

# SUMMONS

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Meeting: **Council (Budget Setting Meeting)**  
Place: **Council Chamber, County Hall, Trowbridge**  
Date: **Tuesday 21 February 2017**  
Time: **10.30 am**

**Councillors are reminded to sign the attendance book before entering the Council Chamber**

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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)

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](http://www.wiltshire.gov.uk)

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## **Recording and Broadcasting Information**

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

## PART I

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

1      **Apologies**

2      **Minutes of Previous Meeting** (*Pages 9 - 50*)

To approve as a correct record and sign the minutes of the last meeting of Council held on 18 October 2016.

3      **Declarations of Interest**

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

4      **Announcements by the Chairman**

5      **Petitions**

5a)      **Presentation of Petition**

No petitions have been submitted for presentation to this meeting.

5b)      **Petitions Update** (*Pages 51 - 54*)

Report of the Democratic Governance Manger

6      **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 15 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Questions

To receive any questions from members of the public received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Corporate Director) **no later than 5pm on 14 February** in order to be guaranteed a written response. Questions received after this deadline and no

later than 5pm 16 February 2017 before the meeting will receive a verbal response. Please contact the officer named on the first page of this agenda for further advice.

Questions may be asked without notice if the Chairman decides that the matter is urgent. Details of any questions received will be circulated to Councillors prior to the meeting and made available at the meeting and on the Council's website.

## **POLICY FRAMEWORK**

Under its Constitution, the Council is responsible for approving the Policy Framework of the Council expressed in various plans and strategies which includes the subjects referred to in item 7 and 8 below

### **7 Adoption of the Supplementary Planning Document 'Waste Storage and Collection: Guidance for Developers' (Pages 55 - 132)**

Council is asked to consider adopting the revised document 'Waste Collection and Storage: Guidance for Developers' as a Supplementary Planning Document as recommended by Cabinet at its meeting on 15 November 2016. The report considered by Cabinet is attached as background information.

Report by Dr Carlton Brand, Corporate Director.

### **8 Pay Policy Statement (Pages 133 - 154)**

To consider the Pay Policy Statement as recommended by the Staffing Policy Committee at its meeting on 4 January 2017.

Report by Dr Carlton Brand, Corporate Director and relevant extract of the minutes of the Staffing Policy Committee are attached.

## **BUDGET 2016/17**

To consider Wiltshire Council's Financial Plan  
The updated Budget Report, Budget Book and Fees and Charges as proposed can be accessed on the following link of the Council's website:

[Budget 2017/18](#)

### **9 Treasury Management Strategy 2017/18 (Pages 155 - 176)**

Report by Carolyn Godfrey, Corporate Director

- 10 **Proposals to change the Council Tax Reduction (CTR) Scheme** *(Pages 177 - 184)*

Council is asked to consider agreeing the changes to the Council Tax Reduction Scheme as recommended by Cabinet at its meeting on 13 December 2016. The appendices referred to in the report as previously presented to Cabinet can be accessed [here](#)

Report by Carolyn Godfrey, Corporate Director

- 11 **Wiltshire Council's Financial Plan Update 2017/18** *(Pages 185 - 186)*

Details of the Budget Process which will be used at the meeting are attached.

11a) **Leader's Budget Speech**

11b) **Proposed Amendments to the Budget proposals from the Liberal Democrat Group** *(Pages 187 - 190)*

11c) **The reports of the Special Overview and Scrutiny Management Committee held on 1 February (attached) and 14 February 2017 (to follow)** *(Pages 191 - 200)*

11d) **Relevant extract of the minutes of Cabinet held on 7 February 2017** *(Pages 201 - 202)*

11e) **Financial Plan 2017/18**

Report by Corporate Directors Dr Carlton Brand and Carolyn Godfrey can be accessed [here](#)

- 12 **Council Tax Setting 2017/2018** *(Pages 203 - 226)*

Report by Carolyn Godfrey, Corporate Director

## **COUNCILLORS' MOTIONS**

- 13 **Notices of Motion** *(Pages 227 - 230)*

For Council's ease of reference the rules on how motions on notice are dealt with at Council and guidance on amendments to motions taken from Part 4 of the Council's constitution are attached.

To consider the following motions:

13a) **Motion No. 40 - Reducing Single Use Plastic - Councillors Terry Chivers and Ernie Clark** (*Pages 231 - 234*)

Officer briefing note attached.

13b) **Motion No. 41 - Protecting Wiltshire's Rights of Way for People - From Councillors Steve Oldrieve and Jon Hubbard** (*Pages 235 - 238*)

Officer briefing note attached.

13c) **Motion No. 42 - Leadership in health and social care at a critical time - From Councillors Chris Caswill and Graham Wright** (*Pages 239 - 240*)

#### **OTHER ITEMS OF BUSINESS**

14 **Brunel Pension Partnership - Approval of Full Business Case** (*Pages 241 - 278*)

Report by Carolyn Godfrey, Corporate Director

15 **Future External Audit Appointments** (*Pages 279 - 282*)

Report by Carolyn Godfrey, Corporate Director

16 **Proposed Changes to the Constitution - Protocol 12 - Standards Complaints Procedure** (*Pages 283 - 298*)

Report by the Associate Director, Law and Governance and Monitoring Officer

17 **Membership of Committees and Other Bodies**

To determine any requests from Group Leaders for changes to membership of committees in accordance with the allocation of seats to political groups as approved by the Council and other bodies.

## MINUTES OF CABINET AND COMMITTEES

### 18 Minutes of Cabinet and Committees

- a. The Chairman will move that Council receives and notes the minutes of Cabinet and the various Committees of the Council as listed in the [Minutes Book](#)
- b. The Chairman will invite the Leader, Cabinet members and Chairmen of Committees to make any important announcements.
- c. Councillors will be given the opportunity to raise questions on points of information or clarification on the minutes presented.
- d. Councillors will be given an opportunity to raise any questions on the minutes of the Wiltshire and Swindon Fire Authority – please submit any questions to [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk) by 5pm 13 February 2017
- e. Councillors will be given an opportunity to raise general issues relating to Area Boards but not specific local issues.

## COUNCILLORS' QUESTIONS

### 19 Councillors' Questions

Please note that Councillors are required to give notice of any such questions in writing to the officer named on the first page of this agenda (acting on behalf of the Corporate Director) not later than **5pm on 14 February 2017**. Questions may be asked without notice if the Chairman decides that the matter is urgent.

## PART II

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

**None**

Carolyn Godfrey  
Corporate Director and Head of Paid Service  
Wiltshire Council  
Bythesea Road  
Trowbridge  
Wiltshire BA14 8JN

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## **COUNCIL**

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### **MINUTES OF THE COUNCIL MEETING HELD ON 18 OCTOBER 2016 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Desna Allen, Cllr Glenis Ansell, Cllr Chris Auckland, Cllr Pat Aves, Cllr Chuck Berry, Cllr Nick Blakemore, Cllr Richard Britton (Chairman), Cllr Allison Bucknell (Vice-Chair), Cllr Jamie Capp, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Mary Champion, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Mark Connolly, Cllr Christine Crisp, Cllr Anna Cuthbert, Cllr Andrew Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Stewart Dobson, Cllr Mary Douglas, Cllr Dennis Drewett, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Mollie Groom, Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Alan Hill, Cllr Atiqul Hoque, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Keith Humphries, Cllr Chris Hurst, Cllr Peter Hutton, Cllr Simon Jacobs, Cllr David Jenkins, Cllr Julian Johnson, Cllr Bob Jones MBE, Cllr Gordon King, Cllr John Knight, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Magnus Macdonald, Cllr Alan MacRae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Bill Moss, Cllr Christopher Newbury, Cllr Paul Oatway QPM, Cllr Stephen Oldrieve, Cllr Sheila Parker, Cllr Graham Payne, Cllr Nina Phillips, Cllr David Pollitt, Cllr Horace Prickett, Cllr Fleur de Rhé-Philippe, Cllr Ricky Rogers, Cllr Baroness Scott of Bybrook OBE, Cllr Jonathon Seed, Cllr James Sheppard, Cllr John Smale, Cllr Toby Sturgis, Cllr Melody Thompson, Cllr John Thomson, Cllr Ian Thorn, Cllr Ian Tomes, Cllr Dick Tonge, Cllr Tony Trotman, Cllr John Walsh, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Ian West, Cllr Stuart Wheeler, Cllr Roy While, Cllr Philip Whitehead, Cllr Jerry Wickham, Cllr Christopher Williams and Cllr Graham Wright

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#### **63 Apologies**

Apologies for absence were received from Councillors Helen Osborn, Pip Ridout, Simon Killane, Josie Green, Brian Dalton, Bill Douglas, George Jeans, Mark Packard, Linda Packard, Leo Randall, Terry Chivers, Rosemary Brown and Howard Greenman.

#### **64 Minutes of Previous Meeting**

The minutes of the Meeting held on 12 July 2016 were presented.

#### **Resolved**

**That the minutes of the last Council meeting held on 12 July 2016 be approved as a correct record and signed by the Chairman.**

## 65 **Declarations of Interest**

The Chairman advised that whilst a Councillor's membership of a town or parish council was not a disclosable interest, Councillors may wish to declare their membership of any town or parish councils if they wished to speak or vote on relevant items.

## 66 **Announcements by the Chairman**

The Chairman drew the meeting's attention to the arrangements for the day's meeting, specifically referencing fire safety and that the meeting was being recorded for live webcast.

The Chairman welcomed Councillor Chris Auckland to his first meeting of council as an elected member following his successful by-election on 14 July 2016.

The Chairman stated that details of his and the Vice-Chairman's activities since the last meeting would be available via his blog:

<http://wiltshirecouncilchair.blogspot.co.uk/>

These, in summary, included:

- Alabaré Annual Celebrations
- Beating The Retreat and Sunset Ceremony
- Civic Services
- Fly the Red Ensign for Merchant Navy Day
- Organ Restoration Appeal, St. Thomas' Church
- Unveiling of Victoria Cross Commemorative Paving Stone – Lt. Col. Tom Adlam, Guildhall, Salisbury
- British Empire Medal Ceremony
- The Showmen's Guild of Great Britain, Western Section

The Chairman made special mention of having had the pleasure of a wide tour of Wiltshire presenting best kept village awards for the Council for the Protection of Rural England (CPRE) in conjunction with the lord-lieutenant of Wiltshire and the High Sheriff. The Chairman paid tribute to the arrangements made by the CPRE; expressed his gratitude to Hills Waste for their continued sponsorship of the event, and formally congratulated the three winning villages:

The Winterbournes	- The Best Kept Large Village
All Cannings	- The Best Kept Medium Village
Rushall	- The Best Kept Small Village
Aldbourne	- Winner of the Laurence Kitching Award

## 67 **Petitions Received**

No petitions had been received for presentation to this meeting.

## 68 **Petitions Update**

A report by the Head of Democratic Services was presented which gave Council details of the two petitions received for the period since the last Council meeting.

### **Resolved**

**To note the petitions received and the actions taken, as set out in the appendix to the report presented.**

## **69 Public Participation**

The Chairman invited those registered to put statements or questions to the Council.

Councillor Andrew Bryant of Trowbridge Town Council made a statement expressing concern as to a number of street scene issues that he wanted to bring to Councillors' attention.

Councillor Philip Whitehead, the Cabinet Member for Highways, thanked the Councillor for the update and explained that he was in regular contact with the Town Council and encouraged further reporting through the MyWiltshire App.

The Chairman noted that the question asked on behalf of the CPRE would be taken under the Motion no. 37 to which it related.

Mr Bill Jarvis thanked the Council for the responses to his written questions, circulated in agenda supplement one, and asked two supplementary questions.

Councillor Toby Sturgis stated that the Council had a duty to consult with neighbouring authorities should proposals be progressed in the specific sites referred to in the original question.

Councillor Toby Sturgis stated that the council would review its policies in relation to the impacts of any international agreements as necessary.

Details of questions and responses are attached in Appendix 1

## **70 Medium Term Financial Plan and Efficiency Statement 2017-2020**

The Chairman invited Councillor Dick Tonge to present the report which invited Council to consider and assess its medium term financial plan, and the four year funding offer from Government. The meeting's attention was also drawn to the information published in Agenda Supplement One and the outcome of the discussion at Cabinet.

Issues highlighted in the course of the presentation and discussion included: That the government's funding proposal was for a four year agreement; that this was part of a wider consultation on financial issues; that the Revenue Support grant from government would eventually drop to zero; the involvement of the public and Councillors in the consultation; that the share of non-domestic rates would increase slightly over the period; how signing up to the deal would allow the council to use money from capital receipts to fund some transitional work; the efficiency plan appended to the report; that £45m would be needed to save in the next four years; how the chief financial officer had worked with other partners to develop the assumptions used to plan; that more detailed budget plans would be presented to the budget and council tax setting meeting on 21 February 2017; that the plan would not fetter the discretion of future council administrations to make different savings; that only one

council, nationally, was rejecting the 4 year deal; the concerns of some Members as to the overall direction for local government under the deal; and the involvement of Scrutiny in reviewing the proposals were noted.

Having been put to the vote, it was;

#### **Resolved**

- 1. To approve the Efficiency Statement at Appendix A for submission to the DCLG, subject to conditions at paragraph 2.7 of this report, as part of the conditions to accept the current four year funding 'deal' offered by central government;**
- 2. Subject to conditions at paragraphs 2.6 and 2.7 of this report, as part of its Medium Term Financial Plan (MTFP) set out a Council Tax increase of 2% each year for 2017-2020. This does not fetter future administrations from having a lower Council tax increase should further savings be made; and**
- 3. Subject to conditions at paragraphs 2.6 and 2.7 of this report, as part of its MTFP set out a Social Care Levy increase of 2% each year for 2017-2020.**

#### **71 Revised Planning Obligations Supplementary Planning Document**

The Chairman invited Councillor Toby Sturgis to present the report which updated Council on the response to the consultation on the Draft Revised Planning Obligations Supplementary Planning Document (February 2016); and recommended that the Revised Supplementary Planning Document be adopted by Council.

Having been put to the vote, the meeting;

#### **Resolved**

- 1. To note the response to the consultation on the Draft Revised Planning Obligations Supplementary Planning Document set out in Appendix 2 of the report presented.**
- 2. To adopt the proposed Revised Planning Obligations Supplementary Planning Document Appendix 1 of the report presented.**
- 3. To agree that the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste undertake the final stages associated with the formal adoption of the Supplementary Planning Document, including any minor textual changes in the interest of clarity and accuracy.**

#### **72 Wiltshire Council's Statement of Gambling Principles - Appendix**

The Chairman invited Councillor Jerry Wickham and Councillor Peter Hutton to introduce the report which invited Council to consider the recommendations of the Licensing Committee from its meeting on 19 September 2016 in relation to proposed amendments to the Statement of Gambling Principles.

Having been put to the vote, the meeting;

## **Resolved**

**To approve the new Appendix A - Local Area Risk Assessment to the Statement of Gambling Principles (2015 -2018) (Appendix 1) under the Gambling Act 2005 for incorporation into the existing Statement of Gambling Principles with immediate effect.**

### **73 Community Governance Review - Consequential Issues**

The Chairman invited Councillor Stuart Wheeler to introduce the report which sought approval of further changes to community governance arrangements, as set out in the report and to authorise the making of Community Governance Orders to bring those changes into effect from 1 April 2017.

Having been put to the vote, the meeting;

## **Resolved**

- a) To approve the further changes to community governance arrangements, as set out in this report and to authorise the making of Community Governance Orders to bring those changes into effect from 1 April 2017.**
- b) To approve the consequential changes to community governance arrangements for those parishes whose areas are to change as a result of the previous decisions of Council, as set out in this report,**
- c) To authorise the Solicitor to the Council:**
  - i) To make the necessary Community Governance Order(s) to bring into effect all of the changes arising from this report and the previous decisions of Council on 24 November 2015 and 12 July 2016 on the community governance review.**
  - ii) To approve the proposed changes to governance arrangements set out in this report for Tidworth Parish Council and also for Grafton Parish Council, in consultation with the Community Governance Working Group, subject to the completion of the consultation process, for inclusion in the Community Governance Order(s), provided that this does not prejudice the timescale for such Order(s)**
- d) To take no further action at this stage in respect of the proposal to transfer the area shown hatched on the Plan for Scheme 104 on Appendix 4 from Steeple Ashton parish to Trowbridge parish, pending further consideration,**
- e) To authorise the Electoral Registration Officer to make any necessary changes to polling districts to bring them into line with the agreed governance changes.**

### **74 Notices of Motion**

The meeting considered the following notices of motion:

74a) **Notice of Motion No. 33 - Water Sprinklers in New Schools - From Councillors Graham Payne and Peter Edge**

The Chairman reported receipt of the above mentioned motion from Councillors Graham Payne and Peter Edge.

The motion had also been supported by Councillors Ernie Clark, Mollie Groom, John Knight, Chris Devine, Ricky Rogers, Bob Jones, Bridget Wayman and Christopher Newbury

Accordingly, Councillor Graham Payne moved the following motion which was duly seconded by Councillor Peter Edge:

*“That Wiltshire Council views with great concern the decision of HM Government to remove the requirement for the compulsory fitment of water sprinklers to all new school buildings.*

*We therefore propose that Wiltshire Council establishes the necessary policies to ensure that the fitment of water sprinklers will continue to be a requirement in all new school buildings including school extensions and those school buildings undergoing major refurbishment in our County”.*

To assist Council in its consideration of the motion, an officer briefing note was also presented.

Following a short debate which included a response from the Cabinet member, Councillor Laura Mayes, as to whether the existing policy sufficiently addressed the points raised in the motion, Councillor Payne agreed to amend the motion replacing the word ‘establishes’ with the word ‘reaffirms’.

Having been put to the vote, the meeting;

**Resolved**

**That Wiltshire Council views with great concern the decision of HM Government to remove the requirement for the compulsory fitment of water sprinklers to all new school buildings.**

**We therefore propose that Wiltshire Council reaffirms the necessary policies to ensure that the fitment of water sprinklers will continue to be a requirement in all new school buildings including school extensions and those school buildings undergoing major refurbishment in our County.**

74b) **Notice of Motion No. 34 - Fire Authority - From Councillors Ernie Clark and Ricky Rogers**

The Chairman reported receipt of the above mentioned motion from Councillors Ernie Clark and Ricky Rogers. Accordingly, Councillor Ernie Clark moved the following motion which was duly seconded by Councillor Ricky Rogers:

*“Wiltshire Council, being mindful of the difficult and wide ranging requirements in the merger of two public bodies, congratulates Dorset and Wiltshire Fire & Rescue*

*Service on the successful and professional manner in which the merger has been carried out and the way in which excellent standards of service are provided to the residents of Wiltshire, Swindon, and Dorset”.*

Baroness Scott of Bybrook responded to the motion. She considered that it was too early to pass comment on the performance of the Fire Authority. Baroness Scott moved the following amendment which was duly seconded:

This council congratulates the Dorset and Wiltshire Fire Authority on a smooth harmonisation of two public bodies into a single authority. The council requests that the Chairman of the Fire Authority brings a report to the council at its July 2017 council meeting to enable members to have informed debate on performance of the fire authority after its first full year of operation.

Following debate and at the request of Councillors Clark and Rogers, it was agreed to insert the following words ‘and all the personnel of Dorset and Wiltshire fire and rescue service’ after ‘Fire Authority’ in the first sentence.

Following further debate, it was

#### **Resolved**

**This council congratulates the Dorset and Wiltshire Fire Authority and all the personnel of Dorset and Wiltshire fire and rescue service on a smooth harmonisation of two public bodies into a single authority. The council requests that the Chairman of the Fire Authority brings a report to the council at its July 2017 council meeting to enable members to have informed debate on performance of the fire authority after its first full year of operation.**

#### **74c) Notice of Motion No. 35 - A Fair Chance for Every Child in Wiltshire - From Councillors Jon Hubbard and Steve Oldrieve**

The Chairman reported receipt of the above mentioned motion from Councillors Jon Hubbard and Steve Oldrieve. Accordingly, Councillor Jon Hubbard moved the following motion which was duly seconded by Councillor Steve Oldrieve:

*“The Conservative Government in Westminster have issued a Green Paper suggesting that every school could convert to a Grammar School, reintroducing selective education for children across the county of Wiltshire.*

*Sir Michael Wilshaw\*, the head of Ofsted, has described the expansion of Grammar Schools as a “retrograde step” and this view has been echoed by educationalists from across the country.*

*Currently in Wiltshire there are 2 Grammar Schools, both in Salisbury where there are 5 other state schools offering secondary education. No other community in Wiltshire enjoys having so many comprehensive schools in such a small geographical area.*

#### **Council notes:**

- *Should one, or more, of Wiltshire’s market town schools, which is served by*

*just one secondary school, convert to a grammar school then this would leave many children without a local school to attend*

- *Even Free School founder and right ring columnist Toby Young has publically stated that introducing new grammar schools with do nothing to help boost social mobility*

**Council believes:**

- *That should rural comprehensive schools in Wiltshire be converted to grammar schools it would disadvantage Wiltshire's children, with many being forced to travel significant additional distance to schools each day*
- *That there is a considerable risk to the county's budget, should the council have to fund passenger transport for young people to schools other than those local to them as a result of not passing the 11 plus*
- *That dividing young people at the age of 11, based on their individual performance during a 145-minute one-off exam, is a retrograde step which will end up in the majority of young people be left feeling they are failures*
- *That former Prime Minister David Cameron was correct to say "I think it is delusional to think that a policy of expanding a number of grammar schools is either a good idea, a sellable idea or even the right idea."*

**Council calls for:**

- *A statement to be issued by Wiltshire Council stating: "This Council does not support the further expansion of grammar schools in Wiltshire"*
- *The Cabinet Member for Children's Services to lobby all parliamentarians in Wiltshire to do all in their power to prevent existing comprehensive schools being converted to grammar schools*
- *The Cabinet Member for Children's Services to write to the Secretary of State stating that Wiltshire Council does not believe that the conversion of comprehensive schools to grammar schools in rural communities is in the best interests of **all** young people"*

Following agreement to debate the motion, the Chairman invited Councillor Hubbard to speak to his motion.

In response to the motion, Councillor Laura Mayes, as the relevant Cabinet member, commended the motion as comprehensive and well researched, but that she could not recommend support for the motion due to the need to consult further with partners and those affected, before writing to MPs and the Secretary of State to put the views of the Council and the people of Wiltshire in response to the Green Paper.

Following a debate, where the merits of the motion were discussed, the motion was put to the vote, and the Council;

**Resolved**

**That motion No. 35 be NOT adopted.**

74d) **Notice of Motion No. 36 - Capping Town and Parish Councils - From Baroness Scott of Bybrook OBE and Councillor John Thomson**



The Chairman reported receipt of the above mentioned motion from s Baroness Scott of Bybrook OBE and Councillor John Thomson. Accordingly, Baroness Scott of Bybrook OBE moved the following motion which was duly seconded by Councillor John Thomson:

*“The Council has received notification of a consultation from the Department for Communities and Local Government which includes the suggestion that a referendum would be needed if a Town and Parish Council wished to increase its precept by more than 2 per cent.*

**Specifically;**

- *For the first time, referendum principles will apply to Town and Parish councils for which the Band D charge is higher than £75.46 and the total precept is over £500,000.*
- *However, those Town and Parish councils where a service had been transferred from a local authority would not be subject to the referendum principle, providing certain conditions are satisfied.*
- *The government is also prepared to consider extending the referendum principles to all Town and Parish councils.*

**Preamble**

*Towns and Parishes receive no government money therefore the level of precept should be decided locally and not by government. As far as a referendum is concerned this would impose extra costs on the Town or Parish that chooses to have one, putting additional pressure on the precept.*

*Towns and Parishes are the core of local democracy and should not be fettered and undermined by government.*

**Motion**

*That Council agrees that a cap should not be imposed on town and parish councils, that it responds to the consultation robustly and uses other contacts to influence the consultation.*

<https://www.gov.uk/government/consultations/local-government-finance-settlement-2017-to-2018-technical-consultation>”

Following a short debate, where the motion gained support from across the chamber, the meeting;

**Resolved**

**To adopt the motion.**

*Admin Note: Councillor Ernie Clark asked that his vote against the motion be recorded.*

74e) **Notice of Motion No. 37 - Rethinking Wiltshire Council Governance - Cllrs Chris Caswill and Jon Hubbard**

Public Participation

Mrs Anne Henshaw made a statement and asked questions previously submitted and circulated.

The Chairman reported receipt of the above mentioned motion from Councillors Chris Caswill and Jon Hubbard.

Subsequently, Councillor Chris Caswill moved the following motion which was duly seconded by Councillor Jon Hubbard:

“Council notes the provision made in Section 21 of and Schedule 2 to the Localism Act 2011 (which amended the Local Government Act 2000) and in the Local Authorities (Committee System) (England) Regulations 2012 that provide the option for Local Authorities to adopt a committee system in place of Cabinet governance.

Council also notes that under these provisions, a Local Authority such as Wiltshire is enabled to decide how its functions, i.e. the powers given to it by central government, are delivered.

In considering this option, Council takes account of those authorities that have in recent years decided to move to a committee-based system of decision making, and the advantages that those changes are seen to have delivered. For example:

- Nottinghamshire County Council
- London Borough of Sutton (unitary authority)
- Brighton and Hove City Council (unitary authority)
- Reading Borough Council (unitary authority)
- Norfolk County Council

To quote the 2014 Local Government Information Unit (LGIU) report <sup>1</sup>:

*“The most cited advantage (and reason for changing) is that the committee system is inherently more democratic, with more councillors directly involved in decision-making. The opposition has more say and its voice is more strongly heard.”*

And

*“The supporters of the committee system do feel that decisions are more out in the open. Of course, especially in councils with majority administrations, important decisions are taken by the political groups. This can, at times, curtail genuine discussion. However, a committee system means that there is more likelihood of fewer decisions being pre-determined and that it is worth opposition members proposing alternatives or moving amendments to decisions – which will sometimes gain support from councillors with a majority. In councils with no overall control there is no certainty about what will happen at a committee. Councils represented here did say that councillors in general were having to take on extra work so that they could contribute effectively to their committees and they needed more training. But council leaders felt this was positive, as was the need for officers to be better at*

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<sup>1</sup> LGIU Policy Briefing “Changing to a Committee System in a New Era”, 16 December 2014

*forward planning.”*

Council further notes that none of those Authorities moving to a committee system have wanted simply to replicate the old committee arrangements and all have introduced streamlined committee arrangements. In most cases these arrangements have either replaced Scrutiny Committees as part of a push for cost-neutrality, or reduced Scrutiny to a single committee with a clearly defined remit. From the LGIU report again:

*“All of the councils insisted that they were not going back to the system pre 2000. They were, they said, building on the best of that system but also on the best of the cabinet model.”*

Council recognises the benefits of this change and believes that a modern committee system would, in principle, provide more open and inclusive governance for Wiltshire, especially in its ability to engage members in the decision making process, and provide more open and transparent decision making for the public who vote for and pay for the Council.

Council also recognises that such a change cannot be made overnight, and requires careful preparation<sup>2</sup>. It also recognises that it would not in any case be appropriate or democratic to introduce a new system within a few months of an ‘all-out’ election.

**Council therefore resolves:**

- 1. To recommend to the incoming Authority that a committee based system of decision making would in principle be preferable to a Cabinet system, for the reasons given above, and those which underpin the changes made by other Authorities**
- 2. To ask Cabinet to set up a cross party task group, in consultation with Group Leaders, to explore detailed options for how a committee system could best work for Wiltshire and what part, if any, scrutiny arrangements could usefully play within them**
- 3. That the task group and officers should be asked specifically to investigate how such a change could be introduced on a cost-neutral basis**
- 4. That the task group be asked to report in time for its conclusions to be considered by the incoming g Council at and soon after May 2017”.**

Following agreement to debate the motion, the Chairman invited Councillor Caswill to speak to his motion.

Following a debate, where the merits of the motion were discussed, the motion was put to the vote, and the Council;

**Resolved:**

**That motion No. 37 be NOT adopted.**

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<sup>2</sup> LGIU ‘Rethinking Governance’ Guidance, January 2014

74f) **Notice of Motion No. 38 - Democratic Accountability - Cllrs Chris Caswill and Chris Hurst**

The Chairman reported receipt of the above mentioned motion from Councillors Chris Caswill and Chris Hurst. Accordingly, Councillor Chris Caswill moved the following motion which was duly seconded by Councillor Chris Hurst:

*“Council notes the extensive powers attributed within the Wiltshire unitary system to the Leader and the Cabinet, and to Officers under Delegated Powers. Council asserts the importance of democratic debate and challenge, and of the active engagement of backbench members and the public in the Council’s work.*

*It has accordingly proposed detailed measures designed to:*

- (a) increase the accountability of the executive, in its various forms, and*
- (b) improve those elements of the system which provide for the contributions of individual elected members, and*
- (c) Strengthen the participation of , and engagement with, the Wiltshire public, and*
- (d) Thereby strengthen the democratic legitimacy and contribution of Wiltshire Council*

*These measures are set out at Annex 1 to this Motion.*

**Council resolves that :**

- 1. The list at Annex 1 be adopted as the ambition for changes to current procedures, instruments and practices**
- 2. The changes proposed for Scrutiny be referred to the Overview and Scrutiny Management Committee, for its agreement to implementation or report back to Council at its next meeting**
- 3. Cabinet be asked to have the process of implementing the other changes begun as soon as possible**
- 4. Officers be requested to identify for an early Cabinet meeting those changes which can be implemented, or at least initiated, before May 2017 and to begin work on those as a matter of priority**
- 5. Cabinet be asked to report on progress by the end of March 2017, along with a justification of any changes it rejects**
- 6. And a plan for implementation of remaining changes after May 2017, subject to the agreement of the new Council.**

**Annex 1 to Council Motion on Democracy and Accountability  
List of proposed changes to current procedures, instruments and practices**

**Scrutiny**

- 1. All Scrutiny Committees will be chaired by a Councillor from outside the**

*ruling administration group.*

- 2. Membership of all Scrutiny Committees shall include two members of the public, appointed on the basis of responses to advertised vacancies and selection by the Committees*
- 3. Cabinet responses to Scrutiny recommendations will be brought to Committees by the relevant Cabinet members in person. Recommendations and responses will be prominently displayed on the Council web site*
- 4. Provision will be made for public petitions to be presented and discussed at Scrutiny meetings (see below)*
- 5. Scrutiny meetings will be advertised on the Council web site and members of the public invited to address Committees on high profile items*
- 6. It shall be established within Constitution protocols understood that Scrutiny Committee decisions are not taken on party political / group lines, without prior group briefing*
- 7. Cabinet members and portfolio holders shall not be members of Scrutiny Committees*
- 8. Strengthened staffing of Scrutiny support will be regarded as a corporate priority. Scrutiny staff will be brought together as a separate team, together with Democratic Services*

#### **Area Boards**

- a) Provision will be made for public participation at the beginning of Area Board meetings, similar to that made for Cabinet and other committees*
- b) Provision will be made for public petitions to be presented and discussed at Area Board meetings (see below)*

#### **Planning**

- i. The right of local residents to call in planning applications for committee decisions in public will be restored, with a threshold of six signatories*
- ii. Speaking time for members of the public will be increased to a maximum of 5 minutes*
- iii. All planning meetings will begin in the early evening, preferably at 6 pm, to allow working residents to attend.*
- iv. It shall be established within Constitution protocols understood that decisions within all Planning Committees are not taken on party political / group lines, without prior group briefing*
- v. Guidance will be given to planning officers that their reports should explicitly address those residents' objections that relate to planning*

*policies, not simply list them*

- vi. *A user-friendly guide will be provided for residents who wish to make representations on planning applications and the Council web will be restructured to provide well signposted and user-friendly routes for that purpose.*

### **Licensing**

- 1) *Local members will be informed of any formal warning notices sent to licensed premises in their areas*
- 2) *New user-friendly guidance will be provided for the public on the licensing system and opportunities for the public to engage.*

### **Highways**

- *All CATG meetings will be held in public, and advertised on the Council web site*
- *A route will be restored for local members to make direct contact with Council officers on highways issues, and bring issues directly to CATGs*
- *All highways work that will disrupt roads or pavements for more than one day will be required to display reasons and timetables for the work*

### **Democratic opposition**

- *Direct Democratic Services and research support will be provided to Opposition groups with four or more members, to be determined by discussion between the Leader and Opposition Group Leaders*

### **Engagement of Individual members**

- I. *The Constitution protocol for providing information to local Members will be strengthened, so that it the expectation will be that local members will be informed in advance, and in good time, of all decisions and decisions under consideration that would enable them to discharge their responsibilities as community leaders, irrespective of considerations of any embarrassment to the ruling administration*
- II. *Clear protocols will be introduced to provide opportunities for individual backbench members to challenge and bring forward for review significant decisions taken by Officers under Delegated Powers, recognising that work will need to be done in advance on a classification and presentation of a limited group of significant decisions (to avoid all Officer decisions being capable of review)*

### **Council and committees**

1. *The annual State of Wiltshire debate will be restored, with officer support available to opposition groups for research purposes*
2. *Now that the electronic voting system is in place, all votes at Council*

*meetings will be recorded.*

3. *Councillor's questions will be taken higher on the agenda at Council meetings, after public participation but prior to any Resolutions, and with a time limit of 30 minutes for supplementary questions and answers*
4. *All Council, Cabinet and other committee agendas will be published sufficiently far in advance of the meeting to allow the public at least five clear working days to read the papers and indicate a wish to make a statement or ask a question*
5. *The combined Democratic Services and Scrutiny functions will report directly and independently of executive functions to the Monitoring Officer, and then preferably to a restored Chief Executive post.*

#### **Engagement with the Public**

- *Provision has already been made above for enhanced public engagement with scrutiny, planning and licensing. Additionally, the threshold for petitions which will automatically generate a debate will be reduced to 1000. Petitions achieving this threshold may be discussed at full Council or be referred to the relevant Scrutiny Committee, where the petitioner(s) will have the opportunity to participate in the debate. Presenters of petitions with over 50 proper signatures will have the opportunity to have their petition discussed at the relevant Area Board(s), should they wish, and to have a decision from the Board(s) as to the next steps*
- *There will be a professional independent review of the Council web site, leading to its replacement or restructuring into a user-friendly format that interactively engages the public"*

Following agreement to debate the motion, the Chairman invited Councillor Caswill to speak to his motion.

Following a debate, Councillor Caswill agreed to withdraw the motion to enable the individual Cabinet Members to consider the suggestions put forward.

#### **Motion Withdrawn**

#### **74g) Notice of Motion 39 - Delegation to Elected Members - Cllrs Chris Caswill and Cllr Jon Hubbard**

The Chairman reported receipt of the above mentioned motion from Councillors Chris Caswill and Chris Hurst Accordingly, Councillor Chris Caswill moved the following motion which was duly seconded by Councillor Chris Hurst:

**"Council notes that Section 236 of the Local Government and Public Involvement in Health Act 2007 gave the power for Local Authority delegation to individual Councillors.**

**Council further notes that a significant number of Local Authorities have arrangements in place which delegate budgets to individual Members, and that these include:**

- **The London Boroughs of Haringey, Hillingdon, Lewisham and Westminster**
- **Cornwall, Cumbria, Devon, Hampshire, Hertfordshire, Kent, Lancashire, Northamptonshire, Suffolk and Warwickshire County Councils**

**and that although the majority of these delegations relate only to community grants, at least two, Hertfordshire and Suffolk delegate funding for highways improvements. Council notes that Suffolk County Councillors have a £10,000 locality budget for 'local projects in their Division that benefit the local community' and each also has a highways budget of £15000, which can be rolled forward.**

**Council recognises that the increasing pressures on the Wiltshire budget have resulted in rationing systems and delegations to town and parish councils that have left individual members with reduced roles. And also that those financial pressures are expected to increase, and with that further reductions in the ability of individual members to contribute locally, and deliver their responsibilities as local representatives, community leaders and 'champions of their divisions', as set out in Part 12 of the Constitution ('Roles and Responsibilities of Members').**

**Council supports the creation of individual grant and highways budgets for elected Wiltshire Council Members as an important step to reverse that trend, and because of the benefits it will bring, including:**

- **Expressed trust in the qualities and judgements of individual members**
- **Enhanced roles for Members in their local communities**
- **Encouragement of small scale and local community awards**
- **Enhanced engagement of the public with individual members**
- **An enhanced role for elected members of Wiltshire Council, and hence an increased incentive for candidates of quality from all walks of life to put themselves forward for election to the Council**
- **More flexible and speedy decision making**
- **Increased accountability of individual Members to local communities Council recognises four particular challenges in making this change:**
  - a. **Accountability : In addition to the record keeping required by the 2007 Act, there are opportunities for regular reporting to the local communities via meetings of the Area Boards, and by easily accessible reports on the Council's web site**



- b. Adequate budgets : this will require increases in the amounts delegated by Cabinet and from Officer delegations, which is to be welcomed in its own right**
- c. The relationship with Area Board community grants : Community Area funds can and should be retained for Area-wide applications. Councillor budgets would be complementary, smaller, and used for purposes local to their Divisions. It should also be possible for two or more members to pool their funding for local applications that cross Division boundaries**
- d. Managing the flows of funds; Council is confident that Wiltshire Council's officers and systems are at least as capable of coping with this requirement as those in the other Authorities which already operate this kind of delegation**

***Council accordingly resolves:***

- 1. That the Leader be asked to initiate a system of Member delegated budgets, and that these should be in place prior to the May 2017 elections, so as to help attract a diverse range of good quality candidates***
- 2. And that those delegated budgets should include funds for community grants and minor highways works, alongside some fund retained for Community-wide grant applications***
- 3. And that accountability to the public will be achieved by annual presentations of decisions and outcomes at Area Board meetings, and on the Council web site***
- 4. And that the aim should be for Member annual budgets to be initially £ 2000 for local (Divisional) community awards and £10,000 for minor"***

The Chairman invited Councillor Caswill to speak to his motion. Councillor Caswill explained that he believed the measures outlined would strengthen the role of councillors and their standing in their community.

The Leader, Baroness Scott of Bybrook, OBE, stated that she could not support the proposals chiefly for the additional administrative costs. Councillor Glenis Ansell stated that the proposals would be difficult to administer.

Having been put to the vote, the meeting;

**Resolved**

**That the motion be NOT adopted.**

75 **Councillor Request for Extended Leave of Absence - Councillor Helen Osborn**

The Chairman drew the meeting's attention to the report which asked Council to consider a request from Councillor Helen Osborn for a further extension of office beyond the six month period of non-attendance due to ill health. In presenting the report, the Chairman and members wished Councillor Osborn a speed recovery.

There being no further questions or statements, the meeting;

#### **Resolved**

- 1. To approve the request from Councillor Helen Osborn for a further extension beyond the six month period of nonattendance on the grounds of ill health; and**
- 2. That such an extension be granted until the end of February 2017.**

#### **76 Review of Proportionality and Allocation of Seats on Committees to Political Groups**

The Chairman drew the meeting's attention to the report, and the appendix in agenda supplement one, which proposed changes in the number of seats held by political groups following the result of the by-election held on the 14 July 2016 won by Councillor Chris Auckland.

There being no further questions or statements, the meeting;

#### **Resolved**

- (a) To note the report and the legal requirements.**
- (b) To confirm the aggregate number and the draft scheme of committee places available to members of the Council as set out in Appendix 2 (circulated in agenda supplement one).**
- (c) To make the changes to the appointment of councillors and substitutes to serve on those committees in accordance with the revised scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989.**
- (d) In accordance with paragraph 4.4 of Part 3 of the Constitution (Responsibilities for Functions) to ratify the appointment of Councillor Chris Auckland to the Trowbridge Area Board.**

#### **77 Membership of Committees**

The Chairman invited Group Leaders to present any requests for changes to committee membership in accordance with the allocation of seats to political groups previously approved by Council.

Following requests made by Councillor Glenis Ansell, Leader of the Liberal Democrat Group, and Baroness Scott of Bybrook, OBE, Leader of the Conservative Group, it was,

**Resolved:**

**To approve the following committee changes:**

**1. Strategic Planning Committee**

- **Remove Councillor Mary Douglas as a substitute member**
- **Add Councillor Christine Crisp as a substitute member**

**2. Licensing Committee**

- **Remove Councillor Bill Moss as a substitute member**
- **Add Councillor Anna Cuthbert as a substitute member**

**3. Overview & Scrutiny Management Committee**

- **Remove Councillor Mary Douglas as a substitute member**
- **Add Councillor Anna Cuthbert as a substitute member**

**4. Children's Select Committee**

- **Remove Councillor Bill Moss as a substitute member**
- **Add Councillor Anna Cuthbert as a substitute member**

**5. Health Select Committee**

- **Remove Councillor Mary Douglas as a full member**
- **Add Councillor Atiqul Hoque as a full member**

**6. Standards Committee**

- **Remove Councillor Mary Douglas as a substitute member**
- **Add Councillor Charles Howard as a substitute member**
- **Remove Councillor Alan Macrae as a full member**
- **Add Councillor Peter Evans as a full member**
- **Councillor Paul Oatway to replace Councillor Julian Johnson as the Chairman of the Standards Committee**

**7. Staffing Policy Committee**

- **Remove Councillor Bill Moss as a substitute member**
- **Add Councillor Richard Britton as a substitute member**

- Add Councillor Glenis Ansell as a full member

#### 8. Wiltshire Pension Fund Committee

- Remove Councillor Bill Moss as a full member
- Add Councillor Richard Britton as a full member

#### 9. Appeals Panel

- Add Councillor Chris Auckland as a full member

### 78 Minutes of Cabinet and Committees

The Chairman moved that Council receive and note the following minutes as listed in the separate Minutes Book.

The Chairman then invited questions from members on points of information or clarification on the above minutes and gave the Chairmen of those meetings the opportunity to make any important announcements on the work of their respective Committees.

There being no further questions, the meeting;

**Resolved:**

**That the minutes of the circulated Minutes Book be received and note**

- Cabinet – 19 July, 13 September, 11 October
- Cabinet Capital Assets – 19 July, 13 September
- ONS Management – 5 July, 6 September, 10 October
- Children’s Select – 31 May, 21 June, 19 July
- Environment Select – 7 June, 13 September
- Health Select – 21 June
- Licensing – 19 September
- Strategic Planning – 13 July
- Northern Area Planning – 13 July, 3 August, 24 August, 14 September
- Eastern Area Planning – 4 August, 15 September
- Southern Area Planning – 21 July, 11 August, 1 September
- Western Area Planning – 29 June, 10 August, 28 September
- Audit – 26 April, 27 July
- Joint Strategic Economic Committee – 1 July
- Health and Wellbeing Board – 9 June
- Local Pension Board – 20 July
- Pension Fund Committee – 30 June
- Police and Crime Panel – 16 June
- Staffing Policy Committee – 4 May, 6 July, 7 September, 26 September
- Dorset and Wiltshire Fire Authority – 23 June

### 79 Councillors' Questions

The Chairman reported receipt of questions from Councillors Terry Chivers, Ernie Clark, Chris Caswill, Peter Edge, Jon Hubbard, details of which were circulated in Agenda Supplement No. 1 together with responses from the relevant Cabinet member or Committee Chairman, details of which are attached as Appendix C. Where questions had related to a specific item on the agenda, they had been dealt with under that item.

Questioners were permitted to each ask one relevant supplementary question per question submitted and where they did so, the relevant Cabinet member responded as summarised below:

1. Councillor Terry Chiver to Councillor Stuart Wheeler (16/34)

The written answer to the question, circulated with the agenda supplement, was noted.

2. Councillor Ernie Clarke to Councillor Toby Sturgis (16/35)

The written answer to the question, circulated with the agenda supplement, was noted.

3. Councillor Chris Caswill to Councillor Laura Mayes (16/36)

The written answer to the question, circulated with the agenda supplement, was noted. A supplementary question was answered in a debate earlier in the meeting.

4. Councillor Peter Edge to Councillor Jonathon Seed (16/43)

In response to a supplementary question, Councillor Seed stated that in the light of financial constraints, following a review of the costs of the event, it had been decided not to proceed.

4. Councillor Jon Hubbard to Councillor Toby Sturgis (16/44)

In response to a supplementary question, Councillor Sturgis stated that it had been felt appropriate to use the DVLA definitions for commercial vehicles to ration the service, but that he would direct officers to offer appropriate support to the specific case mentioned in the question so that the customer was not unduly affected by the change.

5. Councillor Chris Caswill to Councillor Toby Sturgis (16/38)

The written answer to the question, circulated with the agenda supplement, was noted.

5. Councillor Chris Caswill to Councillor Toby Sturgis (16/39)

In response to a supplementary question, Councillor Sturgis stated that duty to process applications when they were ready, and should not risk appeal through undue delay. He noted that this had been acknowledged by the Inspector.

6. Councillor Jon Hubbard to Councillor Toby Sturgis (16/46)

In response to a supplementary question, Councillor Sturgis stated that the housing land supply questions are a minimum requirement.

7. Councillor Chris Caswill to Councillor Toby Sturgis (16/40)

In response to a supplementary question, Councillor Sturgis stated that the application in question had been approved subject to the signing of a s106 agreement, and if an agreement was not reached, the application would have to be reconsidered.

8. Councillor Chris Caswill to Councillor Toby Sturgis (16/41)

In response to a supplementary question, Councillor Sturgis stated that it was difficult to make a comparison based on the evidence provided, and that the quote referred to had, in part, been taken out of context.

9. Councillor Chris Caswill to Councillor Baroness Scott of Bybrook OBE (16/42)

In response to a supplementary question, Baroness Scott stated that there was a good spread of toilets available in the town. The facility referred to in the question was not fit for purpose and would have required a lot of refurbishment. The Council had an ambition to develop this site, and hope that further facilities could be provided as part of a mixed use development.

(Duration of meeting: 10:30 – 17:55)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024, e-mail [Yamina.Rhouati@wiltshire.gov.uk](mailto:Yamina.Rhouati@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

**Wiltshire Council**

**Council**

**18 October 2016**

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**From Bill Jarvis, Keep Wiltshire Frack Free**

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

**Question (Ref P16/13)**

Wiltshire Council are no doubt aware that the 4 licence areas for unconventional gas development (PEDLs ST84,85 and ST94,95) to the west of the County have recently been abandoned by the potential Developer and handed back to the Oil and Gas Authority (OGA).

- a) To give reassurance to the people of this County that no unconventional gas extraction (fracking) will take place, will Wiltshire Council confirm that they have established from the OGA that these licences will not be reissued, either to the original developer or to any other organization in the future
- b) If the Council cannot give this assurance, we must assume that these licences could well be reactivated at any time.

The Council Planning Department has issued a briefing note to Councillors entitled Onshore Hydrocarbon Extraction (Briefing note 303), which concludes that there is no further action required to protect the County from the dangers of fracking. As demonstrated by the many unanswered questions we have submitted to you previously we do not agree with this conclusion.

Please advise therefore how Wiltshire Council will give assurance of protection from the impacts of fracking as their existing policies fail to do so.

**Response**

- a) The OGA has confirmed that all four of the blocks of land in Wiltshire offered under the 14th Onshore Licencing Round will not now be awarded. These licences will not be reissued under the 14th Round as the 14th Licencing Round is closed. South Western Energy or any other prospective developer will now have to reapply under a new 15th licencing round (if one occurs) or the 'out-of-round' process. However, the out-of-round process can only be used if justified by exceptional circumstances, and should not be seen as a routine alternative to the Licensing Rounds system.
- b) See response to question a) above.

The Councillor Briefing Note did not conclude as suggested. The conclusion is as follows:

#### **24. Conclusion**

*24.1. This report outlines the current position with respect to shale gas and coalbed methane development, both nationally and in Wiltshire. These technologies are new in an onshore UK context but the Government considers that they will potentially have a significant future role to play in achieving benefits, both economically and in terms of energy security.*

*24.2. Following the granting of PEDL licences, Wiltshire Council has not received any application in relation to oil and gas exploration and hydraulic fracturing (fracking). Before an application is submitted, it is expected that engagement between the licensee and public will occur.*

*24.3. It is considered that the planning system and current national and local planning policy provides an appropriate basis for assessing the environmental implications of any such future proposals. In addition, such proposals would be subject to substantial additional controls under separate regulatory regimes administered by the Environment Agency, DECC and the Health and Safety Executive.*

*24.4. The Council will continue to review the progress of PEDL licences both within Wiltshire and other Local Authority areas.*

#### **Question (Ref P16/14)**

What plans have Wiltshire Council put in place to discharge their responsibilities to the people of Wiltshire with respect to the Paris Agreement, being ratified by the UK Govt before the year end?

All questions put to the Council from Keep Wiltshire Frack Free.

#### **Response**

Wiltshire Council has a responsibility for addressing climate change through adaptation and mitigation both within its services and as part of its community leadership role.

The Council's Energy, Change and Opportunity (ECO) Strategy 2011 – 2020, is a framework document designed to identify how Wiltshire as a council and a community can act on climate change. The overarching framework document is supplemented by three detailed action plans, which set out more specifically how we are going to deliver our climate change ambitions.

- Carbon Management Plan for the council's emissions (published March 2011)
- Climate Change Adaptation Plan for Wiltshire (revised 2016)
- Wiltshire Energy Resilience Plan (published 2015)



The Energy, Change & Opportunity Board met most recently on the 5th October 2016.

The Board approved the 2016 revised Climate Change Adaptation Plan. Reports were received from across the Council services including Fleet, Waste, Public Health, Property and Economic Development and Planning as climate change activity is now embedded within the authority's services (Climate Change Adaption Plan). The revised Climate Change Adaptation Plan is being loaded onto the Council's website and should be available for download towards the end of next week.

**Wiltshire Council**

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**18 October 2016**

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**Public Participation**

**From Mrs Anne Henshaw, CPRE Wiltshire Branch**

**To Councillor Richard Britton, Chairman of Council**

**Question (Ref P16/15)**

Given the importance to the public of the substance of the Motions proposed by Councillor Caswill we ask whether there is any reason why there should not be a free vote on them?

We ask for a free vote.

**Response**

In accordance with Paragraph 30 of Part 4 of the Constitution, a verbal response will be provided at the meeting.

**Wiltshire Council**

**Council**

**18 October 2016**

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## **Councillor Questions Update**

### **Questions Received**

1. A total of 13 questions from Councillors have been received since the last meeting of Full Council on 12 July 2016.
2. Details of questions submitted and the order they will be received at the meeting are shown at Appendix 1. Responses are included at Appendix 2.
3. 1 question was determined to be purely an operational query, and so in accordance with paragraph 59 of Part 4 of the constitution, a response has been provided by the relevant Associate Director.
4. A total of 8 other questions were received by the first deadline of 4 October 2016, and were therefore guaranteed written responses as attached to this report.
5. 4 further questions then were received by the final deadline of 11 October 2016. These were therefore not guaranteed written responses. Where a verbal response is provided a written response will follow within five working days of the meeting.
6. In accordance with Paragraph 62 of Part 4 of the Constitution, no more than 20 supplementary questions may be asked at any meeting, with no more than 1 supplementary per question submitted. As the number of questions received for this meeting is fewer than 20, there will be no need to restrict the number of supplementary questions to 20.
7. Where a question relates to an item on the agenda appearing before the receipt of Councillors' questions, it may be taken under that item. This will still count toward the total of 20 questions to be received in total at the meeting.
8. The Chairman will go through the questions and responses and, as is customary, take them as read and giving the questioner an opportunity to ask one relevant supplementary question for each question submitted.

**Yamina Rhouati, Democratic Governance Manager, 01225 718024,**  
[yamina.rhouati@wiltshire.gov.uk](mailto:yamina.rhouati@wiltshire.gov.uk)

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Appendix 1 - Councillor Questions Summary

Appendix 2 - Questions and Responses

## Appendix 1 - Councillor Submitted Questions Summary

Questions will be received in the order listed below as specified in Paragraph 63 of Part 4 of the Constitution.

### Questions for Council (attached at Appendix 2)

Ref	Questioner	Date Received	Written or Verbal	Subject	Cabinet Member/Committee Chairman
16/34	Cllr Terry Chivers	21/7/13	Written	Webcasting	Cllr Stuart Wheeler
16/35	Cllr Ernie Clark	30/9/16	Written	Hills Waste Contract	Cllr Toby Sturgis
16/36	Cllr Chris Caswill	4/10/16	Written	Grammar Schools	Cllr Laura Mayes
16/43	Cllr Peter Edge	6/10/16	Verbal	Cycle Sportive, Salisbury	Cllr Jonathon Seed
16/44	Cllr Jon Hubbard	7/10/16	Verbal	Household Recycling Centres	Cllr Toby Sturgis
16/38	Cllr Chris Caswill	4/10/16	Written	Rawlings Green	Cllr Toby Sturgis
16/45	Cllr Jon Hubbard	7/10/16	Verbal	Household Recycling Centres 2	Cllr Toby Sturgis
16/39	Cllr Chris Caswill	4/10/16	Written	Rawlings Green2	Cllr Toby Sturgis
16/46	Cllr Jon Hubbard	10/10/16	Verbal	Land Supply	Cllr Toby Sturgis
16/40	Cllr Chris Caswill	4/10/16	Written	Rawlings Green3	Cllr Toby Sturgis
16/41	Cllr Chris Caswill	4/10/16	Written	Forest Farm	Cllr Toby Sturgis
16/42	Cllr Chris Caswill	4/10/16	Written	Public Toilets	Cllr Baroness Scott of Bybrook OBE

### Operational Questions (not attached)

Ref	Questioner	Date Received	Response Provided	Subject
16/37	Cllr Chris Caswill	4/10/16	11/10/16	Planning Committee cancellations and agenda item numbers

**Councillor Terry Chivers, Melksham Without North Division**

**To Councillor Stuart Wheeler, Cabinet Member for Hubs, Heritage and Arts,  
Governance and Support Services**

**Question (16/34)**

It is now some considerable time since Wiltshire Council installed the video system in the Council Chamber. At the present time the Council only broadcast Full Council meetings.

Are there any plans to broadcast other meetings, such as Cabinet and Planning, and if so when, and how much did the system cost to buy and install.

**Response**

The Council is committed to the use of technology as part of encouraging its citizens to engage in the democratic process, and is looking to expand use of recording and webcasting meetings and events where suitable provision exists.

The recording equipment was installed in the Council Chamber as part of the wider refurbishment programme of County Hall. The Kennet Room recording equipment up was installed as a second phase and has been trialled on a number of occasions. Feedback has been that the current camera positions do not provide the same technical coverage as the Chamber within the limited range of available adjustment and needed a solution. This has been on-going with the supplier in trying to utilise the existing equipment in different configurations without incurring additional costs. Further trials are underway and feedback being sought.

The costs incurred so far have been:

- Council Chamber equipment initial purchase: £25,000 and an average annual maintenance of £5,000
- Webhosting (based on usage) and Kennet Room equipment lease and maintenance: £22,000 per annum reduced to £15,000 for this year under contract extension

**Wiltshire Council**

**Council**

**18 October 2016**

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**Councillor Ernie Clark, Hilperton Division**

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

**Question (16/35)**

With regard to the waste collection contract recently awarded to Hills, has there been any challenge from an interested party to the awarding of the contract?

**Response**

The council has received a legal challenge from FCC that has been registered with the High Court. This means we cannot enter into contracts for Lot 2 (management of nine household recycling centres), or Lot 5 (waste and recycling collection services) until that challenge has been resolved.

The council intends to resolve this challenge. Whilst we are unable to award the contracts, we will continue to plan the mobilisation of these critical public services to reduce risks that may affect the planned start date of 1 August 2017.

For legal reasons the council is unable to comment further at this time. When it is appropriate further communications will be issued.

**Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Laura Mayes, Cabinet member for Children's Services**

**Question (16/36)**

Now that the Prime Minister and the Leader of your Party has announced the Government's intention to return to a Grammar School system, could you indicate which of the four secondary schools in Calne and Chippenham you envisage becoming a Secondary Modern, to accommodate the children who fail the Grammar School entrance test?

**Response**

The Green Paper currently out to consultation includes proposals to increase the supply of good school places by lifting the restrictions on selection, but at the same time requiring selective schools to play a greater role in raising standards at other schools. It does not propose a re-introduction of the binary or tripartite system of the past or a simple expansion of existing selective institutions. The paper proposes that selective schools should be asked to contribute to non-selective schooling in certain ways, ensuring the expansion of good selective education alongside the creation of new good school places in non-selective schools.

The government is proposing to allow existing non-selective schools to become selective by removing existing restrictions on selection, subject to meeting certain conditions as set out below. These schools would become selective in response to local demand. As this is currently a Green Paper the Government will consider measures to preserve school diversity in areas where schools choose to convert in this way, but there is no detail at the current time.

Conditions for agreeing a conversion to selective status being considered at this time include:

- Taking a proportion of pupils from lower income households. This would ensure that selective education is not reserved for those with the means to move into the catchment area or pay for tuition to pass the test;
- Establish a new non-selective secondary school, with the capital and revenue costs paid by government;
- Establish a primary feeder in an area with higher density of lower income households to widen access, with the capital and revenue costs paid by government;

- Partner with an existing non-selective school within a multi-academy trust or sponsor a currently underperforming and non-selective academy. Under these arrangements, selective schools would be expected to share resources, assist with teaching, provide curriculum support, assist with university applications and contribute to governance expertise.
- Ensure that there are opportunities to join the selective school at different ages, such as 14 and 16, as well as 11. This might be facilitated through partnership or sponsor arrangements with other schools.

The consultation on the Green Paper will close in December 2016 and the local authority will assess the potential impact of proposals on secondary education within Wiltshire when statutory guidance is provided by central government.



**Wiltshire Council**

**Council**

**18 October 2016**

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**Councillor Peter Edge, Wilton and Lower Wylve Valley Division**

**To Councillor Jonathon Seed, Councillor Jonathon Seed, Cabinet Member for  
Housing, Leisure, Libraries and Flooding**

**Question (16/43)**

Earlier in May this year it was scheduled to hold a Cycle Sportive in Salisbury on the day before the professional race on the Sunday. Both events have been very well supported over the past years and it is with some concern amongst local cyclists that the event was cancelled. When I asked the question why, I was told that it was not economically viable and that a new date had been set for October the 2<sup>nd</sup> 2016. This date was set so that it would coincide with the official opening of the Five Rivers Health and Well Being Centre. I pointed out to officers my disappointment of the new date, as most sportives end around September. The big local event on the 17<sup>th</sup> September for the charity CALM (Campaign Against Living Miserably) is well established and attracts well over 800 riders.

So it was with some disappointment that I learnt that the Salisbury event had been cancelled due to lack of applications.

- a) Can the member tell me how much this has cost the council to cancel the event?
- b) Can the member let the cycling public look forward to the event being held again in May next Year?

**Response**

In accordance with Paragraph 56 of Part 4 of the Constitution, a verbal response will be provided for the meeting.

**Wiltshire Council**

**Council**

**18 October 2016**

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**Councillor Jon Hubbard, Melksham South Division**

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

Could the Cabinet Member tell me what steps have been taken to mitigate the impact on local residents who have family vehicles that, as a result of the arbitrary decision on the cabinet member, are no longer able to freely access the council's Household Recycling Centres.

Specifically, I bring to the Cabinet Members attention the case of a family in my ward who has only one vehicle for the household, a Nissan Navara vehicle (pictured below) that they have now been told they will only be able to take to the Recycling Centre 12 times a year.





**Question (16/44)**

Can the Cabinet Member tell me how reducing the opportunity for residents to use recycling facilities helps encourage people to help meet the council's stated targets and objectives to increase the rate of recycling in the county?

**Response**

In accordance with Paragraph 56 of Part 4 of the Constitution, a verbal response will be provided for the meeting.

**Wiltshire Council**

**Council**

**18 October 2016**

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**Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question (16/38)**

Did you in any way encourage the bringing forward of the Rawlings Green planning application less than a working week before the Government's Inspector was due to re-open his Enquiry into Chippenham housing, including of course the Rawlings Green site? If not, were you aware of it and did you take any steps to address the fact that it was pre-empting the Examination in Public?

**Response**

I did not encourage the bringing forward of this application. The Rawlings Green application was put on the committee agenda when it had been fully assessed. The Council took legal advice on the question of prematurity and were assured that it was appropriate to bring the application before the committee in September. The Inspector holding the hearings was advised and in a letter to the Council stated that *"The Council is entitled to determine applications which are before it and it is not part of my role to interfere with this procedure"*.

**Wiltshire Council**

**Council**

**18 October 2016**

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**Councillor Jon Hubbard, Melksham South Division**

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

**Question (16/45)**

When the Garden Waste Tax was introduced last year with the charging for kerbside collection of garden waste Council was told that there was no reason residents could not take their garden waste to the Recycling Centres themselves if they wanted. Now that such visits are to be rationed for some residents will the Cabinet member review that charge for those residents being penalised for having the 'wrong' car?

**Response**

In accordance with Paragraph 56 of Part 4 of the Constitution, a verbal response will be provided for the meeting.

**Wiltshire Council**

**Council**

**18 October 2016**

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**Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question (16/39)**

Why was that application processed just a few days before the EIP restarted? Were you afraid the Inspector would otherwise rule against Rawlings Green, and yet again against the Council' plans and preparations?

**Response**

See answer to 16/38.

**Wiltshire Council**

**Council**

**18 October 2016**

---

**Councillor Jon Hubbard, Melksham South Division**

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

**Question (16/46)**

When considering applications for new housing developments in the county, to address the current shortfall of housing land supply in Wiltshire to meet national DPD targets and conform with the relevant planning policies of the Council, why are Council planning officers not also:

- a) ensuring that robust s106 Terms and Conditions are negotiated to meet the key outcomes of all the Strategic Objectives in the Wiltshire Core Strategy 2006-2026 as amended in May 2015; and
- b) Specifically alerting all Councillors with relevant local, town, parish and Planning Committee interest in any application where the cumulative population growth impact of approval of an application for new housing in any locality where multiple application approvals have already been granted might render a community less resilient unless all the key outcomes of both Strategic Objectives 4 and 6 are also achieved to ensure that community, health and infrastructure provision is in place to support those communities.

**Response**

In accordance with Paragraph 56 of Part 4 of the Constitution, a verbal response will be provided for the meeting.

**Wiltshire Council**

**Council**

**18 October 2016**

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**Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question (16/40)**

Were you aware that any decision on the Rawlings Green application was premature under the terms of the National Planning Policy Framework (NPPF) PPG 21b/14? If so what notice did you take of that shortcoming?

**Response**

Having read the committee report I was not aware that there was any unresolved issues relating to prematurity. The matter of prematurity was fully addressed in the Officer report on the planning application and in the presentation to members before the debate commenced.



**Wiltshire Council**

**Council**

**18 October 2016**

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**Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question (16/41)**

Are you aware that one objector to the Council's Chippenham plans cited your answers on Forest Farm at a Council meeting in support of his objection? For example your statement that land quality was a reason for Forest Farm's exclusion when actually it has some of the least best and most valuable agricultural land of any site around Chippenham? Would you care to make a statement about that embarrassing situation?

**Response**

I am fully conversant with the Agricultural Land Classification used in the CSAP Site selection papers. My answer at Full Council was not in the context of the planning application but related to the evidence for the plan.

I understand that there was some reference at the meeting to what I said at Full Council. However I can't possibly know if it accurately reflects what I did say at the time. However, I attach the pertinent extract from Full Council.

*Councillor Sturgis explained that he could not support amendment iv) as the Forest Green site had, following a balanced assessment, not scored as highly as other preferred sites. Additionally, he considered that having undertaken detailed evidenced based work on the site selection process and to then at this stage substitute one site for another, would undermine the site selection process and therefore put at risk the soundness of the Plan. He also responded to points raised by Councillor Caswill*

The Council's reasons for opposing the Forest Farm application are set out in the resolution approved by the Strategic Planning Committee on 14 September 2016.

**Councillor Chris Caswill, Chippenham Monkton Division**

**To Councillor Baroness Scott of Bybrook OBE, Leader of the Council**

**Question (16/42)**

At a recent Cabinet meeting you made a statement, in front of several public witnesses, to the effect that public toilets in Wiltshire would not close on your watch. You rightly pointed to the discriminatory effects of any such closures. In that context, it is unfortunate that the Liberal Democrat - led town council with the largest financial expenditure in Wiltshire, Chippenham, has not found it possible to take on the maintenance of the public toilets in its town centre. So that two Chippenham town centre public toilets are now closed. Some, including myself, are campaigning to get the town council to change its mind. This remains a possibility, as does the possibility that a more enlightened town council will be elected in May 2017.

Given your stance on public toilets, is it not extraordinary that your administration is now proposing not only to allow the toilets to close but to *demolish* one of them, beside the busy Bath road car park and a busy national and local bus stop?

Is this what you meant when you said that no public toilets would *close* on your watch – *rather that they would be demolished*?

Or will you now take this opportunity to deliver on your promise, to the extent that you at least call a halt to the demolition proposals until after the May 2017 elections?

**Response**

Thank you for your question. I feel very strongly that local facilities should be maintained wherever possible and it is absolutely right that a town should have public convenience facilities.

After a long consultation with Chippenham Town Council, it was agreed together to maintain 4 facilities. These 4 facilities are: a facility at the bus station, Monkton Park, Emery Gate and the Town Council offer the use of their office toilets to the public during opening hours. 4 public toilet facilities are felt adequate for a town the size of Chippenham.

**Wiltshire Council**

**Council**

**21 February 2017**

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## **Petitions Update**

### **Petitions Received**

As of 6 February 2017, three petitions have been received by Wiltshire Council since the last report to Council on 18 October 2016.

### **Proposal**

**That Council notes this update on petitions.**

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**Yamina Rhouati**  
**Democratic Governance Manager**

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NAME	DATE RECEIVED	RESPONDENTS	ACTION
<p>Dr Sam Page</p> <p>Petition to support the closing of Marlborough High Street 12pm-10pm during the Jazz Festival.</p>	19.10.16	43	<p>The petition was brought to the attention of the Cabinet Member for Highways and Transport and noted at Marlborough Area Board. The petitioner was advised that the Council had considered the views of different stakeholders in reaching decision <a href="#">HT-14-16</a> on road closures and taken on board the recommendation of the Town Council. The Council is open to meet with the organisers of the festival and the petition organiser was invited to contact the lead officer to discuss the matter in greater detail if required.</p>
<p>Care of Kington Langley Parish Council</p> <p>Petition to reduce and enforce speed limits and traffic restrictions through Kington Langley.</p>	16.01.17	225	<p>The petition was brought to the attention of the Cabinet Member for Highways and Transport and noted at Chippenham Area Board. The Parish Council was advised to log the issue on the Community Issues System for consideration by the Community Area Transport Group (CATG) and to await the results of two metrocounts in the village.</p>
<p>Sue Buxton</p> <p>Petition Wiltshire Council to reject any attempts by the Government to force the introduction of more Grammar Schools in Wiltshire.</p>	23.01.17	167	<p>The petition was brought to the attention of the Cabinet Member for Children's Services and noted at Devizes Area Board. The petitioner was advised that the introduction of grammar schools was not a priority for Wiltshire Council and a consultation on the Green Paper 'Schools that Work for Everyone' closed in December 2016. The local authority will fully assess the potential impact of proposals on secondary education</p>

			within Wiltshire when statutory guidance is provided by central government, however this has not yet been received.
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Note: This does not include petitions received in respect of regulatory matters ie planning and licensing which are dealt with under different procedures.

**Wiltshire Council**

**Council**

**21 February 2017**

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**Adoption of the Supplementary Planning Document  
'Waste storage and collection: guidance for developers'**

---

**Executive Summary**

At the council's Cabinet meeting on 15 November 2016, members considered and recommended for adoption a Supplementary Planning Document 'Waste storage and collection: guidance for developers'. It is proposed that this document is adopted by full Council.

**Proposals**

Following Cabinet recommendation, it is proposed that Council approves:

- (i) the adoption of the Supplementary Planning Document 'Waste storage and collection: guidance for developers';
- (ii) the delegation to the Cabinet Member for Strategic Planning, Property, Waste and Strategic Housing for approval of future changes to the draft waste guidance SPD, limited to items which take account of the new services delivered under the Lot 5 Contract for waste collection services awarded by Cabinet in January 2016 without the recourse to a further consultation with planning professionals, as described further in paragraph 15.

**Reason for Proposals**

The adoption of the supplementary planning document enables the Council to:

- (i) Improve service delivery for residents in new developments
- (ii) Increase the efficiency and safety of waste collection operations at new developments
- (iii) Demonstrate that it is taking steps to manage its statutory duty in relation to the health and safety of its employees and the public
- (iv) Provide clarity for property developers and agents in respect of the Council's requirements as the waste collection authority under the Environmental Protection Act 1990
- (v) Increase the recovery of Section 106 contributions where it is considered lawful to do so.

**Dr Carlton Brand  
Corporate Director**

**Adoption of the Supplementary Planning Document  
'Waste storage and collection: guidance for developers'**

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**Purpose of Report**

1. The purpose of this report is to:
  - (i) advise full Council on the recommendations made by the council's Cabinet on 15 November 2016 regarding the adoption of supplementary planning document 'Waste storage and collection: guidance for developers'.
  - (ii) seek full Council approval to adopt the waste guidance supplementary planning document (appendix 1).
  - (iii) seek approval to delegate the Cabinet Member for Strategic Planning, Property, Waste and Strategic Housing a decision to approve future changes to the draft waste guidance SPD, limited to items which take account of the new services delivered under the Lot 5 Contract for waste collection services awarded by Cabinet in January 2016 without the recourse to a further consultation with planning professionals, as described further in paragraph 15.

**Background**

2. At the council's Cabinet meeting on 15 November 2016, members considered a draft Supplementary Planning Document 'Waste storage and collection: guidance for developers' and the responses received to the consultation of the draft document. At the meeting, the Cabinet resolved;
  - (i) to recommend that full Council adopts the revised document 'Waste collection and storage: guidance for developers' (appendix 1) as a Supplementary Planning Document.
  - (ii) to delegate the Cabinet Member for Strategic Planning, Property, Waste and Strategic Housing a decision to approve future changes to the draft waste guidance SPD, limited to items which take account of the new services delivered under the Lot 5 Contract for waste collection services awarded by Cabinet in January 2016 without the recourse to a further consultation with planning professionals, as described further in paragraph 15.

**Proposals**

3. Following Cabinet recommendation, it is proposed that Council approves:



- (i) the adoption of the Supplementary Planning Document 'Waste storage and collection: guidance for developers (appendix 1)';
- (ii) the delegation to the Cabinet Member for Strategic Planning, Property, Waste and Strategic Housing for approval of future changes to the draft waste guidance SPD, limited to items which take account of the new services delivered under the Lot 5 Contract for waste collection services awarded by Cabinet in January 2016 without the recourse to a further consultation with planning professionals, as described further in paragraph 15.

**Tracy Carter (Associate Director, Waste and Environment)**

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Report Author: Vicki Harris, Principal Waste Services Officer, Waste Management [vicki.harris@wiltshire.gov.uk](mailto:vicki.harris@wiltshire.gov.uk), Tel: 01225 778523

Date of report: **21 February 2017**

**Appendices**

Appendix 1 – Supplementary Planning Document 'Waste storage and collection: guidance for developers'

Appendix 2 - Minutes and report from the cabinet meeting on 15 November 2016, item 131, Adoption of the Supplementary Planning Document 'Waste storage and collection: guidance for developers'.

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# Waste storage and collection: guidance for developers

Supplementary Planning Document



**Wiltshire Council**  
Where everybody matters

# Waste storage and collection: Supplementary Planning Document

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## 0.1 Version history

Table A

Version number	Status	Summary of changes	Date published
1.0	First published version	N/A	March 2011
2.0	Revised draft circulated internally to enhance the technical content	<ul style="list-style-type: none"> <li>Structure amended. Further details added to sections 2 to 8 to reference the updated waste strategy and to relate Wiltshire's requirements to documents published by ADEPT and DfT (as referenced in the body of the guidance below).</li> </ul>	October 2012
2.1	Draft circulated internally prior to submission to waste management services strategic management team	<ul style="list-style-type: none"> <li>Significant revisions to section 5.7 and section 9 to reflect current operational practices and HSE advice and minor amendments to other sections.</li> </ul>	February 2013
2.2	Updated draft (post waste strategic management team email approval to proceed)	<ul style="list-style-type: none"> <li>Amendment to the size of containers provided to flats for certain materials to reflect Hills' approach (Table 3) and to the associated contributions requested.</li> </ul>	April 2013
2.3	Draft updated to accommodate some further lessons learned from applying this guidance to planning applications and to incorporate service changes which take effect in 2015	<ul style="list-style-type: none"> <li>Additional references to Defra's Quality Action Plan added.</li> <li>Changes to the description of the garden waste service and how s106 contributions would deal with this change.</li> </ul>	May 2015
2.3.1	Draft updated after first round of internal consultation responses to update the policy context	<ul style="list-style-type: none"> <li>References to policies updated</li> <li>Further minor amendments to clarify requirements</li> <li>Addition of Figure 1 to illustrate effect of poor bin storage arrangements</li> </ul>	June 2015
2.3.2	Draft updated after further round of internal consultation responses	<ul style="list-style-type: none"> <li>Sketches added throughout the document to illustrate design requirements</li> <li>Clarification added to sections 1.1, 2.3, 10.1, 10.2 and 10.4 regarding the criteria for seeking s106 contributions. Addition of a new section 10.3 to outline infrastructure requirements for major developments, with an associated estimation of costs added to section 10.4</li> <li>Updated reference to relevant regulations in section 6.1.2 and in</li> </ul>	January 2016

		<p>new paragraph 5.6.9.6</p> <ul style="list-style-type: none"> <li>• A new paragraph 5.7 is added to provide specific guidance on care homes and sheltered accommodation</li> <li>• Comments from urban design colleagues have been accommodated in sections 4.2, 4.6, 5.2.1, 5.4.5, 5.6, 6 (to clarify information on distances and space requirements, to replace cross references with text and to increase information on security of bin stores)</li> <li>• Updates to Table 4 to include more building types</li> <li>• Further cross references to council policies and strategies and to HSE guidance</li> <li>• Other minor proof reading amendments, updates of the bibliography and enhanced cross-references within the document.</li> <li>• Front and rear cover added</li> </ul>	
2.3.2	Final draft post consultation to be considered for adoption	<ul style="list-style-type: none"> <li>• Information about the external consultation added to paragraph 0.2</li> <li>• Paragraph 0.3 clarified so that the limited extent of the potential for the document to be updated but not consulted upon is explained further</li> <li>• Update to paragraph 1.1 to further explain the purpose of the document</li> <li>• Further information on the policy basis for the need for the SPD in paragraph 1.3</li> <li>• Addition of paragraph 3.10 to account for consultees' concerns about the lack of flexibility in relation to the measurements listed in the guidance.</li> <li>• The distance between that a resident can be expected to carry their waste containers has been increased to 30m as a result of feedback (in paragraph 4.1, 5.3.1, 6.3.2 and in Figure 4 to Figure 11.</li> <li>• Amendment to paragraph 4.2 to align with the specific wording in <i>Manual for Streets</i></li> <li>• Removal of reference to the minimum garden footprint in paragraph 5.4.3</li> <li>• Guidance in relation to internal storage in paragraph 5.5 has been changed to say developers "could"</li> </ul>	

		<p>rather than “should” adopt the guidance suggested, as there is no policy basis to require internal storage.</p> <ul style="list-style-type: none"> <li>• Paragraph 5.8.4 has been amended and Table 4 removed, as its inclusion was not understood by consultees.</li> <li>• Paragraph 8.3 has been updated to make clear why we seek further contact from developers and to confirm that this is not seeking to revisit planning permissions.</li> <li>• Appendix A has been updated to clarify why larger vehicles are used and to show how much of a total vehicle width is as a result of ancillary equipment, such as wing mirrors and lifting equipment.</li> <li>• Inclusion of detail for Appendix B, Appendix D and Appendix E</li> </ul>	
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## 0.2 Consultation process

An internal consultation took place in May and June 2015. In response, the document was amended as indicated in Table A above.

A consultation with planning professionals was run for four weeks between 15 June and 13 July 2016. This was the first formal engagement with developers and agents on the document. Once the requirement to consult was identified, the consultation itself was delayed until adoption of Community Infrastructure Levy and the Planning Obligations Supplementary Planning Document (SPD) came into effect. These policies had the potential to affect the drafting of the SPD, so it was decided to await the outcome before finalising the draft SPD.

The document was updated to take account of consultation feedback and was presented to Cabinet in [November 2016]. Full Council considered the matter in [January 2016] and [detail the outcome].

While the general public had the opportunity to engage in the external consultation, their views have been captured over a number of years and have directly led to the development of this document. The council has worked with residents at new developments who have struggled to access services due to layouts of new developments not facilitating access to waste services.

## 0.3 Updates to this document

In the guidance below there are a number of signposts to potential changes to this document to take account of projects currently being undertaken by the council.

Where such changes are brought into effect, the council will publish an updated version of the guidance on its website. Any such revised version can be issued to any consultees listed in section **Error! Reference source not found.** above at the time and will be available to any new applicants at such time on the website.

A further consultation would not be required in the circumstances set out above, as such changes would simply affect what materials are presented in each bin but would not necessitate a change to the quantity of bins required, and so there would be no material impact on the space required for storage of bins, for example. The document would only be issued for further consultation where substantial changes were made to the planning policies that underpin this document or where a change in collection system altered the amount of space developers would have to allow for the storage of containers, for example.

Where more substantial changes are made that would affect the amount of space given up for waste infrastructure, the council would seek to consult with developers and agents.

Draft



## 1. Introduction

1.1. The aims of this document are to:

- support the interests of the council's Waste Management Service and delivery of the principles of the Wiltshire Council Waste Management Strategy<sup>1</sup> by offering guidance to developers on how to ensure space for waste management is integrated into the designs of all developments and that vehicular access is suitable for Wiltshire Council's fleet, thereby enabling services to be delivered safely, efficiently and in compliance with regulations
- embed the consideration of the issues associated with the management of waste in accordance with the adopted policies of the Council's local development plan
- to outline the requirements of Wiltshire Council in its capacity as the waste collection authority and within the scope of its powers and duties under Sections 46 and 47 of the Environmental Protection Act 1990, in accordance with paragraph 0.2 of Approved Document H6
- provide developers with advice on how to meet local plan policy requirements relating to the need to ensure that waste generation is minimised and appropriately addressed prior to the construction and occupation phases in line with the planning process, thus avoiding problems for residents and the council post-construction and helping developers make successful applications
- address, and propose solutions for, problems identified by residents of new developments by offering guidance that designs out the causes of these problems
- provide an appropriate means of calculating section 106 contributions for each new development where the requirements of the Waste Management Service are considered to be directly related to development proposals and where the development meets the criterion in section 10.2, which will support infrastructure delivery
- enable the council to demonstrate that it is actively putting control measures in place to mitigate the risks of operating at new developments, in order to meet its statutory duty to protect the health and safety of employees and members of the public.

1.2. As part of the ongoing process of delivering a planned approach to sustainable development in the county, the council is required to detail, where it is considered lawful<sup>2</sup> to do so, the waste and recycling collection contributions required as part of the section 106 provision for all new developments (see section 10 below). This requirement sits alongside the council's other legal obligations, such as how we

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<sup>1</sup> Updated and approved by Cabinet in November 2012 (decision published [here](#)). Principle 2.6 of the strategy states that the council will "promote provision for collections to take place safely and efficiently in the design of areas of new development". See section 2.1 below for further information.

<sup>2</sup> Community Infrastructure Levy Regulations, 2010 [as amended]; Regulations 122 / 123; and paragraph 204 of the National Planning Policy Framework

manage waste in order to increase the rate of recycling that our residents achieve and to reduce the reliance on the unsustainable option of landfill.

- 1.3. The Wiltshire Core Strategy identifies sustainable waste management facilities as “essential components of daily life and therefore critical to delivering our strategic goal of building more resilient communities”<sup>3</sup>. Closely aligned to this policy is the principle that waste management in new developments should not adversely affect the quality of life for residents and other users of the space, which supports the council’s vision of creating resilient communities.
- 1.4. The Association of Directors of Environment, Economy, Planning and Transport (ADEPT) publication ‘Making Space for Waste: Designing Waste Management in New Developments’ summarises this point by stressing that “it is important not to underestimate how [...] poor planning and design can have a detrimental effect on the quality, character and function”<sup>4</sup> of a development. While the council’s experience at some developments bears out the point made by ADEPT, there is great potential to improve residents’ quality of life through the design process if waste collection services function seamlessly. The work of developers has – and will continue to have – a significant impact on delivery of the council’s business plan aim to “ensure everyone lives sustainably in a high-quality environment”<sup>5</sup>.
- 1.5. Waste management should not adversely impact upon users of developments if developers use the guidance in this document. Adopting the principles of this guidance at the earliest stage of the design process will avoid circumstances which the waste department sometimes encounters where a development is constructed with inadequate waste storage solutions, unsuitable collection points, insufficient access to vehicles or a combination of the three. In these circumstances the quality of life for residents suffers, the cost to the council of delivering waste services increases and it is far more difficult to encourage participation in established recycling schemes. An example of an area which has caused complaints from residents about the impact of waste storage arrangements is shown in Figure 1. The guidance here aims to assist developers to integrate waste collection services into the design process.

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<sup>3</sup> Wiltshire Core Strategy, CP3, paragraph 4.41

<sup>4</sup> Making Space for Waste: Designing Waste Management in New Developments, ADEPT, p.16

<sup>5</sup> Wiltshire Council Business Plan 2013-2017, p.6.

Figure 1 - example of unsightly bin storage arrangements that impact on residents

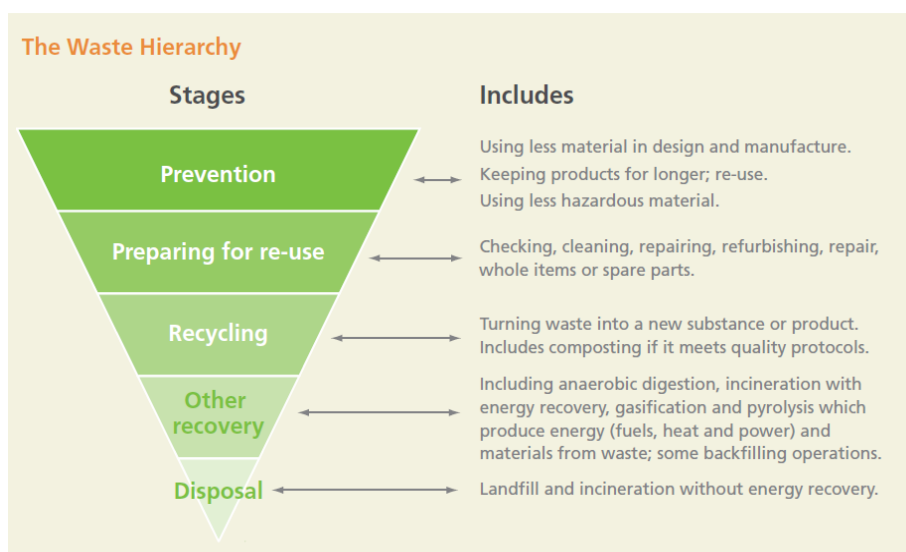


- 1.6. All references to Wiltshire Council in this document should be taken to include any contractors delivering services on its behalf where relevant operational issues are being discussed.

## 2. Wiltshire Council's waste strategy and service delivery

- 2.1. Wiltshire Council's waste strategy seeks the significant reduction of waste to landfill, with greater emphasis upon reducing household waste and increasing the proportion that is either recycled or composted. The strategy was updated and approved by the council's cabinet on 6 November 2012. It continues to be based upon the key principles of the waste hierarchy (shown in Figure 2), which seek to optimise the use of the most beneficial methods of landfill reduction. The waste hierarchy gives the highest priority to preventing waste in the first place. When waste is generated, it gives priority (in order) to preparing it for re-use, then recycling, then other recovery (e.g. energy recovery), and last of all disposal (e.g. landfill).

**Figure 2: the waste hierarchy (source: 'Government Review of Waste Policy in England 2011', Defra)**



- 2.2. The separate collection of recyclable and compostable waste materials from the kerbside is a key component of the implementation of the strategy. Wiltshire is already well provided for in respect of household recycling centres. The kerbside collection service has been the priority for service development since Wiltshire Council was formed in April 2009.
- 2.3. Among the initial objectives of the new council was the provision of the same waste and recycling collection service in all areas. Wiltshire Council's Cabinet approved these service changes in October 2010 and it also decided that section 106 contributions should be sought where, in the light of the Community Infrastructure Levy Regulations it is considered lawful to do so, to cover the cost of providing waste containers at new residential developments (details on the threshold at which section 106 contributions are sought is set out in section 10.2). Policy support for seeking developer contributions towards the provision of waste management facilities is provided by the adopted Wiltshire Core Strategy, Wiltshire and Swindon Waste Core Strategy and the Wiltshire Planning Obligations Supplementary Planning Document (see paragraph 10.1 for further details).
- 2.4. The service changes referenced in section 2.3 were implemented during 2011-12 to create a harmonised kerbside collection scheme, which included additional recycling services alternating with a fortnightly collection of residual (general) waste. In agreeing this service, the council has brought forward its target for recycling. In addition, the provision of bins, and the services required to support waste collection, is a burden on the council that can often be directly related to new developments and hence firmly within scope for financial contributions to be made through s106 agreements.
- 2.5. In 2014, the council closed many of its remaining local recycling sites (i.e. bring facilities often located at locations such as supermarkets) due to the

comprehensive kerbside collection service offered to residents, leaving 14 operational sites.

- 2.6. The detailed specifications associated with the collection of waste from residential developments set out in Section 5 reflect the harmonised kerbside collection services. These services will help to deliver the objectives of the council's waste strategy and provide a mechanism for supporting the implementation of adopted local development plan policies.
- 2.7. The provision of alternating weekly collections of residual waste and kerbside collections of multiple recyclable materials, in addition to the option for residents to use the chargeable garden waste collection service, are intended to enable the council and residents to reach the targets for recycling and diversion from landfill. The withdrawal of the local recycling sites has further increased the importance of the new kerbside collection services for achieving these targets.
- 2.8. In order to ensure that these objectives continue to be attainable, it is vital that new buildings are designed and constructed to enable waste to be segregated for recycling and composting, and to be stored and collected in a way that is practicable for all parties involved. Further to the publication of the Council's waste strategy, the focus on improvement at both EU and national level for waste management concerns an improvement in the quality of recyclable material captured. By following the guidance in this document, developers will embed the capture of high quality recyclable material into the design process. Following this guidance is therefore essential to ensure that the Council is able to meet the requirements of the EU revised Waste Framework Directive, any regulations transposing this into UK law and any guidance documents, such as Defra's Quality Action Plan.
- 2.9. In September 2013 the council published an OJEU notice that commenced a procurement process to invite tenders to deliver its waste management and collection services from August 2017 onwards. As part of the process, the council will amend its collection model to further enhance the quality of recyclable materials captured. At such time minor changes to this document may be required to update tables listing the type and quantity of containers to be used by residents. However, much of the technical content of this document will not require amendment as it will be unaffected. For example, large vehicles will still need to access properties in the same way and residents will still generate broadly similar amounts of waste and will require adequate storage space as set out in this document. The level of contributions set out in section 10 may adjust slightly to take account of any change to the type and quantity of containers issued to residents.
- 2.10. The council would also like to see non-residential buildings designed, constructed and managed in a way that better facilitates the recycling of waste, to assist with reducing the reliance on landfill and to improve sustainability in the county. Many of these aspirations can and will be delivered through the execution of local development plan policies relating to good design. On these matters, this

document intends to assist the development management process by assisting pre-application/planning application processes in a pro-active manner.

### 3. How to use this guidance

- 3.1. This document will help all those involved in the design and management of buildings (and wider development sites) to produce waste management strategies that best facilitate the storage/movement of waste; and maximise the amount which can be sent for recycling, thereby diverting it from landfill.
- 3.2. It is a material planning consideration that developers are aware of the waste that will be generated by their developments once occupied, a point that is made clear in Policy WCS6 of the council's adopted Waste Core Strategy<sup>6</sup>. Policy WCS6 also requires new development to have regard of the council's municipal waste strategy. To demonstrate that due consideration has been given to the council's waste strategy – specifically, consideration of waste generation and of the feasibility of delivering safe and efficient services – developers' proposals should satisfy all of the requirements of this document.
- 3.3. The guidance intends to help developers produce successful waste management strategies at an early stage. The content reflects the guidance and requirements of a number of sources, such as the Approved Document to Part H of Building Regulations (as amended from time to time) and BS 5906:2005 (see the Bibliography for further information), so following the guidance should allow developers to comply with a number of regulatory requirements. It also aims to translate the lessons learned through operational delivery into practical suggestions for how to improve access to waste collection services through the design process, which helps to contribute to successful delivery of the council's business plan aim referenced in section 1.4.
- 3.4. As previously outlined, this document also serves to ensure that developments enable collection vehicles and crews to access collection points in accordance with Wiltshire Council's development plan policies and to provide sufficient internal and external storage for waste and waste containers in line with the council's application of its powers under sections 45, 46 and 47 of the Environmental Protection Act 1990. Paragraph 4.38 of the Wiltshire Council Core Strategy<sup>7</sup> states that "It will be important that all new development proposals build safeguards into schemes to protect and enhance appropriate services and facilities, including [...] waste management services." These safeguards come in the form of designing waste services in from the outset of the application process, taking account of the information in this document to ensure sufficient space is available.
- 3.5. Sections 5 to 7 below outline separate guidance on storage and collection arrangements for residential developments, commercial developments and mixed-use developments respectively. The requirements for vehicle access set out in

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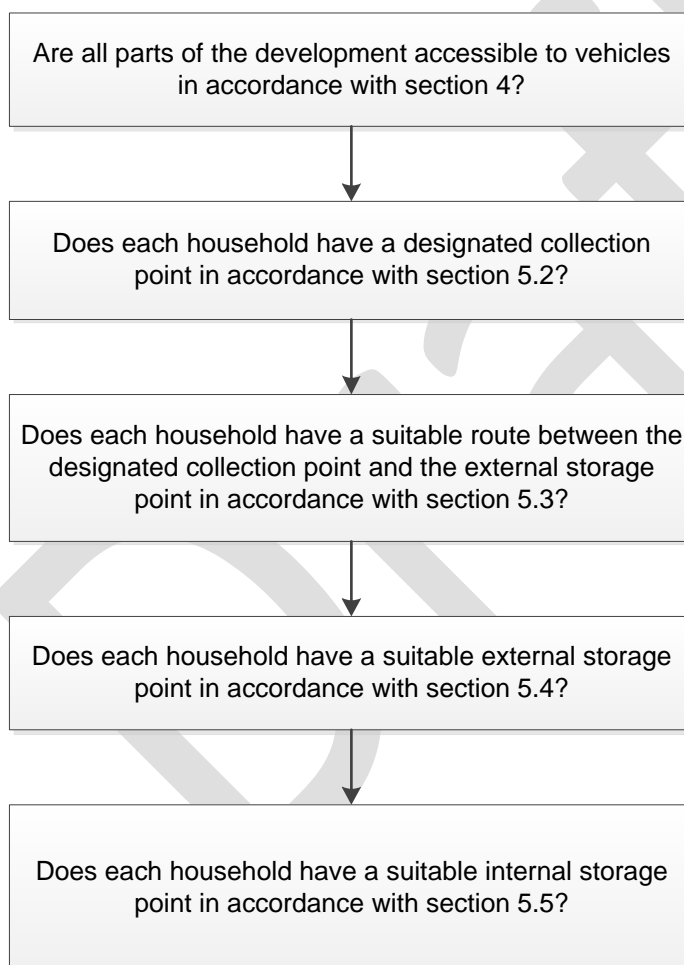
<sup>6</sup> Wiltshire and Swindon Waste Core Strategy, July 2009 (available [here](#))

<sup>7</sup> Wiltshire Core Strategy, January 2015 (available [here](#))

section 4 apply to all types of development. For residential developments, this document differentiates the arrangements for houses and apartments, as the requirements for communal facilities for apartments differ from the approach taken for individual houses (see section 5.6 for further information on the service for apartments).

- 3.6. The structure of the following sections aims to set out the steps required to allow successful delivery of waste collection services to be built into the design process, from considering vehicle access through to allocating storage space within a property for waste and recycling. As an example, the process that should be followed for an individual household (as distinct from apartments) is shown in Figure 3.

Figure 3



- 3.7. While this guidance primarily focuses on new developments, it is also applicable to developments at existing properties where waste and recycling storage will be affected, such as extensions or alterations to existing properties.
- 3.8. This document is part of an evolving process to develop best practice guidance for the design and management of buildings in Wiltshire and should be read within the context of other Wiltshire Council policies, guidance and legislation.

- 3.9. It has been developed in accordance with the list of contributors and consultees stated in section **Error! Reference source not found. Error! Reference source not found.** and in line with the process set out in section 0.2.
- 3.10. In responding to planning application consultations, the council will use the guidance here to establish whether waste services can be delivered sustainably. In the majority of applications, the council expects that submitted plans will adhere to the guidance set out in this document. However, officers will use discretion where specific circumstances at a site require minor deviation from the guidance in order to make a proposal feasible. Where alterations to listed buildings are proposed, the council will accept divergence from the guidance but recommends that applicants engage with the council as early in the design process as possible so that each party can understand the limitations that affect the application.

#### 4. Vehicle access

- 4.1. One of the main barriers to the integration of waste management facilities into new developments is insufficient vehicle access for refuse collection vehicles (RCVs). Where vehicles cannot access collection points, there is an adverse impact on the streetscene because waste containers have to be presented at locations that are not designated as waste collection points (see Figure 1 for an example). In addition to detracting from the attractiveness of an area, such inadequate arrangements may also require residents to carry their waste in excess of the 30m stated in Part H of the Building Regulations, as detailed in section 5.3.1 below. In addition, vehicle movements generate health and safety risks which need to be minimised through the design process. Health and Safety Executive guidance states that “Containers for waste and recyclables should be placed in locations that minimise the need for difficult vehicle manoeuvres”<sup>8</sup>. Developers need to help the council manage its health and safety performance by ensuring that vehicle access meets the requirements set out in this document.
- 4.2. Reversing RCVs cause a disproportionately large number of accidents in the waste and recycling industry. These moving-vehicle accidents often cause severe or fatal injuries to workers or members of the public. Plans should aim to eliminate (where possible, or substantially minimise where not) the amount of reversing required by RCVs with collection routes designed to operate in a forward gear. Where reversing is necessary, developers should work within the stipulations of BS 5906:2005, Waste Management in Buildings, which states that, where unavoidable, reversing distances should not exceed 12m. Longer distances may be considered in exceptional circumstances where the route is straight and free from obstructions, as noted in paragraph 6.8.8 of ‘Manual for Streets’. The overuse of cul-de-sacs, often in the form of private drives, increases the risks associated with reversing. The council can operate on private land subject to section 5.9 below and where suitable vehicle turning room is provided, where carry distances for collection crews (see section 4.4) and occupiers (see section 5.3.1 below) are

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<sup>8</sup> *Waste and recycling vehicles in street collection*, Health and Safety Executive, 2014



minimised, in accordance with the council's duty to safeguard the health and safety of employees and Part H of Building Regulations respectively. Minimising risk in this area should be critical to any consideration of movement and circulation in the development.

- 4.3. The council requires vehicle tracking to be included in each application to assess layouts for accessibility. This tracking should not be undertaken on the basis that parking on the street is absent, as this would not truly reflect the 'live' accessibility for the street. Instead the tracking should demonstrate how the vehicle can access the development when cars are parked on the street. For the purpose of generating the tracking information, developers should use the information about the council's vehicles used for waste collection (included here in Appendix A). Further, developers should note that BS 5906:2005 recommends a minimum street width of 5m for waste collection vehicles.
- 4.4. Vehicles should be able to approach collection points so that a waste collection operative can collect containers from a collection point that abuts a footway designated for public use. The greatest distance over which a waste collection operative should move is 10m. Generally waste collection points will be at the curtilage of each property where it meets the highway, as described above and detailed further in section 5.2, so it should be rare that the distance approaches 10m. The waste management service would not support applications where all collection points are at the maximum limit of 10m, as the efficiency of collection operations would be significantly reduced.
- 4.5. At any collection point, space at the rear of the collection vehicle should be sufficient to allow efficient and safe operation. ADEPT recommends a minimum working area of 3.5m width and 4m length, while sufficient vertical clearance should be allowed at all times, taking account of the information provided in Appendix A.
- 4.6. As intimated in section 4.1, another major impediment to the successful delivery of waste collection services is parked cars preventing RCVs from accessing collection points. The cars that cause the problems are often parked outside of allocated parking areas by residents who want their cars closer to their front doors. When considering access for RCVs, developers should consider the impact of residents' parking habits to ensure that cars parked outside of allocated areas will not obstruct access to RCVs. To that end, unbroken lines of on-street parking should be avoided on streets where waste collection will take place. The requirement in section 4.4 regarding carry distances for waste collection operatives requires careful consideration in relation to how parking spaces are laid out.
- 4.7. Road surfaces (including manhole covers) at all parts of a development where RCVs are expected to operate must be able to bear the weight of a fully laden vehicle, which weighs up to approximately 32 tonnes.

## 5. Waste storage and collection for residential developments

### 5.1. The collection service for individual houses

5.1.1. Wiltshire Council's harmonised waste collection service is summarised in Table 1.

Table 1

Materials collected	Container type	Size	Quantity	Collection frequency
Residual waste	2-wheel bin	180 litre	1 <sup>9</sup>	Fortnightly
Plastic bottles and cardboard (co-mingled)	2-wheel bin	240 litre	1 <sup>10</sup>	Fortnightly
Paper, glass, cans, foil and textiles (kerbside sort)	Kerbside box	55 litre	2	Fortnightly
Garden waste (opt-in, chargeable service)	2-wheel bin	180 litre	1 <sup>11</sup>	Fortnightly

5.1.2. Any storage areas, both internal and external, must take account of the materials that residents are able to recycle through their kerbside collection scheme, as listed in Table 1.

5.1.3. The sections below detail how waste management should be integrated into the design process working back from the collection point all the way through to internal storage of waste within a property. An example of the process is shown in Figure 3 above.

5.1.4. For new developments only the container types listed in Table 1 can be used for the services. The only exception permitted is where six or more flats are situated together in a block, in which case communal containers may be issued in accordance with section 5.6.

### 5.2. Collection points

5.2.1. Wiltshire Council collects waste containers from where the boundary of a property meets the public highway (i.e. collection points must not be on the public highway) at a point clearly visible from the road. Collection points must be on hard standings and gradients must not exceed 1:12. Meeting these standards will "Ensure that material for collection is easily accessible, placed at the property boundary where possible"<sup>12</sup>, in accordance with Health and Safety Executive guidance on operating safe collections. Generally collection points will be at the front of a property unless otherwise shown on plans (and agreed by the council), in accordance with guidance in section 8 below.

<sup>9</sup> Eligible households may be authorised to use a larger 240-litre wheeled bin or a 360-litre wheeled bin

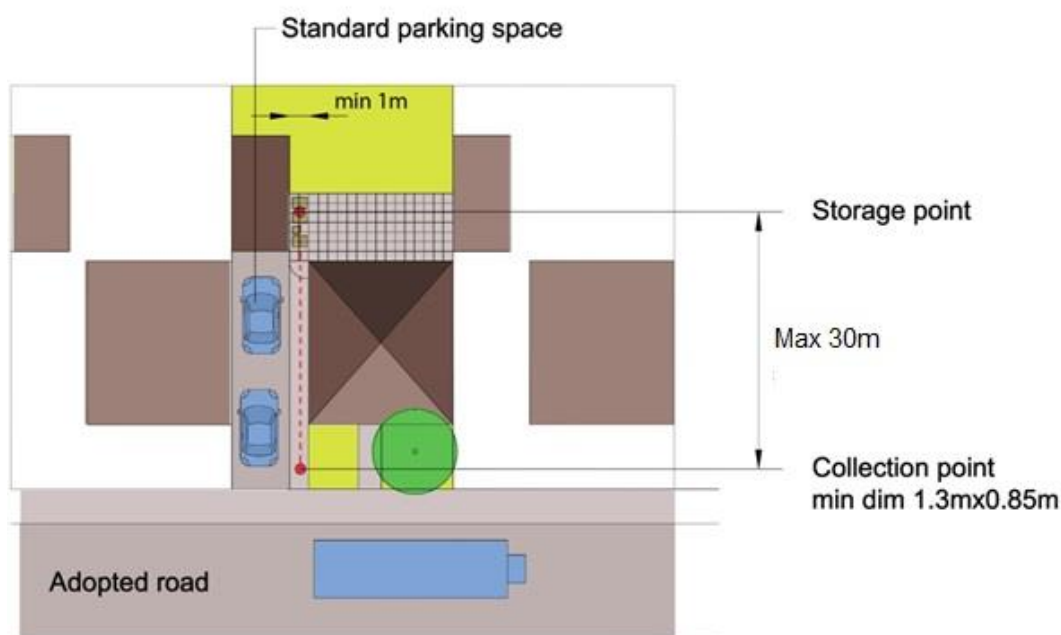
<sup>10</sup> Second bin available on request

<sup>11</sup> Additional bins available on request, on receipt of an annual service charge per bin

<sup>12</sup> *Safe waste and recycling collection services*, Health and Safety Executive, 2014, p.20.

Developers should ensure that containers can be left out for collection without blocking the footway or presenting hazards to users, as stated in the Department for Transport's 'Manual for Streets', paragraph 6.8.18 (see Figure 4). In addition, collection points should not be on driveways unless they are wide enough to accommodate vehicles and the containers. Floor space of 1.3m width and 0.85m depth should be sufficient to accommodate two wheeled bins side-by-side (the maximum number that ought to be presented for collection on any collection day) with room for manoeuvring. Further guidance on these matters can also be sought through pre-application dialogue with the council's highways development control officers.

**Figure 4: collection point at a detached property with garage (not to scale)**



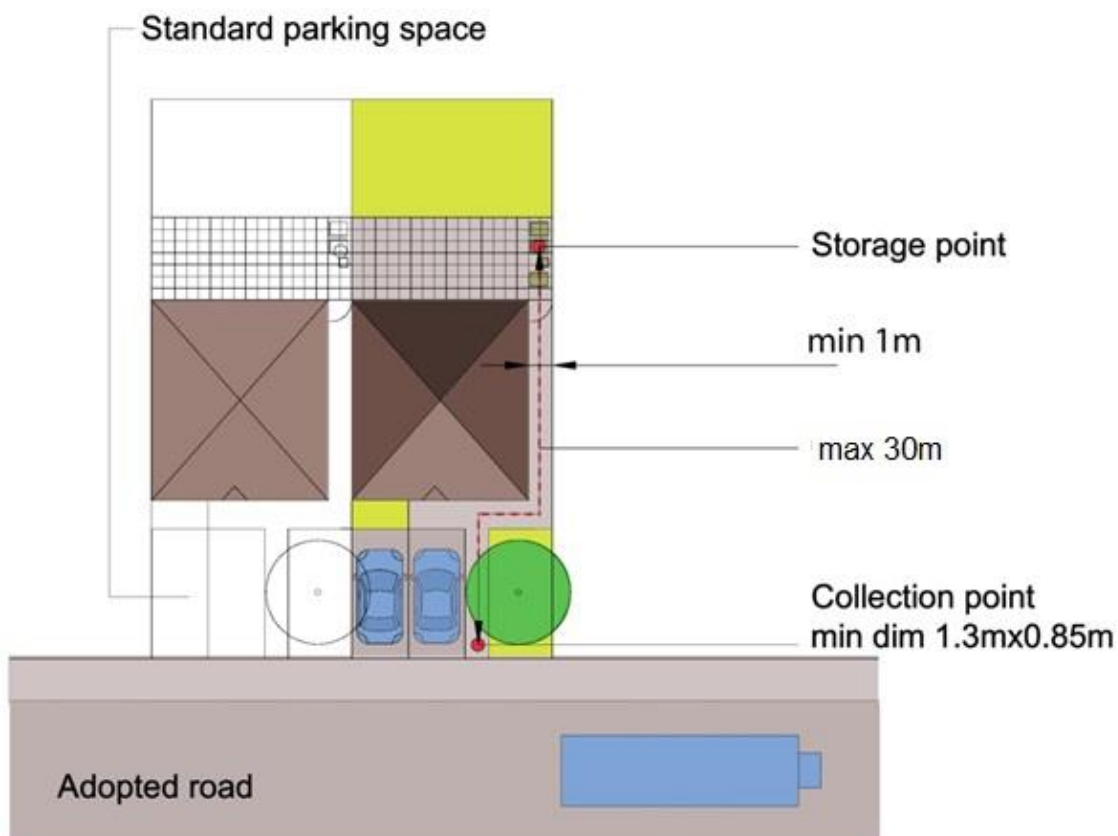
5.2.2. Subject to agreement by the council, external storage points (i.e. where residents permanently store their containers between collections) can be used as collection points provided that:

- 5.2.2.1. they are located in positions that comply with the guidance set out in section 5.2.1;
- 5.2.2.2. crews are not required to open gates to access containers;
- 5.2.2.3. residents are not unreasonably required to carry waste through the house from the point of generation (e.g. if garden waste had to be carried through the house to be deposited in the bin or if waste from a kitchen bin, where located at the rear of the property, had to be carried through main living areas within the property);
- 5.2.2.4. any such storage and collection points do not detract from the streetscene and quality of place in a development, as further described in paragraph 5.4.1.

These requirements are likely to be difficult to satisfy as, by their nature, collection points need to be visible otherwise crews will assume that containers are not out for collection. However, the approach can be considered in exceptional circumstances.

- 5.2.3. Developers should ensure that collection points are free from obstructions that would prevent waste collection from successfully taking place, such as (but not exclusively) bollards, hedges, shrubs and cars parked in allocated parking spaces. Allocated parking spaces should therefore not interfere with waste collection points. The information in paragraph 4.6 should be taken into account when deciding upon the location of parking spaces. Figure 5 provides an example of how the collection point should be located in relation to parking spaces and soft landscaping.

Figure 5: interface between the collection point and parking spaces/soft landscaping at a detached property with no garage (not to scale)



- 5.2.4. As noted in 4.4 above, the council's collection crews will not carry/wheel waste containers over distances greater than 10 metres.

- 5.2.5. Developers should give particular consideration to making collection points accessible to elderly residents. While the council offers an assisted collection service for residents who cannot use the designated collection point due to reasons of illness, physical inability or infirmity, the provision of accessible collection points will help to maintain the independence of elderly residents

until such time that they need the assisted collection service. In delivering the assisted collection service, the council's crews will carry containers from a nominated point at the property to the vehicle and return the containers to the nominated point after emptying. Developers should consider and aim to minimise the carry distances that would be required in such circumstances. Other areas of external storage should comply with the guidance in 5.4 below so that the council can carry out assisted collections safely from such points.

### **5.3. Routes to collection points from external storage space**

5.3.1. Occupiers are responsible for moving containers from storage areas to designated collection points. The Approved Document to Part H of the Building Regulations stipulates the following conditions, which should be met in order for developers to comply with Part H:

- containers should be stored within 30m of the waste collection point defined by Wiltshire Council (see 5.2 above and associated sketches)
- occupiers should not be required to carry or wheel containers from the storage point through a dwelling on collection days
- there should be no steps or other obstructions between the storage area and the collection point
- gradients of routes to collection points should not exceed 1:12.

5.3.2. Where distances exceed those stated in 5.3.1, the council's experience shows that occupants are less likely to participate in recycling schemes because of the inconvenience (perceived or otherwise) of carrying another container to the collection point. This potential outcome would have a negative impact on delivery of the council's waste strategy.

5.3.3. Under no circumstances should a resident be required to carry or wheel containers through their dwelling to facilitate collection.

5.3.4. These requirements can prove challenging for terraced properties. Figure 6 and Figure 7 below give examples of solutions for terraced properties that would meet the requirements of this section. In Figure 6 two properties share each collection point, so each collection point is wider to accommodate up to two wheeled bins per collection per property. In Figure 7 a ginnel is used to avoid lengthy carry distances between the storage point and the collection point. The mid-terrace properties share a collection point, which, like Figure 6, is wide enough to accommodate up to two bins per property per collection day. The end-of-terrace properties each have their own collection point. The principles of Figure 7 can be applied to more than four consecutive terraced properties to ensure that distances between storage and collection points are minimised.

Figure 6: terraced properties where containers are moved to the collection point from the rear of mid-terrace gardens (not to scale)

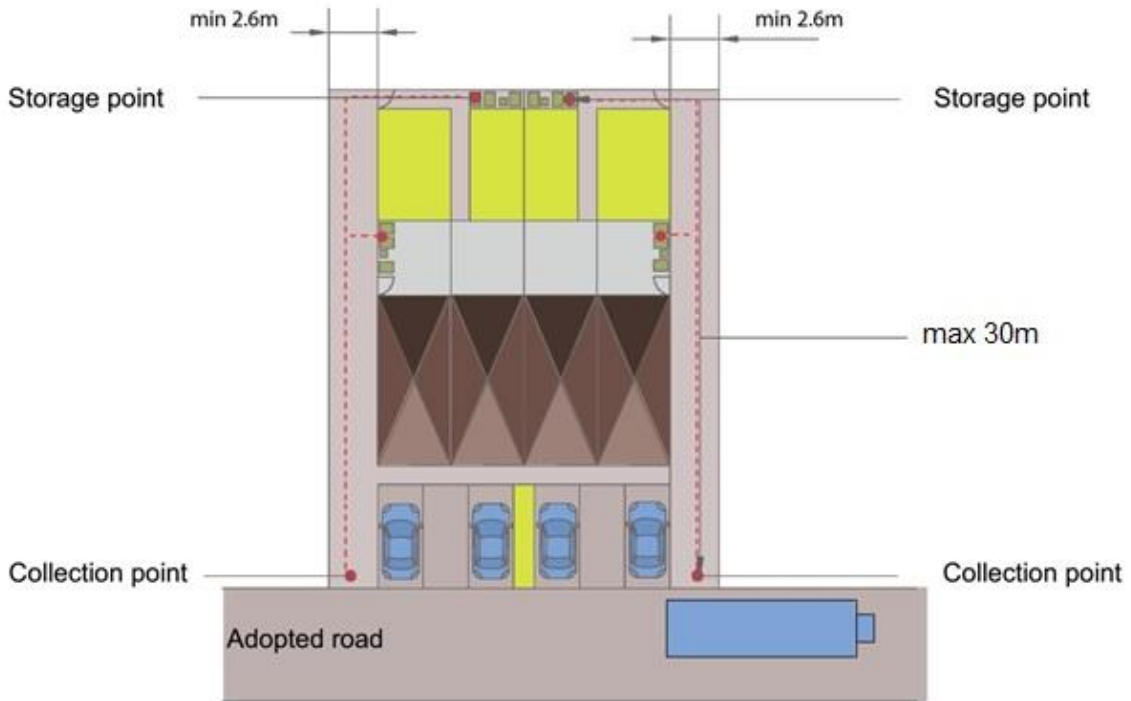
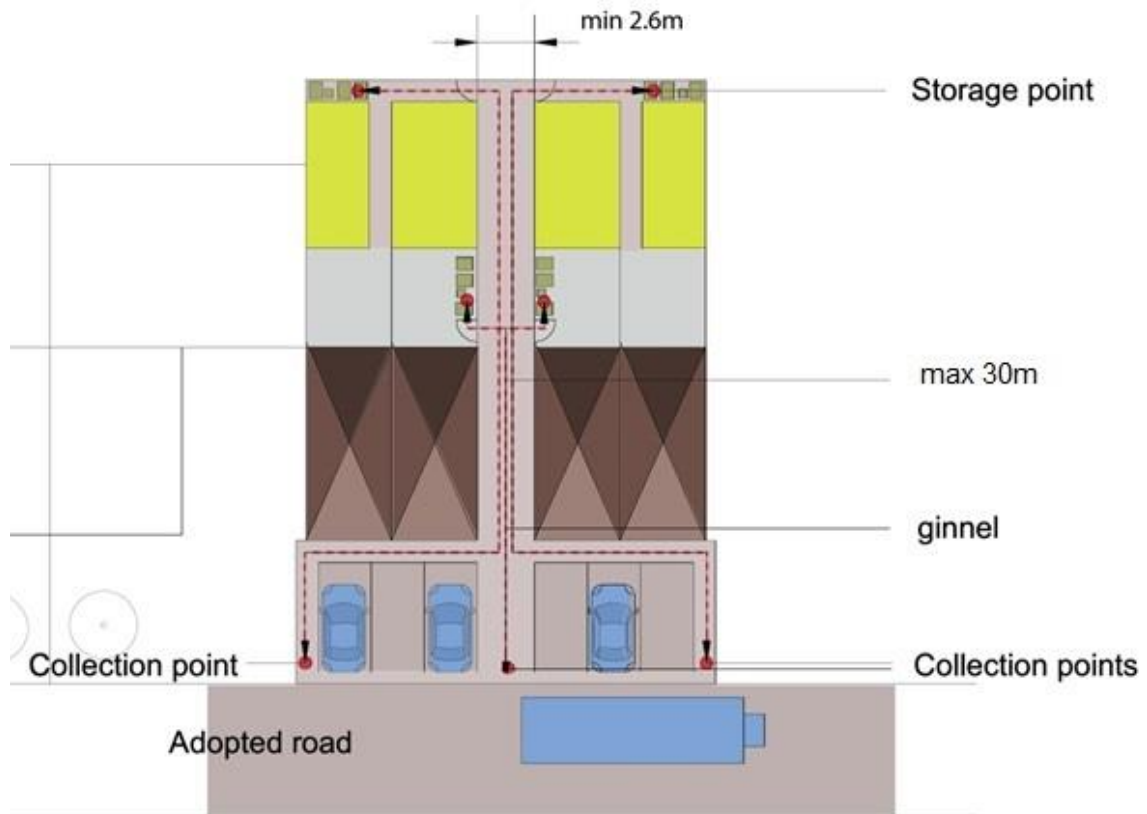


Figure 7: terraced properties using a ginnel to move containers between containers and collection points (not to scale)



5.3.5. Because of the council's assisted collection policy, as described in 5.2.5, collection crews may have to carry limited numbers of containers from storage points to the collection vehicle. Where the stipulations in 5.3.1 are not followed, collection staff would be exposed to manual handling practices that are strongly discouraged by the Health and Safety Executive. It is important therefore that this aspect of design does not compromise the council's health and safety performance.

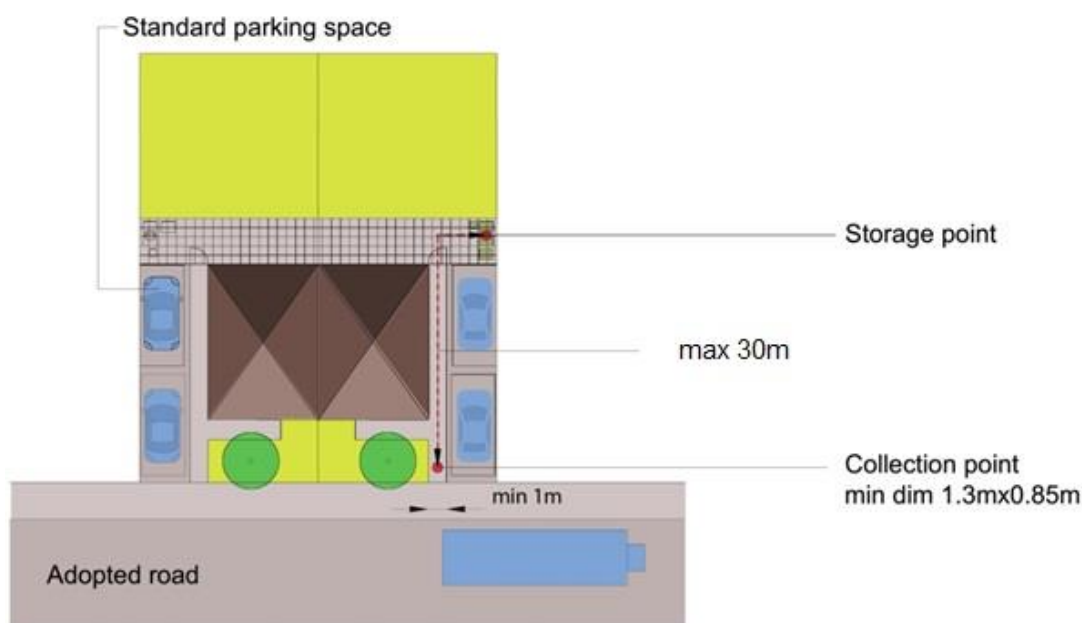
#### 5.4. External storage of waste

5.4.1. Waste storage areas should be appropriately located, never on the highway and therefore within the boundary of the property, and designed to minimise visual impact with features that screen containers from public view. These storage facilities should not obstruct sight lines for pedestrians, drivers and cyclists and they should not interfere with pedestrian or vehicular access to buildings.

5.4.2. External storage spaces must be on hard standings and they should be away from windows and ventilators, preferably under shade where possible. All storage areas must be accessible to disabled people and, in particular, wheelchair users. Level storage space is desirable to ensure that containers do not roll of their own accord when full of waste, particularly where larger four-wheeled bins are in use. Where a gradient is unavoidable, it should not exceed 1:12.

5.4.3. Rear-garden storage is preferable where possible provided that there is a suitable route to the collection point that complies with carrying distances stipulated in Building Regulations, as detailed in 5.3.1 above, and any other provisions required under section 5.3. Figure 8 provides an example of rear-garden storage (also see Figure 4, Figure 5, Figure 6 and Figure 7 above for examples). Rear gardens should have adequate space for waste containers. Containers should be stored away from windows and ventilators.

Figure 8: semi-detached property with rear-garden storage (not to scale)



- 5.4.4. Storage areas should be large enough to accommodate all of the containers listed in Table 1 above at least. It is desirable for capacity for future additions to the kerbside collection service to be accommodated into storage areas as well (e.g. small electrical items, batteries) because the council's waste strategy states that it will seek to achieve continuous improvement of the kerbside collection service. Future legislation may also require the separate collection of further materials in order to comply with bans of certain materials being disposed of in landfill.
- 5.4.5. External storage areas will require a clear turning circle area to allow containers to be manoeuvred when bins are being moved to and from the collection point. ADEPT recommends a minimum 1.5m diameter turning circle for two-wheeled bins<sup>13</sup> but 1m may be acceptable where necessary.
- 5.4.6. Table 2 identifies the approximate dimensions for waste containers used for delivering waste collection services.

Table 2

Materials collected	Container type	Size (litres)	Quantity	Dimensions <sup>14</sup> (height x width x depth in mm)
Residual waste	2-wheel bin	180	1 <sup>15</sup>	1100 x 580 x 755
Plastic bottles and cardboard (co-mingled)	2-wheel bin	240	1 <sup>16</sup>	1100 x 590 x 800

<sup>13</sup> *Making Space for Waste: Designing Waste Management in New Developments*, ADEPT, p.26

<sup>14</sup> The dimensions quoted in Table 2 and Table 3 take account of the bins produced by a range of suppliers and assume that a raised aperture is required for the deposit of recyclate into four-wheeled containers. Datasheets from Craemer, ESE, MGB, Spider, Taylor and W Weber were used.

<sup>15</sup> See footnote 9.



Materials collected	Container type	Size (litres)	Quantity	Dimensions <sup>14</sup> (height x width x depth in mm)
Paper, glass, cans, foil and textiles (kerbside sort)	Kerbside box	55	2	585 x 375 x 395
Garden waste (opt-in, chargeable service)	2-wheel bin	180	1 <sup>17</sup>	1100 x 580 x 755

5.4.7. Properties with larger gardens are likely to opt to pay for and use more than one garden waste bin, so storage space should account for how much garden waste might be produced based on the size of the garden.

5.4.8. To encourage waste minimisation, ADEPT recommends that room for a home composter is allocated for each plot with a garden<sup>18</sup>. The council's waste strategy also promotes the use of food waste digesters in gardens, as a waste minimisation measure. Principle 1 of the strategy promotes continued focus on the prevention of biodegradable waste, including food waste and garden waste. Developers should consider providing home composters and/or food waste digesters for homes, particularly where developers wish to demonstrate the sustainability performance of a scheme under the Code for Sustainable Homes.

5.4.9. By following the information in this section 5.4, developers should be able to ensure that waste containers are not stored on the public highway and therefore comply with the requirements of the Department for Transport's 'Manual for Streets'.

## 5.5. Internal storage of waste

5.5.1. To encourage occupants to recycle their waste, internal storage areas could be designed into each unit of a new development. This will enable occupants to segregate their waste into residual waste and recyclables, and to store it temporarily until transferring it to the external waste and recycling containers available.

5.5.2. Occupants could be supplied with allocated spaces and, where possible, containers for the internal segregation of their waste for recycling as part of the development process. Wiltshire Council does not provide such containers.

5.5.3. To make the most efficient use of space within properties, storage facilities could be integrated into the design of cabinets and fittings in the kitchen (or point of arising). Integrated solutions for storage are likely to be less obtrusive than requiring householders to acquire free standing bins after they have moved in. Where such containers are convenient to use, it is more likely that residents will separate their waste for recycling. The provision of internal

<sup>16</sup> See footnote 10

<sup>17</sup> See footnote 11

<sup>18</sup> *Making Space for Waste: Designing Waste Management in New Developments*, ADEPT, p.76

storage for waste is an important measure in achieving the targets set out in the council's waste strategy therefore.

- 5.5.4. Options that developers may wish to consider include kitchen units with pull-out cupboards containing separate receptacles (one for residual waste and others for dry recyclables), under-sink storage solutions or an area of storage available in the kitchen/utility room to enable the separation of waste within the home. When designing storage solutions, consideration should be given to the materials that residents can recycle at the kerbside, as outlined in Table 1 above. ADEPT recommends that at least three containers are provided with a minimum total capacity of 60 litres, where no single container is smaller than 15 litres.

### 5.6. The collection service for apartments

- 5.6.1. Residents in apartments are able to recycle almost all of the same materials as occupiers of individual households but the service is delivered in a different way, with ground-floor communal collection points used in most cases.
- 5.6.2. Save for exceptional circumstances, the only material that the council does not routinely collect from apartments is garden waste because very few residents have a garden to tend. Where an apartment does have an allocated garden, external storage space should be allocated for the provision of a garden waste bin in accordance with the information in Table 2. Table 3 below assumes that a garden waste container is not required.
- 5.6.3. The number of apartments within a block determines the number of containers required, as set out in Table 3. Storage for individual containers per flat, as listed in the first section of Table 3, should be provided for blocks of five or fewer flats. For blocks with 6 or more apartments, the sections in Table 3 set out the number of containers required per block for communal use by residents dependent on the number of apartments sharing the storage area.

Table 3

1-5 apartments per block (see 5.6.3 above)				
The containers listed in this section are to be issued <i>per apartment</i>				
Materials collected	Container type	Size (litres)	Quantity	Dimensions <sup>19</sup> (height x width x depth in mm)
Residual waste	2-wheel bin	180	1	1100 x 580 x 755
Plastic bottles and cardboard	2-wheel bin	240	1 <sup>20</sup>	1100 x 590 x 800
Paper, glass, cans, foil and textiles	Kerbside box	55	2	585 x 375 x 395

<sup>19</sup> See footnote 14

<sup>20</sup> See footnote 11

**For each section below, the communal containers listed are to be issued *per block***

**6-10 apartments per block**

Materials collected	Container type	Size (litres)	Quantity	Dimensions (height x width x depth in mm)
Residual waste	4-wheel bin	1100	1	1470 x 1375 x 1120
Plastic bottles and cardboard	4-wheel bin	660	1	1330 x 1375 x 785
Cans, foil, aerosols	2-wheel bin	180	1	1100 x 580 x 755
Green glass	2-wheel bin	180	1	1100 x 580 x 755
Brown glass	2-wheel bin	180	1	1100 x 580 x 755
Clear glass	2-wheel bin	180	1	1100 x 580 x 755
Paper	2-wheel bin	180	1	1100 x 580 x 755

**11 – 14 apartments per block**

Materials collected	Container type	Size (litres)	Quantity	Dimensions (height x width x depth in mm)
Residual waste	4-wheel bin	1100	2	1470 x 1375 x 1120
Plastic bottles and cardboard	4-wheel bin	1100	1	1470 x 1375 x 1120
Cans, foil, aerosols	2-wheel bin	180	1	1100 x 580 x 755
Green glass	2-wheel bin	180	1	1100 x 580 x 755
Brown glass	2-wheel bin	180	1	1100 x 580 x 755
Clear glass	2-wheel bin	180	1	1100 x 580 x 755
Paper	2-wheel bin	180	2	1100 x 580 x 755

**15-18 apartments per block**

Materials collected	Container type	Size (litres)	Quantity	Dimensions (height x width x depth in mm)
Residual waste	4-wheel bin	1100	3	1470 x 1375 x 1120
Plastic bottles and cardboard	4-wheel bin	1100	1	1470 x 1375 x 1120
Cans, foil, aerosols	2-wheel bin	180	2	1100 x 580 x 755
Green glass	2-wheel bin	180	2	1100 x 580 x 755
Brown glass	2-wheel bin	180	2	1100 x 580 x 755
Clear glass	2-wheel bin	180	2	1100 x 580 x 755
Paper	2-wheel bin	180	3	1100 x 580 x 755

**19 or more flats per block**

More than one bin storage area will be required. The number of flats per block will determine which combination of containers from the sections above may be required. For example, a block of 24 flats would require two stores, each of which will accommodate the set of containers listed in the section ‘11-14 apartments per block’. However, the requirement will depend upon the precise design of the site, so developers should consult the council to identify the precise requirement.

5.6.4. Any storage areas, both internal and external, must take account of the materials that residents are able to recycle through their kerbside collection scheme.

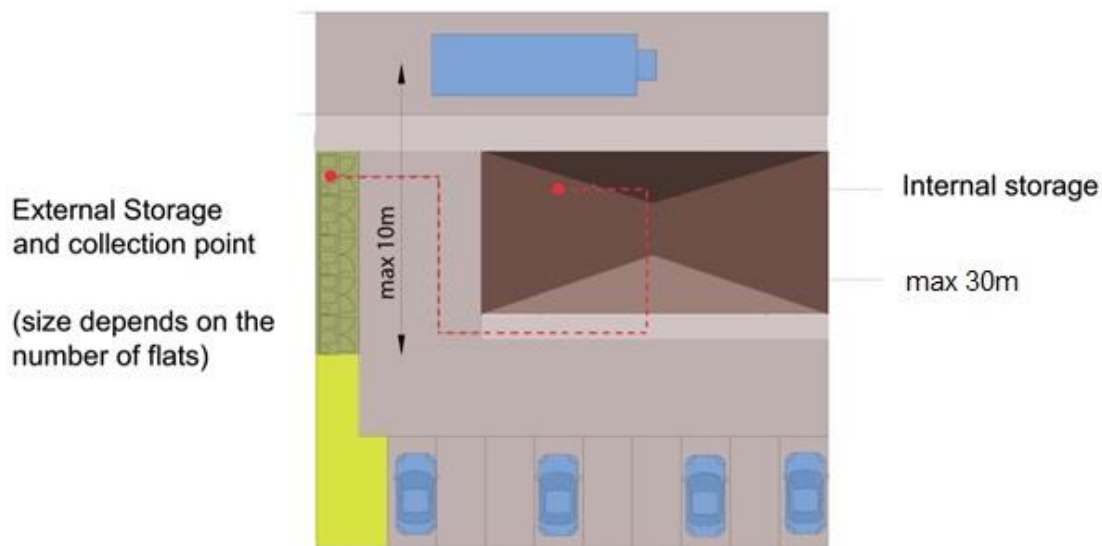
5.6.5. The sections below detail how waste management should be integrated into the design process working back from the collection point all the way through to internal storage of waste within a property.

## 5.6.6. Collection points and external storage

### 5.6.6.1. Individual storage and collection points

Where apartments are grouped in blocks of five properties or fewer, the storage facilities required for individual households, as referenced in Table 3, should be allocated to each property. The collection points at these properties should comply with section 5.2 above and the external storage should be provided in accordance with 5.4. Figure 9 gives an example of a suitable arrangement for flats in this category.

Figure 9: storage solution for flats which require storage for individual containers

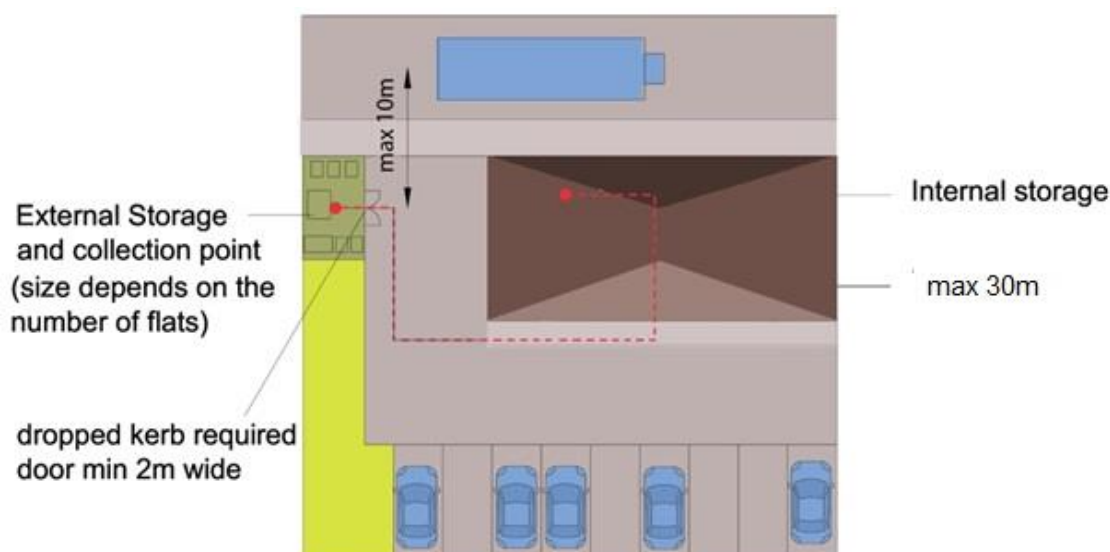


### 5.6.6.2. Communal storage and collection points

Sections 5.6.6.3 to 5.6.6.17 set out the circumstances in which the provision of communal collection points and communal storage points are acceptable to the council. They also provide guidance on designing such facilities.

- 5.6.6.3. For blocks of flats with more than five properties, a communal surface-level storage and collection point will usually provide the best solution. Developers should identify on plans which residential units are allocated to use each store. Sections 5.6.6.4 to 5.6.6.17 relate to such communal storage points. An example is shown in Figure 10 for a bin store for a block of 6-10 flats.

Figure 10: storage solution for block of 6-10 flats sharing a bin store



- 5.6.6.4. A bin store should be sited in a location that does not unreasonably compromise pedestrian routes during collection times, which may be for several minutes. All such storage areas should be screened to some extent and preferably they will be in an enclosed and covered compound. Sufficient space should be provided for each container and there should be sufficient operating room to allow both residents and waste collection operatives to access and use each container without having to move another container. Clear space of 150mm between containers should be allowed as a minimum, in compliance with BS 5906:2005.
- 5.6.6.5. Walls and roofs of bin stores shall be constructed of non-combustible, robust, secure and impervious material with the appropriate level of fire resistance to meet the requirements of BS 5906:2005. The walls should be suitably constructed or lined to make them suitable to be washed down and should have bump strips placed at bin height to prevent damage.
- 5.6.6.6. Doors to bin stores must be fitted with a means of being opened from the inside by means of a thumb turn (to avoid accidental lock in) and should be capable of being secured from the outside (see 5.6.6.13.3 for further information). Doors should also include restrictive openers to prevent over extension, scratch plates on the relevant side and a means of keeping them open during the collection process where they open immediately to the outside air<sup>21</sup> (any such doors must not open outwardly onto a street, in accordance with section 153 of the Highways Act 1980). ADEPT recommends that doors should have a minimum width of 2 metres so that

<sup>21</sup> While we would not favour doors that do not open immediately to the outside air, in the unlikely event that a proposal is accepted that would not have doors that meet this description, those doors should be self-closing in order to comply with BS 5906:2005.

the removal and return of containers is manageable without obstructions to the manual handling operation.

- 5.6.6.7. Any distance between a bin store and the collection vehicle should also have a minimum width of 2 metres to allow the safe removal and return of containers. If the collection point is not also the storage point, where containers are stored between collections, then any distance between the storage point and the collection point should have a minimum width of 2m as well.
- 5.6.6.8. The floor of a bin store must be constructed of hard impervious material, which also reduces the risk of slips and trips<sup>22</sup>, without steps or kerbs. The surface should be one that can easily be cleaned and it should contain adequate drainage (or access to adequate drainage) suitable for receiving a polluted effluent, in accordance with Part H of Building Regulations.
- 5.6.6.9. If a change of level is required to get bins from the storage area to the back of the RCV, dropped kerbs will be required. Any slope must not exceed a gradient of 1:12 and there should be no steps between a storage area and the collection point.
- 5.6.6.10. All bin stores should be adequately lit either by artificial or natural lighting. Artificial lighting should be controlled by a switch that prevents lights being left on, preferably fully operated through presence-sensing functionality<sup>23</sup>. In accordance with BS 5906:2005, artificial lighting should be sealed to allow cleaning with hoses and/or to protect against splashing from general washing down of the storage area.
- 5.6.6.11. Where storage areas are covered or integrated into buildings, adequate, fly-proof and vermin-proof permanent ventilation should be provided to minimise odours. Any such ventilation should be away from windows of dwellings.
- 5.6.6.12. The bin store should be of adequate height to allow container lids to be opened without the need to move the containers outside of the store.
- 5.6.6.13. **Safety and anti-social behaviour**

- 5.6.6.13.1. Poor location and poor design of container stores can either be a source of anti-social behaviour or it can be perceived as an unsafe place for residents, which can lead to a reluctance to use facilities properly.

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<sup>22</sup> The HSE provides information to assist architects/developers to select an appropriate flooring material at <http://www.hse.gov.uk/slips/flooring.htm>.

<sup>23</sup> An acceptable example of presence-sensing lighting, as noted in section 19.7 of Secured by Design's *New Homes 2014* guidance.

- 5.6.6.13.2. Bin stores should be located in overlooked areas, albeit in positions that do not detract from the quality of place.
- 5.6.6.13.3. Secure doors with a controlled access (e.g. key pad access) will deter non-residents from misusing the storage area (see 5.6.6.15 and 5.6.6.16 for further information regarding how collection crews can access such stores).<sup>24</sup>
- 5.6.6.13.4. Consideration of the noise created by residents depositing waste (particularly glass) should be central to deciding upon the location of the bin store, so that it will not create a nuisance for residents. Factoring noise reduction into the design of storage areas may mitigate any such problems.
- 5.6.6.13.5. The proximity of containers to residents' windows or ventilators should be considered to avoid odours entering premises.
- 5.6.6.14. Appropriate signage in storage areas is critical to the successful use of recycling containers. The council does not provide these signs, but it can supply graphics templates to allow developers to procure appropriately branded signage.
- 5.6.6.15. It is the responsibility of caretakers or management companies to allow collection crews to access the containers on collection day and to ensure that vehicle access is not obstructed.
- 5.6.6.16. Collection crews should not be expected to hold keys, codes or electronic fobs in order to collect waste and recycling. However, where necessary, and subject to agreement, such arrangements may be made. This must be discussed and agreed by the council prior to the submission of plans.
- 5.6.6.17. To comply with the guidance in this section 5, communal stores should not be located in courtyards to the rear of properties. The waste service has experienced problems on developments where a public pavement runs immediately across the face of a block of flats and vehicle parking and bin storage is proposed at the rear of the building, where vehicles gain access via an archway. In such circumstances the council will not be able to make collections safely (e.g. carry distances are greater than stated in section 5.2.4) as it is highly unlikely that suitable vehicle access and turning room would be provided for in such a restricted area. The council's experience of trying to resolve these situations is that arranging feasible collection arrangements requires a solution that detracts from the streetscene of an area, causes additional manual handling for residents and as a consequence, in some cases, the recycling performance of the area is

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<sup>24</sup> See Secured by Design's *New Homes 2014* guidance for further information on appropriate security measures for communal storage areas.

affected. Consideration of access to waste services from the outset will avoid these undesirable outcomes.

#### **5.6.7. Routes to collection points from external storage**

- 5.6.7.1. Apartments in blocks of five or fewer properties will require a route to the collection point from the external collection point usually. The guidance in 5.3 applies to flats in that category.
- 5.6.7.2. Paragraph 5.6.6.7 should also be considered for premises requiring the use of four-wheeled bins if a caretaker has to move the bins to the collection point, where the storage point is not also the collection point (e.g. it is located in excess of 10m from a point that is accessible to a RCV). The principles of section 5.3 apply if the collection point is not also the external storage point.

#### **5.6.8. Internal storage**

- 5.6.8.1. The information on internal storage in section 5.5 applies to apartments. With space often at a premium in apartments, well-designed internal storage solutions will ensure that waste management is integrated into the living space instead of becoming an inconvenient add-on which affects the space available and makes it less likely for an occupier to separate materials for recycling.

#### **5.6.9. Management arrangements**

- 5.6.9.1. Under section 46 of the Environmental Protection Act 1990, the council has the power to specify the substances or articles that may be put into designated receptacles. In applying this power, Wiltshire Council only collects waste contained in designated receptacles where the materials within the containers are correctly separated into the appropriate containers (e.g. only paper is in the paper bin).
- 5.6.9.2. Any materials not presented in accordance with 5.6.9.1 will not be collected by Wiltshire Council. These materials will have to be dealt with by a management company or similar organisation.
- 5.6.9.3. If incorrectly deposited waste prevents operatives from accessing designated containers, such as waste left on the floor around containers, all waste may be left uncollected. It will be the responsibility of management companies to return the bin store to an acceptable state that will facilitate collection on the next collection day. Additional waste arisings generated before the next collection day may cause a repeat of the problem, so the management company should factor that into any solution that intends to return the bin store to the required state by the next collection day.



- 5.6.9.4. Where a bin store requires cleaning, a management company will have to carry out this function. Wiltshire Council does not provide a cleaning service.
- 5.6.9.5. Tenancy agreements and management company terms and conditions for occupiers of flats should include statements which show the course of action that management companies will take when tenants misuse storage areas. Storage areas are almost exclusively on private land, so the council has limited powers to intervene. Well-worded, binding agreements will allow problems related to waste to be resolved quickly and successfully. Appendix B includes sample terms that management companies may wish to incorporate in tenancy agreements and further general guidance on points to consider when deciding the course of action to take where tenants fail to comply.
- 5.6.9.6. Developers have a key role in allowing management companies and tenants to meet their responsibilities under regulations 9 and 10 of the Management of Houses in Multiple Occupation (England) Regulations respectively by ensuring that adequate facilities and access to services are provided.

## **5.7. Care homes and sheltered accommodation**

- 5.7.1. The waste arrangements for premises that fall under these categories do not fit neatly into the arrangements set out above in this section 5. The Controlled Waste (England and Wales) Regulations 2012 define which waste producers generate household, commercial and industrial waste and whether charges can be made for waste collection. Based on terms used in these regulations, residential homes are classified as household waste producers but the council can charge for collection and disposal of the waste and nursing homes fall into the same category. While sheltered accommodation is not specifically listed in the regulations, it is treated as household waste where no charge is made for collection or disposal.
- 5.7.2. Section 106 contributions would not be sought for any residential homes or nursing homes, as these premises would have to pay for their waste collection service (either to the council or a private sector waste collection operator) so the cost of container provision would be included in the charge they would pay for their collections. For sheltered accommodation, section 106 contributions would be sought as the waste would be collected as part of the domestic collection service.

### **5.7.3. Care homes and nursing homes**

- 5.7.3.1. The information in Table 3 regarding waste capacity for apartments is not likely to be directly applicable to care homes due to the number of units on a site. As an alternative to the capacity allowed in Table 3, ADEPT recommends that a minimum of 180 litres of capacity is allowed per unit

with 2 bedrooms or fewer. This capacity should include provision for recycling and not just residual waste.

5.7.3.2. However, it is likely that these premises will generate clinical and offensive waste (also referred to as hygiene waste or sanitary waste). Any capacity calculation should consider the extent of offensive waste generation (e.g. incontinence pads) and allow sufficient capacity in a bin store. Where the amount of offensive waste exceeds a standard container over a week, a separate offensive waste bin would be required (i.e. general waste should not be disposed of in the same bin). Clinical waste would require separate containment as well and room should be allocated in storage areas for containment.

5.7.3.3. Access requirements and design requirements (e.g. lighting, drainage and ventilation) for bin stores should be provided in accordance with sections 4 and 5.6 above.

#### **5.7.4. Sheltered accommodation**

5.7.4.1. Sheltered accommodation provided as individual houses or bungalows should be treated like any other domestic household, albeit caretakers may have to undertake the transfer of bins between the storage point and collection point where residents are unable to do so.

5.7.4.2. Where sheltered accommodation is provided as flats or any other arrangement where bins are stored communally, the provisions of section 5.6 regarding waste storage for flats will apply.

#### **5.8. Collections while developments are under construction**

5.8.1. A number of problems for waste collection can occur while properties are occupied before construction is completed. These include restricted vehicle access due to parked construction traffic, restricted vehicle access due to cordoned off areas of the site and unsuitable collection points where hard standings, pavements etc have not been made to the final, adoptable standard. Other factors that affect access include scaffolding protruding into the road and problems are also experienced where waste operatives cannot access containers on foot due to obstructions.

5.8.2. The council's duty to safeguard the health and safety of members of staff and/or contractors engaged in service delivery means that we will usually require residents or the construction contractor to carry residents' containers to a suitable point on the development where access is clear. The results of the council's risk assessments at each site will determine the suitable interim collection point(s).

5.8.3. This point should be considered by developers and their construction partners because the sequence in which properties are constructed and then released

for the market will have an impact on waste collection if these areas have restricted access while other parts of the development are being built. The scenario outlined in 5.8.2 is inconvenient, and potentially dangerous, for residents but it can be avoided if the release of properties onto the market is organised with residents' access to services in mind. Where problems persist and waste accumulates, the visual impact may affect prospective buyers for plots that are for sale.

- 5.8.4. The interim arrangements referenced in 5.8.2 may be required over a lengthy period of time, depending on the size of the development. For larger sites, construction continues beyond the point that residents are likely to move in, which poses risks to the safety of collection crews and residents while interim collection arrangements are in place. Exposure to these risks can be over prolonged periods. Developers should therefore seek to manage the risk by carefully considering the sequence of construction and release for sales.
- 5.8.5. During the period where interim arrangements referenced in 5.8.2 are in effect, developers and their construction partners should liaise with residents over moving their containers to a suitable point. Wiltshire Council will not be responsible for moving containers over distances greater than those stated in 5.2.4 above.
- 5.8.6. While roads are under construction, and for a considerable period thereafter, they are likely to be unadopted but Wiltshire Council does not collect waste from unadopted roads save for in exceptional circumstances. Section 5.9 details how collections work where unadopted roads are concerned.
- 5.8.7. The council is developing a protocol for new developments to set out further practical advice on how to manage service delivery from the period prior to occupation, through to the point of occupation and continuing until all building works are completed. The protocol will be appended to a future version of this document as Appendix D.

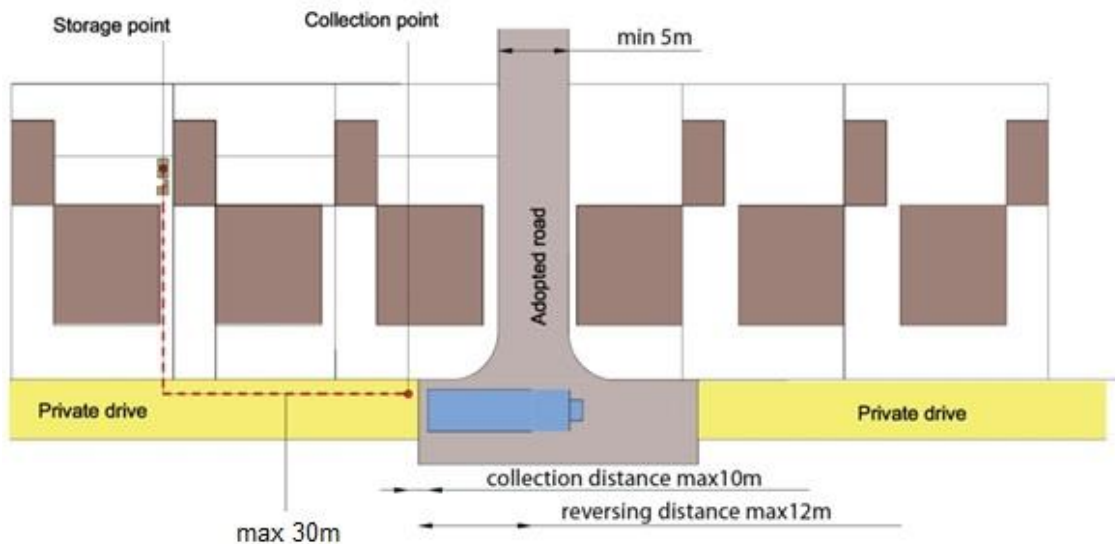
## 5.9. Unadopted roads

- 5.9.1. As referenced in 5.8.5, Wiltshire Council will not collect from unadopted roads, save for the exceptional circumstances outlined in 5.9.3.
- 5.9.2. Collection crews encounter unadopted roads either on newly constructed developments before adoption has taken place or where roads or access routes are never formally adopted.
- 5.9.3. The council will only collect from unadopted roads where the council and its contractors are indemnified against damage to property and where the council assesses that operations can be safely carried out (examples of safety

considerations include whether the surface is suitable for RCVs to manoeuvre safely and/or for manual handling). A sample indemnity is included in Appendix C.

- 5.9.4. Unless an indemnity is signed by the landowner at new developments, collections would have to be made from a point where the unadopted road meets the public highway. For most new developments, the adoption process will not be concluded until long after (in terms of the number of scheduled waste collections) residents have moved in, so a signed indemnity should be provided for each new development to enable collections to occur from within the development prior to adoption. Figure 11 provides an example of the collection arrangements where an indemnity is not in place for using the private roadways (or where the private drives do not include suitable turning room for the RCV). Clearly, if there were additional properties accessed via the private drivers, the carry distances for residents would be excessive.

Figure 11: collection arrangements at private roads (not to scale)



- 5.9.5. To facilitate an easy process of continuing the indemnity, any private roads will need to be managed and maintained through a “properly-constituted body with defined legal responsibilities” as set out in paragraph 11.6.2 of ‘Manual for Streets’. This measure should avoid protracted investigations to establish the identity of the landowner(s) who would be authorised to sign an indemnity.
- 5.9.6. A signed indemnity does not guarantee that collections will take place from within the development. Operational problems, as discussed in 5.7, may prevent the council from making collections within the development.

## 6. Waste storage and collection for commercial developments

### 6.1. The collection service for commercial properties

6.1.1. Waste generated from commercial premises is less easy to quantify when compared to waste from domestic households. Different businesses generate different types and volumes of waste dependent on the activities and ethos of each one. These differences may require different collection frequencies depending on the nature of the waste.

6.1.2. A further complication is that each business on a single development could have its own waste management contractor, so there could be a range of vehicles wanting to access waste containers at different times of the week. Commercial waste collection service providers are increasingly offering recycling collections in response to the duty placed upon businesses to apply the waste hierarchy to the waste they produce under regulation 12 of the Waste (England and Wales) Regulations 2011 (as amended). In practice, businesses often comply with the regulations by sorting their waste for recycling collections. This may require additional provision of storage space for bins.

6.1.3. All waste from commercial premises must be stored in containers off the public highway. The information in Table 4 and Table 5 below should allow developers to design adequate storage space for waste containment. Table 4 shows the litres of waste capacity required by commercial premises by type, as suggested by ADEPT or by the examples set out in BS 5906:2005. Table 5 shows indicative dimensions for the size of bins that commercial premises may use.

Table 4

Development type	Litres of waste per 1000m <sup>2</sup> gross floor space <sup>25</sup>	Litres of waste per 1000m <sup>2</sup> of sales floor space
Offices*	2,600	
Shopping centre	10,000	
Large supermarket		15,000
Small supermarket		10,000
Department store		10,000
Retail (except where otherwise listed in this table)*	5,000	
Restaurants and fast-food outlets*	10,000	
Hotels*	7,500	
Entertainment complex	5,000	

<sup>25</sup> Except where marked with an asterisk, storage is based on weekly waste arisings. For development types marked with an asterisk, the source doesn't stipulate a collection frequency on which these capacity limits are based, perhaps on the basis that commercial collection frequencies can be tailored to meet the needs of the customer (at the customer's cost). However, assuming weekly collections would seem to be a reasonable approach.

Leisure centre	5,000	
Industrial unit	5,000	

**Table 5**

<b>Container size (litres)</b>	<b>Dimensions</b> (height x width x depth in mm)
180	1100 x 580 x 755
240	1100 x 590 x 800
660	1330 x 1375 x 785
1100	1470 x 1375 x 1120

6.1.4. Where waste storage is shared between premises and where there are both producers of commercial waste and industrial waste on site, separate storage and/or containment for the commercial and industrial elements should be maintained so that waste types are not mixed.

## **6.2. Collection points**

6.2.1. The majority of waste collection contractors will operate in the same way as Wiltshire Council. The Council will collect waste containers from waste storage points provided that there is suitable vehicle access. Collection points must be on hard standings and gradients must not exceed 1:12.

6.2.2. At commercial developments, developers should ensure that waste collection points are free from obstructions that would prevent waste collection from successfully taking place, such as (but not exclusively) bollards, hedges, shrubs and cars parked in allocated parking spaces. Allocated parking spaces should therefore not interfere with waste collection points. The information in paragraph 4.6 should be taken into account when deciding upon the location of parking spaces.

6.2.3. Where it is likely that future occupiers will use four-wheeled bins, dropped kerbs should be installed where relevant to eliminate the need to bump bins down kerbs, which is an unacceptable practice in terms of safeguarding the health and safety of waste collection operatives.

## **6.3. Routes to collection points from external storage**

6.3.1. Where external storage space is not also the collection point, occupiers are responsible for moving containers from storage to the collection point.

6.3.2. Owners or proprietors at commercial premises have a duty to safeguard the health and safety of their employees, so there are limits on the distances that they can carry/wheel waste containers. The guidance relating to carry distances for crews in 5.2.4 (10m) should be applied to commercial premises. Routes from storage points to the collection point should comply with the information in 5.3.1 and not exceed 30 metres for two-wheeled bins therefore. Distances should be considerably less where four-wheeled bins are in use.

#### **6.4. External storage of waste**

- 6.4.1. The information in Table 4 and Table 5 should allow developers to account for suitable storage space at each site, where the collection point is not also the storage point. In addition, a clear turning circle of 1.5m diameter should be provided for the purpose of manoeuvring containers in any storage space but 1m may be acceptable where necessary.
- 6.4.2. Commercial external storage points should be constructed in the same way as residential storage (section 5.4.2), so they must be on hard standings and they should be away from windows and ventilators, preferably under shade where possible. All storage areas must be accessible to disabled people and, in particular, wheelchair users. Level storage space is desirable to ensure that containers do not roll of their own accord when full of waste, particularly where larger four-wheeled bins are in use. Where a gradient is unavoidable, it should not exceed 1:12. The specification for storage and collection points in section 5.6.6 applies to commercial developments where a storage point is also a designated collection point (i.e. where it complies with the carry distances stated in 5.2.4).

#### **6.5. Internal storage of waste**

- 6.5.1. Internal waste storage facilities will vary for each development depending on the size of the premises and the activities which take place on site. When considering the amount of room required, developers should include room for recycling containers as well as residual waste containers.

#### **6.6. Collections while developments are under construction**

- 6.6.1. The information in section 5.7 applies to commercial developments, where relevant.

### **7. Waste storage and collection for mixed-use developments**

- 7.1. In mixed-use developments, waste for residential premises and commercial premises should be stored separately. This measure will protect the facilities available to council tax payers, but it will also ensure that businesses which pay for waste collection have dedicated facilities for their exclusive use. Given the potential for regular collections from commercial premises (e.g. restaurants), due consideration of the location of storage and collection points should be given, to avoid nuisance to occupiers of residential dwellings.
- 7.2. The guidance in sections 5 and 6 applies to mixed-use developments, provided that developers adhere to the principle in 7.1.
- 7.3. **Collections while developments are under construction**

7.3.1. The information in section 5.7 applies to mixed-use developments.

## 8. Planning applications

8.1. In order to verify whether a proposed development has suitable access, storage space and collection points, the council requires plans to highlight certain information through the application of its adopted 'Validation Checklist'. By providing this information, developers will assist us in pro-actively making decisions about waste matters quickly, rather than having to engage in lengthy dialogue on details that could be provided at the front end of the process.

8.2. The items that would enable a full assessment of the feasibility of a development, if shown on site layout plans, waste management plans or other relevant application documents, are set out in Table 6.

Table 6

<b>All developments</b>
Vehicle tracking to show that access and turning room for a RCV is acceptable, with reversing minimised
<b>Individual residential properties and flats grouped in blocks of five or fewer</b>
Indication of the external waste storage area per property
Identification of the collection point per property
Identification of the route from the storage area to the collection point, including the distance and the width (minimum 1m) of all such routes (may be tabulated separately for ease of reference)
<b>Residential flats which are grouped in blocks of 6 or more</b>
Plan of the container storage area with containers drawn in situ (all to scale), to show that sufficient room has been allowed (including sufficient space to manoeuvre each container individually without the need to move other containers to facilitate such a manoeuvre) and a statement of the distance from the bin store to the kerbside
List of the flats that are allocated to use each bin store
Identification of the collection point (if the container store is not also the collection point)
Identification of the route between the storage area and collection point, and an indication of the distance between these points (only applicable where the container store is not also the collection point) and the width of the route (minimum 2m)
Indication of lighting, drainage and ventilation provisions (where required) on plans for container storage areas and a list/plan to show materials used to construct the storage area, to demonstrate compliance with paragraph 5.6.6
<b>Commercial developments</b>
Indication of the waste storage area per premises, based on the information supplied in Table 4 and Table 5 above
Identification of the collection point per property
Identification of the route between the storage area and the collection point, and an indication of the distance between these points and the width of the route (minimum 1m for



2-wheel containers and 2m for 4-wheel containers)

### **Mixed-use developments**

All of the information required for the sections above on residential and commercial developments; identification of items for residential and commercial developments should be differentiated by colour coding

- 8.3. Where there is a significant gap between the granting of planning permission and construction of the development, the developer should contact the waste collection department to ensure that the information about the collection system provided during the application process is still applicable. Further information about communication is detailed in section 9. The intention is to ensure that the council has sufficient time to consider how it will deliver any new collection system at the development. This will fall outside of the planning process, so does not seek to revisit planning permissions, but will enable the council to prepare for operational delivery and agree, for example, how bin stores would be utilised.
- 8.4. The council will monitor how far applications meet the requirements set out in this document in the coming months. If the level of information submitted in applications does not enable quick decision making about the suitability of the development for waste services, changes to the validation checklist may be made to ensure that the required information is submitted at the first opportunity.

## **9. Communication with the waste management services department**

- 9.1. A major barrier to the successful delivery of services to new residents, and the associated effect on recycling performance, concerns how the council's waste service receives information about when residents move into their properties.
- 9.2. In many cases, the first contact the council receives from a new resident is to request delivery of containers and to establish why their waste has not been collected. This situation is clearly unsatisfactory for the resident but it also puts the council at a disadvantage because properties have to be quickly added to rounds, which can introduce imbalances and inefficiencies. Bins also have to be delivered at short notice which may interrupt planned delivery schedules. The council's experience suggests that residents will often contact the sales office to attempt to resolve such problems. Measures to avoid these outcomes would benefit all parties therefore.
- 9.3. To avoid these outcomes, and to help alleviate the problems identified in 5.7, 6.6 and 7.3, developers and their construction partners should contact the waste management services team as early as possible in the construction phase to outline when they anticipate that residents will move in. Contact details per area are listed in section 11. Developers should provide the council with contact details for a senior site representative.
- 9.4. Continued contact during construction is advisable to ensure that any movements in projected dates are communicated to the waste service. This will also allow the

council to identify the location of suitable interim collection points, as referenced in 5.8.2, to developers and their construction partners so that all parties have the relevant information about service delivery.

## **10. Section 106 agreements, including contributions**

- 10.1. Core Policy 3 of the Wiltshire Core Strategy (Adopted January 2015) provides overarching policy support for securing developer contributions towards ‘waste management services such as recycling and collection facilities’, which is classed as ‘essential infrastructure’. In the event of competing demands for infrastructure provision, essential infrastructure will be afforded the highest priority. The Wiltshire Planning Obligations Supplementary Planning Document (SPD) (Adopted May 2015) supports Core Policy 3 and provides further detail on the council’s approach to developer contributions. The Planning Obligations SPD lists ‘waste and recycling containers’ as an example of site-specific infrastructure that would be sought through section 106 contributions (where the criterion in section 10.2 applies) rather than through the Community Infrastructure Levy (CIL). Policy WCS6 of the Wiltshire and Swindon Waste Core Strategy requires developers “to design and provide facilities for occupiers of the development to recycle/compost waste [...] and/or facilities within individual groups of properties or premises for the source separation and storage of different types of waste for recycling and/or composting”. Wiltshire Council retains control of procuring containers that are issued to occupiers of residential properties. The reasons for this are to ensure that the containers are compatible with lifting equipment and that branding – which is essential for ensuring that residents know what materials are designated for each container – meets the required standard. As a developer cannot directly provide the facilities for the separation and storage of waste, instead the requirement under WCS6 is met by securing a section 106 contribution.
- 10.2. The council will seek section 106 contributions for residential developments with 11 units or more<sup>26</sup> and these contributions shall be calculated in accordance with paragraph 10.4.
- 10.3. For major residential developments, where the number of properties can be demonstrated to require the use of a whole additional RCV in order to make all of the required collections, the council will seek contributions towards the cost of providing the vehicle because it will be specifically required for the type and scale of development. Current performance suggests that a whole additional vehicle would be required where approximately 2,000 residential units are included in a single application.

### **10.4. Waste and recycling provision costs**

#### *Containers*

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<sup>26</sup> To comply with the [national guidance](#) (Paragraph: 012 Reference ID: 23b-012-20150326) on the 2014 Written Ministerial Statement on small-scale developers.

Table 7 sets out the contribution required per container. Table 8 below uses the costs in Table 7 to calculate the contributions required either for each individual household or for each bin store. The required containers for each scenario are stated in Table 1 and Table 3 above. Please note that the amounts shown in Table 8 only apply where the threshold in section 10.2 is met. For example, if an application was only for construction of 7 flats that shared a single bin store, the council would not seek a contribution towards the provision of containers as fewer than 11 units are proposed. However, if an application was for construction of 7 flats that shared a single bin store and 5 individual houses, then a contribution would be requested – as 12 units are proposed – and calculated in accordance with the categories in Table 8 ((5 x £91) + £581 = £1,036).

**Table 7**

<b>Containment</b>	<b>Cost*</b>
180 litre wheeled bin 17p per litre	£30
240 litre wheeled bin 19p per litre	£45
660 litre wheeled bin 22p per litre	£145
1100 litre wheeled bin 26p per litre	£286
55 litre black box 15p per litre	£8

**Table 8**

<b>Scenario</b>	<b>Cost per scenario*</b>
Households	£91
Flats 1-5	£91 per apartment
Flats 6 - 10	£ 581 per store
Flats 11 - 14	£1,038 per store
Flats 15 - 18	£1,474 per store
Flats 19+	Calculation will be based on the agreed number of containers, as per the final row in Table 3.

\*The prices in Table 7 and Table 8 were set [or reviewed] in 2015. These prices will be increased from 1 April each year in accordance with RPI.

#### *Vehicles*

Only where section 10.3 applies, an indicative contribution of £165,000 will be sought for the provision of an additional RCV. This indicative figure is correct in 2015 and will be increased from 1 April each year in accordance with RPI.

#### **Example:**

A development of 130 houses and a block of 12 flats with a single bin store is being built. The contribution is worked out as follows (at the current rates stated in Table 7 and Table 8):

- multiply the number of individual houses (130) by the “cost per scenario” for households (£91) = £11,830.
- add the “cost per scenario” for the number of flats in the development. In this case there are 12 flats so the scenario for “Flats 11 – 14” is used - £1,038.
- total section 106 contribution for waste and recycling services is £11,830 + £1,038 = **£12,868**.

#### **Notes**

Please note that:

- if the development includes flats which have gardens, then allowances will have to be made to store garden waste bins for the flats in the bin store
- these costs are subject to change depending on what services are in place at the time the development is completed, as noted in section 2.9.

#### **10.5. Section 106 agreements**

The council intends to develop template wording for s106 agreements in respect of waste contributions, which will be included in Appendix E once finalised. The council requests that contributions are paid prior to commencement of development (per phase, where applicable).

#### **11. Contacts**

[Insert from previous version and revise as necessary]

## Bibliography

This bibliography highlights specific external sources referenced within the document above only. The list of sources that informs the contents of this guidance document would be much greater and would take account of Wiltshire Council policies, plans and procedures, waste industry guidance (e.g. from WRAP), legislation and government guidance.

*Community Infrastructure Levy: Viability Study*, BNP Paribas, 2012

*Making Space for Waste: Designing Waste Management in New Developments – A Practical Guide for Developers and Local Authorities*, ADEPT, 2010

*Manual for Streets*, Department for Transport, 2007

*Safe waste and recycling collection services*, Health and Safety Executive, 2014

*Secured by Design: New Homes 2014*, Secured by Design, 2014

*The Building Regulations 2000 Approved Document: Drainage and Waste Disposal (Part H)* (as amended), Office of the Deputy Prime Minister, 2002

*Waste Management in Buildings – Code of Practice (BS 5906:2005)*, BSI, 2005

*Waste and Recycling Vehicles in Street Collection*, Health and Safety Executive, 2014

Draft

## **Appendices**

## Appendix A Collection vehicle dimensions

The dimensions included in Table 9 below are based on the vehicles used by Wiltshire Council. Sufficient room should be allowed to enable these vehicles to move around the development. Dimensions are included for a standard RCV and for 'kerbsiders' used for dry recycling collections (all dimensions are in millimetres).

The council uses vehicles of the size set out in Table 9 in order to deliver sustainable services. While smaller vehicles are available, these are broadly at capacity due to the rural nature of Wiltshire and the layout of historic town/city centres. Small vehicles are inefficient due to the smaller payloads and need for regular refuelling, so their use is limited to areas where there is no other solution.

Table 9 - vehicle dimensions (mm)

Vehicle type	RCV (for wheeled bin collections)			Kerbsider (for kerbside box collections)		
	Body	Ancillary equipment	Total	Body	Ancillary equipment	Total
<b>Length</b>	10840	460	11300			8800
<b>Width</b>	2600	300	2900	2600	300	2900
<b>Height (travelling)</b>			3580			3550
<b>Height (operating)</b>			5638			5638
<b>Vertical clearance required when travelling (i.e. when collections are not actively taking place)</b>			4500			4500
<b>Turning circle between kerbs</b>				18500		
<b>Turning circle between walls</b>				20300		

Further points to consider regarding vehicle access include:

- Fully laden collection vehicles weigh approximately 26 tonnes. Service manholes and road surfaces should be constructed with this in mind.
- Overhead service cables, pipes, archways and other potential obstacles must be located at a level that will not prevent the vehicle from operating or travelling safely.
- To allow Waste Management Services to verify the suitability of a proposal in terms of collection vehicle access, accurate technical drawings with swept-path analysis detailing the proposed route of collection vehicles around the development should be included in plans submitted to the council.
- It should be noted that all residual waste and some recycling containers are picked up from the rear of the waste collection vehicles, while some other recycling containers are picked up from the nearside of recycling vehicles. Sufficient room should be allowed at the side of kerbsiders to allow loaders to stand and fill the loading trough. This should also be reflected in the proposed routes of the collection vehicles.
- Collection vehicles should not reverse into the development from a major road, or reverse onto a major road when exiting the development
- Parking on site (including visitors' parking) should be managed to avoid on-street parking that might prevent the collection vehicle accessing collection points.

## **Appendix B      Example tenancy agreement terms**

### Management arrangements for waste collection – draft terms and guidance

#### **Background**

1. Wiltshire Council is the waste collection authority in this area and it is responsible for collecting waste from domestic properties.
2. The council has powers under section 46 of the Environmental Protection Act 1990 to specify the containers that should be used for waste collection and the substances or articles that may be put into those designated containers. In effect, this means that the council designs the collection system that is delivered. In applying this power, the council will only collect waste where it is presented in the correct containers (i.e. only paper is presented in the paper bin, and so on) and where no additional waste is left outside of containers.
3. The council also has powers to state where containers will be collected from and these collection points may be subject to change.
4. The council decides the frequency of collection per container, which may be subject to change at the council's discretion.
5. In relation to paragraph 2 above, the council has the power to take enforcement action where waste is not presented in accordance with the council's instructions. Further, where applicable, the council has the power to take enforcement action where it deems that non-compliance with council instructions constitutes a littering offence under section 87 of the Environmental Protection Act 1990.
6. In relation to paragraphs 2 to 4 above, the council has powers to charge for waste that is in excess of the capacity of containers and waste that has been placed in the wrong bin (e.g. where residual waste is put into a recycling bin).
7. Part 1 of the Housing Act 2004 sets out the council's powers and duties to tackle poor housing conditions.
8. The Housing Health and Safety Rating System (HHSRS) sets out how the powers referenced in paragraph 7 are used by local authorities to assess housing conditions. The HHSRS makes clear what landlords and tenants are required to do in respect of waste management.
9. The Management of Houses in Multiple Occupation (England) Regulations impose a duty on building managers to provide facilities for waste disposal in regulation 9 and a duty on tenants (or any other occupier) to store waste in accordance with any arrangements made by the manager of the building (regulation 10). Compliance with these duties is dependent upon compliance with the council's policies and instructions, as any arrangements put in place by managers must be compatible with the council's collection system.

#### **The council's commitment**



10. The council will ensure that an appropriate number of containers for waste and recycling are provided for each site.

11. The council will provide access to information for tenants explaining how the service operates and what the bins should be used for. If a tenant is unsure about which materials to place in their bins, the council has information on its website, [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk), and it can give advice by email through [wasteandrecycling@wiltshire.gov.uk](mailto:wasteandrecycling@wiltshire.gov.uk) or by phone on 0300 456 0102.

12. The council will work with residents' associations and management companies to provide advice and guidance, attending meetings as required.

### **Tenants' responsibilities**

13. Tenants agree to follow instructions from the council about the types of materials that can be deposited in each container, including any changes to the service that the council might make at any stage

14. Tenants agree to follow instructions from [insert name of management company], provided that these instructions do not contradict any instructions issued by the council.

15. Tenants will only deposit waste in the nominated waste storage area where communal facilities are provided

16. Tenants will only use containers for disposing of/recycling the materials that the council allows to be deposited in each container (i.e. only paper is presented in the paper bin, and so on)

17. Tenants will not deposit waste outside of designated containers and will not overfill any container

18. Tenants will not deposit any bulky items or non-household waste in designated containers or the waste storage area.

### **Failure to comply with responsibilities**

[Management companies should insert appropriate terms and conditions here, taking account of the following paragraphs.

It is up to each management company to decide upon a means of redressing non-compliance with council waste policies. Terms in tenancy agreements should consider that where the council is unable to collect waste due to non-compliance, it will be the management company's responsibility to remove the waste. There is likely to be a cost to the management company for arranging to remove this waste, either directly by paying for someone to remove the waste or indirectly via additional unscheduled work for a company's maintenance operatives.

The terms and conditions should therefore consider how tenants will be affected in the event that the council cannot empty a bin(s) due to non-compliance with policies and the following situations arise:

- A contaminated bin has to be emptied at the management company's cost

- An overfilled bin has to be emptied at the management company's cost
- Excess waste has to be cleared from the floor of a bin store at the management company's cost. If the bins could not be emptied because of excess waste preventing the crew from manoeuvring the bins, the council will not attempt to return to collect until the next scheduled collection day, so the management company may also have to pay to have the bins emptied in the meantime. The council can offer a charge for service on request.
- Waste that is deposited outside of the nominated storage area has to be cleared at the management company's cost. For information, where the waste is litter, the waste collection service does not have the facility to remove it, so an alternative waste carrier would be required to carry out remedial work.

The council is aware of management companies which have recharged these costs to tenants (spread across the total number of tenants). It is often difficult to identify an individual resident who causes the problems, but it would be advisable to include a condition which outlines the consequences for a tenant who can be identified as the person who failed to comply with council policy and/or tenancy-agreement terms.

Where persistent issues with non-compliance are encountered, the council can investigate enforcement action referenced in the 'Background' section above. However, investigations can only take place on private land (i.e. where most bin stores are located) where the landowner gives written permission. Where such permission is not given, the council will not be able to investigate.]

Further reading:

The following sources may be useful to understand the rights and responsibilities of various parties:

- Housing Health and Safety Rating System: Guidance for Landlords and Property Related Professionals (available here on the government's website)
- Housing Health and Safety Rating System: Operating Guidance (available here on the government's website)

**Appendix C      Sample indemnity letter**

**Waste Collection**

[Depot]  
[Street]  
[Town]  
Wiltshire  
[Post code]

Tel: 0300 456 0102

Dear Sirs,

**Waste and Recycling Collections**

Wiltshire Council, Hills Waste Solutions Ltd and FCC Environment provide waste and recycling collections in Wiltshire.

[Name of Developer] is the owner of the land [description of land] (**the Development**)

In order to access the properties forming part of the Development to collect residents' waste and recycling container(s) it will be necessary for the staff and vehicles of both Wiltshire Council and its contractors to operate within the Development. Therefore, an indemnity is required from [Name of Developer] as landowner with responsibility for the maintenance and upkeep of the Development. If [Name of Developer] is willing to provide such an indemnity, please complete the section below and return this letter to Wiltshire Council.

[Name of Developer] incorporated and registered in England and Wales with company number [Number] whose registered office is at [Address] HEREBY gives permission to Wiltshire Council and its contractors, including all parties' staff and vehicles, to operate within the Development to access the properties within the Development to collect residents' waste and recycling container(s). [Name of Developer] is the landowner of the Development and is responsible for the maintenance and upkeep of the Development.

[Name of Developer] HEREBY agrees to indemnify Wiltshire Council against all costs, claims, damages or expenses incurred by Wiltshire Council arising from Wiltshire Council or its contractors operating within the Development to collect residents' waste and recycling container(s). This indemnity shall not cover Wiltshire Council to the extent that a claim under it results from Wiltshire Council or its contractors' negligence.

Signed by [Name of Director]

for and on behalf of [Name of Developer]:.....  
Director

Completed letters should be returned to:

**FAO: [Waste Technical Officer]**

[Depot address]

Please note that completion of this form does not guarantee that a kerbside collection of waste and recycling will be possible from the properties forming part of the Development. A physical assessment of the access, in terms of suitability, road width and available turning space will need to be undertaken before collections can be made.

Yours faithfully

**Waste Management Services**

Tel: 0300 456 0102

Web: [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

Draft

**Wiltshire Council**

**Waste and Recycling Services**

**Protocol for New Housing Developments**

**Purpose**

The purpose of this protocol is to assist developers and council officers when introducing waste and recycling collections to new build developments.

**Background**

The Wiltshire Council housing strategy identifies a need for 2,500 new homes to be built each year. Wiltshire Council has a statutory duty to collect waste and recycling from residents but this duty is limited to collection points nearest to the publicly adopted highway. However, whilst roads within new housing developments will be unadopted, many can be accessed safely in order to undertake collections. Resident expectations are that the council will provide a waste collection service from within the development as soon as they move in.

**Current Position and Issues**

Currently, the council receives notification that new waste collection services are required from developers, builders, landlords and residents, or a combination of these. These enquiries can also be received through different channels, for example through the council tax team, customer services, on-site development sales offices and direct contact with officers based in operational depots. The reactive and dispersed nature of these individual notifications can cause difficulties for the waste collection teams as they may be unable to respond to these adhoc requests for service within reasonable timeframes. In addition, notifications are often received when a resident makes contract with the council following a service failure as the new collection location had not been formally notified to crews. We therefore wish to deal with collections from new housing developments proactively, and arrange for residents to receive a seamless collection service from the point they move in to their new property.

The waste service has produced a planning guidance document which has been adopted as a supplementary planning document (SPD). This document provides guidance for developers and sets out the Section 106 (s106) contributions required to financially support infrastructure delivery (i.e. provision of wheeled bins) and agreements. The SPD also stipulates the council's requirements relating to as the design and layout of new housing developments. This will be helpful in ensuring that developers adopt the best possible design practice when proposing new housing, and properly consider and provide access for waste collection vehicles and sufficient space for waste and recycling containers. The SPD does not address issues relating to individual site risk assessments and procedures for starting up a new collection service at the appropriate time.

It is expected that s106 agreements shall secure regular contact from developers about when development commences, and when properties are certified as complete by building control officers. However, experience shows that even where s106 agreements include clauses and conditions that require developers to notify the council of commencement of development, the council does not receive notification in every case. Clearly this situation needs to improve in order that the council can properly plan and resource collections for new developments at the appropriate time.

Currently, residents often move into new properties and then individually request a collection service, often at the same time as registering with the council to pay Council Tax. This approach allows little time for the waste service to plan to provide new collections. As this can happen whilst the site is still being developed, with housing construction ongoing, this can present potential safety and access problems that can impact on waste and recycling collections.

When the council operates collection vehicles on private land or an unadopted highway, the landowner may seek to hold the council liable for any damage to property. Until formally adopted by the local authority, these sites remain the property and responsibility of the developer and/or the residents. Some sites will never be publically adopted, and in such cases the council has no statutory duty to collect from these locations.

The condition of site roads can also present a safety hazard for both operatives and collection vehicles, e.g. uneven surfaces, high kerbs and raised ironworks. Collection vehicle access is also often compromised by the presence of building materials, protruding scaffolding and construction vehicles moving around the site. A further consideration is that, as the development continues, the type and locations of hazards may change on a frequent basis.

### **Processes for managing service requests for housing developments**

1. Developers should send notifications of their intention to commence development to the council using this email address: [wasteandrecycling@wiltshire.gov.uk](mailto:wasteandrecycling@wiltshire.gov.uk), detailing the location, name and number of properties expected to be built.
2. On receipt of the request the council will refer this to the relevant Waste Technical Officer (WTO) who will establish if any further information is required from the developer and compare any information provided with council records to verify that collections have not already commenced elsewhere on the development site.
3. The WTO will contact the developer to arrange a site visit to meet a representative responsible for managing the site. At the site visit the parties should discuss completion dates, collection options and, where possible, agree the arrangements for service delivery once the site is occupied, including any interim arrangements during the construction phase. The council will undertake a risk assessment and will advise the developer's representative of its findings so that the parties can explore and agree any mitigations that may be required in order to allow safe collections. The developer's representative should provide the council with:
  - Completion schedule
  - Site plan with plot numbers

- Corresponding postal address list for plot numbers
4. Following the site visit, where it is noted that roads are unadopted, the developer will be required to sign an indemnity form; the WTO will send this to the developer for completion. The council will only collect from unadopted roads where the council and its contractors have been indemnified against damage to property, and where the council has assessed that collection operations can be safely carried out (examples of safety considerations include whether the surface is suitable for RCVs to manoeuvre safely and/or for manual handling).
  5. Subsequent to the site meeting, the council will allocate a collection day and round for the new addresses and update its systems accordingly.
  6. When bins are required, the council will make a further site visit to ensure that there are and secure places to deliver bins and that collection can take place safely in line with what was agreed between the parties at the initial site meeting. The WTO shall complete a site assessment form (to include risk assessment; any agreed collection arrangements; photographs and this should be saved centrally with all other relevant documents for this site.
  7. The developer's representative must contact the council at least 20 working days prior to the bins being required by residents to enable the bins to be ordered and delivered to site.
  8. Where roads are unadopted, and indemnity has not been received prior to agreement to commence service delivery, the WTO must contact the developer and once again seek an indemnity. Collections from within the site may not commence until this indemnity has been received.
  9. The council will issue a letter to confirm collection dates, provide guidance on recycling and specific collection point information. Copies of the letter will be sent to:
    - the developer, so they can include this in the resident's welcome pack when the residents moves in;
    - the resident, should they already occupy the property.
  10. The council will arrange the delivery dates for the containers and will inform the developer of these dates prior to deliveries taking place.
  11. The council will deliver bins on scheduled date provided that sufficient notification was provided in accordance with paragraph 7 **Error! Reference source not found.**
  12. Where temporary collection points have been put in place this should be reviewed at each new phase of the development or on request from developer. This review will be undertaken by the council's waste team or contractor.
  13. As stated in the indemnity, the council must be informed of any transfer of ownership of the land.

## Appendix E      Template wording for section 106 agreements

### Definition

The table below gives examples of how we might define the term Waste and recycling contribution based upon how much information is known about an application.

Definition name	Definition	When used
Waste and recycling contribution	The sum of £[x] for the provision of waste and recycling containers for use on the Development	Where a value is known based on final designs (e.g. where a FULL application has been approved) or where the WTO has confirmed the amount in scope in the planning application consultation response
	The sum of £91 per Residential Unit for the provision of waste and recycling containers for use on the Development	Where the final designs are not confirmed but it is known that there will be no flats (e.g. based on OUT permission).
	The sum calculated using the following formula - ninety one pounds (£91) per Residential Unit (where the Residential Units comprise houses or flats grouped in blocks of five or fewer) five hundred and eighty one pounds (£581) per block of flats where bin storage is shared by between 6 and 10 flats one thousand and thirty eight pounds (£1,038) per block of flats where bin storage is shared between 11 and 14 flats and one thousand four hundred and seventy four pounds (£1,474) per block of flats where bin storage is shared between 15 and 18 flats towards the cost of providing the Residential Units with adequate waste and recycling bins	Where final designs are not confirmed and flats are in scope, but full extent is not known (e.g. based on OUT permission)



**Schedule** [usually referenced in the definition of waste and recycling contribution or in a general definition of contributions]

The Owners covenant with the Council that it shall:

1. Pay to the Council the Waste and Recycling Contribution prior to Commencement of Development
2. Not to Commence Development without paying to the Council the Waste and Recycling Contribution and payment acknowledged in writing by the Council
3. Prior to Commencement of Development to provide details of their designated contact for liaison regarding the waste and recycling and to provide update of their designated contact following any change of personnel

The Owner hereby undertakes and agrees with the Council that the Indemnity provisions in paragraphs 15 - 15.2 of this Deed shall be applicable to any claim or claims made against the Council and such claim arising in connection with or incidental to or in consequence of the Council carrying out its duties of waste and recycling during the course of the Development on the Land and the Owner will hold the Council fully indemnified from and against each and every said claim

The Owner shall not be liable under this clause to indemnify the Council in respect of any claim only insofar as and to the extent that the said claim is found to have resulted from the negligent act or omission of the Council or its servants or agents save that for the purpose of this clause the Owner or persons acting on behalf of the Owner shall not be regarded as servants or agents of the Council

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Wiltshire Council

Cabinet

15 November 2016

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**Subject: Adoption of the Supplementary Planning Document  
'Waste storage and collection: guidance for developers'**

**Cabinet Member: Cllr Toby Sturgis - Strategic Planning, Development  
Management, Strategic Housing, Operational Property  
and Waste**

**Key Decision: No**

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### **Executive Summary**

A significant challenge to delivering waste collection services is site layouts restricting the Council's ability to deliver its services in an efficient and sustainable manner. The document draft Supplementary Planning Document 'Waste collection and storage: guidance for developers' (hereafter 'draft waste guidance SPD') (Appendix 1) has been produced to minimise the impact of such restrictions at new developments. The draft waste guidance SPD provides guidance to developers to ensure that new developments meet the standards set out in the document, such as the width of roads, how much space should be allowed for storage of waste containers and how much turning room collection vehicles require.

Cabinet Member decision SDSPW-02-16 authorised a consultation with planning professionals as part of the process to formally adopt the draft waste guidance SPD as a Supplementary Planning Document.

This report sets out the feedback received through the consultation and how the draft SPD has been altered to take account of the comments received. The requirements of the waste service and the aims of developers do not neatly align because safe, efficient waste collection services require sufficient space while developers seek to make the most efficient use of land to accommodate housing. Ultimately, the Council and its residents live with the consequences where, for example, vehicles cannot access waste collection points, as inefficient arrangements are implemented, which sometimes require residents to carry their waste over longer distances than is reasonable. These effects are long-term and affect the amenity of an area, as well as increasing the costs to the Council of delivering services.

The proposals seek to ensure that waste collection services can be delivered safely and sustainably at new developments, although the feedback received from developers has led to some changes to the draft SPD to limit some of the impacts on developers.

## **Proposals**

Cabinet is asked to:

- (i) Recommend that full Council adopts the revised document 'Waste collection and storage: guidance for developers' (draft waste guidance SPD) (Appendix 2) as a Supplementary Planning Document
- (ii) Delegate to the Cabinet Member for Strategic Planning, Property, Waste and Strategic Housing a decision to approve future changes to the draft waste guidance SPD, limited to items which take account of the new services delivered under the Lot 5 Contract for waste collection services awarded by Cabinet in January 2016 without the recourse to a further consultation with planning professionals, as described further in paragraph 15.

## **Reason for Proposals**

To enable the Council to:

- (i) Improve service delivery for residents in new developments
- (ii) Increase the efficiency and safety of waste collection operations at new developments
- (iii) Demonstrate that it is taking steps to manage its statutory duty in relation to the health and safety of its employees and the public
- (iv) Provide clarity for property developers and agents in respect of the Council's requirements as the waste collection authority under the Environmental Protection Act 1990
- (v) Increase the recovery of Section 106 contributions where it is considered lawful to do so.

**Dr Carlton Brand**  
**Corporate Director**

15 November 2016

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**Subject: Adoption of the Supplementary Planning Document  
'Waste storage and collection: guidance for developers'**

**Cabinet Member: Cllr Toby Sturgis - Strategic Planning, Development  
Management, Strategic Housing, Operational Property  
and Waste**

**Key Decision: No**

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### **Purpose of Report**

1. The purpose of this report is to:
  - (i) update Cabinet on the results of the consultation on the draft Supplementary Planning Document 'Waste storage and collection: guidance for developers' (hereafter 'draft waste guidance SPD') (Appendix 1)
  - (ii) present the revised draft waste guidance SPD (Appendix 2) to Cabinet for their approval to recommend that full Council adopts the document
  - (iii) seek a decision to delegate to the Cabinet Member for Strategic Planning, Property, Waste and Strategic Housing a future decision to update the draft waste guidance SPD to account for operational changes brought about by the new Lot 5 Contract for waste collection services.

### **Relevance to the Council's Business Plan**

2. The adoption of the draft waste guidance SPD (see Appendix 2) will help to meet the priorities of the Council's Business Plan, including:
  - Outcome 3: Everyone in Wiltshire lives in a high quality environment
  - Principle 2: We are efficient and provide good value for money for our residents
  - Principle 3: We put outcomes for people and places first
  - Principle 6: Our services work well, are joined up and easy to access
  - Actions: We will increase recycling and reduce our carbon footprint.

### **Main Considerations for the Council**

3. The draft waste guidance SPD is a technical document which provides property developers and agents with key information about waste collection services at the earliest stage of the design process, to ensure that new developments are designed and built to enable the waste collection service to operate safely, efficiently and sustainably. It sets out information such as the sizes of vehicles used for waste collection by the Council, the maximum distances between residents' container storage

- points (e.g. rear gardens) and collection points, and key features of communal bin stores.
- 4. The proposals will not result in a change of service to residents. If the draft waste guidance SPD is adopted, the service to residents will remain the same in terms of the containers used and the materials collected. At new developments these services should be more accessible where the content of the draft waste guidance SPD informs the design of developments.

### **Benefits of adopting the draft waste guidance SPD**

- 5. There are direct financial benefits to adopting the draft waste guidance SPD into Council policy. It will finalise the policy basis for requesting Section 106 contributions from developers under the Town and Country Planning Act 1990 towards the cost of providing waste and recycling containers to households (see paragraph 31 for the background to this issue). It should embed the process of securing contributions in the planning application process. For developments with 11 or more residential units, each house would attract a contribution of £91 (except where flats have communal bin stores, where the figures adjust depending on the number of containers shared communally). Developments with fewer than 11 residential units would not be eligible for Section 106 contributions, in accordance with government guidelines on small developments. It should be noted that requests for Section 106 contributions are being made, and payments being received, currently in response to planning application consultations. While there is a policy framework in place through the Wiltshire Planning Obligations SPD, further detailed policy backing via the adoption of the draft waste guidance SPD will enhance the justification for the request by providing the means of calculation and by giving developers clarity on their Section 106 liabilities at the outset.
- 6. In addition, the SPD status will improve access to waste collection services at new developments and emphasise that waste management is a material planning consideration. This will reduce the amount of officer time spent dealing with the consequences of inadequate access to waste services once a development is built, such as where vehicles cannot access all parts of a site. It will also reduce the number of roads that require an inefficient, expensive bespoke solution (e.g. collections being made on smaller vehicles where the majority of the development is served by a standard vehicle) which will help to meet the Business Plan principle of being efficient and offering value for money. The Council has experience of operating at sites where arrangements for waste collections do not meet the standards in the SPD and, in such cases, participation in recycling services suffer. For example, if residents have to wheel bins over an excessive distance to receive a collection, some residents will revert to only putting out their general waste although some will recycle.
- 7. Achieving SPD status will have a positive impact on customers. Any residents who move into new developments that are designed in accordance with the draft waste guidance SPD are far less likely to have

to deal with problems caused by having insufficient storage space for bins or inadequate vehicle access to make collections feasible. These problems can lead to unsightly accumulations of bins at areas not designated for waste storage, which is counter to the high-quality environments that the Council's Business Plan aspires to.

8. Alongside these environmental benefits, the services will also be more accessible to residents and, in particular, would be easier for older and other vulnerable adult residents to use independently, without requiring help from others to put their bins out for collection. At some developments where the Council's requirements are not met, residents have to wheel/carry their containers over distances exceeding those set out in Building Regulations in order to receive a collection. This inconvenience can prevent residents from making full use of services, with recycling performance usually suffering as a result through reduced set out of recycling containers and increased amounts of waste being presented in residual waste bins. Such an outcome would be counter to the action of increasing recycling stated in the Business Plan.
9. A sustainable waste collection service is an essential component of a high-quality environment, so adoption of the draft waste guidance SPD would help to ensure that waste collection is a seamless, unobtrusive part of everyday life in new developments.
10. It should be noted that while the draft waste guidance SPD will improve service accessibility, it cannot control the parking habits of residents once a development is occupied. Through responses to planning application consultations, the waste service looks at the impact of allocated parking on access to collection vehicles. However, once a development is occupied, residents or other site users may park outside of these allocated areas and impair access to collection crews. Other measures involving other departments or partner agencies may be required to address any such issues.

### **The consultation process**

11. Undertaking a consultation process is a required stage in the process of adoption of a SPD in accordance with the Council's Statement of Community Involvement (SCI). It provides the opportunity to engage with developers and agents and understand any concerns they might have about the document. Prior to the external consultation, officers in waste management services consulted with colleagues in other services, as further described in paragraphs 34 to 37.
12. The external consultation took place between 15 June and 13 July 2016 for the minimum period of four weeks required by the Council's SCI. It was targeted at property developers and agents because of the technical nature of the document. Emails were sent directly to developers and agents from a list contained within the Council's Objective portal. The consultation documents were available on the Objective portal, with reference copies available in Chippenham, Salisbury and Trowbridge libraries. Responses to the consultation could be submitted electronically

on the portal, by email to the waste services dedicated planning inbox, on paper in libraries or by post to County Hall. These methods enabled the general public to comment on the draft SPD if they wished, although they were not the target audience.

13. The response to the consultation was very low with only 6 responses received, when over 500 contacts from a range of organisations were directly contacted by email (albeit some of the contacts on the list were from different offices within the same company). However, the responses received identified some key issues that had been raised informally by developers in the past, so they have been valuable in refining the drafting of the SPD.

### **Main issues raised in the consultation**

14. The main issues raised in the consultation are summarised in Appendix 3. In general, the issues concerned the following areas:
  - (i) Concern that the draft waste guidance SPD was creating a financial burden for developers due to its impact on the use of space at a development site
  - (ii) In relation to the above, concern that the impact on space will limit the use of private driveways (roads – usually cul-de-sacs – in new developments which are not suitable for adoption and remain in the ownership of the residents, even once other roads within a development are adopted by the council, but which are generally suitable for waste collection vehicles to operate on) at new developments
  - (iii) Belief that the draft waste guidance SPD increased red tape in the planning process, which is at odds with the national movement to remove red tape
  - (iv) Assertion that the requests for s106 contributions do not comply with CIL
  - (v) Question over whether the Council can use smaller vehicles to mitigate the impact on the use of space.
15. One additional concern raised was the perception that paragraph 0.4 of the draft waste guidance SPD suggested that the Council would not take account of consultation feedback. The drafting attempted to explain that where the Council services change when the new waste collection contract comes into effect in August 2017, the document will be updated to reflect the different use of containers, such as the black box being used for glass only in future. The document would not be reissued for consultation in these circumstances because the impact on the space that developers need to allow for waste containers, for example, would not change. However, on reflection, the paragraph was ambiguous and has been updated in the revised version to make clear that it is only in these limited circumstances that a further consultation would not be undertaken.

### **The Council's response to the consultation**

16. The Council's response to these concerns is set out in Appendix 3. In summary, the Council's intention is that the draft waste guidance SPD



provides detail to support existing Council policies and provide guidance to enable developers to make successful applications rather than introducing new policies or red tape. In policy terms, sustainable waste management is among a list of items identified as “essential components of daily life and therefore critical to delivering our strategic goal of building resilient communities” in paragraph 2.6 of the Wiltshire Core Strategy. One of the purposes of the draft waste guidance SPD is to ensure that sustainable services are safeguarded in the design process.

17. The policy justification for requesting Section 106 contributions is well established and takes account of the CIL Regulations. Waste containers are examples of site-specific infrastructure and, therefore, are in scope of Section 106 contributions. The policy framework is provided by the Council’s adoption of CIL and the Planning Obligations SPD (both adopted in 2015) and contributions are routinely requested and received.
18. The draft SPD is also an integral component of the Council’s management of its health and safety duties to both staff and members of the public. The Health and Safety Executive (HSE) states that “Collection organisations usually do not have direct control over the environment in which they operate. Therefore steps should be taken to work with clients, other dutyholders and organisations to ensure the safety of crews, road users and pedestrians”. The example of a longer-term control is to “work with planners to reduce the need for reversing and build in turning circles and roads that are wide enough” (Safe waste and recycling collection services, HSE, p.8). The draft waste guidance SPD aims to introduce such control measures.
19. In developing the draft SPD, the Council has aimed to use the guidance available to planners, such as *Manual for Streets* and *Building Regulations: Approved Document H*. However, the Council is responsible for its operational policies to meet its statutory duties and, while it considers available guidance in developing its approach, it has to determine whether delivery of its services is minimising risks as far as is reasonably practicable. As noted in paragraph 0.2 of *Approved Document H* of Building Regulations, developers are advised to consult with the Council to determine the waste collection authority’s requirements, because only the Council can provide the level of information required. The draft waste guidance SPD intends to set out the Council’s requirements so that developers are clear about the impact of integrating waste services into their designs.
20. It should be noted that since the draft SPD has been appended to the majority of planning application consultation responses submitted by the waste collection service, there has been a marked increase in the number of applications where the requirements of the waste service are being met. While this is not the case for every application, it does suggest that the requirements are workable within the design process, particularly where these requirements are made clear at the earliest point in the process.
21. The draft waste guidance SPD has been updated in light of the responses received. For example, the maximum distance that a resident is expected

to move their containers to a collection point has been extended to 30 metres, in accordance with Building Regulations. The previously used 25 metres was included due to a difference in meanings attributed to the term 'collection point' but, on reflection, should be adjusted. This will reduce the impacts on developers in terms of space restrictions.

22. However, in other areas, the Council has not been able change the document in light of consultation responses. In the example of requesting the use of smaller vehicles to collect waste, the proposal would fundamentally affect the efficiency and deliverability of the waste collection services. An increase in the number of vehicles would require additional depot space and additional personnel, raising the costs of the services and affecting the Council's ability to offer an affordable service.
23. As an overall response to concerns about the lack of flexibility in the document, a general statement has been added to the draft SPD to state that officer discretion will be exercised where restrictions at a site dictate that an alternative approach is required (e.g. where listed buildings are in scope of an application or where only minor divergence from specified distances is required to make a proposal feasible in terms of sustainable waste management).

### **Summary of outcomes and next steps**

24. The feedback provided through the consultation demonstrates that the needs of developers and the requirements of the Council as a waste collection authority do not neatly align. Clearly there is an imperative for developers to make efficient use of land, to the extent that any proposals are financially viable. However, efficient use of land from a financial perspective does not always enable the delivery of sustainable waste collection services, which the Wiltshire Core Strategy requires.
25. Changes to the draft waste guidance SPD have been made where possible to minimise the impact on availability of space but the Council has duties to fulfil as waste collection authority and as an employer. The changes made are not to the extent that those who responded to the consultation would wish for, given the concern that the space required for waste services may restrict the use of land at a site. However, the number of applications received that broadly comply with the guidance suggest that it is feasible to meet the Council's requirements. Informal feedback also demonstrates that some developers have found the document helpful so that they can design our requirements in to their plans from the outset of an application.
26. The draft waste guidance SPD is a key component in the Council's discharge of its health and safety duties. Where appropriate safeguards for health and safety risks are not put in place at the outset of the design process, the ability to mitigate and minimise risks once a site is occupied is significantly reduced. Further, the ability to offer efficient collections is reduced, so the costs of the services are higher than would be the case if the guidance was adhered to. Adoption of the document will enable the Council to demonstrate that it has taken steps to manage the discharge of

its duties both as a waste collection authority and as an employer with a duty to protect the health and safety of employees and others affected by its acts or omissions.

27. Should the proposal be accepted and full Council decide to adopt the draft waste guidance SPD, the Council must publish the adopted version on its website along with a statement of consultation. This must be sent to those who made representations during the consultation at the point of the draft waste guidance SPD being adopted.

## **Background**

28. To ensure that new residential housing developments are appropriately designed to accommodate access for essential waste services, in 2011 waste management services produced a draft guidance document (hereafter '2011 waste guidance') which provided developers with technical information about the collection service provided by the Council, as well as outlining the level of Section 106 contributions that would be required per development. The document was developed by selected colleagues in the waste management services and in development control during the 2010/11 financial year. The document was not subject to a formal internal or external consultation.
29. Since the 2011 waste guidance was issued, there have been a number of difficulties in securing compliance with the requirements of the document, as described in paragraphs 30 to 33 below. Mitigation to manage these difficulties is set out in those paragraphs.
30. Internal processes have been changed to ensure that the waste service is always consulted on development proposals. Waste technical officers respond to consultations by setting out the Council's technical requirements and the level of Section 106 contributions required for any applications with 11 or more residential units.
31. Due to the lack of external consultation on the 2011 waste guidance, and the consequent lack of formal policy basis for the request, some developers and agents challenged the validity of Section 106 contribution requests. Since this issue was identified, the Council's introduction of the Community Infrastructure Levy (CIL), the update of the Waste Core Strategy and the adoption of the Wiltshire Planning Obligations SPD developed the policy platform that would support the adoption of the draft waste guidance SPD. Formal adoption of the draft waste guidance SPD has had to follow on from these changes to the way that the Council would seek contributions from developers.
32. Many developers were not aware of the 2011 waste guidance and were designing sites without taking account of the Council's service delivery standards. The waste service now receives and responds to more planning application consultations, as noted in paragraph 30, and in doing so has issued the draft waste guidance SPD as part of each response. This measure has raised awareness among the development community of the Council's requirements, but the formal process was still required.

33. Further experience of responding to planning applications highlighted areas of the 2011 waste guidance where additional technical content was required to align information with national standards. The document was updated prior to the external consultation to take account of changes in service standards or changes in national standards up until the current time. The content is drawn from a range of nationally-recognised sources so the inclusion of this further detail gives greater authority to the Council's position. These sources include:
- *Making Space for Waste: Designing Waste Management in New Developments – A Practical Guide for Developers and Local Authorities*, ADEPT
  - *Manual for Streets*, Department for Transport
  - *Safe waste and recycling collection services*, Health and Safety Executive, 2014
  - *Secured by Design: New Homes 2014*, Secured by Design
  - *The Building Regulations 2000 Approved Document: Drainage and Waste Disposal (Part H) (as amended)*, Office of the Deputy Prime Minister
  - *Waste Management in Buildings – Code of Practice (BS 5906:2005)*, BSI
  - *Waste and Recycling Vehicles in Street Collection*, Health and Safety Executive.

#### **Internal consultation**

34. To prepare the draft waste guidance SPD for the external consultation, the document has been through an internal consultation with key departments within the Council – identified by the Spatial Planning Team – who could provide an overview of material planning considerations that may affect or may be affected by the proposals included in the draft waste guidance SPD. The internal consultation process invited comments from the following teams:
- Spatial Planning
  - Development Control Central
  - Development Control North
  - Development Control South
  - Sustainable Transport
  - Urban Design
  - Fleet Services
35. The draft document was updated to accommodate comments from these teams and to include example sketches to demonstrate how the technical information provided could be translated into designs.
36. A key point considered in the internal consultation is how the amount of space required for turning room for vehicles or the limitations on carry distances for crews and residents impact on the amount of space available for houses, as was raised subsequently in the external consultation as referenced in paragraph 14. This issue was discussed with the urban

design team and they supported the waste management service's view. In further development of the waste guidance document, the technical access requirements have been maintained because they are not out-of-step with the Council's design principles.

37. The consultation on the draft SPD was authorised by the following Cabinet member decision in May 2016: SDSPW-02-16 - Wiltshire Council Waste Services: Process for Adoption of the Draft Supplementary Planning Document 'Waste Storage and Collection: Guidance for Developers'.

### **Overview and Scrutiny Engagement**

38. This report has not been considered by Environment Select Committee as it has not been identified as a priority issue for the committee.

### **Safeguarding Implications**

39. The proposed decision does not have direct safeguarding implications. However, the draft waste guidance SPD aims to make services more accessible and aims to reduce the likelihood of waste being poorly managed by households. For example, suitable space for waste storage should allow for waste to be properly contained in order to reduce the potential for odours and for unsightly accumulations of bagged waste or litter. There is the indirect benefit that children who live in new developments built in accordance with the technical guidance set out in the draft waste guidance SPD would be more likely to live in homes where waste is effectively managed, which would reduce the impact on quality of life and would contribute to making a home a sanitary environment in which to live (see the Public Health Implications below also).

### **Public Health Implications**

40. The draft waste guidance SPD aims to ensure that an efficient and sustainable waste collection service can be delivered at all new developments. Where waste is effectively contained, it contributes to creating healthy environments and practices to ensure that communities stay healthy. Suitably contained waste will also ensure that there is not an increased risk of rodent infestation and that infectious diseases are not caused as a result of ineffective waste storage.
41. Where new developments are designed to accommodate access to waste and recycling collection services in accordance with the guidance in the draft waste guidance SPD, residents will be more likely to use recycling services because they are easier to use (the Council's experience at sites where such access to services is hampered suggests that participation in recycling services suffers). This will contribute to healthy environments because reliance on the forms of waste management which have the greatest environmental impact will be reduced.
42. The guidance provided in the draft waste guidance SPD requires collection points for waste containers to be located off the public highway/footway, which will help to prevent accidents related to trips, slips

and falls or vehicles coming into contact with waste containers. Further, the general safety standards promoted by the draft waste guidance SPD will reduce the potential for accidents caused by operating waste collections in new developments.

### **Procurement Implications**

43. None

### **Equalities Impact of the Proposal**

44. The proposal does not discriminate in the way the Council delivers services to the public. Anyone who moves into a home on a new development should have access to the same level of service as their neighbours. Not all properties that are already built and occupied will have services that are as accessible as those delivered at new developments (hence the need for this proposal) simply due to the layout generating practical barriers to operating to the standards set out in the draft waste guidance SPD, such as in narrow roads in historic town centres or in more recent developments where suitable access to vehicles or storage space for containers was not provided. The Council's policies set out a consistent way to manage such exceptions related to the layout of properties. They also define a consistent way of managing other exceptions to the standard provision of services such as the assisted collection policy which helps those residents who are physically unable to place their containers at a collection point. These policies ensure that services are delivered in a non-discriminatory way and the proposal does not affect how these policies continue to be delivered.

### **Environmental and Climate Change Considerations**

45. The proposal will lead to energy consumption remaining roughly at current levels, as collection vehicles still need to access all properties to carry out waste collections. As the total number of properties that require collections increase, emissions will increase, but this is not related specifically to the proposal. If the proposal was not accepted, the requirement to collect from these additional properties would still remain. However, if accessibility for the Council's standard fleet is improved where developments are designed and built in accordance with the guidance in the draft waste guidance SPD, the Council should avoid situations where the majority of a new development is serviced by a standard vehicle but (for example) a long cul-de-sac has to be accessed by a separate smaller vehicle. In this example, the smaller vehicle would be operating inefficiently and travelling long distances to empty small numbers of containers. If the standard vehicle could safely access the cul-de-sac, the emissions generated by the smaller vehicle would be avoided leading to decreased energy consumption.
46. In broad terms, there are no measures to reduce the carbon emissions associated with the proposal, as the configuration of the Council's fleet will not change immediately. The draft waste guidance SPD simply intends to improve accessibility for the Council's fleet. In this regard, collection

rounds ought to become more efficient as one vehicle per commodity would access a development, as noted above. There are no environmental risks specifically related to the proposal but instead the proposal aims to mitigate risks that are currently faced by the waste collection service, such as the increased likelihood of operating inefficiently where the standard fleet cannot access all parts of a development.

### **Risk Assessment**

47. Adoption of the draft waste guidance SPD poses limited risks because there is a policy justification for the Council's approach to requesting Section 106 contributions and the purpose of the document has been clarified to demonstrate that the Council's intention is to help developers make successful applications. This does not remove the risk of challenge, though, as some developers believe that the document affects the viability of schemes that they propose. The fact that other developers have welcomed the document and have designed their sites in accordance with the guidance suggests that negative view of the document is not widespread.

### **Risks that may arise if the proposed decision and related work is not taken**

48. The following risks may arise if the proposed decision is not taken:
- (i) The Council is likely to have to operate inefficient collection services at new developments if they are not designed and built in accordance with the draft waste guidance SPD
  - (ii) Despite the provision in policy WCS6 and the Planning Obligations SPD for requesting Section 106 contributions, developers may challenge requests for Section 106 contributions as there is no document that defines the level of contributions sought.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

49. Developers may seek to challenge the decision to adopt the SPD. This risk can be mitigated by clearly setting out what consideration was given to consultation feedback and how it has been taken into account in the further development of the document. Appendix 2 demonstrates the consideration given, while the draft statement of consultation will formally set out the Council's position.

### **Financial Implications**

50. The proposal has positive financial implications. The adoption of the draft waste guidance SPD will create the finalised policy justification for requesting Section 106 contributions from developers. For each development of 11 or more residential units, the Council will request contributions of £91 per property towards the cost of providing waste containers (except for flats which share communal containers, where the contributions are commensurate to the number of communal containers supplied).

51. Another benefit is that the Council would be able to operate efficiently at developments designed in accordance with the draft waste guidance SPD. When viewed in the context of all new developments across the county, the need to use smaller vehicles to operate inefficient rounds that require high mileage to service relatively few properties would be reduced. While the waste service will need to be adequately resourced to deal with property growth, the ability to operate efficiently will reduce the resource levels required to manage this property growth.

### **Legal Implications**

52. The Council must comply with the provisions set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 when following the process of adoption of a Supplementary Planning Document. The Council's Statement of Community Involvement (SCI) sets out the steps that the Council will follow in relation to consultation requirements set out in the regulations. The consultation was carried out in accordance with the SCI, targeted at the intended audience of developers and agents, but open to the public, as described in paragraph 12 above. The minimum period of four weeks was allowed for the consultation, which complies with the requirements of the SCI.
53. Appendix 3 sets out how the consultation responses have been considered and subsequently reflected in further development of the draft SPD. Appendix 3 aims to demonstrate that the Council has conscientiously taken representations into account, although this feedback has been balanced against other concerns, such as the Council's duties.
54. Should Cabinet agree to the proposal, the function of adopting the document would be exercised by full Council in accordance with the Council's constitution. As noted in paragraph 27, the Council is required to publish the document once adopted, to publish a statement of consultation and to advise those who made representations that the statement of consultation is published.

### **Options Considered**

55. The option to not put the SPD forward for consultation, which would result in the SPD not being adopted, has been considered through the process of developing the SPD. This option has been discounted because it would not solve the problems encountered in trying to deliver sustainable waste services at new developments.

### **Conclusions**

56. Adoption of the draft waste guidance SPD will formalise the information that waste management services has been providing to developers for some time. It will benefit the Council's residents by facilitating sustainable service delivery and reducing the risk of waste management arrangements detracting from the amenity of a development. The proposal would also allow the Council to recover the costs of supplying containers to new properties through Section



• 106 contributions. These benefits help to ensure that the service can be delivered efficiently in future.

57. The draft waste guidance SPD has been revised in places to accommodate developers' comments with a general statement included to allow for some flexibility when Council officers review plans. The consultation feedback has been considered and, where possible, led to changes in the drafting of the guidance but the Council has to protect its position in order to discharge its duties as a waste collection authority and its duties in respect of health and safety.

**Tracy Carter (Associate Director, Waste and Environment)**

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Date of report: **15 November 2016**

**Appendices**

Appendix 1 – Waste storage and collection: guidance for developers (draft SPD) (version issued for external consultation)

Appendix 2 – Waste storage and collection: guidance for developers (draft SPD) (revised version post consultation)

Appendix 3 – Summary of consultation feedback and how the draft SPD has been changed to account for it

**Background Papers**

None

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### **131 Adoption of the Supplementary Planning Document 'Waste storage and collection: guidance for developers'**

Councillor Toby Sturgis presented the report which: updated Cabinet on the results of the consultation on the draft Supplementary Planning Document 'Waste storage and collection: guidance for developers' (hereafter 'draft waste guidance SPD') (Appendix 1); presented the revised draft waste guidance SPD (Appendix 2) to Cabinet for their approval to recommend that full Council adopts the document; and sought a decision to delegate to the Cabinet Member for Strategic Planning, Property, Waste and Strategic Housing a future decision to update the draft waste guidance SPD to account for operational changes brought about by the new Lot 5 Contract for waste collection services.

Issues discussed during the course of the presentation and discussion included: that the guidance should ensure the efficient collection of waste is enshrined in planning guidance; that the collection of s106 monies would be strengthened; and that consultation has been undertaken.

#### **Resolved**

- (i) To recommend that full Council adopts the revised document 'Waste collection and storage: guidance for developers' (draft waste guidance SPD) (Appendix 2) as a Supplementary Planning Document**
- (ii) To delegate to the Cabinet Member for Strategic Planning, Property, Waste and Strategic Housing a decision to approve future changes to the draft waste guidance SPD, limited to items which take account of the new services delivered under the Lot 5 Contract for waste collection services awarded by Cabinet in January 2016 without the recourse to a further consultation with planning professionals, as described further in paragraph 15.**

*Reason for Decision:*

*To enable the Council to:*

- (i) Improve service delivery for residents in new developments*
- (ii) Increase the efficiency and safety of waste collection operations at new developments*
- (iii) Demonstrate that it is taking steps to manage its statutory duty in relation to the health and safety of its employees and the public*
- (iv) Provide clarity for property developers and agents in respect of the Council's requirements as the waste collection authority under the Environmental Protection Act 1990*
- (v) Increase the recovery of Section 106 contributions where it is considered lawful to do so.*

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**Wiltshire Council**

**Council**

**21 February 2017**

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## **Pay Policy Statement**

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### **Summary**

Under section 38 of the Localism Act 2011 every local authority is required to prepare and publish a pay policy statement for the financial year 2012/13 and this must be updated in each subsequent financial year.

The statement has been updated for 2017/18 with minor revisions. This includes the impact of forthcoming legislation on pay arrangements, information regarding the trade union negotiations in early 2016, salary protection as a result of service design and the addition of the sleeping in allowance.

In addition, the total number of council employees and the latest pay ratios has been updated.

### **Proposals**

That Council approve the updated Pay Policy Statement set out in Appendix 1.

### **Reason for Proposal**

The proposals set out in the report and pay policy statement reflect the council's commitment to openness and transparency, and meet the requirements of the Localism Act 2011 and the Code of Recommended Practice for Local Authorities on Data Transparency 2015.

**Barry Pirie**  
**Associate Director People and Business**

## **Pay policy statement**

### **Purpose of Report**

1. This report presents the updated pay policy statement which applies to all non-schools employees of Wiltshire Council, except for centrally employed teachers who are covered by the teachers' pay policy.

### **Background**

2. Under section 38 of the Localism Act 2011 every local authority is required to update their pay policy statement each financial year.
3. Wiltshire Council published its first pay policy statement in February 2012 and is required to publish an updated policy by 1 April 2017.
4. The legislation requires that approval of the pay policy statement is sought from full council.

### **Main Considerations for the Council**

5. The pay policy statement has been updated to include:
  - A revised introduction stating the forthcoming legislation that will impact on the council's pay arrangements. This includes gender pay gap reporting, the public sector exit payment cap and recovery of public sector exit payments.
  - Information regarding the trade union negotiations in early 2016.
  - Information relating to salary protection as a result of service design.
  - The addition of the sleeping in allowance payable for employees required to sleep in on the premises.
  - An updated total number of council employees and the latest pay ratios.
6. The current ratio of lowest paid to highest paid employee within the council is 1:14. This has increased from the previous year due to the introduction of an apprenticeship scheme and apprenticeship pay rates in April 2016. However, the pay ratio excluding the apprenticeship rate of pay is 1:10.2 which is lower than the previous year.

7. At its meeting on 4 January 2017 Staffing Policy Committee approved the pay policy statement and recommended it be put forward for approval by full council.

### **Environmental and climate change considerations**

8. No environmental and climate change considerations have been identified.

### **Equalities Impact of the Proposal**

9. The pay policy statement was equality impact assessed on 1<sup>st</sup> February 2012 and no negative impacts were identified. No significant changes have been made requiring a further assessment for 2017/18.

### **Risk Assessment**

10. The council is required to publish their pay policy statement in order to comply with the requirements of the Localism Act 2011.
11. The pay policy statement clearly outlines that the employment terms and allowances for senior staff are not more beneficial than those of the lowest paid staff.

### **Financial Implications**

12. The employment policies referred to within the pay policy statement (appendix 1) are already in existence and therefore there is no additional cost.

### **Legal Implications**

13. Legal services, upon reviewing the overriding legislation, confirm that there are no legal implications arising from the proposed pay policy statement.

### **Conclusions**

14. The council is required to update their pay policy statement in order to comply with the requirements of the Localism Act 2011.
15. Full council is recommended to approve the pay policy statement for 2017/18.

**Barry Pirie**

## **Associate Director People and Business**

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Report Author: Laura Fisher, HR Pay & Reward Consultant  
Date of report: 21 February 2017

### **Appendices**

Appendix 1 – Pay Policy Statement (2017/18 update)



## **Wiltshire Council Human Resources**

### **Pay Policy Statement**

This policy can be made available in other languages and formats such as large print and audio on [request](#).

#### **What is it?**

The pay policy statement sets out the council's approach to pay and reward for senior managers and the lowest paid employees for the financial year 2017-2018.

Its purpose is to provide a clear and transparent policy, which demonstrates accountability and value for money. The policy also meets the council's obligations under the Localism Act 2011 and the Code of Recommended Practice for Local Authorities on Data Transparency.

The pay policy is applicable to council staff and does not include schools support staff or teachers.

The pay policy statement sets out the authority's policies for council staff for the financial year relating to:

- the remuneration of chief officers
- the remuneration of the lowest-paid employees
- the relationship between the remuneration of chief officers and employees who are not chief officers.

Remuneration for the purposes of this statement includes the following elements:

- basic salary
- any other allowances arising from employment

The term "chief officer" in this instance applies to more posts than the usual council definition, and includes the following senior manager roles:

Corporate Director  
Associate Director  
Head of Service  
Some specialist roles

The term “lowest paid employees” refers to those employees on the lowest pay point of our grading system. This is the lowest apprentice rate of £8,065 per annum for Level 2 & Level 3 apprentices under 18 years.

**Go straight to the section:**

- [Introduction](#)
- [Who does it apply to?](#)
- [When does it apply?](#)
- [What are the main points?](#)
- [The level and elements of remuneration for employees](#)
- [Remuneration on recruitment](#)
- [Increases and additions to remuneration](#)
- [The use of performance-related pay](#)
- [The use of bonuses](#)
- [The approach to the payment of employees on their ceasing to be employed by the authority](#)
- [The pension scheme](#)
- [Any other allowances arising from employment](#)
- [Governance arrangements](#)
- [The publication of and access to information relating to remuneration of chief officers](#)
- [The relationship between the remuneration of chief officers and employees who are not chief officers.](#)

**Introduction**

Wiltshire Council is a large and complex organisation providing a wide range of services to the community, with an annual budget of £XXX (tba) (2017/18).

In order to deliver these services around 11,240 people work for the council, 4,671 of whom work in the council (non-schools), in a variety of diverse roles such as corporate director, social worker, public protection officer and general cleaner.

The council published the Business Plan 2013 – 2017 in September 2013. At the heart of the business plan is the vision to create stronger and more resilient communities, and the four year plan sets out the key actions that will be taken to deliver this. The key priorities are to continue to protect the vulnerable in our communities, boost the local economy and encourage communities to come together and provide support so they can do more for themselves.

This is set against a background of continuing budget cuts from central government whilst there is an increasing service delivery expectation. In order to help meet this expectation, the job family approach has now been implemented across large areas of the council with the expectation that all remaining employees will be moved into role profiles which describe different

levels of work during 2017. The job family approach will allow greater clarity of career paths for individuals and will provide greater flexibility of staff which is key to effective service delivery when resources are limited.

The coming year will continue to be challenging with the council having to find innovative ways to deliver services within strict cost parameters. It is now more important than ever to ensure the council has the right people in the right place at the right time to deliver services, and the focus will be on developing our future leaders in order to drive efficiencies and excellence. An annual review of market pay for senior roles will ensure the council is able to compete in the jobs market to recruit and retain the right people in these senior roles.

In early 2016, negotiations took place between Wiltshire Council and the recognised trade unions in order to deliver annual savings of £2.5m over a 4 year period. The trade unions recommended to their members that a temporary change to terms and conditions negotiations would be preferable to any permanent changes. The ballot resulted in an increment freeze for a two year period covering 2016/17 and 2017/18 in order to avoid permanent changes to any terms and conditions as well as further redundancies. The council were able to offer staff an additional two days annual leave per year as part of these negotiations.

The forthcoming legislation and government initiatives planned for 2017/2018 will have an impact on pay arrangements. The new National Living Wage (NLW) will increase to £7.50 per hour from 1<sup>st</sup> April 2017 and increasing to over £9.00 by April 2020. The 1% cap on public sector pay awards is set to continue until April 2020.

The government has also announced that Gender Pay Gap legislation for organisations to provide gender pay gap information will be extended to include the public sector. Regulations on when and where the data should be published will be set out in due course. In addition, the government has proposed a cap on public sector total exit payments at £95,000. As well as redundancy pay this payment will include any compensation payment as a result of a voluntary exit, any payment in lieu of notice, and the costs associated with early access to an unreduced pension. The exit payment cap will have implications for the Wiltshire Council's redundancy pay policy and the current voluntary redundancy procedure. A consultation is currently being undertaken, and indications are that the implications will be complex and will likely involve changes to the LGPS.

The recovery of exit payment provisions provide that employees in the public sector with annual earnings of £80,000 or more must repay exit payments where they return to work in the public sector within 12 months of leaving. It is anticipated that there will be tapered recovery over 12 months following exit, starting from the first day after exit. This will also include in-recovery employer funded pension top-up payments made under the LGPS. The recovery

regulations are expected to be in force during 2017, subject to their passing by both Houses of Parliament under the affirmative process.

### **Who does it apply to?**

This pay policy statement applies to all non- schools employees of Wiltshire Council with the exception of Centrally Employed Teachers who fall under the Teacher's Pay Policy.

### **When does it apply?**

This pay policy statement was originally published in February 2012 and has been updated for the financial year 2017/2018. It will be reviewed and updated on an annual basis.

### **What are the main points?**

1. This pay policy statement sets out the pay policies which apply to both the lowest paid and highest paid employees within the council.
2. In many cases the pay policies are the same for all employees. Where there are differences, these have been clearly outlined below.

### **The level and elements of remuneration for employees**

3. In line with good employment practice the majority of jobs within the council have been evaluated using a job evaluation scheme. This is to ensure that jobs are graded fairly and equitably, and that the council complies with the Equal Pay Act.
4. A small number of jobs i.e. Youth and Community workers, centrally employed teachers and Soulbury staff are subject to national salary scales which determine the pay for each job, and therefore the evaluation schemes do not apply.
5. The council uses two job evaluation schemes in order to rank jobs.

### **Hay job evaluation scheme:**

6. The Hay job evaluation scheme is used to evaluate senior manager jobs within the council (currently 112 employees), which include the following roles:
  - Corporate Director
  - Associate Director
  - Head of Service
  - Strategic and technical specialists

7. Each job is assessed by a panel of three Hay trained evaluators. The evaluators consider the job against each Hay element and sub-element and apply the description and points that best fit the job being evaluated. The values awarded are subsequently added together to give a total job score.
8. The Hay Group periodically carry out quality control checks to ensure the consistency of job scores in line with the conventions of the scheme.
9. The job score determines the grade for the job. There are 6 Hay grades each containing a salary range over 4 spinal column points.
10. See the [Hay job evaluation scheme](#), the [points to grades](#) and [salary bands](#) for further details.
11. The council's policy is to pay the median market rate for the jobs evaluated using the Hay job evaluation scheme, and aims to ensure that the pay scales for Hay graded posts are sensitive to labour market pressures. There are no national pay scales for senior roles so pay is a matter for local determination. Pay scales for Hay grades are determined using the Hay pay databank for the public and not for profit sector and are reviewed on an annual basis and realigned should a pay drift be identified.

**Greater London Provincial Council job evaluation (GLPC) scheme:**

12. The GLPC job evaluation scheme is used to evaluate the majority of jobs within the council (currently 4,374 employees).
13. Each job is assessed by a panel of three trained GLPC evaluators. The evaluators consider each job against a suite of agreed role profiles that set out the level of work required of the grade within the relevant job family.
14. There are 8 job families each containing a set of role profiles stating the requirements at each grade.
15. There are 15 grades, each grade containing between 3 and 4 increments except for the lowest grade which has just one salary point. The GLPC pay grades were first implemented and agreed with the unions as part of the Pay Reform agreement in 2007.
16. See the [GLPC evaluation scheme](#), [the points to grades](#) and [salary bands](#) for further details.
17. The council aims to ensure that the GLPC scheme is appropriately applied and that there is continuity and consistency in the results. The evaluation process and a sample of the scores are checked externally by job evaluation specialists in the South West Councils organisation.

18. For jobs evaluated using the GLPC job evaluation scheme the national pay spine determined by the National Joint Council (NJC) for Local Government Services applies and changes to the national pay spine are subject to annual pay negotiations.

### **Remuneration on recruitment**

19. The same recruitment policies apply to all employees who take up a new appointment with the council, regardless of grade.

20. The council advertises all posts through the careers website, and may also employ a recruitment agency to provide a shortlist of candidates for senior manager jobs.

21. Candidates are normally appointed on the minimum spinal column point of the grade for the post.

22. If a candidate is currently being paid above the minimum point of the post they are applying for, the appointment may in some circumstances be on the next increment above their current salary, subject to the maximum of the grade.

23. The recruitment procedure for Corporate and Associate Director posts are undertaken by the Officer Appointments Committee. This committee represents Council for all Corporate and Associate Director appointments. Once an appointment is proposed by the committee, cabinet is required to ratify the decision and salary level within the band before the appointment is confirmed.

24. In line with the requirements of the Localism Act 2011, all chief and senior officer jobs, including those paid over £100,000 per year, are assessed by applying the Hay job evaluation scheme. The job is then allocated the appropriate existing Hay grade and pay band, and a salary offer will only be made within that pay band.

25. Where it is necessary for any newly appointed employee to relocate more than 15 miles in order to take up an appointment the council may make a contribution towards relocation expenses.

### **Market supplements**

26. The council has a [market supplement policy](#) which stipulates that if there are recruitment difficulties for a particular post and it is shown that the council are paying below the market rate for the job, a market supplement may be paid.

27. Market supplements are only payable to a small number of jobs which are evaluated using the GLPC or HAY schemes. See the list of [market supplements](#) for current details.
28. Where skills shortages exist in specific areas, or where despite paying at the median market rate for the role the pay rate for the role is still not sufficient to recruit and retain the skills required, a rate higher than the market median may be paid. This requires the authorisation of the corporate directors.
29. The level of market supplement applied to GLPC posts is determined by analysing market data from an external source e.g. Croner Solutions.
30. The data used for assessing market supplements for Hay graded posts is the Hay pay databank for the public and not for profit sector. The Hay databank provides the market median, upper quartile and upper decile pay range for each Hay pay grade.

### **Salary protection**

31. As a result of service redesign, employees may be redeployed to a role which is one grade lower than their current role. In this case, the employee will be in receipt of salary protection for a period of 12 months. Incremental progression and any negotiated pay award will not be applicable during the period of salary protection. Redeployment (and salary protection) is subject to the following criteria:
- transferable skills,
  - knowledge of work / experience
  - agreement to undertake relevant training, which may include formal qualification
  - match behaviours framework and skills profile
  - working hours
  - location

### **Increases and additions to remuneration**

32. The council's policy is to apply the nationally negotiated NJC pay award for GLPC graded employees which takes effect from 1<sup>st</sup> April each year and which applies to the national pay spine.
33. Most NJC employees received a pay award of 1% in April 2016 whilst those on the lower spinal points (below SCP 18) received a higher percentage increase. It has been agreed that a further 1% will apply from April 2017 until March 2018 as part of a pay deal for financial years 2016/17 and 2017/18.

34. For GLPC graded employees, increments are awarded automatically up to the maximum of the grade unless formal proceedings are taking place under the Improving Work Performance Policy. Increments are paid on the 1<sup>st</sup> April each year, or six months after the start date (if the starting date is between October and April). There is no provision for the payment of an increment at any other time.
35. The council's policy for Hay graded employees is to review salaries on an annual basis using the Hay pay databank and realign these should a pay drift be identified. As a result the JNC pay award is not applied to Hay graded employees.
36. For Hay graded employees incremental progression through the grade is based on satisfactory performance measured over a 12 month period. Increments are paid on 1<sup>st</sup> April each year subject to satisfactory performance, and a minimum of 6 months in post at that time. There is no provision for the payment of an increment at any other time.
37. However, as one of a number of cost saving measures, a two year increment freeze has been agreed jointly between Wiltshire Council and the recognised unions. This means that no annual increments were paid in April 2016 and will not be paid in April 2017 for both GLPC and Hay graded employees.
38. The council also employs a small number of specialist employees covered by either Youth and Community, Teachers or Soulbury salary scales which are also negotiated nationally.

#### **The use of performance-related pay**

39. It is the council's policy that Hay graded employees are subject to a performance appraisal each year. If the performance is measured as satisfactory, an increment may be awarded. If the performance does not meet the required standard an increment may be withheld. However as a result of the agreed two year increment freeze, increments will not be paid until April 2018.
40. For GLPC graded employees, increments are awarded automatically to the maximum of the grade unless formal proceedings are taking place under the Improving Work Performance Policy. However as a result of the agreed two year increment freeze, increments will not be paid until April 2018.

#### **The use of bonuses**

41. The council does not offer a bonus or honorarium scheme to any employee.



**The approach to the payment of employees on their ceasing to be employed by the authority**

42. Employees who leave the council's employment are entitled to payment of their contractual notice, along with any outstanding holiday pay.
43. All employees, including chief and senior officers, are subject to the same redundancy payments policy which has been agreed by Staffing Policy Committee.
44. There is no discretion to make redundancy payments which do not comply with the policy.
45. If employees choose to volunteer and are accepted for redundancy they are entitled to a payment calculated as follows:
- Statutory weeks x normal weekly pay x 2.5, capped at 40 weeks, with a minimum payment of £3000 (pro rata for part time staff).
46. If employees choose not to volunteer for redundancy, and cannot be redeployed, they will leave on compulsory grounds. The payment is calculated as follows:
- Statutory weeks x weekly salary (capped at £479), with a cap of 30 weeks pay or 20 years service. There is a minimum payment of £1500 (pro rata for part time staff).
47. If employees are aged 55 or over, and have been a member of the pension scheme for at least 3 months, they are able to receive their pension and lump sum early if their employment is terminated on grounds of redundancy.
48. No augmentation to pension will apply for any employee.
49. If employees are dismissed on redundancy grounds, and receive a voluntary (enhanced) redundancy payment, they may be considered for re-employment to posts within Wiltshire Council after the minimum statutory period of four weeks has elapsed subject to the following conditions:
- The post did not exist or was not foreseeable at the time of the dismissal.
  - The vacancy has been advertised in accordance with Wiltshire Council policy and procedures.
  - The appointment was made on the basis of the best person for the job with regard to the usual selection procedures.
  - The appointment has corporate director approval.

50. These conditions apply for 12 months from the date of the dismissal, after which the employee may be considered for re-employment to any post within Wiltshire Council.

51. In accordance with the Localism Act 2011, full council will be given the opportunity to vote on severance packages over £100,000 before they are approved.

### **The pension scheme**

52. All employees are entitled to join the Local Government Pension Scheme (LGPS).

53. The LGPS changed in 2014 and the benefits structure has moved from a Final Salary basis to a Career Average Revaluation Earnings (CARE) approach for benefits accruing after this date. Employee contribution bandings have also changed and the new regulations have introduced 9 bandings with rates varying between 5.5 – 12.5% according to the employee's salary.

54. The benefits of the scheme for all members include:

- A tiered ill health retirement package if employees have to leave work at any age due to permanent ill health. This could give employees benefits, paid straight away, and which could be increased if they are unlikely to be capable of gainful employment within 3 years of leaving.
- Early payment of benefits if employees are made redundant or retired on business efficiency grounds at age 55 or over.
- The right to voluntarily retire from age 55 (on an actuarially reduced pension), even though the Scheme's normal pension age is 65.
- Flexible retirement from age 55 if employees reduce their hours, or move to a less senior position. Provided the employer agrees, employees can draw all of their benefits – helping them ease into their retirement.

55. Further information about the pension scheme can be found on the [pensions website](#).

### **Any other allowances arising from employment**

#### **Payment for acting up or additional duties**

56. This policy applies only to all employees who, on a temporary basis:

- act up – carrying out the full responsibilities and duties of a higher graded post either for some or all of their working hours; or

- carry out some, but not all, duties or responsibilities of a higher graded post for some or all of their working hours; or
- take on additional duties within their role.

57. The policy allows for employees to receive the salary difference between the lower and higher graded job, calculated on a percentage basis if the additional duties are taken on for only part of the working week.

### **Unsocial hours allowances**

58. The council provides an additional allowance, expressed as a percentage of the basic rate, for regularly working late evenings/early mornings/nights/Sundays. These payments are graduated according to the degree of unsocial hours working and range from 10% to 33% in addition to normal hourly rate.

59. Unsocial hours allowances are only payable for GLPC graded jobs, and are not available for senior managers.

### **Overtime allowances**

60. The council has an overtime policy where all employees are entitled to receive additional payment for hours worked in excess of 37 hours. GLPC graded employees are able to claim overtime hours at their normal hourly rate x1.5 for hours worked on a Monday to Saturday, and x 2 for working a Sunday. Hay graded staff are able to claim overtime hours but only in exceptional circumstances and payment is based on the highest spinal point (point 49) of the GLPC pay scale.

### **Standby and callout allowances**

61. The council has a standby and callout policy where all employees receive an allowance should they be on standby out of normal office hours. If employees are called out whilst on standby additional hours or overtime will be paid in accordance with the overtime policy.

### **Sleeping in allowance**

62. The council pays a sleep in allowance to employees required to sleep in on the premises. This includes up to 30 minutes call out per night, after which the additional hours provisions will apply. The sleep in allowance payable is currently £34.68 and increases in line with the NJC pay award.

### **Local election duties – Acting Returning Officer**

63. The role of Acting Returning Officer is currently being carried out by a nominated corporate director. Fees are paid in line with the guidance stipulated from the Elections and Democracy Division for the relevant elections.

### **Governance arrangements**

64. The council's policy is to apply the nationally negotiated NJC pay award to the pay scales for jobs evaluated using the GLPC job evaluation scheme.

65. The council also relies on national negotiation for some key provisions of employment such as the sickness and maternity schemes.

66. The council negotiates locally on some other conditions of employment, such as pay and grading, travel expenses, overtime payments and unsocial hours allowances.

67. For these local conditions of employment, the council consults and negotiates with the relevant trade unions in order to reach agreement. These conditions and allowances are then referred to Staffing Policy Committee for agreement.

68. The role of Staffing Policy Committee is to determine, monitor and review staffing policies and practices to secure the best use and development of the council's staff. This includes the power to deal with all matters relating to staff terms and conditions.

69. The full remit of the council's Staffing Policy Committee is contained within the constitution.

### **The publication of and access to information relating to remuneration of chief officers**

70. In accordance with the Local Government Transparency Code 2015, the council is committed to publishing the following information relating to senior employees via the council's website:

- Senior employees salaries which are £50,000 and above. This is updated on a monthly basis
- A list of their responsibilities
- An organisational chart of the staff structure for the top three tiers of the local authority to include each individual's job title, contact details, grade, salary in a £5,000 bracket, grade maximum and whether each individual is a permanent or temporary employee. This is updated on an annual basis or more frequently if a significant restructure takes place

**The publication of and access to information relating to trade union facility time**

71. In accordance with the Local Government Transparency Code 2015, the council is committed to publishing the following information relating to trade union facility time as a percentage of the Council's total wage bill via the council's website:

- Basic estimate of spending on unions (calculated as the number of full time equivalent days spent on union duties by authority staff who spent the majority of their time on union duties, multiplied by the average salary)
- Basic estimate of spending on unions as a percentage of the total pay bill (calculated as the number of full-time equivalent days spent on union duties by authority staff who spent the majority of their time on union duties, multiplied by the average salary divided by the total paybill).

**The relationship between the basic pay remuneration of chief officers and employees who are not chief officers.**

72. In terms of overall remuneration packages the council's policy is to set different levels of basic pay to reflect the different sizes of jobs, but not to differentiate on other allowances, benefits and payments it makes.

73. The table below shows the relationship between the basic pay of the highest and lowest paid employees in the council, excluding pensions and allowances. The figures include all staff in the council (non schools) and are based on annual full time equivalent salaries.

	Annual FTE Salary November 2015	Ratio November 2015	Annual FTE Salary November 2016	Ratio November 2016	Annual FTE Salary November 2016 excl. apprentice pay rate	Ratio November 2016 excl. apprentice pay rate
Highest Paid	£148,271		£149,767		£149,767	
Lowest paid	£13,614	10.9	£10,708 (Apprentice pay rate)	14.0	£14,514	10.2
Mean Salary	£25,236	5.9	£25,822	5.8	£25,908	5.8
Median Salary	£23,698	6.3	£23,935	6.3	£23,935	6.3

74. The council would not expect the basic pay remuneration of its highest paid employee to exceed 20 times that of the lowest group of employees.

75. The current ratio is well within this at 1:14. This has increased from the previous year due to the introduction of an apprenticeship scheme and apprenticeship pay rates in April 2016. The ratio excluding the apprenticeship rate of pay is 1:10.2, which is a reduction on the previous year.

## Definitions

**NJC** – National Joint Council

**JNC** – Joint Negotiating Committee

**GLPC** – Greater London Provincial Council

**SOULBURY** staff - Educational improvement professionals. These staff are drawn from different sources, including senior members of the teaching profession. Their role is to advise local authorities and educational institutions on a wide range of professional, organisational, management, curriculum and related children's services issues, with the overall aim of enhancing the quality of education and related services.

## Equal Opportunities

This policy has been Equality Impact Assessed (link to EIA for policy) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

## Legislation

Local Government Transparency Code 2015 *Equality Act 2010*

This policy has been reviewed by the legal team to ensure compliance with the above legislation and our statutory duties.

## Further information

There are a number of related policies and procedures that you should be aware of including:

Hay job evaluation policy and procedure

GLPC job evaluation policy and procedure

Market supplements policy and procedure

Moving home policy and procedure

Redundancy payments policy

Overtime policy

Unsocial hours guidance

Standby and callout policy

Starting salaries and incremental progression policy and procedure

Acting up and additional duties policy and procedure

The Local Government Transparency Code 2015

Trade Union Recognition Agreement

The policies not published with this report are available from the HR department at Wiltshire Council on request.

Policy author	HR Strategic Delivery Team – AG
Policy implemented	28 February 2012
Policy last updated	12 December 2016 (LF)

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## **Minute Extract of Staffing Policy Committee 4 January 2017**

### **9 Pay Policy Statement**

The Committee received a report which set out an updated pay policy statement for the financial year 2017/2018 prior to agreement by Council and publication on the Council's website.

It was noted that under chapter 8 of the Localism Act 2011 every local authority must prepare a pay policy statement annually, this starting for the financial year 2012/2013.

It was explained that the policy had been updated to include:

- A revised introduction stating the forthcoming legislation that would impact on the Council's pay arrangements. This included gender pay gap reporting, the public sector exit payment cap and recovery of public sector exit payments.
- Information regarding the union negotiations in early 2016.
- Information regarding salary protection as a result of service redesign.
- The addition of the sleeping in allowance payable for employees required to sleep in on the premises. This increased in line with the NJC pay award and had been omitted from previous pay policy statements.
- An updated total number of council employees and the latest pay ratios.

After some discussion,

#### **Resolved:**

**To approve the draft Pay Policy Statement for endorsement by Council on 21 February 2017 on the understanding that the budget figure would be reviewed and updated prior to full Council approval and subject to:-**

**(1) The removal of paragraph 73 of the Statement which stated:**

**“The Hutton Review of Fair Pay in the Public Sector recommends a maximum ratio of the highest remunerated post compared with the lowest remunerated post of 1:20.”**

**(2) The addition of an extra column in the table at paragraph 74 providing the statistical information to exclude the apprenticeship rate of pay for the previous year.**

**(3) The provision of additional information about apprenticeships.**

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**Wiltshire Council**

**Council**

**21 February 2017**

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## **Treasury Management Strategy 2017/2018**

### **Executive Summary**

This report presents the Treasury Management Strategy for 2017/2018 including:

- a) the Prudential and Treasury Indicators (PrIs and TrIs) for the next three years
- b) other debt management decisions required for 2017/2018 that do not feature within the PrIs or TrIs, as shown in paragraphs 3.11 to 3.21; and
- c) the Annual Investment Strategy for 2017/2018

This report has been prepared in accordance with CIPFA Code of Practice for Treasury Management in the Public Services 2011. There are no changes from the Treasury Management Strategy 2016/2017 adopted by the Council in February 2016. Cabinet considered the Treasury Management report and Strategy at its meeting on 7 February 2017 and has recommended its approval to this Council meeting.

### **Proposals**

That Council:

- a) adopt the Prudential and Treasury Indicators (Appendix A)
- b) adopt the Annual Investment Strategy (Appendix B)
- c) delegate to the Associate Director, Finance the authority to vary the amount of borrowing and other long term liabilities within both the Treasury Indicators for the Authorised Limit and the Operational Boundary;
- d) authorise the Associate Director, Finance to agree the restructuring of existing long-term loans where savings are achievable or to enhance the long term portfolio;
- e) agree that short term cash surpluses and deficits continue to be managed through temporary loans and deposits; and
- f) agree that any surplus cash balances not required to cover borrowing are placed in authorised money-market funds, particularly where this is more cost effective than short term deposits and delegate to the Associate Director, Finance the authority to select such funds.

### **Reasons for Proposals**

To enable the Council to agree a Treasury Management Strategy for 2017/2018 and set Prudential Indicators that comply with statutory guidance and reflect best practice.

**Carolyn Godfrey**  
**Corporate Director**

**Treasury Management Strategy 2017/2018**

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**1. Purpose of Report**

- 1.1 This report asks the Cabinet to consider and recommend that the Council approve the Prudential and Treasury Indicators, together with the Treasury Management Strategy for 2017/2018.

**2. Background**

- 2.1 The Council is required by legislation to approve an annual Treasury Management Strategy, which incorporates the setting of Prudential and Treasury Indicators and an Annual Investment Strategy.

**3. Main Considerations for the Cabinet**

Prudential Indicators (Prls) and Treasury Indicators (Trls)

*Basis of the Indicators*

- 3.1 A summary of the Prls and Trls is shown in Appendix A. The key indicators are the Treasury Indicators relating to the Authorised Limit (Trl 1) and the Operational Boundary (Trl 2), which control the Council's maximum exposure to debt.
- 3.2 The Prls and Trls have been set on the basis of all known commitments and the effect of all known revenue and capital proposals relating to the Council.

*Monitoring and Reporting of the Prudential Indicators*

- 3.3 Progress will be monitored against the Prls and Trls throughout the year, particularly against the two borrowing limits. Cabinet will be kept informed of any issues that arise, including potential or actual breaches. Members will receive quarterly capital monitoring reports and quarterly treasury reports.
- 3.4 The elements within the Authorised Limit and the Operational Boundary, for borrowing and other long term liabilities require the approval of the Council. In order to give operational flexibility, members are asked to delegate to the Associate Director, Finance the ability to effect movements between the two elements where this is considered necessary. Any such changes will be reported to members in the quarterly treasury report. The operational boundary is a key management tool for in-year monitoring. It will not be significant if the operational boundary is breached temporarily on occasions due to variations in cash flow. However, a sustained or regular trend above the operational boundary is considered significant and will lead to further investigation and

action as appropriate. Any breach of the operational boundary will be reported to members at the earliest meeting following the breach. The authorised limit will in addition need to provide headroom over and above the operational boundary, sufficient for unusual cash movements, for example, and should not be breached.

## Borrowing Strategy

### *Levels*

- 3.5 The Council is currently maintaining an under-borrowed position. This means that the capital borrowing need (the Capital Financing Requirement), has not been fully funded (please refer to Appendix A – paragraph 10) with loan debt as cash supporting the Council's reserves, balances and cash flow have been used as a temporary measure (internal borrowing). This strategy is prudent, as investment returns are low and by borrowing internally and, therefore, having less cash to invest, counterparty (the other party that participates in a financial transaction, such as an organisation/bank from whom the Council borrows money/with which the Council deposits cash surpluses) risk is reduced.
- 3.6 Against this background and the risks within the economic forecast, caution will be adopted with the 2017/2018 treasury operations. The Associate Director, Finance will monitor interest rates in financial markets and adopt a pragmatic approach to changing circumstances:
- a) if it was considered that there was a significant risk of a sharp fall in long and short term rates, e.g. due to a marked increase of risks around relapse into recession or of risks of deflation, then long term borrowings will be postponed, and potential rescheduling from fixed rate funding into short term borrowing will be considered.
  - b) if it was considered that there was a significant risk of a much sharper rise in long and short term rates than that currently forecast, perhaps arising from a greater than expected increase in world economic activity or a sudden increase in inflation risks, then the portfolio position will be re-appraised with the likely action that fixed rate funding will be drawn whilst interest rates were still relatively cheap.

Any decisions will be reported to Cabinet at the earliest meeting following the decision.

### *Rate and Timing of Borrowing*

- 3.7 Taking account of the cash required to support the capital programme over the next three to five years, the Council has an anticipated underlying requirement, subject to the approval of the capital programme at Council on 21 February 2017, to borrow an additional £83.8 million between now and the end of 2019/2020. This is reflected in Pr1 4 in Appendix A (Gross Borrowing – General Fund), i.e. the increase in gross borrowing to £314.9 million in 2019/2020 from £231.1 million in 2015/2016 and includes the refinancing of maturing loans. In 2017/2018 (March 2018) one (PWL B) loan for £10 million matures and becomes repayable.
- 3.8 The timing of any borrowing is crucial in terms of interest rates and the potential to minimise interest costs. Prior to any actual borrowing the treasury team will,

in conjunction with our treasury advisers, proactively manage the interest rate position, using all information available to inform the borrowing decision.

- 3.9 It is, of course, not always possible to obtain the lowest rates of interest, as there is a risk that unforeseen events can significantly alter the level of rates, however, ongoing active monitoring of rates will mitigate against this risk.
- 3.10 In supporting the capital programme, the Council will consider all borrowing options, such as:
- a) internal borrowing, using medium term cash balances;
  - b) fixed rate Public Works Loan Board (PWLB) borrowing;
  - c) long term fixed rate market loans at rates, which, dependent upon market conditions and availability, can be significantly below PWLB rates for the equivalent maturity period;

The decision will be made whilst maintaining an appropriate balance between PWLB and market debt in the debt portfolio.

#### Other Debt Management Issues

##### *Policy on Borrowing in Advance of Need*

- 3.11 The Council will not borrow more than, or in advance of, its needs purely in order to profit from the investment of the extra sums borrowed because it is illegal. Any decision to borrow in advance will be within forward approved Capital Financing Requirement estimates, and will be considered carefully to ensure that value for money can be demonstrated and that the security of such funds is ensured.

##### *Debt Rescheduling*

- 3.12 As short term borrowing rates will be cheaper than longer term fixed interest rates, there may be potential opportunities to generate savings by switching from long term debt to short term debt. However, these savings will need to be considered in the light of the current treasury position and the size of the debt repayment cost (i.e. premiums for early repayment).
- 3.13 The reasons for any rescheduling to take place will include:
- a) the generation of cash savings and / or discounted cash flow savings;
  - b) helping to fulfil the treasury strategy;
  - c) enhancing the balance of the portfolio (the maturity profile and/or the balance of volatility).
- 3.14 Consideration will also be given to identify if there is any residual potential for making savings by running down investment balances to repay debt early as short term rates on investments are likely to be lower than rates paid on current debt.
- 3.15 All rescheduling will be reported to members in a treasury report at the earliest meeting following its action.

### *Lender Option Borrower Option (LOBO) Market Loans*

- 3.16 Wiltshire Council currently has borrowings of £61 million in LOBO loans.
- 3.17 There are basically two main types of LOBO loan (of which the Council has both in its portfolio)
- a) a loan with an 'initial period' at a relatively low rate of interest, on the completion of which, the rate will automatically increase to a 'secondary rate' under the terms of the loan agreement. The interest rate is then subject to 'call option dates' at certain predetermined stages (e.g. every six months, every five years) over the life of the loan, at which time the lender has the option to set a revised interest rate and the borrower has the option to repay the loan without penalty; or
  - b) a loan subject to 'call option dates' only (i.e. there is no 'secondary rate') at which time the lender has the option to raise the interest rate and the borrower has the option to repay the loan without penalty.
- 3.18 If the lender exercises his option to revise the interest rate at one of the 'call option dates', the Council's strategy is that it will always exercise its option to repay the loan. Consideration will then be given to refinancing the debt where the overall level of debt prior to the repayment needs to be maintained.
- 3.19 LOBO loans are treated in accordance with CIPFAs Treasury Management in Public Services Guidance Notes for Local Authorities 2011 Edition, relating to the determination of the maturity of borrowing that affects the date on which a LOBO loan should be treated as maturing. The Guidance states that "if the lender has the right to increase the interest rate payable without limit, such as in a LOBO loan, this should be treated as a right to require payment." For the purposes of the appropriate PrI, therefore, maturity occurs at the next call option date – i.e. the date on which the lender has the right to increase the interest rate payable without limit. However, in the current market of relatively low interest rates and very little significant upward movement in rates predicted in the near future, it is unlikely that the loans would be called in the short to medium term.

### *PWLB*

- 3.20 As reported in last year's strategy, the Government have tabled an amendment to the National Infrastructure Bill, enabling the abolition of the board of the Public Works Loans Commissioners, transferring the functions to another person. Following a period of consultation, it has been announced that the Government has confirmed plans for the PWLB to be abolished and its functions for lending to local authorities transferred to the Treasury. Operational responsibility will be delegated to the Debt Management Office. The Treasury have stated that the reason for the move is to provide a more streamlined, up to date governance arrangement and ensure that ministers and accounting officers are properly accountable to Parliament, thus replacing the current lines of accountability which are outdated and not fit for purpose.
- 3.21 The government has made clear that the proposed abolition will not impact on the government's lending policy to local authorities. The next steps as outlined in the consultation response from Central Government in November 2016 is for the government to use its powers in the Public Bodies Act 2011 to lay before

Parliament a draft Order to implement these changes. No timescale has yet been published.

#### Short Term Cash Deficits

- 3.22 Temporary loans, where both the borrower and lender have the option to redeem the loan within twelve months, are used to offset short term revenue cash deficits. They may also be used to cover short term capital requirements until longer term loans become more cost effective. The majority of these loans will be at fixed interest rates, maturing on specific dates. The strategy is that the Council shall utilise temporary loans for any short term cash deficits that arise in respect of revenue and/or capital.

#### Cash Investments

##### *Annual Investment Strategy*

- 3.23 The Annual Investment Strategy for 2017/2018, which sets out the policy framework for the investment of cash balances, is shown in Appendix B.

##### *Other Key Issues*

- 3.24 Other key issues to note are:

- a) the risk appetite of this Council is low in order to give priority to the security of its investments;
- b) the borrowing of monies purely to invest or on-lend and make a return is unlawful;
- c) all Council investments will be in sterling. This will avoid foreign exchange rate risk.

##### *Short Term Cash Surpluses*

- 3.25 It is anticipated that temporary short term (up to three months) cash surpluses will arise regularly during the year, due to timing differences between income streams and payments. Investment of these surpluses will be in specific investments (e.g. short term Sterling investments of less than one year). Such investments will normally be short term deposits maturing on specific dates that reflect cash flow requirements at the date the deposit is made. However, under certain market conditions, money market funds will be used, particularly if they provide improved returns.

##### *Longer Term Cash Surpluses (over three months, up to one year)*

- 3.26 Some cash surpluses, for example core revenue balances, net creditors, accrued reserves and special funds such as those for insurance and PFI can be invested on a long term basis. These cash surpluses may be used for capital financing requirements, where longer term interest rates mean that it is less cost effective to take out longer term loans.
- 3.27 Improved returns may be obtained by placing these surpluses in money market funds. The Associate Director, Finance has delegated authority to select



money market funds and appoint External Cash Managers within the current approved strategy and it is proposed that this authority is retained.

3.28 The proposed Investment Strategy for 2017/2018 includes the use of unspecified investments (e.g. more than 12 months to maturity and for which external professional advice is required) that the Council's treasury adviser may recommend for investment of longer term cash surpluses.

3.29 Although the Council has been well positioned in terms of the balance between both loans and investments, rates of interest paid on deposits have been moving slightly lower over the last financial year. Following a further period of similarly low rates, the UK Bank Rate, according to Capita's latest forecast, is not expected to start increasing until quarter three of 2019.

#### Minimum Revenue Provision

3.30 The minimum revenue provision (MRP) is the amount set aside for the repayment of the debt as a result of borrowings made to finance capital expenditure.

3.31 In accordance with Local Authorities (Capital Finance and Accounting) Regulations 2008 the Council adopted a MRP annual policy in May 2009.

3.32 For financial year 2016/2017 the annual policy remained unchanged, in that a regulatory method of setting aside 4% of the borrowing requirement for supported borrowing and an asset life method calculation for any unsupported borrowing was applied.

3.33 It is proposed that this policy is retained in 2017/2018 but kept under review.

#### **4. Overview and Scrutiny Engagement**

4.1 None have been identified as arising directly from this report.

#### **5. Safeguarding Considerations**

5.1 None have been identified as arising directly from this report.

#### **6. Public Health Implications**

6.1 None have been identified as arising directly from this report.

#### **7. Procurement Implications**

7.1 None have been identified as arising directly from this report.

#### **8. Equalities Impact of the proposal**

8.1 None have been identified as arising directly from this report.

#### **9. Environment and Climate Change Considerations**

9.1 None have been identified as arising directly from this report.

## **10. Risks Assessment and Financial Implications**

- 10.1 The primary treasury management risks to which the Council is exposed are adverse movements in interest rates and the credit risk of its investment counterparties.
- 10.2 The strategies in Appendix A and Appendix B take account of the forecast movement in interest rates and allow sufficient flexibility to vary strategy if actual movements in interest rates are not in line with the forecast.
- 10.3 The Council's treasury adviser is currently predicting the following interest rate movements:
- a) the Bank Rate was reduced to 0.25% in August 2016. It is expected to rise to 0.50% by the end of the second quarter of 2019. A further rise of 0.25% is anticipated in the fourth quarter of 2019, which means that Bank Rate will be 0.75% at the end of the forecast period (March 2020);
  - b) medium term (10 year) PWLB borrowing rates are expected to remain at around 2.30% during 2017, then rising gradually to 2.70% by the end of March 2020.
- 10.4 It should be noted that BREXIT negotiations and post US presidential election issues could impact the financial markets and whilst these are the central interest rate forecasts there could be some volatility during the next three financial years. The Authority will monitor the financial market/interest rate forecast updates and adjust the Treasury Strategy to mitigate the risks arising from any such volatility.
- 10.5 The risk that counterparties are unable to repay investments could jeopardise the Council's ability to meet its payments. Investment counterparty risk is controlled by using suitable criteria for assessing and monitoring credit risk, including the use of an up to date lending list. The lending list is based on counterparty categories relating to country, type, sector, maximum investment, and maximum duration of investment (see Appendix B). The Council uses the credit worthiness service provided by its treasury advisers, which is a comprehensive modelling approach incorporating the credit ratings of all three major credit rating agencies, together with 'overlays' of Credit Default Swap (CDS) spreads (default risk), credit watches, credit outlooks and sovereign ratings from the agencies (a more detailed explanation is included within the Annual Investment Strategy in Appendix B).
- 10.6 Interest earnings are an important source of revenue for the Council and it is, therefore, critical that the portfolio is managed in a way that maximises the investment income stream, whilst managing exposure to risk and maintaining sufficient liquidity.

## **11. Legal Implications**

- 11.1 None have been identified as arising directly from this report.

## **12. Options Considered**

12.1 Future consideration will be given to alternative borrowing and investment options to improve the cost effectiveness of and return on treasury activities for the Council. This may incorporate consideration of alternative sources of capital financing, such as the issuing of bonds, rather than the more traditional borrowing approaches, together with longer term investments, where appropriate and subject to security and liquidity of investments. Currently, the issuing of bonds has not been taken forward because of both the costs of issuance, such as gaining and maintaining a suitable credit rating (local authorities, including Wiltshire Council are presently rated AAA) and the interest rates, which may not be competitive (with PWLB rates).

LGA – Municipal Bond Agency:

12.2 The Council may also consider making use of this new source of borrowing as and when (and if) appropriate. The Municipal Bond Agency is in the process of being set up and becoming fully operational and will offer loans to local authorities in the near future. It is also hoped that the borrowing rates will be lower than those offered by the Public Works Loan Board (PWLB).

12.3 The options in relation to the revenue and capital budgets in these proposals are fully consistent with the figures included within the budget considerations.

## **13. Conclusion**

13.1 The Cabinet is requested to recommend that the Council approves and adopts the Treasury Strategy for 2017/2018.

**Michael Hudson**  
**Associate Director, Finance**

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## **Background Papers**

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

None.

## **Appendices**

Appendix A Prudential and Treasury Indicators for 2017/2018, 2018/2019 & 2019/2020

Appendix B Annual Investment Strategy for 2017/2018

## Prudential and Treasury Indicators for 2017/2018, 2018/2019 &amp; 2019/2020

1. The Prudential and Treasury Management Codes and Treasury Guidelines require the Council to set a number of Prudential and Treasury Indicators for the financial year ahead. This appendix sets out the indicators required by the latest codes analysed between Prudential Indicators and Treasury Indicators.

**Prudential Indicators**

## Prl 1 – Capital Expenditure

2. This Prl shows the actual and anticipated level of capital expenditure for the five years 2015/2016 to 2019/2020. The Capital Programme 2017/2018 will be submitted to Cabinet and Council in February 2017. The estimates for 2018/2019 and 2019/2020 are based on indicative figures as part of the Capital Programme, and are therefore subject to change.

	2015/2016 Actual £million	2016/2017 Expected £million	2017/2018 Estimate £million	2018/2019 Estimate £million	2019/2020 Estimate £million
<b>General Fund</b>	101.5	91.3	94.5	59.7	65.9
<b>Housing Revenue Account</b>	13.3	23.1	37.0	8.9	8.6
<b>Total</b>	<b>114.8</b>	<b>114.4</b>	<b>131.5</b>	<b>68.6</b>	<b>74.5</b>

3. The capital expenditure figures shown in Prl 1 assume a certain level of financing from borrowing each year. New and existing borrowing needs to be affordable and sustainable.

## Prl 2 – Ratio of Financing Costs to Net Revenue Stream

4. Prl 2 identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream (funding receivable from the Government and council tax payers for the General Fund and rents receivable in the case of the HRA).

	2015/2016 Actual	2016/2017 Expected	2017/2018 Estimate	2018/2019 Estimate	2019/2020 Estimate
<b>General Fund</b>	6.9%	7.3%	7.6%	7.9%	8.4%
<b>Housing Revenue Account</b>	14.7%	15.0%	15.2%	15.3%	15.1%

5. The General Fund cost of financing will rise proportionately over the reporting period because of the effect on financing costs where 'new debt' is expected to rise faster than 'old debt' is repaid. Previously the rise in General Fund financing costs was not an affordability issue as the new borrowing taken out was supported by Revenue Support Grant. Only by the use of continued Unsupported Borrowing was there any pressure on the Council Tax. In terms of the movement in the HRA ratio of financing costs in 2016/2017, through 2017/2018, 2018/2019 and 2019/2020, this is a reflection of fixed borrowing costs over the period against expected rental income.

**Prudential and Treasury Indicators for 2017/2018, 2018/2019 & 2019/2020**

Prl 3 – Estimate of Incremental Impact of Capital Investment Decisions on the Council Tax and Housing Rents

6. Prl 3 represents the potential increase in Council Tax/Housing Rents required to fund the planned increase in the capital budgets for the forthcoming year and future years as a proportion of the tax base at Band D/average weekly housing rents. Due to the change to the subsidy system there is no planned effect on average housing rents due to the additional borrowing required. For 2017/2018, as part of a continual review, these figures have been re-calculated in conjunction with our treasury management advisors.

	<b>2017/2018</b>	<b>2018/2019</b>	<b>2019/2020</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Effect on Band D Council Tax	4.56	5.79	10.84
Effect on Average Housing Rent per week	0.00	0.00	0.00

Prl 4 – Gross Borrowing and the Capital Financing Requirement

7. Prl 4 measures the so-called “Golden Rule” and focuses on prudence. Its purpose, as described in the Prudential Code, is: *“In order to ensure that over the medium term gross borrowing will only be for a capital purpose, the local authority should ensure that gross borrowing does not, except in the short term, exceed the total of capital financing requirement in the preceding year plus the estimates of any additional capital financing requirement for the current and next two years”*.
8. The Capital Financing Requirement (CFR) increases whenever capital expenditure is incurred. If resourced immediately (from capital receipts, direct revenue contributions or capital grant/contributions) the CFR will reduce at the same time that the capital expenditure is incurred, resulting in no net increase in CFR.
9. Where capital expenditure is not resourced immediately, there is a net increase in CFR, represented by an underlying need to borrow for capital purposes, whether or not external borrowing actually occurs. The CFR may then reduce over time through future applications of capital receipts, capital grants/contributions or further charges to revenue.
10. This Prl is necessary, because under an integrated treasury management strategy (in accordance with best practice under the CIPFA Code of Practice on Treasury Management in the Public Services), borrowing is not associated with particular items or types of expenditure, whether revenue or capital.

## Prudential and Treasury Indicators for 2017/2018, 2018/2019 &amp; 2019/2020

	2015/2016 Actual £million	2016/2017 Expected £million	2017/2018 Estimate £million	2018/2019 Estimate £million	2019/2020 Estimate £million
CFR – General Fund	393.7	399.3	401.3	401.9	416.0
CFR – HRA	122.6	122.6	122.6	122.6	122.6
Gross Borrowing – Gen Fund	231.1	219.0	258.2	274.3	314.9
Gross Borrowing – HRA	118.8	118.8	118.8	118.8	118.8
<b>CFR not funded by gross borrowing – Gen Fund</b>	<b>162.6</b>	<b>180.3</b>	<b>143.1</b>	<b>127.6</b>	<b>101.1</b>
<b>CFR not funded by gross borrowing – HRA</b>	<b>3.8</b>	<b>3.8</b>	<b>3.8</b>	<b>3.8</b>	<b>3.8</b>

11. General Fund gross borrowing is expected to increase as planned additional long term borrowing is taken out.
12. No problems are foreseen in meeting the “Golden Rule” over the period under review. The table above shows a relatively significant margin not funded by gross borrowing.

Prl 5 – Compliance with the CIPFA Code of Practice for Treasury Management in the Public Services (“The Code”)

13. The Revised CIPFA Code of Practice for Treasury Management in the Public Services 2009 was adopted by Wiltshire Council at its meeting on 23 February 2010.
14. All recommendations within this report are consistent with the Revised CIPFA Code.

### Treasury Management Indicators within the Prudential Code

Trl 1 – Authorised Limit for External Debt

15. The Authorised Limit is the Operational Boundary (see Trl 2 below), including an allowance for unplanned and irregular cash movements. This allowance is difficult to predict, Cabinet approved an amended allowance of 2.5% in the Treasury Management Strategy 2012/2013 at its meeting on 15 February 2012.
16. It is proposed that an allowance of 2.5% is continued for General Fund borrowing for 2017/2018 to 2019/2020 (e.g. for 2017/2018 this is reflected in the difference between the Authorised Limit of £434.9 million in the table below and the Operational Boundary of £424.3 million in the table following paragraph 21). This will be kept under review. The allowance provides for the possibility of additional borrowing during the year as a result of Government support for further schemes and provides headroom where the projection proves too optimistic (payments made earlier or receipt of income delayed against that forecast).

## Prudential and Treasury Indicators for 2017/2018, 2018/2019 &amp; 2019/2020

17. There is no allowance in respect of HRA borrowing as it is capped and, therefore, cannot be exceeded.

<b>Authorised Limit</b>	<b>2017/2018 £million</b>	<b>2018/2019 £million</b>	<b>2019/2020 £million</b>
Borrowing – General Fund	434.9	436.3	451.9
Borrowing – HRA	123.2	123.2	123.2
Other Long Term Liabilities	0.2	0.2	0.2
<b>TOTAL</b>	<b>558.3</b>	<b>559.7</b>	<b>575.3</b>

18. The Authorised Limit set by the Council is the statutory borrowing limit under Section 3(1) of the Local Government Act 2003, a breach would be serious and, therefore, there is the need to build in sufficient headroom.

## Trl 2 – Operational Boundary for External Debt

19. The Operational Boundary and the Authorised Limit are central to the Prudential Code and reflect the limits that authorities place on the amount of their external borrowing.
20. The Operational Boundary is based on a prudent estimate of the most likely maximum level of external borrowing for both capital expenditure and cash flow purposes, which is consistent with other budget proposals. The basis of the calculation for General Fund borrowing 2017/2018 (£424.3 million) is:
- Expected Capital Financing Requirement at 31 March 2017 of £401.3 million
  - Plus the expected long-term borrowing to finance capital expenditure (unsupported only £16.9million)
  - Less the expected set-aside for debt repayment (£13.9 million)
  - Plus the expected maximum level of short-term cash flow borrowing that is anticipated (£20.0 million).
21. The basis of the calculation for HRA borrowing 2017/2018 is the debt settlement of £123.2 million.

<b>Operational Boundary</b>	<b>2017/2018 £million</b>	<b>2018/2019 £million</b>	<b>2019/2020 £million</b>
Borrowing	424.3	425.6	440.9
Borrowing – HRA	123.2	123.2	123.2
Other Long Term Liabilities	0.2	0.2	0.2
<b>TOTAL</b>	<b>547.7</b>	<b>549.0</b>	<b>564.3</b>

22. The Operational Boundary for each year also includes a small provision for other long term liabilities.
23. The Operational Boundary is a key management tool for monitoring the Authority's expected level of borrowing. It is essential to ensure that borrowing remains within the limits set and to take appropriate action where any likely breach is anticipated. Monitoring will take place through the year and will be reported to Cabinet.



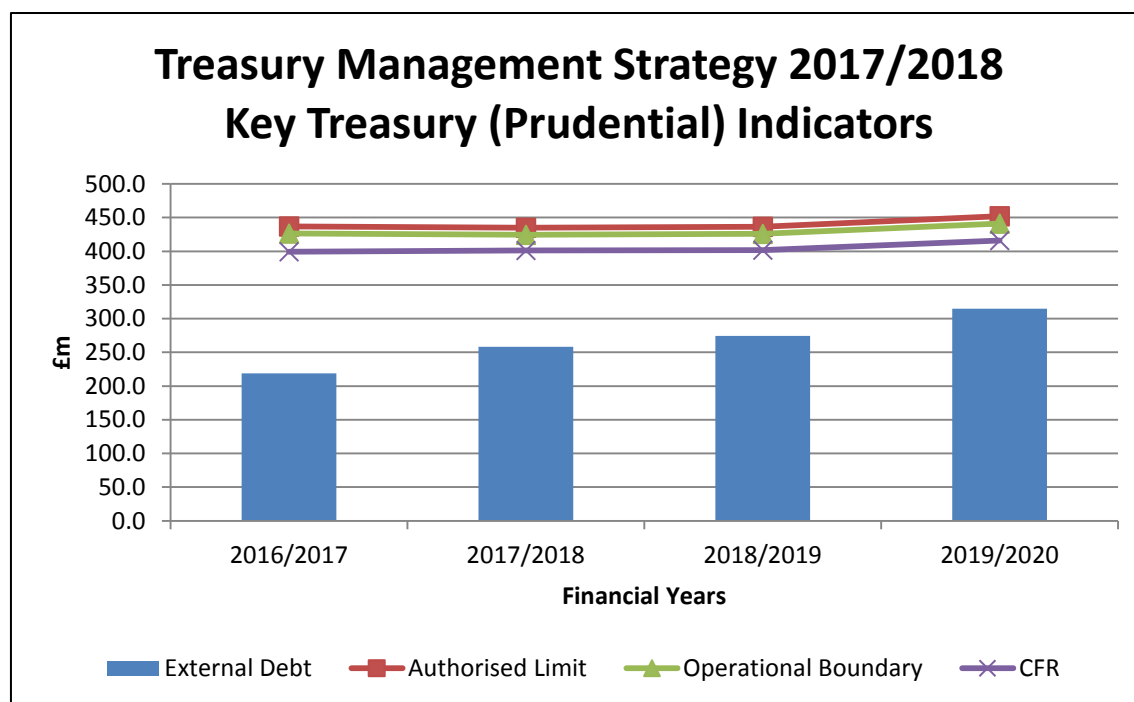
Prudential and Treasury Indicators for 2017/2018, 2018/2019 & 2019/2020

Trl 3 – External Debt – Actuals at 31/03/2016 and Expected at 31/03/2017

24. This Trl shows the amount of gross external debt outstanding in periods prior to the budget years under consideration. Other long term liabilities relate to a provision for any borrowing required for finance leases on certain properties, plant, vehicles and equipment. It should be noted that as these figures are taken at a point in time, they are not comparable with the Authorised Limit and Operational Boundary, which are control limits.

	2016/2017 Actual £million	2017/2018 Expected £million
Borrowing – General Fund	255.7	221.2
Borrowing – HRA	118.8	118.8
Other Long Term Liabilities	0.2	0.2
<b>TOTAL</b>	<b>374.7</b>	<b>340.2</b>

The above Trls 1-3, together with the Capital Financing Requirement, are represented in the graph below, which shows their relative ‘positioning’. In order that the associated prudential/ treasury indicators are not breached, external debt should not exceed the CFR and the CFR should be below both the Operational Boundary and the Authorised Limit:



## Prudential and Treasury Indicators for 2017/2018, 2018/2019 &amp; 2019/2020

**Treasury Management Indicators within the Treasury Management Code**

Trl 4a and 4b – Upper Limit on Fixed Interest Rate Exposures and Variable Interest Rate Exposures, respectively

25. Future interest rates are difficult to predict. Anticipated rates are shown in the main report, under Risk Assessment. Indications are that best value will be achieved by taking long-term loans at fixed rates in 2017/2018. However, consideration of short term variable rate loans may prove to be advantageous, in 2017/2018 and in future financial years.
26. Interest rates will be monitored closely, in conjunction with the treasury adviser, to take advantage of any favourable changes in circumstances. The strategy should still be flexible, the upper limit for fixed interest rate and variable interest rate exposures are set out below.

**The Council's upper limit for fixed interest rate exposure for the three year period 2017/2018 to 2019/2020 is 100% of net outstanding principal sums.**

**The Council's upper limit for variable interest rate exposure is 52% for 2017/2018, 54% for 2018/2019 and 56% for 2019/2020 of net outstanding principal sums.**

Trl 5 – Upper & Lower Limits on the Maturity Structure of Borrowing

27. The Council's policy needs to ensure that it is not forced to refinance too much of its long term debt in any year when interest rates are high. The current long-term General Fund debt, of £229.1 million, falls due for repayment over the next 60 years. LOBO (Lender Option Borrower Option) market loans are included at rates determined by reference to the earliest date on which the lender can require payment (i.e. at the next interest rate call date), as currently recommended by CIPFA.
28. In order to protect the Council from this risk and to safeguard the continuity in treasury management financing costs, the following limits have been adopted.

<b>Limits on the Maturity Structure of Borrowing</b>	<b>Upper</b>	<b>Lower Limit</b>
Maturing Period:		
- under 12 months*	25%	0%
- 12 months and within 24 months*	25%	0%
- 2 years and within 5 years	45%	0%
- 5 years and within 10 years	75%	0%
- 10 years and above	100%	0%

29. Most of the Council's debt matures within the period "10 years and above", albeit PWLB debt only. Depending on the maturity profile, the upper limits may require further amendment for future borrowing.

**Prudential and Treasury Indicators for 2017/2018, 2018/2019 & 2019/2020**

30. In addition to the main maturity indicators (above) it is considered prudent that, under normal circumstances, no more than 15% of long term loans, excluding LOBO loans, should fall due for repayment within any one financial year and 25% in the case of LOBO loans, where maturity is deemed to be the “next call option date” (see paragraph 3.18 in the main report).

Trl 6 – Principal Sums invested for periods of longer than 364 days

31. This Trl is covered by the Annual Investment Strategy, which is detailed in the following appendix.

## WILTSHIRE COUNCIL- ANNUAL INVESTMENT STRATEGY FOR 2017/2018

**The Main Strategy**

1. The Council's investment policy has regard to the CLG's Guidance on Local Government Investments ("the Guidance") and the 2011 revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes ("the CIPFA TM Code").
2. The general investment policy of the Council is the prudent investment of any surplus cash balances, the priorities of which are (in order):
  - a) the security of capital (first);
  - b) the liquidity of investments (second); and (then)
  - c) return (third).
3. The Council will aim to achieve the optimum return on investments commensurate with high levels of security and liquidity. The risk appetite of this Council is low in order to give priority to the security of its investments.
4. The borrowing of monies purely to invest or on-lend and make a return is unlawful and this Council will not engage in such activity.
5. All Council investments will be in sterling. This will avoid foreign exchange rate risk.
6. Investment of the Council's normal cash flow requirements will be in specified investments, as prescribed in "The Guidance". The categories of organisations with which investments will be placed and the minimum high credit quality required for each category are those set out in the minimum requirements for high credit quality below.
7. Investments in money market funds may be made if the fund has a high credit rating (AAA), as prescribed in the minimum requirements for high credit quality below.
8. For specified investments made under the recommendations of the Council's treasury adviser, the approved policy must be followed and is bound by the minimum requirements for high credit quality below.
9. In addition, using the professional judgement of the Council's treasury advisers, non specified investments may be made in UK Government Bonds (Gilts) and in multilateral development banks, such as the European Bank for Reconstruction and Development (EBRD), (as defined in Statutory Instrument 2004 No. 534) with a high credit rating, as prescribed in the minimum requirements for high credit quality below. (Multilateral development banks, or MDBs are supranational institutions set up by sovereign states, which reflect the development aid and cooperation policies established by these states. They have the common task of fostering economic and social progress in developing countries by financing projects, supporting investment and generating capital.)

**WILTSHIRE COUNCIL- ANNUAL INVESTMENT STRATEGY FOR 2017/2018**

10. Such investments are the only non-specified investments authorised for use and will only be:
  - a) in sterling
  - b) in the case of UK Gilts, for a maximum of 50 years; and
  - c) for investments maturing in excess of 12 months, limited to £30 million.
11. The Council will comply with the requirements of The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009, which were implemented on 1 January 2010, and will not pool pension fund cash with its own cash balances for investment purposes. Any investments made by the pension fund directly with this local authority will comply with the requirements of SI 2009 No 393. The Pension Fund Investment Strategy is approved by the Pension Fund Committee.
12. In accordance with guidance from the CLG and CIPFA, and in order to minimise the risk to investments, the Council has below clearly stipulated the minimum acceptable credit quality of counterparties for inclusion on the lending list. The creditworthiness methodology used to create the counterparty list fully accounts for the ratings, watches and outlooks published by all three ratings agencies with a full understanding of what these reflect in the eyes of each agency. Using the advisors ratings service potential counterparty ratings are monitored on a real time basis with knowledge of any changes notified electronically as the agencies notify modifications.
13. Furthermore, the Council's officers recognise that ratings should not be the sole determinant of the quality of an institution and that it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinion of the markets. To this end the Council will engage with its advisors to maintain a monitor on market pricing such as "credit default swaps" and overlay that information on top of the credit ratings. This is fully integrated into the credit methodology provided by the advisors, Capita Asset Services, in producing its colour codings which show the varying degrees of suggested creditworthiness.
14. Other information sources used will include the financial press, share price and other such information pertaining to the banking sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.
15. The aim of the strategy is to generate a list of highly creditworthy counterparties which will also enable diversification and thus avoidance of concentration risk.
16. The intention of the strategy is to provide security of investment and minimisation of risk.

## WILTSHIRE COUNCIL- ANNUAL INVESTMENT STRATEGY FOR 2017/2018

**Creditworthiness Policy**

17. This Council uses Capita Asset Services, Treasury solutions as its external treasury management advisors. The Council recognises that responsibility for treasury management decisions remains with the organisation at all times and will ensure that undue reliance is not placed upon our external service providers. It also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review.
18. Capita provide a creditworthiness service, which employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies - Fitch, Moody's and Standard and Poor's. The credit ratings of counterparties are supplemented with the following overlays:
- a) credit watches and credit outlooks from credit rating agencies;
  - b) CDS spreads to give early warning of likely changes in credit ratings;
  - c) sovereign ratings to select counterparties from only the most creditworthy countries.
19. This modelling approach combines credit ratings, credit watches and credit outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads for which the end product is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the suggested duration for investments. The Council will therefore use counterparties within the following durational bands:
- a) Yellow – 5 years (this category is for AAA rated Government debt or its equivalent, including an investment instrument – collateralised deposits, where the investment is secured only against local authority debt, namely LOBOs, making them effectively government exposure);
  - b) Dark pink – 5 years for Enhanced money market funds (EMMFs) with a credit score of 1.25
  - c) Light pink – 5 years for Enhanced money market funds (EMMFs) with a credit score of 1.5
  - d) Purple – 2 years;
  - e) Blue – 1 year (only applies to nationalised or semi nationalised UK Banks and their subsidiaries);
  - f) Orange – 1 year;
  - g) Red – 6 months;
  - h) Green – 100 days; and
  - i) No Colour – not to be used.
20. The advisor's creditworthiness service uses a wider array of information than just primary ratings and by using a risk weighted scoring system, does not give undue preponderance to just one agency's ratings.

## WILTSHIRE COUNCIL- ANNUAL INVESTMENT STRATEGY FOR 2017/2018

21. All credit ratings will be monitored at least weekly (daily if there are any updates released by Capita Asset Services). The Council is alerted to changes in ratings of all three agencies through its use of the creditworthiness service.
22. If a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
23. In addition to the use of credit ratings the Council will be advised of information in movements in credit default swap spreads against the iTraxx benchmark and other market data on a weekly basis. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.
24. Sole reliance will not be placed on the use of this external service. In addition this Council will also use market data and market information, information on government support for banks and the credit ratings of that government support.
25. The Council has determined that it will only use approved counterparties from countries with a minimum sovereign credit rating of AA- from Fitch Ratings.

**The Minimum requirements for "high credit quality"**

26. In accordance with the DCLG Guidance on Local Government Investments in respect of selection of counterparties with whom investments are placed, Wiltshire Council will comply with the minimum requirements below.
27. Credit ratings will be those issued by Fitch Ratings Ltd in respect of individual financial institutions (as shown below, where F1+ is the highest short term rating and AAA the highest long term rating). An exception is made in respect of money market funds, as shown below, where a different overall AAA rating is the highest.
28. The minimum requirements for high credit quality, by type of institution, are as follows:
  - Banks incorporated inside the United Kingdom with a short term credit rating of at least F1 or Government backed and their subsidiaries;
  - Banks incorporated outside the United Kingdom with a short term credit rating of at least F1+ and a long term rating of A+;
  - United Kingdom building societies with a short term credit rating of at least F1 or Government backed;
  - All local authorities and public bodies (as defined in S23 of the Local Authorities Act 2003) (ratings are not issued for most of these bodies);
  - Multilateral development banks (as defined in Statutory Instrument 2004 No. 534) with a short term credit rating of at least F1 and long term credit rating of AAA;

## WILTSHIRE COUNCIL- ANNUAL INVESTMENT STRATEGY FOR 2017/2018

- All banks & building societies must have a bank viability rating of at least BBB – except where the counterparty is UK Government backed (fully and partially) – (AAA being the highest, through AA, A and BBB);
  - Money market funds, which have been awarded the highest possible rating (AAA) from at least one of the following credit rating agencies, Standard and Poor's, Moody's Investor Services Ltd or Fitch Ratings Ltd.; and
  - Deposits must only be placed in money market funds subject to individual signed management agreements.
29. In addition to the above criteria, the following limits will be applied to the total cumulative investments placed with an individual institution (or group of institutions where there is common ownership):
- a) Up to £15 million:
- UK incorporated banks with a long term credit rating of at least AA;
  - Overseas banks that have a long term credit rating of at least AA;
  - Multilateral development banks;
  - Local authorities and other public bodies; and
  - Money market funds.
- b) Up to £12 million:
- Government backed UK banks and UK building societies and their subsidiaries
- c) Up to £8 million:
- Other UK incorporated banks (that have a long term credit rating of less than AA but which also satisfy the credit rating conditions within this Strategy);
  - Other overseas banks (that have a long term credit rating of less than AA but which also satisfy the credit rating conditions within this Strategy);
  - UK Building societies with long term credit rating of at least A; and
  - Government backed overseas banks and their subsidiaries



**Wiltshire Council**

**Council**

**21 February 2017**

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**Proposals to change the Council Tax Reduction (CTR) Scheme  
(effective from April 2017)**

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**Executive Summary**

Following government proposals to amend the national housing benefit regulations and having compared our current scheme with other authorities it was felt that the time was right to undertake a more in-depth review of the CTR scheme. Cabinet approved in December (see attached [Link](#) – Item 147) to seek agreement for six changes to the CTR scheme with effect from April 2017 which include:-

- Closer alignment of our CTR scheme with Housing Benefit and other national benefits.
- Address potential shortfalls in funding due to the continued reduction in Central Government grant income.
- Improve the administration process

The review process involved significant public consultation as set out in the Cabinet report.

The report evaluated the proposed changes, the results of the consultation process, the impact of introduction and made recommendations that now need to be agreed by the Council. The report also contained the estimated number of recipients' affected and financial impact, contained in Appendix 1 of the Cabinet report and an equality assessment at Appendix 2 and the results of the consultation process at Appendix 3.

This report forms part of the suite of reports to set the council's tax base for 2017-18.

**Proposal**

Council is asked to agree changes to the council tax reduction scheme as proposed by Cabinet in December 2016, to come into effect from April 2017.

**Reason for Proposal**

It is an annual requirement for the council to review its local Council Tax Reduction (CTR) scheme and make recommendations for change as required. Since its introduction in April 2013 the scheme has been 'refreshed' annually to take account of minor data changes, but the core elements have been retained. However in the last 18 months there have been some changes to the national housing benefit scheme and it was felt that without timely intervention the schemes would drift apart causing both administrative difficulties and confusion for the customer. With further reductions in funding it was felt that the scheme should also be reviewed in terms of its generosity, in comparison with other local authorities.

**Carolyn Godfrey**  
**Corporate Director**

**Proposals to change the Council Tax Reduction (CTR) Scheme  
(effective from April 2017)**

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**Purpose of Report**

1. To seek agreement on proposals to make minor changes to the Council Tax Reduction Scheme (CTR) with effect from April 2017.

**Relevance to the Council's Business Plan**

2. The CTR scheme is a means tested benefit, available to low income households and supports the Council's business plan by offering financial support through the reduction of council tax. The award is made to people who own their own homes and who rent. It is a local benefit which works in conjunction with other national benefits, specifically housing benefit and therefore supports some of the most vulnerable in our communities.

**Main Considerations for the Council**

3. The Council Tax Reduction (CTR) scheme in Wiltshire is a means tested benefit that currently provides financial support to 27,000 households on a low income, at a current annual cost of £23.25 million. Entitlement results in a reduction in an applicant's Council Tax which is calculated on a daily basis. The current scheme replaced the national Council Tax Benefit scheme in April 2013. Until 2013 the scheme was fully funded by government. Funding from 2013 saw an overall reduction of 10%.
4. The CTR scheme for working age customers is a local scheme and varies in design between local authorities. Rules governing the scheme demand consultation on any significant change in the administration of the scheme adding a complexity to a process which is already subject to complex rules and regulations. For pension-age customers the scheme is set nationally by Central Government and prescribed by regulations, so cannot be varied locally. The proposed changes will affect non-pensioners only. With around 45% of the claimants being of pensionable age and therefore protected, any shortfall in funding is met by working age households.

## **Background**

5. In designing its current scheme, the council conducted an extensive programme of consultation with its precepting authorities, key stakeholders and the public. The working age scheme adopted by the council in 2013 retained the main elements of the former Council Tax Benefit scheme with the following exceptions:
  - All working recipients unless classified as protected (see bullet point below) are required to pay at least 20% of their Council Tax liability.
  - Certain protected groups can receive up to 100% of their Council Tax. Protected groups include people in receipt of the Support Component of Employment Support Allowance (ESA) and all those who qualify for the disability premium or people in receipt of a war disablement pension, or in receipt of any of the war widows' or widowers' pensions
  - Capital savings limit of £10,000. – Protected groups limit of £16,000.
  - Fixed rate non dependant deduction – In households where there are working age children and relatives (non-dependants), a fixed rate deduction is made from the CTR award.
  - Enhanced income allowance (taper) to encourage work.
  - A vulnerability/hardship fund to provide additional financial help.
  
6. Retaining the core elements of the old Council Tax Benefit scheme albeit with the exceptions outlined above has preserved the means test in its current form, which provides both a robust mechanism for determining entitlement and both protection and work incentives that have been developed and honed over almost 30 years. Despite the introduction of the local scheme in 2013 council tax collections rates have remained stable and increased from 97.7% in 2014-15 to 97.9% in 2015-16.

## **Cost of Current Scheme**

7. Since the start of the scheme in 2013/14 funding has been included within the Revenue Support grant. The council therefore decides how much funding is available to support the scheme taking into account any cuts in this funding.

8. The following table provides a summary of year on year expenditure and caseload:

	Total caseload @ 31 <sup>st</sup> March	Working age caseload	Pension age caseload	Working age expenditure	Pension age expenditure	Total annual expenditure
2013/14	29,497	15,980	13,517	£12,298,763	£12,528,712	£24,827,475
2014/15	28,237	15,373	12,864	£11,983,023	£11,898,254	£23,881,277
2015/16	27,078	14,033	12,181	£11,826,681	£11,165,961	£22,992,642
2016/17 forecast	26,499	14,621	11878	£12,156,794	£11,087,676	£23,244,470

9. As the above table illustrates the overall level of recipients, both working age and pension age, has fallen since the scheme was introduced. The slight increase in costs of the scheme in 2016-17 are as a result of rises in council tax, not caseload, and demonstrate the case for a review in terms of the generosity of the scheme when the council is still faced with a funding gap of at least £8.5m due to further reductions in Revenue Support Grant.

### Proposals for Change

10. In view of the financial pressures, to synchronise the scheme in line with other welfare changes and better fit with the national picture the proposals to change the scheme were the subject of an extensive programme of public consultation.
11. The potential changes to the scheme upon which the consultation took place are:
- Removing the Family Premium for all new working age applicants. *(which brings the CTR scheme in line with changes to the housing benefit regulations)*
  - Backdating claims for up to one month where appropriate. *(Currently there is no ability to backdate, so this proposal brings the CTR scheme in line with changes to the housing benefit regulations)*
  - Limiting the number of dependent children within the calculation for Council Tax Reduction to a maximum of 2. *(Which brings the CTR scheme in line with proposed changes to the housing benefit regulations)*
  - Bringing the capital limit for 'Protected' people in line with all other working age applicants by reducing it from £16,000 to £10,000.
  - Restricting the working age protected category.
  - No change to the amount of Council Tax Reduction an applicant receives if the amount they are entitled to changes by a pound or less.

12. The results of the consultation have been fully evaluated alongside necessary Equality Assessment and risk assessments. There has been unilateral / unequivocal support for every proposal made. The financial impact of the changes is shown at Appendix 1 of the Cabinet report which also provides a commentary on each of the above proposals together with the number of claims likely to be affected. Likewise the Equality Assessment is provided at Appendix 2 and the results of the consultation process are shown at Appendix 3 of the Cabinet report. Comparisons with other local authorities are shown at Appendix 4.

### **Overview and Scrutiny Engagement**

13. None.

### **Safeguarding Implications**

14. None

### **Public Health Implications**

15. None

### **Procurement Implications**

16. None

### **Equalities Impact of the Proposal**

17. The strategy recognises both the need for equality assessments in establishing the rules of a council tax reduction scheme. By its very nature the scheme is aimed at those on a low income who are liable for council tax. Whilst the report proposes changes to the current scheme that will provide both gains and losses it is felt that the most controversial change is the withdrawal of the up to 100% reduction for those in receipt of the support component of ESA. However the proposal to reduce this to a maximum of 80% brings a consistency of award to all those in receipt of passported welfare benefits (those on Job Seekers Allowance and Income Support). Those who receive ESA in conjunction with Disability Living Allowance, (DLA) and its replacement, Personal Independence Payments (PIP) will continue to receive up to 100% council tax reduction. It also brings our treatment of those on ESA in line with neighbouring authorities in Swindon, Bath and South Gloucester.

### **Environmental and Climate Change Considerations**

18. None

## **Risk Assessment**

19. There is a risk that making the scheme less generous may make the challenge of collecting council tax from some household onerous. However the discretionary aspects of the scheme mean that the Revenues and Benefits Service has a number of options available to support those least able to cope with the challenges presented by a council tax bill.
20. The risk of not making changes now is also too great and this opportunity must be taken to bring the local council tax scheme in line with the national housing benefit scheme.

### **Risks that may arise if the proposed decision and related work is not taken**

21. Failing to keep the local CTR scheme in line with the latest approaches to the delivery of housing benefit involves a number of risks:
  - The first being the complexity of administering schemes with different rules, and explaining these to our customers
  - Secondly justifying our position if we chose not to introduce current thinking or legislation at an appeal tribunal where disputes over entitlement are settled and
  - Thirdly offering a scheme that is overly generous at a time when the council as a whole is least able to afford it.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

22. There is a risk that non-payment may increase; however since the local council tax reduction was introduced there is no evidence to suggest that overall indebtedness to the council has increased. The discretionary council tax reduction scheme, which is a cash limited fund, provides an opportunity to reduce a council tax debt in conjunction with means testing, where a debt has become unmanageable or where the individual is known to have a number of debts with the authority.

## **Financial Implications**

23. This proposal will, if accepted, provide savings in terms of the overall cost of the council tax reduction scheme. It is difficult to determine savings with any precision because they are based on the treatment of new claims from April 2017 and the level of churn as people leave and join the scheme. Based on the figures reported to Cabinet savings could feasibly amount to £250,000 per annum; however due to the level of uncertainty in terms of the claims affected the tax base has not been adjusted to reflect any savings, but will be included in next year's calculation.

## **Legal Implications**

24. The council have a duty to operate a council tax reduction scheme. Since 2013 the onus has been placed on every local authority to not only design and publish a scheme but also to maintain the scheme in conjunction with other national welfare benefits. The proposed changes which historically would have been instigated by an instruction from Government are now made more complex. The challenge for the authority is not so much that the proposals have significant legal implications, on the contrary, the proposals bring the administration of housing benefit closer, the implications are whether the change mechanism has been correctly followed. The production of this report and the consultation process ensures that all legal implications have been mitigated.

## **Options Considered**

25. Various options were considered in the full Cabinet report.

## **Conclusions**

26. To agree the proposals.

**Michael Hudson**  
**Associate Director, Finance**

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Report Author: Ian P Brown, Head of Revenues and Benefits,  
[ianp.brown@wiltshire.gov.uk](mailto:ianp.brown@wiltshire.gov.uk), Tel: 01225 716701

Date of report  
13<sup>th</sup> February 2017

## **Background Papers**

None

Reference Document

[Cabinet report – 13 December 2016](#) (item 147)



## COUNCIL – 21 FEBRUARY 2017

### BUDGET DEBATE PROCESS

#### 1. Introduction by Chairman

- Remind councillors about circulated paperwork
- To clarify process to be followed

#### 2. Councillor Jane Scott - Leader of the Council

- to deliver the budget speech
- No time limit on speech

#### 3. Councillor Dick Tonge - Cabinet member for Finance

- To present and move the budget
- No time limit on speech

#### 4. Councillor Simon Killane - Chair of Overview and Scrutiny Management Committee

- To present the report of the Committee on the consideration of the Financial Plan – 1 February
- To highlight particular areas of discussion
- No time limit on speech

#### 5. Councillor Glenis Ansell – Chair of Financial Planning Task Group

- To report on the work of the Financial Planning Task Group
- No time limit on speech

#### 6. Group Leaders – Response to Budget

- Group Leaders to respond to the recommendations of Cabinet and Councillor Tonge's motion
- No time limit on speeches

#### 7. Group Leaders – Opportunity for amendments

- Group Leaders' opportunity to move amendments to the motion – each amendment needs to be seconded and the seconder may reserve their speech until later in the debate

- Debate on each amendment to budget – Group Leaders to be asked to speak first on any amendments followed by Chairman of Overview and Scrutiny Committee then widen debate to other Councillors.

**8. Councillor Simon Killane - Chairman of Overview and Scrutiny Management Committee**

- Report of the Special meeting of the Committee on 14 February
- To respond to opposition budgets

**9. Other Councillors – Amendment**

- each councillor to speak once only
- the mover of the original motion (Councillor Tonge) has the right of reply
- Vote on amendment – if agreed this amends the original or substantive motion (or incorporated in the motion by agreement) – if not it falls
- Recorded votes on any amendments
- Proceed to next amendment and repeat process

**10. The Substantive Motion**

**(This could be the original motion or the motion as amended in 9 above)**

- Debate on the substantive motion
  - Councillors to speak only once
  - Cllr Tonge has right of reply
  - Substantive motion put to the vote
  - Budget set
  - All votes on budget will be by way of recorded vote
-

## Wiltshire Council

### Overview and Scrutiny Management Committee

14 February 2017

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#### Wiltshire Council Financial Plan – Opposition (Liberal Democrat) Amendment

The following amendments are to be moved by Cllr Glenis Ansell as Leader of the Liberal Democrat Group in it's capacity as opposition at Wiltshire Council:

- **Investment**

- i) **Extend the opening hours at all Household Recycling Centres (HRCs) by an additional 1 hour through the full year (9am to 5pm Summer [1<sup>st</sup> April to 31<sup>st</sup> October] and 9am to 4pm Winter [1<sup>st</sup> November to 31<sup>st</sup> March]) by investing an additional £200,000:**

- This is a reversion of the Council's decision to reduce the opening hours of HRCs.

- **Funding**

- ii) **Reduce the budget for Professional Subscriptions, fees and conferences by £150,000:**

- In 2016/17 (with no amendments proposed for 2017/18) the Council holds a budget of £373,770 across all service budgets for the provision of payments in relation to Professional subscriptions, Professional Fees and conference attendances. Of that £147,215 is forecast to be unspent across a range of lines. Whilst that is being used to fund other spend in 2016/17 it is felt more appropriate by this amendment to vire this to the opening of HRCs. This will retain a budget of £226,555 in these areas to fund some valuable subscriptions, including the LGA.

- iii) **Extend the current Procurement target by a further £50,000:**

- The Administration's proposals suggest a Procurement target of £250,000 (per paragraph 9.9 third bullet of the Cabinet's proposals). In previous years this target has been far higher and achieved. The total revenue spend on goods, supplies and contracts is in excess of £200 million, and as such this is 0.03% of that. Given the Council's track record, level of spend and need to monitor the Council's corporate target this extended target is suggested.

#### Financial Summary

A Financial Summary is appended. This identifies that the proposals are self-balancing and thus as a whole do not impact on the net base budget proposed in the original paper to Cabinet.

### **Monitoring Officer Comments**

The proposals contain a change in the opening hours for Household Recycling Centres. This is being considered as part of the proposals and any changes will be considered in accordance with the decision making framework. The proposals do not impact adversely on the statutory duties of the Section 151 Officer, or any of the other statutory requirements set out in the Cabinet report at Section 13.

### **Head of Paid Service Comments**

As Head of Paid Service, I can confirm that officers have followed their usual independent advice.

We are aware of the full details of the Liberal Democrat's amendments as set out and consider the proposals are viable and deliverable, and do not impact adversely on the substantive motion as they would not change the net budget requirement, the level of Council Tax or reserves proposed.

## Appendix 1 – Liberal Democrat 2017/18 – Proposed Budget Amendment Summary

Revenue Budget:				Capital Budget:			
Investment	2016/17 £m	Funding	2016/17 £m	Investment	2016/17 £m	Funding	2016/17 £m
A. Extend the opening hours at all Household Recycling Centres (HRCs) by an additional 1 hour through the full year (9am to 5pm Summer [1 <sup>st</sup> April to 31 <sup>st</sup> October] and 9am to 4pm Winter [1 <sup>st</sup> November to 31 <sup>st</sup> March])	0.200	Reduce the budget for Professional Subscriptions, fees and conferences	-0.150				
		Extend the Procurement Target proposed by the Administration	-0.050				
<b>Total invest</b>	<b>£ 0.200</b>	<b>Total Funding</b>	<b>-0.200</b>	<b>Total invest</b>	<b>-</b>	<b>Total Funding</b>	<b>-</b>
Balance	£ -			Balance	-		

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Wiltshire Council

APPENDIX to the Minutes of 1 February 2017

Cabinet 7 February 2016

Council 21 February 2016

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## Special Meeting of the Overview and Scrutiny Management Committee Report on the Draft 2017/18 Financial Plan

### Purpose of report

1. To report to Cabinet and Full Council a summary of the main issues discussed at the special meeting of the Overview and Scrutiny Management Committee held on 1 February 2016.

### Background

2. The special meeting of the Overview and Scrutiny Management Committee provided an opportunity for non-executive councillors to question the Cabinet Member for Finance and the Associate Director for Finance on the draft 2017/18 Financial Plan before it is considered at Cabinet on 7 February 2017 and Full Council on 21 February 2017.
3. The Cabinet Member for Finance, supported by the Associate Director of Finance, was in attendance along with the Leader of the Council and all members of the Executive and the Corporate Leadership Team to provide clarification and answers to issues and queries raised by the Committee.
4. In addition to the draft Financial Plan available on the website a briefing from the Cabinet Member for Finance open to all members was held on 24 January 2017.
5. Details had included:
  - Council Tax to be increased by 1.99%, plus a 3% Social Care Levy, a 1% increase from the Medium Term Financial Plan approved by Council on 18 October 2016.
  - The continuing reductions in grant funding from central government, being a further 17.6% reduction for the next financial year.
  - Increases in investment to protect vulnerable children and adults, and investing in the environment and roads.
  - Details of service changes required to achieve the £13.331m savings proposed.

### Main issues raised during questioning and debate

6. The Chairman invited the Chairmen of the Select Committees to lead off discussion, with a focus on budget proposals and their implications for services relating to those committees, before opening to general queries.

### Financial Planning Task Group

7. The report of the Task Group on the proposals was received and noted, in addition to thanks to its members for their work monitoring and scrutinising the council's finances throughout the year.
8. The report would be forwarded for attention at Cabinet and Full Council along with the report of the Management Committee itself.

### Environment Select Committee

9. In relation to the council's key actions within its business plan details were sought on highways investment, and in response it was confirmed that while Wiltshire was due to receive £2.946m of the National Productivity Investment Capital Fund aimed to reduce congestion at key locations and improve maintenance of local highway assets, the conditions around using the grant had not yet been clarified.
10. Details were sought on proposed efficiencies in services including Leisure, Parking provision and Planning consultation in respect of town and parish councils.
11. The £1.003m savings required under Waste services was discussed, with a suggestion the Environment Select Committee might need to consider further scrutiny to monitor the changes proposed.
12. In response to queries on reviewing the model for community support it was stated the review would include the management structure for area boards, and details were sought on the proposed £0.400m savings through a review of Voluntary Community Social Enterprise (VCSE) partnership arrangements and whether there would be reductions to payments to all partners. The Cabinet Member agreed to provide a list of VCSE groups along with details of current arrangements and proposed reductions for each.
13. Other topics discussed included the reduction in the subsidy for councillor ICT provision, details of the Housing Revenue Account (HRA) and that no funds being allocated for carbon reduction.

### Children's Select Committee

14. The Committee discussed the increasing pressures regarding children with special educational needs and adults with learning disabilities, in part from new statutory requirements for the 18-25 age group. £1.000m of the increased pressures related to children transitioning into Adult Care. It was reported that when a young person transferred from children's to adults' services their funding moved with them and there was consequently a need to ensure the Children's services budget was not disadvantaged.
15. It was noted that a lot of work had been undertaken on the council's School Improvement Strategy, and that £0.500m was being invested to support this Strategy.



16. Details were sought on budgets for Safeguarding and Early Help services with the intention to record internal meetings electronically rather than recruit dedicated minute-taking staff to save £0.100m.
17. In response to queries it was stated details would be provided to members on the number of local authority schools which would be running deficit budgets for the next financial year.
18. It was confirmed that the £0.050m total reduction in area board youth funding would apply to all area boards, not only those which had not utilised their full previous allocation of youth funding.
19. It was also stated by the chair of Children's Select Committee that figures showing young people's engagement with area board-funded youth activities could not be directly compared with previous years as the methodology for calculating these had changed.

#### Health Select Committee

20. The increasing pressures on Adult Social Care was discussed, with the 6% increase in investment noted. Details were sought of the £1.510m of savings that would still be required, with a focus on preventative work to reduce demand and changes to working practices. It was noted that a significant amount of the growth in investment related to the effect of the National Living Wage on adult services contracts.
21. The £1.000m of savings identified from a review of the Learning Disabilities service for adults was highlighted and it was suggested that the Health Select Committee might monitor the review and any impact upon this group.
22. Further details were also sought on the review of services in Public Health and Public Protection, and the £0.175m of savings identified across that service identified.

#### General Enquiries and Observations

23. Other issues discussed included clarifying the number of staff posts that were likely to be removed under the Financial Plan, approximately 200. It was confirmed some had already been identified within service budgets while others remained to be identified, and it was hoped that removing vacant posts would minimise the need for redundancies.
24. Details were also sought on the number of apprenticeships at the council, approximately 30, and efforts to increase this, as well as assessment of the use of dedicated reserve funding and health and wellbeing centre funding allocations. It was confirmed that potential movements in the rate of inflation and the impact of central government's reform of National Non-Domestic Rates (NNDR) presented a level of financial risk, as set out in the General Fund Reserve Risk Assessment.
25. At the conclusion of the debate it was resolved that the budget scrutiny process had been robust, in-depth and had added value to the draft budget proposals.

## **Proposal**

26. That Cabinet and Council take into account the comments from the Overview and Scrutiny Management Committee in considering the update to the Financial Plan 2017/18.

**Councillor Simon Killane**  
**Chairman of the Overview and Scrutiny Management Committee**

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Report Author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504 or [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

6 February 2017

**Report of the Financial Planning Task Group – 27 January 2017:  
Financial Plan Update 2017/18**

<b>Issue</b>  (page and paragraphs numbers refer to the <a href="#">Budget report</a> )	<b>Further information / Comments</b>
<b>Budget Setting Process</b>	
<p><b>Budget setting process for 2017/18</b></p> <ul style="list-style-type: none"> <li>• Councillor briefing 24 Jan</li> <li>• Financial Planning Task Group 27 Jan</li> <li>• OS Management Committee 1 Feb</li> <li>• Trade Union meeting with Group Leaders 3 Feb</li> <li>• OM Management Committee 14 Feb (opposition budget)</li> </ul>	<p>A robust approach involving the political and corporate leadership.</p> <p>The outcome from three stages of scrutiny should mean that full Council is informed when it comes to the debate.</p>
<b>Revenue Budget 2016/17</b>	
<p>(Page 6)</p> <p>The 2016/17 revised revenue budget of £313.950 million is forecast to be balanced with no further need to draw on reserves (para 3.2)</p> <p>Budget monitoring of the capital, Housing Revenue Account (HRA) and schools budgets show they are also on target to be balanced at year end (para 3.3)</p>	<p>The Task Group will scrutinise the final outturn figures once available.</p>
<b>Specific budget areas 2017/18</b>	
<p>(Page 8)</p> <p><b>Action 2 – Stimulate economic growth</b></p>	<p>An overall decrease to the Economy &amp; Planning service budget of £0.207M (5%) is proposed in the report. This is in part due to £0.100m of income. However, the outcome of three Local Growth Fund (LGF) bids</p>

	<p>totalling £28M are being pursued and announcements on these schemes are due imminently.</p>
<p>(page 8)</p> <p><b>Action 3 – Area Boards and working with communities</b></p> <p>“It is proposed that a further £0.05 million is reduced from this budget, on the basis that sufficient funds remain to deliver the current range of activities.” (page 9)</p>	<p>It was clarified that the youth funds held by Area Boards will reduce by £50k, but the overall spend is considered deliverable due to the balance of locally maintained funds that have not been spent in the last 18 months.</p> <p>Further information was requested and later provided regarding how the “leverage” of youth grant funding (i.e. the amount of further investment in the community it secures) and how the number of young people accessing activities are calculated.</p>
<p>(page 10)</p> <p><b>Action 5 – Protecting the vulnerable</b></p> <p><b>Adults with learning disabilities</b> An overall decrease to the Learning Disability service budget of £0.851M (2%).</p>	<p>Financial (unit cost) and performance benchmarking against other local authorities across the South West has been undertaken and the potential for savings identified. The council is now working to improve its approach to procuring Learning Disabilities services, including reducing the number of different contractors providing separate elements. A pilot of the new approach with 20 complex learning disability cases is underway.</p>
<p>(page 10)</p> <p><b>Social Care Levy</b></p> <p>“...the Secretary of State for the Department for Communities and Local Government (DCLG) announced ... scope to bring forward planned three year increases totalling 6% to two years, that is 3% in 2017/18 and 2018/19 with no Levy in 2019/20. This is proposed in the recommendations to Council”</p>	<p>It was noted that care providers sometimes respond to increases in local government funding by seeking equivalent increases in their fees.</p>
<p>(page 11)</p>	<p>Provision of transport for children and young people with SEND is a</p>

<p><b>SEN Transport</b></p> <p>“Over the last two years the Council has seen a significant pressure on its budget from the increased cost of children with special educational needs and adults with learning disabilities. This is due to a mix of higher need, complexity of cases and changes to Government policy, especially around new statutory requirements for the 18-25 age group which also impact on transport demand.”</p>	<p>statutory requirement, but interpretation of the eligibility criteria is locally determined and may provide opportunities for savings.</p> <p>The council is also seeking efficiencies through greater alignment of children's and adults transport.</p>
<p>(page 13)</p> <p><b>Action 8 – Delegate Land and services</b></p> <p>“The Council has a strategy agreed with our local partners and continues to commit to and deliver on this policy.”</p>	<p>Savings achieved through delegating land and services are included under the Highways &amp; Transport service savings (page 47).</p>
<p>(page 13)</p> <p><b>Action 9 – Community Campus / Hub Centres</b></p> <p>“Work is currently underway to assess the feasibility to progress the delivery of community hubs in Royal Wotton Bassett, Tidworth, and Devizes.”</p>	<p>It was reported that the approach to Community Campuses is shifting towards restoring and making better use of existing buildings rather than new developments.</p> <p>In the 2017-21 council a review of the leisure strategy may be prudent to ensure it is realistic against the available financial envelope.</p>
<p>(page 13)</p> <p><b>Action 10 – Public Health</b></p> <p>“The Public Health Grant funding of £18.269 million will be directed to care through early intervention and prevention to reduce higher future health demands on the council and improve health outcomes for the Wiltshire population.”</p>	<p>Some other areas are further ahead with CCG-local authority joint working and the pooling of CCG, adult social care and public health budgets. Wiltshire needs to move in this direction to achieve the efficiencies required by the demographic and financial challenges.</p>
<p>(page 14)</p> <p><b>Action 12 – Developing our workforce</b></p> <p>“The budget includes a provision of £2.344 million to fund the nationally agreed pay increase in pay and the new Apprenticeship Levy. The Council is investing in</p>	<p>It was reported that the council’s use of apprenticeships needs to be increased from the current 30 to 106 to achieve 100% reimbursement of the Apprenticeships Levy and it is planned to increase the number across the organisation during 2017-18.</p>

<p>apprenticeships in response to the Levy. Over the last three years the Council has employed 49 apprentices, with one recently winning national recognition for her work.”</p>	
<p>(page 29)</p> <p><b>Rents Setting 2017/18</b></p> <p>“...rents [for social housing] will be reduced by 1% per annum for the next four years (from April 2016 to March 2020) ...This will have an impact on the future years’ level of reserves to carry out repairs and maintenance.” (para 8.12)</p> <p>“...This equates to an average actual rent reduction of £0.90 per week. This will now apply to all properties in 2017/18.” (para 8.13)</p> <p>“Service charges including those for sheltered accommodation (many of which are for utilities) are also proposed to increase by 2%, the same increase as garage rents.” (para 8.15)</p>	<p>The 1% decrease in social housing rents would exceed the impact of the 2% increase to service charges. 515 units would receive an average service charge increase of £0.27 a week.</p>
<p>(page 34)</p> <p><b>Staff savings</b></p> <p>“A target of £3.575 million of staff savings are still being finalised. These cover all areas of the organisation both in terms of grades and services.” (para 9.9)</p>	<p>It was reported that the savings represent 2% of staffing against an annual staff turnover of 10% and represents just over 120 posts (with an average salary of £30k).</p> <p>Significant controls on recruitment have been in place for 6 months and management will now consider what vacancies can be deleted without service impacts, which are currently staffed through agency etc.</p> <p>The impact of removed posts is assessed and some are later reinstated for service delivery reasons.</p>
<p>(page 34)</p> <p><b>Administration savings</b></p>	<p>This also includes removing duplication of tasks and finding efficiencies by using technology.</p>

<p>“Further appraisal of administration will target £0.800 million of savings from a review of administrative staffing operational structures including vacancies, staff turnover and recruitment.” (para 9.9)</p>	
<p>(page 38)</p> <p><b>Assessment of reserves</b></p> <p>“The Council’s General Fund estimated reserve at 31 March 2016 based on the forecast outturn, at Section 3 of this report from the current forecast outturn is circa £11.2 million. This means the General Fund Reserve is in line with the revised recommended level, and future use of these funds are seen as a matter of last recourse given the low levels compared to other councils.” (para 11.3)</p>	<p>Given the low levels compared to other councils, the task group would monitor any future use of reserves.</p>

**Cllr Glenis Ansell, Chairman of the Financial Planning Task Group**

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[henry.powell@wiltshire.gov.uk](mailto:henry.powell@wiltshire.gov.uk)

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Extract from Cabinet minutes dated 7 February 2017

## **17 Wiltshire Council's Financial Plan 2017/18**

The Leader presented the report which outlined the draft proposals to Council at its budget meeting on 21 February 2017 for the adoption of Wiltshire Council's Financial Plan 2017/18. In addition, the Leader presented amendments to these proposals, circulated at the meeting and available as a supplement.

It was noted that the amendments had been considered by the relevant officers and judged to be viable and deliverable, would do not impact adversely on the substantive proposals as they would not change the net budget requirement, the level of Council Tax or reserves proposed.

The Leader invited Councillor Dick Tonge to present the budget report and other Cabinet Members to highlight any proposals within their respective portfolios.

The Leader invited Councillor Simon Killane and Councillor Glenis Ansell to comment on the scrutiny process. The report of the Financial Planning Task Group chaired by Cllr Ansell held on 27 January and the report of the Overview and Scrutiny Management Committee chaired by Cllr Killane held on 1 February as published were referred to. The Leader thanked scrutiny for its input into the budget process. The Overview and Scrutiny Management Committee would at its meeting on 14 February consider any opposition amendments to the budget. The Leader suggested that this would be an opportunity for Scrutiny to consider the Administration's amendments presented and this was agreed by Cllr Killane.

The s151 Officer confirmed that there had not been final confirmation from the Government as to the financial settlement, and that any movement would be dealt with from reserves.

### **Resolved**

#### **To recommend that Council:**

- a. Endorses the update of the Financial Plan for 2017/18.**
- b. Approve the investment and savings proposals summarised at Sections 7 and 9 respectively of this report and at Appendix 1, to provide a net revenue budget for 2017/18 of £311.351 million.**
- c. To vote separately:**
  - i. Set the Council's total net expenditure budget for 2017/18 at £311.351 million.**
  - ii. Revise the Social Care Levy proposed to Council in October 2016 and propose a further 1% increase to 3%, with the Council Tax increase remaining in line with Council's October decision, at 1.99%**

- iii. Approve the Capital programme proposed at Appendix 1E of this report.
  - iv. Set the changes in fees and charges set out in detail at Section 8 of and at Appendix 1G of this report.
  - v. Set a 1% reduction for social dwelling rents.
  - vi. Set the Housing Revenue Account (HRA) Budget for 2017/18 as set out at Appendix 1F of this report.
  - vii. That all other service charges related to the HRA be increased by CPI plus 1%, including garage rents.
- d. That the following amendments be incorporated into the recommendation:
- i) Visit Wiltshire – to limit the reduction in the grant funding to £50,000.
  - ii) Wiltshire Parent Carers Council (WPCC), increase investment by £50,000.
  - iii) Extend the opening hours at Salisbury (Churchfields), Chippenham (Stanton St Quintin) and Trowbridge (Canal Road) Household Recycling Centres (HRCs) by one day per week from April to October by investing an additional £175,000.
  - iv) Additional £100,000 investment in the development of staff.

To be funded from:

- v) Marketing and communications to find £175,000.
  - vi) To fund £200,000 of Preventative Property Maintenance from Whole Life Capital funding.
- e. That the above mentioned amendments to the budget be referred to the Overview and Scrutiny Management Committee at its meeting on 14 February 2017 for consideration and comment.

*Reason for Decision:*

*To enable Council to:*

*Set its revenue, capital, housing revenue accounts, fees and charges, levels of reserves and resultant Council Tax and Social Care Levy for 2017/18, as well as to issue Council Tax and rent bills.*

*Provide the Council with a strong business and financial plan for sustainable delivery for 2017-18.*

**Wiltshire Council**

**Council**

**21 February 2017**

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## **Council Tax Setting 2017/2018**

### **Executive Summary**

This report sets out, in the complex format prescribed by law, the resolutions required from the Council to set the Council Tax for the year 2017/2018.

Using the tax base, approved by Cabinet on 13 December 2016 of 177,805.08 band D equivalent households, and the draft net budget requirement of £311.351 million (which in order to fund requires a council tax requirement of £237.304 million) gives a band D council tax, inclusive of the 3% Social Care levy, for 2017/2018 of £1,334.63.

Fire, Police and Town/Parish precepts are in addition to the Wiltshire Council basic Council Tax.

The main body of the report sets out the statutory calculations, and shows the Fire, Police and Town/Parish precepts for every parish in Wiltshire along with the total Council Tax figures.

### **Proposal**

That the Council approves the resolutions as set out within the report.

### **Reason for Proposal**

To meet the statutory requirement to set the Council Tax. The calculations are as defined by law, and the figures will change only if the budget proposal is amended.

**Carolyn Godfrey**  
**Corporate Director**

**Council Tax Setting 2017/2018**

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**Purpose of Report**

1. The purpose of this report is to enable the Council to calculate and approve the Council Tax requirement for 2017/2018.

**Background**

2. The Localism Act 2011 requires the billing authority to calculate the council tax requirement for the year.
3. Cabinet approved the 2017/2018 Wiltshire Council tax base of 177,805.08 on 13 December 2016.

**Wiltshire Council**

4. The 2016 Technical Consultation on the Local Government Finance Settlement 2017/2018 announced the continuation of the 2% adult social care precept that was introduced for 2016/2017, where local authorities responsible for adult social care (ASC authorities) will be given an additional 2% flexibility on their current council tax referendum threshold to be used entirely for adult social care. This flexibility is being offered in recognition of demographic changes which are leading to growing demand for adult social care, and increased pressure on council budgets.
5. The Provisional Local Government Finance Settlement 2017/2018 announcement, however, confirmed that these local authorities will be able to increase the adult social care precept to 3% in 2017/2018 and 2018/2019. However, the total increase may be no more than 6% in total over the next 3 years.
6. At the Cabinet meeting on 7 February 2017 it was recommended that Wiltshire Council increase its basic element of the band D Council Tax by 1.99% for 2017/2018. This results in an average band D Council Tax of £1,296.49 for 2017/2018 (£1,271.20 for 2016/2017).
7. It was also recommended at the same meeting that Wiltshire Council take up the additional 3.00% flexibility in respect of adult social care for 2017/2018. This results in an average band D Council Tax of £1,334.63 for 2016/2017 (£1,271.20 for 2016/2017).
8. The total recommended increase to the average band D Council Tax for 2017/2018 is 4.99% (3.99% for 2016/2017).

9. Since the Cabinet meeting on 7 February 2017, the precept levels of other precepting authorities have been received. These are detailed below:

### **Town & Parish Councils**

10. There is no cap for Parish and Town Councils in 2017/18. The Town & Parish Council Precepts for 2017/2018 are detailed in Appendix B and total £16,954,100.51. The increase in the average band D Council Tax for Town & Parish Councils is 9.35% and results in an average band D Council Tax figure of £95.35 for 2017/2018 (£87.20 for 2016/2017).

### **Office of the Police & Crime Commissioner for Wiltshire & Swindon**

11. The Office of the Police & Crime Commissioner for Wiltshire & Swindon met on 2 February 2017 and set their precept in respect of the Wiltshire area at £30,274,871 adjusted by a Council Tax Collection Fund contribution of £332,535. This results in a band D Council Tax of £170.27 for 2017/2018. This represents an increase of 1.90% compared to £167.10 for 2016/2017.

### **Dorset & Wiltshire Fire and Rescue Authority**

12. Dorset & Wiltshire Fire and Rescue Authority met on 9 February 2017 and set their precept in respect of the Wiltshire area at £12,551,260.60 adjusted by a Council Tax Collection Fund contribution of £137,730. This results in a band D Council Tax of £70.59 for 2017/2018. This represents an increase of 1.99% compared to £69.21 for 2016/2017.

### **Conclusions**

13. The recommendations are set out in the formal Council Tax Resolution in Appendix A.
14. The Wiltshire Council element of the Council Tax is recommended to be increased as follows:

	<b>2016/2017 %</b>	<b>2017/2018 %</b>
Wiltshire Council (Basic Amount)	1.99	1.99
Wiltshire Council (Adult Social Care)	2.00	3.00
<b>Total</b>	<b>3.99</b>	<b>4.99</b>

15. If the formal Council Tax Resolution in Appendix A is approved, the total band D Council Tax will be as follows:

	<b>2016/2017</b> <b>£</b>	<b>2017/2018</b> <b>£</b>	<b>Increase</b> <b>£</b>	<b>Increase</b>
Wiltshire Council	1,271.20	1,334.63	63.43	1.99% + 3.00%
Office of the Police & Crime Commissioner for Wiltshire & Swindon	167.10	170.27	3.17	1.90%
Dorset & Wiltshire Fire and Rescue Authority	69.21	70.59	1.38	1.99%
<b>Sub – Total</b>	<b>1,507.51</b>	<b>1,575.49</b>	<b>67.98</b>	<b>4.51%</b>
Town & Parish Council (average)	87.20	95.35	8.15	9.35%
<b>Total</b>	<b>1,594.71</b>	<b>1,670.84</b>	<b>76.13</b>	<b>4.77%</b>

16. The Social Care Levy will account for £62.58 of the Wiltshire Council Band D figure above.
17. These increases do not require a referendum.

### **Risks Assessment**

18. A full risk assessment of the budget proposals has been provided to Cabinet on 7 February 2017 in Wiltshire Council's Financial Plan 2017/2018.

### **Equality and Diversity Impacts of the Proposal**

19. None have been identified as directly arising from this report, although equality and diversity impacts have been considered by officers and portfolio holders when preparing budget proposals.

### **Financial Implications**

20. The financial implications are outlined in the report.

### **Legal Implications**

21. The legal implications are outlined in the report.

### **Public Health Implications**

22. None have been identified as arising directly from this report.

## **Environmental Implications**

23. None have been identified as arising directly from this report.

## **Safeguarding Implications**

24. None have been identified as arising directly from this report.

## **Options Considered**

25. The calculations are as defined by law, and the figures will change only if the budget proposal is amended.

## **Reasons for Proposals**

26. To meet the statutory requirement to set the Council Tax. The calculations are as defined by law, and the figures will change only if the budget proposal is amended

## **Proposal**

27. That the Council approves the resolutions as set out within the report.

**Michael Hudson**  
**Associate Director, Finance**

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Report Author: Stuart Donnelly, Head of Finance (Corporate)

*The following published documents set out the statutory requirements and powers relevant to the subject of this report:*

Local Government Finance Act 1992

Localism Act 2011

Local Government Finance Settlement 2017 to 2018: technical consultation

Local Government Finance Settlement 2017 to 2018: summary of responses to the technical consultation

*The following published documents have been referred to during the preparation of this report:*

Wiltshire Council's Financial Plan 2017/2018

Council Tax Base 2017/2018 Cabinet Report 13 December 2016

## **Appendices:**

Appendix A Wiltshire Council - Council Tax Resolution 2017/2018

Appendix B Wiltshire Council - Council Tax Banding Schedule by Authority 2017/2018

Appendix C Wiltshire Council - Town & Parish Precepts 2017/2018

**The Council is recommended to resolve as follows:**

1. It be noted that on 13 December 2016 the Council calculated:
  - (a) the Council Tax Base 2017/2018 for the whole Wiltshire Council area as 177,805.08 [Item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the "Act")] and,
  - (b) for dwellings in those parts of its area to which a Parish precept relates as in the attached Appendix.
2. Calculate that the Council Tax requirement for the Council's own purposes for 2017/2018 (excluding precepts) is £237,303,994.
3. That the following amounts be calculated for the year 2017/2018 in accordance with Sections 31 to 36 of the Act:
  - (a) £939,515,101 **(Gross Revenue Expenditure including transfers to reserves, parish precepts and any collection fund deficit)** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils).
  - (b) £685,257,007 **(Gross Revenue Income including transfers from reserves, General Government Grants and any collection fund surplus)** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
  - (c) £254,258,094 **(Net Revenue Expenditure including parish precepts)** being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31A(4) of the Act).
  - (d) £1,429.98 **(Wiltshire Council band D tax plus average Town & Parish Councils Band D Council Tax)** being the amount at 3(c) above (Item R), all divided by Item T (2 above), calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts), as shown below:

Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
<b>953.32</b>	<b>1,112.21</b>	<b>1,271.10</b>	<b>1,429.98</b>	<b>1,747.75</b>	<b>2,065.53</b>	<b>2,383.30</b>	<b>2,859.96</b>



- (e) £16,954,100.51 **(Aggregate of Town & Parish Council Precepts)** being the aggregate amount of all special items (Parish Precepts) referred to in Section 34(1) of the Act (as per the attached Appendix C).
- (f) £1,334.63 **(band D Council Tax for Wiltshire Council purposes only)** being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (2 above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates, as shown below:

Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
889.75	1,038.05	1,186.34	1,334.63	1,631.21	1,927.80	2,224.38	2,669.26

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## Wiltshire Council - Council Tax Banding Schedule by Authority 2017/2018

Council Tax Schedule 2017/2018	Band A (£)	Band B (£)	Band C (£)	Band D (£)	Band E (£)	Band F (£)	Band G (£)	Band H (£)
Wiltshire Council (inclusive of Adult Social Care Levy)	889.75	1,038.05	1,186.34	1,334.63	1,631.21	1,927.80	2,224.38	2,669.26
Office of the Police & Crime Commissioner for Wiltshire & Swindon	113.51	132.43	151.35	170.27	208.11	245.95	283.78	340.54
Dorset & Wiltshire Fire and Rescue Authority	47.06	54.90	62.75	70.59	86.28	101.96	117.65	141.18
Town & Parish Council (Average)	63.57	74.16	84.76	95.35	116.54	137.73	158.92	190.70
<b>Total</b>	<b>1,113.89</b>	<b>1,299.54</b>	<b>1,485.20</b>	<b>1,670.84</b>	<b>2,042.14</b>	<b>2,413.44</b>	<b>2,784.73</b>	<b>3,341.68</b>

Council Tax Charge by band per Parish/Town Council								
Aldbourn Parish Council	23.76	27.72	31.68	35.64	43.56	51.48	59.40	71.28
Alderbury Parish Council	33.31	38.87	44.42	49.97	61.07	72.18	83.28	99.94
All Cannings Parish Council	35.69	41.64	47.59	53.54	65.44	77.34	89.23	107.08
Allington Parish Council	31.83	37.13	42.44	47.74	58.35	68.96	79.57	95.48
Alton Parish Council	30.01	35.02	40.02	45.02	55.02	65.03	75.03	90.04
Alvediston Parish Meeting	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Amesbury Town Council	58.13	67.82	77.51	87.20	106.58	125.96	145.33	174.40
Ansty Parish Council	15.71	18.32	20.94	23.56	28.80	34.03	39.27	47.12
Ashton Keynes Parish Council	33.15	38.68	44.20	49.73	60.78	71.83	82.88	99.46
Atworth Parish Council	38.58	45.01	51.44	57.87	70.73	83.59	96.45	115.74
Avebury Parish Council	36.41	42.47	48.54	54.61	66.75	78.88	91.02	109.22
Barford St Martin Parish Council	30.17	35.20	40.23	45.26	55.32	65.38	75.43	90.52
Baydon Parish Council	39.79	46.43	53.06	59.69	72.95	86.22	99.48	119.38
Beechingstoke Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Berwick Bassett & W/Bourne Monkton Parish Council	29.59	34.53	39.46	44.39	54.25	64.12	73.98	88.78
Berwick St James Parish Council	10.81	12.61	14.41	16.21	19.81	23.41	27.02	32.42
Berwick St John Parish Council	35.73	41.68	47.64	53.59	65.50	77.41	89.32	107.18
Berwick St Leonard Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Biddestone Parish Council	20.89	24.37	27.85	31.33	38.29	45.25	52.22	62.66
Bishops Cannings Parish Council	27.61	32.22	36.82	41.42	50.62	59.83	69.03	82.84
Bishopstone Parish Council	17.67	20.61	23.56	26.50	32.39	38.28	44.17	53.00
Bishopstrow Parish Council	10.84	12.65	14.45	16.26	19.87	23.49	27.10	32.52
Bowerchalke Parish Council	20.63	24.06	27.50	30.94	37.82	44.69	51.57	61.88
Box Parish Council	57.33	66.88	76.44	85.99	105.10	124.21	143.32	171.98
Boyton Parish Council	8.45	9.86	11.27	12.68	15.50	18.32	21.13	25.36
Bradford On Avon Town Council	93.58	109.18	124.77	140.37	171.56	202.76	233.95	280.74
Bratton Parish Council	50.43	58.84	67.24	75.65	92.46	109.27	126.08	151.30
Braydon Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Bremhill Parish Council	11.55	13.47	15.40	17.32	21.17	25.02	28.87	34.64
Brinkworth Parish Council	25.42	29.66	33.89	38.13	46.60	55.08	63.55	76.26
Britford Parish Council	10.69	12.47	14.25	16.03	19.59	23.15	26.72	32.06
Broad Hinton & W/Bourne Bassett Parish Council	10.39	12.12	13.85	15.58	19.04	22.50	25.97	31.16
Broad Town Parish Council	19.04	22.21	25.39	28.56	34.91	41.25	47.60	57.12
Broadchalke Parish Council	14.43	16.83	19.24	21.64	26.45	31.26	36.07	43.28
Brokenborough Parish Council	8.89	10.37	11.85	13.33	16.29	19.25	22.22	26.66
Bromham Parish Council	34.79	40.59	46.39	52.19	63.79	75.39	86.98	104.38
Broughton Gifford Parish Council	20.10	23.45	26.80	30.15	36.85	43.55	50.25	60.30
Bulford Parish Council	27.19	31.73	36.26	40.79	49.85	58.92	67.98	81.58
Bulkington Parish Council	26.69	31.14	35.59	40.04	48.94	57.84	66.73	80.08
Burbage Parish Council	25.73	30.02	34.31	38.60	47.18	55.76	64.33	77.20
Burcombe Parish Council	31.82	37.12	42.43	47.73	58.34	68.94	79.55	95.46
Buttermere Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Calne Town Council	140.21	163.57	186.94	210.31	257.05	303.78	350.52	420.62
Calne Without Parish Council	4.66	5.44	6.21	6.99	8.54	10.10	11.65	13.98
Castle Combe Parish Council	19.27	22.48	25.69	28.90	35.32	41.74	48.17	57.80
Chapmanslade Parish Council	11.19	13.06	14.92	16.79	20.52	24.25	27.98	33.58
Charlton Parish Council	17.05	19.90	22.74	25.58	31.26	36.95	42.63	51.16

## Wiltshire Council - Council Tax Banding Schedule by Authority 2017/2018

Council Tax Schedule 2017/2018	Band A (£)	Band B (£)	Band C (£)	Band D (£)	Band E (£)	Band F (£)	Band G (£)	Band H (£)
Wiltshire Council (inclusive of Adult Social Care Levy)	889.75	1,038.05	1,186.34	1,334.63	1,631.21	1,927.80	2,224.38	2,669.26
Office of the Police & Crime Commissioner for Wiltshire & Swindon	113.51	132.43	151.35	170.27	208.11	245.95	283.78	340.54
Dorset & Wiltshire Fire and Rescue Authority	47.06	54.90	62.75	70.59	86.28	101.96	117.65	141.18
Town & Parish Council (Average)	63.57	74.16	84.76	95.35	116.54	137.73	158.92	190.70
<b>Total</b>	<b>1,113.89</b>	<b>1,299.54</b>	<b>1,485.20</b>	<b>1,670.84</b>	<b>2,042.14</b>	<b>2,413.44</b>	<b>2,784.73</b>	<b>3,341.68</b>

Council Tax Charge by band per Parish/Town Council	Band A (£)	Band B (£)	Band C (£)	Band D (£)	Band E (£)	Band F (£)	Band G (£)	Band H (£)
Charlton St Peter & Wilsford Parish Council	8.97	10.47	11.96	13.46	16.45	19.44	22.43	26.92
Cherhill Parish Council	14.31	16.69	19.08	21.46	26.23	31.00	35.77	42.92
Cheverell Magna (Great Cheverell) Parish Council	25.58	29.84	34.11	38.37	46.90	55.42	63.95	76.74
Chicklade Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Chilmark Parish Council	20.18	23.54	26.91	30.27	37.00	43.72	50.45	60.54
Chilton Foliat Parish Council	22.05	25.72	29.40	33.07	40.42	47.77	55.12	66.14
Chippenham Town Council	112.75	131.55	150.34	169.13	206.71	244.30	281.88	338.26
Chippenham Without Parish Council	50.01	58.34	66.68	75.01	91.68	108.35	125.02	150.02
Chirton Parish Council	37.66	43.94	50.21	56.49	69.04	81.60	94.15	112.98
Chitterne Parish Council	40.15	46.85	53.54	60.23	73.61	87.00	100.38	120.46
Cholderton Parish Council	31.45	36.69	41.93	47.17	57.65	68.13	78.62	94.34
Christian Malford Parish Council	19.21	22.42	25.62	28.82	35.22	41.63	48.03	57.64
Chute Forest Parish Council	36.01	42.01	48.01	54.01	66.01	78.01	90.02	108.02
Chute Parish Council	31.74	37.03	42.32	47.61	58.19	68.77	79.35	95.22
Clarendon Park Parish Council	2.15	2.50	2.86	3.22	3.94	4.65	5.37	6.44
Clyffe Pypard Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Codford Parish Council	28.17	32.86	37.56	42.25	51.64	61.03	70.42	84.50
Colerne Parish Council	37.91	44.23	50.55	56.87	69.51	82.15	94.78	113.74
Collingbourne Ducis Parish Council	36.45	42.53	48.60	54.68	66.83	78.98	91.13	109.36
Collingbourne Kingston Parish Council	31.11	36.30	41.48	46.67	57.04	67.41	77.78	93.34
Compton Bassett Parish Council	27.34	31.90	36.45	41.01	50.12	59.24	68.35	82.02
Compton Chamberlayne Parish Council	27.51	32.09	36.68	41.26	50.43	59.60	68.77	82.52
Coombe Bissett Parish Council	20.48	23.89	27.31	30.72	37.55	44.37	51.20	61.44
Corsham Town Council	99.64	116.25	132.85	149.46	182.67	215.89	249.10	298.92
Corsley Parish Council	16.35	19.07	21.80	24.52	29.97	35.42	40.87	49.04
Coulston Parish Council	23.95	27.94	31.93	35.92	43.90	51.88	59.87	71.84
Cricklade Town Council	119.15	139.01	158.87	178.73	218.45	258.17	297.88	357.46
Crudwell Parish Council	19.86	23.17	26.48	29.79	36.41	43.03	49.65	59.58
Dauntsey Parish Council	41.75	48.71	55.67	62.63	76.55	90.47	104.38	125.26
Devizes Town Council	98.69	115.14	131.59	148.04	180.94	213.84	246.73	296.08
Dilton Marsh Parish Council	27.10	31.62	36.13	40.65	49.68	58.72	67.75	81.30
Dinton Parish Council	23.41	27.31	31.21	35.11	42.91	50.71	58.52	70.22
Donhead St Andrew Parish Council	21.33	24.89	28.44	32.00	39.11	46.22	53.33	64.00
Donhead St Mary Parish Council	21.65	25.25	28.86	32.47	39.69	46.90	54.12	64.94
Downton Parish Council	45.72	53.34	60.96	68.58	83.82	99.06	114.30	137.16
Durnford Parish Council	9.61	11.22	12.82	14.42	17.62	20.83	24.03	28.84
Durrington Town Council	35.09	40.93	46.78	52.63	64.33	76.02	87.72	105.26
East Kennett Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
East Knoyle Parish Council	18.31	21.37	24.42	27.47	33.57	39.68	45.78	54.94
Easterton Parish Council	42.74	49.86	56.99	64.11	78.36	92.60	106.85	128.22
Easton Grey Parish Council	3.00	3.50	4.00	4.50	5.50	6.50	7.50	9.00
Easton Royal Parish Council	29.73	34.68	39.64	44.59	54.50	64.41	74.32	89.18
Ebbesbourne Wake Parish Council	22.23	25.94	29.64	33.35	40.76	48.17	55.58	66.70
Edington Parish Council	17.22	20.09	22.96	25.83	31.57	37.31	43.05	51.66
Enford Parish Council	36.31	42.37	48.42	54.47	66.57	78.68	90.78	108.94
Erlestoke Parish Council	50.01	58.34	66.68	75.01	91.68	108.35	125.02	150.02
Etchilhampton Parish Council	26.65	31.09	35.53	39.97	48.85	57.73	66.62	79.94

## Wiltshire Council - Council Tax Banding Schedule by Authority 2017/2018

Council Tax Schedule 2017/2018	Band A (£)	Band B (£)	Band C (£)	Band D (£)	Band E (£)	Band F (£)	Band G (£)	Band H (£)
Wiltshire Council (inclusive of Adult Social Care Levy)	889.75	1,038.05	1,186.34	1,334.63	1,631.21	1,927.80	2,224.38	2,669.26
Office of the Police & Crime Commissioner for Wiltshire & Swindon	113.51	132.43	151.35	170.27	208.11	245.95	283.78	340.54
Dorset & Wiltshire Fire and Rescue Authority	47.06	54.90	62.75	70.59	86.28	101.96	117.65	141.18
Town & Parish Council (Average)	63.57	74.16	84.76	95.35	116.54	137.73	158.92	190.70
<b>Total</b>	<b>1,113.89</b>	<b>1,299.54</b>	<b>1,485.20</b>	<b>1,670.84</b>	<b>2,042.14</b>	<b>2,413.44</b>	<b>2,784.73</b>	<b>3,341.68</b>

Council Tax Charge by band per Parish/Town Council								
Everleigh Parish Council	25.27	29.48	33.69	37.90	46.32	54.74	63.17	75.80
Figheldean Parish Council	52.28	60.99	69.71	78.42	95.85	113.27	130.70	156.84
Firsdown Parish Council	31.31	36.53	41.75	46.97	57.41	67.85	78.28	93.94
Fittleton Parish Council	32.81	38.28	43.75	49.22	60.16	71.10	82.03	98.44
Fonthill Bishop Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fonthill Gifford Parish Council	24.63	28.74	32.84	36.95	45.16	53.37	61.58	73.90
Fovant Parish Council	20.15	23.50	26.86	30.22	36.94	43.65	50.37	60.44
Froxfield Parish Council	27.50	32.08	36.67	41.25	50.42	59.58	68.75	82.50
Fyfield & West Overton Parish Council	16.81	19.62	22.42	25.22	30.82	36.43	42.03	50.44
Grafton Parish Council	15.97	18.64	21.30	23.96	29.28	34.61	39.93	47.92
Great Bedwyn Parish Council	21.44	25.01	28.59	32.16	39.31	46.45	53.60	64.32
Great Hinton Parish Council	22.51	26.27	30.02	33.77	41.27	48.78	56.28	67.54
Great Somerford Parish Council	13.97	16.30	18.63	20.96	25.62	30.28	34.93	41.92
Great Wishford Parish Council	22.21	25.92	29.62	33.32	40.72	48.13	55.53	66.64
Grimstead Parish Council	27.57	32.17	36.76	41.36	50.55	59.74	68.93	82.72
Grittleton Parish Council	9.33	10.89	12.44	14.00	17.11	20.22	23.33	28.00
Ham Parish Council	9.13	10.66	12.18	13.70	16.74	19.79	22.83	27.40
Hankerton Parish Council	16.26	18.97	21.68	24.39	29.81	35.23	40.65	48.78
Heddington Parish Council	14.17	16.53	18.89	21.25	25.97	30.69	35.42	42.50
Heytesbury & Knook Parish Council	17.38	20.28	23.17	26.07	31.86	37.66	43.45	52.14
Heywood Parish Council	9.23	10.77	12.31	13.85	16.93	20.01	23.08	27.70
Hilmarton Parish Council	17.15	20.01	22.87	25.73	31.45	37.17	42.88	51.46
Hilperton Parish Council	9.52	11.11	12.69	14.28	17.45	20.63	23.80	28.56
Hindon Parish Council	26.00	30.33	34.67	39.00	47.67	56.33	65.00	78.00
Holt Parish Council	19.49	22.73	25.98	29.23	35.73	42.22	48.72	58.46
Horningsham Parish Council	51.80	60.43	69.07	77.70	94.97	112.23	129.50	155.40
Hullavington Parish Council	26.03	30.36	34.70	39.04	47.72	56.39	65.07	78.08
Idmiston Parish Council	19.34	22.56	25.79	29.01	35.46	41.90	48.35	58.02
Keevil Parish Council	19.17	22.37	25.56	28.76	35.15	41.54	47.93	57.52
Kilmington Parish Council	30.51	35.60	40.68	45.77	55.94	66.11	76.28	91.54
Kington Langley Parish Council	35.56	41.49	47.41	53.34	65.19	77.05	88.90	106.68
Kington St Michael Parish Council	37.54	43.80	50.05	56.31	68.82	81.34	93.85	112.62
Lacock Parish Council	23.29	27.17	31.05	34.93	42.69	50.45	58.22	69.86
Landford Parish Council	16.53	19.29	22.04	24.80	30.31	35.82	41.33	49.60
Langley Burrell Parish Council	41.90	48.88	55.87	62.85	76.82	90.78	104.75	125.70
Latton Parish Council	19.80	23.10	26.40	29.70	36.30	42.90	49.50	59.40
Laverstock & Ford Parish Council	14.19	16.56	18.92	21.29	26.02	30.75	35.48	42.58
Lea & Cleverton Parish Council	16.03	18.70	21.37	24.04	29.38	34.72	40.07	48.08
Leigh Parish Council	19.49	22.73	25.98	29.23	35.73	42.22	48.72	58.46
Limpley Stoke Parish Council	41.63	48.56	55.50	62.44	76.32	90.19	104.07	124.88
Little Bedwyn Parish Council	15.55	18.14	20.73	23.32	28.50	33.68	38.87	46.64
Little Cheverell Parish Council	21.09	24.61	28.12	31.64	38.67	45.70	52.73	63.28
Little Somerford Parish Council	28.67	33.45	38.23	43.01	52.57	62.13	71.68	86.02
Longbridge Deverill Parish Council	12.44	14.51	16.59	18.66	22.81	26.95	31.10	37.32
Luckington Parish Council	19.79	23.09	26.39	29.69	36.29	42.89	49.48	59.38
Ludgershall Town Council	66.33	77.38	88.44	99.49	121.60	143.71	165.82	198.98
Lydiard Millicent Parish Council	40.18	46.88	53.57	60.27	73.66	87.06	100.45	120.54

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Wiltshire Council (inclusive of Adult Social Care Levy)	889.75	1,038.05	1,186.34	1,334.63	1,631.21	1,927.80	2,224.38	2,669.26
Office of the Police & Crime Commissioner for Wiltshire & Swindon	113.51	132.43	151.35	170.27	208.11	245.95	283.78	340.54
Dorset & Wiltshire Fire and Rescue Authority	47.06	54.90	62.75	70.59	86.28	101.96	117.65	141.18
Town & Parish Council (Average)	63.57	74.16	84.76	95.35	116.54	137.73	158.92	190.70
<b>Total</b>	<b>1,113.89</b>	<b>1,299.54</b>	<b>1,485.20</b>	<b>1,670.84</b>	<b>2,042.14</b>	<b>2,413.44</b>	<b>2,784.73</b>	<b>3,341.68</b>

Council Tax Charge by band per Parish/Town Council								
Lydiard Tregoze Parish Council	23.33	27.22	31.11	35.00	42.78	50.56	58.33	70.00
Lyneham & Bradenstoke Parish Council	19.73	23.02	26.31	29.60	36.18	42.76	49.33	59.20
Maiden Bradley Parish Council	71.03	82.87	94.71	106.55	130.23	153.91	177.58	213.10
Malmesbury Town Council	129.73	151.35	172.97	194.59	237.83	281.07	324.32	389.18
Manningford Parish Council	21.96	25.62	29.28	32.94	40.26	47.58	54.90	65.88
Marden Parish Council	10.85	12.66	14.47	16.28	19.90	23.52	27.13	32.56
Market Lavington Parish Council	43.19	50.39	57.59	64.79	79.19	93.59	107.98	129.58
Marlborough Town Council	121.78	142.08	162.37	182.67	223.26	263.86	304.45	365.34
Marston Meysey Parish Council	18.69	21.81	24.92	28.04	34.27	40.50	46.73	56.08
Marston Parish Council	17.21	20.07	22.94	25.81	31.55	37.28	43.02	51.62
Melksham Town Council	76.99	89.83	102.66	115.49	141.15	166.82	192.48	230.98
Melksham Without Parish Council	46.79	54.59	62.39	70.19	85.79	101.39	116.98	140.38
Mere Parish Council	71.49	83.40	95.32	107.23	131.06	154.89	178.72	214.46
Mildenhall Parish Council	47.18	55.04	62.91	70.77	86.50	102.22	117.95	141.54
Milston Parish Council	10.85	12.66	14.47	16.28	19.90	23.52	27.13	32.56
Milton Lilbourne Parish Council	25.01	29.17	33.34	37.51	45.85	54.18	62.52	75.02
Minety Parish Council	13.01	15.18	17.35	19.52	23.86	28.20	32.53	39.04
Monkton Farleigh Parish Council	20.44	23.85	27.25	30.66	37.47	44.29	51.10	61.32
Netheravon Parish Council	46.85	54.66	62.47	70.28	85.90	101.52	117.13	140.56
Netherhampton Parish Council	11.33	13.22	15.11	17.00	20.78	24.56	28.33	34.00
Nettleton Parish Council	11.66	13.60	15.55	17.49	21.38	25.26	29.15	34.98
Newton Toney Parish Council	45.45	53.03	60.60	68.18	83.33	98.48	113.63	136.36
North Bradley Parish Council	10.57	12.33	14.09	15.85	19.37	22.89	26.42	31.70
North Newton Parish Council	51.05	59.55	68.06	76.57	93.59	110.60	127.62	153.14
North Wrexall Parish Council	19.57	22.84	26.10	29.36	35.88	42.41	48.93	58.72
Norton & Foxley Parish Meeting	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Norton Bavant Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Oaksey Parish Council	41.95	48.95	55.94	62.93	76.91	90.90	104.88	125.86
Odstock Parish Council	32.33	37.72	43.11	48.50	59.28	70.06	80.83	97.00
Ogbourne St Andrew Parish Council	13.33	15.56	17.78	20.00	24.44	28.89	33.33	40.00
Ogbourne St George Parish Council	26.95	31.44	35.93	40.42	49.40	58.38	67.37	80.84
Orcheston Parish Council	12.37	14.44	16.50	18.56	22.68	26.81	30.93	37.12
Patney Parish Council	63.02	73.52	84.03	94.53	115.54	136.54	157.55	189.06
Pewsey Parish Council	42.01	49.02	56.02	63.02	77.02	91.03	105.03	126.04
Pitton & Farley Parish Council	32.55	37.97	43.40	48.82	59.67	70.52	81.37	97.64
Potterne Parish Council	21.85	25.50	29.14	32.78	40.06	47.35	54.63	65.56
Poulshot Parish Council	48.95	57.10	65.26	73.42	89.74	106.05	122.37	146.84
Preshute Parish Council	31.50	36.75	42.00	47.25	57.75	68.25	78.75	94.50
Purton Parish Council	72.98	85.14	97.31	109.47	133.80	158.12	182.45	218.94
Quidhampton Parish Council	38.13	44.48	50.84	57.19	69.90	82.61	95.32	114.38
Ramsbury Parish Council	35.47	41.39	47.30	53.21	65.03	76.86	88.68	106.42
Redlynch Parish Council	25.62	29.89	34.16	38.43	46.97	55.51	64.05	76.86
Roundway Parish Council (part of Devizes Town Council from 2017/2018)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Rowde Parish Council	46.36	54.09	61.81	69.54	84.99	100.45	115.90	139.08
Royal Wootton Bassett Town Council	129.87	151.52	173.16	194.81	238.10	281.39	324.68	389.62

## Wiltshire Council - Council Tax Banding Schedule by Authority 2017/2018

Council Tax Schedule 2017/2018	Band A (£)	Band B (£)	Band C (£)	Band D (£)	Band E (£)	Band F (£)	Band G (£)	Band H (£)
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Dorset & Wiltshire Fire and Rescue Authority	47.06	54.90	62.75	70.59	86.28	101.96	117.65	141.18
Town & Parish Council (Average)	63.57	74.16	84.76	95.35	116.54	137.73	158.92	190.70
<b>Total</b>	<b>1,113.89</b>	<b>1,299.54</b>	<b>1,485.20</b>	<b>1,670.84</b>	<b>2,042.14</b>	<b>2,413.44</b>	<b>2,784.73</b>	<b>3,341.68</b>

Council Tax Charge by band per Parish/Town Council	Band A (£)	Band B (£)	Band C (£)	Band D (£)	Band E (£)	Band F (£)	Band G (£)	Band H (£)
Rushall Parish Council	46.58	54.34	62.11	69.87	85.40	100.92	116.45	139.74
Salisbury City Council	82.00	95.67	109.33	123.00	150.33	177.67	205.00	246.00
Savernake Parish Council	4.81	5.61	6.41	7.21	8.81	10.41	12.02	14.42
Seagry Parish Council	48.29	56.34	64.39	72.44	88.54	104.64	120.73	144.88
Sedgehill & Semley Parish Council	21.30	24.85	28.40	31.95	39.05	46.15	53.25	63.90
Seend Parish Council	17.18	20.04	22.91	25.77	31.50	37.22	42.95	51.54
Semington Parish Council	21.29	24.83	28.38	31.93	39.03	46.12	53.22	63.86
Shalbourne Parish Council	9.23	10.76	12.30	13.84	16.92	19.99	23.07	27.68
Sherrington Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sherston Parish Council	25.29	29.50	33.72	37.93	46.36	54.79	63.22	75.86
Shrewton Parish Council	27.28	31.83	36.37	40.92	50.01	59.11	68.20	81.84
Sopworth Parish Council	5.04	5.88	6.72	7.56	9.24	10.92	12.60	15.12
South Newton Parish Council	14.13	16.49	18.84	21.20	25.91	30.62	35.33	42.40
South Wraxall Parish Council	10.16	11.85	13.55	15.24	18.63	22.01	25.40	30.48
Southwick Parish Council	17.19	20.06	22.92	25.79	31.52	37.25	42.98	51.58
St Paul Without	8.57	10.00	11.43	12.86	15.72	18.58	21.43	25.72
Stanton St Bernard Parish Council	28.15	32.85	37.54	42.23	51.61	61.00	70.38	84.46
Stanton St Quintin Parish Council	14.01	16.35	18.68	21.02	25.69	30.36	35.03	42.04
Stapleford Parish Council	15.59	18.19	20.79	23.39	28.59	33.79	38.98	46.78
Staverton Parish Council	21.96	25.62	29.28	32.94	40.26	47.58	54.90	65.88
Steeple Ashton Parish Council	33.19	38.73	44.26	49.79	60.85	71.92	82.98	99.58
Steeple Langford Parish Council	12.43	14.51	16.58	18.65	22.79	26.94	31.08	37.30
Stert Parish Council	6.54	7.63	8.72	9.81	11.99	14.17	16.35	19.62
Stockton Parish Council	4.02	4.69	5.36	6.03	7.37	8.71	10.05	12.06
Stourton Parish Council	13.27	15.49	17.70	19.91	24.33	28.76	33.18	39.82
Stratford Tony Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Sutton Benger Parish Council	13.80	16.10	18.40	20.70	25.30	29.90	34.50	41.40
Sutton Mandeville Parish Council	7.45	8.70	9.94	11.18	13.66	16.15	18.63	22.36
Sutton Veny Parish Council	26.44	30.85	35.25	39.66	48.47	57.29	66.10	79.32
Swallowcliffe Parish Council	21.85	25.50	29.14	32.78	40.06	47.35	54.63	65.56
Teffont Parish Council	34.12	39.81	45.49	51.18	62.55	73.93	85.30	102.36
Tidcombe & Fosbury Parish Council	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Tidworth Town Council	83.30	97.18	111.07	124.95	152.72	180.48	208.25	249.90
Tilshead Parish Council	31.12	36.31	41.49	46.68	57.05	67.43	77.80	93.36
Tisbury Parish Council	53.23	62.11	70.98	79.85	97.59	115.34	133.08	159.70
Tockenham Parish Council	34.41	40.15	45.88	51.62	63.09	74.56	86.03	103.24
Tollard Royal Parish Council	49.29	57.50	65.72	73.93	90.36	106.79	123.22	147.86
Trowbridge Town Council	96.43	112.50	128.57	144.64	176.78	208.92	241.07	289.28
Upavon Parish Council	26.59	31.02	35.45	39.88	48.74	57.60	66.47	79.76
Upper Deverills Parish Council	28.49	33.23	37.98	42.73	52.23	61.72	71.22	85.46
Upton Lovell Parish Council	22.50	26.25	30.00	33.75	41.25	48.75	56.25	67.50
Upton Scudamore Parish Council	15.94	18.60	21.25	23.91	29.22	34.54	39.85	47.82
Urchfont Parish Council	58.66	68.44	78.21	87.99	107.54	127.10	146.65	175.98
Warminster Town Council	62.53	72.96	83.38	93.80	114.64	135.49	156.33	187.60
West Ashton Parish Council	18.61	21.71	24.81	27.91	34.11	40.31	46.52	55.82
West Dean Parish Council	60.26	70.30	80.35	90.39	110.48	130.56	150.65	180.78
West Knoyle Parish Council	41.35	48.25	55.14	62.03	75.81	89.60	103.38	124.06

## Wiltshire Council - Council Tax Banding Schedule by Authority 2017/2018

<b>Council Tax Schedule 2017/2018</b>	<b>Band A (£)</b>	<b>Band B (£)</b>	<b>Band C (£)</b>	<b>Band D (£)</b>	<b>Band E (£)</b>	<b>Band F (£)</b>	<b>Band G (£)</b>	<b>Band H (£)</b>
Wiltshire Council (inclusive of Adult Social Care Levy)	889.75	1,038.05	1,186.34	1,334.63	1,631.21	1,927.80	2,224.38	2,669.26
Office of the Police & Crime Commissioner for Wiltshire & Swindon	113.51	132.43	151.35	170.27	208.11	245.95	283.78	340.54
Dorset & Wiltshire Fire and Rescue Authority	47.06	54.90	62.75	70.59	86.28	101.96	117.65	141.18
Town & Parish Council (Average)	63.57	74.16	84.76	95.35	116.54	137.73	158.92	190.70
<b>Total</b>	<b>1,113.89</b>	<b>1,299.54</b>	<b>1,485.20</b>	<b>1,670.84</b>	<b>2,042.14</b>	<b>2,413.44</b>	<b>2,784.73</b>	<b>3,341.68</b>

<b>Council Tax Charge by band per Parish/Town Council</b>	<b>Band A (£)</b>	<b>Band B (£)</b>	<b>Band C (£)</b>	<b>Band D (£)</b>	<b>Band E (£)</b>	<b>Band F (£)</b>	<b>Band G (£)</b>	<b>Band H (£)</b>
West Lavington Parish Council	42.81	49.94	57.08	64.21	78.48	92.75	107.02	128.42
West Tisbury Parish Council	23.57	27.49	31.42	35.35	43.21	51.06	58.92	70.70
Westbury Town Council	75.72	88.34	100.96	113.58	138.82	164.06	189.30	227.16
Westwood Parish Council	32.95	38.45	43.94	49.43	60.41	71.40	82.38	98.86
Whiteparish Parish Council	27.17	31.70	36.23	40.76	49.82	58.88	67.93	81.52
Wilcot & Huish Parish Council	16.61	19.38	22.15	24.92	30.46	36.00	41.53	49.84
Wilsford-cum-Lake Parish Council	5.21	6.07	6.94	7.81	9.55	11.28	13.02	15.62
Wilton Town Council	82.32	96.04	109.76	123.48	150.92	178.36	205.80	246.96
Wingfield Parish Council	52.14	60.83	69.52	78.21	95.59	112.97	130.35	156.42
Winsley Parish Council	18.11	21.13	24.15	27.17	33.21	39.25	45.28	54.34
Winterbourne Parish Council	26.86	31.34	35.81	40.29	49.24	58.20	67.15	80.58
Winterbourne Stoke Parish Council	56.59	66.03	75.46	84.89	103.75	122.62	141.48	169.78
Winterslow Parish Council	31.57	36.83	42.09	47.35	57.87	68.39	78.92	94.70
Woodborough Parish Council	28.59	33.35	38.12	42.88	52.41	61.94	71.47	85.76
Woodford Parish Council	15.97	18.64	21.30	23.96	29.28	34.61	39.93	47.92
Wootton Rivers Parish Council	13.25	15.46	17.67	19.88	24.30	28.72	33.13	39.76
Worton Parish Council	28.43	33.17	37.91	42.65	52.13	61.61	71.08	85.30
Wylve Parish Council	15.65	18.25	20.86	23.47	28.69	33.90	39.12	46.94
Yatton Keynell Parish Council	24.07	28.08	32.09	36.10	44.12	52.14	60.17	72.20
Zeals Parish Council	12.30	14.35	16.40	18.45	22.55	26.65	30.75	36.90



## Wiltshire Council - Town &amp; Parish Precepts 2017/2018

Parish/Town Council	2016/2017			2017/2018			C Tax
	Tax Base	Precept (£)	Council Tax Band D (£)	Tax Base	Precept (£)	Council Tax Band D (£)	Increase/ (Decrease)
Aldbourn Parish Council	792.60	27,831.38	35.11	785.54	28,000.00	35.64	1.51%
Alderbury Parish Council	942.95	44,876.60	47.59	939.46	46,944.00	49.97	5.00%
All Cannings Parish Council	264.49	13,033.25	49.28	267.28	14,310.00	53.54	8.64%
Allington Parish Council	196.43	8,527.86	43.41	197.88	9,446.00	47.74	9.97%
Alton Parish Council	113.81	4,980.46	43.76	111.05	5,000.00	45.02	2.88%
Alvediston Parish Meeting	50.70	0.00	0.00	48.69	0.00	0.00	0.00%
Amesbury Town Council	3,762.23	270,000.00	71.77	3,841.80	335,000.00	87.20	21.50%
Ansty Parish Council	75.54	1,700.00	22.50	76.41	1,800.00	23.56	4.71%
Ashton Keynes Parish Council	673.44	33,534.45	49.80	676.71	33,650.00	49.73	(0.14%)
Atworth Parish Council	490.22	24,020.00	49.00	487.65	28,221.00	57.87	18.10%
Avebury Parish Council	224.94	10,912.89	48.51	221.58	12,100.00	54.61	12.57%
Barford St Martin Parish Council	197.87	8,928.52	45.12	198.84	9,000.00	45.26	0.31%
Baydon Parish Council	291.89	13,390.00	45.87	295.67	17,650.00	59.69	30.13%
Beechingstoke Parish Council	65.06	0.00	0.00	63.64	0.00	0.00	0.00%
Berwick Bassett & W/Bourne Monkton Parish Council	90.57	3,366.00	37.16	91.29	4,052.00	44.39	19.46%
Berwick St James Parish Council	79.60	1,239.20	15.57	77.10	1,250.00	16.21	4.11%
Berwick St John Parish Council	131.86	7,000.00	53.09	130.61	7,000.00	53.59	0.94%
Berwick St Leonard Parish Council	15.52	0.00	0.00	15.52	0.00	0.00	0.00%
Biddestone Parish Council	254.50	8,000.00	31.43	257.91	8,080.00	31.33	(0.32%)
Bishops Cannings Parish Council	805.51	32,700.00	40.60	1,092.59	45,250.00	41.42	2.02%
Bishopstone Parish Council	273.58	6,304.30	23.04	272.34	7,217.00	26.50	15.02%
Bishopstrow Parish Council	64.66	1,200.00	18.56	73.78	1,200.00	16.26	(12.39%)
Bowerchalke Parish Council	175.60	5,433.06	30.94	178.26	5,515.36	30.94	0.00%
Box Parish Council	1,503.49	138,780.00	92.31	1,627.57	139,960.00	85.99	(6.85%)
Boyton Parish Council	88.60	929.00	10.49	84.77	1,075.00	12.68	20.88%
Bradford On Avon Town Council	3,855.80	458,422.07	118.89	3,894.70	546,708.00	140.37	18.07%
Bratton Parish Council	504.77	30,000.00	59.43	492.67	37,270.00	75.65	27.29%
Braydon Parish Council	30.46	0.00	0.00	33.27	0.00	0.00	0.00%
Bremhill Parish Council	469.28	4,980.58	10.61	461.85	8,000.00	17.32	63.24%
Brinkworth Parish Council	608.77	16,972.51	27.88	608.99	23,218.50	38.13	36.76%
Britford Parish Council	192.03	3,100.00	16.14	165.31	2,650.00	16.03	(0.68%)
Broad Hinton & W/Bourne Bassett Parish Council	387.27	5,963.96	15.40	387.08	6,030.71	15.58	1.17%
Broad Town Parish Council	266.04	3,800.00	14.28	267.81	7,649.00	28.56	100.00%
Broadchalke Parish Council	317.78	6,673.18	21.00	314.29	6,800.00	21.64	3.05%
Brokenborough Parish Council	101.12	1,348.00	13.33	99.89	1,332.00	13.33	0.00%
Bromham Parish Council	758.99	38,750.17	51.05	747.34	39,000.00	52.19	2.23%
Broughton Gifford Parish Council	338.98	9,360.35	27.61	343.25	10,350.00	30.15	9.20%
Bulford Parish Council	1,190.29	46,209.89	38.82	1,194.20	48,714.57	40.79	5.07%
Bulkington Parish Council	120.96	4,650.00	38.44	118.62	4,750.00	40.04	4.16%
Burbage Parish Council	774.35	30,472.71	39.35	812.89	31,375.00	38.60	(1.91%)
Burcombe Parish Council	62.83	3,000.00	47.75	62.86	3,000.00	47.73	(0.04%)
Buttermere Parish Council	31.37	0.00	0.00	30.62	0.00	0.00	0.00%
Calne Town Council	5,509.96	1,158,800.00	210.31	5,525.19	1,162,003.00	210.31	0.00%
Calne Without Parish Council	1,181.20	7,976.94	6.75	1,144.61	8,000.00	6.99	3.56%
Castle Combe Parish Council	170.38	4,728.82	27.75	172.99	5,000.00	28.90	4.14%
Chapmanslade Parish Council	312.06	4,980.29	15.96	309.68	5,200.00	16.79	5.20%
Charlton Parish Council	240.16	5,583.77	23.25	238.45	6,100.00	25.58	10.02%
Charlton St Peter & Wilsford Parish Council	84.22	1,100.00	13.06	81.73	1,100.00	13.46	3.06%
Cherhill Parish Council	349.32	6,960.35	19.93	349.49	7,500.00	21.46	7.68%
Cheverell Magna (Great Cheverell) Parish Council	249.55	8,973.82	35.96	244.28	9,374.00	38.37	6.70%

## Wiltshire Council - Town &amp; Parish Precepts 2017/2018

Parish/Town Council	2016/2017			2017/2018			C Tax Increase/ (Decrease)
	Tax Base	Precept (£)	Council Tax Band D (£)	Tax Base	Precept (£)	Council Tax Band D (£)	
Chicklade Parish Council	38.61	0.00	0.00	38.63	0.00	0.00	0.00%
Chilmark Parish Council	240.21	7,199.09	29.97	241.17	7,300.00	30.27	1.00%

## Wiltshire Council - Town &amp; Parish Precepts 2017/2018

Parish/Town Council	2016/2017			2017/2018			C Tax Increase/ (Decrease)
	Tax Base	Precept (£)	Council Tax Band D (£)	Tax Base	Precept (£)	Council Tax Band D (£)	
Chilton Foliat Parish Council	192.39	6,600.00	34.31	193.23	6,390.00	33.07	(3.61%)
Chippenham Town Council	11,783.15	1,845,241.29	156.60	11,835.70	2,001,771.00	169.13	8.00%
Chippenham Without Parish Council	84.09	6,000.00	71.35	93.32	7,000.00	75.01	5.13%
Chirton Parish Council	179.12	7,736.19	43.19	176.91	9,993.50	56.49	30.79%
Chitterne Parish Council	132.75	7,049.13	53.10	134.42	8,095.70	60.23	13.43%
Cholderton Parish Council	89.15	3,985.00	44.70	86.18	4,065.00	47.17	5.53%
Christian Malford Parish Council	358.20	10,323.32	28.82	348.13	10,033.11	28.82	0.00%
Chute Forest Parish Council	89.42	5,410.00	60.50	89.94	4,858.00	54.01	(10.73%)
Chute Parish Council	166.78	7,931.00	47.55	167.67	7,982.00	47.61	0.13%
Clarendon Park Parish Council	111.61	200.00	1.79	124.31	400.00	3.22	79.89%
Clyffe Pypard Parish Council	149.40	2,000.00	13.39	148.68	0.00	0.00	(100.00%)
Codford Parish Council	346.82	14,339.82	41.35	342.95	14,491.22	42.25	2.18%
Colerne Parish Council	943.90	53,176.88	56.34	940.66	53,495.94	56.87	0.94%
Collingbourne Ducis Parish Council	373.94	20,047.00	53.61	376.35	20,579.00	54.68	2.00%
Collingbourne Kingston Parish Council	216.85	10,433.48	48.11	218.75	10,209.00	46.67	(2.99%)
Compton Bassett Parish Council	108.41	3,474.42	32.05	111.69	4,580.00	41.01	27.96%
Compton Chamberlayne Parish Council	61.02	2,500.00	40.97	60.59	2,500.00	41.26	0.71%
Coombe Bissett Parish Council	359.11	10,980.82	30.58	358.07	11,000.00	30.72	0.46%
Corsham Town Council	4,558.99	658,652.00	144.47	4,467.53	667,717.00	149.46	3.45%
Corsley Parish Council	341.90	8,200.00	23.98	349.01	8,556.00	24.52	2.25%
Coulston Parish Council	81.73	2,888.00	35.34	81.71	2,934.72	35.92	1.64%
Cricklade Town Council	1,521.69	264,926.00	174.10	1,524.99	272,568.00	178.73	2.66%
Crudwell Parish Council	506.82	15,098.00	29.79	510.47	15,206.00	29.79	0.00%
Dauntsey Parish Council	257.93	15,000.00	58.16	255.48	16,000.00	62.63	7.69%
Devizes Town Council	3,890.29	556,477.00	143.04	5,667.19	838,955.00	148.04	3.50%
Dilton Marsh Parish Council	689.94	27,284.26	39.55	686.80	27,915.00	40.65	2.78%
Dinton Parish Council	300.00	10,233.18	34.11	299.10	10,500.00	35.11	2.93%
Donhead St Andrew Parish Council	249.69	8,000.00	32.04	250.02	8,000.00	32.00	(0.12%)
Donhead St Mary Parish Council	469.01	15,010.00	32.00	466.89	15,160.00	32.47	1.47%
Downton Parish Council	1,298.55	74,263.51	57.19	1,305.14	89,509.73	68.58	19.92%
Durnford Parish Council	181.12	2,374.48	13.11	181.41	2,615.93	14.42	9.99%
Durrington Town Council	2,148.02	112,355.00	52.31	2,153.38	113,340.00	52.63	0.61%
East Kennett Parish Council	50.38	0.00	0.00	52.12	0.00	0.00	0.00%
East Knoyle Parish Council	344.92	8,681.88	25.17	345.77	9,500.00	27.47	9.14%
Easterton Parish Council	245.62	15,650.91	63.72	244.12	15,650.90	64.11	0.61%
Easton Grey Parish Council	44.11	200.00	4.53	44.45	200.00	4.50	(0.66%)
Easton Royal Parish Council	140.79	6,150.00	43.68	137.91	6,150.00	44.59	2.08%
Ebbesbourne Wake Parish Council	98.56	3,500.00	35.51	104.96	3,500.00	33.35	(6.08%)
Edington Parish Council	326.80	8,065.65	24.68	329.13	8,500.00	25.83	4.66%
Enford Parish Council	254.18	10,365.00	40.78	254.72	13,875.00	54.47	33.57%
Erlestoke Parish Council	90.88	6,795.10	74.77	90.59	6,795.00	75.01	0.32%
Etchilhampton Parish Council	69.11	1,388.42	20.09	75.05	3,000.00	39.97	98.95%
Everleigh Parish Council	89.97	3,422.55	38.04	90.97	3,448.01	37.90	(0.37%)
Figheledean Parish Council	225.65	16,086.59	71.29	228.17	17,893.00	78.42	10.00%
Firsdown Parish Council	276.84	12,031.05	43.46	277.87	13,050.47	46.97	8.08%
Fittleton Parish Council	100.73	4,675.00	46.41	99.75	4,910.00	49.22	6.05%
Fonthill Bishop Parish Council	43.27	0.00	0.00	46.71	0.00	0.00	0.00%
Fonthill Gifford Parish Council	53.31	2,000.00	37.52	54.12	2,000.00	36.95	(1.52%)
Fovant Parish Council	326.30	9,850.00	30.19	325.98	9,850.00	30.22	0.10%
Froxfield Parish Council	144.44	6,000.00	41.54	145.45	6,000.00	41.25	(0.70%)

## Wiltshire Council - Town &amp; Parish Precepts 2017/2018

Parish/Town Council	2016/2017			2017/2018			C Tax Increase/ (Decrease)
	Tax Base	Precept (£)	Council Tax Band D (£)	Tax Base	Precept (£)	Council Tax Band D (£)	
Fyfield & West Overton Parish Council	390.86	8,963.45	22.93	394.84	9,957.86	25.22	9.99%

## Wiltshire Council - Town &amp; Parish Precepts 2017/2018

Parish/Town Council	2016/2017			2017/2018			C Tax
	Tax Base	Precept (£)	Council Tax Band D (£)	Tax Base	Precept (£)	Council Tax Band D (£)	Increase/ (Decrease)
Grafton Parish Council	334.68	7,280.00	21.75	333.87	8,000.00	23.96	10.16%
Great Bedwyn Parish Council	554.09	14,896.54	26.88	559.66	18,000.00	32.16	19.64%
Great Hinton Parish Council	101.77	3,500.00	34.39	103.64	3,500.00	33.77	(1.80%)
Great Somerford Parish Council	373.29	7,667.68	20.54	373.17	7,822.00	20.96	2.04%
Great Wishford Parish Council	137.47	4,500.00	32.73	135.06	4,500.00	33.32	1.80%
Grimstead Parish Council	278.31	11,500.00	41.32	278.06	11,500.00	41.36	0.10%
Grittleton Parish Council	274.41	3,934.00	14.34	281.09	3,934.00	14.00	(2.37%)
Ham Parish Council	109.79	1,500.00	13.66	109.52	1,500.00	13.70	0.29%
Hankerton Parish Council	152.97	3,730.95	24.39	154.34	3,764.00	24.39	0.00%
Heddington Parish Council	197.05	3,729.16	18.92	194.11	4,125.00	21.25	12.32%
Heytesbury & Knook Parish Council	341.06	8,957.02	26.26	347.16	9,050.00	26.07	(0.72%)
Heywood Parish Council	296.33	4,084.06	13.78	306.14	4,240.00	13.85	0.51%
Hilmarton Parish Council	309.84	8,000.00	25.82	310.89	8,000.00	25.73	(0.35%)
Hilperton Parish Council	1,850.31	26,422.43	14.28	1,591.38	22,725.00	14.28	0.00%
Hindon Parish Council	226.25	8,471.41	37.44	230.79	9,000.00	39.00	4.17%
Holt Parish Council	674.81	18,968.33	28.11	674.75	19,725.00	29.23	3.98%
Horningsham Parish Council	160.19	12,177.71	76.02	168.23	13,072.18	77.70	2.21%
Hullavington Parish Council	494.75	17,642.44	35.66	486.62	19,000.00	39.04	9.48%
Idmiston Parish Council	910.08	25,379.93	27.89	899.85	26,104.65	29.01	4.02%
Keevil Parish Council	225.11	6,475.00	28.76	226.79	6,522.00	28.76	0.00%
Kilminster Parish Council	134.56	6,039.00	44.88	134.91	6,175.00	45.77	1.98%
Kington Langley Parish Council	359.33	18,922.53	52.66	364.02	19,418.00	53.34	1.29%
Kington St Michael Parish Council	310.66	16,711.00	53.79	316.26	17,810.00	56.31	4.68%
Lacock Parish Council	492.00	17,037.22	34.63	497.42	17,374.00	34.93	0.87%
Landford Parish Council	582.15	21,500.00	36.93	967.59	24,000.00	24.80	(32.85%)
Langley Burrell Parish Council	191.82	9,975.00	52.00	186.55	11,725.00	62.85	20.87%
Latton Parish Council	239.08	7,043.30	29.46	237.11	7,043.30	29.70	0.81%
Laverstock & Ford Parish Council	2,971.41	38,271.76	12.88	3,330.97	70,920.00	21.29	65.30%
Lea & Cleverton Parish Council	405.36	9,256.00	22.83	409.43	9,842.00	24.04	5.30%
Leigh Parish Council	142.25	3,960.35	27.84	142.48	4,164.69	29.23	4.99%
Limpley Stoke Parish Council	299.24	16,466.00	55.03	303.27	18,936.00	62.44	13.47%
Little Bedwyn Parish Council	134.33	3,095.00	23.04	132.71	3,095.00	23.32	1.22%
Little Cheverell Parish Council	80.57	2,500.00	31.03	79.01	2,500.00	31.64	1.97%
Little Somerford Parish Council	178.75	6,076.00	33.99	183.69	7,900.00	43.01	26.54%
Longbridge Deverill Parish Council	388.40	6,900.00	17.77	398.41	7,434.00	18.66	5.01%
Luckington Parish Council	299.17	8,790.56	29.38	296.79	8,812.45	29.69	1.06%
Ludgershall Town Council	1,354.18	127,400.00	94.08	1,396.67	138,954.70	99.49	5.75%
Lydiard Millicent Parish Council	754.95	34,712.00	45.98	759.25	45,760.00	60.27	31.08%
Lydiard Tregoze Parish Council	210.04	7,434.30	35.39	214.27	7,500.00	35.00	(1.10%)
Lyneham & Bradenstoke Parish Council	1,477.49	44,021.00	29.79	1,486.72	44,000.00	29.60	(0.64%)
Maiden Bradley Parish Council	131.53	13,742.67	104.48	134.60	14,341.78	106.55	1.98%
Malmesbury Town Council	1,961.86	371,957.00	189.59	1,958.85	381,173.00	194.59	2.64%
Manningford Parish Council	191.91	6,276.47	32.71	191.27	6,300.00	32.94	0.70%
Marden Parish Council	54.94	600.00	10.92	52.84	860.00	16.28	49.08%
Market Lavington Parish Council	741.47	45,617.57	61.52	745.16	48,282.00	64.79	5.32%
Marlborough Town Council	3,252.83	509,813.70	156.73	3,289.53	600,913.00	182.67	16.55%
Marston Meysey Parish Council	113.32	3,025.64	26.70	114.35	3,206.37	28.04	5.02%
Marston Parish Council	75.84	2,000.00	26.37	77.48	2,000.00	25.81	(2.12%)
Melksham Town Council	4,543.35	432,020.00	95.09	5,196.28	600,115.00	115.49	21.45%
Melksham Without Parish Council	3,205.60	221,000.00	68.94	2,535.97	178,000.00	70.19	1.81%

## Wiltshire Council - Town &amp; Parish Precepts 2017/2018

Parish/Town Council	2016/2017			2017/2018			C Tax Increase/ (Decrease)
	Tax Base	Precept (£)	Council Tax Band D (£)	Tax Base	Precept (£)	Council Tax Band D (£)	
Mere Parish Council	1,138.63	117,126.24	102.87	1,130.30	121,204.51	107.23	4.24%

## Wiltshire Council - Town &amp; Parish Precepts 2017/2018

Parish/Town Council	2016/2017			2017/2018			C Tax Increase/ (Decrease)
	Tax Base	Precept (£)	Council Tax Band D (£)	Tax Base	Precept (£)	Council Tax Band D (£)	
Mildenhall Parish Council	216.86	16,432.93	75.78	211.95	15,000.00	70.77	(6.61%)
Milston Parish Council	52.84	850.00	16.09	55.27	900.00	16.28	1.18%
Milton Lilbourne Parish Council	270.77	9,983.20	36.87	270.84	10,160.00	37.51	1.74%
Minety Parish Council	694.11	13,000.00	18.73	695.07	13,570.00	19.52	4.22%
Monkton Farleigh Parish Council	173.88	5,000.00	28.76	179.36	5,500.00	30.66	6.61%
Netheravon Parish Council	380.37	20,700.00	54.42	385.77	27,112.00	70.28	29.14%
Netherhampton Parish Council	195.30	1,766.00	9.04	83.84	1,425.00	17.00	88.05%
Nettleton Parish Council	343.30	5,985.13	17.43	342.99	6,000.00	17.49	0.34%
Newton Toney Parish Council	169.84	9,813.36	57.78	166.32	11,339.76	68.18	18.00%
North Bradley Parish Council	688.04	10,208.35	14.84	684.56	10,852.00	15.85	6.81%
North Newton Parish Council	194.47	11,600.00	59.65	195.90	15,000.00	76.57	28.37%
North Wraxall Parish Council	213.10	6,145.27	28.84	214.20	6,288.77	29.36	1.80%
Norton & Foxley Parish Meeting	63.45	0.00	0.00	65.64	0.00	0.00	0.00%
Norton Bavant Parish Council	58.22	0.00	0.00	57.35	0.00	0.00	0.00%
Oaksey Parish Council	227.60	14,410.89	63.32	238.37	15,000.00	62.93	(0.62%)
Odstock Parish Council	250.35	12,016.80	48.00	248.84	12,068.38	48.50	1.04%
Ogbourne St Andrew Parish Council	190.74	2,998.91	15.72	195.42	3,908.40	20.00	27.23%
Ogbourne St George Parish Council	229.33	9,000.00	39.24	229.52	9,277.00	40.42	3.01%
Orcheston Parish Council	103.49	1,950.00	18.84	105.06	1,950.00	18.56	(1.49%)
Patney Parish Council	63.42	2,100.00	33.11	63.47	6,000.00	94.53	185.50%
Pewsey Parish Council	1,502.69	89,936.68	59.85	1,491.63	94,000.00	63.02	5.30%
Pitton & Farley Parish Council	367.17	13,868.32	37.77	364.60	17,800.00	48.82	29.26%
Potterne Parish Council	577.95	17,217.00	29.79	576.90	18,910.00	32.78	10.04%
Poulshot Parish Council	151.68	8,608.19	56.75	155.08	11,386.00	73.42	29.37%
Preshute Parish Council	85.36	4,100.00	48.03	84.66	4,000.00	47.25	(1.62%)
Purton Parish Council	1,964.84	211,907.99	107.85	2,058.01	225,290.35	109.47	1.50%
Quidhampton Parish Council	150.36	8,755.00	58.23	153.09	8,755.00	57.19	(1.79%)
Ramsbury Parish Council	924.16	46,924.76	50.78	919.99	48,952.00	53.21	4.79%
Redlynch Parish Council	1,552.30	47,407.24	30.54	1,177.61	45,251.00	38.43	25.83%
Roundway Parish Council (part of Devizes Town Council from 2017/2018)	2,003.33	98,446.87	49.14	0.00	0.00	0.00	(100.00%)
Rowde Parish Council	490.48	28,639.13	58.39	488.91	34,000.00	69.54	19.10%
Royal Wootton Bassett Town Council	4,422.68	839,469.00	189.81	4,504.49	877,520.00	194.81	2.63%
Rushall Parish Council	74.08	4,202.80	56.73	73.32	5,122.80	69.87	23.16%
Salisbury City Council	14,254.89	1,496,763.40	105.00	14,147.21	1,740,096.00	123.00	17.14%
Savernake Parish Council	136.92	1,000.00	7.30	138.69	1,000.00	7.21	(1.23%)
Seagry Parish Council	161.98	11,750.00	72.54	167.03	12,100.00	72.44	(0.14%)
Sedgehill & Semley Parish Council	286.42	8,000.00	27.93	281.66	9,000.00	31.95	14.39%
Seend Parish Council	519.59	12,141.00	23.37	514.37	13,256.00	25.77	10.27%
Semington Parish Council	377.39	11,956.45	31.68	375.77	12,000.00	31.93	0.79%
Shalbourne Parish Council	325.51	3,700.00	11.37	325.07	4,500.00	13.84	21.72%
Sherrington Parish Council	34.55	0.00	0.00	35.89	0.00	0.00	0.00%
Sherston Parish Council	709.63	26,391.14	37.19	710.94	26,966.00	37.93	1.99%
Shrewton Parish Council	736.42	23,382.65	31.75	752.22	30,780.00	40.92	28.88%
Sopworth Parish Council	64.99	500.00	7.69	66.11	500.00	7.56	(1.69%)
South Newton Parish Council	229.39	4,863.07	21.20	225.39	4,778.27	21.20	0.00%
South Wraxall Parish Council	226.30	3,500.00	15.47	229.67	3,500.00	15.24	(1.49%)
Southwick Parish Council	740.60	18,905.87	25.53	736.62	19,000.00	25.79	1.02%
St Paul Without	983.41	12,282.00	12.49	976.24	12,554.00	12.86	2.96%
Stanton St Bernard Parish Council	83.63	3,500.00	41.85	84.54	3,570.00	42.23	0.91%
Stanton St Quintin Parish Council	260.19	5,482.44	21.07	261.60	5,500.00	21.02	(0.24%)

## Wiltshire Council - Town &amp; Parish Precepts 2017/2018

Parish/Town Council	2016/2017			2017/2018			C Tax Increase/ (Decrease)
	Tax Base	Precept (£)	Council Tax Band D (£)	Tax Base	Precept (£)	Council Tax Band D (£)	
Stapleford Parish Council	140.85	3,348.24	23.77	143.12	3,348.24	23.39	(1.60%)



## Wiltshire Council - Town &amp; Parish Precepts 2017/2018

Parish/Town Council	2016/2017			2017/2018			C Tax
	Tax Base	Precept (£)	Council Tax Band D (£)	Tax Base	Precept (£)	Council Tax Band D (£)	Increase/ (Decrease)
Staverton Parish Council	671.08	22,105.38	32.94	685.22	22,571.15	32.94	0.00%
Steeple Ashton Parish Council	439.73	20,856.39	47.43	436.80	21,748.00	49.79	4.98%
Steeple Langford Parish Council	241.73	4,500.00	18.62	241.28	4,500.00	18.65	0.16%
Stert Parish Council	92.76	915.05	9.86	93.26	915.05	9.81	(0.51%)
Stockton Parish Council	80.51	1,000.00	12.42	82.91	500.00	6.03	(51.45%)
Stourton Parish Council	100.07	1,848.00	18.47	99.14	1,974.00	19.91	7.80%
Stratford Tony Parish Council	29.31	0.00	0.00	31.56	0.00	0.00	0.00%
Sutton Benger Parish Council	496.41	10,072.16	20.29	521.22	10,789.25	20.70	2.02%
Sutton Mandeville Parish Council	137.35	1,335.00	9.72	137.29	1,535.00	11.18	15.02%
Sutton Veny Parish Council	313.62	12,437.35	39.66	314.05	12,455.22	39.66	0.00%
Swallowcliffe Parish Council	102.51	2,313.65	22.57	106.63	3,495.00	32.78	45.24%
Teffont Parish Council	142.52	7,463.00	52.36	145.81	7,463.00	51.18	(2.25%)
Tidcombe & Fosbury Parish Council	56.00	0.00	0.00	55.00	0.00	0.00	0.00%
Tidworth Town Council	2,171.87	263,516.77	121.33	2,260.62	282,463.00	124.95	2.98%
Tilshead Parish Council	134.79	6,275.00	46.55	134.33	6,270.00	46.68	0.28%
Tisbury Parish Council	941.85	64,615.39	68.60	941.97	75,220.00	79.85	16.40%
Tockenham Parish Council	113.41	5,982.95	52.76	116.24	6,000.00	51.62	(2.16%)
Tollard Royal Parish Council	61.94	4,495.00	72.57	64.49	4,768.00	73.93	1.87%
Trowbridge Town Council	10,671.89	1,490,276.00	139.64	11,194.66	1,619,251.00	144.64	3.58%
Upavon Parish Council	464.96	17,590.15	37.83	463.93	18,500.00	39.88	5.42%
Upper Deverills Parish Council	169.47	6,873.00	40.56	172.54	7,373.00	42.73	5.35%
Upton Lovell Parish Council	90.34	3,050.50	33.77	91.40	3,085.00	33.75	(0.06%)
Upton Scudamore Parish Council	137.05	3,186.96	23.25	137.16	3,280.00	23.91	2.84%
Urchfont Parish Council	505.47	43,606.90	86.27	516.19	45,420.00	87.99	1.99%
Warminster Town Council	5,934.66	517,325.08	87.17	5,891.59	552,612.00	93.80	7.61%
West Ashton Parish Council	309.72	6,507.65	21.01	232.89	6,500.00	27.91	32.84%
West Dean Parish Council	107.45	8,650.00	80.50	105.88	9,570.00	90.39	12.29%
West Knoyle Parish Council	65.34	3,973.91	60.82	64.98	4,031.00	62.03	1.99%
West Lavington Parish Council	456.02	28,706.46	62.95	461.12	29,608.00	64.21	2.00%
West Tisbury Parish Council	273.59	9,471.00	34.62	278.02	9,828.00	35.35	2.11%
Westbury Town Council	4,796.05	486,217.00	101.38	4,742.32	538,649.00	113.58	12.03%
Westwood Parish Council	481.40	20,420.97	42.42	478.41	23,650.00	49.43	16.53%
Whiteparish Parish Council	706.46	27,735.62	39.26	705.70	28,764.33	40.76	3.82%
Wilcot & Huish Parish Council	269.22	6,437.05	23.91	271.19	6,759.00	24.92	4.22%
Wilsford-cum-Lake Parish Council	62.28	500.00	8.03	63.98	500.00	7.81	(2.74%)
Wilton Town Council	1,364.07	156,653.54	114.84	1,418.75	175,193.00	123.48	7.52%
Wingfield Parish Council	188.43	11,483.27	60.94	159.82	12,500.00	78.21	28.34%
Winsley Parish Council	917.45	25,000.00	27.25	920.24	25,000.00	27.17	(0.29%)
Winterbourne Parish Council	564.88	19,790.82	35.04	569.02	22,926.46	40.29	14.98%
Winterbourne Stoke Parish Council	85.34	7,290.00	85.42	85.88	7,290.00	84.89	(0.62%)
Winterslow Parish Council	898.08	40,731.06	45.35	904.78	42,840.00	47.35	4.41%
Woodborough Parish Council	141.44	6,000.00	42.42	139.92	6,000.00	42.88	1.08%
Woodford Parish Council	235.02	5,117.89	21.78	233.98	5,606.16	23.96	10.01%
Wootton Rivers Parish Council	128.11	2,314.95	18.07	127.27	2,530.00	19.88	10.02%
Worton Parish Council	266.24	10,774.20	40.47	265.54	11,324.06	42.65	5.39%
Wylve Parish Council	213.44	4,982.64	23.34	213.01	5,000.00	23.47	0.56%
Yatton Keynell Parish Council	367.33	13,000.00	35.39	369.01	13,321.00	36.10	2.01%
Zeals Parish Council	271.84	4,658.69	17.14	273.48	5,046.00	18.45	7.64%
<b>TOTAL / AVERAGE</b>	<b>176,780.23</b>	<b>15,415,782.30</b>	<b>87.20</b>	<b>177,805.08</b>	<b>16,954,100.51</b>	<b>95.35</b>	<b>9.35%</b>

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## Notices of motion

**The following rules taken from Part 4 – Rules of Procedure – Council explain how motions are to be dealt with at the meeting:**

### At the meeting

89. The Chairman will invite the proposer, or one of the councillors, who has given notice of the motion to move the motion. Where these councillors are not available at the meeting, the motion can be moved and seconded by any other councillors.
90. A notice of motion must be moved at the meeting, it must then be seconded. If the motion is not moved and seconded, it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.
91. Once moved and seconded at the meeting, the councillor proposing the motion will be given up to five minutes in which to present his or her motion.
92. The Chairman will give the relevant cabinet member an opportunity to respond to the motion giving him or her up to five minutes in which to do so.
93. On considering a notice of motion and subject to paragraphs 95-100 below, the following options shall then be open to the council:
  - debate the motion and vote on it
  - refer it to an appropriate member body with or without debate
  - refer it to the Leader of Council with or without debate
94. The Chairman will move that the motion either be debated on the day or referred to the appropriate member body. This will be seconded by the Vice-Chairman of Council or in his or her absence, another member of the council and put to the vote without discussion. On the question of referring the motion to an appropriate member body, the only amendment the Chairman will accept is to which member body the motion should be referred.
95. If the motion relates to a function exercisable only by the council then the council will debate the motion and on consideration of a report, determine the motion or refer it to a future meeting of the Council.
96. If the motion relates to a function that has been delegated to another member body then the council will vote without debate on whether to refer the motion to that member body.
97. If referred to another member body that member body must consider the motion at its next available meeting. The mover and seconder of the motion will be invited to attend that meeting if they are not already members of that body in order to present their motion but will not be able to vote unless they

have voting rights. The member body must report back to the council as soon as practicable by way of the minutes of that meeting.

98. If the notice of motion is referred to another member body following debate at council, a summary of the debate at council together with any recommendation will be taken into account by the member body when considering the motion.
99. If the notice of motion relates to an executive function, the motion will be referred to the Leader of the Council. The Leader will write to the proposers of the motion with a copy to all members of the council, advising them what steps he or she proposes to take.
100. Any decision of council arising from a motion must comply with the principles of decision making as set out in Part 2, paragraph 14.2 of this Constitution.

## **Part 4C – Guidance on Amendments to Motions**

1. The requirements concerning amendments to motions are contained in the Council's Rules of Procedure in Part 4 of the Constitution. Paragraph 103 provides:

*An amendment to a motion must be relevant to the motion and will either be:*

- *to refer the matter to an appropriate body or individual for consideration or reconsideration*
- *to leave out words*
- *to leave out words and insert or add others or*
- *to insert or add words*

*as long as the effect of the amendment is not to negate the motion.*

2. The Chairman will determine the validity of any proposed amendment under this paragraph, after taking advice from the Monitoring Officer. The Chairman's decision on any proposed amendment is final.
3. In exercising judgment on the validity or otherwise of any proposed amendment, the Chairman will have regard to the following principles:
  - the overriding principle of fairness in the conduct of the Council's business;
  - the amendment is relevant to the motion;
  - the proposed amendment does not negate the motion; this can be secured more appropriately by voting against the original motion.
  - The content of the proposed amendment is proportionate to the original motion in nature and extent;
  - The proposed amendment does not amount to a device to frustrate the purpose of the original motion or to raise a late motion.
4. Councillors are encouraged, where practicable, to seek advice from the Monitoring Officer in connection with any proposed amendment in advance of the meeting at which it is to be moved.

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**Wiltshire Council**

**Council**

**21 February 2017**

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## **Notice of Motion No. 40 – Reducing Single Use Plastic**

**From Councillors Terry Chivers and Ernie Clark**

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To consider the following motion submitted in accordance with the Council's Constitution:

“According to recent research, eight million metric tons of plastic waste ends up in the world's oceans each year, endangering marine life. There is also a growing understanding of the risks posed to human health by toxic chemicals present in plastics.

Six months after the introductions of the 5p bag charge, use of the single wrap plastic bags had already dropped by 85%, while the TV programme Hugh's War On Waste has raised public awareness of the problems of our throwaway culture. It is time for Wiltshire to take a lead on this issue.

### **Council RESOLVES to ask cabinet to:**

1. Develop a robust strategy to make Wiltshire a 'single-use-plastic-free' authority by the end of 2017 and encourage the County's institutions, businesses and citizens to adopt similar measures
2. End the sale and provision of SUP products such as bottles, cups, cutlery and drinking straws in council buildings where possible;
3. Encourage traders in Wiltshire to sell re-usable containers and invite customers to bring their own, with the aim of phasing out single-use plastic containers and cutlery on markets stalls by the end of 2017
4. Investigate the possibility of requiring pop-up food and drink vendors at large council events to avoid SUP's as a condition of their contract; and work with tenants in commercial properties owned by Wiltshire Council to encourage the phasing out of SUP cups, bottles, cutlery and straws

### **Facts about plastic:**

- Over the last ten years we have produced more plastic owned by Wiltshire Council to encourage the phasing out of SUP cups, bottles, cutlery and straws
- 50% of the plastic we use, we use just once and throw away

- Billions of pounds of plastic can be found in swirling convergences in the oceans making up about 40% of the world's ocean surfaces
- The great pacific garbage patch is located in the North Pacific Gyre off the coast of California and is the largest ocean garbage site in the world. This floating mass of plastic is twice the size of Texas, with plastic pieces outnumbering sea life six to one.
- One million sea birds and 100,000 marine mammals are killed annually from plastic in our oceans
- Chemical added to plastics are absorbed by human bodies. Some of these compounds have been found to alter hormones or have other potential human health effects.”



**Notice of Motion 40 - Reducing single use plastic in Wiltshire**

**From Councillors Terry Chivers and Ernie Clark**

**Officer Briefing Note**

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1. *Develop a robust strategy to make Wiltshire a 'single-use-plastic-free' authority by the end of 2017 and encourage the County's institutions, businesses and citizens to adopt similar measures.*

It would be reasonable to encourage businesses and residents to reduce their use of single use plastic products. However, the most effective behaviour change occurs with a change in legislation such as the introduction of the five pence charge for single use plastic bags. The council already works with businesses to encourage them to take a more sustainable approach. This is evidenced through the Swindon and Wiltshire Local Economic Partnership's Strategic Economic Plan.

The council works with the Wiltshire Wildlife Trust to encourage residents to reduce the amount of waste they produce, including single use plastics. The council also provides a kerbside collection of plastic bottles and collects a wider range of plastics at its household recycling centres. This should ensure that the vast majority of the single use plastic produced by households in Wiltshire is either recycled or used to produce energy from waste. In addition to the wider environmental benefits, if residents purchased less single use plastic this would reduce demand for the council's waste and recycling collection and disposal services.

2. *End the sale and provision of SUP products such as bottles, cups, cutlery and drinking straws in council buildings where possible.*

The council encourages all of its providers of catering and vending services to act in an environmentally sustainable manner. We would encourage them all to consider their use of single use plastics and offer suitable alternatives where possible. However, in the current economic climate the council is limited in its ability to stipulate the use of specific products where this may have an impact on the cost of the services provided. Many of the alternatives to single use plastics, such as single use wooden cutlery and paper cups, carry a price premium. This makes it challenging to support the use of such alternatives when budgets are under pressure.

The council operates a successful recycling scheme for plastic bottles supplied through vending and catering services. Recycling containers are generally available at each point of sale. As a consequence the use of plastic bottles through these services should not be contributing to the problem of plastics in the world's oceans.

- 3. Encourage traders in Wiltshire to sell re-usable containers and invite customers to bring their own, with the aim of phasing out single-use plastic containers and cutlery on markets stalls by the end of 2017.*

It would be reasonable to encourage traders to reduce their use of single use plastic products and invite customers to bring their own, re-usable bottles, cups and cutlery. However many of these traders would be working to minimise their costs as they trade in a very competitive environment. They are likely to want to serve customers who require single use containers and cutlery and the alternatives to single use plastic are often more expensive. Such encouragement is only likely to succeed if there are cost effective viable alternatives available.

- 4. Investigate the possibility of requiring pop-up food and drink vendors at large council events to avoid SUP's as a condition of their contract; and work with tenants in commercial properties owned by Wiltshire Council to encourage the phasing out of SUP cups, bottles, cutlery and straws.*

While vendors at council events could be required to avoid single use plastics, again there would be cost implications of doing this either for the council or the vendors' customers. As with all businesses, traders and residents the council encourages use of more sustainable alternatives without mandating this.

The waste management arrangements put in place at such events should again ensure that single use plastics – and any other waste materials – would be recycled or otherwise properly managed to ensure that they do not contribute to the problem of waste in the world's oceans.

## Wiltshire Council

### Council

21 February 2017

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#### **Notice of Motion No. 41 - Protecting Wiltshire's Rights of Way For People From Councillors Steve Oldrieve and Jon Hubbard**

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To consider the following motion submitted in accordance with the Council's Constitution:

#### Council notes:

- Our county is fortunate to have a significant network of historic and useful footways and right-of-way;
- This network provides a wonderful opportunity to support the council's key objectives for individual wellbeing;
- This network provides an economic benefit to the county for tourists to walk our unique landscapes

#### Council regrets:

- that over the life of this council the quality and access of those rights of way has significantly reduced due to the poor upkeep and lack of sufficient budget to meet residents' expectations for maintenance.
- Voluntary groups have been stymied of designated funding due to the freeze on spending caused by the financial crisis at Wiltshire Council restricting the amount of work that they are able to undertake.
- The statutory requirement of landowners to maintain rights-of-way has not been robustly enforced by the council.

#### Council calls for:

- £36,000 of the designated fund for maintaining rights of way is delegated down to Area Boards. The Area Boards allocate the funds, following the same principles as CATG funding.
- That Area Boards work with voluntary rights of way groups, walking groups and Parish and Town Councils to identify the needs within their local community.
- The administration enables the council's enforcement teams to fulfill their obligation to protect the rights-of-ways for Wiltshire's residents.

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**Notice of Motion No. 41 - Protecting Wiltshire's Rights of Way for People – From  
Councillors Steve Oldrieve and Jon Hubbard**

**Officer Briefing Note**

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The Motion before the council

The Motion calls for three actions, each of which is addressed in turn below.

- *£36,000 of the designated fund for maintaining rights of way is delegated down to Area Boards. The Area Boards allocate the funds, following the same principles as CATG funding.*

The revenue budget of £140,000 in 2016-17 can only be used for routine maintenance and is spent in full (subject to in year spending restrictions) on the purchase of materials, tools and equipment and the engagement of contractors to undertake work for which the council is responsible and which cannot be carried out by volunteers. Any transfer of part of this budget to the Area Boards would result in a reduction of routine maintenance carried out in accordance with the council's statutory duty as Highway Authority.

The capital budget of £30,000 is already used as match funding to attract additional financial and volunteer assistance to facilitate improvement works. Match funding already comes from Area Boards, as reported above, Town and Parish Councils and other community sources. Moving the budget across to the Area Boards would give each an average additional fund of £2,000 (dependent upon how the money was allocated).

The Area Boards hold delegated capital funding of £900,000 and they have been using this to support local footpath improvements, working with the Rights of Way and Countryside officers, over the last seven years. An example of best practice is the Southern Paths Group supported by the council's Southern Wiltshire Area Board, which in addition to having achieved some very significant path improvements has produced a volunteer toolkit which new groups wishing to establish themselves can make use of. This approach should be commended to other area boards.

Voluntary groups have access to capital grants from the Area Boards for footpath improvement works. Approvals have been given for the creation of a new footpath in the Amesbury area and path improvements and new kissing gates to replace stiles in many areas across Wiltshire.

So far in 2016/17 the council's Area Boards have allocated over £30k for footpath improvements across Wiltshire, supporting the delivery of 14 projects worth over £70,000 in total. They are uniquely placed to support local footpath and walking groups with funding devolved to them each year and with the technical and legal knowledge and the logistical support of the Rights of Way Officers and contractors.

- *That Area Boards work with voluntary rights of way groups, walking groups and Parish and Town Councils to identify the needs within their local community.*

As has been explained above, these arrangements are already in place and are being developed further through liaison between the Area Boards and the Rights of Way and Countryside service.

- *The administration enables the council's enforcement teams to fulfil their obligation to protect the rights-of-ways for Wiltshire's residents.*

The enforcement teams, working with the Rights of Way and Countryside service, already have the capacity and means to take a more robust approach to enforcement. The issue is one of taking a different approach to the way the council has dealt with rights of way enforcement in the past. A different relationship is required between the council and those landowners and occupiers who have previously been less inclined to fulfil their responsibilities. This change is already under way and the effects are becoming evident.

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**Wiltshire Council**

**Council**

**21 February 2017**

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## **Notice of Motion No. 42**

### **Leadership in health and social care at a critical time From Councillors Chris Caswill and Graham Wright**

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To consider the following motion submitted in accordance with the Council's Constitution:

Council notes with concern the current state of the NHS and social care as it affects Wiltshire residents. Nationally attention has been drawn to “years of underfunding, impossible demands, staff shortages and breaches of performance targets” and a service “heading for draconian rationing of treatments” (NHS Providers). “Underfunded, underdoctored and overstretched” is the view recently conveyed to the Prime Minister by the Royal College of Physicians. The three hospitals on which the vast majority of Wiltshire residents rely are struggling to cope with these pressures, like hospital trusts across the country. All three declared red alerts in January and two of them the highest level 4 black alerts as well.

The local NHS is now the subject of an emerging Sustainable Transformation Plan (STP) which is looking for a further £290 million of cuts across the area in which the hospitals are located, in addition to the huge so-called ‘efficiency savings’ reductions to which hospitals have already been subjected. The STP also commits to introducing the Government-imposed seven day working with no extra resources. Wiltshire Council has been partner in developing this STP.

Additionally the budget for Public Health in the County has recently been cut.

At the same time, social care is in a crisis of underfunding and staff shortages across the country and Wiltshire is not immune, as evidenced by the failure over the years of Help to Live at Home providers and the recent revelation that Wiltshire residents have been placed by the Council in a care home rated as inadequate and placed under Special Measures by the Care Quality Commission (CQC).

Council notes that the Corporate Director post became vacant on 30 September 2016 and that it has taken till 3 February to advertise a separate second tier post of Director of Public Health in the national press. Council regrets that the Cabinet has chosen, in these extremely problematic circumstances, not to fill the Corporate Director post responsible for health and social care in the County, and has left these crucial policy areas (and developments such as the STP) without the leadership of a

dedicated post at the highest level. Council accordingly requests that the Cabinet act to remedy this situation immediately.

Council further invites the Health Select Committee to review these recruitment and appointment decisions at its next meeting in March, and to report its conclusions to the next Administration.



**Wiltshire Council**

**Council**

**21 February 2017**

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## **Brunel Pension Partnership - Approval of Full Business Case**

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### **Executive Summary**

Following the Government's budget announcements in July 2015 and the implementation of the Local Government Pension Scheme (LGPS) (Management and Investment of Funds) Regulations 2016 Administering Authorities of the Local Government Pension Scheme are required to pool investment assets to reduce investment costs by April 2018.

Significant work has been undertaken along with 9 other LGPS Funds in the South West (known as the Brunel Pension Partnership) to meet the Government's criteria. A Full Business Case (FBC) has been developed which illustrates a combined £550m of investment savings could be achieved over the next 20 years, representing £41m for the Wiltshire Pension Fund the equivalent of £2m p.a.

To implement this investment pooling proposal, the 10 participating authorities need to jointly set up a Financial Conduct Authority (FCA) regulated company for the appointment, monitoring and termination of investment managers and new governance arrangements to establish client side joint shareholder oversight and joint contract management responsibilities.

### **Proposals**

In its capacity as the Administering Authority for the Wiltshire Pension Fund, and having received and reviewed the recommendation of the Wiltshire Pension Fund Committee on 15 December 2016 and the Business Case attached to it, Wiltshire Council hereby resolves to enter into investment pooling as part of the Brunel project with respect to the Wiltshire Pension Fund's investments.

Such Resolution is made on and subject to the following terms and conditions:

- a) That the Brunel Pension Partnership investment pool be developed, funded and implemented substantially in accordance with the terms and provisions described in the Business Case considered by the Wiltshire Pension Fund Committee, and more particularly that:
  - a Financial Conduct Authority (FCA) regulated company to be named Brunel Pension Partnership Limited be established and operated with all necessary and appropriate arrangements as to its ownership, structure, governance and services capability.
  - a new supervisory body comprising representatives of the Council and all other participants in the Brunel Pension Partnership be established to ensure oversight of Wiltshire Pension Fund

investments and participation in the Brunel Pension Partnership.

- b) That subject to the continued viability of investment pooling, financial or otherwise the Wiltshire Pension Fund Committee is authorised to undertake such tasks, after consideration of advice from its Chief Legal Officer, Chief Financial Officer and Pension Fund Manager, as it thinks appropriate to progress implementation of investment pooling. To take such decisions and do all other things deemed necessary in order to promote the interests of the Administering Authority with respect to pooling, which without limitation shall include agreeing and authorising any documentation, contracts, terms of reference, financial expenditure or investment that may be required consequential upon the Fund's participation in the Brunel Pension Partnership. For the avoidance of doubt this includes the right of the Wiltshire Pension Fund Committee to authorise the Chief Legal Officer and Chief Financial Officer to take such steps as are necessary to progress the project.
- c) That subject to the above, all such matters be carried out with the aim of achieving a target date for beginning investment pooling of 1 April 2018, and otherwise subject to such intermediate steps and timescales as may be considered appropriate and necessary by the Wiltshire Pension Fund Committee.

#### **Reason for Proposal**

This proposal affects only the appointment, termination and on-going monitoring of individual investment managers currently undertaken by officers and the Wiltshire Pension Fund Committee. The implementation of the high level strategic investment strategy (e.g. which types of assets classes the Fund invests in) will remain with the Wiltshire Pension Fund.

The Full Business Case was considered and approved by the Wiltshire Pension Fund Committee on 15 December 2016 to support the implementation of a FCA regulated company, Brunel Pension Partnership Limited. The rationale for being proactive in the establishment of an investment pool enables the Fund to retain a controlling influence in this process and provides the best current available option.

**Carolyn Godfrey**  
**Corporate Director**

**Brunel Pension Partnership - Approval of Full Business Case**

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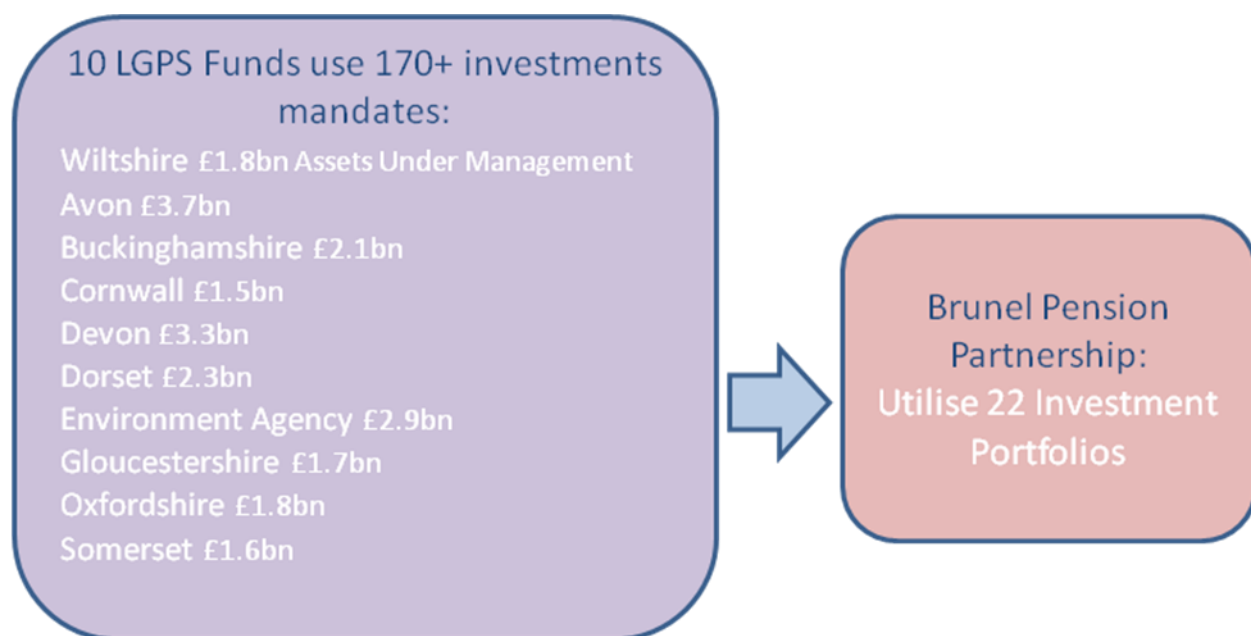
**Purpose of Report**

1. Wiltshire Council is the administering authority of the Wiltshire Pension Fund which manages and administers the statutory Local Government Pension Scheme (LGPS) on behalf of its employees and over 170 other employer organisations including Swindon Borough Council, Fire and Police services civilians, academies, housing associations, colleges, and outsourced companies. Although the same legal entity, the operation and responsibility for the Wiltshire Pension Fund is delegated directly from Council to the Pension Fund Committee.
2. In the July 2015 budget statement the Government announced they intended to work with LGPS administering authorities to ensure that they pool investments to significantly reduce investment costs. Work has since been undertaken to set up the Brunel Pension Partnership (BPP) comprising ten LGPS Funds geographically located mainly in the South West.
3. Regular reports have been brought to the Pension Fund Committee at all stages of the process, with additional engagement events also being held to provide the opportunity for the Committee to provide input to the proposals. As required by Government an initial joint submission from the ten LGPS (Brunel) Funds was approved by the Pension Fund Committee on 1 February 2016 and a further more detailed response was approved and submitted to the Government by them in July 2016.
4. Following the July submission of an outline business case, work has continued developing a Full Business Case (FBC) for the BPP. The FBC has now been completed and needs to be approved by each of the ten administering authorities (Brunel Funds) in order that the establishment of a Local Authority Company to operate the partnership can be progressed.
5. The FBC sets out the strategic, economic, commercial, management and financial cases which outline the individual costs and benefits for each of the ten participating funds (see Appendix 1).

**Background**

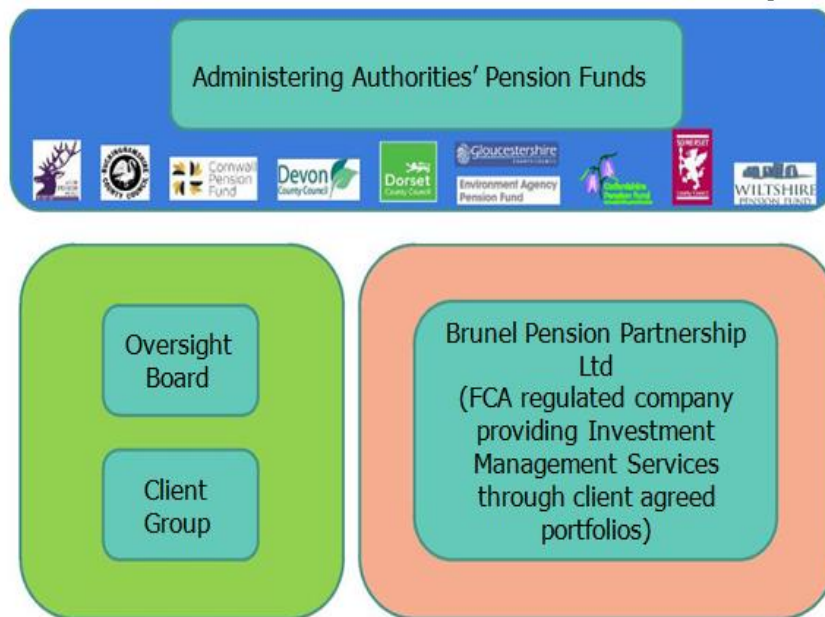
6. The FBC seeks approval to establish a company called Brunel Pension Partnership Ltd (Brunel Company), regulated by the Financial Conduct Authority (FCA), and the new governance arrangements to establish client side joint shareholder oversight and joint contract management.

7. The FBC has been reviewed by the s151 and Monitoring Officers of each of the ten administering authorities on 8 November 2016 and supported by the Shadow Oversight Board, comprising the chairmen of the ten Brunel Funds on 23 November 2016. The FBC has been put together with significant work by officers of the ten Brunel Funds supported by professional expertise provided by Price Waterhouse Cooper (PwC) (operational and financial support), Osborne Clark (legal support), Alpha (FCA expertise), JLT (project support) and Bfinance (investment advice). This work has supported and informed the views in this report and recommendations. The Brunel Company currently exists as a legal entity managed by Osborne Clarke until the company can be transferred to the Brunel Funds when directors have been appointed.
8. The rationale for pooling is that it will lower the cost of investment management. Currently each of the 10 Brunel Funds operates over 170 different investment mandates. The proposal is to reduce this to 22 portfolios to make larger mandates that attract lower fees.



9. It's anticipated this will save the 10 LGPS Funds a total of £550m forecast cumulative savings over the next 20 years, representing £41m (£2m p.a.) for the Wiltshire Pension Fund.
10. The BPP also ensures a more resilient approach to the management of investments on a consistent basis and in line with best practice through the use of a regulated company. This Brunel Company will be owned equally and on behalf of the 10 Brunel Funds.
11. The BPP approach also provides capacity for the 10 Brunel Funds to invest in more alternative asset classes such as infrastructure at a much lower cost than currently available individually through economies of scale.

12. The Wiltshire Pension Fund will retain control over its strategic investment strategy which will be implemented by the Brunel Company. The responsibilities for the payment of pension liabilities and the administration of the LGPS benefits will remain the responsibility of the Wiltshire Pension Fund and will be unaffected by this proposal. Consequently, no changes to the pension team are currently anticipated.
13. As new Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 (SI 2016 No 946) came into force on 1 November 2016 there is now a legal basis which requires LGPS funds to pool their investments.
14. The FBC sets out the structure of the Brunel Company, and the governance and contractual arrangements that will exist. These will incorporate any provision for future exit. The company will be managed by the Brunel board with a chairman, three other non-executive directors and three operational directors. The governance arrangements will include an **Oversight Board** representing each participating fund's pensions committee while officers and the Pension Committees will form the **Client Group**. The Client group are establishing the arrangements for governance of the BPP by the Administering Authorities.

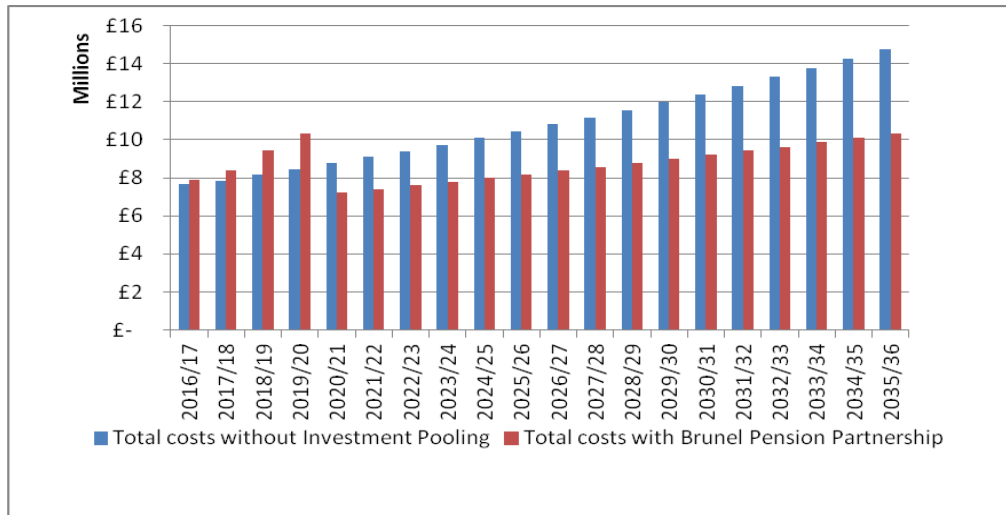


### Main Considerations for the Council

15. The financial case for the BPP has been derived from the financial model that has been developed in conjunction with PwC, analysing the costs and savings for the partnership as a whole and for each of the individual funds. The model allows scenario testing, changes to individual assumptions and the removal of individual funds from the partnership for sensitivity analysis and stress testing the proposal.
16. The core model forecasts cumulative savings for the Wiltshire Pension Fund of £41m over the next 20 years, which has a discounted present value of £20m (discount rate of 3%). This results in a breakeven point in the 2023 financial year. The savings are summarised in the following table and graph:

Core model	Breakeven year	Total 20 years net gain to FY36		Running annual rate of net saving in FY25	
		£m	Discounted value £m	£m	bps of AUM
Wiltshire Pension Fund	FY23	41.0	20.2	2.1	8.3
Combined Pool	FY23	550.1	279.5	27.8	8.9

### Wiltshire Pension Fund Total Costs With / Without Pooling



17. The graph above does show increased cost over the next three years due to the set up of the Brunel Company and initial transition of assets while the savings start in 2020/21. This short term cost increase will not materially impact the funding level of the Wiltshire Pension Fund and subsequent employer contribution rates and is more than offset by later saving gains.

18. The BPP costs include estimated costs of transitioning assets, which are apportioned on an individual portfolio basis between all the Brunel Funds investing in them to ensure that no individual fund is disadvantaged by, or benefits from, fund manager selection by the Brunel Company. The costs of developing the Brunel Company are shared on an equal basis between Brunel Funds, and its operating costs will be a combination of 50% as a fixed cost and 50% Assets under Management.

19. Taxes and stamp duty arise when certain assets are bought and sold and these have been accounted for within the costs that occur over the two year transition plan. These are liabilities the Pension Fund would incur due to portfolio churn over a longer period regardless. Despite this, the BPP is attempting to persuade the Government to reduce this liability that will now be paid earlier as a direct result of their directive for pooling of investments. As part of this process letters are being sent to both the Government and the Brunel Fund's local MPs over the next two weeks. The actual asset transition costs for the BPP will not be known until the Fund Managers have been appointed and will depend on the number of funds needing to be transitioned and the market conditions on the day of transition. The transition of assets is expected to begin in April 2018

through to 2020 for the majority of assets, although those illiquid alternative assets (which are less easy to sell quickly as there is not a defined exchange like the stock market, e.g. infrastructure / property) will need a longer transition timetable. However, from a Wiltshire Pension Fund perspective, even an increase of 50% in transition costs would only move out the breakeven point from 2023 to 2024.

20. The savings are achieved through reduced direct investment costs, predominantly investment manager fees, expected to be payable by the Pension Funds once the Brunel Company is operational. In addition there are the savings that the Pension Funds expect to make as a result of no longer needing to carry out tasks internally because of services provided by the Brunel Company. In the case of the Wiltshire Pension Fund, this will be through reduced custodian, performance reporting costs and other investment administration costs although these are materially small savings in comparison to the investment manager fee costs.

### **Overview and Scrutiny Engagement**

21. Not applicable.

### **Safeguarding Implications**

22. There are none.

### **Public Health Implications**

23. There are none.

### **Procurement Implications**

24. There are none. Specialist legal advice has been taken which has confirmed that there are no procurement law issues with the proposed structure.

### **Equalities Impact of the Proposal** (detailing conclusions identified from Equality Analysis, sections 4 and 5)

25. There are none.

### **Environmental and Climate Change Considerations**

26. There are none.

### **Risk Assessment**

27. Government has signalled its clear intention that LGPS investment assets should be pooled and backstop legislation has been implemented to ensure funds invest in a pooling vehicle should proposals not be forthcoming or be ambitious enough. The FBC proposes a company structure that allows the Wiltshire Pension Fund to retain control over the governance and implementation of its future investment strategies through

representation on the oversight board and through its rights under a Shareholders' agreement. The proposals submitted to Government have been received with a positive response and the project team continue to liaise with them over the latest developments.

28. Participation in the pool also provides additional resilience and access to increased investment resources which can mitigate the investment risk to the Fund.

### **Risks that may arise if the proposed decision and related work is not taken**

29. The Council could be directed by the Secretary of State to pool its investment through the powers outlined in the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016. On this basis Wiltshire may not be involved in the governance of any pool it was instructed to invest in.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

30. There are no significant risks arising from the proposals.

### **Financial Implications**

31. The attached FBC includes the financial considerations associated with this proposal and the main financial considerations are outlined above. A payback period of 5 years is the normal basis for approving a Wiltshire Council project in line with its invest to save policy. Although the current projected break even period for the Wiltshire Pension Fund in the FBC is 2023 (effectively 7.5 years), from the commencement of the transition of assets in April 2018, this falls within the 5 years timeframe, at which point investment fee savings are projected to be £1.8m per annum for Wiltshire. The assumptions used in this assessment have been set at prudent levels and stress testing reflected to show various scenarios. This still suggests a similar payback period for most changes in assumptions and consequently still validates the FBC proposal.

### **Legal Implications**

32. The legal implications arising from the FBC have been informed by the external legal adviser Osborne Clarke and the advice has been taken into account in drafting the proposal.
33. The Brunel Company will need to get Financial Conduct Authority (FCA) approval as required by central government, which is currently timetabled to commence between July 2017 and September 2017.
34. Under this FBC the decisions on strategic investment stay with the individual administering authority via the annual strategic investment statement. However by this proposal it is anticipated that implementation of those investment strategies will be carried out by the Brunel Company which benefit from economies of scale.



35. The consideration and approval of this FBC will confirm in principle the strategic and financial merits of this pooling proposal and will authorise the move to the implementation stage.

36. The resolution delegates to the Pension Committee the implementation of the proposal but limits that delegation to substantially in compliance with the FBC.

### **Options Considered**

37. Not applicable

### **Conclusions**

38. Government policy, outlined by the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016, requires the Wiltshire Pension Fund to pool its assets. Following the recommendation by the Pension Fund Committee, the Council now need to approve the FBC to move forward with setting up the Brunel Company in order that the pooling proposals can progress to the implementation phase.

39. Although investment pooling is being driven by the central government agenda, the financial modelling that has been undertaken demonstrates that there are net savings opportunities for the Wiltshire Pension Fund in entering into the BPP. The detailed business case sets out the structures and governance arrangements that will be put in place, which will ensure that the Brunel Company provides value for money to the Wiltshire Pension Fund.

40. The Council is therefore asked to resolve to enter into investment pooling as part of the Brunel Pension Partnership as outlined in the resolution above.

**Carolyn Godfrey**  
**Corporate Director**

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2 February 2017

### **Background Papers**

None

### **Appendices**

Appendix 1 – Brunel Pension Partnership – Full Business Case

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# APPENDIX 1

## Project Title: Project Brunel Brunel Pension Partnership Full Business Case – Wiltshire

### VERSION HISTORY

Version	Date Issued	Brief Summary of Change	Owner's Name
Final Draft	08/11/16	Final Draft presented to BPP Finance and Legal Assurance Group (FLAG)	Dawn Turner
Final V1.0	15/11/16	Updates from FLAG feedback	OC/PwC/Project Office
Final v1.1	17/11/16	Incorporating feedback following FLAG review	Project Office
Final v1.2 Wiltshire	22/11/16	Updated in line with Financial model v5 Individual fund details and annex references for PCs included.	Project Office

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# 1. INTRODUCTION

## 1.1 Background and Context

The Full Business Case (**FBC**) has been prepared to inform a decision by the Wiltshire Council on a proposal for Pension Fund investment pooling by means of a newly established pooling arrangement, to be called the Brunel Pension Partnership (**the BPP**). At its core will be a new Financial Conduct Authority (**FCA**) regulated company, Brunel Pension Partnership Limited (**the Brunel company**).

Having first explained the background to investment pooling for Pension Funds in the Local Government Pension Scheme (**LGPS**), and also the essential features of the BPP proposal, the main focus of the FBC is on the financial viability and economic merits of that proposal. The outcomes of a detailed Financial Model are set out and have been subjected to **independent professional assurance**. The impacts of legal and other matters relating to the formation, governance and operation of the BPP and the Brunel company are also set out and subjected to **independent professional assurance**. All aspects have also been subjected to review by Chief Finance Officer/ Chief Legal Officer representatives from the 10 bodies engaged in the Brunel pool.

A summary of the key conclusions emerging from the FBC is provided immediately below. A major point to be emphasised at the outset is that **the FBC indicates that there are significant financial savings and other efficiencies to be gained which support accepting the proposal to continue to establish an investment pool for the 10 bodies** (i.e. quite apart from any regulatory imperative to pool). These derive principally from the **enhancement in scale, skills, and resources that investment pooling will bring**. The pooled investment of approximately £25bn of assets under the BPP model **will open up new opportunities across a range of performance metrics**.

Having listed the key conclusions, the remainder of this FBC is divided into five sections dealing with the Strategic, Financial, Economic, Commercial and Management Cases. Detailed consideration of these has been undertaken by Chief Finance and Chief Legal Officers on behalf of the Wiltshire Council.

## 1.2 Key conclusions from the Full Business Case

These are, as follows:

- On an aggregated basis, the Financial Model indicates that net savings exceeding £0.5 billion are achievable by 2036, with annual savings exceeding annual costs by March 2021 and breakeven two years later. The timing is largely down to the timetable to transition active fund management after 2019 as this yields the largest saving potential.
- On an individual Fund basis, the Financial Model indicates that net savings are achievable, with the level of such savings varying between Funds mainly to reflect the historic differing approaches to investment

and risk resulting in different portfolios. This means there will inevitably be differing savings that will be obtained on fee renegotiations.

- New Regulations have set out a clear legal framework making investment pooling mandatory for all LGPS funds in England and Wales, from April 2018.
- Regulations are very clear that the responsibility for individual fund investment strategy remains with the individual Administering Authorities.
- The BPP will represent a collaboration of the Wiltshire Council and nine other LGPS Administering Authorities based broadly in the South West of England.
- The Brunel company will be set up as a new FCA regulated entity, to be owned equally by each of the ten Administering Authorities.
- The Brunel company will implement the investment strategy of each BPP Pension Fund by selecting and monitoring external Manager Operated Funds.
- An initial review of the set-up, governance and operation of the BPP investment pool has confirmed its legal robustness and viability.
- Further development work, including on financial, legal and FCA regulatory matters, will be undertaken in the next development phase of the BPP investment proposal (i.e. up to anticipated implementation in April 2018).
- The current proposals and the documents associated with the current proposals are first drafts which are yet to be properly discussed and scrutinised by the Administering Authorities.
- The next phase of the BPP project will be work-intensive, and continued project resource will be required to ensure its successful delivery.

### 1.3 Professional advice and assurance

Professional advice and assurance on the financial elements of the BPP investment pooling proposal has been provided by PricewaterhouseCoopers LLP (**PwC**) and other advisers. From PwC, this has primarily related to preparation of the Financial Model and its outcomes, the financial case and taxation advice. Bfinance UK Limited (**bfinance**) has advised on potential investment fee savings and investment transition costs. Additional financial markets advice has been provided by Alpha Financial Markets Consulting (**Alpha**).

Professional advice and assurance on the legal elements of the BPP investment pooling proposal has been provided by Osborne Clarke LLP (**Osborne Clarke**). This has primarily related to the law and investment pooling, the set-up of the Brunel company, FCA authorisation, procurement

and employment matters. Further legal assurance has been provided by obtaining the legally privileged opinions of Leading Counsel (QCs) on the FCA authorisation and procurement law aspects.

Both PwC and Osborne Clarke have provided a statement of assurance to each of the BPP Administering Authorities.

## **2. STRATEGIC CASE**

### **2.1 Introduction**

The purpose of the Strategic Case is to identify the drivers for investment pooling. It sets out the case for change, taking into account in particular the Government's policy imperatives and the regulatory requirements relating to pooling.

### **2.2 Background to LGPS investment pooling**

In May 2014, the Government published a consultation which set out how savings might be achieved by LGPS funds through greater use of passive management and pooled investment. Following that consultation, the Government invited all LGPS Administering Authorities to develop ambitious proposals for pooling of their assets.

In July 2015 the Budget Red Book contained a statement as to what was required, and in November 2015 more detailed guidance was issued. A key point to emerge was that each pool should have assets of around £25 billion.

The proposal to establish the BPP developed accordingly. Through project based joint-working initiatives led by the local pension officers and overseen by two sponsoring bodies<sup>1</sup> the 10 Administering Authorities comprising the BPP have collaborated to test the proposition of establishing a new LGPS investment pool. This will include the Funds of the Environment Agency (Active and Closed) and those of nine Local Authorities (Avon, Buckinghamshire, Cornwall, Devon, Dorset, Gloucestershire, Oxfordshire, Somerset and Wiltshire).

In February 2016 eight pools, including the BPP, submitted their proposals to the Government. These submissions were strategic statements of intent. They were followed in July 2016 by much more detailed submissions from each pool, setting out how they were intending to pool their assets and the rationale for the approach being adopted. Each of the Administering Authority's Pensions Committees approved the BPP submission to Government.

The BPP submission included details about the key structural elements for the BPP pool. Since July, work has been ongoing to develop the BPP proposal in readiness for launching the new pool in April 2018.

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<sup>1</sup> Shadow Oversight Board with representatives from each Administering Authority; and Finance and Legal Assurance Group comprised of Chief Finance Officers and Chief Legal Officers.



## 2.3 Regulatory reform

The regulatory framework for investment pooling has been confirmed in the recently made Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 (**LGPS Investment Regulations 2016**). These provide that each Administering Authority must formulate an Investment Strategy Statement which must (a) be in accordance with Secretary of State (**SoS**) guidance, and (b) include “the authority’s approach to pooling of investments, including the use of collective investment vehicles and shared services”. The guidance states that “all authorities must commit to a suitable pool to achieve benefits of scale”, and they “must confirm that their chosen investment pool meets the investment reform and criteria published in November 2015”.

The SoS is given back-stop powers to intervene if an authority fails to act in accordance with the guidance and following consultation with the authority. These permit the SoS to make a direction requiring: that the authority changes investment strategy; that the authority invests specified assets as directed; that the investment functions of the authority are exercised by the SoS; that the authority complies with an instruction from the SoS relating to the exercise of its investment functions.

Legal advice from Osborne Clarke has confirmed that these regulatory provisions mean that the Government has set out a clear framework making investment pooling mandatory for all LGPS funds in England and Wales.

## 2.4 The case for change

The consultation for the new draft LGPS Investment Regulations 2016 was accompanied by criteria for pooling. This outlined four areas that underpin the case for change. These are now described, along with a brief statement (in bold) of how the BPP measures up against those criteria:

- Benefits from economies of scale to be derived from large pools of assets of a minimum of £25 billion. The total LGPS assets under management (**AUM**) in England and Wales at that time were in the region of £180 billion.

**Funds in the BPP pool had assets of about £23 billion at 31 March 2015, and these were valued at over £25 billion at 31 October 2016.**

- Improved decision making and better risk management, achieved from stronger governance, for the long-term interest of Funds’ members.

**The BPP has agreed 12 investment principles that will underpin all the governance and operating arrangements across the whole partnership. These were reported to all fund Committees/ Boards in earlier phases of this project and include long termism, responsible stewardship and openness and transparency. The BPP’s governance arrangements will be constructed**

**to meet the highest standards, including those required by the FCA for a regulated entity.**

- Reduction in costs and improved value for money from both the fee savings achieved by funds investing together and reducing manager churn by focusing on long term performance.

**The BPP Funds currently have almost 100 different managers and around 170 mandates between them. These will be replaced by about 22 outcome focused investment portfolios, which will deliver the BPP Funds' investment strategy requirements and significantly reduce the number of managers and mandates. Annual fee savings of £20 million are projected to be made by March 2021, rising to £30 million by March 2027.**

- Increasing capacity and capability to invest in infrastructure by making long term strategic collaborative plans across the LGPS to invest in infrastructure making this asset allocation more attractive (lower risk) and beneficial (increased returns for less cost).

**The eight LGPS pools have formed a Cross Pool Collaboration Group, with an Infrastructure sub-group looking at a national approach to infrastructure. While in its infancy, this is likely to yield improved access to better infrastructure investment, both from the collective opportunity BPP brings as well as a national investment vehicle.**

## 2.5 Imperative of investment pooling

The main strategic driver for investment pooling is the Government's decision to progress this as a policy, as now required under the LGPS Investment Regulations 2016. The case for change is underpinned by legal advice from Osborne Clarke, and has been recognised by all other Administering Authorities in England and Wales and the other pools they have formed or are now forming.

## 3. FINANCIAL CASE

### 3.1 Introduction

The purpose of the Financial Case is to set out the financial implications of investment pooling. It is informed by a detailed Financial Model, which focuses on the estimated savings from pooling both on a whole pool basis and an individual Fund basis. It represents the key evidence supporting this Business Case and the BPP proposal generally.

### 3.2 The BPP financial model – three key metrics

PwC have created a sophisticated Financial Model that has been provided to each Administering Authority's pension and financial officers. The Financial Model compares the current situation for each Administering Authority to the situation following the transition of assets into the Brunel company, projecting annual net costs or net savings until 2036.

There are three key metrics from the Financial Model:

- **The annual running rate of net saving once the initial structural development and asset transition costs have been met.** Net savings are fee savings plus other savings less operational costs, each evaluated on an annual basis. The metric can be expressed as a cash amount or as a percentage of assets under management in the relevant year: we have used the year to March 2025 (FY25).
- **The year of breakeven.** This metric estimates when each of the BPP Pension Funds will reach the point when the anticipated fee and other savings will start to exceed the set-up (structural development and asset transition) costs and operational costs.
- **The total net savings measured against a broadly 20 year period** to financial year ending 31 March 2036 (FY36). This metric measures the net savings each of the Brunel Funds will accrue, both on a discounted and an undiscounted basis, over that period.

The information and assumptions underlying the Financial Model are described in more detail in the Financial Case.

### 3.3 The core model

The core model presents a base case of the financial outputs, and is intended as a prudent and reasonable projection of the total anticipated savings from the transitioning of assets into the BPP pool. The core model relies on the key assumption that fee savings will be driven by fewer investment mandates and an extensive programme of fee negotiations, with other savings accruing from reduced expenditure by Administering Authorities.

On that basis, the core model projects-:

- that annual net savings by FY25 will be **£27.8 million pa** across the Administering Authorities, representing 0.089% (**8.9 basis points bps pa**) of assets then under management;
- the breakeven year, by which cumulative savings will have exceeded cumulative costs will be the year to March 2023, **FY23**, in fact relatively early in that year; and
- an aggregate net saving to FY36 across all ten Administering Authorities of **£550 million**, which has a discounted present value of **£280 million**.

The position on the three metrics (i.e. the annual running rate of net savings, the breakeven year, and the net savings by FY36) differs between the ten Administering Authorities, depending mainly on differing projected fee savings. These differing fee savings depend on the differences between the projected fee levels, after renegotiation, and existing fee levels, with fee savings harder to achieve if existing fee levels are already low. This is largely due to individual Administering Authorities having historically taken differing approaches to investment strategy and risk. This independence will remain and the base core model simply looks at savings from today's position. The other information on which projections are based varies much less between Administering Authorities.

For ease of comparison, the following table states assets under management (AUM) in March 2016 and the annual running rates of savings projected by the core model for FY25, both on a combined pool basis and on an individual Administering Authority basis.

Core model	Assets under management (AUM, £m, at 31 March 2016)	Running annual rate of net saving in FY25	
		£m	bps of projected AUM in FY25
Avon	3,739	3.5	6.8
Buckinghamshire	2,164	6.1	20.4
Cornwall	1,464	1.1	5.6
Devon	3,299	5.2	11.3
Dorset	2,273	3.7	11.8
Environment Agency*	2,954	2.8	7.4
Gloucestershire	1,687	0.7	3.0
Oxfordshire	1,824	1.1	4.2
Somerset	1,592	1.5	6.6
Wiltshire	1,826	2.1	8.3
<b>Combined Pool</b>	<b>22,822</b>	<b>27.8</b>	<b>8.9</b>

\*includes £219m for the EAPF Closed Fund which is not expected to benefit from fee savings. Therefore the Closed Fund assets are not used in the calculation of the net saving as expressed in basis points of AUM.

On an individual fund basis this would mean a breakeven point for the combined fund and Wiltshire of 2023 as follows:

Core model	Breakeven year	Total 20 years net gain to FY36		Running annual rate of net saving in FY25	
		£m	Discounted value £m	£m	bps of AUM
<b>Wiltshire Pension Fund</b>	<b>FY23</b>	<b>41.0</b>	<b>20.2</b>	<b>2.1</b>	<b>8.3</b>
<b>Combined Pool</b>	<b>FY23</b>	<b>550.1</b>	<b>279.5</b>	<b>27.8</b>	<b>8.9</b>

PwC has provided financial assurance to the Administering Authorities that the core model has been constructed using prudent and reasonable assumptions. More detail of such assumptions and the modelling methodology is set out in the Financial Case. This has been checked and assessed by each Administering Authority's Chief Finance Officer/ Section 151 Officer.

### 3.4 Sensitivity on core model

A sensitivity analysis of the core model metrics has been undertaken. This analysis has considered several important variables, as follows:

- Variable 1: fee savings achieved by the Brunel company being plus/minus 2 basis points (0.02%) when compared with the midpoint the fee savings identified in the core model for each Administering Authority (the overall midpoint being 8.9 bps for the Combined Pool).

- Variable 2: asset transition costs, which include tax costs, being in total plus/minus £15 million when compared with the asset transition costs used for the core model.
- Variable 3: annual operational costs for the Brunel company being £1 million pa higher than the annual operational costs used for the core model.
- Variable 4: a transition delay such that liquid assets take three years to restructure rather than the two years used in the core model.
- Variable 5: underlying market asset performance differing significantly from the steady 4% pa growth used for the core model. Three variations are considered: a 20% equity market crash in 2020, and steady growth at rates of either 3% pa or 5% pa.

The table on the following page expresses the impact of these five variables on a combined pool basis. The top row, shaded, shows the core model. Other rows show individual variations, with downside sensitivities lightly shaded and upside sensitivities unshaded:

**Table 1.3.4a Impact on Core Model of 5 Variables – Combined Pool Basis**

Combined (all ten Administering Authorities)		Breakeven year	Total 20 years net gain to FY36		Running annual rate of net saving in FY25	
			£m	Discounted value £m	£m	bps of AUM
<b>Core model</b>		FY23	550	280	27.8	8.9
<b>Variable 1: fee savings</b>	<b>- 2 bps pa saving</b>	FY24	387	188	20.5	6.5
	<b>+ 2 bps pa saving</b>	FY22	714	371	35.2	11.2
<b>Variable 2: asset transition costs, incl tax</b>	<b>+£15m on total transitional costs</b>	FY24	535	266	27.8	8.9
	<b>- £15m on total transitional costs</b>	FY22	565	293	27.8	8.9
<b>Variable 3: + £1m pa Brunel Company running costs</b>		FY23	526	263	26.6	8.5
<b>Variable 4: transition delay</b>		FY24	507	256	26.3	8.4
<b>Variable 5: market asset performance</b>	<b>Equity market crash in FY20</b>	FY23	458	228	23.5	8.7
	<b>-1% pa (3% pa total)</b>	FY23	441	219	24.6	8.6
	<b>+1% pa (5% pa total)</b>	FY23	680	352	31.3	9.2

The key conclusions emerging from the sensitivity analysis are as follows, including comments on mitigation:

- **The fee renegotiations will be critical to the overall results.** The core model targets an overall improvement in fee savings that leads to net savings, after operational costs, of 8.9 basis points (0.09%) by FY25. A reduction of 2 basis points (0.02%) in savings in variable 1 is the largest effect illustrated, impacting all three key metrics of running annual rate of net saving, breakeven and 20 year net gain.
- **Fee renegotiations are a largely symmetrical sensitivity.** Hence the upside potential on the three key metrics in variable 1 further emphasises the importance of successful fee negotiations.
- **Asset performance by the markets is crucial.** The more assets under the aegis of the Brunel company, the more pooling will deliver; conversely, a lower asset base will render pooling less beneficial. There is an element of a fixed cost being spread here, as evidenced by the annual running rate of saving in FY25, if expressed as basis points of AUM (assets under management), changing little between the three scenarios considered within variable 5. At a high level, investment performance by markets cannot be altered by the Brunel company: some mitigation may be possible through strategic asset allocation at the Administering Authority level. Ultimately, investment performance has balancing contribution implications that have not been modelled.
- **Transition delay should be avoided.** Delay by a year, variable 4, would outweigh the impact of £15 million higher asset transition costs, variable 2. This can be seen in both breakeven year and total gain over 20 years. Neither variable has much impact on the running annual rate of saving projected by FY25.
- **Asset transition costs including tax could push back the breakeven year.** The £15 million extra indicated just moves breakeven from FY23 to FY24, so that there would be a substantial gain by the end of FY24. There will be choice as to how much cost to incur: more radical asset reorganisation may be justified in terms of higher fee savings or higher performance expectations. However, action to pursue recognition of this impact and alternative arrangements for UK tax impacts should and will be pursued with Central Government to see if some of this variable can be mitigated.
- **Asset transition costs including tax are a broadly symmetrical sensitivity.** So the upside potential demonstrates that a saving is possible. There would be a concern that pursuing some saving could reduce the longer term effectiveness of portfolio construction.



- **Brunel company operating costs should be controlled.** If they changed by £1 million a year as illustrated by variable 3, they would have a somewhat greater impact on the 20 year net gain than transitional costs increasing by £15 million

The table on the following page expresses the impact of these the five variables for the Wiltshire Pension Fund only. Commentary is being provided in individual covering papers and the text of this document, other than for the table itself, is not being altered between Administering Authorities:

**Table 1.3.4b Impact on Core Model of 5 Variables – Wiltshire Pension Fund Only**

Wiltshire Pension Fund		Breakeven year	Total 20 years net gain to FY36		Running annual rate of net saving in FY25	
			£m	Discounted value £m	£m	bps of AUM
<b>Core model</b>		FY23	41.0	20.2	2.1	8.3
<b>Variable 1: fee savings</b>	<b>- 2 bps pa saving</b>	FY24	27.8	12.7	1.5	5.9
	<b>+ 2 bps pa saving</b>	FY22	54.3	27.6	2.7	10.6
<b>Variable 2: asset transition costs</b>	<b>+£15m on total transitional costs</b>	FY24	39.5	18.8	2.1	8.3
	<b>- £15m on total transitional costs</b>	FY22	42.4	21.5	2.1	8.3
<b>Variable 3: + £1m pa Brunel Company running costs</b>		FY23	38.9	18.6	2.0	7.8
<b>Variable 4: transition delay</b>		FY24	37.8	18.4	2.0	8.0
<b>Variable 5: asset performance</b>	<b>Equity market crash in FY20</b>	FY23	33.2	15.8	1.7	8.0
	<b>-1% pa (3% pa total)</b>	FY23	32.4	15.4	1.8	7.9
	<b>+1% pa (5% pa total)</b>	FY23	51.3	25.9	2.4	8.6

### **3.5 Future opportunities – risk mitigation**

There is international evidence that investment at greater scale can provide opportunities to improve overall investment performance through a range of mechanisms, including risk mitigation. This has not been examined in the core model. Nonetheless, the potential can be seen by considering the core model sensitivity analysis: if the opportunity can be captured to the extent of just 5 basis points (0.05%), then the total net gain projected by FY36 would increase by approximately 60%.

### **3.6 Future opportunities – internal management**

Additional analysis has been undertaken to assess the opportunities that may be available if the Brunel company undertakes internal management (i.e. undertaking dealings in individual stocks and other assets, in addition to making investments into Manager Operated Funds). A move to internal management could only happen with the consent of all the Administering Authorities based on circumstances at the time. It is therefore only a prospective and contingent opportunity at this point.

Subject to that, the Financial Case analyses the potential opportunities that may be offered by internal management, which in summary are greater savings owing to the potential substantial reduction in fees.

Any decision to move to internal management would require the case to be made that the fee savings would be accompanied by investment performance expectations remaining at least in line with those that external managers were providing. Such a case would be easier to make for some asset classes than others.

### **3.7 Core model – foundation of the Full Business Case**

The core model, including the sensitivity analysis outlined above, is foundational to the FBC. It is this core model which should substantially inform a decision to proceed with the BPP investment pooling proposal.

This section of the FBC has dealt with the headline points relating to the core model, and sets out the main conclusions. Further and more detailed analysis is set out in the Financial Case.

## **4. ECONOMIC CASE**

### **4.1 Introduction**

The purpose of the Economic Case is to describe the options considered for investment pooling, and to provide evidence that the most economically advantageous approach to meet the Administering Authorities service needs on a value for money basis.

### **4.2 Options considered for the pooling entity**

The Project Brunel initial proposal, submitted in February 2016, suggested a structure whereby a Collective Asset Pool would be overseen by a Joint Committee. This proposed structure was an alternative to an overarching Authorised Collective Scheme (**ACS**), which would have had additional complexities and costs of establishment and operation and would not have provided a structure consistent with all types of pooling

This proposed structure was later developed following the Secretary of State's March 2016 response. This required that a single and separate entity be at the heart of final pooling proposals, and that it should have responsibility for selecting and contracting with investment managers independently of Administering Authorities (which would retain responsibility for setting their detailed Strategic Asset Allocation). A further clear requirement set out in the Secretary of State's response was that the pooling entity must be FCA regulated.

The Secretary of State's response led to a discussion of how best to operate this entity, now conceptualised as the Brunel company. Two models were under consideration, being either to rent it from a commercial provider or for the Administering Authorities to build it and shape its structure and governance through a shared ownership arrangement.

A detailed analysis was carried out by PwC to consider the relative merits and limitations of each model, examining them against three groups of issues: accountability; procurement and staffing; and costs. The PwC analysis showed that the build model would have advantages over the rental model, especially on accountability. It would also generate less uncertainty around the future roles of investment officers.

It was recognised that the build model brought its own challenges, particularly around procurement and staffing. These are considered further in the Commercial Case section that follows. Overall, however, the build model was the preferred option under the PwC analysis.

### **4.3 Operational costs of the Brunel company**

Whilst the Commercial Case examines a wide range of issues, the Economic Case evaluates how the Brunel company development and operational costs affect the Financial Case. The key point has been consolidated into the sensitivity analysis in the Financial Case: additional operational costs will need to be evaluated against the additional asset performance or fee saving they can generate.

PwC has identified that the most economic case would suggest that the Brunel company is situated in the Bristol area (a formulation which includes Bath). This followed analysis that compared several geographies, including London, Swindon, Taunton and Exeter, evaluating them under the headings of infrastructure, human resources and operational matters.

The Bristol area includes the largest city in the Brunel geography, with good transport links to the Administering Authorities and acceptable links to suppliers, notably those in London. Office space is relatively affordable and staffing implications, including remuneration levels, are favourable. In building up costs used in the core model therefore, indicative costs have been used for prices of accommodation in the Bristol/ Bath area.

## **5. COMMERCIAL CASE**

### **5.1 Introduction**

The purpose of the Commercial Case is to set out the proposed structural arrangements for the BPP. The focus is on relevant ownership, governance and contractual matters, and how these will serve the requirements of the BPP Administering Authorities.

### **5.2 Brunel Pension Partnership structure**

The main structural components of the BPP are, in summary:

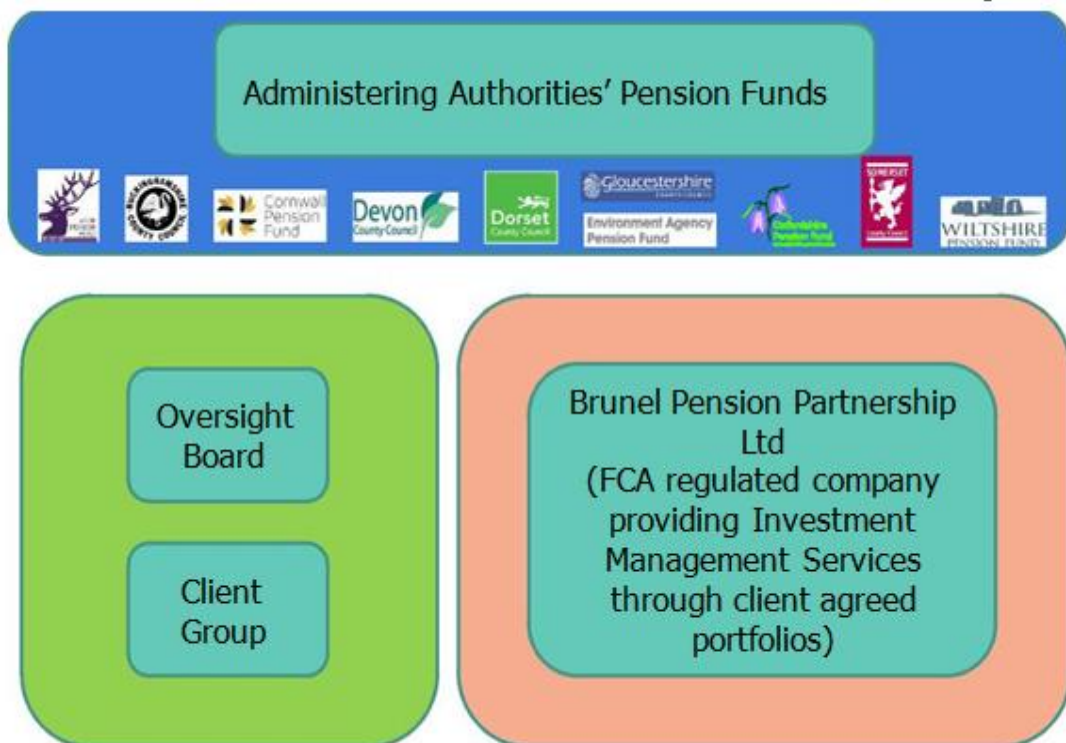
- **BPP Administering Authorities:** They will each retain sole responsibility for setting the detailed Strategic Asset Allocation for their Fund and allocating their assets to the investment portfolios provided by the Brunel company.
- **Brunel Pension Partnership Limited:** This will be a new FCA regulated company which will be wholly owned by the Administering Authorities. It will be responsible for implementing the detailed Strategic Asset Allocations of the BPP Funds by investing Funds assets within defined outcome focused investment portfolios. In particular it will research and select the Manager Operated Funds needed to meet the requirements of the detailed Strategic Asset Allocations. These Manager Operated Funds will be operated by professional external investment managers.
- **Oversight Board:** This will be comprised of representatives from each of the Administering Authorities. It will be set up by them according to an agreed constitution and terms of reference (however, it will not be a Joint Committee under S102 LGA). Acting for the Administering

Authorities, it will have ultimate responsibility for ensuring that the Brunel company delivers the services required to achieve investment pooling. It will therefore have a monitoring and oversight function.

Subject to its terms of reference it will be able to consider relevant matters on behalf of the Administering Authorities, but will not have delegated powers to take decisions requiring shareholder approval. These will be remitted back to each Administering Authority individually. Further work on issues such as how this will operate, the Shareholder Agreement, and appointments will be clarified and brought back to each Administering Authority to approve at a later date.

- **Client Group:** This will be comprised primarily of pension investment officers drawn from each of the Administering Authorities. It will be responsible for providing practical support to enable the Oversight Board to fulfil its monitoring and oversight function. In effect, it will provide a client-side link between the Oversight Board and the Brunel company, and will draw on Administering Authorities finance and legal officers from time to time.

The following illustration shows the key structural components of the Brunel Pension Partnership in diagrammatic form:



### 5.3 Governance arrangements

Much of the detail relating to the BPP's governance arrangements will be set out in three key documents: **Articles of Association** of the Brunel company;

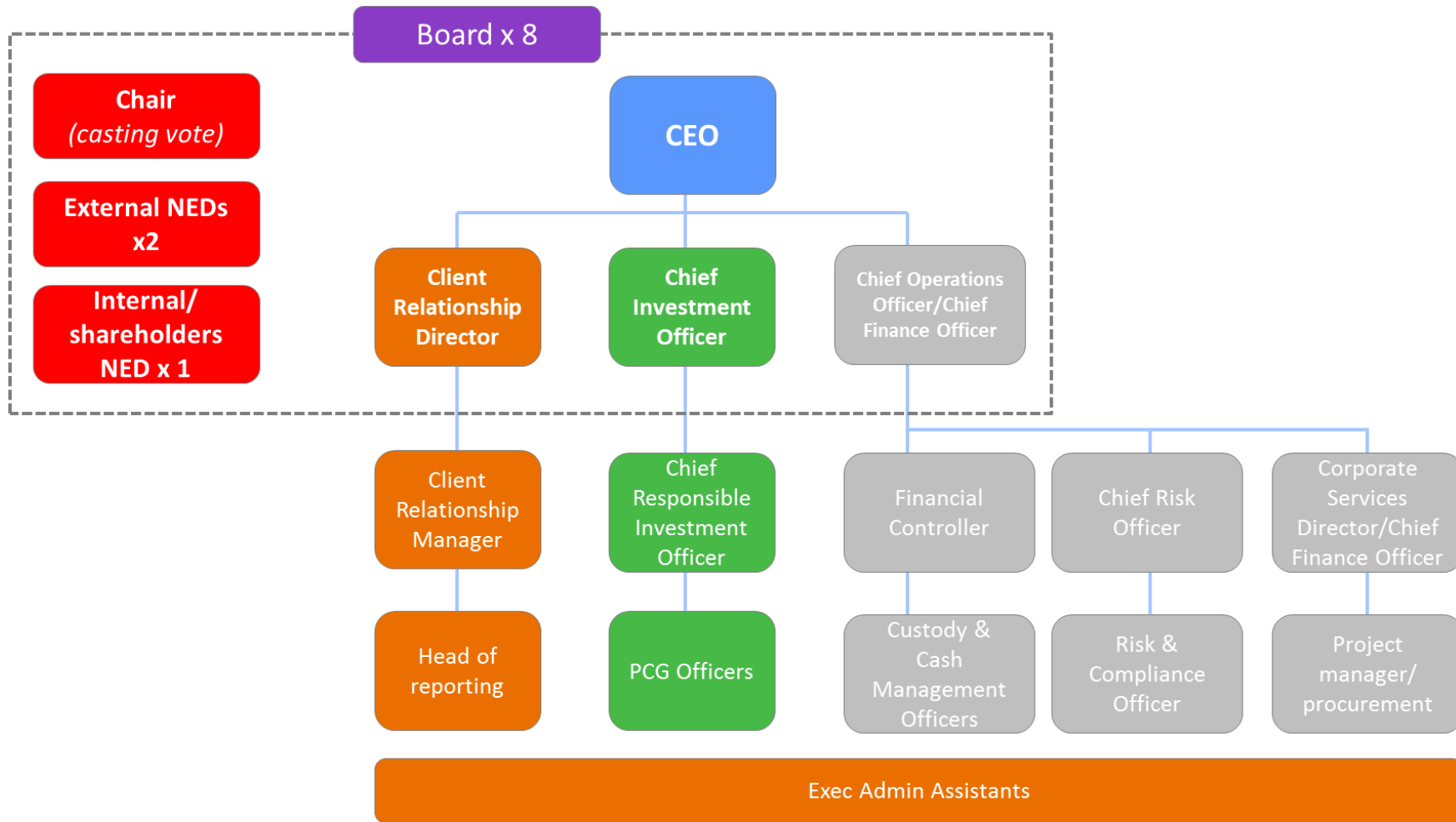
**Shareholders' Agreement** between the Administering Authorities; **Terms of Reference** for the Oversight Board. These documents will address issues such as powers of the company, shareholder control through reserved matters, exit arrangements and procedures of the company. The current proposals that are reflected in the commercial case are based on a first draft of documents produced by Osborne Clarke which are yet to be properly discussed and scrutinised. Osborne Clarke will advise on the drafting of these documents, working with Chief Legal Officers accordingly. The project timetable has an indicative time for these to be put in place of Spring 2017.

Standing behind these key documents will be the other requisite documents such as conflict of interest policy and terms of reference for the Brunel company's committees. Its FCA regulated status will require it to have high standards of internal governance and compliance, with a particular focus on risk management.

The proposed operating model for the Brunel company includes a board which will be made up of four non-executive directors (independent chair, plus two externally recruited non-executives and one shareholder representative non-executive), with three or four executive directors (chief executive officer, chief finance/operations officer, chief investment officer and (yet to be confirmed) client relationship director). Various committees (audit, remuneration, risk and compliance) will be required, as will other statutory roles, such a company / board secretary.

This board will be responsible for three business units, which will relate to the following: investments (including responsible investments), operations and finance (including risk and compliance), and client relationships (including reporting). A programme of external and internal recruitments will be implemented to ensure that the senior and other supporting roles are staffed by suitably qualified and experienced personnel.

The operational structure diagram below set outs the proposed high level operating structure of the Brunel Company.





#### 5.4 **Contractual arrangements**

The contractual relationship between the Administering Authorities and the BPP will be set out in a comprehensive **Services Agreement**. It will define the investment pooling and related services which the Brunel company will perform, and the contractual terms which will apply to the delivery of those services.

The core contractual obligation of the Brunel company will be to define and set up portfolios reflecting the detailed Strategic Asset Allocations of the BPP Administering Authorities, and to select investment managers who are capable of operating suitable Manager Operated Funds for each portfolio. The Brunel company will be required contractually to maintain its FCA regulated status.

In support of that core contractual obligation, the Brunel company will offer a number of subsidiary services to the Administering Authorities. These services will cover such matters as custody and investment administration, financial performance reporting, responsible investment, investment research, investment accounting, risk management, transition management, cash management, etc. Where appropriate and necessary, the Brunel company will contract with third party service providers to procure services that will not be provided internally (e.g. custody, transition management, HR services).

#### 5.5 **Brunel company and procurement issues**

A legal review has concluded that a decision by the Administering Authorities to enter into the Services Agreement, and thereby procure the services of the Brunel company, will be exempt from the application of the public contract procurement procedures (as set out in the Public Contracts Regulations 2015). This legal review was undertaken by Osborne Clarke, and included obtaining a legally privileged opinion from Leading Counsel (a QC) who specialises in procurement law. The Osborne Clarke advice and the QC opinion have been provided to Chief Legal Officers.

#### 5.6 **Brunel company and FCA authorisation**

In order to meet this core contractual obligation the Brunel company will need to be FCA regulated. A key consideration in that respect is being clear on the FCA permissions that will be required, taking into account the Brunel company's activities. A legal review has concluded that there is a very strong likelihood that the BPP will involve the creation of a Collective Investment Scheme, with the Brunel Company acting as the operator. This legal review was undertaken by Osborne Clarke, and included obtaining an opinion from Leading Counsel (a QC) who specialises in FCA regulatory law. The Osborne Clarke advice and the QC opinion have been provided to Chief Legal Officers.

The project timetable allows for the appropriate permissions to be obtained from the FCA. The Brunel company will be required contractually to maintain its FCA regulated status, and as such its board of directors will have to maintain compliance with the FCA's applicable rules and procedures for a regulated entity carrying out activities of the type envisaged.

## 5.7 **Personnel implications**

A legal review by Osborne Clarke of the relevant employment law has reached an initial conclusion that the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("**TUPE**") will not apply if employees currently employed in the pension functions of any of the Administering Authorities move to the Brunel company as a result of any selection and employment process. The position on TUPE will be confirmed when any employee migration from an Administering Authority to the Brunel company takes place.

The Cabinet Office Guidance on Staff Transfers in the Public Sector (**COSOP**) sets out a framework for TUPE-style protections to be afforded to employees involved in public sector reorganisations, in circumstances where there is not a relevant transfer within the meaning of the TUPE legislation. While local authorities are not legally bound to observe COSOP, it is intended that, so far as possible, the principles of COSOP will be adhered to.

In summary, subject to the detailed legal advice, it is envisaged at this stage any employees who move from employment with an Administering Authority to the Brunel company will receive TUPE-equivalent protection.

## 5.8 **Risk allocation**

Under the BPP structure, the Administering Authorities will retain the key investment risk of designing the detailed Strategic Asset Allocation for their Fund. Taking that into account, the Brunel company will provide to the Administering Authorities the key investment management services of selecting, appointing and monitoring the investment managers operating the various Manager Operated Funds. Related services, also provided by the Brunel company, will include such matters as custody, performance reporting and transition management services.

While as noted the key investment risk will be retained by the Funds, it is apparent that the Brunel company will take on a contractual risk for providing investment management and related services to the Administering Authorities. Previously, the tasks of selecting, appointing and monitoring fund managers has been undertaken by local pension funds, with input from external professional advisers where necessary.

Where relevant services cannot be provided by the in-house resources of the Brunel company third party service providers will be appointed (for example, providers of custody, performance analytics, data management and investment accounting services). To that extent, the risk transfer to the Brunel company will be mitigated by the appointment of third party service providers.

The directors of the Brunel company will owe the normal fiduciary and other duties that any director owes to an FCA regulated company. Additionally, all staff will owe contractual duties to the Brunel company as their employer, and as set out in their individual employment contracts. During the next development phase the use of possible risk mitigation arrangements, including Directors' & Officers' liability insurance and Professional Indemnity insurance, will be investigated and agreed.

## **5.9 Charging mechanism**

In the Financial Model, Brunel company costs are assumed to be split between the ten Administering Authorities using an equitable approach to cost sharing. This allows for approximately half of the costs to be split equally between the ten Administering Authorities and the remainder to be split in proportion to assets under management. This modelling is intended to capture the ultimate reality of Brunel company operation, when the pricing policy for its services is likely to contain both fixed and marginal elements.

The charging mechanism that will actually apply when the BPP becomes operational will be decided after taking into account a range of alternative charging methodologies, and will be determined by agreement between the Administering Authorities.

## **5.10 Development costs and implementation timescale**

Under the project timetable the indicative time for the Brunel company to be set up with appropriate ownership and governance arrangements is Spring 2017. Work on the development of its operational capability will continue in the interim period.

The Memorandum of Understanding (MoU) agreed between the Administering Authorities in September 2015 stated that the Brunel project development costs would be split equally between the participating funds (i.e. a tenth each). It has cost £1.2m (£0.12m per fund) to take matters to the FBC stage, including the preceding Strategic and Outline Business Cases (submissions to Government in February and July).

A new MoU has been drawn up and reviewed by the Finance and Legal Assurance Group (to be ratified by the Shadow Oversight Board), to cover the period from December 2016 until the permanent Brunel company arrangements are in place. This update will refresh arrangements on

collaborative working, decision-making and cost allocation during that period. The MoU includes provision for charging the time of officers assigned to BPP project roles. Up to this point the cost of such officer time has been absorbed by each Administering Authority.

Development costs will continue to be allocated to Administering Authorities on an equal share basis. The initial projected future development costs up to April 2018 are £3.3m (£0.33m per fund). This includes working and regulatory capital for the Brunel company of £2.0m (£0.2m per fund). Any change in the development budget will be subject to approval by Administering Authorities. The Brunel company will also have operating costs as it builds capability from its inception in 2017, which will be invoiced separately.

## **6. MANAGEMENT CASE**

### **6.1 Introduction**

The purpose of the Management Case is to describe how the BPP proposal will be delivered successfully. The focus is on effective project management during the next phase, including proposals for addressing relevant risks for the Administering Authorities and the successful delivery of the challenges of change management for a project of this nature.

### **6.2 Project management arrangements**

The level of project management resource required to ensure the successful delivery of the BPP proposal will be kept under regular review. The next development phase is likely to be demanding with a significant amount of work to be done on a range of matters. These will include setting up the Brunel company's governance and contractual arrangements, addressing all relevant operational matters including staff recruitment, and preparing for submission of the FCA application.

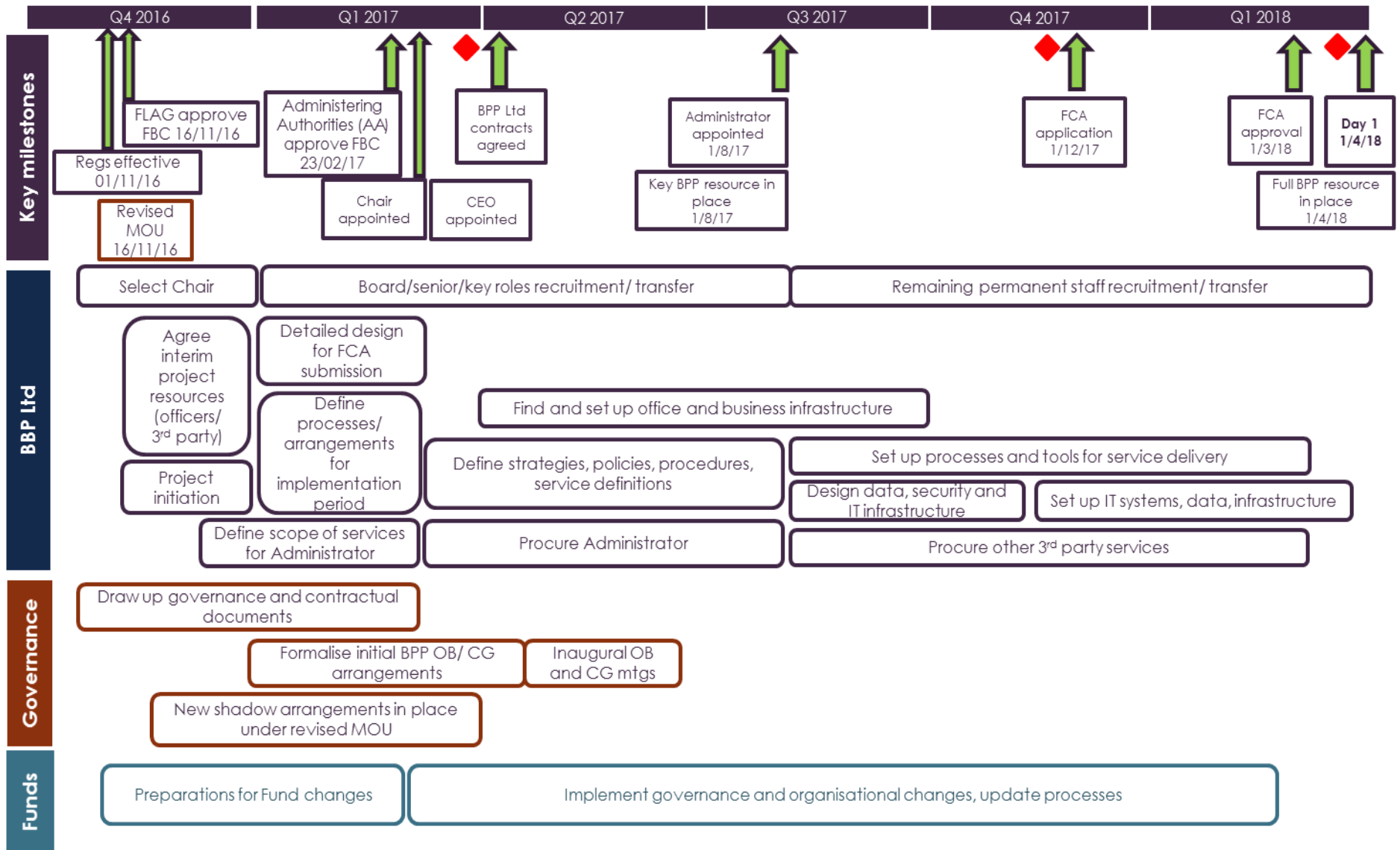
A particular challenge will be ensuring that these tasks can be delivered in parallel with the appointment of the Brunel company's leadership team, including the Chair. The permanent staff appointments will take place throughout the remainder of the project, so the project structure will evolve during the lifecycle of the project. They will be key in providing continuity of leadership and direction while other resource changes are underway.

Any non-permanent assignments of officers to support the Brunel company set-up and resourcing will be progressed on an interim basis.

Conflicts of interest may emerge, and if so they will be carefully managed by establishing clear accountabilities and resource allocation.

The following diagram provides an indicative overview of the programme activities and the key milestones:

**Brunel Pension Partnership – Stage 3b: implementation PLAN 1 - Key decision points and high level activities** ◆ = formal review points



### 6.3 **Benefits realisation and risk management**

The delivery of the expected benefits of pooling will be through the operation of the Brunel company and the services it delivers to the Brunel Funds. It will be monitored by the Oversight Board and Client Group, using the reporting activities provided by the Brunel company.

A comprehensive risks register is already in place and will continue to be maintained by the Project Office. The risks will be further categorised to identify those risks directly to the Funds and those directly applicable to the Brunel company. The risks will be reported to the programme and project management teams through regular status reports. Very high risks or those requiring urgent action to manage will be escalated as needed.

#### **Project milestones and gateways**

Meetings of the Brunel Administering Authorities are scheduled to take place between 2 December 2016 and 23 February 2017. At these meetings Resolutions for in principle decisions to approve investment pooling will be considered, with appropriate delegations being granted to progress the next development phase. The approval by Administering Authorities of these Resolutions will mark a key milestone in the establishment of the BPP investment pool.

Further formal reviews that the project has progressed in line with the provisions agreed in the FBC will be held prior to the key milestones. These include the appointment of the Brunel company Chair (early 2017), set-up of the Brunel company and agreement of the key shareholder and other corporate documents (by Spring 2017), submission of the Brunel company's FCA application (by November 2017), and operational readiness for commencement of pooling (by April 2018).

**Wiltshire Council**

**Council**

**21 February 2017**

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## **Future External Audit Appointment Process**

### **Executive Summary**

This report updates Council on the options for appointing the Council's external auditors following changes in legislation, and identifies the advice of the Audit Committee. There are three options:

1. undertake an individual auditor procurement and appointment exercise;
2. undertake a joint audit procurement and appointing exercise with other bodies, those in the same locality for example; or
3. join a 'sector led body' arrangement where specified appointing person status has been achieved under the relevant Regulations

### **Proposal**

Council agrees to choose option 3 recommended by the Audit Committee, and nominate Public Sector Audit Appointments Limited (PSAA) to act on its behalf and appoint external auditors for the council.

### **Reason for the Proposal**

Changes to legislation following the dissolution of the Audit Commission require the Council to take a decision by December 2017.

**Carolyn Godfrey**  
**Corporate Director**

## **Future External Audit Appointment Process**

### **1. Purpose of this report**

- 1.1 Due to pending changes in the legislative requirements to appoint public body auditors following the Local Accountability and Audit Act 2014 that dissolved the Audit Commission, the Council has to determine an appropriate route to appoint its external auditors for the 2018/19 audit and beyond.

### **2. Background**

- 2.1 Following an announcement to dissolve the Audit Commission, the Secretary of State for Communities and Local Government delegated statutory functions (from the Audit Commission Act 1998) to Public Sector Audit Appointments Limited (PSAA) on a transitional basis by way of a letter of delegation issued under powers contained in the Local Audit and Accountability Act 2014. PSAA is an independent company limited by guarantee incorporated by the Local Government Association in August 2014.
- 2.2 Under these transitional arrangements, the PSAA therefore is currently responsible for appointing auditors to local government, police and local NHS bodies, for setting audit fees and for making arrangements for the certification of housing benefit subsidy claims. In July 2016 the Secretary of State for Communities and Local Government extended the transitional period until after the 2017/18 audit.
- 2.3 Going forward after that audit public sector bodies have three options under legislation and regulations to appoint external auditors:
1. undertake an individual auditor procurement and appointment exercise;
  2. undertake a joint audit procurement and appointing exercise with other bodies, those in the same locality for example; or
  3. join a 'sector led body' arrangement where specified appointing person status has been achieved under the relevant Regulations



2.4 This effectively means Wiltshire Council (and it is assumed Wiltshire Pension Fund, although silent in legislation and guidance despite request for clarity) must have selected one of these options by December 2017 in readiness for the 2018/19 audit. Given the various times to enact these options clarity on which option is preferred by the Council is sought now. As part of that process and given some of the direct impact to the Audit Committee its views were sought to inform the appointment process decision.

2.5 The minutes of the Audit Committee meeting and the full review of all three options can be found at the following [Link](#) – Item 45.

2.6 The Audit Committee concluded after discussions and questions that it recommended to Full Council the option to nominate Public Sector Audit Appointments Limited (PSAA) to act on behalf of the Council for future external audit appointments.

### **3. Equality and Diversity Impacts of the Proposal**

3.1 None have been identified as directly arising from this report.

### **4. Financial Implications**

4.1 Each options carries different risks regarding both the cost of future external audits. It is assumed, as set out in the report considered by the Audit Committee, that option three – to join a sector led approach, will provide the lowest risk regarding fee increases and procurement costs.

4.2 The responsibilities of the PSAA will give assurance that the quality of auditors appointed and fiduciary risk is equally managed for all three options.

4.3 The expected costs are within the current budgetary framework, and the proposed options reduces the risk of any increase.

### **5. Legal Implications**

5.1 There is a statutory requirement for the Council to have external auditors. Changes to legislation now set out the requirements and options for public bodies to appoint those auditors. This paper considered by Audit Committee set out the various options available to meet the statutory requirements under the new arrangements for the audit and accountability of local public bodies are set out in the [Local Audit and Accountability Act 2014](#), and the following Regulations issued under the Act: [The Accounts and Audit Regulations 2015](#) and [The Local Audit \(Appointing Person\) Regulations 2015](#).

5.2 The appointment process finally chosen will have to follow this legislation. Legal will advise on that process in due course.

6. **Public Health Implications**

6.1 None have been identified as arising directly from this report.

7. **Procurement Implications**

7.1 In recommending option 3 the procurement process will be undertaken by PSAA. The expected costs over the contract duration is likely to exceed OJEU Procurement Thresholds and therefore, the Strategic Procurement Hub will provide oversight of the process to ensure compliance in accordance with the Council's Procurement and Contracts Rules.

8. **Environmental Implications**

8.1 None have been identified as arising directly from this report.

9. **Safeguarding Implications**

9.1 None have been identified as arising directly from this report.

10. **Options Considered**

10.1 The Audit Committee considered the three options open to the Council under current legislation.

11. **Reasons for Proposals**

11.1 Changes to legislation following the dissolution of the Audit Commission require the Council to take a decision by December 2017. All of the options require time to prepare for and as such views of the Audit Committee were sought. The decision to nominate an external agent to appoint an external auditor must be that of Full Council.

12. **Proposal**

12.1 Council agrees to choose option 3 recommended by the Audit Committee, and nominate Public Sector Audit Appointments Limited (PSAA) to act on its behalf and appoint external auditors for the council.

**Michael Hudson**  
Associate Director, Finance

Report Author: **Michael Hudson** - Associate Director, Finance

**Wiltshire Council**

**Full Council**

**21 February 2017**

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## **Standards Committee Recommendations on Changes to the Constitution – Protocol 12**

### **Purpose of Report**

1. This report asks Council to approve changes to the Constitution as recommended by the Standards Committee.

### **Background**

2. Following a review by the Standards Committee Council approved guidance to the Code of Conduct at its meeting on 12 July 2016.
3. The Standards Committee then undertook a review of the procedure for dealing with complaints under the Code of Conduct. These arrangements came into force on 1 July 2012 following adoption at Council on 26 June 2012, and have not been reviewed since.

### **Main Considerations**

4. The Constitution Focus Group appointed by the Standards Committee to review Constitutional matters met on 6 September 2016 to consider the existing procedure for dealing with complaints under the Code of Conduct.
5. The documents considered by the Constitution Focus Group were:
  - Protocol 12 of the Constitution: Procedure for dealing with Code of Conduct Complaints
  - Local Assessment Criteria for Code of Conduct Complaints
  - Procedure Notes for Review Sub-Committees
6. Only Protocol 12 is a document of the Constitution. The Local Assessment Criteria is included as part of the guidance adopted by Council on 12 July 2016.
7. The Constitution Focus Group and then Standards Committee considered the following aspects of the complaints procedure, arising from comments made by complainants, subject members, councillors serving on review and hearing sub-committees, officers supporting the process and the Council's three Independent Persons:
  - Confidentiality of proceedings and enforcement of obligation of confidentiality;
  - Dealing with trivial or vexatious complaints;
  - Informal resolution and mediation - use of independent persons;

- Timescales for subject members to respond and for arranging assessments, reviews and hearings;
  - Support for subject members;
  - Clarity regarding the power of the Review Sub-committee to 'dismiss the complaint or take no further action on the complaint';
  - Sanctions;
  - Publication of the procedure and information to parties on the process;
8. The Constitution Focus Group did not consider that significant changes were necessary in relation to Protocol 12; however, they felt the existing procedures, which they considered worked well, could be clarified and enhanced with some alterations.
9. The Standards Committee considered that recommendation and made some other minor alterations. The minutes of the meeting of Standards Committee on 26 January 2017 are included at **Appendix 1**.
10. The proposed changes to Protocol 12 are shown as tracked changes at **Appendix 2**.

### **Safeguarding Implications**

11. There are no safeguarding issues arising from this report.

### **Equalities Impact of the Proposal**

12. There are no equalities impacts arising from this report.

### **Risk assessment**

13. There are no significant risks arising from this report.

### **Financial Implications**

14. There are no direct financial implications arising from this report.

### **Legal Implications**

15. The recommendations in this report are consistent with the Council's obligations under the relevant legislation.

### **Public Health Impact of the Proposals**

16. There are no public health impacts arising from this report.

### **Environmental Impact of the Proposals**

17. There are no environmental impacts arising from this report.

## Recommendation

18. **The Council approve changes to Protocol 12 of the Constitution as detailed in Appendix 2.**

**Ian Gibbons, Associate Director, Legal and Governance and Monitoring Officer**

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Report Author: Kieran Elliott, Senior Democratic Services Officer,  
[kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk) , 01225 718504

### Appendices:

Appendix 1 - Minutes of Standards Committee 26 January 2017  
Appendix 2 - Revised Protocol 12

### Background Papers:

None

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## Minute Extract of Standards Committee 26 January 2017

### 6 Review of the Standards Complaints Procedure

The Monitoring Officer, Ian Gibbons, presented a report on the review of the Standards Complaints Procedure requested by the Committee on 29 June 2016 following recommendation to Council to adopt guidance on the Code of Conduct rather than make amendments directly to the Code itself.

As detailed in the report the Constitution Focus Group had examined three documents relating to the Standards Complaints Procedure: Protocol 12 of the Constitution (*Arrangements for dealing with Code of Conduct complaints*), the Local Assessment Criteria by which complaints were assessed, and a procedure document for the conduct of Review Sub-Committees, held when a subject member or complainant requested a review of an initial assessment by the Monitoring Officer or his representative.

Councillor Stuart Wheeler, Chairman of the Constitution Focus Group, was in attendance and confirmed that the Focus Group had considered a number of issues that had been raised by subject members, officers, independent persons and complainants, and considered that the procedure and associated documents had in general been operating effectively and appropriately, but did feel some redrafting on specific points in the interests of clarity would be beneficial.

The Committee considered and debated the proposed tracked changes to Protocol 12 of the Constitution as detailed in the agenda papers. They were supportive of additional wording to set the time limit for submission of a complaint to be from when a complainant 'became or ought reasonably to have become aware' of a matter giving rise to a complaint. While there would be circumstances where it might be reasonable to accept a complaint long after the event itself, particularly if the event was unknown to the complainant, there should a judgement made in any assessment as to that reasonableness, and that this should be further detailed in the Assessment Criteria.

The Committee also requested a definition of who could be a complainant be inserted to clarify that it was required to be an individual not a body corporate in order to prevent effectively anonymous allegations. Other changes discussed were minor amendments to make clear Review Sub-Committees also had the ability where appropriate in the interests of fair and just administration to depart from the arrangements, and power to determine whether to make public documents relating to a complaint.

In respect of the Assessment Criteria the Committee discussed the five initial tests that were undertaken by Monitoring Officer or Review-Sub-Committee, including a drafting correction to test c) and confirming for test d) that it was necessary for there to be a Code of Conduct provided for the assessment, but that it did not matter who provided it. Additional amendments debated included a paragraph specifying a limit to new correspondence at the assessment stage, whether further wording was necessary in relation to confidentiality requirements and other minor changes as detailed in the tracked change document in the report.

The proposed Review Procedure was also considered. It was noted the document had been developed over time in light of the experience of sub-committees that had been held, and was intended to provide guidance and clarity to members of the public, subject members and the sub-committee as to the purpose of the meeting and the expectations of all parties.

At the conclusion of debate, it was,

**Resolved**

- 1) To recommend Council adopt the proposed changes to Protocol 12 of the Constitution as attached to these minutes.**
- 2) To approve the changes to the Local Assessment Criteria as attached to these minutes.**
- 3) To adopt the proposed Review Procedure as attached to these minutes.**



## Protocol 12

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

#### 1 Context

- 1.1 These arrangements are made under Section 28 of the Localism Act 2011. They set out the process for dealing with a complaint that an elected or co-opted member of Wiltshire Council or of a parish, town or city council within its area has failed to comply with their Code of Conduct.
- 1.2 An overview of the complaints process is attached at Annex 2.
- 1.3 These arrangements are subject to the Council's Procedure for dealing with vexatious complaints.
- 1.4 The Monitoring Officer will determine as a preliminary issue whether a complaint relates to the Code of Conduct and is to be dealt with under these arrangements.
- 1.5 The Monitoring Officer will encourage complainants to explore whether the matter can be resolved without the need to submit a formal complaint under this process.

#### 2 Interpretation

- 2.1 'Member' means a member or a co-opted member of Wiltshire Council, or of a parish, town or city council within its area, against whom a complaint has been made under the Code of Conduct.
- 2.2 'Council' means Wiltshire Council.
- 2.3 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake an investigation of an allegation of misconduct by a Member.
- 2.4 'The Monitoring Officer' is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the arrangements for dealing with complaints of member misconduct. It includes any officer nominated by the Monitoring Officer to act on his or her behalf in that capacity.

- 2.5 'Independent Person' means a person appointed under Section 28(7) of the Localism Act:
- a. whose views must be sought and taken into account before a decision is made on an allegation of member misconduct under these arrangements;
  - b. who may be consulted by the Member about the complaint.
- 2.6 In order to avoid any conflict of interest two Independent Persons will be allocated to each complaint, one to advise and assist the Monitoring Officer and the Hearing Sub-Committee, and the other to be available for consultation by the Member.
- 2.7 'Parish Council' means a parish, town or city council within the area of Wiltshire Council.
- 2.8 'Code of Conduct' means the code of conduct for members which the Council and Parish Councils are required to adopt under Section 27 of the Localism Act 2011.
- 2.9 'Days' means working days.
- 2.10 'Parties' includes the Complainant, Member and the Investigating Officer.
- 2.11 The 'Hearing Sub-Committee' is a sub-committee of the Council's Standards Committee appointed to determine complaints of member misconduct under these arrangements.
- 2.12 The 'Review Sub-Committee' is a sub-committee of the Council's Standards Committee appointed to review a decision of the Monitoring Officer under sections 4 and 6 of these arrangements.
- 2.13 Where a complaint is made against a member of a Parish Council the Clerk to the Parish Council will be notified of the complaint and kept informed of the progress and outcome of the matter.
- 2.14 Documents will be deemed to have been received by the Parties on the seventh day after the date of posting.

2.15 'Complainant' does not include a body corporate

### 3 Making a Complaint

- 3.1 A complaint against a Member under the Code of Conduct must be made in writing on the Council's standard form (*available from the Council's web-site and offices*) and addressed to the Monitoring Officer [County Hall, Trowbridge / [ian.gibbons@wiltshire.gov.uk](mailto:ian.gibbons@wiltshire.gov.uk) / [governance@wiltshire.gov.uk](mailto:governance@wiltshire.gov.uk)] within 20

days of the date on which the complainant became or ought reasonably to have become aware of the matter giving rise to the complaint.

- 3.2 The Monitoring Officer will acknowledge receipt of the complaint within 5 days of receiving it, and will send a copy to the Member.
- 3.3 The Member will be invited to submit a written response to the complaint within 10 days of the date on which it is sent to them.
- 3.4 At any time during the complaints process the Member may seek advice and assistance in connection with the complaint from a friend or professional legal adviser, in confidence, and/or- consult the Independent Person designated for that purpose.
- 3.5 Anonymous complaints will not be accepted for assessment unless the Monitoring Officer is satisfied that there would otherwise be a serious risk to the Complainant's personal safety, in which case the Monitoring Officer will decide how the complaint should be taken forward.

#### **4. Initial Assessment**

- 4.1 The Monitoring Officer will review the complaint within 5 days of receiving the Member's response and, after consultation with the Independent Person, will decide whether it merits formal investigation.
- 4.2 In reaching this decision the Monitoring Officer will have regard to the Standards Committee's assessment criteria.
- 4.3 The Monitoring Officer will inform the Parties of his or her decision and the reasons for it in writing.
- 4.4 The Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. This may involve mediation or other suitable action, including training or an apology by the Member.
- 4.5 Where the Member or the Council make a reasonable offer of local resolution, but the Complainant is not willing to accept that offer, the Monitoring Officer may take this into account in deciding whether the complaint merits formal investigation.
- 4.6 If the complaint identifies potential criminal conduct by any person, the Monitoring Officer may call in the Police or other regulatory agencies.
- 4.7 The Complainant or the Member may request a review of the Monitoring Officer's decision at the initial assessment stage.
- 4.8 A review will be determined by a Review Sub-Committee who may decide:

- a. to dismiss the complaint or take no further action on the complaint;
- b. to refer the complaint to the Monitoring Officer for investigation or other suitable action, including mediation.

## **5 Investigation**

- 5.1 If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer within 2 days of the decision to investigate and inform the Parties of the appointment.
- 5.2 The Investigating Officer will investigate the complaint in accordance with guidelines produced by the Monitoring Officer and will send a copy of the investigation report, including all documents relied upon as evidence, to the Parties, in confidence, within 30 days of the notification of the Investigating Officer's appointment.
- 5.3 The Parties will be invited to submit any written comments on the report to the Monitoring Officer within 10 days of the date on which the report is sent to them. The Member may request an extension of this timescale.

## **6 Consideration of Investigating Officer's Report**

- 6.1 The Monitoring Officer will, as soon as reasonably practicable, review the Investigating Officer's report and any comments submitted by the Parties, in consultation with the Independent Person.
- 6.2 Where the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct and the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will, after consultation with the Independent Person, inform the Parties that no further action is required.
- 6.3 If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report and findings.
- 6.4 Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct the Monitoring Officer will, after consulting the Independent Person, either refer the matter for hearing before the Hearing Sub-Committee or seek an alternative resolution.
- 6.5 The Complainant may request a review of a decision by the Monitoring Officer, following consideration of the Investigating Officer's report, to

dismiss the complaint.

- 6.6 A review will be determined by the Review Sub-Committee who may decide:
- a. to dismiss the complaint;
  - b. to refer the complaint for hearing by the Hearing Sub-Committee
  - c. To refer the complaint to the Monitoring Officer to seek alternative resolution.

## 7. Alternative Resolution

7.1 Where the Monitoring Officer, in consultation with the Independent Person, considers that the matter can reasonably be resolved without the need for a hearing, he/she will consult with the Parties to seek to agree a fair resolution which also helps to ensure higher standards of conduct for the future.

7.2 Alternative resolution may involve mediation and may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council or the Parish Council as the case may be. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee, and the relevant Parish Council where appropriate, for information, but will take no further action.

7.3 The Member may elect to proceed to a hearing rather than accept alternative resolution.

## 8. Hearing

8.1 If the Monitoring Officer, after consultation with the Independent Person, considers that alternative resolution is not appropriate or, after exploring the possibility, concludes that it is unlikely to be achieved he/she will refer the matter to the Hearing Sub-Committee to conduct a local hearing to determine the complaint. A hearing will be held within 20 days of the date on which the Monitoring Officer refers the matter to the Hearing Sub-Committee for determination, subject to the Member's right to request an extension of time.

8.2 -The Member may be represented at the hearing by a friend or legal representative.

8.3 The Hearing Sub-Committee, supported by the Monitoring Officer, will conduct a pre-hearing review to identify the issues, areas of agreement and disagreement, and to give directions for the efficient conduct of the hearing. This may either be conducted in writing or by a meeting with

the Parties.

- 8.4 The Monitoring Officer will notify the Parties in writing of the directions for the hearing.
- 8.5 The Sub-Committee may exclude the press and public from the hearing where it appears likely that confidential or exempt information will be disclosed and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.
- 8.6 At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct.
- 8.7 The Complainant will have the right to make a statement in support of their complaint.
- 8.8 The Members of the Hearing Sub-Committee and the Member may ask questions of the Investigating Officer and any witnesses called.
- 8.9 The Member will have an opportunity to give their evidence, to call witnesses and to make representations as to why they consider that they did not fail to comply with the Code of Conduct.
- 8.10 The Members of the Hearing Sub-Committee and the Investigating Officer will have the opportunity to ask questions of the Member and any witnesses called.
- 8.11 The Parties may each make a concluding statement.
- 8.12 The Members of the Hearing Sub-Committee will then withdraw, with the Independent Person, to consider the case, taking advice from the Independent Person and, where necessary, from the Monitoring Officer on law and procedure.
- 8.13 The Hearing Sub-Committee may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint.
- 8.14 If the Hearing Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Parties of this finding and the Hearing Sub-Committee will then consider what action, if any, should be taken as a result of the breach.
- 8.15 The Investigating Officer and the Member will be invited to make representations on the question of sanctions.
- 8.16 The Hearing Sub-Committee will, after consulting the Independent Person, determine what action, if any, to take (or recommend in the

case of a parish councillor) in respect of the matter.

## 9. Sanctions

9.1 The Council has delegated to the Hearing Sub-Committee such of its powers to take action in respect of individual members of the Council as may be necessary to promote and maintain high standards of conduct. The Hearing Sub-Committee may therefore impose (or, in the case of a parish, town or city councillor, recommend) one or more of the sanctions set out in Annex 1.

## 10. Decision

10.1 At the end of the hearing, the Chairman will announce the decision of the Hearing Sub-Committee in summary form.

10.2 The Monitoring Officer will send the Parties, and where appropriate the relevant Parish Council, a formal decision notice, which will be published on the Council's web-site and made available for public inspection.

## 11. Revision of these arrangements

11.1 The Council may by resolution agree to amend these arrangements, and has delegated to the Monitoring Officer, [the Review Sub-Committee](#) and the Hearing Sub-Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## 12. Reviews

12.1 Any request for a review must be made in writing to the Monitoring Officer within 5 days of the date of receipt his/her decision and must set out the grounds for the review.

12.2 A review request will be determined by the Review Sub-Committee, after consulting the Independent Person, within 14 days of receipt of the request.

## 13. Appeals

13.1 There is no right of appeal for the Complainant or the Member against a decision of the [Review or](#) Hearing Sub-Committees.

## 14. Confidentiality

- 13.2 All information regarding the complaint will remain confidential until determined otherwise by the Monitoring Officer, [Review Sub-Committee](#) or Hearing Sub-Committee.

### Annex 1

#### Sanctions

##### Censure

1. Censure and report to the Council or relevant Parish Council; and/or

##### Removal from Committees, Sub-Committees, Cabinet and Outside Bodies

2. Recommend to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that the Member is removed from any Committee or Sub-Committee of the Council;
3. Recommend to the Leader of the Council that the Member is removed from the Cabinet, or removed from particular portfolio responsibilities;
4. Remove the Member from any or all outside appointments to which he/she has been appointed or nominated by the Council or relevant Parish Council.

##### Training

5. Instruct the Monitoring Officer to arrange training for the Member.

##### Publish

6. Publish its findings in respect of the Member's conduct in the minutes of the Council or relevant Parish Council.

##### Note:

In the case of R v Broadland District Council ex parte Lashley the Court of Appeal recognised that it was within the Council's powers to take action that was calculated to facilitate and was conducive or incidental to, the council's functions (1) of maintaining its administration and internal workings in a state of efficiency and (2) of maintaining and furthering the welfare of its employees.

This may enable a Hearing Sub-Committee to impose restrictions on a member for the purpose of securing the efficient and effective discharge of the Council's functions. These might, for instance, include the withdrawal of certain facilities, such as a computer, e-mail and/or internet access, or exclusion from certain parts of the council's premises, provided that the measures do not interfere



with the democratic process. However, this may not be used as a punitive measure nor, in particular, to justify the suspension or disqualification of a member.

Legal advice will need to be taken on the extent to which this potential option may be available in the particular circumstances of each case.

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