

COUNCIL

MINUTES OF THE COUNCIL MEETING HELD ON 4 FEBRUARY 2014 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Desna Allen, Cllr Glenis Ansell, Cllr Pat Aves, Cllr Chuck Berry, Cllr Nick Blakemore, Cllr Richard Britton, Cllr Rosemary Brown, Cllr Liz Bryant, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Mary Champion, Cllr Terry Chivers, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Mark Connolly, Cllr Christine Crisp (Chairman), Cllr Brian Dalton, Cllr Andrew Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Stewart Dobson, Cllr Dennis Drewett, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Nick Fogg, Cllr Richard Gamble, Cllr Jose Green, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Keith Humphries, Cllr Chris Hurst, Cllr Peter Hutton, Cllr Simon Jacobs, Cllr George Jeans, Cllr David Jenkins, Cllr Julian Johnson, Cllr Bob Jones MBE, Cllr Simon Killane, Cllr Gordon King, Cllr John Knight, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Magnus Macdonald, Cllr Alan MacRae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Helena McKeown, Cllr Ian McLennan, Cllr Bill Moss, Cllr Christopher Newbury, Cllr John Noeken, Cllr Paul Oatway, Cllr Stephen Oldrieve, Cllr Helen Osborn, Cllr Jeff Osborn, Cllr Linda Packard, Cllr Mark Packard, Cllr Sheila Parker, Cllr Graham Payne, Cllr Nina Phillips, Cllr David Pollitt, Cllr Horace Prickett, Cllr Leo Randall, Cllr Fleur de Rhé-Philipe, Cllr Pip Ridout, Cllr Ricky Rogers, Cllr Jane Scott OBE, Cllr Jonathon Seed, Cllr James Sheppard, Cllr Toby Sturgis, Cllr John Thomson, Cllr Ian Thorn, Cllr Ian Tomes, Cllr Dick Tonge, Cllr Anthony Trotman, Cllr John Walsh, Cllr Nick Watts, Cllr Bridget Wayman, Cllr Ian West, Cllr Stuart Wheeler, Cllr Roy While, Cllr Philip Whitehead, Cllr Christopher Williams and Cllr Graham Wright

1 Apologies

Apologies for absence were received from Councillors Chris Caswill, Bill Douglas, Mary Douglas, John Smale, Jemima Milton, Phil Whalley and Fred Westmoreland.

2 Minutes of Previous Meeting

The minutes of the last meeting held on 12 November 2013 were presented.

Resolved:

That the minutes of the last Council meeting held on 12 November 2013 be approved as a correct record and signed by the Chairman.

3 Declarations of Interest

Cllr Toby Sturgis declared a disclosable pecuniary interest in the item on the Drainage Byelaws (minute no. 11 refers) as the Bristol Avon River flowed through his land and took no part in the discussion or voting on the item.

4 Announcements by the Chairman

(a) Recent Royal Visits

The Chairman announced that in November, His Royal Highness the Prince of Wales visited Sherston at the invitation of the Prince's Countryside Fund.

His Royal Highness visited business units – Compass Graphic Design Ltd., - Pulse Business Software/Electric Octopus Ltd., - Balcony House Cellars and Sherston Post Office and Stores where he spoke with employers and staff about their respective products.

(b) County of Wiltshire Carol Service

The Chairman explained that at the last meeting in November, she had reminded members of the carol services being held, both the Wiltshire Carol Service on 10 December and the staff carol services held at the hubs.

The Chairman thanked all members who had supported these services.

(c) New Year Honours List – Wiltshire Recipients

The Chairman was delighted to announce that a number of Wiltshire residents had received national recognition in the recent New Year Honours list.

A CBE was awarded to

Professor Van Jonathan Gore of Salisbury for services to higher education

An OBE was awarded to

Professor Nigel Leslie Brown, FRSE of Chapmanslade for services to science

Mr. Robin Clark of Calne for charitable services through the Underwood Trust

MBE's had been awarded to:

Mrs. Susan Veronica Eliot-Cohen, DI of Marlborough for services to charity and to the community in Ramsbury, Wiltshire

Wiltshire Councillor John Nicholas Fogg of Marlborough for services to the Marlborough International Jazz Festival and to the community in Marlborough, Wiltshire

Mrs. **Lesley Gaynor Frazer** of Chippenham for services to law and order and criminal justice

British Empire Medals were awarded to:

Mr. Michael John Henry Beck of Salisbury for services in fundraising in Salisbury, Wiltshire

Mrs. Diane Patricia Bell of Chippenham for services to the community in Nettleton, Wiltshire

Mrs. Clare Victoria Cliverd of Chippenham for services to the community in Seagry, North Wiltshire and to young people in Bath, Bristol And Great Somerford

Miss. Florence Anne Devine of Devizes for pastoral services to armed forces personnel

Mrs. Elspeth Ann Gibb of Marlborough for services to the community and to charity in Great Bedwyn, Wiltshire

Council joined with the Chairman in congratulating them all on receiving national recognition, noting in particular that an MBE had been awarded to the Council's own Cllr Nick Fogg.

(d) **Members' briefing on future provision of youth activities: positive leisure proposals**

The Chairman reminded Council that a briefing for all members had been arranged to be held on the rising of this meeting. Cabinet at its meeting on 21 January considered various options for the future provision of youth activities and support and resolved to consult on all four options with local people – young people in particular, staff and other key stakeholders.

As part of this consultation process, members were invited to attend the briefing which would be led by the Cabinet member for Children's Services, Cllr Laura Mayes and would outline the options being considered for future provision. It was hoped that members would be able to stay on for the briefing.

(e) **Wiltshire Olympians**

Council wished to place on record their good wishes to the Wiltshire Olympians due to compete in the forthcoming Winter Olympics.

(f) Update on Notice of Motion – Blacklisting Practices

With the Chairman's consent, the Leader took the opportunity to update Council on the above motion.

At its meeting on 12 November 2013 Council agreed to refer Cllrs' Ricky Rogers and Jeff Osborn's motion on blacklisting practices to the Leader (and Cabinet Member) to consider how best to take forward the objectives of the motion.

Cllr Dick Tonge, Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform, had met with Cllrs Rogers and Jeff Osborn, supported by relevant officers, and agreed the following steps in response to the motion:

- To amend the council's pre-qualification questionnaire to require prospective tenderers to provide details of any use of blacklisting, enabling the council to exclude them from consideration in the tender process if a satisfactory response is not provided.
- To amend the Contract Regulations at Part 11 of the Constitution to reflect these requirements.
- To draw this to the attention of existing contractors and seek assurances where appropriate.

5 Petitions

a) Petition Received

The Chairman reported receipt of a petition from Mr Paul Gaunt, a Wiltshire resident. The petition with 2,648 signatories called for the resignation of the Leader and Cabinet of Wiltshire Council.

Mr Alan Shellard and Mr Mike White presented the petition to the Council. The petition had been instigated in response to increases in members' allowances following Council's decision dated 12 November 2013 to accept the recommendations of the Independent Remuneration Panel (IRP). The petitioners considered that in the face of the challenging financial situation, job cuts and the financial hardships faced by many residents, the Council should have shown restraint. Reference was also made to the evidence considered by the IRP in arriving at its recommendations. The Council was asked to review its decision on members' allowances.

The Chairman thanked the petitioners for their petition. She explained that the appointment and dismissal of the Leader were matters for the Council to determine and the appointment and dismissal of Cabinet members were

determined by the Leader. This meant that what was being sought from the petition could not be achieved through this means. The Chairman understood this had already been explained to Mr Gaunt.

The Chairman explained that given that the petition was very much linked to the issue of members' allowances which would be debated later in the meeting under item 7 (a) – notice of motion on members' allowances, she did not intend for there to be a debate on the petition. She invited Mr Gaunt and petitioners present to stay for that item and indeed the rest of the meeting. The Chairman therefore moved that the petition be received and noted and this was duly seconded.

Resolved:

That the Petition from Mr Gaunt be received and noted by the Council.

b) **Petitions Update**

A report by the Democratic Governance Manager presented which gave Council details of the 2 petitions received for the period since the last Council meeting, one of which was presented to Council under (a) above.

Resolved:

That Council note the report, the petitions received and the actions being taken in relation to them, as set out in the Appendix to the report.

6 Public Participation

The Chairman reported receipt of a written statement and question from Mr Tom Corbin, details of which were presented together with a response to the question. Mr Corbin took the opportunity of asking a supplementary question to which the Chairman replied.

The Chairman also reported receipt of two questions from Mrs Charmian Spickernell, details of which were presented together with the response to the first question and a verbal response given to the second question. Mrs Spickernell took the opportunity of asking a supplementary question to which Cllr Fleur de Rhé-Philippe, Cabinet Member for Economy, Skills and Transport responded.

Details of the statement, questions and responses are attached as an Appendix to these minutes.

7 Notices of Motion

- a) **Notice of Motion No.6 - Members' Allowances - Cllrs Jeff Osborn, Terry Chivers, John Walsh, Helen Osborn, Ernie Clark, Brian Dalton, Ian West, Ian Tomes, Ricky Rogers, and Trevor Carbin**

Public Participation

Mr Brian Warwick and Mr John Bowley addressed Council on this issue.

The Chairman reported receipt of the above mentioned motion from Cllr Jeff Osborn. As the motion involved a proposal to rescind a decision made within the last six months, the motion was signed by ten Councillors mentioned above as required by the constitution.

Cllr Jeff Osborn moved the following motion which was duly seconded by Cllr Terry Chivers:

'That this Council agree to rescind the decision on Members' Allowances made by Council on 12th November 2013.'

Cllr Jeff Osborn explained that the increase in members' allowances was of great concern to the public and that he, as had other members, been contacted by several constituents over the matter. He considered that the decision on members' allowances had attracted negative media attention for the Council, both locally and nationally and sparked comments from Government ministers. He considered given the challenging financial situation faced by the Council and many of its residents, members should not have taken the increase and urged them to now rescind the decisions on members' allowances. Cllr Osborn did acknowledge that the Leader had decided to forgo her increase.

Given that the issue of members' allowances was a matter reserved for Council, the Chairman moved that the motion be debated and this was duly seconded by the Vice-Chairman and on being put to the vote, it was

Resolved:

That the motion be debated.

Debate

The Leader explained that her decision to forgo the increase was her personal decision, which was also open to any other member. She noted that some members who had voted against the increase were taking the increase, whereas some members who had voted for it, were not. She did

however agree with the decisions made by Council in November and would therefore not be supporting the motion. The Independent Remuneration Panel (IRP) had acknowledged that the allowances set in 2009 had in hindsight not been set at the right level given that time had shown that the duties and time commitment required for the various roles on the Council had been significantly under estimated.

She explained that the attention being given to her own allowances in particular had been detracting from the real work of the Council with the pressing priority being emergency planning and responding swiftly to the developing flooding crisis. The Leader also pointed out that the decision to become a unitary authority had also generated significant savings on allowances as a result of having far fewer members across the County. She also emphasised that the decisions on allowances taken by Council in November had been made democratically and having regard to the recommendations of the IRP.

Cllr Jon Hubbard explained that he had voted against the increase at the November meeting. However, he accepted that the decision was taken democratically and considered that a decision should only be rescinded in cases where the basis of the original decision was unsound. He did not believe this to be the case and would therefore not be supporting the motion.

Cllr Hubbard accepted that he was a net beneficiary of the increase as a result of being Chairman of an Area Board and a Select Committee and being a group leader. He pointed out that these roles commanded a considerable amount of his time in addition to being a division member which included Council representation on other bodies. The amount of time involved had necessitated him in giving up his full time employment. In this connection, he considered that allowances should be set appropriately to attract people to the role of Councillor which in some cases can become a full time commitment.

Cllr Ernie Clark congratulated the Leader on giving up her increase. He urged members to have regard to the principles as laid down in the Council's Code of Conduct which included selflessness and accountability when it came to voting on the motion.

Cllr Ricky Rogers advised that the amount of interest and concern generated by the allowances issue in his division had been unprecedented. He accepted that the right balance needed to be made between pay and public office but on balance supported the motion to rescind the decisions.

Having heard from Group Leaders, the Chairman opened up the motion to general debate. A number of comments were made summarised as follows:

- The November decisions were properly and thoroughly debated and

that no new factual information had emerged to warrant rescinding the decisions

- The report of the IRP was comprehensive based on reasoned arguments and evidence
- The motivation for the motion was simply an opportunity to again debate the issue of allowances and in so doing, attract publicity
- Allowances should be set at an appropriate level to make the position of Councillor a viable proposition and attract membership from a cross section of the County to match its diversity
- The levels of SRA's recognised the roles and workloads involved
- There was strong public feeling on this issue
- Compared the increase in allowance with Council being advised that it could not afford to implement living wage proposals (previously referred by Council to the Staffing Policy Committee)
- Compared the increases with town and parish councillors who did not receive any allowances yet worked hard for their communities
- The motion was concerned with fairness and leadership
- Comparisons drawn with staff who had been subjected to a pay freeze for several years with a 1% increase this year
- That there should be a flat 1% increase for allowances in line with the staff increase
- Too low an allowance would bar those without independent financial means from standing for election
- Prospective councillors had been made aware of the rate of allowances and time commitment required for the role
- An acknowledgement was made of the significant work undertaken by members which included attendance at several town and parish councils and other bodies
- Members of the public were finding it difficult to reconcile significant increases in allowances with recent staff redundancies
- That any increase should be phased in over a number of years
- A reduction in the number of Cabinet members and the consequential saving on allowances was noted

Following a thorough debate, the motion was put to the vote and LOST and a recorded vote having been recorded by the requisite number of members, the voting was recorded as follows:

For the Motion (24)

Cllrs Brian Dalton, Chris Hurst, Dennis Drewett, Dr Helena McKeown, Ernie Clark, George Jeans, Gordon King, Graham Wright, Helen Osborn, Ian McLennan, Ian Thorn, Ian Tomes, Ian West, Jeff Osborn, John Walsh, Nick Blakemore, Nick Fogg MBE, Nick Watts, Peter Edge, Ricky Rogers,

Rosemary Brown, Stephen Oldrieve, Terry Chivers, Trevor Carbin.

Against the motion (60)

Cllrs Alan Hill, Alan MacRae, Allison Bucknell, Andrew Davis, Bill Moss, Bob Jones MBE, Bridget Wayman, Charles Howard, Christine Crisp, Christopher Devine, Christopher Newbury, Christopher Williams, Chuck Berry, David Jenkins, Desna Allen, Fluer de Rhe-Philipe, Glenis Ansell, Graham Payne, Horace Prickett, Howard Greenman, Jacqui lay, James Sheppard, Jane Scott OBE, Jerry kunkler, John knight, John Noeken, John Thomson, Jonathon Seed, Jose Green, Julian Johnson, Keith Humphries, Laura Mayes, Leo Randall, Liz Bryant, Magnus Macdonald, Mark Packard, Mary Champion, Mike Hewitt, Mollie groom, Nina Phillips, Pat Aves, Paul Oatway QPM, Peter Evans, Peter Hutton, Philip Whitehead, Pip Ridout, Richard Britton, Richard Clewer, Richard Gamble, Richard Tonge, Roy While, Russell Hawker, Sheila Parker, Simon Jacobs, Simon Killane, Stuart Wheeler, Sue Evans, Toby Sturgis, Tony Deane, Tony Trotman.

Abstentions (6)

Cllrs David Pollitt, Howard Marshall, Jon Hubbard, Linda Packard, Mark Connolly, Stewart Dobson.

It was therefore

Resolved:

That motion no. 6 – members’ allowances be NOT adopted.

b) Notice of motion No. 7 - Changing Call-in Procedures - Cllrs Jon Hubbard and Gordon King

The Chairman reported receipt of the above mentioned motion from Cllrs Jon Hubbard and Gordon King.

Cllr Hubbard moved the following motion which was duly seconded by Cllr King:

‘Council resolves to amend the provisions on call-in as set out in Part 8 Overview and Scrutiny Procedure Rules of the constitution to enable a call-in request to be made by any 5 non-executive members of the council or the Chair of the Management Committee.

Specifically to amend Paragraph 34 removing the words "three members of the management committee" and inserting "five non-executive members of

the council". Therefore the new paragraph would now read:

During that period, the designated scrutiny officer shall call-in a decision for scrutiny by the management committee if so requested by the chair or any five non-executive members of the Council, and shall then notify the decision-maker of the call-in. He/she shall call a meeting of the management committee on such date as he/she may determine, where possible after consultation with the chair of the management committee, and in any case within five days of the decision to call-in.

This change to the constitution to take immediate effect.'

Cllr Hubbard considered that the motion should be adopted to correct what he considered to be an anomaly in that it only took 5 members out of 98 to requisition an extraordinary meeting of Council and only 3 members limited to the membership of a 13 strong overview and scrutiny management committee to request a call-in. He considered that the request for call-in should be available to all non-executive members.

As amendments to the constitution were reserved to Council, the Chairman moved that motion be debated and this was duly seconded and on being put to the vote, it was

Resolved:

That the motion be debated.

Debate

It was noted that the Standards Committee in considering the proposal at its meeting on 20 January 2014, agreed that the matter could be considered and determined by this Council meeting without referral back to the Committee.

In the debate which ensued, Cllr Roy While proposed an amendment to the effect that a request for call-in be made by any 10 non-executive members and this was accepted by Cllrs Hubbard and King.

Cllr Simon Killane, Chairman of the Overview and Scrutiny Management Committee explained that whilst he did not necessarily agree with the motion, it was up to the Council to agree.

Resolved:

a) That motion no 7 – Changing call-in procedures be adopted as amended as follows:

That paragraph 34 of Part 8 of the constitution – Overview and Scrutiny Procedure Rules be amended as follows:

'During that period, the designated scrutiny officer shall call-in a decision for scrutiny by the management committee if so

requested by any ten non-executive members of the Council, and shall then notify the decision-maker of the call-in. He/she shall call a meeting of the management committee on such date as he/she may determine, where possible after consultation with the chair of the management committee, and in any case within five days of the decision to call-in’.

b) That this change to the constitution to take immediate effect.

8 Councillors' Questions

The Chairman reported receipt of questions from Cllrs Terry Chivers, Jeff Osborn, Helen Osborn, Helena McKeown and David Jenkins, details of which were circulated in the agenda supplement with one response tabled at the meeting, copy attached as an Appendix to these minutes.

Questioners agreed to take their questions as read and were given an opportunity to ask a relevant supplementary question to which the relevant Cabinet member responded. Verbal responses as indicated in the supplement were given where the questioners were still present.

9 Wiltshire Local Transport Plan 2011-2026: Other Strategies

Cllr John Thomson, Cabinet member for Highways and Streetscene and Broadband presented four sub documents of the Wiltshire Local Transport Plan (LTP3) 2011-2026: Accessibility Strategy, Cycling Strategy, Powered Two-Wheeler Strategy and Smarter Choices for Council’s consideration and adoption. It was noted that further LTP3 theme strategies and area strategies, and implementation plans were planned to be developed.

The documents had been approved for onward recommendation to this Council meeting by Cabinet at its meeting on 21 January, 2014. The report considered by Cabinet was presented as background information. Cllr Thomson guided Council through the key points of the documents and answered members’ questions which included questions on safe cycle routes and electric buggies.

Resolved:

That Council adopt the Wiltshire Local Transport Plan (LTP3) 2011-2026: Accessibility Strategy, Cycling Strategy, Powered Two-Wheeler Strategy and Smarter Choices Strategies.

10 Standards Committee Recommendations on Changes to the Constitution

As requested at the last Council meeting, a briefing session for members was held on 30 January 2014 to go through the detail of the proposed changes as recommended by the Standards Committee. Members thanked Ian Gibbons,

Monitoring Officer for the excellent briefing held and suggested that similar briefings be arranged in respect of future changes.

Cllr Julian Johnson, Chairman of the Standards Committee presented a report which detailed the proposed changes together with the necessary documents from the constitution with tracked changes for ease of reference. Cllr Johnson moved the proposed changes and this was duly seconded by Cllr John Noeken.

Resolved:

- a) **That Council approve the recommended changes to the following documents of the constitution as presented:**

**Protocol 2 - Councillor/ Officer Relations
Protocol 3 - Guidance to Members on Outside Bodies
Protocol 4 - Planning Code of Good Practice
Part 5 - Access to Information Procedure Rules**

- b) **That Council agree:**

- i. **Not to amend the Code of Conduct to impose a requirement to register additional interests over and above the statutory disclosable pecuniary interests, but to rely on the existing provisions of the Code, in particular, paragraph 6, and guidance from the DCLG 'Openness and transparency on personal interests' and to draw this guidance to the attention of parish, town and city councils.**
- ii. **To amend the Council's Constitution to require councillors with a disclosable pecuniary interest to withdraw from a meeting in their capacity as a councillor when business relating to their interest is being considered.**
- iii. **Not to make any changes to the Code of Conduct on gifts and hospitality on the basis that the existing provision is adequate.**

11 Drainage Byelaws

Cllr Toby Sturgis declared a disclosable pecuniary interest in this item as the Bristol Avon River flowed through his land and took no part in the discussion or voting on the item.

Cllr Jonathon Seed, Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding was invited by the Chairman to present a report which sought Council's adoption of Land Drainage Byelaws. The making of the Byelaws would help protect communities, especially those who were most vulnerable, from flooding. They would provide scope for the Council

to work with local communities to reduce flood risk, and help empower communities to do more for themselves.

The proposed Byelaws, based on the Defra model, would cover matters such as changes to flows in watercourses, obstructions, vegetation, damage to river banks and other issues which would be of help to the Council in carrying out its duties as Highway and Lead Local Flood Authority.

Council was advised of the various stages in making the Byelaws which had been followed and of responses to the consultation, details of which were presented. The views of the Environment Select Committee which had considered proposals for the Byelaws at its meeting on 10 December 2013 were also reported.

Resolved:

That Council:

- (a) agree to make the Drainage Byelaws as included as Appendix 1 of the report presented and carry out the formal consultations and**
- (b) subject to the outcome of the formal consultations, request the Secretary of State to confirm the Drainage Byelaws.**

12 Pay Policy Statement and the Publication of Senior Staff Pay

Council considered a report which sought Council approval of an updated pay policy statement which applied to all non-schools employees of Wiltshire Council as recommended by the Staffing Policy Committee held on 8 January 2014. Once approved, the pay policy statement would be published in accordance with Section 38 of the Localism Act 2011.

Resolved:

That Council approve:

- (a) the updated Pay Policy Statement set out in Appendix 1 of the report presented and**
- (b) the continued publication of senior staff salaries with a threshold of £58,200, along with job descriptions, budget responsibilities and numbers of staff. Individuals are asked to consent for their names to be included.**

13 Minutes of Cabinet and Committees

The Chairman moved that Council receive and note the following minutes as listed in the separate Minutes Book and this was duly seconded by the Vice-Chairman:

Cabinet	17, 21 November 2013, 21 January 2014
Cabinet Capital Assets Committee	21 November 2013, 21 January 2014
Cabinet Transformation Committee	17 December 2013
Overview and Scrutiny Management Committee	5 November, 7 January 2014
Children's Select Committee	3 December 2013
Health Select Committee	19 November 2013
Environment Select Committee	29 October 2013, 10 December 2013
Licensing Committee	5 November 2013
Northern Area Planning Committee	23 October, 13 November, 4 December 2013, 8 January 2014
Eastern Area Planning Committee	24 October, 5 December 2013
Southern Area Planning Committee	28 November 2013
Western Area Planning Committee	6 November, 27 November, 18 December 2013
Strategic Planning Committee	11 December 2013
Standards Committee	20 January 2014
Audit Committee	18 December 2013
Staffing Policy Committee	6 November 2013, 8 January 2014
Wiltshire pension Fund Committee	4 December 2013
Wiltshire Police and Crime Panel	5 November, 26 November 2013
Wiltshire health and Wellbeing Board	21 November 2013

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

Overview and Scrutiny Management Committee

Cllr Simon Killane, Chairman of the Committee reminded Council that a special meeting of the Committee would be held on 5 February to consider the proposed 2014/15 budget to which all members were invited.

Children's Select Committee

Cllr Jon Hubbard, Chairman of the Committee explained that the next meeting would be preceded by a training session on the extremely important issue of

childhood sexual exploitation. All members were welcome to attend this and future training sessions.

Western Area Planning Committee

Cllr Roy While, Vice-Chairman of the Committee reminded members that the meeting to be held on 5 February would be preceded by a briefing on the Wiltshire Core Strategy and consideration of the future timing of the Committee.

Standards Committee

Cllr Julian Johnson explained that the Committee would be considering among other things the Council's petitions scheme and members' access to part II reports.

Police and Crime Panel

Cllr Richard Britton, Chairman of the Panel advised that a meeting of the Panel would be held on 6 February when it would be considering the Police and Crime Commissioner's precept proposal for 2014/15.

Resolved:

That the minutes of the above mentioned minutes be received and noted.

14 Membership of Committees

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

Cllr Jon Hubbard, Leader of the Liberal Democrat group Sought Council's approval to the following changes in membership:

Staffing Policy Committee

Remove - Cllr Jon Hubbard

Add - Cllr Bob Jones

Substitutes:

Remove - Cllr Rosemary Brown

Add - Cllr Jon Hubbard

Resolved:

That Council approve the above mentioned committee membership changes.

Appendix

Questions and responses

(Duration of meeting: 10.30 am - 3.15 pm)

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

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

Wiltshire Council

Council

04 February 2014

Item 6 - Public Participation

From Mr Tom Corbin

Question 1

Is it not a slap in the face of every Wiltshire Council employee for Wiltshire Councillors to accept these massive hikes in members SRAs when council employees have suffered years of pay freeze and below inflation pay rises that are effectively also pay cuts, 252 redundancies, voluntary or not they are still financially led. Shortly after the latest redundancies this Council authorised a massive hike in Directors wages, which understandably led to a public outcry. How is it then that this Council saw fit to increase members SRA payments to such levels when knowing that there would be no public support?

What is this council going to do to show its own staff that they really do matter in light of the last 6 months?

Response

The report of an independent Remuneration Panel was considered by Full Council on 12 November 2013. At the meeting Members agreed to accept the recommendations of the independent remuneration panel, convened to review members allowances.

I thought that it would be useful just to recap that the panel was convened under The Local Authorities (Members' Allowances) Regulations 2003. The regulations require all local authorities to set up and maintain an advisory independent remuneration panel to review and provide advice on members' allowances. All councils are required to convene a remuneration panel and seek its advice before making changes or amendments to members allowances and they must 'pay regard' to the panel's recommendations before setting new or amended allowances.

The Independent Remuneration Panel last undertook a detailed review of the Members' Allowances Scheme in Wiltshire in 2009. A review was carried out in 2012 to update the scheme following changes to the standards regime introduced by the Localism Act in 2012, the new governance arrangements for the Health and Wellbeing Board and the Police and Crime Panel and following revised scrutiny arrangements

The review in 2013 was the first full detailed review since 2009. In undertaking the review, the panel considered a range of evidence and the recommendations made by the panel were independent of any elected member of Wiltshire Council and were based on the post and role required and not based on any individuals currently in a post or role.

As there is a motion on the agenda to discuss this subject, members who wish to will have the opportunity to respond at the appropriate time.

Statement of Mr Corbin

As the only member of public present at the November meeting of the Full Council I paid great attention to what was being said, indeed I would have liked to have been able to speak on the debate. Through all the motions that came and fell and for all the votes against the motions there was one particular lack of forthcoming information that I was most interested to hear. Just one independent Councillor spoke up in favour of the report for the specific reason that they felt that the 1% increase was necessary as they are struggling to get by on their current standard allowance. They did not go into detail as to how the rise in SRA would affect them.

But here it is, I think the current basic level is wrong - adding £122 to the basic allowance was not enough. I believe that the SRAs should have stayed low, after all the more special responsibilities you wish to take on the more you will receive in allowances. However this fails to address the baseline issue that I believe the Independent Councillor was raising.

Whilst as Councillors you give yourselves over to working for the local communities, hopefully acting as a representative person of that community. However if you look at the demographic of people in this chamber you will soon realise that most people here are either of retirement age or not too far from it. If you wish to encourage younger working age people to put themselves forward to be Councillors you have to show that in carrying out their duties you will cover their loss in earnings.

In debating item 7a) rescinding of the motion that set your increases in allowances, I want to hear you say you are worth it, that you need these agreed increases to cover the costs because right now the public perception is that you are all just quietly lining your pockets!

Wiltshire Council

Council

04 February 2014

Item 6 - Public Participation

From Mrs Charmian Spickernell, Campaign for the Protection of Rural England (CPRE)

To Councillor Fleur de Rhé-Philipe, Cabinet Member for Economy, Skills and Transport

Question 2

Re Transport Schemes being prioritised for matched funding, M4 Junctions 15, and 16 and A350 widening north of Chippenham.

Junction 16 Improvements

Given that:

1. Originally this was part of the Wichelstowe permission but is now said to be needed generally. (Applications to the north of the Junction have been granted on appeal)
2. The junction has a size constraint with narrow bridges over the motorway so there are limitations to improving the traffic flow. If traffic flow is improved, congestion on the small feeder roads will be increased.
3. There are safety issues with the proposed layout, the details are still to be finalised and Wiltshire has not agreed the layout. (Junction 16 is in Wiltshire)
4. There is a case, supported by the LEP Chairman, for looking strategically at a rail solution, re-opening Wootton Bassett Station. The possibility of new stations west of Mannington and at Moredon should also be considered.
5. Government funding is coming through the Local Economic Partnership (LEP), and Wiltshire has two representatives on the Local Transport Body(LTB) within the LEP but there is no opportunity for members of the public to ask questions before LTB/LEP Meetings. A consultation was held in September but the responses, which did raise important issues regarding process and projects, do not appear to have been addressed.

The cost for Junction 16 improvements is said to be £8million and this has to be match funded, how is this going to be financed and have all the issues raised above been taken into account?

Response

Based on the outcome of a Department for Transport (DfT) approved prioritisation process, the M4 Junction 16 Improvement was approved as a 'prioritised scheme' by the Swindon

and Wiltshire Local Transport Body (SWLTB) at its first meeting on 8 July 2013 (see <http://ww5.swindon.gov.uk/moderngov/ieListDocuments.aspx?CId=940&MId=6298&Ver=4>).

Subsequently, following confirmation of the SWLTB's allocated funding level of £11.3m on 16 July 2013, the M4 Junction 16 Improvement was submitted to the DfT on 30 July 2013 as one of the SWLTB's 'prioritised schemes' (the others being the A350 Chippenham Bypass Improvements and M4 Junction 15 Improvement). This submission was formally approved by the SWLTB at its meeting on 2 October 2013 (see table below and <http://ww5.swindon.gov.uk/moderngov/ieListDocuments.aspx?CId=940&MId=6359&Ver=4>).

Table 3: Prioritised Schemes

Local Transport Authority	Scheme	Estimated scheme cost ¹	Included in Programme		
			Dft funding	Local contribution	Funding shortfall
Wiltshire Council	A350 Chippenham Bypass Improvements	£2.25m	£1.67m	£0.58m	TBC
Swindon BC / Wiltshire Council	M4 J16 Improvement	£8m	£5.92m	£2.08m	TBC
Swindon BC	M4 J15 Improvement	£5m	£3.70m	£1.3m	TBC
Total			£11.29m	£2.98	TBC

Notes:

1. Based on estimated scheme. Further work is recommended to be undertaken to establish the exact level of local/third party contributions.

The three 'prioritised schemes' are now being progressed in accordance with the DfT's Transport Business Case guidance. Following this guidance will ensure that the business case for each scheme is sound and the evidence base (for example on congestion, safety and environmental issues) is robust. Assessments equivalent to Strategic Outline Business Cases were completed as part of the prioritisation process and at its meeting on 2 October 2013, the SWLTB approved draft Appraisal Specification Reports for the development of Outline Business Cases. Further information on the proposed approach to developing the relevant Outline Business Cases was approved by the SWLTB at its meeting on 8 January 2014 (see <http://ww5.swindon.gov.uk/moderngov/ieListDocuments.aspx?CId=940&MId=6398&Ver=4>).

It is anticipated that Outline Business Cases will be submitted to the SWLTB's meeting on 16 April 2014 at which time further information will be available on the Swindon and Wiltshire Local Enterprise Partnership's emerging 'Strategic Economic Plan' (SEP) which has to be submitted to Government as part of the Local Growth Fund – the SWLTB's funding is now effectively part of the Local Growth Fund.

In terms of the consultation exercise undertaken over the summer, the results of this process were reported to the SWLTB at its meeting on 2 October 2013 where the following was stated:

- 3.7 The prioritisation process and outcomes have been consulted on for 6 weeks and no fundamental issues have been raised. A summary of the consultation is shown in **Appendix 1** and a verbal update will be provide at the meeting. Scheme specific consultation will take place through the business case development.

With regard to rail, a number of options were considered as part of the long list of potential local major transport schemes reported to Wiltshire Council's Cabinet meeting on 21 May 2013 (see <http://cms.wiltshire.gov.uk/ielIssueDetails.aspx?IId=35934&Opt=3>). Subsequently, Westbury Additional Platform has been included in the SWLTB's 'contingency scheme' list and Wilton Station, Royal Wootton Bassett Station and Corsham Station have been included in the SWLTB's 'development scheme' list.

Item 6 - Public Participation

From Mrs Charmian Spickernell, Campaign for the Protection of Rural England (CPRE)

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

Question 3

How many consultants is Wiltshire Council employing generally and how much are they being paid?

Response

It was not cost effective to employ full time consultants. Given this, consultants were engaged as and when required in order to minimise costs.

Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

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

Question 1

Councils across England hold £1.5bn in unspent money from section 106 agreements.

a) How much unspent money is this Council holding in 106 agreements, and b) how much has been returned to developers' since this Council was formed?

Response

a) At 31 December 2013, Wiltshire Council held a total balance of £26,825,416.36 in unspent Section 106 monies. The split of these funds was as follows

Public Open Spaces	£10,709,470.33
Highways	£8,259,410.25
Education	£3,507,075.06
Affordable Housing	£4,146,621.50
Other Departments	£202,839.22

Total **£26,825,416.36**

This balance is spread across more than 800 individual agreements, each with separate conditions relating to how and when the funds may be spent.

There are various reasons why these funds might remain unspent. Some of the balances relate to maintenance agreements covering a 20 year period; a suitable amount is contributed to the Council maintenance budget each year.

Other amounts are effectively deposits that cannot be spent until work is completed on the relevant development, in some cases these balances will be refunded if the development does not take place. Further balances have been allocated to specific parish schemes and will be released at the appropriate time.

During the 2012/2013 financial year more than £3 million was spent from the Section 106 monies that Wiltshire council holds.

b) In respect of any unused amounts that have been returned to developers on implemented planning permissions, the Council has returned £16,135 from 2009 to date in relation to a Section 106 agreement entered into by a predecessor Council.

Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

**To Councillor Jonathan Seed, Cabinet Member for Communities, Campuses,
Area Boards, Leisure, Libraries and Flooding**

Question 2

I wish to congratulate the Cabinet Member for the planning, incident response and now recovery that went into the recent flooding across much of Wiltshire. I know that we are yet not out of danger, but I would like to put on public record my thanks and gratitude to all of the staff, across all services, contractors and partner agencies, who worked so hard and effectively, including over the holiday period. This, I know, is much valued by the people of Wiltshire.

Sadly, flooding throughout the county is likely to become a regular event. As such it is important that we use the recent experiences to learn and develop our response plans to ensure we minimise wherever possible the impact to citizens, their homes and businesses. Could the Cabinet member please include the following learning points in the post incident review that I understand will be taking place, and could he also encourage scrutiny to play an essential role in that review:

- Customer contact: Consider alternative telephone reporting arrangements that avoid the necessity for calls to be routed via remote call centres where operators are not familiar with the county geography (emergency on call and Clarence)
- Web site information: Develop a process to improve the consistency of information published between the web sites of the key partner agencies; Wiltshire Council, Police, Environment Agency and external bodies like BBC Wiltshire and other media.
- The role of elected members: Some members were actively and effectively engaged in supporting their communities, whilst others seemed confused about their role in the incident. This needs to be developed and clarified.
- Town and Parish Councils: We need to encourage all parishes to develop and adopt their flood plans quickly and to nominate their flood wardens and develop local counter measures to protect vulnerable homes and businesses ahead of the next flood event. Some parishes have done this very well but others have not and this is a major risk for some communities.

Could I encourage all members in the Chamber today to join me in thanking everybody in the community who worked so hard on these recent events.

Response

On behalf of all those involved in the recent response to flooding throughout Wiltshire, I would like to thank Cllr Osborn and others for their support and words of appreciation. Last month we experienced the highest level of rainfall in January for over one hundred years. The impact of this rainfall was inevitably widespread flooding with implications across every part of the authority from highways and drainage to social care and support of the vulnerable.

The response from Wiltshire Council staff has been exemplary and this Authority has been congratulated on our coordination and strong communication strategy, however our response can always be improved and I can confirm that a full strategic debrief of the incident has taken place in recent days and this will be followed by a further programme to review all necessary plans and procedures, thus ensuring we learn the valuable lessons this experience has provided.

Specifically in response to the individual points:

- **Customer contact:** The internal review has already highlighted a need to improve both the information we provide to the public and to simplify contacting the council both in and outside of normal working hours. Flooding is a distressing experience and we want to ensure the public know when and how to contact us. I can confirm contact numbers will form part of the review process.
- Considerable information is available on our web site however learning points regarding communication have been identified and will be implemented. Through the Local Resilience Forum, which brings together the key partner agencies in emergency response, the issue of sharing information and ensuring a consistency particularly with the media and websites was highlighted and action taken. This learning will be cemented into plans and procedures.
- The role of members to support their communities is considered a vital link, particularly when gathering information regarding community impact on the ground. The response team recognised the importance of keeping councillors fully briefed throughout this incident and they widened the distribution lists for the briefing as the event progressed. Keeping Members informed is seen as essential so that councillors can respond to questions from residents. This will certainly be developed and clarified further.
- This authority is regarded as a beacon authority by our agency partners for the way we have coordinated our flood alleviation through the work of our Operational Flood working Groups over many years. I would urge all Members to both attend and take part in the work of these vital coordination groups. The Operational Flood Working Groups have been encouraging parishes to take the time to develop and adopt flood plans, and nominate flood wardens and those that do so are in far better position when flooding occurs. As part of our ongoing review we will be updating the contact details and plans that Parishes have submitted.

This recent severe flooding episode has emphasised the importance for us all to work together to create more resilient communities.

To this end I am today announcing a new Community Flood Resilience Scheme for Towns and Parishes to bid to this Council for sand bags, aqua sacks, sand and portable flood warning signs to be stored locally so that parishes and their flood wardens can act quickly to protect their communities in the event of flooding. This scheme will run in a similar manner to the distribution of gritting salt being issued out to communities.

Finally Members will be aware that this Council has consistently maintained and on occasion increased the discretionary funding allocated to flood alleviation in recent years and Members will note from the publication of the budget for next year that this prudent policy will continue.

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Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

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

Question 3

I am given to understand that some members who are eligible for Special Responsibility Allowances (SRA), have indicated that they will not be taking the "back pay" that resulted from the Council decision on 12 November 2013.

May the Council be informed if this is the case and given the names of the said members?

Also are there any members who have declined their increase in SRA and could Council be informed of their names?

Response

The Members' Allowance Scheme makes provision for a councillor or co-optee to elect to forgo any part of his or her entitlement to an allowance by giving notice in writing to the Corporate Director.

In respect of Special Responsibility Allowances to which the question relates, to date, the under mentioned elected members have given written notice that they have elected to forgo all or part of their SRA as follows:

Councillor Jane Scott:	to forgo the increase in the Leader of Council Special Responsibility Allowance, to forgo the Health and Wellbeing Board SRA and to forgo any back pay
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Councillor Laura Mayes	to forgo 50% of the increase in SRA for the role of Cabinet Member
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Correction to meeting response:

To add

Cllr Graham Payne	to forgo the back pay on the increase to the Area Board Chairman SRA
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Item 8 - Questions from Councillors

From Councillor Helen Osborn, Trowbridge Lambrok Division

To Councillor John Thomson, Deputy Leader of the Council and Cabinet Member for Highways and Streetscene and Broadband

Question 4

At the last Council meeting I asked when the metro count service would operating fully. In my division I have at least two metro counts outstanding and my residents are increasingly concerned as to speed issues.

When will Mr Christmas be replaced and when will we have a fully functioning service?

Response

The metro count service is now operating fully.

We have employed a team to catch up with the backlog and this we expect to be completed within the next 2 weeks.

There are currently no plans to replace Tim Christmas as the metro counts are now being dealt with by the same team, from Balfour Beatty, who deploy the SIDs (Speed Indicator Devices).

If there are queries regarding individual metro counts, the area board managers may be able to help or alternatively please contact the road safety team; Vicky Oates on 01225 701970 vicky.oates@wiltshire.gov.uk

Item 8 - Questions from Councillors

From Councillor Dr Helena McKeown, Salisbury St Edmund and Milford Division

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

Question 5

I am sure you know that Salisbury`s street plan was laid down in the early 13th Century; and that the design of streets running parallel to each other, North/South and East/West, which resulted in the formation of chequer squares, is a fine example of Mediaeval town planning. Each chequer early acquired its own unique name, and their central areas contained the gardens of the homes and businesses which occupied the “tenements” which faced the streets. There is extensive reference to Vanner`s Chequer in the Heritage Statement of September 2012, which is part of an original planning application in St Edmund and Milford Division.

The Bargate Homes development is accurately called, in their brochure, Vanners Court, since it occupies the historic Vanners Chequer area. In October 2013 local residents and our residents associations contacted our Council regarding the address of three new detached houses which stand in the central garden area of the original chequer and do not abut an existing street and asked **as a matter of urgency** for the Council to designate their postal addresses as Vanners Chequer. It was noted then in writing to the Council that in a planning application published in Salisbury Journal of October 24th 2013, the area is designated as Bedwin Court, for which there is absolutely no historical precedent.

Salisbury City Council have written in support of the preservation of the valuable historical name to our City`s History and we would like to know and for a justification of why the Council have been unable to act on behalf of the residents of St Edmund and Milford Division in Salisbury please?

Response

Wiltshire Council has a statutory power to name and number streets and to approve and register official property addresses in the county of Wiltshire.

In line with national best practice guidelines, the preferred option for numbering new properties is always to use existing street names where possible, not least to aid the emergency services. In this particular case, because the layout of the properties were between two existing streets with no through road, the properties were

numbered off the existing streets, half the site was numbered as Bedwin Street and the other half was numbered as Salt Lane.

The development name given by any developer in a brochure is only a temporary name and has no bearing on the official naming of a street. Wiltshire Council support retaining the historic reference of the Vanners Chequer's site and have therefore offered the options of adding a plaque or adding a dedication description to a street sign referencing the historical Vanners Chequer area.

Item 8 - Questions from Councillors

From Councillor David Jenkins, Westbury North Division

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

Question 6

Wiltshire has been identified as an “area under consideration” for exploration and extraction of shale gas. Given the recent decision of the UK’s shale gas companies to expand operations and the Government announcement on possible shale gas incentives, what plans have Wiltshire Council adopted to manage future licence applications that balance the needs of industry whilst protecting local democracy?

Response

The Council will not be responsible for managing any licence applications, should they be offered, for the exploration and production of any shale gas resources in Wiltshire.

The oil and gas licensing system is administered by the Department of Energy and Climate Change (DECC). The Secretary of State for Energy and Climate Change periodically offers licences to search for, and extract, these resources.

DECC plans to conduct a new round of onshore licensing in 2014 and has published for consultation an Environmental Report on its proposals. The consultation is open until 28 March 2014. Once the consultation responses have been taken into account the Government will issue a “Post-Adoption Statement” which will summarise how it intends to proceed in relation to further onshore licensing.

Current onshore oil and gas production licences are called Petroleum Exploration and Development Licences (PEDLs). Operators bid for exclusive rights to an area in competitive license rounds. The operator then has to obtain access rights from landowners and planning permission, which may require an environmental impact assessment. They also need environmental permits from the Environment Agency and Health and Safety Executive approval. They then seek final consent from DECC.

Planning permission is one of the main regulatory requirements and the Council, in its capacity of Minerals Planning Authority for Wiltshire, will be responsible for determining whether to grant permission for the location of any wells and wellpads, and impose conditions to ensure that the impact on the use of the land is acceptable.

Guidance on how shale gas (and other onshore oil and gas) developments should proceed through England's planning system was issued by the Department for Communities and Local Government in July 2013.

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Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

To Councillor Jane Scott OBE, Leader of the Council

Question 7

It was reported in The Western Daily Press, on 22nd November that the hundreds of volunteers, who without this Council would not operate, are charged for tea and coffee when working for nothing for this Council. Considering that you found the money to give yourself, and your inner "Magic Circle" an eye watering pay increase, do you not feel this policy is mean, and should be reviewed?

How much would it cost to provide free hot drinks for the volunteers that work hard for this Council, and would you agree that this policy should be reviewed as soon as possible?

Response

A verbal response was to be given based largely off the following briefing note:

The council does engage many volunteers to support the delivery of its services, and this engagement supports our vision to build stronger and more resilient communities for Wiltshire. The council does not provide free tea and coffee to any of its employees or volunteers, and there are no plans to review this. I understand that both employees and volunteers collectively contribute towards the provision of refreshments for their use.

Question 8

After the recent expenses scandal that has seen yourself awarded a 37% pay increase, that now makes you one of the highest paid Councillors in the UK. And also the massive pay increases that were awarded to your Cabinet and the inner "Magic Circle".

Taking into account, the comments from Jacob Rees-Mogg and the "Conservative Home" Web Site and the anger of the residents of Wiltshire many of whom have signed the peoples petition calling for your and the Cabinets resignation. Do you feel that you totally miss-judged the mood of local residents, and do you agree that you are totally out of touch with the residents of Wiltshire?

Response

A verbal response was due to be made, however Cllr Chivers was not present to receive it.

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