport Provision”**, at the West End of Chippenham, following **“Archaeological Excavations”** at Westinghouse Sports Ground. Therefore, in light of more recent events, at the Ground, I have resubmitted this Statement (*Included with this Statement - Attachment 1*) for the attention of Cabinet Members and attending Elected Members.

At the time of the last Meeting of Full Council, an application had been submitted to Wiltshire Council, by the Agent, acting on behalf of the Developer, which attempted to seek a **“Variation”** to **“Condition 5” (Parking)**, of the Westinghouse Sports Ground application (14/11864/VAR).

Having raised my concerns with the Case Officer, I was saddened to read the Officer's Report recommending permission be granted by the Northern Area Planning Committee. However, I had grave concerns over the contents of the report. Indeed, I took time to raise these grave concerns with both Leader of the Council, Councillor Jane Scott, as well as Cabinet Member for Strategic Planning, Councillor Toby Sturgis.

In the Officer's Report, the Case Officer appeared to not only re-write previously **“Approved Conditions”** but also appeared to suggest **“Extending the Planning Permission”**, by a further three years, whilst at the same time **“Omitting”** the previously approved **“Westinghouse Sport Mitigation Package”**. This was an **“Omission”** that had not gone unnoticed by Sport England, who sent an **“Impressively Assertive Solicitor's Letter”** (*Included with this Statement - Attachment 2*) to Wiltshire Council, in order to make sure that the **“Omission”** of the **“Westinghouse Sports Mitigation Package”** would be corrected.

Furthermore, National Planning Policy appeared to suggest that seeking to “**Extend the Time Limit**” of a planning permission using a “**Variation of Condition**” to achieve this was not considered as acceptable in planning terms. Indeed, after some extensive searching of the NPPF Guidance, I finally found the following Planning Legislation :

***“Are there any restrictions on what section 73 can be used for?”***

***Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made.***

***Revision date: 06 03 2014”***

Having found this NPPF Legislation, I wrote to all Members of the **Northern Area Planning Committee** to make them aware of the existence of this Legislation, together with a letter from the then Minister for Sport, Helen Grant (*Included with this Statement – Attachment 3*). I was, therefore, most heartened to discover that this application, for “**Variation**” to “**Condition 5**”, of the Westinghouse Sports Ground application had been “**Withdrawn**”.

Sadly, as a result of the Applicant having “**Withdrawn**” their application, a letter was sent to Local Residents’ to give “**Notice of Intent to Demolish Buildings**” at Westinghouse Sports Ground.

As promised, a “**Hi-Mac Digger**” was delivered at Westinghouse Sports Ground in late March 2015, Within a few days of delivery, Westinghouse Bowls Clubhouse was “**Demolished**”, and so the “**Loss**” of much needed “**Sport Provision**” at the West End of Chippenham had now begun.

With the “**Demolition**” of Westinghouse Bowls Clubhouse complete, a new issue came to light, in regard to “**Planning Enforcement**”. The Section 106 Agreement that accompanies the Decision Notice for Westinghouse Sports Ground makes it clear that “**Pre-Commencement – Sport Provision**”, that included “**New Sport Pitches**”, for both “**Rugby**” and “**Cricket**”, should have been well under construction prior to any “**Demolition**” of “**Existing Sport Facilities**” at Westinghouse Sports Ground.

With this in mind, the Right Hon. Duncan Hames, Incumbent Member of Parliament for Chippenham (*Correct at the time of writing this Statement*), brought up the issue of “**Planning Enforcement**”, at Parliament, on 16<sup>th</sup> March 2015, just prior to Dissolution.

The then Planning Minister, Brandon Lewis, gave the following response :

***“The Hon. Gentleman makes an important point. It is vital that enforcement is dealt with properly to give people confidence that the planning system will deliver the right results”.***

This recent “**Response**” given by the then Planning Minister has not gone unnoticed by other Councils in the United Kingdom.

In a recent landmark case, on 29<sup>th</sup> April 2015, Bath and North East Somerset Council ordered a Developer to “**Bulldoze**” a new apartment block because it says that the Developer has committed a “**Breach of Planning Control**” due to the building being only four feet wider than approved.

Similarly, on 5<sup>th</sup> May 2015, Westminster Council issued an “**Unprecedented Enforcement Notice**” to the firm that owns the Carlton Tavern, in Maida Vale, London, requiring it to “**Recreate in Facsimile the Building as it stood Immediately prior to its Demolition**”. This was due to the fact that the Developer had “**Demolished**” the building without seeking permission to do so.

In light of the “**Response**”, given by the then Minister for Planning, Brandon Lewis, I contacted Wiltshire Council’s Head Planning Enforcement Officer, in regard to “**Enforcement of the Section 106 Agreement**” for the Westinghouse Sports Ground application.

Sadly, however, I was told that, unless the Officer concerned with that application contacted “**Planning Enforcement**” directly, **NO ACTION** would be taken to “**Enforce**”.

As the Developer appeared keen to “**Keep the Permission Live**” and gain “**Commencement of Development**”, at Westinghouse Sports Ground, prior to the expiration date of 28<sup>th</sup> March 2015, some “**Extraordinary Lengths**” were taken to achieve this task .

These included a “**Road To Nowhere**” as well as “**Demolition**” of the Westinghouse Bowls Clubhouse. However, in their haste to achieve “**Commencement of Development**” the Agent and Developer have overlooked the Section 106 “**Definition**” of “**Commencement of Development**”.

In the Section 106 Agreement, the “**Definition**” of “**Commencement of Development**” is as follows :

### **Clause 1 Definitions**

The definitions and rules of interpretation in this clause apply in this Deed :

#### **“Commencement of Development”**

The date on which any **material operation** as defined in Section 56(4) of the Act forming part of the **Development begins** to be carried out with the **exception of** :

- ( a ) investigation of ground conditions and remedial work ;
- ( b ) archaeological work ;
- ( c ) **demolition** ;
- ( d ) erection of hoardings ; and
- ( e ) the development of the **Blue** Land and the **Orange** Land.

#### **“The Blue Land”**

All that land and premises known as 35 Park Avenue Chippenham Wiltshire SN14 0HB shown edged **Blue** on Plan A and registered at the Land Registry under title number WT11173.

#### **“The Orange Land”**

All that land and premises known as 33 Park Avenue Chippenham Wiltshire SN14 0HB shown edged **Orange** on Plan A and registered at the Land Registry under title number WT116468.

In light of the above information, it would appear that any attempt by the Agent and Developer to “**Keep this Permission as Live**” should have failed. However, as the Section 106 Agreement was **NOT READ** in conjunction with the **Decision Notice**, then it seems clear that any “**Commencement of Development**”, in this instance, cannot be considered as “**Sound**” or “**Robust**”, as to do so goes against the “**Terms**” held within the Section 106 Agreement itself. Indeed, if this “**Commencement of Development**” continues to stand, then there is the potential for the Section 106 Agreement to be “**Open to Challenge**” and, therefore, in itself, to be considered as no longer “**Sound**” or “**Robust**”.

This is reinforced by a response given to a question that I originally asked at Cabinet back on 19<sup>th</sup> June 2012. This response reads as follows :

***“The planning permissions for residential development on the Westinghouse Sports Club site and the associated Chippenham Rugby Club site have been granted. Both were granted permission on 28<sup>th</sup> March 2012 following the signing (and sealing) of a legal agreement under s106 of the Town and Country Planning Act 1990. This process was completed in accordance with the resolution of the Strategic Planning Committee on 16<sup>th</sup> November 2011. Accordingly, there is now no possibility of introducing additional planning conditions into either planning permission, Grampian or otherwise.***

***The aforementioned legal agreement, inter alia, requires the provision of sports facilities at the Chippenham Rugby Club site. Such “Sports Facilities Mitigation Measures” are defined within the agreement as including both cricket related facilities and enhancements to the existing rugby facilities. The Agreement also sets out a programme for the completion of the sports facilities and in doing so places upon the developer periodic constraints throughout the construction phase, as well as restricting the occupation of the new residential development. This is, in effect, to create a financial compulsion for the developers to provide the new sports facilities throughout the course of the development of the Westinghouse site. In particular, the rugby changing room extension, the cricket wicket, floodlighting and rugby pitch improvements are all scheduled to be commenced prior to any work starting upon the Westinghouse site, with all new sports facilities at the Rugby Club site to be completed prior to occupation of any new dwelling at the Westinghouse site.”***

In light of this response from Cabinet, dated 19<sup>th</sup> June 2012, together with a lack of willingness, on the part of Planning Enforcement, to “Enforce”, in this instance, I am rapidly coming to the conclusion that it is now imperative that Wiltshire Council's own **Scrutiny Committee** investigates this whole application to ascertain the facts behind how the very fabric of this particular Section 106 Agreement could be so undermined.

With other local Sports Clubs expressing interest in using Westinghouse Sports Ground as an “Expansion” to their existing “Sport Facilities”, it is clear that there is already a “Deficit” in “Sport Provision” at Chippenham. Indeed, the need for Westinghouse Sports Ground to continue to be used as a “Sports Facility”, was originally identified in 2006 in the “North Wiltshire Local Development Framework - Core Strategy – Issues and Options December 2005 - Consultation Comments - Questionnaire Results & Council's Responses”, well before any application had been submitted for residential development of the Ground, a point that has not been lost by Wiltshire Council's own Leisure Strategy Team.

At the moment, I continue to work with the Estates Manager, at Siemens, Mr. David Boakes, with a view to tenanting Westinghouse Sports Ground to other sports clubs.

Moving forward, may I, once again, reiterate the sentiment that Cabinet Members and Elected Members continue to work with myself and all other parties to facilitate a solution to this issue that will, ultimately, be satisfactory to Mr. David Boakes, Estates Manager, Siemens U.K., Mr. Clive Wiltshire – Managing Director of Linden Homes (Western) and, finally, a solution that will be to the benefit of Local Sports Clubs and the Local Residents of Chippenham.

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



## Public Participation

Statement from Mr Michael Sprules, - Chairperson RADAR  
(Residents Against Development Affecting Recreational Land)

Item No. 7

### Statement :-

#### **“Sport Provision” is “Lost” as Archaeological Excavations scar Westinghouse Sports Ground at the West End of Chippenham.**

Cabinet Members and attending Elected Members

In light of recent events at Westinghouse Sports Ground, I thought it would be prudent to resubmit this Statement which was originally submitted to Full Council on 20<sup>th</sup> January 2015.

It is with a heavy heart that I write this Statement to Full Council today. Cabinet Members and Elected Members will be aware that I have spoken at Cabinet many times, over the past five years, in regard to my concerns over Westinghouse Sports Ground and for the potential for this “Existing Sport Provision” to be “Lost” prior to being provided elsewhere.

Indeed, on 22<sup>nd</sup> April 2014, I submitted a Statement to Cabinet which demonstrated a “Deficit” in “Sport Provision”, at the West End of Chippenham, following the decision of Westinghouse Cricket Club to fold. In light of recent events at Westinghouse Sports Ground, I have resubmitted this Statement for the attention of Cabinet Members and attending Elected Members.

Sport England legislation is clear on the matter of “Mitigation of Sport Provision”. It states that, *“In light of para 74 of the National Planning Policy Framework, Local Planning Authorities should ensure that the requirement for any replacement provision to be of an equivalent or better quantity and quality and suitably located in relation to the current users. Planning conditions and/or legal agreements should be used to facilitate, secure and enhance the replacement provision, along with ensuring it is available before the loss of the existing provision.”*

Indeed, Officers for the Wiltshire Council Leisure Strategy Team, that are working on the emerging Sports Pitch Strategy for Wiltshire, have stated the following, in regard to Outdoor Recreation and Playing Pitches within Chippenham, *“It is vital that all sites presently identified as outdoor recreation /playing pitch sites remain as such and are protected, prime examples of these being Stanley Park & Chippenham Sports Club.”*

Whilst Chippenham Town Council are keen to further develop **Stanley Park** (fishing lakes, further sports pitches and upgrading of existing facilities) which should be encouraged there is a **significant distance** from a number of the strategic sites to this site therefore **Chippenham Sports Club, Westinghouse Recreation Ground and Chippenham Rugby club** become **important** not only because of the sports they develop but also because of their **geographic balance position** for the town and its sports facilities.

**Westinghouse Recreation Ground** though presently not used by any sports club due to its uncertain future, needs to **remain** as a **designated recreation area** and therefore **protected to meet the demands** of the **present and future population** of Chippenham even if residential development as per the existing planning application does take place." It is worth noting that Officers at the Wiltshire Council Leisure Strategy Team have also submitted this statement to the upcoming Chippenham DPD.

This is given greater clarification by an email that I received from Sport England. In this email, Mr. Brian Taylor, Area Development Manager (Wiltshire North), states, "As you are aware there is a legal agreement associated with the decision that requires the **provision of replacement sporting facilities**. This requires certain actions to have been undertaken prior to commencement of development. We have **not** been advised that these actions have been **satisfactorily resolved** as yet. "

Furthermore, I have now received an email from Mr. David Boakes, at Siemens U.K., in which he states that, "I have been in discussions with Linden Homes and their partner Sovereign Housing Association over the last few months, but have **not** been able to **reach an agreement** with them to **complete the sale** of the former sports ground at this time. It is now likely that the legal title of the land will transfer to Linden Homes at the end of the option agreement in March 2017."

Having spoken to Mr. Clive Wiltshire, Managing Director of Linden Homes (Western), on 24<sup>th</sup> November 2014, Mr. Wiltshire gave me an assurance that no "Mitigation" of "Sport Provision" would potentially begin until such time as Westinghouse Sports Ground was owned by Linden Homes.

In light of this, I was saddened to be witness to the Archaeological Excavations that took place at Westinghouse Sports Ground on 18<sup>th</sup> December 2014.

Although there are Conditions within the planning Decision that need to be satisfied, it should be noted that there are also Pre-Commencement Conditions, held within the Section 106 Agreement, that also need to be satisfied in regard to the much needed "Sport Provision".

The fact that Archaeological Excavations have now been carried out on Westinghouse Sports Ground, which is still considered as "Existing Sport Provision" (that is to say "Sport Provision" that is yet to be Commenced, Completed and ready to use elsewhere) has set a dangerous "Precedent" in this instance.

Any Developer or Agent could now, potentially, request an Archaeological Excavation on any "Existing Sport Provision" within the Settlement Boundary – Present and Future – of Chippenham. This now firmly puts "At Risk" : Chippenham Rugby Football Club, Chippenham Town Football Club, Chippenham Sports Club, John Coles Park Sports Provision and, of course, Stanley Park.

Indeed, if any request for an Archaeological Excavation of **“Existing Sport Provision”**, within Chippenham, by a Developer or Agent were to be refused then, that Developer or Agent could cite **Westinghouse Sports Ground** as the **“Precedent”**.

As Cabinet Members and Elected Members debate the Adoption of the **Wiltshire Core Strategy**, in this Chamber, it is important to remember that there were areas of the **Core Strategy** that were considered, by Mr. Andrew Seaman, Planning Inspector charged with testing the Soundness and Robustness of the **Wiltshire Core Strategy**, to be **“Unsound”**. One of these areas was the need for a more Sound and Robust Site Allocation for Chippenham.

As the **Wiltshire Core Strategy “Adoption”** will help the County of Wiltshire to prevent Speculative Development, it remains my hope that, moving forward, the Town of Chippenham can grow in a **“Balanced Way”** as the Chippenham DPD progresses.

May I, once again, reiterate the sentiment that all Cabinet Members and Elected Members continue to work with myself and all other parties to facilitate a solution to this issue that will, ultimately, be satisfactory to Mr. David Boakes, Estates Manager, Siemens U.K., Mr. Clive Wiltshire – Managing Director of Linden Homes (Western) and, finally, a solution that will be to the benefit of the Local Residents of Chippenham.

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

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C Burkey  
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Our ref: JB8/JAF/39134-00284/42234764 v1  
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**By Email (charmian.burkey@wiltshire.gov.uk)**  
**By Post**

13 February 2015

Dear Ms Burkey

**Application Number 14/11864/VAR**  
**Variation of Condition 5 of original Planning Permission N/11/00134/FUL**  
**Sport England**

We act on behalf of Sport England.

The above planning application has been drawn to the attention of our client. Having reviewed the papers associated with this application, a number of queries have arisen. We would be grateful if you could provide responses to these queries.

1. In your Report Outline for Area Planning Committees, you include planning conditions to be attached to the proposed planning permission.
- 1(a) Proposed planning condition 7 provides that the development be carried out in accordance with a list of approved plans.

This list essentially repeats the list included in planning condition 15 of the original planning permission, although certain surveys and assessments (Ecology, Protected Species, Reptiles, Arboricultural) have been omitted as these have now been completed. We note, however that two sports related plans have been omitted, presumably by accident. These are:

- Westinghouse Sports Ground Mitigation Package (date stamped 14 January 2011)
- Supporting Evidence Tennis and Bowls Provision (date stamped 11 March 2011).

If it is in fact intended to omit these from the new planning permission, we would be grateful for an explanation of the reasons for doing so. Otherwise, presumably these will be reinstated in proposed condition 7?

- 1(b) Proposed condition 8 states that the development permitted is to be begun before the expiration of three years from the date of the permission. We assume that this is not intended to extend the time within which the development, which was authorised in the original planning permission dated 28 March 2012, is to be implemented. It may well be that this should be made clearer on the face of proposed condition 8.
2. Your Report Outline also notes the need for a new s106 agreement to be entered into. We assume that terms will be identical to the original s106 agreement dated 27 March 2012, but with references to the planning permission amended to take account of the variation planning permission?

If, on the contrary, it is intended to carry out a more extensive redraft of the s106 agreement, Sport England would wish to be involved in that process to ensure that the provision of replacement sporting facilities is adequately provided for.

Should you wish to discuss any of the above points please either contact John Bowman (020 7861 4975) or Claire Brodrick (020 7861 4857) at these offices.

We look forward to hearing from you.

Yours sincerely



**John Bowman**  
**Partner**



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Your Ref: jdm\SprulesM\121214  
Our Ref: 259723/SJA

31 January 2015

Thank you for your letter of 12 December on behalf of your constituent Mr Michael J Sprules of 53 Park Avenue, Chippenham, SN14 0HB regarding the concerns about sports pitch provision in towns such as Chippenham.

I am aware that Sport England has been working closely with Mr Sprules, Chair of the residents association RADAR, and Wiltshire Council, on this issue for the past two years and continues to do so.

You may also wish to know that Sport England is currently supporting Wiltshire Council on producing a Playing Pitch Strategy and wants to see this site included in that strategy.

Sport England will always work to protect and improve the provision of playing fields for local communities. Its team of facilities and planning experts works with Councils' planning departments and developers across the country to ensure this provision is maintained.

I hope this information is helpful.

With best wishes,

**Helen Grant MP**  
Minister for Sport and Tourism



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**Wiltshire Council**

**Council**

**12 May 2015**

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**Public Participation**

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

**To Councillor Jane Scott OBE, Leader of the Council**

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

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

ANNEX A presents a statement of cause for these questions.

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

**Question 1**

Will the Council:

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

**Response**

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

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

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

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

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

## ANNEX A

### **Summary of cause:**

#### **1. Examples of excessive powers and decision making.**

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

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

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

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

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

#### **2. Weakening of democratic accountability**

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

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

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

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

**Principles and practice:**

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

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

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

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

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

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

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

### **1. The A350 Corridor**

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

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

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

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

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

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

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

### **3. Core Strategy Housing Numbers for NE Wiltshire.**

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

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

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

Wiltshire Council

Council

12 May 2015

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### Public Participation

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

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

### Statement

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

Cabinet Members and attending Elected Members

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

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

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

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

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

## **Question 2**

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

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

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

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

## **Response**

A verbal response will be provided at the meeting.



## Statement

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

Cabinet Members and attending Elected Members

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

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

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

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

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

### Question 3

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

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

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

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

**Response**

A verbal response will be provided at the meeting.

**Wiltshire Council**

**Council**

**12 May 2015**

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**Public Participation**

**From Mr Ian James - Bremhill Parish Council**

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

**Question 4**

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

**Response**

A verbal response will be provided at the meeting.

**Question 5**

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

**Response**

A verbal response will be provided at the meeting.

**Wiltshire Council**

**Council**

**12 May 2015**

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**Public Participation**

**From Mrs Iris Thomson**

**To Councillor Phillip Whitehad, Cabinet Member for Highways and Transport**

**Question 6**

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

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

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

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

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

**Response**

A verbal response will be provided at the meeting.

Wiltshire Council

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## Agenda Item 8 (a) – Petitions Received

A petition with 2,043 signatories will be presented by Mr Douglas Ross, Chairman of the Trowbridge Link Scheme. The petition states:

### Petition- RUH Hopper Service

- ***‘We the under signed call upon Wiltshire Council, to reconsider any changes to the Royal United Hospital Hopper service and call upon the Council to re-instate the £130,000 that has been cut from the budget to fund this service It is understood that Wiltshire Council must seek savings but any change in the way this service is provided would cause hardship for those who rely on this valuable service to travel to the Bath RUH.***

***At present this service provides a door to door service that is disabled friendly, and it’s vital this service is retained in its present form. We would ask Wiltshire Council to remember Wiltshire is the County. “Where everyone matters”.’***

- A further petition on the same issue with 38 signatories will be presented on behalf of petitioners by Councillor Sue Evans. The petition states:

***‘Petition to keep the Connect 2 in service’***

Please also refer to Notice of Motion No. 20 - RUH Hopper Service – Agenda Item 10 (c)

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Proportional Representation Table

	Conservative	Liberal Democrat	Labour	Independent	UKIP	
	60	21	4	12	1	
1	0.612		0.041	0.122	0.010	0.79
2	1.224	0.429	0.082	0.245	0.020	2.00
3	1.837	0.643	0.122	0.367	0.031	3.00
4	2.449	0.857	0.163	0.490	0.041	4.00
5	3.061	1.071	0.204	0.612	0.051	5.00
6	3.673	1.286	0.245	0.735	0.061	6.00
7	4.286	1.500	0.286	0.857	0.071	7.00
8	4.898	1.714	0.327	0.980	0.082	8.00
9	5.510	1.929	0.367	1.102	0.092	9.00
10	6.122	2.143	0.408	1.224	0.102	10.00
11	6.735	2.357	0.449	1.347	0.112	11.00
12	7.347	2.571	0.490	1.469	0.122	12.00
13	7.959	2.786	0.531	1.592	0.133	13.00
14	8.571	3.000	0.571	1.714	0.143	14.00
15	9.184	3.214	0.612	1.837	0.153	15.00
16	9.796	3.429	0.653	1.959	0.163	16.00
17	10.408	3.643	0.694	2.082	0.173	17.00
18	11.020	3.857	0.735	2.204	0.184	18.00
19	11.633	4.071	0.776	2.327	0.194	19.00
20	12.245	4.286	0.816	2.449	0.204	20.00
21	12.857	4.500	0.857	2.571	0.214	21.00
22	13.469	4.714	0.898	2.694	0.224	22.00
23	14.082	4.929	0.939	2.816	0.235	23.00
24	14.694	5.143	0.980	2.939	0.245	24.00
25	15.306	5.357	1.020	3.061	0.255	25.00
26	15.918	5.571	1.061	3.184	0.265	26.00
27	16.531	5.786	1.102	3.306	0.276	27.00
28	17.143	6.000	1.143	3.429	0.286	28.00
29	17.755	6.214	1.184	3.551	0.296	29.00
30	18.367	6.429	1.224	3.673	0.306	30.00
31	18.980	6.643	1.265	3.796	0.316	31.00
32	19.592	6.857	1.306	3.918	0.327	32.00
33	20.204	7.071	1.347	4.041	0.337	33.00
34	20.816	7.286	1.388	4.163	0.347	34.00
35	21.429	7.500	1.429	4.286	0.357	35.00
36	22.041	7.714	1.469	4.408	0.367	36.00
37	22.653	7.929	1.510	4.531	0.378	37.00
38	23.265	8.143	1.551	4.653	0.388	38.00
39	23.878	8.357	1.592	4.776	0.398	39.00
40	24.490	8.571	1.633	4.898	0.408	40.00
41	25.102	8.786	1.673	5.020	0.418	41.00
42	25.714	9.000	1.714	5.143	0.429	42.00
43	26.327	9.214	1.755	5.265	0.439	43.00
44	26.939	9.429	1.796	5.388	0.449	44.00
45	27.551	9.643	1.837	5.510	0.459	45.00
46	28.163	9.857	1.878	5.633	0.469	46.00
47	28.776	10.071	1.918	5.755	0.480	47.00
48	29.388	10.286	1.959	5.878	0.490	48.00
49	30.000	10.500	2.000	6.000	0.500	49.00
50	30.612	10.714	2.041	6.122	0.510	50.00
51	31.224	10.929	2.082	6.245	0.520	51.00
52	31.837	11.143	2.122	6.367	0.531	52.00
53	32.449	11.357	2.163	6.490	0.541	53.00
54	33.061	11.571	2.204	6.612	0.551	54.00
55	33.673	11.786	2.245	6.735	0.561	55.00
56	34.286	12.000	2.286	6.857	0.571	56.00
57	34.898	12.214	2.327	6.980	0.582	57.00
58	35.510	12.429	2.367	7.102	0.592	58.00
59	36.122	12.643	2.408	7.224	0.602	59.00
60	36.735	12.857	2.449	7.347	0.612	60.00
61	37.347	13.071	2.490	7.469	0.622	61.00
62	37.959	13.286	2.531	7.592	0.633	62.00
63	38.571	13.500	2.571	7.714	0.643	63.00
64	39.184	13.714	2.612	7.837	0.653	64.00
65	39.796	13.929	2.653	7.959	0.663	65.00
66	40.408	14.143	2.694	8.082	0.673	66.00
67	41.020	14.357	2.735	8.204	0.684	67.00
68	41.633	14.571	2.776	8.327	0.694	68.00
69	42.245	14.786	2.816	8.449	0.704	69.00
70	42.857	15.000	2.857	8.571	0.714	70.00
71	43.469	15.214	2.898	8.694	0.724	71.00
72	44.082	15.429	2.939	8.816	0.735	72.00
73	44.694	15.643	2.980	8.939	0.745	73.00
74	45.306	15.857	3.020	9.061	0.755	74.00
75	45.918	16.071	3.061	9.184	0.765	75.00
76	46.531	16.286	3.102	9.306	0.776	76.00
77	47.143	16.500	3.143	9.429	0.786	77.00
78	47.755	16.714	3.184	9.551	0.796	78.00
79	48.367	16.929	3.224	9.673	0.806	79.00
80	48.980	17.143	3.265	9.796	0.816	80.00
81	49.592	17.357	3.306	9.918	0.827	81.00
82	50.204	17.571	3.347	10.041	0.837	82.00
83	50.816	17.786	3.388	10.163	0.847	83.00
84	51.429	18.000	3.429	10.286	0.857	84.00
85	52.041	18.214	3.469	10.408	0.867	85.00
86	52.653	18.429	3.510	10.531	0.878	86.00
87	53.265	18.643	3.551	10.653	0.888	87.00
88	53.878	18.857	3.592	10.776	0.898	88.00
89	54.490	19.071	3.633	10.898	0.908	89.00
90	55.102	19.286	3.673	11.020	0.918	90.00
91	55.714	19.500	3.714	11.143	0.929	91.00
92	56.327	19.714	3.755	11.265	0.939	92.00
93	56.939	19.929	3.796	11.388	0.949	93.00
94	57.551	20.143	3.837	11.510	0.959	94.00
95	58.163	20.357	3.878	11.633	0.969	95.00
96	58.776	20.571	3.918	11.755	0.980	96.00
97	59.388	20.786	3.959	11.878	0.990	97.00
98	60.000	21.000	4.000	12.000	1.000	98.00
99	60.612	21.214	4.041	12.122	1.010	99.00
100	61.224	21.429	4.082	12.245	1.020	100.00
101	61.837	21.643	4.122	12.367	1.031	101.00
102	62.449	21.857	4.163	12.490	1.041	102.00
103	63.061	22.071	4.204	12.612	1.051	103.00
104	63.673	22.286	4.245	12.735	1.061	104.00

	Conservative	Liberal Democrat	Labour	Independent	UKIP	
	60	21	4	12	1	
105	64.286	22.500	4.286	12.857	1.071	105.00
106	64.898	22.714	4.327	12.980	1.082	106.00
107	65.510	22.929	4.367	13.102	1.092	107.00
108	66.122	23.143	4.408	13.224	1.102	108.00
109	66.735	23.357	4.449	13.347	1.112	109.00
110	67.347	23.571	4.490	13.469	1.122	110.00
111	67.959	23.786	4.531	13.592	1.133	111.00
112	68.571	24.000	4.571	13.714	1.143	112.00
113	69.184	24.214	4.612	13.837	1.153	113.00
114	69.796	24.429	4.653	13.959	1.163	114.00
115	70.408	24.643	4.694	14.082	1.173	115.00
116	71.020	24.857	4.735	14.204	1.184	116.00
117	71.633	25.071	4.776	14.327	1.194	117.00
118	72.245	25.286	4.816	14.449	1.204	118.00
119	72.857	25.500	4.857	14.571	1.214	119.00
120	73.469	25.714	4.898	14.694	1.224	120.00
121	74.082	25.929	4.939	14.816	1.235	121.00
122	74.694	26.143	4.980	14.939	1.245	122.00
123	75.306	26.357	5.020	15.061	1.255	123.00
124	75.918	26.571	5.061	15.184	1.265	124.00
125	76.531	26.786	5.102	15.306	1.276	125.00
126	77.143	27.000	5.143	15.429	1.286	126.00
127	77.755	27.214	5.184	15.551	1.296	127.00
128	78.367	27.429	5.224	15.673	1.306	128.00
129	78.980	27.643	5.265	15.796	1.316	129.00
130	79.592	27.857	5.306	15.918	1.327	130.00
131	80.204	28.071	5.347	16.041	1.337	131.00
132	80.816	28.286	5.388	16.163	1.347	132.00
133	81.429	28.500	5.429	16.286	1.357	133.00
134	82.041	28.714	5.469	16.408	1.367	134.00
135	82.653	28.929	5.510	16.531	1.378	135.00
136	83.265	29.143	5.551	16.653	1.388	136.00
137	83.878	29.357	5.592	16.776	1.398	137.00
138	84.490	29.571	5.633	16.898	1.408	138.00
139	85.102	29.786	5.673	17.020	1.418	139.00
140	85.714	30.000	5.714	17.143	1.429	140.00
141	86.327	30.214	5.755	17.265	1.439	141.00
142	86.939	30.429	5.796	17.388	1.449	142.00
143	87.551	30.643	5.837	17.510	1.459	143.00
144	88.163	30.857	5.878	17.633	1.469	144.00
145	88.776	31.071	5.918	17.755	1.480	145.00
146	89.388	31.286	5.959	17.878	1.490	146.00
147	90.000	31.500	6.000	18.000	1.500	147.00
148	90.612	31.714	6.041	18.122	1.510	148.00
149	91.224	31.929	6.082	18.245	1.520	149.00
150	91.837	32.143	6.122	18.367	1.531	150.00
151	92.449	32.357	6.163	18.490	1.541	151.00
152	93.061	32.571	6.204	18.612	1.551	152.00
153	93.673	32.786	6.245	18.735	1.561	153.00
154	94.286	33.000	6.286	18.857	1.571	154.00
155	94.898	33.214	6.327	18.980	1.582	155.00
156	95.510	33.429	6.367	19.102	1.592	156.00
157	96.122	33.643	6.408	19.224	1.602	157.00
158	96.735	33.857	6.449	19.347	1.612	158.00
159	97.347	34.071	6.490	19.469	1.622	159.00
160	97.959	34.286	6.531	19.592	1.633	160.00
161	98.571	34.500	6.571	19.714	1.643	161.00
162	99.184	34.714	6.612	19.837	1.653	162.00
163	99.796	34.929	6.653	19.959	1.663	163.00
164	100.408	35.143	6.694	20.082	1.673	164.00
165	101.020	35.357	6.735	20.204	1.684	165.00
166	101.633	35.571	6.776	20.327	1.694	166.00
167	102.245	35.786	6.816	20.449	1.704	167.00
168	102.857	36.000	6.857	20.571	1.714	168.00
169	103.469	36.214	6.898	20.694	1.724	169.00
170	104.082	36.429	6.939	20.816	1.735	170.00
171	104.694	36.643	6.980	20.939	1.745	171.00
172	105.306	36.857	7.020	21.061	1.755	172.00
173	105.918	37.071	7.061	21.184	1.765	173.00
174	106.531	37.286	7.102	21.306	1.776	174.00
175	107.143	37.500	7.143	21.429	1.786	175.00
176	107.755	37.714	7.184	21.551	1.796	176.00
177	108.367	37.929	7.224	21.673	1.806	177.00
178	108.980	38.143	7.265	21.796	1.816	178.00
179	109.592	38.357	7.306	21.918	1.827	179.00
180	110.204	38.571	7.347	22.041	1.837	180.00
181	110.816	38.786	7.388	22.163	1.847	181.00
182	111.429	39.000	7.429	22.286	1.857	182.00
183	112.041	39.214	7.469	22.408	1.867	183.00
184	112.653	39.429	7.510	22.531	1.878	184.00
185	113.265	39.643	7.551	22.653	1.888	185.00
186	113.878	39.857	7.592	22.776	1.898	186.00
187	114.490	40.071	7.633	22.898	1.908	187.00
188	115.102	40.286	7.673	23.020	1.918	188.00
189	115.714	40.500	7.714	23.143	1.929	189.00
190	116.327	40.714	7.755	23.265	1.939	190.00
191	116.939	40.929	7.796	23.388	1.949	191.00
192	117.551	41.143	7.837	23.510	1.959	192.00
193	118.163	41.357	7.878	23.633	1.969	193.00
194	118.776	41.571	7.918	23.755	1.980	194.00
195	119.388	41.786	7.959	23.878	1.990	195.00
196	120.000	42.000	8.000	24.000	2.000	196.00
197	120.612	42.214	8.041	24.122	2.010	197.00
198	121.224	42.429	8.082	24.245	2.020	198.00
199	121.837	42.643	8.122	24.367	2.031	199.00
200	122.449	42.857	8.163	24.490	2.041	200.00



**Wiltshire Council**

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## **Item 17 - Councillors' Questions**

**From Councillor Terry Chivers, Melksham Without South Division**

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

### **Question 1**

Residents a of Wiltshire who have signed up for the green waste collection tax. Have been issued with a sticker to place on their bin to identify they have paid the green tax. If a bin has been stolen, or damaged by the Councils contractor will there be a £25 charge for a replacement bin.

### **Response**

A verbal response will be provided at the meeting.

**Question 2**

**Question withdrawn by member**

**Wiltshire Council**

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**Item 17 - Councillors' Questions**

**From Councillor Terry Chivers, Melksham Without South Division**

**To Councillor Stuart Wheeler, Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)**

**Question 3**

How many local Parish and town Councils have been forced to increase council tax to provide services that should be provided by Wiltshire council?

**Response**

A verbal response will be provided at the meeting.

**Wiltshire Council**

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**Item 17 - Councillors' Questions**

**From Councillor Terry Chivers, Melksham Without South Division**

**To Councillor Richard Tonge, Cabinet Member for Finance, Performance and Risk**

**Question 4**

As from April 1st all residents of Wiltshire are being charged £40 in the form of a green bin tax. Payment can be made by credit or debit card, by cheque or by phone.

What arrangements are being made for residents without bank accounts that wish to pay by cash.

**Response**

At 6th May 30676 payments had been made of which 105 were cash. Cash payments can be made at the three hubs and Snuff Street in Devizes. Like all payments to the council we promote methods that are the most cost effective and secure for the customer and the council.

**Wiltshire Council**

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**Item 17 - Councillors' Questions**

**From Councillor Helen Osborn, Trowbridge Lambrok Division**

**To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Communities, Campuses, Area Boards and Broadband**

**Question 5**

May the Council please be informed of the extent of the current overspend on the Corsham campus and the reasons for this?

**Response**

A verbal response will be provided at the meeting.

**Question 6**

What is the estimated completion date for the Melksham campus and is it likely to come in on budget?

**Response**

A verbal response will be provided at the meeting.

**Question 7**

Is the NHS still committed to involvement with the campus programme?

**Response**

A verbal response will be provided at the meeting.

**Question 8**

What is the capital borrowing requirement for completion of the first seven campuses?

**Response**

A verbal response will be provided at the meeting.

**Wiltshire Council**

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**Item 17 - Councillors' Questions**

**From Councillor Terry Chivers, Melksham Without South Division**

**To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Communities, Campuses, Area Boards and Broadband**

**Question 9**

Wiltshire Council has known about the presence of newts on the new site for Melksham Town FC and Melksham Ruby for some time.

Why was it left so late before these two clubs were told that they would be remaining at their present grounds for another season?

Is it really the newts holding the move up or just a red herring as suggested in the Editorial of The Wiltshire Times?

[http://www.wiltshiretimes.co.uk/news/12882708.Newts\\_delay\\_Melksham\\_developments\\_by\\_a\\_year/](http://www.wiltshiretimes.co.uk/news/12882708.Newts_delay_Melksham_developments_by_a_year/)

**Response**

A verbal response will be provided at the meeting.

**Wiltshire Council**

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**Item 17 - Councillors' Questions**

**From Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question 10**

How many responses were received to the Draft Chippenham Site Allocation Plan? What number and percentage of the total said that they found the Plan to be unsound?

**Response**

A verbal response will be provided at the meeting.

**Question 11**

When will all the public responses to the Draft Chippenham Site Allocation Plan be loaded onto the Council web site? As of 5th May, nearly one month after consultation closed, no responses from the CAUSE 2015 residents group have appeared there, when will they be available?

**Response**

A verbal response will be provided at the meeting.

**Question 12**

How many hectares of land does Wiltshire Council own in each of the Areas C, D and E respectively of the Draft Chippenham Site Allocation Plan?

**Response**

A verbal response will be provided at the meeting.

**Question 13**

The official 2011-2016 Wiltshire Infrastructure Delivery Plan 2, Appendix 1 Chippenham Community Area, includes a southern link road and costs for the river crossing. Why is this now being airbrushed out of the Council's plans?

**Response**

A verbal response will be provided at the meeting.

**Question 14**

What is the revised timetable for the preparation of the Chippenham DPD? Does this now include reconsideration by the Cabinet?

**Response**

A verbal response will be provided at the meeting.



**Wiltshire Council**

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**Item 17 - Councillors' Questions**

**From Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)**

**Question 15**

How much additional funding has been provided to the Council by Central Government to assist with the implementation of the Care Act 2014, which came into effect on April 1<sup>st</sup>?

**Response**

The Council will receive £2.7m of direct grant, plus £2.5m from the Better Care Fund.

**Question 16**

At 2015 prices, what do you estimate the additional annual cost to the Council of implementing the Care Act will be, after any Government additional funding has been taken into account?

**Response**

The most recent national model used to gauge the impact of the Care Act on the council suggests a total financial impact for carers and support of £5 million. Assessment accounts for £0.5m and support £4.5m. The details are in a paper presented to cabinet on 20<sup>th</sup> January 2015.

**Question 17**

How many additional assessments for carers do you expect the Council will need to carry out in Wiltshire? Are the staff in post to do this work?

**Response**

A verbal response will be provided at the meeting.

When questioned at the last Council, meeting about the Help to Live at Home Service, your response included the statement that *“At the moment things are going well, and we need to keep them that way.”* Since then the Care Quality Commission has found that a second of the four Council HTLH providers, MiHomeCare, is now falling seriously short of the required standards. They ‘require improvement’ in three out of five inspection categories and are found to be Inadequate in terms of safety. The report states bluntly “The service is not safe.” More than one breach of the Health and Social Care Act Regulations is recorded.

At the same time, the CQC web site continues to rate the Mears HTLH service as ‘Requires Improvement’. This comes after three inspections in less than a year and (we are told) many hours of work by Council officers to help improve the service. The latest inspection was announced to Mears in advance and does thankfully report some improvements, as one would expect after the amount of attention that has been given over the last 11 months. However the service still ‘requires improvement’ in four out of five inspection categories and the situation is far less satisfactory than suggested in your upbeat response at the February Council meeting. For example, the CQC found in December that “whilst improvements had been made to the (Mears) service, the administration of people’s medicines was not safe”.

#### **Question 18**

I appreciate that Cabinet administrations, relying on their political majorities, often find it awkward to admit to getting things wrong. But isn’t it time in this case to say sorry to those vulnerable Wiltshire people who have relied on the Council’s contractors, but have been let down by them, and even sometimes been put at risk?

#### **Response**

A verbal response will be provided at the meeting.

#### **Question 19**

The whole Better Care Strategy and the widely shared ambition to keep people out of hospital depends on good quality care at home. Isn’t it time also to recognise that the commissioning of private, for-profit HLTH services in Wiltshire has not adequately met the needs of Wiltshire residents, and to put in place some urgent actions that build on that recognition?

#### **Response**

A verbal response will be provided at the meeting.

#### **Question 20**

And should there not be a plan B, for example changing contractors, or considering bringing these services back into the public sector?

#### **Response**

A verbal response will be provided at the meeting.

**Wiltshire Council**

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**Item 17 - Councillors' Questions**

**From Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Philip Whitehead, Cabinet Member for Highways and Transport**

**Question 21**

Will you make clear your reasons for refusing to replace any damaged or destroyed litter bins throughout the County? When will you be reviewing this antisocial policy?

**Response**

It must be noted that it is not the lack of a litter bin that is antisocial but the dropping of litter.

It is vital that dropping litter is not given an excuse. There can never be a reason for dropping litter, it is vital the message is given that litter must be disposed of in the correct manner.

If a litter bin is not available take the waste home and put it in your bin.

Whilst the council has a statutory duty to collect litter, it also has a moral duty to avoid unnecessary costs. Collecting litter is one such avoidable cost.

Town and parish councils can provide litter bins and empty them if it is a local priority on their land or Wiltshire Council's land at an appropriate location.

Town and parish councils can relocate the council's current litter bins if they feel this will help address a litter issue and the location is appropriate.

Certain businesses can be requested to remove their litter or their customers litter from up to 100m from their shop frontage. Many businesses provide litter bins themselves to control this litter. For example many local village shops.

A number of organisations provide sponsorship for the direct provision of litter bins, for example McDonalds.

The council is endeavouring to highlight to everyone that collecting litter is an easily avoidable cost. By a small number of irresponsible people not dropping litter the council would save considerable sums. It must be recognised that the vast majority of people are responsible and dispose of their waste correctly. Regrettably it is the council's experience that it still has to litter pick areas even though there are litter bins present.

When looking at service priorities the council must undertake the service which meets the demand. Litter is dropped in the town centres even though there are numerous bins, or dropped on the rural highways even though there are litter bins in lay byes.

The council when prioritising its services must fund reactive litter picking, which is proven to remove litter, over litter bins which it has experience of not preventing litter deposits. Education and enforcement are also important and this work must also be continued. However, the council will be pleased to support local communities who may wish to provide litter bins themselves, or undertake community litter picking initiatives or relocate existing litter bins.

**Item 17 - Councillors' Questions**

**From Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Communities, Campuses, Area Boards and Broadband**

A policy has been imposed on Area Boards which requires any issue or proposal coming to a Community Area Transport Group (CATG) to have the support of the relevant Town or Parish Council. It does not allow a CATG to proceed with any solution without that support. This effectively gives Town and Parish Councils a veto, even if the elected Wiltshire Councillor supports action being taken.

**Question 22**

Given that Wiltshire Councillors are encouraged to be 'community leaders', would you not agree that this policy diminishes the role of all Wiltshire Councillors in the areas they represent?

**Response**

A verbal response will be provided at the meeting.

**Question 23**

CATGs benefit from the professional high quality advice of Council officers when they make their decisions. What steps will you take to make sure that advice is available to Town and parish Councils when they consider whether they are going to support or veto proposals put forward by members of the local public?

**Response**

A verbal response will be provided at the meeting.

**Question 24**

Given these difficulties, will you consider revising the Area Board CATG Terms of Reference so that they only require Town and Parish Councils to give an opinion, without the power of veto?

**Response**

A verbal response will be provided at the meeting.

**Item 17 - Councillors' Questions**

**From Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Jane Scott OBE, Leader of the Council**

According to the papers of the Health and Wellbeing Board meeting on 25 March, the Wiltshire Clinical Commissioning Group is now engaged in re-commissioning 'Adult Community Services' for Wiltshire residents. This rather dry term doesn't fully convey the large range of what is involved, which is the provision of (to quote the HWB paper):

*Community Beds (inc Step up), Community Geriatrician/Frail Elderly Service, Stroke Therapies Neurology Stroke, Speech and Language Therapy (SALT), MIU, Continence, CTPLD, Hearing Therapies, Tissue Viability Lymphedema, Diabetes, Dietetics, Podiatry, Community Outpatient Musculoskeletal (MSK) Physiotherapy & Extended Scope Physiotherapy (ESP), Orthotics, Wheelchairs, Cardiac (PACE) & Respiratory Services (COPD), Core Community Teams (inc Care Co-ordinators) Outpatient Department services, and Fracture Clinic*

**Question 25**

In the HWB papers it was reported that four organisations had been chosen to go forward to the next stage in the selection process, but these four were not named. As Chair of the HWB, you presumably know who these four are. Will you take this opportunity to make their names public?

**Response**

Wiltshire CCG is leading the re-commissioning process for adult community services. As part of this, the CCG invited the four organisations that have been chosen to go forward to the next stage in the selection process to make their names public. However, not all have chosen to do so, which means these cannot yet be announced publicly in this part of the procurement process.

**Question 26**

What part is Wiltshire Council playing in this commissioning process?

**Response**

As per the paper which went to the Health and Wellbeing Board, Wiltshire Council has been invited to nominate two representatives to the procurement panel.

**Question 27**

The HWB paper referred to in the previous question states that the aim is “to secure the most advantageous (Adult Community) services for the people of Wiltshire”. In your view, as Leader of this Council, could the award of this service contract to a private sector for-profit company be advantageous for the people of Wiltshire?

**Response**

Wiltshire Council will be placing an emphasis on ensuring that, whichever organisation is selected, there will be close working between adult community services, social care teams, GP practices and the acute hospitals. This is crucial for delivering the vision of care outlined in the Joint Health and Wellbeing Strategy and the Better Care Plan – with care at or closer to home and local services clustered around GP surgeries. The final decision on which organisation is best placed to deliver this rests with the CCG, however Wiltshire Council will do all it can and will work with partner organisations to ensure high quality services, free at the point of delivery, are made available to Wiltshire residents - with a strong emphasis on sustained investment in integration of services.

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**Item 17 - Councillors' Questions**

**From Councillor Ernie Clark, Hilperton Division**

**To Councillor Philip Whitehead, Cabinet Member for Highways and Transport**

**Question 28**

I am advised that this council no longer has enough money to replace broken equipment in the play areas it is responsible for. Is this true? If it is, how does this equate with the WC wish to get our children fitter?

**Response**

A considerable number of play areas across the county are provided and funded by the town and parish councils. To ensure a harmonised policy across the county, with all town and parish councils being treated the same, the council continues to seek to asset transfer these facilities to the local community. The council has a budget of circa £145k for the inspection and maintenance of its 184 facilities. The council's priority is to fund the inspection of these facilities to ensure they are safe. When major repairs are required the relevant town or parish council will be contacted to confirm if they wish to fund the repair or take on the facility. If this is not an option the council will prioritise its funding to ensure the safety of the facility.