

AGENDA

Meeting: Cabinet
Place: Council Chamber - Council Offices, Monkton Park, Chippenham, SN15 1ER
Date: Tuesday 24 July 2012
Time: 10.30 am

Membership:

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


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

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

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

Part I

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

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

1 Apologies

2 Minutes of the previous meeting (Pages 1 - 12)

To confirm and sign the minutes of the Cabinet meeting held on 19 June 2012.

3 Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interests or dispensations granted by the Standards Committee.

4 Leader's announcements

5 Public participation

The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement. Written notice of questions or statements should be given to Yamina Rhouati of Democratic Services by 12.00 noon on Friday 20 July 2012. Anyone wishing to ask a question or make a statement should contact the officer named on the front of this agenda.

6 Review of the Major Incident Plan (Pages 13 - 18)

Report by Maggie Rae, Corporate Director of Public Health and Public Protection. The draft Major Incident Plan is enclosed separately to Cabinet members, available on the Council's website and available on request by contacting the officer named on the front of this agenda.

7 Dog Control Orders (Pages 19 - 34)

Report by Maggie Rae, Corporate Director of Public Health and Public Protection.

8 Annual Governance Statement 2011-2012 (Pages 35 - 66)

Report by the Solicitor to the Council and Monitoring Officer.

9 Highways Consultancy Contract (Pages 67 - 76)

Report by the Service Director, Highways and Transport.

10 Urgent Items

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

11 Exclusion of the Press and Public

To consider passing the following resolution:

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

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

12 Highways Consultancy Contract (Pages 77 - 90)

Confidential report which contains exempt information in relation to item 9 above.

The items on this agenda reflect the key goals of Wiltshire Council, namely 'Work together to support Wiltshire's Communities', 'Deliver high quality, low cost, customer focused services and 'Ensure local, open, honest decision making'

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CABINET

MINUTES of a MEETING held in COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, BATH ROAD, DEVIZES SN10 2AT on Tuesday, 19 June 2012.

Cllr Lionel Grundy OBE	Cabinet Member for Children's Services
Cllr Keith Humphries	Cabinet Member for Public Health and Protection Services
Cllr Fleur de Rhe-Philippe	Cabinet Member for Economic Development and Strategic Planning
Cllr Jane Scott OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Waste, Property, Environment and Development Control Services
Cllr John Thomson	Deputy Leader and Cabinet Member for Adult Care, Communities and Housing
Cllr Dick Tonge	Cabinet Member for Highways and Transport

Also in Attendance: Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Christopher Cochrane, Cllr Linda Conley, Cllr Peter Doyle, Cllr Richard Gamble, Cllr Mollie Groom, Cllr Jon Hubbard, Cllr Jacqui Lay, Cllr Alan MacRae, Cllr Jemima Milton, Cllr Francis Morland, Cllr Mark Packard, Cllr Judy Rooke and Cllr Jonathon Seed

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

64 **Apologies**

Apologies for absence were received from Councillors John Brady, John Noeken and Stuart Wheeler.

65 **Minutes of the previous meeting**

The minutes of the meeting held on 17 April 2012 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 17 April 2012.

66 **Minutes - Capital Assets Committee**

Resolved:

That the minutes of the Capital Assets Committee held on 24 May 2012 be received and noted.

67 Declarations of Interest

Cllr Judy Rooke having submitted a formal question to this meeting declared a prejudicial interest in the item on the Submission of the Wiltshire Core Strategy and Review of Local Development Scheme (minute no. 70 refers) as her property was close to the proposed country park and potential housing development at Rowden Park, Chippenham.

68 Leader's announcements

Mrs Ann Corcoran, MBE

The Leader was delighted to announce that Council employee, Mrs Ann Corcoran had been awarded the MBE in the recent Birthday Honours List. Ann, an office manager at the Coroner's Office in Salisbury was given the award in recognition of her work to coronial services and helping bereaved families including loved ones of those who had been repatriated through RAF Lyneham. On behalf of Cabinet, the Leader congratulated Ann on such a prestigious award.

69 Public participation

At this point in the meeting, the Leader received representations received on matters not included in this agenda. Other representations received would be received at the relevant item.

The Leader referred Cabinet to representations received from Michael Sprules. Chairperson of Residents Against Development Affecting Recreational Land (RADAR) as follows:

Statement and question concerning the non-mitigation of cricket facilities due to lack of a Grampian condition prior to development. Cllr Toby Sturgis, Cabinet member for Waste, Property, Environment and Development Control Services provided a response to the question. Cllr Sturgis undertook to examine the S.106 Agreement and ensure that interpretation of the Agreement was clear to interested parties, particularly those areas which gave rise to disagreements.

Statement of appreciation for the excellent way the Council had organised the Torch Relay's journey through the County. He congratulated the Council's staff for the marvellous way it had marshalled the event. The Leader thanked Mr Sprules for his appreciation of how the Council had organised the event. She paid tribute to all those involved including the over 500 marshals who helped ensure the event was successful, safe and fun. The Leader reminded those present that the Torch Relay would be returning for a journey through the South of the County over 11 and 12 July 2012.

70 **Submission of Wiltshire Core Strategy and Review of the Local Development Scheme**

Declaration of interest

Cllr Judy Rooke declared a prejudicial interest in the item on the Submission of the Wiltshire Core Strategy and Review of Local Development Scheme as her property was close to the proposed country park and potential housing development at Rowden Park, Chippenham.

Public Participation

Cabinet received written representations on this item as follows:

Question – from Cllr Judy Rooke
Statement from Osborn Clark on behalf of Chippenham 2020
Letter from Hallam Land Management

Details of the above representations can be found on the Council's website along with the agenda for this meeting.

Cabinet received verbal representations at the meeting on this item as follows:

Mr Owen Inskip
Mr Gary Mantle – from the Wiltshire Wildlife Trust

Cllr Fleur de Rhé Philipe, Cabinet member for Economic Development and Strategic Planning presented a report on the Wiltshire Core Strategy (Strategy) and Review of the Local Development Scheme. She also presented the Strategy document asking Cabinet to consider the outcome of the recent formal consultation exercise and to recommend the document to an extraordinary meeting of Council on 26 June for the purpose of submitting it to the Secretary of State.

Cllr de Rhé Philipe briefly summarised how the Strategy had evolved and the method of consultation. The consultation had resulted in representations from more than 430 different organisations and individuals. Collectively, more than 1,700 separate comments were made on different parts of the plan. A summary of the main points were documented in Chapter 4 of the consultation output report.

In response to the consultation, a number of changes were proposed in the interests of improving clarity and understanding of the document and to update it to improve consistency with the National Planning Policy Framework (NPPF). A small number of changes were proposed by officers for similar reasons. A schedule of proposed changes was presented for Cabinet's consideration. These changes were considered minor in nature and would not alter the overall substance of the Strategy, the validity of the Sustainability Appraisal or negatively affect the consistency with national policy. Their inclusion would strengthen the document without undermining its overall soundness.

Cllr Jon Hubbard, Chairman of the Environment Select Committee presented the relevant extract of the Committee's minutes dated 11 June 2012 when it considered the Strategy. The Committee in making a number of comments, offered general endorsement of the Strategy and asked Cabinet to take into account its reservations and suggestions as referred to in the minutes. Cllr Hubbard explained the primary concerns of the Committee.

Cllr de Rhé Philipe thanked the Environment Select Committee for its consideration of the Strategy and presented a schedule of responses to the points raised by the Committee.

Cllr Hubbard also considered that representations made by Councillors given that they represented their respective communities should be made available in full rather than relying on summarised accounts. The Leader agreed that they should be circulated prior to Council.

In the debate which ensued, Councillors made general comments on the Strategy and specific points in relation to their respective divisional areas. Cllr Jonathon Seed advised that he intended to submit an amendment at Council concerning restricting the proximity of wind farms to residential areas.

There was some reservation over one of the recommendations to Council on granting delegated powers to officers to make other minor modifications to the Strategy in preparation for its submission to the Secretary of State in the interests of clarity and accuracy. Councillors were advised that this was normal practice for a document of this size and complexity and that Legal would need to be satisfied with any amendments made. To reassure Councillors, it was agreed to amend the recommendation to Council to include Cllr Hubbard in his capacity as Chairman of the Environment Select Committee (as well as leader of the Opposition) as a consultee along with the Cabinet member for Economic Development and Strategic Planning in agreeing the final document for submission.

It was noted that the recommendation to Council included specific reference to approving the Equalities Impact Assessment.

Following debate and taking into account representations received, it was

Recommended to Council:

That Council:

- (i) notes the outcome of the consultation;**
- (ii) approves submission of the Wiltshire Core Strategy Pre-Submission Document, together with proposed changes (set out in Appendix 1 of the report presented) and Equalities Impact Assessment (at Appendix 4 of the report presented), to the Secretary of State for Examination;**

- (iii) delegates to the Service Director, Economy and Regeneration, in consultation with the Cabinet Member for Economic Development and Strategic Planning and the Chairman of the Environment Select Committee, authorisation: for the preparation of other minor modifications to the Core Strategy for Submission to the Secretary of State in the interests of clarity and accuracy; and to make appropriate arrangements for submission of documents to the Secretary of State and any consequential actions as directed by the Inspector relating to the Examination and
- (iv) approves the revision to the Local Development Scheme (as set out in Appendix 3).

Resolved:

(a) That the following documents be circulated to all Councillors prior to the Council meeting on 26 June 2012:

- **Details of full representations made by Councillors during the consultation exercise;**
- **Revised copy of the plan on page 248 of the Strategy to include the amendment proposed by Natural England (as referenced in the question from Cllr Judy Rooke);**
- **Sustainability Appraisal, which had been updated to highlight new text and**
- **Details of classification of villages as referred to in Topic paper 3.**

(b) To respond to Cllr Francis Morland on whether the word ‘not’ should be included in paragraph 2.7.17 of Appendix 2.

Reasons for decisions

To ensure that progress continues to be made on preparing an up-to-date development plan for Wiltshire, in line with the timetable set out in the Council’s Local Development Scheme and statutory requirements, and to update the Local Development Scheme in the light of the need to ensure work continues on maintaining an up-to-date development plan for Wiltshire.

Regulatory and constitutional procedures require that the policy framework of the authority be a shared matter for Cabinet and Council¹. Cabinet’s functions set out in the constitution include proposing to Council new policies which fall within the Policy Framework as defined in paragraph 1 of Part 3 of the Constitution. In order to secure Council approval, therefore, the draft DPD has first been endorsed by Cabinet.

Wiltshire and Swindon Aggregate Minerals Site Allocations Development Plan Document - Submission to Secretary of State

Cllr Fleur de Rhé Philipe, Cabinet member for Economic Development and Strategic Planning presented a report on the Aggregate Minerals Site Allocations Development Plan Document (DPD). She also presented the DPD itself for Cabinet's consideration and approval for onward recommendation to the extraordinary meeting of Council on 26 June 2012. If approved by Council, the DPD would then be submitted to the Secretary of State for Examination.

Cllr de Rhé Philipe explained how the DPD had evolved, the consultation undertaken and previous Cabinet consideration on it. The consultation had prompted 124 comments from 53 organisations, consultees and members of the public. These comments would be considered by a Government Inspector and form the basis of the forthcoming Examination.

A schedule of proposed modifications which arose from the consultation was presented. The modifications proposed were not considered substantial by officers and could be accommodated within the DPD in order to strengthen sections where necessary without undermining the overall soundness of the document. Cllr de Rhé Philipe advised that the recommendation to Council included specific reference to approving the Equalities Impact Assessment.

For the same reasons as referred to in minute no. 70 above on the Wiltshire Core Strategy, it was agreed to add Cllr Jon Hubbard in his capacity as Chairman of the Environment Select Committee (and leader of the Opposition) as a consultee to agreeing the final document.

Recommended to Council:

That Council:

- (i) approves the Submission draft Aggregate Minerals Site Allocations DPD and proposed modifications set out at Appendix 3 and the Equalities Impact Assessment at Appendix 4, for the purpose of submission to the Secretary of State and**
- (ii) delegates to the Director for Economy and Regeneration, in consultation with the Cabinet Member for Economic Development and Strategic Planning and the Chairman of the Environment Select Committee, authorisation to propose other minor modifications to the Sites DPD for submission to the Secretary of State in the interests of clarity and accuracy, and to make appropriate arrangements for submission of the documents to the Secretary of State and any consequential actions as directed by the Inspector relating to the Examination.**

Reason for Decision

To ensure that progress continues to be made on preparing an up-to-date minerals policy framework for Wiltshire (and Swindon) in line with the timetable set out in the Council's revised Local Development Scheme and statutory requirements. Once adopted, the Sites DPD would form part of the Council's policy framework.

Regulatory and constitutional procedures require that the policy framework of the authority be a shared matter for Cabinet and Council². Cabinet's functions set out in the constitution include proposing to Council new policies which fall within the Policy Framework as defined in paragraph 1 of Part 3 of the Constitution. In order to secure Council approval, therefore, the draft DPD has first been endorsed by Cabinet.

72 **Children in Care Commissioning Strategy**

Cllr Grundy, Cabinet member for Children's Services presented the revised Children in Care Commissioning Strategy and sought Cabinet approval of the strategic direction and priorities outlined within it.

The Strategy took account of the issues raised following the recent Ofsted Inspection on Safeguarding and Looked After Children. The report had raised some specific immediate actions which had been addressed and also identified that the Strategy set out clear priorities for on-going service development.

The purpose of the Strategy was to achieve better outcomes for children and young people by making sure there were good quality services available locally.

Cllr Jon Hubbard, Chairman of the Looked After Children Task Group explained that the Strategy had been endorsed by the Task Group having been involved in its development. He cited this as a good example of policy development with scrutiny input at the outset and thanked officers and the Cabinet member for their co-operation.

In response to a query, Carolyn Godfrey – Corporate Director advised that the Strategy was fully aligned with Government policies.

Resolved:

To agree the strategic direction and priorities outlined in the Children in Care Commissioning Strategy 2012-2015 as presented.

Reason for decision

The Wiltshire Children and young People's Trust brings together a wide range of stakeholders including young people and partner agencies. The Trust has developed a commissioning strategy covering placements and services for

children in care which sets out the strategic direction. The Council has a role as the Corporate parent for children in care and Wiltshire Council Cabinet is being asked to endorse the strategy including the commissioning priorities.

73 Falls and Bone Health Strategy

Cllr Keith Humphries, Cabinet member for Public Health and Protection Services presented an updated Falls and Bone Health Strategy for the period 2012-2014 for Cabinet's consideration.

The main aims of the Falls and Bone Health Strategy were to:

- Improve falls and fracture services used by Wiltshire residents and ensure that services responded to the needs of older people,
- Halt the rising number of falls and related injuries experienced by older people each year,
- Meet local and national targets on falls and fracture prevention
- Support older people to access a wide range of community resources.

The Wiltshire strategy action plan had been developed using national and local information on falls, fractures and osteoporosis.

In addition consultation with key stakeholders had developed the priority areas for local action. The Strategy was being launched for public consultation during falls awareness week (18-22 June). A suggestion was made that the Strategy and action plan should be considered by the Health and Wellbeing Board to ensure a joined up approach and by the Health and Adult Social Care Select Committee.

A discussion ensued on the need for medical practitioners to document the different causes of falls. This would provide data on how many falls were attributed to poor pavement quality following works by utility companies to strengthen the Council's argument in its representations to Government over funding. Cllr Tonge, Cabinet member for Highways and Transport advised that inspections after such works were carried out and utility companies required to make improvements where necessary or face the imposition of fines.

Maggie Rae, Corporate Director of Public Health and Public Protection explained the main causes of osteoporosis and the need for preventative measures being taken earlier. She also emphasised the need to align this with the leisure strategy.

Resolved:

That Cabinet :

- (i) notes this update of the strategy and**
- (ii) agrees the key areas for action**

Reason for decision

The Falls and Bone Health Strategy is crucial to enable a reduction in falls and falls related injuries. This strategy is an update of the Wiltshire Falls and Bone Health Strategy which was published in 2009. It is expected that the 2012 strategy will remain valid for two years.

74 **Business Plan Annual Update**

The Leader presented the Business Plan Annual update for 2011/12. In February 2011 the Council had published its four year Business Plan which set out what would be achieved by 2015 and the Council's approach to savings and investments to make that happen. It was noted that the latest Financial Plan for 2012/13 now formed part of the Business Plan. The report presented documented the progress made during the first year of the Business Plan.

The report provided:

- an update on progress against the priorities set out in the Plan;
- performance indicators for Community Results and Council Performance for 2011/12;
- the status of the Council's main programmes and
- an update on the Council's workforce.

It was noted that most indicators had hit their target or were very close to their targets. Ten indicators were flagged as 'red', details of which were outlined in the report together with reasons why the targets had not been achieved.

The Leader updated Cabinet on one of the Council's priorities for 85% of premises to be able to access superfast broadband by Dec 2015. BDUK was the body set up by the Department for Culture, Media and Sport to establish a national framework contract for super-fast broadband. BDUK had not yet received the necessary approval and was still working with the European Commission to finalise agreement on the remaining aspects of the scheme. The Council had been ready to proceed several weeks ago and awaiting finalisation of the agreement which included the securing of necessary funds to enable the project to proceed. The Leader reported that the Council had written to the Prime Minister and relevant Ministers on this and urged Councillors to lobby their Members of Parliament.

Resolved:

- (i) That Cabinet note the progress made against the Business Plan.**
- (ii) That a strongly worded letter be sent to the relevant Minister highlighting this Council's concerns over the delay in securing State Aid agreement and the National Framework Contract for the**

provision of super-fast broadband in the County which was now affecting all broadband projects country-wide.

Reason for Decision

To keep Cabinet informed of progress made against the Business Plan.

75 Revenue Outturn 2011/12

The Leader presented a report which advised Cabinet of the final outturn position as at 31 March 2012 for the financial year 2011/12. The year-end position was an underspend of £0.216 million which was a £0.032 million variance in the forecast position at period 11.

The Leader commented that she was pleased that the overspend projected earlier in the year had been turned around to a small underspend. She congratulated all officers on their efforts in achieving this.

Cllr Jon Hubbard referred to the loss of income in respect of on-street parking which he considered attributable to the lack of civil enforcement officers. He noted that the report made reference to making further savings from vacancies in this area and asked whether the Council was factoring in a consequential loss in revenue. He also expressed concern that the loss of civil enforcement officers would have an impact on communities.

Cllr Tonge, Cabinet member for Highways and Transport reassured Cabinet that staffing levels in this area was now up to full strength.

Resolved:

That Cabinet note the report presented showing an outturn underspend of £0.216 million.

Reason for decision

To enable Cabinet to approve the final outturn for 2011/12.

76 Urgent Items

There were no urgent items.

(Duration of meeting: 10.30am-12.30pm)

These decisions were published on the 22 June 2012 and will come into force on Monday 2 July 2012

The Officer who has produced these minutes is Yamina Rhouati, of Democratic Services, direct line 01225 718024 or e-mail yamina.rhouati@wiltshire.gov.uk
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Wiltshire Council

Cabinet

24 July 2012

Subject: Review of the Major Incident Plan

Cabinet member: Councillor Keith Humphries – Public Health and Public Protection

Key Decision: No

Executive Summary

The council's Major Incident Plan has been reviewed and extensively amended to reflect council structures following extensive internal consultation.

Proposals

That Cabinet:

- a) notes this report,
- b) approves the revised major incident plan and recommends its adoption by Council, and
- c) agrees that any minor amendments to the plan are delegated to the Corporate Director for Public Health and Public Protection in consultation with the appropriate cabinet member

Reason for Proposal

Approval of the Major Incident Plan will ensure compliance with the Civil Contingencies Act 2004, and allow subsequent training and exercising on the plan to improve the council's state of readiness and resilience.

Maggie Rae

Corporate Director of Public Health and Public Protection

Wiltshire Council

Cabinet

24 July 2012

Subject: Review of the Major Incident Plan

Cabinet member: Councillor Keith Humphries – Public Health and Public Protection

Key Decision: No

1 Purpose of Report

- 1.1 To inform the cabinet of the revision of the council's Major Incident Plan, and to recommend its approval and adoption.

2. Background

- 2.1 Under the Civil Contingencies Act 2004 Wiltshire Council is designated as a Category 1 responder. As such it is required to develop and maintain emergency plans that are appropriate, up to date and kept in readiness for emergencies. The council works in close cooperation with the other partner organisations of the Wiltshire and Swindon Local Resilience Forum (LRF). Multi-agency arrangements have been agreed by the LRF and internal plans and procedures are designed to work within these arrangements.
- 2.2 The previous plan was out of date and did not reflect the existing council structures. A review was required to make the plan fit for purpose.
- 2.3 The consultation period for the review of the Major Incident Plan started on 5 August 2011 with a kick off meeting, attended by 25 officers from 18 council services. Following a two month period during which services were invited to comment on the plan, the consultation period closed with a review meeting on 14 October 2011.
- 2.4 Through the consultation process a number of issues were identified which affect the council's resilience and ability to respond appropriately and proportionally to a major incident.

3. Main Considerations for the Council

- 3.1 The Major Incident Plan sets out arrangements for the council's response to emergencies within or affecting Wiltshire, and potentially impacts on the entire range of council services. In this context an emergency is defined as

a situation or series of events that threatens or causes serious damage to human welfare, the environment or UK security. This definition covers a wide range of scenarios including adverse weather, severe flooding, animal diseases, terrorist incidents and their impact on essential services and critical infrastructure.

- 3.2 The plan is generic, and provides a mechanism for mobilising staff and resources in response to an emergency and for performing council functions in relation to a wide range of possible scenarios. While it is an internal council plan, it has been designed to comply with the multi-agency arrangements of the Wiltshire and Swindon Local Resilience Forum (LRF).
- 3.3 It is comprehensive, but officers only need to be familiar with the sections that are relevant to their services or particular roles, and are not expected to be conversant with the entire plan.
- 3.4 The key changes to the original plan are:
 - Revised roles and responsibilities for corporate directors
 - Revised management systems and staff roles
 - New major incident callout system
 - User friendly action cards have been incorporated for the following roles:
 - On-call corporate director/ council gold commander (CGC)
 - CLT chair (one of the Corporate Directors)
 - Local authority liaison officer (LALO)
 - Tactical advisor to CGC
 - Local authority incident officer (LAIO)
 - Technical support officer
 - Council intelligence officer
 - Duty emergency planning officer
 - Scientific Tactical Advice Cell (STAC) officer
 - Duty Communication officer
 - Council communications officer
 - CLT communications officer
 - Media handling centre manager
 - Council media officer

The action cards are contained within the plan, which act as easy to use “aide memoir” for staff in the event of an incident.

- 3.5 The plan seeks to implement a command and control structure for dealing with emergencies which is very different to the usual day to day management arrangements and style of the organisation.
- 3.6 Should the plan be approved it will require further training of the corporate leadership team and other senior managers on the new arrangements.
- 3.7 Following this training an exercise will need to be held to test the practical implementation of the plan.

4. Environmental and climate change considerations

- 4.1 The Major Incident Plan provides the framework for the council's response to incidents which may include environmental and climate change issues, such as flooding and severe weather. There will be impacts resulting from the council's response to such events, but these are difficult to quantify due to their unknown nature and frequency. They may however include increased vehicle usage, and setting up of temporary shelters with all the related requirements for heating and lighting.

5. Equalities Impact of the Proposal

- 5.1 The purpose of the Major Incident Plan is to provide support to individuals and communities, assisting their resilience when affected by in difficult scenarios. This support would be delivered to the areas of greatest need and would not discriminate in the way it was provided.

6. Risk Assessment

- 6.1 If the Major Incident Plan is not approved then the council could be criticised for not having an appropriate, up to date plan. This is likely to be seen to be a breach of the Civil Contingencies Act, and as such the council could be failing in its legal duty and open to serious reputational risk.

7. Financial Implications

- 7.1. The plan has been developed and will be delivered within the 2012-13 approved budget. If it was to be instigated and a major incident declared there is the potential for considerable expenditure to be incurred. Whilst the council holds a general fund reserve to cover risk, contingency and unforeseen events, some of the incurred expenditure may be covered by the Government's Bellwin scheme of emergency financial assistance to local authorities. This scheme provides a level of grant funding for expenditure incurred.

8. Legal Implications

- 8.1 Section 2 of the Civil Contingencies Act 2004 requires the Council to assess the risk of, and make and maintain appropriate plans for, any emergency which would be likely to seriously obstruct it in the

performance of its functions. It also has a duty to make and maintain plans for the purpose of ensuring that if an emergency occurs or is likely to occur, and it would be unable to take that action without changing the deployment of resources or acquiring additional resources, it is able to perform its functions so far as necessary or desirable for the purpose of:

- (i) preventing the emergency,
- (ii) reducing, controlling or mitigating its effects, or
- (iii) taking other action in connection with it.

Approval of the Major Incident Plan will enable the council to comply with these requirements of the Civil Contingencies Act.2004. If the plan is not adopted there is a risk of legal challenge, as set out in paragraph 6.1 above.

9. Options Considered

- 9.1 The Major Incident Plan complies with the legal requirements and with the Wiltshire and Swindon LRF procedures, and as such adoption of the revised plan is the best option.

Conclusions

- 14. Cabinet is asked to note this report and approve the Major Incident Plan.

Maggie Rae
Corporate Director of Public Health and Public Protection

Report Author:
John Carter
Head of Public Protection (Food and Environment)
Tel: 01225 776655 ext 15590
Email: john.carter@wiltshire.gov.uk

Date of report: 12 June 2012

Background Papers

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

None

Appendices

Wiltshire Council Major Incident Plan

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Wiltshire Council

Cabinet

24 July 2012

Subject: Dog Control Orders

Cabinet member: Councillor Keith Humphries – Public Health and Public Protection

Key Decision: No

Executive Summary

This report recommends the making of four dog control orders, which will be consistent across Wiltshire.

It details the consultations, both informal and formal, that have framed this proposal.

Proposals

That cabinet:

1. approves the making of four Dog Control Orders as detailed in the Appendix to this report.
2. revokes existing Orders made by the predecessor authorities.
3. notes the ongoing discussions with Parish and Town Councils regarding additional Dog Control Orders specifically relating to dogs on leads.

Reason for Proposal

Existing Dog Control Orders across the County are inconsistent or non-existent. The proposal seeks to harmonise Orders in order to provide equity to all inhabitants of Wiltshire.

Maggie Rae

Corporate Director of Public Health and Public Protection

Wiltshire Council

Cabinet

24 July 2012

Subject: Dog Control Orders

Cabinet member: Councillor Keith Humphries – Public Health and Public Protection

Key Decision: No

Purpose of Report

1. Cabinet to approve the making of four Dog Control orders
 - a. The Fouling of Lands by Dogs (Wiltshire Council) Order 2012
 - b. The Dogs Exclusion (Wiltshire Council) Order 2012
 - c. The Dogs on Lead by Direction (Wiltshire Council) Order
 - d. The Dogs on Lead (Wiltshire Council) (Box Recreation Ground) Order 2012
2. Cabinet to revoke existing Orders made by the predecessor Authorities
3. Cabinet to note that ongoing discussions are taking place with Parish and Town Councils about possible additional Control Orders.
4. Cabinet to set the fixed penalty amount at £75.

Background

5. The Clean Neighbourhoods and Environment Act 2005 gave District and Unitary Councils (Primary Authorities), powers to make six types of Dog Control Order. Parish Councils (Secondary Authorities) also had power to make such orders and to enforce them, subject to consultation.
6. Failure to comply with an order is a prosecutable offence, but the main enforcement option is to issue Fixed Penalty Notices to offenders. A recipient of a Fixed Penalty Notice is immune from prosecution if the fixed penalty is paid within fourteen days. The amount of the fixed penalty may be set locally within a range from £50 - £80, with a default penalty of £75.

7. Three of the predecessor District Authorities took the opportunity to make Orders relating to Dog Fouling (North Wiltshire, West Wiltshire and Kennet), but the fourth chose not to. The Orders made are inconsistent in approach and wording, and have different fixed penalty levels, which makes enforcement more difficult and creates perceived unfairness across the County.
8. West Wiltshire District Council also made an order excluding dogs from enclosed children's play areas.
9. North Wiltshire District Council, at the request of Box Parish Council, made an order requiring dogs to be kept on a lead in Box Recreation Ground. This Order remains in force and so, for consistency, it is proposed to re-enact this Order without amendment so that it is made by this Authority.

Main Considerations for the Council

10. Informal Consultation took place between November 2010 and February 2011 with the intention of replacing the existing Orders, harmonising them and extending to include the whole county. The consultation considered the following orders:
 - Dog fouling
 - Dog exclusion
 - Dogs on lead
 - Dogs on lead by direction
 - Limits on maximum number of dogs under control of an individual in a public place
11. The consultation showed support some of these proposals. But not for the limit on dog numbers. There was an appetite from some town and parish councils and from the public to extend controls to exclude dogs from certain land and to introduce Dogs on Lead Orders.
12. As a result, and after further consideration a further informal consultation took place with Parish and Town Councils, in which they were invited to identify land within the Town or Parish area, which they would like to see specific dogs on leads orders apply, and, importantly, for which they were prepared to take on the enforcement responsibility.
13. Formal public consultation then took place for in excess of the 28 day period required by the Act ending on 19 April 2012 on the following four draft Orders:

Dog Fouling

A generic order making it an offence not to clean up after a dog has fouled on most urban land in Wiltshire

Dog Exclusion

- a) A generic order making it an offence to allow a dog into an enclosed children's play area.
- b) Additional land identified by some Parish and Town Councils and for which they were prepared to take on enforcement was also included in the proposed Order.

Dogs on Lead

Land identified by some Parish and Town Councils which the Parish or Town Council wished such an order to apply to and for which they were prepared to take on enforcement.

Dogs on Lead by Direction

This proposal would make it an offence not to put a dog on a lead when requested by an authorised officer on most urban land. It was not envisaged that this order would be used to any significant degree as the intention was that this power would only apply where an authorised officer considered that a dog was either causing alarm and distress or was dangerous.

- 14. The formal consultation produced a significant response, much of it directed at the additional powers sought by the Parish and Town Councils relating to dogs on leads. In consultation with the Cabinet Member it was concluded that it was not possible to proceed with those proposals at this stage, but that further discussions should take place with the Parish and Town Councils to ensure that any extension of the Orders are coherent and will enjoy majority support.
- 15. In contrast, the proposals relating to dog fouling, excluding dogs from children's play areas and dogs on lead by direction did not produce significant objections, though some comments did identify where wording needed improvement.
- 16. Having considered carefully all the objections it is recommended that four dog control orders are made. These proposals have been communicated to all Town and Parish Councils as a separate consultation exercise. No objections to the proposals have been raised by any of the secondary authorities.

Environmental and climate change considerations

- 17. These proposals assist in reducing the nuisance caused by dog fouling or by irresponsible dog ownership. As such they may have a slight positive benefit in reducing pollution or annoyance in public places.

Equalities Impact of the Proposal

18. Addressing the inconsistencies of extant Orders will promote equality across the Authority area. The consultations undertaken clearly show that there is general support for these proposals.

Risk Assessment

19. Not addressing the inconsistencies of existing Orders could lead to risks to the reputation of the Authority.

Financial Implications

20. Making these orders can be delivered within the 2012-13 approved budget. The number of fixed penalty fees that will be issued is estimated at a minimum, however any income raised will be additional to the services current income budget.

Legal Implications

21. Making these Orders will enable consistent enforcement of dog control across the County.

Options Considered

22. Continuing to enforce the Orders made by predecessor Authorities was considered but rejected as being inequitable.

Conclusions

23. Having considered the results of various informal and formal consultations and the objections to some of the original proposals it is considered that the recommendations represent an appropriate balance between the needs and aspirations of both dog owners and non-dog owners.

Maggie Rae
Corporate Director of Public Health and Public Protection

Report Author:

Graham Steady
Public Protection Manager (Environmental Control and Protection)
Tel: 01225 776655 ext 15238
Email: graham.steady@wiltshire.gov.uk

14 June 2012:

Background Papers

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

File of responses to consultations

Appendices

The Fouling of Land by Dogs (Wiltshire Council) Order 2012 (Draft)

The Dogs Exclusion (Wiltshire Council) Order 2012 (Draft)

The Dogs on Lead by Direction (Wiltshire Council) Order 2012 (Draft)

The Dogs on Lead (Box Recreation Ground) (Wiltshire Council) Order 2012 (Draft)

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The Fouling of Land by Dogs (Wiltshire Council) Order 2012

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 (S.1.2006/1059)

The Wiltshire Council hereby makes the following Order:

- 1 This Order comes into force on.
- 2 This Order applies to any land to which the description in Schedule 1 applies and to the land listed in Schedule 2.

Offence

- 3 (1) If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at that time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless:
 - (a) he has a reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- 2 Nothing in this article applied to a person who:
 - (a) is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
 - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- 3 For the purposes of this article:
 - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;

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- (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- (d) each of the following is a "prescribed charity":
 - (i) Dogs for the Disabled (registered charity number 700454);
 - (ii) Support Dogs (registered charity number 1088281);
 - (iii) Canine Partners for Independence (registered charity number 803680).

Penalty

- 4 A person who is guilty of an offence under article 3 shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Revocations

- 5 For the avoidance of doubt the following Orders shall cease to have effect on the coming into force of this order:

The Fouling of Land by Dogs (Kennet District Council) Order 2006
The Fouling of Land by Dogs (West Wiltshire District Council) Order 2007
The Fouling of Land by Dogs North Wiltshire District Council Order 2007

THE COMMON SEAL of
WILTSHIRE COUNCIL
Was hereto affixed in the presence of

Authorised Officer:

Officer:

SCHEDULE 1 **Land designated by description**

Any land within the administrative area of Wiltshire Council which is open to the air, including covered land which is open to the air on at least one side, and to which the public are entitled or permitted to have access with or without payment of the following descriptions:

- (a) Any highway, footways, footpaths and towpaths within the area of Wiltshire Council over which the public have a right of way on foot, together with any adjoining verges which are maintained at public expense. This may include some areas of access land.

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- (b) All pedestrianised areas within the area of Wiltshire Council to which the public have a right of access.
- (c) All open spaces which are owned, occupied or maintained by or on behalf of Wiltshire Council, a Registered Social Landlords/Housing Association or any Town or Parish Councils, and any public open space held by any Body on behalf of a community within Wiltshire Council.
- (d) Any cemetery, burial ground or churchyard.

Schedule 2 Land designated specifically

- (e) The Common, Broughton Gifford; Norrington Common, Broughton Gifford (which comprises two areas of land)
- (f) The Carpark and Open space at the Westbury White Horse south of Westbury Hill

Exempted Land:

- (a) any woodland, marsh, or agricultural land.

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The Dogs Exclusion (Wiltshire Council) Order 2012

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 (S.I.2006/1059)

The Wiltshire Council hereby makes the following Order:

1. This Order comes into force on
2. This Order applies to any land described in the Schedule

Offence

3. —(1) A person in charge of a dog shall be guilty of an offence if at any time he takes the dog onto, or permits the dog to enter or to remain on, any land to which this Order applies unless—

(a) he has a reasonable excuse for doing so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

(2) Nothing in this article applies to a person who—

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or

(b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or

(c) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

(3) For the purposes of this article—

(a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and

(b) each of the following is a "prescribed charity"—

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- (i) Dogs for the Disabled (registered charity number 700454);
- (ii) Support Dogs (registered charity number 1088281);
- (iii) Canine Partners for Independence (registered charity number 803680).

Penalty

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocation

5. The Dog Exclusion (West Wiltshire District Council) Order 2007 is hereby revoked.

THE COMMON SEAL of
WILTSHIRE COUNCIL
Was hereto affixed in the presence of

Authorised Officer:

SCHEDULE Land Designated by Description

Any land within the administrative area of Wiltshire Council which is open to the air, including covered land which is open to the air on at least one side, and to which the public are entitled or permitted to have access with or without payment of the following descriptions:

- (a) Land, which comprises an area enclosed by a fence or wall or similar structure and is intended to be used as a play area for children, except for any part that forms a public right of way.

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The Dogs on Leads by Direction (Wiltshire Council) Order 2012

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 (S.I.2006/1059)

The Wiltshire Council hereby makes the following Order:

- 1 This Order comes into force on
- 2 This Order applies to the land specified in the Schedules.
- 3 In this Order “an authorised officer of the Authority” means an employee of the Authority who is authorised in writing by the Authority for the purpose of giving directions under this Order.

Offence

4

(1) A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies, he does not comply with a direction given him by an authorised officer of the Authority to put and keep the dog on a lead of not more than 2 metres in length unless—

- (a) he has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(2) For the purposes of this article—

- (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- (b) an authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary because the dog appears to be dangerous; or to prevent behaviour by the dog likely to cause alarm or distress to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

Penalty

5

A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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THE COMMON SEAL of
WILTSHIRE COUNCIL
Was hereto affixed in the presence of

Authorised Officer:

Schedule 1 Land Designated by Description

Any land within the administrative area of Wiltshire Council which is open to the air, including covered land which is open to the air on at least one side, and to which the public are entitled or permitted to have access with or without payment of the following descriptions:

- (a) Any highway, footways, footpaths and towpaths within the area of Wiltshire Council over which the public have a right of way on foot, together with any adjoining verges which are maintained at public expense. This may include some areas of access land.
- (b) All pedestrianised areas within the area of Wiltshire Council to which the public have a right of access.
- (c) All open spaces which are owned, occupied or maintained by or on behalf of Wiltshire Council, a Registered Social Landlords/Housing Association or any Town or Parish Councils, and any public open space held by any Body on behalf of a community within Wiltshire Council.
- (d) Any cemetery, burial ground or churchyard.

Schedule 2 Land designated specifically

- (e) The Common, Broughton Gifford; Norrington Common, Broughton Gifford (which comprises two areas of land)
- (f) The Carpark and Open space at the Westbury White Horse south of Westbury Hill

Exempted Land:

- (a) any woodland, marsh, or agricultural land.

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The Dogs on Leads (Recreation Ground, Box) (Wiltshire Council) Order 2012

The Clean Neighbourhoods and Environment Act 2005

The Dog Control Orders (Prescribed Offences and Penalties, etc.) Regulations 2006 (S.I.2006/1059)

The Wiltshire Council hereby makes the following Order:

- 1 This Order comes into force on
- 2 This Order applies to the Recreation Ground, Box.

Offence

3

(1) A person in charge of a dog shall be guilty of an offence if, on any land to which this Order applies he does not keep the dog on a lead of not more 2 metres in length, unless—

- (a) he has a reasonable excuse for failing to do so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

(2) For the purposes of this article a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

Penalty

4 A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocation

5 The Dogs on Lead (Recreation Ground, Box) Order 2007, made by the North Wiltshire District Council, is hereby revoked.

THE COMMON SEAL of
WILTSHIRE COUNCIL
Was hereto affixed in the presence of

Authorised Officer:

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Wiltshire Council

**Cabinet
24 July 2012**

**Standards Committee
30 July 2012**

Title: Annual Governance Statement 2011/12

Cabinet member: Councillor John Brady – Finance, Performance and Risk

Key Decision: No

Purpose of the report

1. To ask Cabinet and the Standards Committee to consider a draft Annual Governance Statement for 2011/12 for comment before final approval is sought from the Audit Committee on 7 September 2011.

Background

2. The Council is required, as part of its annual review of the effectiveness of its governance arrangements, to produce an Annual Governance Statement (AGS) for 2011/12. This will be signed by the Leader of the Council and the Corporate Directors after final approval by the Audit Committee on 7 September 2012 and forms part of the Statement of Accounts.
3. Based on advice from the Chartered Institute of Public Finance and Accountancy (CIPFA), the AGS should include:
 - an acknowledgement of responsibility for ensuring there is a sound system of governance, incorporating the system of internal control;
 - an indication of the level of assurance that the systems and processes that comprise the Council's governance arrangements can provide;
 - a brief description of the key elements of the governance framework, including reference to group activities where those activities are significant;
 - a brief description of the process that has been applied in maintaining and reviewing the effectiveness of the governance

arrangements;

- an outline of the actions taken, or proposed, to deal with significant governance issues, including an agreed action plan.

4. The AGS for Wiltshire Council should demonstrate how the Council is meeting the six principles of good governance adopted in its Code of Corporate Governance. These principles are:
 - focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area;
 - councillors and officers working together to achieve a common purpose with clearly defined functions and roles;
 - promoting values for the council and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
 - taking informal and transparent decisions which are subject to effective scrutiny and managing risk;
 - developing the capacity and capability of councillors and officers to be effective;
 - engaging with local people and other stakeholders to ensure robust accountability.
5. The AGS is primarily retrospective. It reports on the assurance framework and measures in place for the financial year 2011/12, but must take account of any significant issues of governance up to the date of publication in September 2012. The AGS should outline the actions taken or proposed to address any significant governance issues identified.
6. The AGS is drafted by members of the Governance Assurance Group, which comprises senior officers who have lead roles in corporate governance and member representatives from the Audit Committee and, until 1 July 2012, the former Standards Committee.
7. The evidence for the AGS comes from a variety of sources, including an assurance framework, directors' assurance statements, relevant lead officers within the organisation and external auditors and inspection agencies.

Draft AGS - Content

8. A copy of the draft AGS for 2011/12 is attached at Appendix 1.
9. The draft has been amended as shown tracked to reflect the comments of the Audit Committee on 20 June 2012. An extract of the Audit Committee's minutes is attached at Appendix 2.
10. The draft reflects the elements described in paragraph 3 of this report and has regard to revised guidance from CIPFA. The draft is based on work undertaken to date and will be revised in the light of further work by the Governance Assurance Group and any observations of the Cabinet, the Standards Committee and the Council's external auditors, KPMG.
11. Section C of the AGS describes the Council's governance framework for the relevant period - April 2011 to date. The final version will need to reflect the position up to the date of approval and signature in September 2012.
12. Section D provides a review of the effectiveness of the Council's governance framework. This section has been structured to reflect the key governance principles set out in the Council's Code of Corporate Governance.
13. The levels of assurance obtained from the range of audits completed during the year has led Internal Audit to the overall audit opinion that for 2011-12 it is able to give reasonable assurance on the adequacy and effective operation of the Council's overall control environment. KPMG's interim audit report 2011/12 supports this in its finding that the Council's organisational control environment is effective overall.
14. The Governance Assurance Group is obtaining assurance statements from directors in relation to their services. These are being reviewed and any issues which impact upon the Council's governance arrangements will be covered in the AGS.
15. Section E of the draft AGS requires the Council to identify any significant internal control issues affecting the Council during the relevant period.
16. CIPFA guidance suggests that an internal control issue is to be regarded as significant if:
 - the issue has seriously prejudiced or prevented achievement of a principal objective;
 - the issue has resulted in a need to seek additional funding to allow it to be resolved, or has resulted in significant diversion of resources from another aspect of the business;
 - the issue has led to a material impact on the accounts;

- the audit committee, or equivalent, has advised that it should be considered significant for this purpose;
- the Head of Internal Audit has reported on it as significant, for this purpose, in the annual opinion on the internal control environment;
- the issue, or its impact, has attracted significant public interest or has seriously damaged the reputation of the organisation;
- the issue has resulted in formal action being taken by the Chief Financial Officer and/or the Monitoring Officer.

17. The following have been identified as significant governance issues at this stage in view of their size, complexity and impact on the delivery of the Council's priorities:

- Transfer of Public Health functions
- Safeguarding and Looked after Children Services
- Implementation of the Transformation Programme
- Managing significant reductions in Government funding and changes in legislation

18. Details of these issues are set out at paragraph 91 of the draft AGS.

19. The Assurance Group will continue to review the various sources of assurance and any variation or further significant governance issues that are identified will be reported to the meeting of Audit Committee in September for final consideration and approval.

20. KPMG will be consulted on the draft AGS and their comments will be taken into account in the presentation of the final version to the Committee in September.

Financial implications

21. There are no financial implications arising directly from the issues covered in this report.

Risk Assessment

22. The production of the AGS is a statutory requirement. Ongoing review of the effectiveness of the Council's governance arrangements is an important part of the Council's risk management strategy.

Environmental Impact

23. There is no environmental impact regarding the proposals in this report.

Equality and Diversity Impact

24. There are no equality and diversity issues arising from this report.

Reasons for the Proposal

25. To prepare the AGS 2011/12 for publication in accordance with the requirements of the Audit and Accounts Regulations.

Proposal

26. Cabinet and the Standards Committee are, therefore, asked:

- a. to consider the draft AGS as set out in Appendix 1 and make any amendments or observations on the content;
- b. to note that the draft AGS will be revised in the light of any comments by Cabinet, the new Standards Committee, and ongoing work by the Governance Assurance Group before final consideration by the Audit Committee on 7 September 2012 and publication by 30 September 2012.

Ian Gibbons
Solicitor to the Council and Monitoring Officer

Report Authors: Ian Gibbons and Marie Lindsay, Ethical Governance Officer

Unpublished documents relied upon in the production of this report:

None.

Appendices:

Appendix 1 - draft Annual Governance Statement 2011-12

Appendix 2 - extract from minutes of Audit Committee 20 June 2012

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Annual Governance Statement

2011-12



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Review of Effectiveness

Focus on the purpose of the authority and on outcomes for the community, creating and implementing a vision for the local area

Engaging with local people and other stakeholders to ensure robust public accountability

Ensuring that councillors and officers work together to achieve a common purpose with clearly defined functions and roles

Promoting high standards of conduct and behaviour, and establishing and articulating the authority's values to members, staff, the public and other stakeholders

Taking informed, risk based and transparent decisions which are subject to effective scrutiny

Developing the capacity of councillors and officers to be effective in their roles

Section E

Significant Governance Issues

A. Scope of Responsibility

1. Wiltshire Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. We also have a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
2. In discharging this overall responsibility, the Council is also responsible for putting in place proper arrangements for the governance of its affairs, including the management of risk, and facilitating the effective exercise of its functions.

B. The Purpose of the Governance Framework

3. The governance framework comprises the systems and processes, and culture and values, by which the Council is directed and controlled and the activities through which the Council accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
4. The assurance framework and the system of internal control are significant parts of that framework. They are designed to manage risk to a reasonable level. They cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The assurance framework and the system of internal control are based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically. The assurance framework also provides a mechanism for monitoring and implementing a system of continuous governance improvement.
5. The governance framework has been in place at the Council for the year ended 31 March 2012 and up to the date of approval of the statement of accounts for 2011/12.

C. The Governance Framework

6. The Council's governance framework comprises a broad range of strategic and operational controls, which work together to ensure the sound running and well being of the Council. The key elements are summarised below.

7. Documents referred to are available from the Council or may be viewed on the Council's website (www.wiltshire.gov.uk).

Purpose and Planning

8. The Council's vision and goals are set out in its 4 year Business Plan, which was adopted by the Council on 22 February 2011. The Council's vision is to create stronger and more resilient communities and in support of this it has the following goals:
 - provide high quality, low cost customer focused services;
 - ensure local, open and honest decision making;
 - working with our partners to support Wiltshire's communities.
9. The Business Plan is supported by a Financial Plan, which demonstrates how it will be funded. The management of the Council's strategic risks helps achieve the Council's objectives.

Policy and Decision-Making Framework

10. The Council's Constitution provides the framework within which the Council operates. It sets out how decisions are made and the procedures which must be followed to ensure that these are efficient, effective, transparent and accountable.
11. The Constitution defines the role and responsibilities of the key bodies in the decision-making process - the Council, Cabinet, and Committees, including the Strategic Planning Committee, Area Planning Committees, Licensing Committee, Overview and Scrutiny Select Committees, Standards Committee, Audit Committee, Staffing Policy Committee, Officer Appointments Committee and Area Boards.
12. The Constitution is reviewed regularly by the Monitoring Officer and the Standards Committee through its Constitution Focus Group to ensure that it reflects changes in the law and remains fit for purpose.
13. The Leader and Cabinet are responsible for discharging the executive functions of the Council, within the budget and policy framework set by the Council, and some of this is delegated to Area Boards.
14. The Council publishes a Forward Work Plan once a month giving details of all matters anticipated to be considered by the Cabinet over the following 4 months, including items which constitute a key decision.
15. Schemes of Delegation are in place for Cabinet Committees, Cabinet Members and Officers to facilitate efficient decision-making. The Leader has established two Cabinet Committees - the Cabinet Capital Assets Committee and the Cabinet Business Relief Committee.

16. The Council has established 18 area committees known as Area Boards. Each area board exercises local decision making under powers delegated by the Leader.
17. During 2011-12 the overview and scrutiny arrangements consisted of four main select committees covering Organisation and Resources, Children's Services, Environment, and Health and Adult Social Care. The Select Committees established a number of standing and ad hoc task groups to undertake detailed monitoring and reviews. Rapid scrutiny exercises have provided other opportunities where there have been time constraints. Scrutiny member representatives can also be appointed to boards of major projects. The arrangements for overview and scrutiny were revised by Council in May 2012.
18. These arrangements serve to hold the Cabinet, its Committees, individual Cabinet Members and Corporate and Service Directors to public account for their executive policies, decisions and actions.
19. The Standards Committee is responsible for:
- promoting and maintaining high standards of conduct by Members and Officers across the Council;
 - determination of complaints under the Members' Code of Conduct;
 - oversight of the Constitution, complaints in relation to the Council's services, and the whistle blowing policy.
20. On 15 May 2012 the council appointed a new standards committee with terms of reference that reflect the council's responsibilities under the new standards regime which will come into effect on 1 July 2012.
21. The Audit Committee is responsible for:
- monitoring and reviewing the Council's arrangements for corporate governance, risk management and internal control;
 - reviewing the Council's financial management arrangements and approving the annual Statement of Accounts;
 - focusing audit resources;
 - monitoring the effectiveness of the internal and external audit functions;
 - monitoring the implementation of agreed management actions arising from audit reports.

Wiltshire Pension Fund

22. The Wiltshire Pension Fund is overseen by the Wiltshire Pension Fund Committee. This Committee has its delegated power from the full Council, rather than the Executive (Cabinet), so as to avoid any conflict of interest (e.g. in relation to the setting of employer contributions).
23. This Committee is responsible for all aspects of the fund, including:

- the maintenance of the fund;
- preparation and maintenance of policy, including funding and investment policy;
- management and investment of the fund;
- appointment and review of investment managers.

24. The Wiltshire Pension Fund Committee exercises its responsibilities in relation to investment management when it sets investment policy and appoints/monitors external investment managers.

Regulation of Business

25. The Constitution contains detailed rules and procedures which regulate the conduct of the Council's business. These include:

- Council Rules of Procedure
- Budget and Policy Framework Procedure
- Financial Regulations and Procedure Rules
- Procurement and Contract Rules
- Members' Code of Conduct
- Officers' Code of Conduct
- Corporate Complaints Procedure

26. The statutory officers - the Head of Paid Service (Service Director, HR and Organisational Development), the Monitoring Officer (Solicitor to the Council) and the Chief Finance Officer have a key role in monitoring and ensuring compliance with the Council's regulatory framework and the law. The statutory officers are supported in this role by the Council's HR, legal and democratic services, finance, governance and procurement teams, and also by the internal audit service which is provided by South West Audit Partnership (SWAP).

27. The following bodies have an important role in ensuring compliance:

- Audit Committee
- Overview and Scrutiny Committees and Task Groups
- Standards Committee
- Internal Audit, through SWAP
- External Audit and Inspection Agencies.

28. The Council has established a Governance Assurance Group whose membership is composed of senior officers with lead responsibility for key areas of governance and assurance, together with an elected member who is the vice-chair of the Audit Committee, and a member of the Standards Committee. Other officers and members attend by invitation to provide the Group with information about issues on which the steering group is seeking assurance. Officers can also bring any concerns about the Council's governance arrangements forward to the Group for

consideration.

29. The Governance Assurance Group meets monthly and has a forward work plan. It is responsible for gathering evidence for and drafting the Annual Governance Statement. It identifies any potential significant governance issues throughout the year, and seeks assurance on the effectiveness of measures to address these. It has a key role in promoting and supporting sound governance across the organisation and reports as required to the Corporate Leadership Team.

Management of Resources, Performance and Risk

Financial management

30. Financial management and reporting is facilitated by:

- Regular reports to Cabinet on the Council's Revenue Budget and Capital Programme;
- regular review by the Corporate Leadership Team;
- bi-monthly consideration of these reports by the Budget and Performance Task Group;
- budget monitoring by Service Managers;
- compliance with the Council's Budgetary and Policy Framework, Financial Regulations and Financial Procedure Rules;
- compliance with external requirements, standards and guidance;
- publication of Statement of Accounts;
- overseeing role of the Audit Committee.

31. The Council's financial management arrangements are consistent with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government, issued in 2010.

Performance and Risk Management Reporting

32. The Council's Business Plan sets out how the Council will:

- protect our most vulnerable citizens by investing in their services;
- invest in the future of Wiltshire by enhancing key service areas;
- keep the council tax low;
- make savings to cover the cut in government funding and projected investments.

33. It also identifies the benefits and outcomes to be delivered over the next four years. These are supported by corresponding programmes and measures, with clear responsibilities for delivery. A new 'scorecard' approach has been introduced to report progress on the Business Plan.

34. The Risk Management Strategy is being reviewed to ensure that risk management arrangements remain appropriate and opportunities and threats are identified and managed to help achieve the Council's priorities.
35. Reports which cover the significant corporate risks are submitted to the Corporate Leadership Team on a quarterly basis and to the Audit Committee six monthly.
36. The Council's Business Continuity Policy provides a framework to maintain and develop business continuity arrangements at both corporate and service levels. It sets out the responsibilities of different management levels and groups as part of this process.

Internal Audit

37. The main role of Internal Audit is to provide an independent and objective opinion on the Council's control environment.
38. Internal Audit has the following additional responsibilities:
 - providing support to the Chief Finance Officer in meeting his responsibilities under Section 151 of the Local Government Act 1972, to make arrangements for the proper administration of the Council's financial affairs;
 - investigating any allegations of fraud, corruption or impropriety;
 - advising on the internal control implications of proposed new systems and procedures.
39. The annual Internal Audit Plan is based on an assessment of risk areas, using the most up to date sources of risk information, in particular the Council's Corporate and Service Risk Registers. The Plan is agreed with Corporate Directors and Service Directors, and presented to the Audit Committee for approval. The Committee receives reports of progress against the plan throughout the year. The Internal Audit Annual Report summarises the results and conclusions of the audit work throughout the year, and provides an audit opinion on the internal control environment for the Council as a whole.

External Audit and Inspections

40. The Council is subject to reviews by external inspection agencies, OFSTED, and the Care Quality Commission (CQC). The results of these inspections are used to help strengthen and improve the Council's internal control environment and help secure continuous improvement.

Directors Assurance Statements

41. Directors' assurance statements are being obtained from all service directors and will be reviewed by the Assurance Group. Any significant governance issues identified will be reported in Section E.

Monitoring Officer

42. The Monitoring Officer has not to date made any adverse findings in the course of the exercise of his statutory responsibilities.

D. Review of Effectiveness

43. The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework, including the system of internal control. The review of effectiveness is informed by the work of the executive managers within the Council who have responsibility for the development and maintenance of the governance environment, the Council's internal audit function provided by SWAP, and also by reports of external auditors and other review agencies and inspectorates.
44. The key principles of corporate governance are set out in the Council's Code of Corporate Governance as follows:
- Focusing on the purpose of the Council and on outcomes for the community, creating and implementing a vision for the local area;
 - Engaging with local people and other stakeholders to ensure robust public accountability;
 - Ensuring that members and officers work together to achieve a common purpose with clearly defined functions and roles;
 - Promoting high standards of conduct and behaviour, and establishing and articulating the Council's values to members, staff, the public and other stakeholders;
 - Taking informed, risk based and transparent decisions which are subject to effective scrutiny; and
 - Developing the capacity of members and officers to be effective in their roles.
45. The effectiveness of the Council's assurance framework and system of internal control is assessed against these six principles.

Focus on the purpose of the Council and on outcomes for the community, creating and implementing a vision for the local area

46. The Council's vision and goals are set out in its Business Plan 2011-2015. This is consistent with the long term priorities that are set out in the Community Plan 2011-2026.

47. The Community Plan (our sustainable community strategy) was developed with partners during 2010/11 and approved by the Council on 17 May 2011. It gives partner organisations a set of general principles to check their plans against. It has three long term priorities:

- Creating an economy that is fit for the future;
- Reducing disadvantage and inequalities;
- Tackling the causes and effects of climate change.

Engaging with local people and other stakeholders to ensure robust public accountability

48. The Council has taken steps to make its purpose and responsibilities clear to staff and the community it serves. These have included:

- Regular staff briefings by the Leader and Corporate Directors and involvement in the corporate induction process.
- Communication channels, including the Council's website and Intranet, Team Wire and Elected Wire (an on-line briefing for staff and councillors respectively), Your Wiltshire residents magazine, delivered to all households in Wiltshire and providing information about Council services, how to get involved, and information from partner agencies. The Council also arranges face-to-face events, including road shows, area boards, contact centres, customer forums and exhibitions.

49. The ongoing development of area boards has played a key role in ensuring robust public accountability and engagement with more than 10,000 people attending area board meetings over the past year. Over 600 local issues have been resolved and over £1.4m has been allocated to support local projects by the Boards, generating in excess of £3 million of external funding and investment in our communities.

50. The governance arrangements for the area boards is set out in the Council's Constitution.

51. In 2011 the Area Boards' processes were the subject of internal audit review and no significant areas of risk were found. The recommendations arising from the review were addressed during the year.

52. The Leader undertook a review of the operation of area boards in 2010, involving consultation with councillors, parish councillors, officers, partners and the general public. The review highlighted a number of actions to be taken to develop area boards, and in particular to:

- *ensure that a representative cross section of the community is engaged at a local level* – changes have since been introduced to ensure that the Boards and the Council are focusing on the needs of those people either cannot or who rarely attend Area Board meetings. This has included the launch of the Wiltshire Voices programme, the Joint Strategic Assessment profiling, online blog sites and increased use of social networking to involve and engage local people.
- *enhance the area boards' decision making role* – over the last year more functions have been delegated to the Area Boards - most notably additional highways functions. Place based budget pilots and campus developments will increase this further during 2012, with further devolution promised in the Council's Localism Programme.
- *clarify and promote the role of the community area partnerships* – the introduction of community area Joint Strategic Assessments have reinforced role of the Community Area Partnerships and community-led planning which has improved the collaborative relationship with the Area Boards.
- *raise public awareness of the area boards* – the introduction of community area network news letters and e-bulletins have helped increase awareness of Area Boards activities and this in turn has helped improve public satisfaction with the Boards.
- *recognise and enhance the role of parishes within the area board framework* – parish councils are now seen as the most local level of Wiltshire's area governance arrangements with increased devolution of consultation to parish level and a change in the way in which issues are managed.

53. A further review was undertaken in 2011 which revealed a 12% increase in public satisfaction with the Area Boards. Each Area Boards was provided with its results with a best practice checklist to encourage further improvements. The survey and self assessment will now be repeated annually.

54. During 2011/12 a number of council assets were transferred to parish councils and other community groups. The Council has reviewed its policy for the transfer of assets and renewed its commitment in this area.

55. The Council has re-written Section 11 of the Constitution, now called the Procurement and Contract Rules. These new rules introduce an improved approach to planning and delivering procurement related expenditure.

Specific responsibilities have been given to Service Directors to create and present a 12 month (minimum) plan identifying where procurement activity will take place within their respective Service Areas. To govern the activity and capture the resulting benefits the Corporate Procurement and Commissioning Board has been established with a new membership and Terms of Reference. The Board will be chaired by the Service Director for Finance (also Section 151 Officer) and be attended by the Cabinet Member for Procurement, a Corporate Director, the Solicitor to the Council, the Head of Procurement, and the relevant Service Directors.

56. The new approach to procurement governance will create a check and challenge system as a powerful and effective means of holding procurement decision-makers to account, ensuring legal and process compliance, and introducing renewed focus on delivering value for money. It will also ensure that those responsible for procurement decisions are clearly identifiable. The procurement operation is focusing on optimising supply side benefits and constructively managing demand through the Procurement and Commissioning Board.

57. The Partnership Protocol and Register, now in operation for one year, has captured the Council's existing partnerships arrangements. At present there are 51 identified partnerships in operation. Each partnership has an identified owner within the Council and has been reviewed to identify the risk status. The details of each partnership are available via the electronic Partnerships Register on the Council's intranet.

Ensuring that councillors and officers work together to achieve a common purpose with clearly defined functions and roles

58. The Constitution sets out clearly the roles and responsibilities of councillors and officers in the decision making process. This includes schemes of delegation which are currently under review as part of the ongoing review of the Constitution.

59. The Council has adopted a Councillor and Officer Relations Protocol which:

- outlines the essential elements of the relationship between councillors and officers;
- promotes the highest standards of conduct;
- clarifies roles and responsibilities;
- ensures consistency with the law, codes of conduct and the Council's values and practices; and
- identifies ways of dealing with concerns by councillors or officers.

Promoting high standards of conduct and behaviour, and establishing and articulating the authority's values to members, staff, the public and other stakeholders

60. All staff are required to meet high standards of ethical conduct under the Officers' Code of Conduct.
61. The Officers' Code of Conduct was significantly strengthened by the introduction in the spring of 2012 of the Behaviours Framework. This framework clearly articulates the behaviours expected of council officers, and forms an integral part of the Council's recruitment and performance management procedures.
62. The Council is developing a new code of conduct for councillors and arrangements for dealing with member misconduct complaints under the requirements of the Localism Act 2011 which come into effect from 1 July 2012.
63. The Council has a Whistle Blowing Policy and an Anti-Fraud and Corruption Policy which were updated in 2010. It has also introduced an Anti Money Laundering Policy. The Standards Committee receives an annual report on the effectiveness of the whistle blowing policy. The Audit Committee has responsibility for monitoring the implementation of the Anti Fraud and Corruption Policy and Strategy and the Anti Money Laundering Policy.
64. The Council's Governance Service is responsible for customer complaints, access to information legislation, the Code of Conduct for Members, and the promotion of good governance within the Council and with key partners, including the town and parish councils of Wiltshire. This helps to ensure that robust governance arrangements are supported across the Council.
65. The Council is developing a culture that reflects a modern, new organisation that embraces change, treats everybody fairly and values diversity. To this end it has agreed the following core values:
- Placing its customers first;
 - Strengthening its communities;
 - Adopting a 'can-do' approach in everything it does.
66. The Council's Standards Committee has played an important role in overseeing and promoting ethical governance throughout the Council. Further information on its work is contained in its Annual Report for 2011-12. In particular, the Committee has played an active role in ensuring that the Council has in place arrangements to promote and maintain high standards of conduct following the abolition of the statutory standards regime as a result of the Localism Act 2011.

Internal Audit

67. Internal Audit represents an important element of the Council's internal control environment, and to be effective it must work in accordance with the Code of Practice for Internal Audit in Local Government, which lays down the mandatory professional standards for the internal audit of local authorities.
68. From November 2011 the Council's internal audit function has been provided by SWAP. In reviewing the effectiveness of the Council's internal audit arrangements the Council's external auditors, KPMG, identified that this change inevitably had an impact on Internal Audit during the year, but despite this they found that Internal Audit generally complied with the Code of Practice for Internal Audit in Local Government.
69. The Internal Audit Annual Report and Opinion 2011-12 summarises the results and conclusions of the audit work throughout the year, and provides an independent audit opinion on the internal control environment for the Council as a whole.
70. The levels of assurance obtained from the range of audits completed during the year has led Internal Audit to the overall audit opinion that for 2011-12 it is able to give reasonable assurance on the adequacy and effective operation of the Council's overall control environment. KPMG's interim audit report 2011/12 supports this in its finding that the Council's organisational control environment is effective overall.
71. The response of management throughout the Council to the results of audit work has continued to be positive and constructive, and appropriate action is being taken to manage the risks identified in audit reports. Progress on the implementation of agreed management actions is reported regularly to the Audit Committee.
72. Following a recommendation from the Audit Committee, Internal Audit reports and recommendations for management action are received by the relevant Cabinet Members.

External Audit

73. The latest report to those charged with governance, issued by KPMG in respect of Wiltshire Council for 2010/2011, was presented to the Audit Committee in September 2011. The Letter summarised the key issues arising from the audit of Wiltshire Council for the year ended 31 March 2011 and an assessment of the Council's arrangements to secure value for money in its use of resources.
74. The letter highlighted the key message as follows:

- KPMG issued an unqualified opinion on the accounts.

- KPMG confirmed that the Council had addressed critical accounting matters appropriately. This included the implementation of International Financial Reporting Standards (IFRS), which had been addressed appropriately by the Council.
- KPMG identified a number of adjustments to the draft financial statements, however these were all classification errors and as such had no impact on the overall reported financial position or performance. They concluded that this result demonstrates the high level of care and resource that the finance team put into preparing the financial statements and the working papers for audit.
- KPMG also confirmed that the quality of the accounts and the supporting working papers provided to them was excellent. Officers dealt efficiently with audit queries and the audit process was completed to the planned timescales. It was noted that this was achieved whilst coping with the department restructuring and the transition to IFRS which resulted in a significant amount of additional work for KPMG and Finance staff.
- KPMG concluded that the Council had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

Taking informed, risk based and transparent decisions which are subject to effective scrutiny

75. Cabinet Members and Officers exercising delegated powers are required to take decisions in accordance with their respective schemes of delegation. The Leader's protocol for decision-making by Cabinet Members ensures transparency by requiring publication of the intention to make a decision on 5 clear days' notice and the final decision.

76. Risk assessment forms an integral part of management reporting supporting the decision making process.

77. Work of the Council's Overview and Scrutiny Select Committees, task groups and associated activities have focused on:

- Supporting/challenging the delivery of one council benefits and efficiencies, service redesign, harmonisation and transformation;
- Monitoring the performance of the Council's major service providers including external contractors and partners;
- Reviewing the implementation of major corporate projects;

- Monitoring the Council's (and its statutory partners) performance against targets;
- Engaging in the Council's budget setting process and budget monitoring;
- Engaging in the development of the Council's Business Plan;
- Initiating reviews into matters of local concern relating to service delivery and contributing to the development and review of policy.

78. In May 2012 the Council agreed revised arrangements for its overview and scrutiny function to increase its effectiveness by providing greater consistency of approach across the function, delivering a single work programme based on the Council's priorities, and encouraging increased councillor engagement.

79. The work undertaken by the Audit Committee this year has included:

- review and approval of the Annual Governance Statement and Statement of Accounts for 2010/11;
- review of the work and findings of Internal Audit, including the Annual Report and audit opinion on the control environment, and the approval of the provision of Internal Audit services through SWAP with effect from 1 November 2011;
- review of the Council's risk management arrangements;
- review of the work and findings of external audit, including the Annual Audit Letter and Report to Those Charged with Governance.

80. Risks are identified and monitored by services departments. Significant risks are identified and reviewed on a regular basis by the Corporate Risk Management Group. Reports are issued on the significant risk areas through the Council's reporting arrangements. Training on Risk Management is delivered to Members annually, including the development of specific training for staff involved in risk arrangements as a result of their work.

81. The risks associated with major projects are managed through project management arrangements with regular reporting to the relevant boards and member bodies.

82. Work in respect of the Council's Business Continuity Management processes have continued and the quality of data collected through business impact analysis (BIA) has improved overall.

83. Since November 2011 the council has experienced a series of actual and intentional disruptions to its services and these have been used to further strengthen business continuity arrangements. Aspects of the corporate business continuity management were successfully invoked as a precautionary measure, with the formation of a tactical a strategic group and regular situation reports to CLT and Cabinet.
84. Public protection is currently undergoing a systems thinking review and business continuity will be the pilot for emergency planning. In addition, the corporate business continuity policy will undergo an in-depth review to assess how business continuity management structures have performed and to keep the policy in line with the leaner council structures.
85. The Council's Business Plan sets out how the Council will manage the risks and challenges arising from the reduction in government funding and the substantial changes in the way local government is organised.

Developing the capacity of councillors and officers to be effective in their roles

86. The Council is committed to the ongoing development of its councillors and recognises the importance of building up their capacity and effectiveness.
87. The Council's Councillor Development Policy:
- establishes councillors' individual training needs and protocols and allocates budget according to the Council's priorities;
 - ensures equality of access to funds and training events;
 - evaluates the effectiveness of councillor development annually to inform the allocation of funding for future years.
88. A cross party Councillor Development Group meets every eight weeks to discuss ideas on councillor development to equip councillors with the skills and knowledge they need to perform their role, encourage greater involvement in local democracy, and monitor the budget.
89. Wiltshire Council was externally assessed by South West Councils on 9 August 2011 and was subsequently awarded Charter Status for Councillor Development. This is recognition that the Council has achieved best practice in the way it provides learning and development opportunities for its elected councillors. The accreditation lasts for three years. The Council hopes to apply for charter plus status after the new Council has been elected in 2013.
90. A Comprehensive Councillor Development Programme has been produced covering a range of topics from community leadership to ICT skills. This links in with the corporate aims and values of the Council and also anticipates the new challenges that will be faced by councillors in relation to localism. As part of this work a level 5 qualification (degree

level), in leadership and management, was developed and a number of councillors successfully achieved their certificates.

91. Councillors are encouraged to complete a training needs assessment form each year and are also offered a one to one meeting with a learning and development professional. The training needs highlighted by this process are taken into account when producing the development programme to ensure that it is councillor led.

92. A refreshed People Strategy is being developed to support delivery of the business plan, embed the behaviours framework and develop the culture of the council. An action plan will support the delivery of the People Strategy, which is critical to enabling the Council to create the capacity it needs to work in different ways and successfully meet current and future challenges.

93. Key priorities include:

- Corporate and service workforce planning framework - the organisational wide workforce plan is critical in identifying the people resources required now and in the future to deliver the priorities identified in the business plan;
- Review of terms and conditions of employment and reward schemes to deliver savings and to ensure that the Council's terms and conditions enable it to compete effectively in the labour market and support retention of the key knowledge and skills required to deliver services;
- Review and refresh of HR policies and procedures that support good people management practices and enable effective deployment of policies and procedures by managers and employees;
- Development and maintenance of self service tools and information (HR Direct) for managers and employees to improve the delivery of HR services, enable effective deployment of HR policies and procedures and develop effective people management capacity;
- Delivery of a performance management framework, including a refreshed electronic appraisal which incorporates the new Council values and behaviours, as well as the development of a framework of performance management tools for managers;
- Leadership and management development - programmes of development ongoing. A review and refresh of all management development programmes is taking place to ensure the content incorporates the new Council values and behaviours;
- Councillor development - a programme has been developed with and for elected members;

- A business focused blended learning programme of employee learning which will include the changing capability requirements e.g. commissioning and partnership skills;
- Continue to deliver an employee assistance programme in partnership with Job Centre Plus, independent financial advisers and occupational health for managers and staff who are at risk of redundancy as part of service reviews and operational restructuring.

IT Control Environment

94. The Council's external auditors, in their Interim Audit Report 2011-12, recognise that improvements have been made in the IT control environment, particularly in relation to the SAP system, but have identified a number of areas for further improvement. These are the subject of ongoing work and discussions between the Council and its auditors, the outcome of which will be reported to the Audit Committee at its meeting in September.

Housing Landlord Service Improvement Plan

95. Wiltshire Council's housing services are engaged in a range of improvement projects which will modernise the services and address the issues raised in recent audits. The improvements include:

- new maintenance and repairs contracts reflecting the self financing model;
- an Asset Management Strategy and Business Plan;
- a new IT system design with improved work flows;
- a restructure of the Housing Management function;
- improved tenancy engagement and participation.

96. This work will start to deliver real improvement in the autumn of 2012. The programme of work is governed by a programme board which considers all risks and issues at its fortnightly meeting.

Governance Arrangements for Dealing with Complaints Involving Third Parties

97. The Council is undertaking a review of its complaints arrangements following a restructure of this function in the first part of this year. This will include a review of its arrangements for dealing with complaints involving third parties.

Police and Crime Panel

98. Work is underway to meet the requirement of the Police and Social Responsibility Act 2011 to appoint a Police and Crime Panel, as a joint committee with Swindon Borough Council. The role of the Panel will be to hold the directly elected Police and Crime Commissioner to account for the effective policing of the force area from November 2012.

E) Significant Governance Issues

99. The following have been identified as significant governance issues:

Transfer of Public Health Functions

Wiltshire Council and NHS Wiltshire are preparing for the transfer of public health functions to the council in April 2013 under the Health and Social Care Act 2012. This may be regarded as a significant governance issue due to the nature and complexity of the proposed transfer and the steps that need to be taken in order to ensure a smooth transition. An integrated Transition Board has been set up to oversee the activities of the transition project and sub-groups. The Transition Group is chaired by the Council member for Public Health and Protection Services and comprises of members from both the PCT and the council, representing the various sub-groups.

The council has established a shadow Health and Well-being Board in anticipation of the statutory requirement to have a Board in place in April 2013. The Board will be a committee of the council and will have a strategic leadership role in promoting integrated working between the council and the NHS, and in relation to public health services. It will be the key partnership and focal point for strategic decision making about the health and well-being needs of the local community.

Risks associated with the transition are reported to the Transition Board and to the Council and NHS Wiltshire where necessary.

Safeguarding and Looked after Children Services

In March 2012 Ofsted carried out an inspection of Wiltshire's safeguarding and looked after children services. Their report, published on 24 April 2012, found:

- the overall effectiveness of safeguarding services is inadequate;
- wider safeguarding provision is effective and in a number of instances there is evidence of good and outstanding practice;

- the capacity for improvement is adequate.
- political and managerial ambition and prioritisation across the partnership are at least adequate and provide a clear direction of travel. There is a strongly evidenced commitment from all partners to ensure that the well-being and safety of children and young people are central to service planning and delivery.
- Services for children and young people who have learning difficulties and those who are disabled have been transformed over the past 18 months and are good with some outstanding features.

The inspectors reported that as soon as the issues were raised with the Council that immediate and appropriate action was taken to ensure the children and young people identified were re-assessed and appropriately protected. A detailed improvement plan was drafted and shared with inspectors before they left. This plan has subsequently been developed following receipt of the inspection report.

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

An external audit of all child protection cases, open cases held within the Referral and Assessment team, and cases where children have returned home following accommodation by the Council, has been undertaken and action has been taken in response to any identified issues. Additional management capacity is in place and quality assurance processes have been strengthened. Staff and managers are regularly updated and invited to attend development sessions.

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

Implementation of the Transformation Programme

The Council's Business Plan is ambitious and involves major transformational change to enable the Council to meet the significant

challenges that it is facing and deliver its vision to create stronger and more resilient communities.

The Transformation Programme covers a wide range of activities, including:

- systems thinking service reviews across all services within the council to find leaner ways of working and to ensure that the right service is offered in the right way from the customer's perspective;
- working with partners in the community, such as police, fire service and GPs to use buildings and resources in a more efficient way to share the way services are offered;
- rationalising the council's assets to ensure that they are fit for purpose, sustainable, and provide better value for money. This includes the campus development programme where the council is investing in modern and sustainable local community facilities designed by the local communities in each community area;
- reviewing ICT hardware, software and processes to ensure that they are fit for purpose and enable the efficient and effective delivery of the council's services.

The council has established a corporate programme office to support the delivery of a single, coordinated programme of transformation for all projects within the Business Plan, creating one consistent approach to project management across the council.

Managing Significant Reductions in Government Funding and Changes in Legislation

The funding formula for local government and other public sector partners is changing in 2012 for 2013/14. As yet only draft guidelines have been issued and a final announcement is not expected until January/February 2013. That is the same time as the Council Tax is set. This causes uncertainty over the process of setting budgets and precepts. Alongside this the changes proposed will give more localised decisions around areas such as local business rates and council tax collection, which in turn will increase the volatility risk of income. At the same time the Council must manage the increasing demand for services, for example, to protect vulnerable children and adults. The Council will need to develop plans over the next few months to anticipate these challenges.

Jane Scott
Leader of the Council

Corporate Directors

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Extract from Minutes of Audit Committee Meeting 20 June 2012

14 **Annual Governance Statement 2011-2012**

Ian Gibbons, Monitoring Officer, presented the draft Annual Government Statement for 2011-2012, a required part of the annual review of the effectiveness of the Council's governance arrangements, which would proceed to Cabinet, then Standards Committee, before returning to the Audit Committee for final approval.

The Monitoring Officer took the Committee through the report, highlighting key issues including the following:

- IT Control Environment;
- Safeguarding and Looked After Children Services
- Implementation of the Transformation Programme
- Managing reductions in Government funding and legislative changes.

A debate followed, during which the points including the following were raised:

- The extent of detail on the Health and Well Being Board and Police and Crime Panel;
- The inclusion of the positive statements from the recent Ofsted Inspection Report as well as the negative;
- More detailed information should be provided in the report regarding the implementation of the Transformation programme.
- There should be a concentration on IT for the Audit Committee in future.
- The Governance Assurance Group met monthly to consider governance issues and would report further details in September.

At the conclusion of discussion, it was,

Resolved:

To note that the draft Annual Governance Statement will be revised in light of the comments of the Committee and ongoing review work by the Governance Assurance Group, before being considered by Cabinet, then the new Standards Committee, before final approval from the Audit Committee and publication by 30 September 2012.

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Wiltshire Council

**Cabinet
24 July 2012**

Subject: Highways Consultancy Contract

Cabinet Member: Councillor Dick Tonge – Highways and Transport

Key Decision: No

Executive Summary

A large proportion of the Council's highways functions are currently delivered and managed by the Highways Consultancy Contract. The existing contract will end in November 2012 and there is a need to procure a new contract.

A review of existing and future expenditure and requirements for the highways service was carried out last year and considered options for future provision of the service. It was concluded that tenders should be invited for a new Highways Consultancy Contract to start on 1 December 2012.

Tenders have been invited in accordance with current procurement procedures. The six tenders received have been assessed in terms of quality and cost, using Quality/Price considerations of 50/50 as outlined in the report to Cabinet on 15 November 2011.

The detailed scoring and financial information is contained in a confidential report to be considered in Part 2 of this meeting.

Proposals

That:

- (i) the Highways Consultancy Contract be awarded as per the recommendation in the Part 2 report and
- (ii) Cabinet authorises the Service Director for Highways and Transport in consultation with the Cabinet Member for Highways and Transport to satisfy themselves as to the details regarding the Contract, and then to take all necessary steps to enter into the New Highways Consultancy Contract.

Reasons for Proposal

- (i) There is a need for specialist advice and support in connection with roads, bridges and related services, and this would be most economically provided by a Highways Consultancy Contract.
- (ii) The tenders were assessed in terms of Quality/Price division of 50/50 as set out in the report to Cabinet on 15 November 2011. The quality of the service is important because the contract is substantially involved with design work. Poor quality design can have a disproportionate effect on construction costs, especially in terms of capital road and bridge maintenance work which will form a large proportion of the workload.
- (iii) The most advantageous for the Council, taking into account quality and price, should be accepted in accordance with the procurement procedures. The detailed scoring and financial information is contained in a confidential report to be considered in Part 2 of this meeting.

Parvis Khansari
Service Director – Highways and Transport

Subject: Highways Consultancy Contract

Cabinet Member: Councillor Dick Tonge – Highways and Transport

Key Decision: No

Purpose of Report

1. To approve the award of the Highways Consultancy Contract.

Background

2. A large proportion of the Council's highways functions are delivered by the Highways Consultancy and Works Contracts. The contracts were initially awarded to Ringway and Parkman by the then Wiltshire County Council in June 1999, and were operated as a joint arrangement under the name of Ringway Parkman until May 2006. The contracts were then retendered as separate contracts and the Highways Consultancy Contract was awarded to Mouchel (formerly Parkman) and the Works Contract to Ringway Infrastructure Services.
3. The existing Highways Consultancy Contract was for five years from 1 June 2006 and was extended by up to eighteen months, subject to delivery of continuing satisfactory performance and value for money. The operation of this contract, which has had a value of £4 to £5 million annually, has been reported annually to the Scrutiny and Overview Committee. The current contract will end in November 2012.
4. In order to consider the best means of delivering the Council's highways service in the future, and to determine the appropriate procurement strategy, a review was undertaken of the current operation and expenditure of the highways and streetscene services. The review was reported to Cabinet in November 2011 when it was agreed that tenders should be invited for a contract for Highways Consultancy Services to commence on 1 December 2012.
5. The Works elements of the highways and streetscene service are the subject of a separate procurement exercise, which will be reported to Cabinet later this year.

6. The Highways Consultancy Contract will provide design services in connection with highways maintenance, road resurfacing, bridge maintenance and design, integrated transport, safety schemes, and supervision of works carried out by contractors. The contract also includes provision of specialist advice and assistance with regard to geotechnical work, traffic counts and studies, and other technical matters in connection with highways and related services. The consultant also currently manages the county's street lighting, traffic signals and highway trees, and provides development control services.

Main Considerations for the Council

7. In order to manage the procurement process of both the Highways Consultancy and Highways and Streetscene Contracts a Project Board has been established, which includes the relevant Cabinet and Portfolio holders and senior officers of the Council, and is supported by a Project Team comprising the Heads of Service and relevant finance, HR and procurement officers involved in the highways service.
8. Consultations have taken place with the relevant Heads of Service and support staff in order to fully understand the existing service delivery, budget pressures and factors likely to influence future service requirements in connection with highway consultancy services. The views of existing service supplier, other local authorities and potential bidders for the contract were sought in order to identify options and what would be attractive to the market. The process was the subject of an Opportunities Assessment and reports to the Procurement Board.
9. The original contracts in 1999 outsourced the delivery of highway services, but the opportunity was taken to ensure that a strong client was retained to deal with questions from members and the public. It should be noted that it is not proposed to outsource the day-to-day management of the highways service with the current proposals, as the value of having key expertise in-house is acknowledged. This contract delivers the technical and specialist aspects of the service where it would not be efficient for the Council to retain the expertise itself.

Options considered

10. There are various service delivery models being used by local authorities across the country for highways services. In the right circumstances these have the potential to achieve savings through procurement, and by providing a structure to generate savings and service improvements in the future. The particular model used will tend to reflect local circumstances and priorities, and that used by one authority may not be suitable for others.
11. The in-house provision of the full range of highways and technical services to be provided by the contract would not be feasible as some of the services provided through the existing contract are of a specialist nature, and it would not be practical or cost-effective for this Council to employ staff to carry out this work which is required intermittently and irregularly. These include specialist bridge design and works, major highway reconstruction and surfacing, and street lighting maintenance.

12. The appointment of a single supplier to provide all design and construction services would have the advantage of providing a single point of contact for the Council. There may be the potential for reducing supervision and management costs further, but there could be issues regarding the perceived reduced independence of those certifying payments or approving work. In 1999 the then County Council did give the successful tenderers for the Highways Consultancy and Works Contracts the opportunity to operate as a joint venture, and the single joint venture did provide initial cost savings. However, it created some difficulties, especially in connection with the operation of routine maintenance where the transfer of client responsibilities proved less successful than had been hoped.
13. The use of Framework Contracts to provide specialist services on demand, or to top up in-house provision, has benefits for some organisations. However, in Wiltshire these services are currently provided by external suppliers, and the more predictable workloads anticipated mean that it would be more efficient to have tendered contracts with as few suppliers as possible.
14. It has been proved with the existing Highways Consultancy and Works Contracts that with the right organisations it is possible to award separate contracts, and then set up an effective partnership to facilitate delivery. This arrangement has demonstrated the flexibility to improve and adapt to changing circumstances. The Council has learnt from the operation of the existing contracts, and has good experience of partnership working. The construction industry has also adapted to new ways of working, and such arrangements are now much more common. The use of Early Contractor Involvement and Service Delivery Teams with representatives of all parties has proved to be successful with the existing highway contracts.
15. When the matter was considered by Cabinet in November 2011 it was concluded that given the previous experience in Wiltshire, having separate contracts for consultancy and works would be the best way to achieve value for money, flexibility and service improvements. Tenders have therefore been invited for the Highways Consultancy Contract on this basis.

Scope of the Contract

16. The Highways Consultancy Contract will provide specialist technical advice where it is not economic for the Council to retain its own experts, or where access to additional resources or expertise may be required. The contract is based on the likely volume of work to be required, but this can be reduced to 50% without penalty to the Council.
17. The future Consultancy Contract would include the following services, which are all specialist services provided under the existing contract:
 - (i) Roads and Bridges design and supervision
 - (ii) Design and supervision of larger Integrated Transport Schemes
 - (iii) Management of Traffic Signals
 - (iv) Management of Street Lighting
 - (v) Management of highways trees and landscaping
 - (vi) Checking developer's designs as required
 - (vii) Traffic counts data and report
 - (viii) Advice on geotechnical matters
 - (ix) Design and supervision of major maintenance

18. The contract will be for five years, with possible extensions of up to two years. The award of the extensions will depend on the satisfactory performance of the consultant, which will provide an incentive for good performance. The achievement of efficiency savings will be a major consideration when considering whether to award any extensions.
19. The specialist services to be provided through the Highways Consultancy Contract predominantly involve road and bridge maintenance, and the management of related services. However, the contract also provides the opportunity for the supplier to provide a wider range of technical services to support the operations of the Council. Contracts of this type providing a wide range of technical services are well established, with a large number of capable service suppliers.

Attracting Bidders

20. In order to achieve the maximum benefit from the new contracts it was important that as well as being packaged carefully, the work was tendered in ways that would be easily understood and attractive to potential bidders. The tender documents were clear about what will be expected of potential suppliers so that they had a good understanding of the requirements and could price accurately.
21. Discussions were held with a number of key potential bidders at an early stage to determine what would be attractive to the market. It was clear that the size and scope of the potential contract in Wiltshire made it attractive to many of the larger companies successfully operating similar contracts elsewhere.
22. The response to the Official Journal of the European Union (OJEU) notice and the submitted pre-qualification questionnaires (PQQs) indicated that there was a high level of interest from major companies with good experience in this type of work.

Tendering Process

23. The contract has used the restricted procedure advertised in accordance with the EU Procurement Rules. This involved a list of tenderers being invited to bid following an initial selection process based on their capabilities and experience. This ensures that those being invited to tender meet the minimum requirements to deliver the services.
24. Following publication of the OJEU notice the PQQs were made available to potential providers from November 2011. A total of 31 enquiries from potential providers were received and PQQ packs were sent to them. In accordance with the procurement timetable, PQQ responses were required by 20 January 2012, and a total of 10 PQQ responses were received.
25. The questionnaire responses were scored in accordance with the methodology described in the PQQ documentation, and the top six scoring companies were considered to have met the selection, criteria, including financial assessment and included on the tender list. The companies invited to tender in order of PQQ scores were:

Atkins
Amey
Parsons Brinckerhoff
Mouchel
WSP
Halcrow

26. Tenders were invited on 9 March 2012, with tenders returned on 4 May 2012. During the tender period there were a number of requests for information from bidders which were responded to by e-mail. All six of the companies invited to bid submitted tenders by the deadline.

Tender Assessment

27. The bids were evaluated on a 50/50 Quality/Price basis as previously agreed by Cabinet on 15 November 2011. This recognised the importance of the quality required to deliver this service. Ensuring quality of design has a large effect on construction costs, especially in terms of capital road and bridge maintenance work which forms a large proportion of the workload. The quality of the design and supervision of this work will affect the quality and durability of the work. Poor design and supervision has historically resulted in additional costs.

Quality Assessment

28. The Tenderers were required to provide up to 10 suitable undertakings, along with associated measurement mechanisms for use during the Contract, in respect of each of the following Performance Objectives:
- General Management
 - Financial Management
 - Customer Service and Quality
 - Health and Safety
 - Staffing Matters
 - Service Development and Innovation
 - Information Technology
 - Environmental Management
 - Technical Performance - Quality
 - Technical Performance – Programme and Cost
29. The bids were assessed by a panel comprising the Service Director and relevant Heads of Service who have had extensive experience of the type of work being undertaken through the contract.
30. The outcome of the tender quality assessment is reported in the Part 2 item to be considered at this meeting.

Price Assessments

31. Tenderers priced a schedule of rates and items for the work likely to be required during a typical year under the contracts. This included a mixture of hourly rates for different types of staff where quantities were likely to be variable, fixed sums for identified elements of the works, and on-costs and multipliers to be applied in connection with currently undefined elements of the work. The submitted rates were assessed and an equivalent annual cost calculated.
32. The outcome of the price assessment is reported in the Part 2 item to be considered at this meeting.

Comparison of bids

33. The overall scores of the Consultants were combined to determine the preferred bidder. The full details of the assessment are described in the Part 2 item to be considered at this meeting.

Environmental and Climate Change Considerations

34. Existing services that are contracted through the highways and related contracts account for 12.57% of the Council's carbon footprint (Streetlighting – 7,084.03 tCO₂, Ringway – 816.38 tCO₂ and English Landscapes 250.6 tCO₂). The Council has a target to reduce its carbon footprint by 20% by 2013/14 and an aspiration to achieve a 50% reduction by 2020.
35. The procurement of new Highways Consultancy Contract offers the opportunity to obtain specialist technical support to achieve environmental improvements, especially in terms of reduced carbon footprint and recycling of materials in connection with the Works Contracts. The existing Highways Consultancy Contract has already introduced changes with the use of new road construction techniques to reduce landfill and the introduction of energy efficient lighting units.
36. The new Consultant will work with the Council to both accurately report emissions to the ECO Team and seek to reduce them in line with targets set out in the Council's Business Plan. With the increasing cost of fuel and Carbon Reduction Commitments (CRC) allowances this approach has the potential to improve the sustainability of the Contract and avoid exposure to increased costs in the future. The tenderers' approach to environmental considerations and innovation has been taken into account in assessing the tenders.

Equalities Impact of the Proposal

37. The ending of the existing Highways Consultancy Contract and the commencement of the new arrangements is likely to result in staff employed by the existing supplier having the right to transfer to employment with the new service suppliers in accordance with the TUPE (Transfer of Undertakings Protection of Employment) Regulations. The exact numbers of staff and operatives likely to qualify are not known at this stage, but could be in the region of 65 employees of the existing supplier. No Council staff will be transferred as a result of the award of this contract.

38. The successful tenderer has been required to demonstrate good practice in terms of employment policies and practices, and to conform to the Council's standards. The bidder's employment policies have been taken into account in considering the tenders.

Risk Assessment

39. The existing highways and related contracts deliver a significant proportion of the Council's highways activities. There are significant risks associated with these operations, especially in terms of health and safety, and in financial and reputational risks to the Council.
40. The appointment of a good quality supplier is important in managing and reducing these risks. The preferred bidder has demonstrated the ability to manage these risks, and has a proven track record with a number of similar local authorities.
41. A key risk is that the procurement and award process will not be completed in time to have a supplier in place for the required dates. This risk will be significantly reduced by the timely adoption of the proposals in this report.

Financial Implications

42. The financial assessment of the bids were compiled in line with the evaluation criteria within the invitation to tender (ITT) as detailed earlier in this report. The financial implications of the contract award are described in the Part 2 item to be considered at this meeting.
43. There will be potential for further savings through the new Highways and Streetscene Contract, which will have an annual value of about £27 million. The Consultant will be actively involved in managing and improving many aspects of the service, especially in connection with the roads, bridges and street lighting elements where the Consultant has significant input. Having good quality support from the consultant will be important in maximising the benefits from this larger contract.

Legal Implications

44. The Highways Consultancy Contract delivers and manages important aspects of the highway service, and helps ensure that the Council meets its obligations under the Highways Act and other legislation. The new Contract and the appointment of a suitable supplier will help ensure that the services are provided to the standard necessary for the Council to fulfil its statutory duties.
45. The transfer of staff under TUPE from the existing service supplier to any new supplier will be managed, with appropriate legal advice, as part of the contract procurement and transition process. This will include the protection of pension rights of transferring staff through either access to the Local Government Pension Scheme or a broadly comparable scheme, details of which will be negotiated with the new supplier.

46. It is important that the procurement process and contract award follow the processes set out in the PQQ and tender documentation in order to avoid legal challenges during the process which could delay or prevent the start of the Contract.

Options Considered

47. Future service requirements in connection with the highways service were reviewed last year when a range of options were considered, especially with regard to in-house and tendered services, and Cabinet agreed in November 2011 that tenders should be invited for the Highways Consultancy service.
48. Following publication of the OJEU notice the PQQs were made available to potential providers from November 2011. A total of 31 enquiries from potential providers, and 10 completed questionnaires were received by the closing date of 12.00 noon on 20 January 2012. A total of six companies were invited to tender.
49. The bids submitted have been assessed in terms of quality and price in accordance with the methodology set out in the documentation.

Conclusions

50. It is concluded that there is a need for specialist technical advice and support in connection with roads, bridges and related services and that this should be provided by awarding the Wiltshire Highways Consultancy Contract to the preferred bidder. The results of assessment to identify the preferred bidder is described in the Part 2 item to be considered at this meeting

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

None

Appendices:

None

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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