

SUMMONS

Council Meeting

Date: **4 February 2014**

Time: **10.30 am**

Place: **Council Chamber - County Hall, Trowbridge BA14 8JN**

**PLEASE SIGN THE ATTENDANCE
BOOK BEFORE ENTERING THE
COUNCIL CHAMBER**

Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic Services, County Hall, Trowbridge, direct line 01225 718504 or email kieran.elliott@wiltshire.gov.uk

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

This summons and all the documents referred to within it 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

1 Apologies

To receive any apologies for the meeting.

2 Minutes of Previous Meeting (*Pages 5 - 114*)

To approve as a correct record and sign the minutes of the last meeting of Council held on 12 November 2013.

3 Declarations of Interest

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

4 Announcements by the Chairman

To receive any announcements through the Chair.

5 Petitions

5a) Petition Received (*Pages 115 - 116*)

The Council has received a petition from Mr Paul Gaunt with 2,673 signatories, details of which are attached.

5b) **Petitions Update** (*Pages 117 - 120*)

Report of the Democratic Governance Manager.

6 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

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

Questions

To receive any questions from members of the public received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Corporate Director) **no later than 5pm on Tuesday 28 January 2014**. Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Councillors prior to the meeting and made available at the meeting and on the Council's website.

COUNCILLORS' MOTIONS AND QUESTIONS

7 **Notices of Motion** (*Pages 121 - 122*)

For ease of reference, the rules on how a motion is dealt with at Council taken from Part 4 of the Council's constitution is attached.

To consider the following notices of motion:

- 7a) **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** (*Pages 123 - 124*)

Details attached.

- 7b) **Notice of motion No. 7 - Changing Call-in Procedures - Cllrs Jon Hubbard and Gordon King** (*Pages 125 - 126*)

Details attached.

8 **Councillors' Questions**

Please note that Councillors are required to give notice of any such questions in writing to the officer named above (acting on behalf of the Corporate Director)

no later than 5pm on Tuesday 28 January 2014. Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Councillors prior to the meeting and made available at the meeting and on the Council's website.

POLICY FRAMEWORK

Under its Constitution, the Council is responsible for approving the Policy Framework of the Council expressed in various plans and strategies which includes the Local Transport Plan referred to in item 9 below.

This Plan was considered by Cabinet at its meeting on 21 January 2014

9 **Wiltshire Local Transport Plan 2011-2026: Other Strategies** (*Pages 127 - 180*)

To consider the following recommendation of Cabinet from its meeting on 21 January 2014:

That Cabinet approves the Wiltshire Local Transport Plan (LTP3) 2011 – 2026: Accessibility, Cycling, Powered Two Wheeler and Smarter Choices strategies and recommends adoption by the Council at its meeting on 4 February 2014.

The report considered by Cabinet is attached as background information. The LTP3 document is enclosed separately for members, for members of the public, it is available on the Council's website along with this Summons and available on request.

OTHER ITEMS OF BUSINESS

10 **Standards Committee Recommendations on Changes to the Constitution** (*Pages 181 - 282*)

Report by the Associate Director, Legal and Governance and Monitoring Officer incorporating recommendations from the Standards Committee on revisions to the Wiltshire Council Constitution.

This item was deferred by Council at its meeting on 12 November 2013, pending a briefing on the changes for all councillors which has been arranged for 30 January 2014. This now includes a further recommendation from the Standards Committee made since the last meeting of Council.

11 **Drainage Byelaws** (*Pages 283 - 304*)

Report by Parvis Khansari, Associate Director, Highways and Transport

12 **Pay Policy Statement and the Publication of Senior Staff Pay** (*Pages 305 - 322*)

To consider the recommendation of the Staffing Policy Committee from its meeting held on 8 January 2014 that Council approve the Pay Policy Statement. Report by Barry Pirie, Associate Director - People & Business Services.

MINUTES OF CABINET AND COMMITTEES

13 **Minutes of Cabinet and Committees** (*Pages 323 - 642*)

- a. The Chairman will move that Council receives and notes the minutes of Cabinet and the various Committees of the Council as listed in the Minutes Book enclosed separately.
- b. The Chairman will refer to Cabinet and each Committee in turn:
 - i. The Leader, Cabinet members and Chairmen of Committees will be invited to make any important announcements.
 - ii. Councillors will be given the opportunity to raise questions on points of information or clarification on the minutes presented.
- c. Councillors will be given an opportunity to raise general issues relating to Area Boards but not specific local issues.

14 **Membership of Committees**

To determine any requests from Group Leaders for changes to committee membership in accordance with the allocation of seats to political groups previously approved by the Council.

PART II

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

None

Dr Carlton Brand
Corporate Director
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire BA14 8JN

COUNCIL

DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 12 NOVEMBER 2013 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Desna Allen, Cllr Glenis Ansell, Cllr Chuck Berry, Cllr Nick Blakemore, Cllr Richard Britton, Cllr Liz Bryant, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Chris Caswill, 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 Mary Douglas, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Nick Fogg, 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 Alan MacRae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Helena McKeown, Cllr Ian McLennan, Cllr Jemima Milton, 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 Graham Payne, Cllr Nina Phillips, Cllr David Pollitt, 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 John Smale, Cllr Toby Sturgis, Cllr John Thomson, Cllr Ian Tomes, Cllr Dick Tonge, Cllr Anthony Trotman, Cllr John Walsh, Cllr Nick Watts, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Ian West, Cllr Philip Whalley, Cllr Stuart Wheeler, Cllr Roy While, Cllr Philip Whitehead, Cllr Christopher Williams and Cllr Graham Wright

59 Apologies

Apologies for absence were received from Councillors Magnus Macdonald, Dennis Drewett, Horace Prickett, Cllr Pat Aves, Cllr Richard Gamble, Cllr Jacqui Lay, Bill Douglas and Rosemary Brown.

Council Chamber Refurbishment

This was the first meeting to be held in the Council Chamber in County Hall, following its refurbishment. The Chairman welcomed all members back to the traditional venue for full Council.

With the Chairman's permission, the Leader thanked Julie Anderson-Hill, Head of Transformational Change and her team for the way they had handled the refurbishment programme. She also thanked them for the fantastic job they had carried out in managing the movement of staff, noting that a further 3,000 staff would be moved shortly.

60 Minutes of Previous Meetings

The minutes of the ordinary meeting held on 9 July 2013 and the extraordinary meeting held on 3 September 2013 were presented.

Resolved:

That the minutes of the Council meetings held on 9 July and 3 September 2013 be approved as correct records and signed by the Chairman.

61 Declarations of Interest

No declarations of interest were made.

62 Announcements by the Chairman

a) Order of Business

With the consent of council, the Chairman agreed to take 'Councillors' Questions' (item no. 8) at the end of the meeting (after item 16). This she explained was in view of the volume of questions received and to ensure there was sufficient time to transact the main business of the Council as listed in the Summons.

b) Recent Royal Visits

The Chairman announced that the County had been fortunate to have had three Royal visits in recent months.

In October, His Royal Highness the Duke Of Kent visited two Wiltshire businesses. M+W High Tech Projects in Chippenham, to present them with the Queen's Award for Enterprise for international trade, and Ark Data Centres in Spring Park, Corsham, to see the latest developments in secure data storage.

later in the month, Her Royal Highness the Duchess Of Cornwall attended the High Sheriff's Concert in aid of youth action Wiltshire held in the Chapel at Marlborough College. The concert, which centred on the life of Handel, was supported by over 450 people and was truly magnificent. The Chairman commented that it was a great pleasure to be asked to attend the concert and to support such a worthy Wiltshire organisation by doing so.

In November, Her Royal Highness the Princess Royal visited the Wiltshire Barn Project in Woodborough, near Pewsey. This charitable project aimed to support wounded, injured and sign ex-servicemen from all three services by providing a craft-based bookbinding training, qualification and employment scheme. It was good to meet veterans benefitting from this project and to see firsthand the value which this project provided to them.

His Royal Highness the Earl of Wessex had recently been made Chancellor of Bath University. The Chairman explained that she had been invited to attend the Installation ceremony in Bath Abbey last week and the official opening of the new Chancellor's Building at the University later in the afternoon. The Chairman commented it was a privilege to be part of such a memorable occasion.

(c) Arctic Convoy Star Medal Presentation

In September, the Chairman had hosted, in conjunction with the Mayor of Swindon and Wiltshire MP's, a ceremony to honour Wiltshire residents who received the Arctic Convoy Star Medal. The Medal was awarded to veterans of both the Arctic Convoys and of Bomber Command. Described by Sir Winston Churchill as 'the worst journey in the world', the Arctic Convoy ships of the Royal And Merchant navies made repeated perilous journeys in sub-zero temperatures to ensure vital supplies of both arms and food supplies reached Russian shores. Many lost their lives but their efforts are widely recognised as helping Russia's war effort and significantly shortening World War II.

The Chairman explained that it had been a very humbling experience to join with MP's to present the veterans with their medals and commemorative scrolls from the Council to acknowledge their gallantry.

(d) Remembrance Day Services And Parades

The Chairman said she had been delighted to be to attend the launch of the Wiltshire Royal British Legion Poppy Appeal at Salisbury Racecourse recently where she had purchased and was presented with the first poppy sold in Wiltshire. With the strong armed services link to Wiltshire, she had welcomed the opportunity to be involved with this important and vital fund raising work undertaken by the Royal British Legion. The Council had also encouraged support of the appeal at its offices through the selling of poppies.

Annual Remembrance Day service and parades had taken place across Wiltshire last weekend. The Chairman was pleased to say that, where invitations had been received from towns and parishes for the Council to be represented, Wiltshire Councillors attended services and laid wreaths at war memorials across the County on behalf of the Council. The Chairman thanked Councillors for their willingness to be involved in and attend these important ceremonies.

(e) The County of Wiltshire Carol Service

The Chairman reminded members of the County Of Wiltshire Carol Service, being held in Malmesbury Abbey on Tuesday, 10 December at 7.00 p.m. The Service would be conducted by the Reverend Neill Archer and The Venerable Christine Froude, Archdeacon of Malmesbury.

This year the Council was co-ordinating a Carol Service involving Wiltshire Council and Swindon Borough Council, the Police, Fire Service and other agencies who work together to support the community of Wiltshire. All members had received an invitation to attend this service.

Staff Carol Services would be held at the three main hubs: Bourne Hill on Wednesday, 4 December, Monkton Park on Thursday, 5 December and County Hall on Tuesday, 10 December. All services would commence at 1.00 p.m. and would be led by members of the Wiltshire Chaplaincy Team. The Chairman encouraged members to support these services if they could and join staff to enjoy these seasonal celebrations.

(f) The Late Councillor Linda Conley

The Chairman explained that as with other members and officers, she had been deeply saddened by the recent death of Councillor Linda Conley.

The Chairman paid tribute to Linda, her unstinting work for the Council and her local community.

Linda was elected to the Council in 2009 and her clear desire to 'make a difference' for Wiltshire was evident. Her knowledge of the complexities and diverse areas of waste management, and her determination to raise standards, commanded respect from all who came into contact with her. She was continually striving for improvements to benefit Wiltshire residents.

A memorial service would be held on 22 November at 2pm at Holy Trinity Church, Bradford on Avon. Councillors of Linda's calibre were rare.

The Leader also paid tribute to Linda commenting that she was a very special lady, who had been wonderful to work with and did everything with great humour. Linda had worked tremendously hard with the utmost dedication on the transformation of waste services, ensuring that the transition to one uniform service had been a smooth one. The Leader added that Linda had been a wonderful friend and colleague, who worked hard for the people she represented and who would be sorely missed.

Cllr Jon Hubbard explained that the Council was united in expressing sorrow. He considered that Linda typified what a councillor should be. She was a hard working local member who had been highly regarded and her passing would be a great loss to the Council.

Cllr Ernie Clark also joined in paying tribute to Linda commenting on her extensive knowledge and that she was highly regarded.

Cllr Ricky Rogers also paid tribute to Linda commenting on her detailed knowledge of the waste service, her hard work and that she would be sadly missed.

Linda had supported Cllr Toby Sturgis as Portfolio Holder for Waste Services. Cllr Toby Sturgis commented that Linda had been a joy to know and work with. He paid tribute to her invaluable work in supporting him on the waste service.

Other members also paid tribute to Linda including Cllr Graham Payne who had also worked with Linda on West Wiltshire District Council as had other members. He said that it had been a privilege to work with her. Cllr Laura Mayes said that Linda had been able to keep her sense of humour even in difficult circumstances, for which she had been very grateful.

Those present stood for two minutes of silence in recognition of the service and contribution to the Council and to Wiltshire generally given by Linda and the fact that she was a serving councillor.

63 **Petitions**

A report by the Head of Democratic Services was presented which gave Council details of the 11 petitions received for the period since the last Council meeting.

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.

64 **Petitions Received**

No petitions had been received for presentation at this meeting.

65 **Petitions Update**

A report by the Head of Democratic Governance Manager was presented which gave Council details of 11 petitions received for the period since the last Council meeting. It was noted that the petition in respect of Speeding through Colingbourne Ducis had in fact been referred to Tidworth Area Board and not Marlborough Area Board as shown in the appendix presented.

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 as presented.

66 Public Participation

No requests for public participation had been received for this meeting.

67 Notices of Motion

Council was asked to consider the following motions received in accordance with the Council's Constitution.

(a) Notice of Motion No.2 - Government Guidance on Child Protection and Safeguarding in Schools - Cllrs Helen Osborn and Jeff Osborn

The Chairman reported receipt of the above mentioned motion.

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

'This council congratulates the political and managerial leadership of Children Services in granting permission for their specialist staff to speak out to the national media regarding the Department of Education's new guidance on child protection and safeguarding in schools. This is a far too important a matter to be left to the autonomy of headteachers.'

To assist Council in its consideration of this motion, details of the Council's response to the Department for Education's consultation: 'Keeping Children Safe in Education' was presented.

Cllr Helen Osborn thanked officers for inclusion of the Council's response to the Guidance in the Council Summons which she considered very helpful. She considered that child protection and safeguarding measures should remain the responsibility of local authorities and not left to individual headteachers.

Cllr Laura Mayes, Cabinet member for Children's Services explained that she had welcomed and appreciated officers speaking to the media to raise awareness of such an important issue. Cllr Mayes supported Deborah Steele's comments and it was noted that the Council had been invited to discuss the matter with the Minister. Cllr Mayes supported the motion.

The Chairman moved that the motion be debated and this was seconded by the Vice-Chairman and on being put to the vote, it was

Resolved:

That the motion be debated.

Debate

The Leader stressed that the most important thing was to work with our schools. She commented that we had a close working relationship with our schools that would enable us to work together to continue the good work achieved on safeguarding.

Cllr Jon Hubbard commented that he was delighted that the Council had been forthright in its views on this important issue. He agreed that working closely with schools and the partnership arrangements we had with them were very important. Cllr Ernie Clark also supported the motion and agreed with partnership working with schools on this. This was also echoed by Cllr Ricky Rogers.

On being put to the vote, the Motion was adopted and it was therefore

Resolved:

That notice of motion no. 2 be adopted as presented as follows:

That this council congratulates the political and managerial leadership of Children Services in granting permission for their specialist staff to speak out to the national media regarding the Department of Education's new guidance on child protection and safeguarding in schools. This is a far too important a matter to be left to the autonomy of headteachers.

- (b) **Notice of motion no. 3 - Parking levy on supermarkets - Cllrs Cllrs Jeff Osborn and Terry Chivers**

The Chairman reported receipt of the above mentioned motion.

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

'This council requires officers to investigate the opportunities provided in the Sustainable Communities Act 2007 to levy a charge on all Wiltshire supermarkets with the object of reducing parking charges in our city and market towns.

A report should be presented in sufficient time before the next full council to enable a notice of motion to be prepared so that a debate can take place on

the matter'.

Cllr Jeff Osborn presented the above motion. He compared town centre car parking where customers had to pay for car parking with supermarkets where customer parking was provided free of charge. He considered that this represented a gross inequality in the retail trade and that there should be a level playing field between supermarkets and the town centre retail trade. He therefore supported the principle of taking this further.

Cllr John Thomson, Cabinet member for Cabinet Member for Highways, Streetscene and Broadband explained that such a process would entail a very lengthy and complicated process with far reaching implications. Cllr Thomson considered that as it was a policy development issue which would require detailed consideration, it should be referred to Overview and Scrutiny to investigate and research.

The Chairman, noting that such a proposal would require detailed consideration, moved that the motion be referred to the Overview and Scrutiny Management Committee without debate. This was seconded by the Vice-Chairman and on being put to the vote, it was

Resolved:

That motion no. 3 – Parking Levy on Supermarkets be referred to the Overview and Scrutiny Management Committee without debate.

(c) **Notice of motion no. 4 - Living Wage - Cllrs Jeff Osborn and Terry Chivers**

The Chairman reported receipt of the above mentioned motion.

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

'This council follows the example of such local authorities as Brighton and Hove, and Rochdale, and moves its in-house lower paid employees up to the Living Wage – currently £7.45 per hour.

It also requires that all bidders for Wiltshire Council contracts are to pay their staff at least at the Living Wage level'.

Cllr Jeff Osborn explained the background to his motion and what it set out to achieve. He accepted that reference to 'all bidders' could be changed to 'future bidders'. He considered that it was incumbent on the Council to introduce this especially in the context of recent pay freezes applied to local authority staff.

Cllr Stuart Wheeler, Cabinet Member for Hubs, Heritage & Arts, Governance

and Support Services (HR, Legal, ICT, Business Services, Democratic Services) responded to the motion. Whilst he appreciated the sentiments behind the motion, was concerned that the motion if adopted, could have unintended consequences. He explained that such a move would have an impact on schools and therefore affect schools' budgets. Such a proposal should be considered in detail by the appropriate member body which in this case, would be the Staffing Policy Committee.

Cllr Allison Bucknell, Chairman of the Staffing Policy Committee confirmed that she would be happy to take the matter to her committee for further consideration along with proposals for job families.

In view of the above, the Chairman moved that the motion be referred to the Staffing Policy Committee without debate and this was seconded by the Vice-Chairman and on being put to the vote, it was

Resolved:

That motion no. 4 – Living Wage be referred to the Staffing Policy Committee without debate.

(d) **Notice of motion no. 5 - Blacklisting Practices - From Cllrs Ricky Rogers and Jeff Osborn**

The Chairman reported receipt of the above mentioned motion.

Cllr Ricky Rogers moved the following motion which, with the consent of Council he amended since his original submission. The motion was duly seconded by Cllr Jeff Osborn:

Motion as amended:

'That Wiltshire Council deplores the illegal practice of "Blacklisting" within the Construction & Civil Engineering Industry and will ensure that any company tendering for Construction & Civil Engineering contracts by Wiltshire Council will be asked to provide information that they have not conducted any "grave misconduct" by way of blacklisting. This will include questions in relation to;

- 1. Membership of The Consulting Association.*
- 2. Employment of individuals who were named contacts for The Consulting Association.*
- 3. Identifying the steps taken to remedy blacklisting for affected workers.*
- 4. Identifying the steps taken to ensure blacklisting will not happen again'.*

Cllr Ricky Rogers presented his motion and explained the background to it and what he sought to achieve by its adoption. He acknowledged that there

were differing legal opinions on such a move. He referred to the external legal advice he had received confirming the proposals would be legally acceptable. He explained that 8 companies which he named at the meeting had acknowledged and apologised for abusing civil rights.

Cllr Dick Tonge, Cabinet member for Finance, Performance, Risk, Procurement and Welfare Reform responded to the motion. He suggested that the motion be referred to the Leader and the relevant Cabinet member who would arrange a meeting with Cllrs Ricky Rogers and Jeff Osborn to consider the matter and review the outcome.

In taking into account the above, the Chairman moved that the motion be referred to the Leader (and Cabinet member) to consider how the objectives of the motion could be taken forward. This was seconded by the Vice-Chairman and on being put to the vote, it was

Resolved:

That motion no 5 – Blacklisting practices be referred to the Leader (and Cabinet member) to consider how best the objectives of the motion could be taken forward.

Recorded vote

Cllr Jon Hubbard requested that his vote against the above decision be recorded.

68 **Review of Members Allowances**

Mr Albert Lampey, the Chairman of the Independent Remuneration Panel (IRP), presented the report of the IRP and its recommendations. He explained that the IRP had undertaken a detailed review of the current scheme of Members' allowances with a remit to recommend to the Council a scheme of allowances.

Mr Lampey thanked Members who had completed questionnaires and met with the Panel to provide evidence and background to the review. He thanked his fellow Panel members, Mr Jeremy Payne and David Stratton OBE for all their hard work. He also thanked officers for their invaluable assistance.

Mr Lampey guided members through the key aspects of the Panel's report and its recommendations. He also answered members' questions on various aspects of the review and the information taken into account in arriving at the recommendations, in particular the rates for Special Responsibility Allowances for the various member roles.

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

Services), thanked Mr Lampey and his colleagues on the Panel for their detailed work which he considered had been carried out extremely thoroughly.

Cllr Wheeler moved the recommendations of the IRP as contained in the Summons pack subject to an alteration to recommendation 14(b), inserting the words “in accordance with a scheme prepared by the Chairman of the Overview and Scrutiny Management Committee; such a scheme to be approved by that Committee before it is implemented” after the words “as appropriate”.

Group Leaders were invited to comment before the Chairman opened the debate to all other members.

The Leader thanked Mr Lampey and his colleagues for their detailed work. She reminded Council that the review was in respect of the various positions on the Council held by members and not those who currently held those positions. She thanked the Panel for recognising the increasing role of the Health and Wellbeing Board and its increasing responsibilities.

Cllr Jon Hubbard questioned whether the IRP had been aware that by virtue of a Council decision, the Chairman of the Health and Wellbeing Board had to be the Leader of the Council and thereby attracting an additional Special Responsibility Allowance.

Cllr Hubbard moved the following amendment which was duly seconded by Cllr Helena Mckeown:

In respect of Recommendation 9 – that no Special Responsibility Allowance be paid to the Chairman of the Health and Wellbeing Board for as long as that position is held by the Leader of the Council.

A discussion ensued on the above amendment during which some members supported the motion on the basis that no individual should receive multiple Special Responsibility Allowances whilst the majority view was that such an allowance reflected the role and responsibility of that position and that the Leader may not always hold the position of Chairman of the Board. The allowance therefore recognised the position and no reflection of the individual member holding that position.

On being put to the vote, the above amendment was LOST.

Cllr Jon Hubbard moved the following amendment which was seconded by Cllr Helena Mckeown:

In respect of Recommendation 28 - That the allowance for co-opted members of the Children’s Select Committee be set at £1,926 (being the same as for co-opted members of the Police and Crime Panel).

Mr Lampey explained that no evidence had been submitted during the review which suggested that the required time input of this role had changed significantly.

On being put to the vote, the amendment was LOST.

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

That every SRA should attract the same 1% increase as back bench members.

On being put to the vote, the above amendment was LOST and, a recorded vote having been requested by the requisite number of Councillors, the voting was recorded as follows:

For the amendment (32)

Cllrs Desna Allen, Glenis Ansell, Nicholas Blakemore, Trevor Carbin, Chris Caswill, Terry Chivers, Ernie Clark, Brian Dalton, Peter Edge, Nick Fogg, Jon Hubbard, Chris Hurst, George Jeans, David Jenkins, Bob Jones MBE, Simon Killane, Gordon King, Howard Marshall, Dr Helena McKeown, Ian McLennan, Stephen Oldrieve, Helen Osborne, Jeff Osborn, Linda Packard, Mark Packard, David Pollitt, Ricky Rogers, Ian Tomes, John Walsh, Nick Watts, Ian West, Graham Wright.

Against the amendment (50)

Cllrs Richard Britton, Liz Bryant, Allison Bucknell, Mary Champion, Richard Clewer, Mark Connolly, Christine Crisp, Andrew Davis, Fleur de Rhé-Philipe, Tony Deane, Christopher Devine, Stewart Dobson, Mary Douglas, Peter Evans, Sue Evans, Jose Green, Howard Greenman, Mollie Groom, Russell Hawker, Mike Hewitt, Alan Hill, Charles Howard, Keith Humphries, Peter Hutton, Simon Jacobs, Julian Johnson, Jerry Kunkler, Alan MacRae, Laura Mayes, Jemima Milton, William Moss, Christopher Newbury, John Noeken, Paul Oatway QPM, Leo Randall, Jane Scott OBE, Jonathan Seed, James Sheppard, John Smale, Toby Sturgis, John Thomson, Richard Tonge, Tony Trotman, Bridget Wayman, Fred Westmoreland, Philip Whalley, Stuart Wheeler, Roy While, Philip Whitehead, Chris Williams.

Abstentions (3)

Cllrs Graham Payne, Nina Phillips, Pip Ridout.

The following amendment was moved and duly seconded:

That no member should receive more than one Special Responsibility Allowance.

A discussion ensued on the above amendment. A majority view was that the IRP had arrived at its conclusions following a detailed review taking into account

necessary information and evidence and that Council should accept its findings. Furthermore, that members should be recompensed for their time in carrying out the additional roles and responsibilities they had been appointed to and bearing in mind that not all members were of independent financial means.

On being put to the vote, the above amendment was LOST.

Cllr Chris Caswill moved the following amendment which was seconded by Cllr Terry Chivers:

To add at the end of Recommendation 5 - This and other increases geared to it be suspended for one year in light of the current economic situation.

A discussion ensued on the above amendment. Concern was expressed over the public perception of Council approving the proposed increases in light of the recent voluntary redundancy programme and when compared to the 1% increase awarded to its staff and the financial difficulties being faced by a growing number in the community. It was also emphasised that the IRP had taken into account the time commitment needed to fulfil the role of member and the various roles which attracted Special Responsibility Allowances. That on this basis, Council should accept the recommendations of the IRP.

On being put to the vote, the amendment was LOST and, a recorded vote having been requested by the requisite number of Councillors, the voting was recorded as follows:

For the amendment (31)

Cllrs Desna Allen, Glenis Ansell, Nicholas Blakemore, Trevor Carbin, Chris Caswill, Terry Chivers, Ernie Clark, Brian Dalton, Peter Edge, Nick Fogg, Jon Hubbard, Chris Hurst, George Jeans, David Jenkins, Bob Jones MBE, Gordon King, Howard Marshall, Dr Helena McKeown, Ian McLennan, Stephen Oldrieve, Helen Osborn, Jeff Osborn, Linda Packard, Mark Packard, David Pollitt, Ricky Rogers, Ian Tomes, John Walsh, Nick Watts, Ian West, Graham Wright.

Against the amendment (48)

Cllrs Chuck Berry, Richard Britton, Allison Bucknell, Mary Champion, Richard Clewer, Christine Crisp, Andrew Davis, Fleur de Rhé-Philippe, Tony Deane, Christopher Devine, Mary Douglas, Peter Evans, Sue Evans, Jose Green, Howard Greenman, Mollie Groom, Russell Hawker, Mike Hewitt, Alan Hill, Charles Howard, Keith Humphries, Peter Hutton, Simon Jacobs, Julian Johnson, John Knight, Alan MacRae, Laura Mayes, Jemima Milton, William Moss, Christopher Newbury, John Noeken, Paul Oatway QPM, Leo Randall, Jane Scott OBE, Jonathan Seed, James Sheppard, John Smale, Toby Sturgis, John Thomson, Richard Tonge, Tony Trotman, Bridget Wayman, Fred

Westmoreland, Philip Whalley, Stuart Wheeler, Roy While, Philip Whitehead, Chris Williams.

Abstentions (7)

CllrsLiz Bryant, Mark Connolly, Stewart Dobson, Simon Killane, Graham Payne, Nina Phillips, Pip Ridout.

Cllr Ernie Clark moved the following amendment which was duly seconded:

In respect of Recommendation 3 – That all of the allowances recommended herein to take effect from 12 November 2013 (and therefore not backdated to May 2013 as recommended).

It was pointed out that backdating all allowances to May 2013 was a recommendation of the IRP.

On being put to the vote, the above amendment was LOST.

All amendments put forward having been LOST, the Chairman invited members to debate the main motion and or to propose any further amendments.

With no further amendments having been moved, Council returned to the main motion to accept all the recommendations of the IRP subject to an amendment to recommendation 14 (b) as detailed above. Cllr Wheeler, mover of the motion, thanked members for their contributions to this debate.

The Chairman of Council thanked Mr Lampey and his colleagues on the IRP for their due care and diligence in carrying out the review and in particular to Mr Lampey for attending this meeting to present his Panel's report and answering members' questions.

The motion was then put to the vote and was CARRIED and, a recorded vote having been requested by the requisite number of Councillors, the voting was recorded as follows:

For the Motion (53)

Cllrs Chuck Berry, Richard Britton, Liz Bryant, Allison Bucknell, Mary Champion, Richard Clewer, Christine Crisp, Andrew Davis, Fleur de Rhé-Philipe, Tony Deane, Christopher Devine, Stewart Dobson, Mary Douglas, Peter Evans, Sue Evans, Nick Fogg, Jose Green, Howard Greenman, Mollie Groom, Russell Hawker, Mike Hewitt, Alan Hill, Charles Howard, Keith Humphries, Peter Hutton, Simon Jacobs, Julian Johnson, Simon Killane, John Knight, Alan MacRae, Laura Mayes, Jemima Milton, William Moss, Christopher Newbury, John Noeken, Paul Oatway QPM, Nina Phillips, Leo Randall, Jane Scott OBE, Jonathon Seed, James Sheppard, John Smale, Toby Sturgis, John Thomson, Richard Tonge, Tony Trotman, Bridget Wayman, Fred Westmoreland, Philip Whalley, Stuart Wheeler, Roy While, Philip Whitehead, Chris Williams.

Against the Motion (29)

Cllrs Desna Allen, Glenis Ansell, Nicholas Blakemore, Trevor Carbin, Chris Caswill, Terry Chivers, Ernie Clark, Mark Connolly, Brian Dalton, Peter Edge, Jon Hubbard, Chris Hurst, George Jeans, David Jenkins, Bob Jones MBE, Gordon King, Dr Helena McKeown, Ian McLennan, Stephen Oldreive, Helen Osborn, Jeff Osborn, Linda Packard, Mark Packard, David Pollitt, Ricky Rogers, Ian Tomes, John Walsh, Nick Watts, Ian West.

Abstentions (2)

Cllrs Graham Payne, Pip Ridout.

It was therefore,

Resolved:

To approve the recommendations of The Independent Remuneration Panel as follows:

- (1) The current Basic Allowance of £12,167 per annum be increased by the addition of the 1% pay award to council staff for 2013/14 resulting in a basic allowance of £12,289 for 2013/14.**
- (2) The Council adopts the annual pay award to council staff as the index by which annual adjustments are made to the basic allowance and the special responsibility allowances payable to individual councillors for the period up to 2016/17.**
- (3) All of the allowances recommended herein are backdated to 7 May 2013 being the first day of office for elected councillors.**
- (4) The current limitation on the number of SRAs payable to councillors is discontinued and that a maximum of 2 SRAs be payable in full. No third SRA be payable.**
- (5) The Leader's SRA, be set at 250% of the basic allowance resulting in an SRA of £30,722 per annum (Band 1).**
- (6) The Deputy Leader SRA remains at 80% of the Leader SRA or £24,577 per annum (Band 2).**
- (7) The Cabinet Member SRA remain at 60% of the Leader SRA or £18,433 per annum (Band 3).**
- (8) The Portfolio Holders' SRA remain set at 22.5% of the Leader SRA or £6,912 per annum (Band 7).**
- (9) An SRA be paid for the Chairman of the Health and Wellbeing Board and that this be set at 30% of the Leader SRA or £9,216 per annum (Band 6).**

- (10) An SRA continue to be paid to the Chairman of the Police and Crime Panel and that this continue to be set at 30% of the Leader SRA or £9,216 per annum (Band 6).
- (11) The Chairman of the Overview and Scrutiny Management Committee SRA is set at 35% of the Leader SRA or £10,753 per annum (Band 5).
- (12) SRAs for the Chairmen of the Children's Select Committee, the Environment Select Committee and the Health Select Committee are set at 22.5% of the Leader SRA or £6,912 per annum (Band 7).
- (13) The Vice-Chairman of the Overview and Scrutiny Management Committee SRA is set at 22.5% of the Leader SRA or £6,912 per annum (Band 7).
- (14) (a) The scrutiny fund, which is intended to reward Councillors performing specific scrutiny functions such as chairing task groups and rapid scrutiny exercises and acting as Vice Chairman of Select Committees, is retained within the scheme and is increased to £15,000.

(b) The fund is to be allocated, as appropriate in accordance with a scheme prepared by the Chairman of the Overview and Scrutiny Management Committee; such a scheme to be approved by that Committee before it is implemented.
- (15) The Chairman of Area Board SRA is set at 22.5% of the Leader SRA or £6,912 per annum (Band 7).
- (16) The Chairman of Area Planning Committee SRA is set at 20% of the Leader SRA or £6,144 per annum (Band 8).
- (17) The Chairman of Council SRA and Vice-Chairman of Council SRA are set at 40% and 20% of the Leader SRA or £12,289 (Band 4) and £6,144 per annum (Band 8) respectively.
- (18) The Chairman of Licensing Committee SRA remains at 10% of the Leader SRA or £3,072 per annum (Band 10).
- (19) The Chairman of the Strategic Planning Committee SRA is set at 15% of the Leader SRA or £4608 per annum (Band 9).
- (20) The Chairman of the Audit Committee SRA is set at 10% of the Leader SRA or £3,072 per annum (Band 10).
- (21) The Chairman of the Staffing Policy Committee SRA is set at 10% of the Leader SRA or £3,072 per annum (Band 10).
- (22) The Chairman of the Wiltshire Pension Fund Committee SRA is set at 10% of the Leader SRA or £3,072 per annum (Band 10).
- (23) The Chairmen of the two Operational Flood Working Groups' SRA is set at 10% of the Leader SRA or £3,072 per annum (Band 10).

- (24) (a) The Group Leader Allowance remains as follows:
- A flat rate of £500 per Group Leader, plus £50 per member in the Group.
 - £100 per member in the Group to remunerate those members taking on special Group responsibilities (e.g. Secretary, treasurer, spokesperson).
- (b) The Group Leaders' Allowance is exempt from the SRA per Councillor cap.
- (25) The Chairman of the Standards Committee's allowance is set at 10% of the Leader SRA or £3,072 per annum (Band 10).
- (26) The Independent Person for Standards should continue to receive an allowance of £2,240 per annum
- (27) The Co-opted Members of the Standards Committee's allowance remain at £1,120 per annum.
- (28) The Co-opted Member of the Children's Select Committee's allowance remain at £896 per annum.
- (29) The Co-opted Members of the Police and Crime Panel's allowance remain at £1,926 per annum.
- (30) There is no amendment to the current scheme's classification of approved duties.
- (31) The mileage rate should be linked to the inland revenue rate (currently 45p per mile) and any movement in that rate should trigger an automatic rise in the councillor's rate.
- (32) Subsistence and overnight allowances should be linked to those paid for officers, with the exception of lunch allowance which is payable for councillors.
- (33) Payment of a Technology Allowance of £250 per Councillor is continued within the scheme. This annual payment covers all IT consumables and the cost of the Councillor's broadband. The Allowance is given with an expectation that it will be used by Councillors to contribute to the cost of broadband internet access. If the Council provides a dedicated broadband connection for a Councillor then they should receive £70 per year towards consumables.
- (34) There is no amendment to the current Scheme's Dependents' Carers' allowance.

69 Statutory Post of Head of Paid Service

Council had at its last meeting on 9 July 2013, considered a report on the appointment of the statutory Head of Paid Service. At that meeting it was resolved to give the matter further consideration at this meeting and as an interim measure, Maggie Rae, Corporate Director was appointed to this position.

Accordingly, a report was presented which sought Council's approval of arrangements for the rotation of the statutory role of the Head of Paid service between the three Corporate Directors having regard to recent statutory guidance on the Council's safeguarding responsibilities. This would mean each Corporate Director taking on this responsibility for a period of four calendar months.

Responsibility for overseeing the role of the chair of the Local Safeguarding Children Board (LSCB) would be undertaken by Corporate Directors Maggie Rae and Dr Carlton Brand on an alternating annual basis to ensure that there was no conflict of interest when the Corporate Director responsible for children's services was the head of paid service.

If approved by Council, the role of head of paid service would be discharged as follows:

12 November 2013 – 31 December 2013	Carolyn Godfrey, corporate director and statutory officer for children's services
1 January 2014 – 30 April 2014	Dr Carlton Brand, corporate director and returning officer
1 May 2014 - 31 August 2014	Maggie Rae, corporate director and statutory officer for public health and adult care
1 September 2014 - 31 December 2014	Carolyn Godfrey, Corporate Director

This arrangement to continue on the same basis for these designated posts in subsequent years.

Oversight of the role of the chair of the LSCB as envisaged by the statutory guidance was proposed to be undertaken as follows:

12 November 2013 to 31 December 2013	Maggie Rae
1 January 2014 to 31 December 2014	Dr Carlton Brand

Thereafter on an alternating annual basis between these two Corporate Director posts .

Resolved:

- (1) To agree that the statutory role of head of paid service is designated to the three Corporate Directors on a rotational basis of 4 calendar months each in accordance with the arrangements set out above and in paragraphs 12 and 13 of the report presented.**
- (2) To ask the monitoring officer to amend the constitution to reflect these arrangements.**

70 Standards Committee Recommendations on Changes to the Constitution

Council was invited to consider a report which gave details of a number of proposed changes to the Constitution as recommended by the Standards Committee.

The subject areas of the recommended changes were as follows:

- a. Amendments to the following protocols to the constitution:
 - Protocol 2 - Councillor/ Officer Relations
 - Protocol 3 - Guidance to Members on Outside Bodies
 - Protocol 4 - Planning Code of Good Practice
- b. Registration and disclosure of additional interests and withdrawal from meetings where a councillor has a disclosable pecuniary interest.
- c. Amendment of the standards committee's terms of reference to remove the requirement for political proportionality in relation to the standards hearing sub-committee, standards review sub-committee and the standards dispensation sub-committee.

However, given the level of detail involved in the above mentioned proposed changes and the number of new members elected as recently as May 2013, it was proposed to defer consideration of these changes until the next meeting. A briefing for members could then be arranged to take place prior to the next meeting to explain the detail of the proposed changes and provide an opportunity for members to ask questions.

A suggestion was made that as all of the changes had been initially considered by the Focus Group on the Constitution and recommended by the Standards Committee, Council should be in a position to determine them at this meeting without deferral for a members' briefing. At the very least it was suggested that recommendation (c) above could be determined at this meeting as this was a straight forward matter and this was agreed.

- c. Amendment of the standards committee's terms of reference to remove the requirement for political proportionality in relation to the standards

hearing sub-committee, standards review sub-committee and the standards dispensation sub-committee.

This would open the membership of the sub-committees to more members, making it easier to appoint sub-committees for reviews and hearings within the timescales set down in the procedure. It would also help avoid any perception that the sub-committees were politically driven. It was noted that approval of such a measure would require no member voting against the proposal.

On being put to the vote, it was

Resolved:

- 1. That Council approves an amendment to the terms of reference of the standards committee to remove the requirement for political proportionality in relation to its sub-committees, but including a requirement of a maximum of two elected members from any political group on any sub-committee. (no member voted against this decision).**
- 2. That consideration of the remaining proposed changes to the constitution as recommended by the Standards Committee be deferred until the next meeting to allow time to hold a members' briefing on the proposed changes.**

71 Review of Proportionality and Allocation of Seats on Committees to Political Groups

(a) Review of Committee Places

Following changes in the number of seats held by individual political groups on the Council, a request had been received from the Leader of the Independent Group for a review of the allocation of seats to political groups.

A report was presented which guided Council through the legal requirements in allocating seats to the political groups.

There were currently 4 political groups on the Council. The respective strengths of those Groups following these changes were as follows:-

Name of Group	No. of Councillors Group
Conservative	58
Liberal Democrat	24
Independent	10
Labour	4

Ungrouped Member	1
Vacancy	1

The net effect of the change in political group sizes was that the Conservative group would lose 2 seats, the Liberal Democrat group would lose 4 seats and the Independent Group would gain 4 seats.

It was noted that as a result of these changes, the Conservative Group would also lose one seat on the Wiltshire and Swindon Fire Authority to the Labour Group. The Leaders of both of these Groups had agreed that subject to Council's approval, they would be content for the status quo position to remain pending the outcome of any further review of committee places following the forthcoming by-election.

A draft scheme of committee places was presented which had been the subject of discussion with Group Leaders. However, agreement had yet to be reached over the allocation of all seats.

Cllr Jane Scott, Leader of the Conservative Group confirmed her Group's changes as losing one seat from each of the Standards and Audit Committees.

Cllr Jon Hubbard, Leader of the Liberal Democrat Group moved a motion that involved his group giving up the 4 seats required from the Northern Area Planning Committee, Licensing Committee, Health Select Committee and Staffing Policy Committee to the Independent Group and this was duly seconded. Cllr Clark, Leader of the Independent Group confirmed his acceptance of the first 3 named committees but sought an additional seat on the Overview and Scrutiny Management Committee as opposed to the Staffing Policy Committee. A comment was made that changes should not be piecemeal and that any scheme agreed should be complete and lawful.

The Monitoring Officer drew Council's attention to the legal advice contained within the report presented. He also referred to his further advice circulated to members prior to the meeting on the Council's responsibilities for determining the allocation of seats to political groups. He explained that it was for Council to determine a scheme of committee places, applying the principles as set out in the report presented so far as reasonably practicable.

The duty to apply these principles was not an absolute duty that required the Council to achieve pure political proportionality across the board. The law recognised that this may not be realistically achievable in all circumstances and therefore allowed for some

flexibility and discretion by qualifying the requirement with the words 'so far as reasonably practicable'. He also clarified that changes needed to be taken as a whole. It was noted that Council could adopt alternative arrangements which did not require political proportionality to the same extent or at all and the requirements for this approach were outlined.

Where it was not possible to reach agreement between the relevant group leaders, Council must determine the allocation of places, making a reasonable and balanced judgment on the facts, and applying the statutory principles so far as reasonable practicable.

The Monitoring Officer gave advice on the question of the seat on the Overview and Scrutiny Management Committee on which there had been impasse between the leaders of the Liberal Democrat and Independent Groups. He advised that the Council could lawfully determine a scheme of committee places which included an extra seat for the Independent Group on the Overview and Scrutiny Management Committee. Alternatively, Council could lawfully determine a scheme which gave the Independent Group its remaining entitlement to a seat on some other committee. This could, for instance, be on a committee on which it did not currently have any representation.

In the absence of an agreed position, Council would need to determine a scheme having regard to the advice as outlined.

Cllr Simon Killane moved an amendment that the Independent Group accepts one seat on each of the Northern Area Planning Committee, Licensing Committee, Health Select Committee and the Overview and Scrutiny Management Committee, thereby rejecting the offer of a place on the Staffing Policy Committee and this was duly seconded.

Cllr Jon Hubbard opposed this amendment and explained that the offer of the 4 committees mentioned were en bloc and if not accepted en bloc, would be withdrawn. He pointed out that there were 3 committees where the Independent Group was not represented where they had an entitlement to representation. He further considered that Council should ensure that all committees were politically balanced and that the rules should not be applied selectively.

The Monitoring Officer emphasised that the question of political proportionality on committees was for Council to determine. However, if it was unable to determine at this meeting, the status quo position would remain until the next review, noting that the outcome of a forthcoming by-election could necessitate such a review.

A comment was made that any proposition to Council should be complete and not piecemeal in order to have a lawful scheme of committee places. To ensure clarity, the Chairman summarised the terms of the motion proposed by Cllr Hubbard and the amendment proposed by Cllr Killane.

On being put to the vote, the amendment was CARRIED.

Prior to a vote being taken on the substantive motion, for the avoidance of doubt, Cllr Killane summarised his motion which comprised the following:

- Conservative Group to lose one seat from each of the Standards Committee and Audit Committee;
- Independent Group gaining 4 seats from the Liberal Democrat Group taken from the Northern Area Planning Committee, Licensing Committee, Health Select Committee and the Overview and Scrutiny Management Committee;
- No change on Council representation on the Wiltshire and Swindon Fire Authority pending the outcome of any further review of committee places following the forthcoming by-election and
- To accept the report presented to Council.

On being put to the vote, the substantive motion was CARRIED and it was

Resolved:

- 1. To note the report presented and further legal advice circulated at the meeting and the legal requirements.**
- 2. To confirm the aggregate number and the draft scheme of committee places available to members of the Council as set out in Appendix 1 to these minutes.**
- 3. To approve the following changes to the appointment of Councillors on committees to serve until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989:**
 - **The Conservative Group to lose two seats, from the Standards Committee and Audit Committee;**
 - **The Liberal Democrat Group to lose four seats, from the Northern Area Planning Committee, Licensing**

Committee, Health and Safety Committee and Overview and Scrutiny Management Committee;

- **The Independent Group to gain four seats, from the Northern Area Planning Committee, Licensing Committee, Health and Safety Committee and Overview and Scrutiny Management Committee.**

- 4. That there be no change to Council representation on the Wiltshire and Swindon Fire Authority pending the outcome of any further review of committee places following the forthcoming by-election.**

Notes:

During consideration of the above mentioned item, the meeting had taken an adjournment as agreed by Council, to see if a mutually acceptable agreement could be reached between the Liberal Democrat and Independent Group Leaders. No agreement was, however, reached.

Cllr Jon Hubbard requested that it be recorded that he did not believe that the conduct of this part of the meeting had been procedurally correct.

(b) 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.

Following requests from Group Leaders and on being put to the vote, it was

Resolved:

That Council approve the following changes to committee membership:

Standards Committee	Remove - Cllr Chris Williams (vacancy)
Audit Committee	Remove - Cllr Howard Greenman (vacancy)
Southern Area Planning Committee	Remove - Cllr John Noeken Add - Cllr Mike Hewitt
Wiltshire Pension Fund	Add - Roy While

	Remove - Cllr Graham Payne
Northern Area Planning Committee	Remove - Cllr Howard Marshall Add - Cllr Howard Marshall (Substitute) Remove - Cllr Simon Killane (substitute) Add - Cllr Simon Killane Add - Cllr Ernie Clark (Substitute) Add - Cllr Dennis Drewett (Substitute) Add - Cllr Terry Chivers (Substitute)
Licensing Committee	Cllr Chris Caswill as Independent member
Health Select Committee	Cllr Chris Caswill as Independent member
Overview and Scrutiny Management Committee	Cllr Simon Killane as Independent member

72 Parish / Community Governance Review

Cllr Stuart Wheeler, Cabinet Member for Hubs, Heritage & Arts, Governance Support Services (HR, Legal, ICT, Business Services, Democratic Services) presented a report which sought Council approval to establish arrangements for a governance review of parish boundaries and electoral arrangements.

The Council had received a number of requests for a community governance review and informal enquiries, details of which were presented. The Council therefore needed to give consideration to the scope and format of a governance review. It was a process which could easily last for two years.

The logical time for the implementation of any changes would be the 2017 unitary and parish elections. Therefore any review would need completion by October/ November 2016 at the latest. It was noted that Council would need to approve the terms of reference for such a review.

Resolved:

- 1. That Council agree to establish a cross party working group to undertake the preparatory work, as this is a subject matter reserved to council, and it would not be effective to do this at full council meetings.**
- 2. That members be requested to come forward with any known outstanding community governance issues.**

- 3. To note that a further report and recommended terms of reference would be submitted to Council in the New Year.**

73 Executive Decisions Taken Under Special Urgency

Regulation 19 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 required a report to be made to Council at relevant intervals determined by the Council, which must be at least annually, detailing key decisions taken under the Special Urgency rule.

Accordingly, the Leader presented such a report which advised Council of two such instances where the Special Urgency rule had been used, details of which were presented. The Leader confirmed that in both cases, the requirements of the Special Urgency provisions had been complied with.

Resolved:

- 1. That Council notes the report presented and that two decisions had been taken under the special urgency provisions since the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 came into force.**
- 2. That where key decisions are taken under the special urgency rules, details are reported to the next ordinary meeting of Council.**
- 3. That Council will receive an annual report on key decisions taken under the special urgency rules.**

74 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	23 July, 24 September, 22 October 2013
Cabinet Capital Assets Committee	23 July, 24 September, 22 October 2013
Cabinet Transformation Committee	22 October 2013
Overview and Scrutiny Management	25 June, 5 July, 8 October 2013
Children's Select Committee	6 June, 5 July, 1 October 2013
Health Select Committee	2 July 2013

Environment Select Committee	2 July, 10 September 2013
Licensing Committee	2 September 2013
Northern Area Planning Committee	10 July, 31 July, 21 August, 11 September, 2 October 2013
Eastern Area Planning Committee	1 August, 22 August 2013
Southern Area Planning Committee	4 July, 25 July, 5 September, 26 September, 17 October 2013
Western Area Planning Committee	4 September, 16 October 2013
Strategic Planning Committee	30 July, 11 September, 25 September, 23 October 2013
Standards Committee	10 July, 9 October 2013
Audit Committee 2013	4 September, 17 September
Officer Appointments Committee	18 October 2013
Staffing Policy Committee	10 July, 4 September 2013
Wiltshire Pension Fund October 2013	25 July, 19 September, 10
Wiltshire Police and Crime Panel	12 June, 16 September 2013
Wiltshire Health and Wellbeing Board	12 September 2013
Wiltshire and Swindon Fire Authority	26 September 2013

The Chairman then invited questions from Councillors 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.

Cabinet – 24 September 2013 – Minute No. 74: Proposed Senior Management Restructure

Cllr Chris Caswill asked if Cabinet was satisfied that Democratic Services would still be able to carry out its functions following the impact of voluntary redundancy on that team. The Leader confirmed that she was so satisfied.

Transformation Committee

In accordance with the Council's constitution, the Leader drew Council's attention to establishment of the Transformation Committee, being a committee of Cabinet and the executive powers she had delegated to it. Details had been previously circulated to members and the Leader explained the membership of the Committee and how it would operate. Part 3A of the Constitution would be updated to reflect the establishment of this Committee.

Overview and Scrutiny Management Committee

Cllr Simon Killane, Chairman of the Committee updated Council on the activities of scrutiny and highlighted key items from its workplans.

Children's Select Committee

Cllr Jon Hubbard explained that briefing sessions were now usually held before each committee meeting. The subject of the next briefing session was on early intervention. He extended an open invitation to all members to attend to hear about the Council's early intervention programme.

Strategic Planning Committee

Cllr Andrew Davis advised that the meeting scheduled to take place on 13 November had been cancelled.

Standards Committee

Cllr Julian Johnson reminded Council that in accordance with its earlier decision (minute no. 70 refers), a briefing for members on recommended changes to the constitution would be arranged.

Wiltshire Health and Wellbeing Board 12 September 2013 – Minute No. 10: Community Services Transformation

Cllr Jeff Osborn explained that there was some concerns over the need to retender for contracts which could be a lengthy and costly process. He suggested that this should perhaps be considered by the Health Select Committee. The Leader updated Council on the position and emphasised that the priority would be to concentrate on delivering services together for the people of Wiltshire. Cllr Osborn asked that the Health Select Committee be kept informed.

The Leader suggested that the Select Committee's work programme should be suitably aligned.

Resolved:

- (a) That the minutes of the above mentioned minutes be received and noted.**
- (b) That Council notes the establishment of the Cabinet Transformation Committee and the delegations given to it by the Leader, details of which would be included in Part 3A of the constitution – Delegation of Executive Functions.**

75 Dates of Council meetings

The Chairman invited Council to agree the dates of Council meetings for 2014.

Resolved:

That the following dates of Council meetings for 2014 be approved:

4 February (if required)

25 February (Budget and Council Tax Setting meeting)

13 May (Annual Council)

29 July

21 October

76 Councillors' Questions

The Chairman reported receipt of questions from Councillors Nicholas Fogg, Terry Chivers, Jeff Osborn, Helen Osborn, Chris Hurst, Ricky Rogers, Jon Hubbard, Helena Mckeown, Ian West, Glenis Ansell, Simon Killane, Trevor Carbin, Steven Oldrieve, Ernie Clark And Chris Caswill.

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.

During the course of receiving questions, the Chairman explained that the meeting had become inquorate and therefore could not continue. She explained that those members with questions left unanswered would be contacted to establish if they preferred to defer their questions until the next meeting of Council or to receive a response from the relevant Cabinet member in the meantime.

A copy of the questions and responses together with responses obtained after the meeting as indicated above, are attached as Appendix 2 to these minutes.

Appendix

Appendix 1 – Review of Committee places (minute no. 71 a refers)

Appendix 2 – Councillors' questions (minute no. 76 refers)

(Duration of meeting: 11.10 am - 6.10 pm)

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

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

SCHEDULE OF COMMITTEE PLACES

(NB one vacancy)

Committee	Total Number of Places for Elected Members	Conservative Group Allocation (58 seats)	Liberal Democrat Group Allocation (24 seats)	Labour Group Allocation (4 seats)	Independent Group Allocation (10 seats)	UKIP (1 seat)
Strategic Planning	11	7	3	-	1	-
Area Planning Committees						
North	11	7	3	-	1	-
South	11	6	2	2	1	-
East	8	7	-	-	1	-
West	11	7	2	-	2	-
Licensing	12	7	3		2	-
Overview and Scrutiny Management	13	7	3	1	2	-
Children's Select	13	8	3	1	1	-
Environment Select	13	7	4	1	1	-
Health Select	13	7	3	1	2	-
Standards	12	6	3	1	1	-
Police and Crime Panel	7	4	2	-	1	-
Audit	12	6	3	-	1	1
Appeals	8	5	3	-	-	-
Staffing Policy	9	5	3	-	-	1
Officer Appointments	5	3	1	-	1	-
Pension Fund	5	4	1	-	-	-
TOTALS:	174	103	42	7	18	2

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Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Nicholas Fogg, Marlborough West Division

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

Question 1

Is the Cabinet member aware that the herbicide "Roundup" has been used recently in the environs of both an infants and a kindergarten in Marlborough? Would he agree that, while concerns about its effects on humans and the environment are growing, it would be advisable to discourage its use in areas where children gather?

Response

I can confirm that neither the council nor its contractors have undertaken any weed control at the school premises. It may be that the school management has arranged this treatment itself.

I have sought information from both the council's Public Health and Public Protection Service and Public Health England on this issue.

The above was given as a verbal answer at council, the below was also sent on to Cllr Nick Fogg afterwards to expand on the answer.

The active ingredient of Roundup is glyphosate. This is a non-selective herbicide registered for use on many food and non-food crops as well as non-crop areas where total vegetation control is desired. When applied at lower rates, it serves as a plant growth regulator. The most common uses include control of broadleaf weeds and grasses.

Glyphosate is most often applied as a spray and is removed from the atmosphere by gravitational settling. After glyphosate is applied it is strongly adsorbed to soil, remains in the upper soil layers, and has a low propensity for leaching. It readily and completely biodegrades in soil even under low temperature conditions.

Glyphosate is often used on road sides and in residential settings. Whilst there are some concerns expressed on the internet about its safety, current advice is that as long as it is used as per the instructions and within the levels recommended then it is safe to use near children. Common safety factors should be applied when spraying to avoid it being blown by the wind towards the public.

The product is licensed for use in the UK, and I am not aware of any authoritative assessments in to detrimental health impacts. However I will ensure that best practice is followed in all cases where the council uses this herbicide.

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

To Councillor Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing (excluding Strategic Housing)

Question 2

Do you agree with the Bedroom Tax?

Response

A verbal response was given at the meeting.

No written response was used to give this answer.

Question 3

How many families have Wiltshire Council been able to help to move to smaller homes that have been affected by the Bedroom Tax?

Response

A verbal response was given at the meeting.

Answer supplemented by verbal updates from officers.

Question 4

How many smaller homes have become available since the introduction of the bedroom tax for families to transfer to?

Response

A verbal response was given at the meeting.

Answer supplemented by verbal updates from officers.

Question 5

How much has rent arrears increased since the introduction of the bedroom tax?

Response

A verbal response was given at the meeting:

The rent arrears of those council tenants affected by the bedroom tax have increased from £78,655 to £106,076, an increase of 35%.

This answer was as a guide only, actual answer supplemented by verbal updates from officers.

Question 6

How many tenants are deemed to be under-occupying, and needing smaller accommodation?

Response

A verbal response was given at the meeting:

There are currently 417 council tenants affected by the bedroom tax.

This answer was as a guide only, actual answer supplemented by verbal updates from officers.

Question 7

What steps have Wiltshire Council been taking to help tenants that have been hit by this tax? And are we working with local housing associations?

Response

A verbal response was given at the meeting:

With regard to council tenants we identified every tenant who would be affected by the bedroom tax prior to it being introduced and offered them a personal visit to ensure that were aware of the what they would have to pay and offer advice as to what they might want to do about it. The advice included making them aware that they could apply for a Discretionary Housing Payment on a temporary basis: they could look to move to smaller accommodation and the allocation policy was changed to give greater priority to those most affected; they could consider taking in a lodger or they could pay the difference. Of those that accepted the offer of a personal visit 60% said they would pay the difference. Very few said they wanted to move.

In April the council entered into a contract with the CAB to provide a benefits, debt advice and money friend service specifically for Wiltshire Council tenants. The intended benefits of this project are:

- The council investing in a service which helps tenants to help themselves which is in line with the underlying principles of welfare reform

- A general reduction of overall debt for tenants
- A reduction in arrears and possible evictions and associated costs for the council
- An improvement in the reach of advice services to tenants
- Early interventions so tenants avoid getting into real difficulty (particularly through the money advice service)

In addition to the Homes4Wiltshire register the Council subscribes to Homeswapper a national tenant exchange register which allows tenants to see if there is anyone who might want to swap properties with them, subject to the respective landlord's permission anywhere in the country.

This answer was as a guide only, actual answer supplemented by verbal updates from officers.

Question 8

How many people are already on the waiting list for smaller properties?

Response

A verbal response was given at the meeting:

Answer supplemented by verbal updates from officers.

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

To Councillor Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing (excluding Strategic Housing)

Question 9

Does Wiltshire Council have any notion as to how many Food Banks there are in the county?

What is our relationship with such organisations?

Are they utilised and/or assisted by the Council?

Response

A verbal response was given at the meeting:

There are a number of Food Banks in Wiltshire. Officers are aware that Food Banks exist in the following areas: Salisbury, Warminster, Bradford on Avon, Chippenham, Westbury, Devizes, Corsham and Trowbridge.

The council is working in partnership with Food Banks in the Wiltshire and the relationship is good. For example:

The work of the Chippenham Food Bank was recognised for its work at the recent Voluntary and Community Sector awards.

Area Boards have provided small grants to Food Banks on an ad hoc basis. The Warminster and Corsham Food Banks have received grants totalling £3,445 since 2009/10.

The council is a referring agent to Food Banks through social services, housing options and most frequently by the new council operated Local Welfare Provision (LWP) scheme (which replaced the DWP's crisis loans and community care grants).

Since the creation of the LWP scheme (on 1st April 2013) the following referrals have been made (between April and September 2013):

92 clients - Trussell Trust in Salisbury

2 clients - Warminster Food Bank

38 clients - Chippenham Food Bank

25 clients - Trowbridge Food Bank

52 clients - Devizes Food Bank.

Total referrals: 209

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

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

Question 10

In September I contacted you regarding the delays to the signage works that was due to be undertaken on the Western Way Melksham. I have been advised by Officers that the work has been delayed due to BBLP being unable to provide a temporary traffic management plan, and due to this we are still waiting for a start date.

To date I still await your reply. Can you tell me when I can expect a reply, and why I have had to wait so long for an answer?

Response

The work at Western Way roundabout involves resigning and remarking the roundabout and its approaches, with the introduction of lane destination markings on the circulatory carriageway. The scheme is to increase the capacity of the junction and reduce delays by helping traffic to get into the correct lane before the junction.

In view of its location on the strategic network and the traffic flows at this junction it is important that works are carried out safely and with the minimum delays to traffic. This involves careful planning and phasing of works. The work is being programmed at the moment, and will be co-ordinated with other work on the network.

Cllr Chivers has had a response from the Council officers dealing with this matter, and will be advised of the date for the work when the programme is finalised.

Item 8 - Questions from Councillors

From Councillor Helen Osborn, Trowbridge Lambrok Division

To Councillor Laura Mayes, Cabinet Member for Childrens' Services

Question 11

What is the situation regarding children's social workers in this authority? How many vacancies are there? How many locums are employed – numbers and percentage of overall establishment?

Response

- There are 137.1 full time equivalent (fte) frontline qualified social workers currently working, of these 28.8 FTE are agency staff. This equates to 79% permanent frontline staff.
- We have recruited above our establishment of 132.4 by 4.71 FTE – if we take the additional (over establishment) agency staff out of the equation the rate is 82% permanent staff and 18% agency.
- We also have social work qualified managers in Children's Social Care – these number 35 with 2 being agency supplied. This equates to a rate of 6% agency.
- A number of new recruitment initiatives have taken place including development of a recruitment microsite, branded advertising campaign and participation at national social work recruitment events. This has lead to 25 new hires since April 2013 with more in process.
- In addition we are working with specialist recruitment agencies to source high quality candidates for both temporary and permanent vacancies.
- A targeted advertising campaign is due to start next month which will drive further interest in our opportunities through the microsite. This uses google search optimisation, targeted e-mailshots, editorials and banner advertising in the four most relevant online media sources for social workers.
- In addition attendance at other careers and social work events are planned, including the community care live event in November, to raise the profile of the council as an employer of choice.

- Frontline Social Workers (caseholding Social Workers excluding Disabled Children's team)
- We have 78 posts of which 71 are filled. That leaves 7 vacancies.
- There are currently 30 agency social workers.

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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 12

When did the Cabinet member for Highways first know that Balfour Beatty Living Places was losing a million pounds over the first months of the contract and that redundancies and redeployment of staff were happening? In light of these factors how does he consider this contractor will cope with a harsh winter? Has he any contingency plans?

Response

I was asked on 4 October by a reporter from a local newspaper if I was aware of BBLP losing money over their contract in Wiltshire. The Council has not seen the accounts of the contractor in the current financial year and therefore has no knowledge of profitability or otherwise of their operations here.

Similarly earlier this month the Council was made aware of proposed restructuring and redundancies in BBLP workforce which will result in a net reduction of 9 staff. The performance of the winter maintenance service is monitored through preparation of operational plans which are nearly completed and show readiness of the contractor for dealing with winter. The winter maintenance plans include all necessary contingencies for dealing with a winter event.

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Item 8 - Questions from Councillors

From Councillor Chris Hurst, Royal Wootton Bassett South Division

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

Question 13

Is the Council genuinely committed to providing a 'Campus' for Royal Wootton Bassett and if so, what action is the Council proposing to bring the Campus project to fruition?

Response

A verbal response was given at the meeting:

No written notes were used.

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

To Councillor Jane Scott OBE, Leader of the Council

Question 14

With hundreds of our staff being made redundant Melksham Without Parish Council, decided that they would try and encourage applicants for the post of Assistant Clerk which would be on a part time basis of 20 hours per week, from any former members of Wiltshire Staff that may wish to apply.

Both I and Melksham Without Parish Council felt disappoint to be told by Wiltshire Councils HR department that this would cost £65 to advertise the post on an internal basis.

I felt that this must have been a mistake and a kick in the teeth to all the members of staff that may be about to lose their job. I emailed you asking for a full explanation and received a holding reply from your PA saying that a full reply would be sent later. It wasn't until I chased the reply that I received one which was most helpful. I also emailed you regarding an issue after the May Full Council meeting I received a holding reply but regret that you have never replied as promised.

The Councils protocol states that a response should be given within 10 days does this not apply to yourself and your Cabinet?

Response

A verbal response was given at the meeting:

No written notes were used.

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

To Councillor Jane Scott OBE, Leader of the Council

Question 15

Wiltshire residents wishing to pay for Council services at Council Offices across the County cannot do so by cash. What arrangements are made by the Council for residents that are unable to obtain, or don't want a bank account to pay in cash?

Response

The preferred arrangement for people who want to pay in cash is to provide them a payment card. This card contains their reference number and name and can be used in any post office or store which displays the Pay Zone facility. The post office or store will accept cash or cheques and process the payment on behalf of the council. This credit card sized product is externally sourced and dispatched by the manufacturer to the payer from a list we send them weekly. It is estimated there are around 12,000 cards currently in circulation across Wiltshire which are used to pay approximately £1.4million per month, 6% of net council tax income, per annum.

Cash is accepted at all our libraries and leisure centres for services provided at those locations.

Processing cash costs the Council approximately £300k annually. Over the coming years different methods of payments will be introduced and promoted so that this overhead cost is reduced.

Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

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

Question 16

How much did it cost to install and how much will it cost to remove the parking ticket machines at Melksham House, and how much income have they made for the Council?

Response

A very approximate cost of removing the machines would be c.£500 per machine.

Income to date

Year	Income
2013/14 (year to date)	4,078
2012/13	6,572
2011/12	3,655

Question 17

Why is it that the Council fail to enforce illegal parking in rural areas? For example vehicles parked on footways etc. Is it because motorist over staying, for a few minutes, in town centre car parks are an easy target?

Response

No area is ignored and nor is the deployment of officers considered against what may generate income.

Question 18

How many parking wardens are the Council planning to send to this year's Boxing Day Hunt, at Lacock, and how much will this cost the taxpayers of Wiltshire?

Response

For this years event (2013) we are planning to send 4 Civil enforcement Officers.
The cost of this is approx. £200.

Question 19

How many parking tickets were issued at last year's Boxing Day Hunt at Lacock?

Response

7 Penalty Charge Notices were issued at last years event (2012).

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

To Councillor Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing (excluding Strategic Housing)

Question 20

There has recently been considerable concern expressed in the national media over a survey by Leonard Cheshire Disability which highlighted that many local authority organised home care visits were of only fifteen minutes duration and that this was inadequate for any meaningful human interaction. What is the situation in Wiltshire?

Response

A verbal response was given at the meeting:

Verbal response prepared from existing knowledge.

Wiltshire Council

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12 November 2013

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 21

When I attended the recent Trowbridge CATG meeting, it was apparent that a number of metro count requests had not been actioned.

This seems to be related to a staffing capacity matter.

What is going on?

Are these metro counts, which are an essential part of the Speed Watch initiative, not now considered important?

Are the police aware of this hold up?

Unless prompt action is taken the extension of Speed Watch will be seriously undermined.

Response

The Police are aware of the situation and we have had a meeting with the new CSW Manager to update her.

The person carrying out the Metrocounts has left for alternative employment, and there has been a delay in organising alternative delivery method. As part of the current plan for the Community Speed Watch, this post is transferred from the Police to the Council and we will be using contractors to deliver the service. Recruitment and training is currently underway and we hope to resume the counts shortly.

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Ricky Rogers, Salisbury Bemerton Division

To Councillor Jane Scott OBE, Leader of the Council

Question 22

In July/August 2013 The Leader authorized the appointment of an additional Wiltshire Councillor to the Salisbury Vision Board following consultation with the Salisbury Vision Board Chairman.

Will the Leader of the Council confirm who the Additional Wiltshire Councillor is representing: The Wiltshire Council Conservative Group or himself?

Response

A verbal response was given largely based off the following briefing notes.

The appointment of members to the Vision Board is a matter for the independent Vision Chairman and the Vision Board. The Vision Chairman may choose to consult upon Board appointments with the Leader of the Council and others as he/she considers appropriate. However the decision rests with the Vision Board.

On 8th August 2013, Councillor Richard Clewer was invited by the Chairman of the Vision Board Sir Christopher Benson to continue as a Salisbury Board Member in recognition of his on-going contributions to the work of the Vision and in particular his involvement in the task groups reporting to the Vision's Transport Strategy Reference Group. He is not representing the Wiltshire Council Conservative Group on this body

It may be worth noting that precedent exists for Board Members to be invited to join the Board if they have a particular contribution to make even if they are not directly representing any organisation. Peter Edge was a full Board Member for at least a year as a private individual.

Also, it may be worth noting that precedent also exists for additional Wiltshire Councillors to be regular attendees at Vision Board meetings. Councillor Richard Beattie sat as an observer on the Board for many months on the grounds that he held a relevant portfolio within the administration.

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Jon Hubbard, Melksham South Division

To Councillor Jane Scott OBE, Leader of the Council

Question 23

In light of the significant pressures that will be facing Town and Parish councils this year in light of the changes to the precepts being forced on both Wiltshire Council and the Parishes as a result of central government, does the leader agree that some of the out-of-date boundaries that we have across Wiltshire do not help particularly the towns with forward planning and provision of services.

As an example, the recent East of Melksham development has resulted in houses on one side of a street being in Melksham Town and those on the other side being in Melksham Without Parish. Residents in the area assume they are in the town and look to the Town Council for provision of services.

Would the Leader consider making undertaking a Community Governance Review a priority and if so could she give some indication of when it may take place?

Response

A verbal response was given largely based off the following briefing notes.

A comprehensive community governance review is the subject of item 13 of the Council Summons, and if members agree with the recommendations the review would begin in the new year, giving members until January to identify all the issues and priorities in their area.

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Jon Hubbard, Melksham South Division

To Councillor Laura Mayes, Cabinet Member for Childrens' Services

Question 24

Is the Cabinet Member aware that the back page of the recent edition of Primary Times, which I understand is distributed to all children in our primary schools, carried an advertisement which included a large photo of the pop group "The Saturdays" dressed in Santa hats in a range of sexually provocative poses.

Could the Cabinet Member please tell me how supplying this image to every child in Wiltshire fits in with the council's priorities regarding Child Sexual Exploitation?

Furthermore, does the Cabinet Member agree that pushing such images of glamour models on young children does nothing to help with increasing young people's self esteem?

Response

I was not aware of the back page of the recent edition of Primary Times until this was brought to my attention by one of my officers. Primary Times is a national magazine launched in Bristol in 1989 and provides parents with information on what's on and where to go with children in their local community. It is distributed to approximately 36,000 children in Wiltshire. The latest addition was sent out by schools a few days before the October break. The advertisement was put into the magazine by The Mall at Cribbs Causeway where "The Saturdays" will shortly be switching on the Christmas lights and doing a charity concert in aid of Help for Heroes. The local authority has no role in overseeing this magazine.

One of my officers has contacted the publisher to discuss the advertisement. There have been no complaints made direct to the company that publishes the magazine, despite the fact that the same magazine has also been sent out to thousands of children through Bristol primary schools. The publisher is clear that it checks the appropriateness of advertisements before publication and that if complaints were made that these would be followed up with the advertiser.

I think that there are many influences on children and young people's self-esteem. Our role in Children's Services is to support children and young people's emotional well-being and help them reach their full potential.

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Jon Hubbard, Melksham South Division

To Councillor Laura Mayes, Cabinet Member for Childrens' Services

Question 25

I am sure that the Cabinet Member is aware that there have been a number of issues raised in the national press with regard to images and videos on FaceBook. Whilst I would normally adopt the attitude that if someone chooses to watch something then that is their choice I am concerned that there is evidence that some young people in Wiltshire are being presented with materials on FaceBook which are quite inappropriate.

One such example that has been brought to my attention is of a young teenager in Salisbury who had a video posted to her timeline on FaceBook which showed a donkey being pushed off a cliff by two men. I understand that this video caused considerable distress to the young person concerned.

Would the Cabinet Member be prepared to send a joint letter from myself as Chair of the Children's Select Committee and herself as the Lead Member for Children's Services in Wiltshire to FaceBook expressing our concerns about the accessibility of these types of materials to young people in our communities?

Response

Yes

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

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

To Councillor Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing (excluding Strategic Housing)

Question 26

Is the Cabinet member aware of the evidence of trees in cities improving air quality and would the Council make use of the strategy of planting more trees in Salisbury city centre to improve air quality?

http://www.fs.fed.us/nrs/pubs/jrnl/2013/nrs_2013_nowak_002.pdf

Response

The Public Health team are actively investigating the evidence in this field. This includes the recent experiment using birch saplings undertaken after research from Lancaster University. We have identified some of the research undertaken by Prof Barbara Maher and it appears the research has been focussed on using trees to monitor levels of particulates using the biomagnetic properties of tree leaves to estimate levels of particulate pollution. Therefore if they collect particulates they can be deemed to be taking particulates out of the atmosphere. We will make recommendations on tree planning in Salisbury and elsewhere in the county when we have completed the review

Any notes on file used as a briefing note only. Verbal response prepared from existing knowledge and from questions asked on previous occasions and at scrutiny meetings

Question 27

Is the Cabinet member aware of a newly published large scale study linking even low air pollution from traffic and industrial emissions to low birth-weight and can the Cabinet member update me on what if any progress has been made on identifying links in the health of our population to areas of pollution in Salisbury city centre please?

<http://news.sky.com/story/1154600/air-pollution-linked-to-low-birthweight>

Response

The Public Health Team continues to monitor all research evidence on the impact on health of air pollution and we are currently undertaking a full literature review. We continue to support the Air Quality Management Area groups who are working at community level to encourage understanding of these issues and associated behaviour change to reduce air pollution from traffic.

The business case for the text alert system has been prepared and will be submitted for tender and procurement by the end of 2013. The system will allow us to do the following:

- Send text alerts providing health advice for vulnerable/ targeted individuals who are susceptible to elevated levels of air pollution due to an underlying condition such as asthma or cardiopulmonary disease.
- Provide air quality data in real time via an externally hosted interactive website allowing wider public access to information on air quality in the county.
- The text system will be linked to the website in order for the alerts to be triggered to recipients.

We are working with the CCG to ensure that this system will be linked to GP practices so that vulnerable patients can be identified.

Any notes on file used as a briefing note only. Verbal response prepared from existing knowledge and from questions asked on previous occasions and at scrutiny meetings

Item 8 - Questions from Councillors

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

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

Question 28

Why were views of the Area Board not sought between January and April 2013 regarding possible sites for the new bus stops in Salisbury prior to Atkins being instructed to look at only five roads? What attempt to seek alternative locations was made and consideration given to potential alternative whereby a better overall compromise may be achievable?

Response

When notification was first received of the proposed closure of the bus station, consideration was given to a range of options. Continuing to provide a bus station, on the current or a new site, was not considered feasible for a number of reasons including the lack of a suitable and available alternative site, and the cost of providing a suitable facility and managing and maintaining it into the future. An officer / operator working group was therefore set up by the Vision for Salisbury Quality Bus Partnership to recommend possible workable arrangements for bus stops in the city centre. It was concluded that some new stops would be required, and possible locations were suggested that would be convenient for passengers, operationally feasible and that would minimise bus mileage operated in the city centre. In reality the number of locations available for new stops that would meet these criteria was very limited, particularly once the needs of other road users (e.g. for disabled parking spaces) were taken into account.

Atkins were then commissioned to review the need for new bus stop infrastructure, and confirm the number of new stops needed and the most suitable locations. The latter part of the work included producing preliminary designs and confirming the technical feasibility of the proposals, and it was considered preferable to wait until the outcome of this was known before consulting the Area Board. Although a verbal report on progress and the proposed locations under consideration was given to the Salisbury Transport Strategy Reference Group on 23 May, the preferred locations were not confirmed until June. A verbal update was given to the Area Board on 27 June, listing the proposed sites, before the public consultation began.

Question 29

Is the Cabinet member aware that the implementation of the new bus stops in Milford Street, Salisbury ignores Wiltshire Council's own recommended minimum carriageway width of 3.2 m?

Response

The question has been prompted following an exchange of letters between officers and the owner of a business premises in Milford Street to which both and I and the member raising the question have been copied. Therefore I am both aware that the carriageway width is being reduced below the council's minimum recommended width and the explanation for doing so. For ease of reference I have attached the explanation given in the exchange of correspondence below:

“The figure of 3.2 metres is a recommended rather than absolute minimum carriageway width. As is explained in Paragraphs 4.28 and 4.29 [of the report considering the comments received during the public consultation on its proposal] the proposed bus stops will work in much the same way as the existing bus stop in Milford Street. As the existing bus stop in Milford Street brings the remaining carriageway width down below the council's recommended minimum it was decided that to continue with the precedent set by the existing bus stop when developing the proposals for Milford Street. How the proposed bus stop is intended to operate was also a key factor in deciding to go below the council's recommended minimum carriageway width. It is important to keep in mind that the carriageway width is only narrowed to 2.25 metres wide when two buses are using the stop at the same time otherwise the carriageway width is 5.25 metres as vehicles are permitted to drive over bus stops.”

I'm aware that the member raising the question has received a copy of the report but for ease of reference a copy of the report can be viewed or downloaded from the following webpage:

- <http://www.wiltshire.gov.uk/council/areaboards/salisburyareaboard.htm>

Question 30

Is the Cabinet member aware of the ctc (the National Cycling Charity) has recently reported that it is not legal for cyclists to access advanced stop if there is no lead-in and the discrepancy in the Wiltshire Council published report that says the advanced stop line reservoir that is being retained does not legally require a feeder lane to be provided?

Response

The statement made that it is not legal for cyclists to access an advanced stop line if there is no lead in is incorrect. The use of a cyclist advanced stop line reservoir without a feeder lane is permitted by dia. 1001.2a of 'The Traffic Signs (Amendment) (No. 2) Regulations and General Directions 2011' (TSRGD hereafter). For information the TSRGD is a statutory instrument of parliament which defines what

markings can legally be laid on the public highway. For reference the TSRGD is Statutory Instrument No. 3041 of 2011 and may be viewed or downloaded from www.legislation.gov.uk.

Question 31

How does the Cabinet member propose to monitor the impact on pavement congestion, air quality and road safety of the new bus stops in Salisbury and at what point will ensuing problems be deemed to be significant enough for remedial measures to be considered and what would such remedial measures consist of?

Response

Monitoring of footway congestion will be undertaken by ad hoc site visits from highways officers and public transport officers. Road safety will be monitored by highways officers reviewing the Police Collision Database. In addition any comments received from the public will be used to establish the level and frequency of difficulty that is occurring.

With regard to footway congestion problems it is difficult to know at what point the intervention will be needed as there are no specific criteria that define what footway congestion is and when intervention will be required. Obviously, factors such as the number of occasions pedestrians are forced into the road and time delays to pedestrians using the footway would be important factors to consider. With regard to air quality and road safety intervention these would only be considered if there was a deterioration in either area that could be proven to be directly related to the provision of the additional bus stops.

Turning to air quality issues, the Council currently monitor for nitrogen dioxide in Castle Street. We review our diffusion tube monitoring programme annually, therefore if we deem it necessary tubes may be relocated to take into account the new bus stop locations being provided in the City (Endless Street, Milford Street and Castle Street). The centre is already an Air Quality Management Area (AQMA), therefore subject to an Air Quality Action Plan.

Any planning application for the redevelopment of the old bus station will be required to take into account Core Policy 55 contained within the emerging Wiltshire Core Strategy and to take into consideration the Draft Air Quality Supplementary Planning Guidance

As it is not known if any problems will arise I do not consider it appropriate to suggest what form any remedial measures may take at this stage other than to say that any remedial measures put forward will need to be consummate with any problems that arise.

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Ian West, Till & Wylve Valley Division

To Councillor Jane Scott OBE, Leader of the Council

Question 32

Over many years Wiltshire County Council and its successor Wiltshire Council had a policy "no closure of the A344 until the A303 is improved (dualled)". We know that as recently as 11 April 2011, Wiltshire Council wrote to the then Minister of Transport to remind him that the Council was against any plan to close the A344 without an improvement to the A303 because of the likely impact on traffic in local communities - a likely consequence that has now happened.

Can the leader tell me what happened at some point between 11th April 2011 and June 2011 for the Council to abandon its long held policy?

Response

A verbal response was given largely based off the following briefing notes.

The closure of section of A344 is as a result of a Stopping Up Order (SUO) linked to English Heritage's planning application for the new Visitors Centre. This was referred to a Public Inquiry which also considered a Traffic Regulation Order (TRO) for restricting access on Byway 12 and between Byway 12 and Airman's Corner. The Inspector recommended approval of the SUO and TRO (partly). The SUO was subsequently approved by the Secretary of State and the TRO by the Council in accordance with the Inspectors Recommendation. Both Orders were in line with the objectives of the World Heritage Site Management Plan, which the Council is a signatory to.

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Ian West, Till and Wylve Valley Division

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

Question 33

Somerset County Council commissioned an Economic Impact Study in May 2012. This assessment of transport and wider economic impacts has demonstrated that there will be significant benefits associated with dualling the full length of the A303 / A30 between Amesbury and Honiton and the A358 between Ilminster and Taunton. Could the Cabinet member tell me what work/studies Wiltshire Council has done to further the case for dualling of the A303 in South Wiltshire?

Response

Wiltshire Council's position in relation to the latest initiative to improve this vital transport infrastructure was captured in a prospectus which we produced in partnership with Devon and Somerset County Councils and the Local Economic Partnerships in our area. Since submission of the prospectus to the minister, the government has announced funding for a feasibility study on the whole route and we will be working with Highways Agency and other local authorities to progress the study. We will also continue to promote the much needed improvements at every opportunity.

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Item 8 - Questions from Councillors

From Councillor Ian West, Till and Wylve Valley Division

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

Question 34

At the A344 Stopping Up Public Inquiry, the expert witness David Lear of Halcrow, traffic engineers, put English Heritage's defence against Orcheston Parish Council's traffic concerns forward. Wiltshire Council, by granting the Planning consent for the visitor centre, and by not objecting to the Stopping Up were effectively saying that they accepted all Mr Lear's traffic projections for the local road network. (Likewise the Highways Authority for the A303). John Hobson QC for English Heritage, in questioning the Orcheston Parish Council Chairman, stated that surely Orcheston as a small parish with limited resources should rely on, and trust, Wiltshire Council to investigate these claims.

Wiltshire Council officers have stated in the past, that they will monitor the traffic if there is a problem, local residents in the local villages know there is a real traffic problem since the A344 closure. When will the monitoring begin? and where? If the traffic flows turn out to be different from those projected they said that they will look at restricting the routes. if this is the case when will this happen?

Response

Cllr Fleur de Rhé-Phillipe spoke to these questions. A verbal response was given largely based off the following briefing notes.

Traffic in the vicinity of Stonehenge has been influenced by a number of temporary and permanent changes to the local road network over the past year, and visitors to the stones over the summer have been at a peak. There will of course be a further change in December when the new visitor centre is opened, and monitoring will be carried out once that steady state has been achieved. Data will be collected over time to record seasonal variations, and will include routes that have the potential for diversion by cars and HGV's.

The Council is continuing to work with the Highways Agency to find ways to mitigate the problems of delays on the A303 and the additional traffic on the alternative local routes.

Question 35

A council officer quoted in the Salisbury Journal after the March 2010 Amesbury Area Board meeting, said “Telegraph Hill was not likely to be affected by the closure, and said the impact on the Packway would be not significant as to cause a capacity problem We can’t avoid people taking different routes if they can. What we need to do is to monitor whether that traffic is appropriate traffic using that route. If there is large traffic diverting on a regular basis, we should be looking at restricting these routes.”

This hardly needs monitoring it is plain for all to see that there is a problem of HGV's diverting from the A303 at Solstice Park over Telegraph Hill to beat the congestion when travelling West, when can we expect some action to restrict these routes ?

Response

Cllr Fleur de Rhé-Phillipe spoke to these questions. A verbal response was given largely based off the following briefing notes.

Same answer as 34 above

Question 36

The High Street in Shrewton has a school and limited pavements throughout its length, since the closure of the A344 residents have experienced a major increase in traffic which has included HGV's and Car Transporters.

Will the Council consider some major changes and improvements at Rolleston Cross roads as a matter of urgency?

Response

Cllr Fleur de Rhé-Phillipe spoke to these questions. A verbal response was given largely based off the following briefing notes.

Monitoring a more settled arrangement will in time show the extent of any permanent change in traffic flows through Shrewton. If a ‘major’ increase in traffic is found to be the case, an approach to mitigation would need to be developed, however it is too early to speculate whether improvements at Rolleston Cross Roads would achieve the best outcome.

Item 8 - Questions from Councillors

From Councillor Glenis Ansell, Calne North Division

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

Question 38

An increasing number of people are finding themselves financially excluded as a result of the current economic climate; what support is the council offering to people who need financial help and support and feel that their only options are 'doorstep lending' or Pay Day loan companies. What is the council's policy on Financial Exclusion and what proactive steps are the council taking to promote alternative borrowing options such as credit unions?

Response

The council recognises the effects of financial exclusion and has taken a number of steps over several years to support individuals.

Policy

The council is a key partner on Wiltshire Money which is the strategic financial inclusion partnership for the county. Wiltshire Money has a strategic plan and the council is fully signed up to this:

<https://sites.google.com/site/wiltshiremoney/publications>

Wiltshire Money is hosting a strategic conference in December which the council has been asked to take an active role in.

A financial inclusion plan has been prepared for the council's housing management service. This plan will be published shortly and sets out measures to support the council's housing tenants in respect to financial inclusion.

Proactive steps

The council has worked closely with the county's three credit unions over a number of years. The council recognises the valuable service they offer to people who cannot easily access affordable financial services and products including loans. The support which has been provided includes:

- Action for Wiltshire provided a grant of £40k to Wiltshire Credit Union in order to sustain operations following the cessation of Growth Fund. Growth Fund

(DWP funding) provided revenue funding and loan capital for the credit unions to offer affordable loans to new members without a history of savings. When Growth Fund ended the loan capital remained with the credit unions for recycling but revenue funding ceased and this was provided by the council instead. The funding was spread over two years and came to an end in August 2013.

- Wiltshire Council has provided a grant funding to support credit unions
- Wiltshire Council's communications and branding team has assisted with the production of a leaflet which promotes Credit Union membership.
- The council recently adopted a payroll savings scheme to help promote membership amongst its staff. This enables staff to save direct from their monthly salary.
- The council has brokered volunteer recruitment assistance through WREN (Wiltshire Responsible Employer Network) and GROW's Volunteer Centre.

In addition to this, and relevant to this issue, is the council's administration of Local Welfare Provision. This provides advice and support to people who are either in a crisis situation or need help to move back into or stay in the community. Although the council does not give cash awards, there is a variety of help for people in financial crisis:

<http://www.wiltshire.gov.uk/counciltaxhousingandbenefits/localwelfareprovision.htm>

Item 8 - Questions from Councillors

From Councillor Glenis Ansell, Calne North Division

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

Question 39

Across the UK there are an increasing number of councils who are imposing planning restrictions on the opening of Pay Day loan shops on High Streets. Can the Cabinet Member tell me what action Wiltshire has taken /or is planning to take to impose restrictions on these companies.

Response

The Town and Country Planning (Use Classes) Order allows use of a building or land within a particular class set out in the Order for any purpose which is within the same class. For example, a bank falls within Class A2 of the Use Classes Order, as does an estate agency (both 'financial and professional services'). It follows that in normal circumstances a bank can change to an estate agency with no requirement for a planning application to be made to the local planning authority. Equally, a pay day loan shop would be a Class A2 use, so again it follows that a bank, estate agency or any other financial and professional service use could change to a pay day loan shop with no requirement for a planning application to be made to the local planning authority, this not being considered 'development'.

The Town and Country Planning (General Permitted Development) Order also grants planning permission for certain changes of use between different use classes without the need for a planning application. This includes a permanent change from a Class A5 use ('hot food takeaways') to a Class A2 use, from a Class A4 use ('drinking establishments') to a Class A2 use, and from a Class A3 use ('restaurants and cafes') to a Class A2 use. The Order also allows a temporary change of use for up to two years to a 'flexible use', which can include a Class A2 use, from a Class A1 use ('shops'), a Class B1 use ('business'), a Class D1 use ('non-residential institutions') and a Class D2 use ('assembly and leisure'). This is 'permitted development' under the terms of the Town and Country Planning Act.

The Order includes a provision which allows permitted development entitlement to be removed (referred to as an 'Article 4 Direction'). Guidance on their use states that local planning authorities should consider making Article 4 directions only in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area, and in deciding whether an article 4 direction would be appropriate, local

planning authorities should identify clearly the potential harm that the direction is intended to address. Article 4 directions can only be used to remove permitted development entitlements – it follows that they cannot remove the right to move between uses which are within the same use class, this not being development.

The question refers to an increasing number of councils imposing planning restrictions on the opening of pay day loan shops in high streets. An example of this is Southwark Council which has begun the process of making Article 4 Directions as referred to above. Southwark Council's cabinet member for regeneration and corporate strategy is quoted on its website as saying "the spread of payday loan shops, pawnbrokers and betting shops is out of control. This [the Article 4 direction's] innovative, proactive approach to addressing planning legislation will make a tangible change to the lives of people living in areas where so-called 'financial services' businesses are so prolific. I hope it will help to stem the flow of the growing number of businesses that prove hugely tempting to those struggling financially but can result in awful debt and further stress." In taking this action Southwark Council has acknowledged that it does not have the power to control uses or changes of use within Class A2 itself. It also acknowledges that its approach does not mean that it will be able to block any such pay day loan shops or bookmakers, but it will increase the number of hoops a prospective operator has to jump through.

As is evident from the quote, Southwark apparently has an "out of control" situation as far as the number of pay day loan shops opening in its high streets is concerned. There is no evidence to suggest that this is the case in Wiltshire. There are therefore no exceptional circumstances that would warrant consideration of an Article 4 Declaration.

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

To Councillor Richard Tonge, Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform

Question 40

Residents often perceive that it costs the council more to do a job than it would cost a private company or individual. How does the council negotiate with all their suppliers and play one off against the other and is there any substance to this perception?

Response

This is a difficult question to answer as one person's perception differs from another's in the same situation. What you see and hear depends a good deal on where you are standing; it also depends on what sort of person you are. Put another way if you are in the trench digging your perception differs from the person watching you.

The Council has strong procurement rules, and just like all public bodies has UK and European rules to comply with to ensure there is strong competition. As part of these processes and in determining what to include in a contract the Council looks at its current in house provision and costs and benchmarks those against other providers. The Council has many examples of where it has done this from Adult Care to Printing, IT and Utilities. Contract awards are assessed based on cost and quality, and part of that includes the current versus future costs. The Council uses procurement to drive down costs, but remains focussed on quality. With the continuing financial pressures the Council will be under over the coming years we are committed to making improvements ensuring that we get best value for the people of Wiltshire.

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

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

Question 41

How was the 50 mph sign implementation across the County funded?

Response

The assessment, design and delivery of all speed limit changes, including 50mph limits, has been funded from the Council's Integrated Transport Block. This is the capital allocation given to the Council by the Department for Transport on an annual basis.

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

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

Question 42

Can you explain the council position on fracking and what steps are being taken to deal with applications through the Wiltshire planning system. Are there any proposed planning approvals or licences being sought?

Response

Introduction and context

The fracking process is principally governed by a licensing regime, which allows companies to search for and obtain the Crown's resources. These licences are granted by the Department of Energy and Climate Change (DECC) and not the council.

In simple terms, after an initial licence has been granted by DECC, an interested company must then come to the local authority for planning permission for exploration. Following this, the company must then obtain 'well consent' from DECC, and undertake further checks. To move beyond the exploration stage into production, planning permission must again be granted, alongside further requirements relating to other legislative regimes (e.g. pollution control measures governed by the Environment Agency and the Health Protection Agency). Further details in relation to the role of the local planning authority in terms of controlling fracking proposals are set out below.

Dealing with the planning aspects of fracking proposals

Should a planning application be submitted for fracking in Wiltshire it will be considered in the light of the national planning policy framework (the NPPF) and the local development plan.

In terms of national policy, the NPPF requires that planning authorities assess applications for all minerals developments, including oil and gas developments, so as to ensure that operations do not have unacceptable adverse impacts on the natural or historical environment or on human health, including from noise, dust, visual intrusion, or migration of contamination from the site. In doing so, planning

authorities are also advised to take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.

The NNPF makes it clear that the phases of development – i.e. exploration, appraisal and production of on-shore oil and gas extraction (including unconventional sources such as shale gas) should be clearly distinguished. Planning applications for each stage must be subject to consultation with the local community and with relevant statutory consultation bodies such as the Environment Agency before the local planning authority takes a decision. Furthermore the applicant is required to provide sufficient information that is relevant, necessary and material to the proposed development.

Shale gas wells, whether for exploration or production, are subject to the environmental impact assessment regime established by the Environmental Impact Assessment (EIA) Directive. The EIA Directive is transposed into English law through the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Under the Regulations, all deep drilling operations, including shale gas wells, will be screened by the local planning authority to assess whether they are likely to have any significant effects on the environment. Where significant effects are identified, an environmental statement will need to be submitted to the relevant planning authority before the planning application is consulted on and considered.

At the local level, the council does not have a policy to govern specifically the control of fracking proposals. However, the policies set out in the adopted Wiltshire and Swindon Minerals Development Control Policies Development Plan Document; the 'saved' District Local Plan policies; the South Wiltshire Core Strategy; and those of the emerging Wiltshire Core Strategy will be used to test the merits of any such proposals.

Current Position

At this stage, the government has not granted any exploration or development licenses for sites within Wiltshire, nor has the council received any request from potential developers to engage in pre-planning application discussions. As outlined above and notwithstanding the current position, it is important to note that any planning application on this matter would be subject to the usual consultation with the public.

There are likely to be a number of reasons why Wiltshire has received no interest from fracking companies. However the principal reason is likely to relate to the fact that extensive exploration undertaken by hydrocarbon companies in the later 1980s do not identify geological structures required to support viable oil / gas production.

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

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

Question 43

How is Wiltshire Council making sure that SWLEP funding streams from Europe and Government will be targeted fairly around the County to address the diverse needs of both rural and town areas? Can the Council give an update on its input into the preparation of proposals for submission to government for ERDF funding?

Response

The Swindon & Wiltshire LEP (SWLEP), comprising Wiltshire Council, Swindon Borough Council, 43 Wessex Brigade, Further Education Colleges and the Business Sector, is currently developing applications for both of these funding streams: the European Structural Investment Fund (ESIF) Strategy, which draws upon the European Structural Investment Fund, and a Strategic Economic Plan, which informs the development of a Growth Deal, an agreement between the LEP and central government, utilising funds from the Single Local Growth Fund.

For the ESIF, the SWLEP has been charged by HM Government to produce a Structural and Investment Funds (ESIF) strategy to set out the priorities, objectives and targets in the area for investment from the EU funding round 2014-2020. An officer group, fielded from both local authorities has been assembled to develop the strategy. Single commissioning and delivery across the entire area is a requirement of the strategy.

The ESIF fund is subject to the LEP's priorities, and 5 priority themes were identified by the LEP board in July. The 5 priorities are:

- i. Realising growth opportunities from the military presence and rebasing;
- ii. SME growth and survival;
- iii. Support for priority sectors and growth businesses;
- iv. Building a low carbon economy;
- v. Social inclusion (including workforce skills and employability).

The nature of discussion and focus of the groups has been to find ways to support those businesses which will (a) deliver most in terms of jobs, growth and continued economic sustainability, and (b) the workforce skills needs for now and in the future. Whilst some of those activities will lend themselves to specific locations across

Wiltshire and Swindon, at this stage the LEP ESIF does have a spatial distribution model.

Firstly, ESI funds are not core funding and must only be used additionally and complementarily to what the EC regards as normal member state spending. It is important to note that the Government has set important 'ear-marking' rates for all 39 English LEPs, so that 80% of funding is spent on 3 of the 10 EU-wide thematic objectives. These are support for SMEs, support for economic innovation and research by businesses and measures to be taken to build low carbon economy. This will heavily influence the type and scope of the eventual interventions which are taken from 2014 onwards.

For the Single Local Growth Fund, work is on-going with an officer task group across Swindon and Wiltshire to develop a Strategic Economic Growth Plan, recognising key opportunities and challenges for delivering economic growth (GVA). From this, specific requests will be selected to form a Growth Deal with government. As the fund is competitive nationally, the projects that Government chose to support will be prioritised according to return, that is, the impact they will have on economic growth. The SWLEP will therefore prioritise these projects in their applications for funding. Officers are working to identify these opportunities across the geography.

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

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

Question 44

I would like to obtain the Wiltshire Councils view on this "Change of Use Consultation". Also I would be grateful if you could let me know whether or not Wiltshire Council will be responding to the Governments' consultation. Is the Council concerned about the loss of commercial rates revenue that will be incurred as a product of increased change of use to residential

The current Consultation information is on:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/226632/Greater_flexibilities_for_change_of_use.pdf

Reply details are on: <https://www.surveymonkey.com/s/NHXVK66>

Response

The Government consultation on proposed changes to permitted development rights to allow for more changes of use to take place without the need for planning permission from the local planning authority closed on 15th October 2013. The Council did respond to the consultation.

In relation to the questions asked about whether there should be increased permitted development rights for changes of use for shops and professional services to residential, the Council made the point that there is no evidence that the existing requirement for planning permission is creating any problems and that introducing a prior approval process would add more complication to the system. The Council objected to the proposal for permitted development rights for the change of use of agricultural buildings to dwellings on several grounds. These included the loss of potential for economic development from the re-use of these buildings for employment purposes; the failure to comply with the National Planning Policy Framework that promotes sustainable development; the adverse impact on the character and appearance of the landscape, including the World Heritage Site and areas of outstanding natural beauty, and the potential for additional costs to be imposed on local taxpayers through the need for providing school bus services to isolated locations remote from services and schools.

A copy of the response is attached.

The loss of commercial rates revenue is not a material planning consideration that the Council could raise in a consultation response to DCLG that can only address planning matters.



Department for
Communities and
Local Government

Consultation questions - response form

We are seeking your views to the following questions on the proposals to support sustainable development and growth through encouraging the reuse of empty and redundant existing buildings where the original use was no longer required or appropriate.

How to respond:

The closing date for responses is 15 October 2013

A response form is available on the DCLG website, and can also be submitted via Survey Monkey at:

<https://www.surveymonkey.com/s/NHXVK66>

Responses should be sent preferably by email:

Email responses to: Changeofuse.planning@communities.gsi.gov.uk

Written responses can also be sent to:

Saima Williams
Consultation Team (Greater flexibilities to change use)
Planning Development Management Division
Department for Communities and Local Government
1/J3, Eland House
Bressenden Place
London SW1E 5DU

About you

i) Your details:

Name:	Mike Wilmott Bsc Dip TP DM MRTPI
Position:	Area Development Manager
Name of organisation (if applicable):	Wiltshire Council
Address:	Development Services Wiltshire Council County Hall Bythesea Road Trowbridge
Email:	Mike.wilmott@wiltshire.gov.uk
Telephone number:	01225 716775

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

iii) Please tick the box which best describes you or your organisation:

District Council

Metropolitan district council

London borough council

Unitary authority

County council/county borough council

Parish /community council

Non-Departmental Public Body (NDPB)

- Planner
- Professional trade association
- Land owner
- Private developer/house builder
- Developer association
- Residents association
- Voluntary sector/charity
- Other

(please comment):	
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**iv) What is your main area of expertise or interest in this work
(please tick one box)?**

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Question 1: Do you agree there should be permitted development rights, as proposed, for shops (A1) and financial and professional services (A2) to change use to a dwelling house (C3) and to carry out building work connected with the change of use?

How do you think the prior approval requirement should be worded, in order to ensure that it is tightly defined and delivers maximum benefits?

Yes No

Comments

There is no evidence that the existing requirement for planning permission is creating any problems and the proposed prior approval process simply adds more complication to the system for users and landowners. The wording of the text implies that approval could be refused on principle (eg impact on economic health) but this conflicts with the usual idea of prior approval that the principle is already accepted and it is only the details that are up for agreement.

If, despite the lack of evidence of a problem, the idea is accepted, then the change should not apply in article 1(5) areas and should have the limitations suggested

Question 2: Do you agree there should be permitted development rights for retail units (A1) to change use to banks and building societies?

Yes No

Comments

This should be for a change of use only. Physical alterations, particularly in Article 1(5) areas should continue to require planning permission. Listed buildings should be exempted from the permitted development right.

Question 3: Do you agree there should be permitted development rights, as proposed, for existing buildings used for agricultural purposes to change use to a dwelling house (C3) and to carry out building work connected with the change of use?

Yes No

Comments

This is by far the worst of the proposals with the potential for a devastating impact on the countryside. Already, the mere suggestion of it is leading to a drop in potential economic activity as landowners and their agents are not pursuing the earlier permitted development rights for employment use as the potential to convert to residential offers a more lucrative return.

The NPPF promotes sustainable development – but how is allowing new houses in the countryside in any way sustainable? Wiltshire is a rural county with many barns and agricultural buildings in isolated locations. Converting these to houses means that any children will need to be provided with a school bus service at more cost to the local taxpayer.

How does this marry with the statutory duty on public bodies in areas of outstanding natural beauty to protect the landscape for its beauty if every tin barn in the countryside can suddenly become a dwelling?

How does this comply with the policies in the NPPF to protect the openness of the green belt?

How will World Heritage Sites, such as the rural Avebury and Stonehenge WHS be protected from inappropriate housing development – this runs the risk of putting such designations at risk – has UNESCO been consulted?

There are huge numbers of barns, many of them open sided with no roofs or sides in isolated positions in the middle of fields that will suddenly be available for demolition and rebuilding to houses – with a concomitant adverse impact on the character and appearance of the countryside.

One of the main planks of national and local planning policy since 1947 has been the desire to protect the character and appearance of the rural landscape for future generations by resisting housing development in inappropriate locations. This proposal would overturn this and would spoil the countryside for generations to come.

This is simply a completely unacceptable proposal and one that should be ditched now. It flies completely in the face of the NPPF and makes a mockery of its introduction less than 2 years ago and its claim to be about the golden thread of sustainable development.

Question 4: Do you agree that there should be permitted development rights, as proposed, to allow offices (B1), hotels (C1); residential institutions (C2); secure residential institutions (C2A) and assembly and leisure (D2) to change use to nurseries providing childcare, and to carry out building work connected with the change of use?

Yes No

Comments

There will need to be exemptions in Article 1(5) land for building work and listed buildings will also need to be exempted from such changes of use. A key element here will be the need to ensure adequate parking provision which may need to be part of the highways impact of any prior approval.

Question 5: Do you agree there should be permitted development rights, as proposed, for buildings used for agricultural purposes to change use to new state funded schools and nurseries providing childcare and to carry out building work connected with the change of use?

Yes No

Comments

Whilst the Council is unaware of any problems that the current requirement for planning permission brings, and does not experience a significant demand for such uses, the proposal could support rural communities. In article 1(5) land there will need to be prior approval for the alterations to buildings to protect the character and appearance of the landscape and any conservation area.

Question 6: Do you have any comments and further evidence on the benefits and impact of our proposals set out in the consultation?

Yes No

Comments

The economic disbenefits of the proposed permitted development rights for the change of use of agricultural buildings to dwellings should not be underestimated. These include loss of potential employment in rural areas as barns suitable for re-use for rural employment are instead used for housing. This simply means that those living in rural areas have even less access to employment opportunities as these will be more concentrated than ever in towns – and this at a time when rural bus services to towns are declining as subsidies are cut. Meanwhile, Councils will have to run more school buses at an increasing cost to the local taxpayer to take children from these remote locations to the nearest school

Then there is the economic hit from the potential reduction in tourism – rural areas will simply become less attractive to those seeking walking holidays and open countryside if every barn in the landscape is recreated as a dwelling. This is going the way of the Irish planning system where the countryside has been blighted by numerous houses and bungalows dotting the countryside.

Government aims to increase sustainability and cut carbon emissions down will also be adversely affected – people will simply have to travel by private car to reach services – using more fossil fuel and clogging up roads into town centres.

The existing planning system has provided a pretty good balance in protecting the character and appearance of the countryside from intrusion from unwarranted residential development, whilst fostering diversification of the agricultural economy into business use. This proposal tips the balance the other way and removes the protection that has served the country well for decades.

It is unwarranted, unjustifiable and unacceptable.

Thank you for your comments.

Consultation criteria

About this consultation

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want the information that you provide to be treated as confidential, please be aware that under the Freedom of Information Act 2000, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested. Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

If you have any queries regarding the consultation process, please contact:
DCLG Consultation Co-ordinator
Zone 6/H10 Eland House
London SW1E 5DU
email: consultationcoordinator@communities.gsi.gov.uk

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

To Councillor Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing (excluding Strategic Housing)

Question 45

Residents living in sheltered and specialist accommodation for older people (Over 55s) have expressed concern about the suitability of placing younger people to live in such accommodation and the possible issues that arise due to the differing social habits of each age group. What is the policy of the council with respect to age restricted housing areas and what is the relationship between Housing Associations and the council when setting age requirements for Social housing?

Response

A verbal response was given at the meeting.

No briefing notes used.

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

To Councillor Jane Scott OBE, Leader of the Council

Question 46

Can you give an update on progress with any policy initiative to allow Full Council meetings to be streamed to the general public through the new systems that have been installed in the council chamber?

Response

A verbal response was given at the meeting.

No written notes

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Trevor Carbin, Holt and Staverton Division

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

Question 47

Following on from the briefing note circulated to members and parish councils in September, what subsequent work has been done to reduce the on-going congestion on the A303 and local roads around Stonehenge?

Response

Cllr Fleur de Rhé-Phillipe spoke to these questions. A verbal response was given largely based off the following briefing notes.

(Same as Question 34)

Traffic in the vicinity of Stonehenge has been influenced by a number of temporary and permanent changes to the local road network over the past year, and visitors to the stones over the summer have been at a peak. There will of course be a further change in December when the new visitor centre is opened, and monitoring will be carried out once that steady state has been achieved. Data will need to be collected over time to record seasonal variations, and will include routes that have the potential for diversion by cars and HGV's.

The Council is continuing to work with the Highways Agency to find ways to mitigate the problems of delays on the A303 and the additional traffic on the alternative local routes.

COUNCILLORS BRIEFING NOTE

No. 161

Service Area: Sustainable Transport

Further Enquiries to: Allan Creedy

Date Prepared: September 2013

Direct Line: (01225) 713444

Traffic in Vicinity of the New Stonehenge Visitors Centre

This note is intended as an update for Parishes and Members regarding recent changes to roads near Stonehenge

It is acknowledged that there have been significant delays on the A303 this summer, and that these delays will have been affected to some degree by the closure of the A344 at Stonehenge Bottom.

The planning application for the new visitor centre proposal by English Heritage was supported by Wiltshire Council, but the stopping up of the A344 in the vicinity of Stonehenge was subject to an independent inquiry (arranged by the Department for Transport) following an application by English Heritage. Neither the Council nor the Highways Agency objected to the stopping up of the A344, but many others did; it was accepted that there would be a degree of additional delay on the A303. The Inquiry Inspector heard the objections to the road closure, but found the proposal to be acceptable, and approved the making of an Order to stop up a length of the A344.

Two roundabouts were constructed for different reasons. The A303/A360 Longbarrow junction was improved by the Highways Agency to provide capacity for the forecast flows on both routes through the junction. The A360/B3086/A344 junction was provided by English Heritage to accommodate the forecast flows at this junction, and to provide a safer form of junction for the future traffic flows.

We do not yet have data available to indicate the extent to which traffic flows on the A303 and local roads might have increased this year, but the Council understands that the July visitor numbers to Stonehenge were at a peak. This could be an indicator that A303 traffic levels have increased during the same period.

We have been aware that, in addition to the effects of traffic slowing to view the Stones, there was also an issue with drivers attempting to turn across the traffic stream to enter Byway 12, which passes close to the Stones. Action has been taken to address this latter problem, with traffic regulation orders being secured to prohibit right turning into and out of the byway at its A303 junction. It is hoped that this measure will be respected by drivers, including those whose satnav devices might otherwise have directed them onto the byway.

The Highways Agency is responsible for the traffic on the A303, and they are well aware of local concerns. Wiltshire Council will continue to work with the Highways Agency to find ways to mitigate the problems of delays on the A303 and the additional traffic on the alternative local routes.

Next Steps

The traffic situation is anticipated to stabilise over the months following the opening of the new visitor centre, when an objective assessment can be made in relation to necessary actions. These are expected to include monitoring, and, if necessary, address the anticipated impact of vehicles on Byway 12, and to make arrangements to collect some traffic data to assess the ongoing impacts on local communities.

Visitor numbers to Stonehenge will also be monitored so that before and after comparisons can be made. English Heritage intend to erect local fold-down signing to alert drivers who are not pre-booked not to enter the visitor centre on those days when visitor numbers are at their highest. This could lead to some issues on the local network.

We will continue to work with the DfT and Highways Agency to press for a resolution to the constraints on the A303 trunk road, particularly as it affects journey time reliability around Stonehenge.

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

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

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

Question 48

The Salisbury Transport Strategy Options Assessment Report dated 11/1/2010 recommended that the proposed strategy be further refined and be subject to stakeholder consultation. The Options Assessment Report Addendum dated 2/8/2011 similarly expected "*that a more extensive stakeholder consultation is undertaken to refine the Salisbury Transport Strategy*" (para 6.14).

The Inspectors Report on the Examination into the South Wiltshire Core Strategy dated 14.10.11 made the point in relation to the Options Assessment Report that "*the Council has yet to decide what its Transportation Strategy will be*" (para 147) and indicated that "*the Salisbury Transport Strategy needs to be finalised*" (para 155).

This position is reflected in the Local Development Scheme for Wiltshire (dated November 2011, updated August 2012) where the Salisbury Transport Strategy had a 'date complete/anticipated' given as 'Anticipated June 2012'.

It is clear from recent developments in Salisbury that the work done to date on the Salisbury Transport Strategy has failed to consider in sufficient detail a number of key areas, including public transport interchange facilities, city centre pedestrianisation, and steps necessary to encourage active travel, reduce city centre congestion and address air quality issues.

In the light of the above would the Cabinet member please clarify the opportunities and time-frame for local stakeholder consultation and finalisation of an agreed Salisbury Transport Strategy?

Response

The evidence considered by the Inspector at the Examination in Public advocated a transport strategy based on objective-led planning principles. The strategy prepared and submitted by the Council defined a set of transport initiatives for the Salisbury

and Wilton area that are able to address the impacts of additional transport demand caused by expected new development in the plan area up to 2026.

The Inspector endorsed a strategy that he accepted would best enable Salisbury to meet the challenges of addressing future growth in travel demand in a sustainable manner.

The evidence and conclusions of that work sit as part of the EIP evidence base.

There was an acknowledged need for that position to be presented in a more easily accessible form - as such, the Council prepared a summary document which set out the key components of the strategy, which broadly comprise:

- Park and Ride
- Demand management
- Public transport
- Smarter choices
- Walking and Cycling
- Traffic management
- ITS (Intelligent Transport System)

There are a number of specific areas within the strategy that always needed to be the subject of further discussion and consultation (the potential for changes in traffic routing within the city by way of example), however these are opportunities that need to be considered alongside development/redevelopment proposals as and when they emerge.

In order to develop that position further, the Council has been pleased to agree that the Salisbury Vision partnership should be the principal local reference group to which the Council will refer in developing and refining its integrated transport strategy for Salisbury. The Vision has identified 3 priority areas for action being:

1. Public Transport
2. Public Realm, Pedestrianisation, Shared Space and Tourism and
3. Car and Coach Parking

Task groups have been established to progress these in detail, and they are already providing valuable energy and direction towards implementation.

The strategy remains the basis for that work.

Wiltshire Council

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12 November 2013

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 49

The September 2013 version of Wiltshire Council's Infrastructure Delivery Plan (IDP) includes various items for Salisbury and South Wiltshire which have not featured in the South Wiltshire or Wiltshire Core Strategies and it is not clear how these have been selected for inclusion. As an example, the IDP for Salisbury includes (ref SAL017) a Boathouse for Wiltshire Scullers School estimated to cost £275K. This would appear to be linked with the requirement in the Wiltshire Strategic, Regional and General Appendix (ref WC020) to "Fully equip 22 rowing schools in

Wiltshire with good quality boats" with an estimated cost of £2 million.

Could the Cabinet member please clarify the process whereby items have been selected for inclusion in the September 2013 version of the Infrastructure Delivery Plan and indicate how local support for these proposals has been confirmed?

Given the proposals to redevelop the existing bus station and the coach park in Salisbury, will the Council be adding the requirement for replacement bus facilities, and equivalent coach facilities which will enable Salisbury to retain its Coach Friendly accreditation, to the Infrastructure Delivery Plan?

Response

The Infrastructure Delivery Plan (IDP) is an iterative document that is designed to be updated on a regular basis to reflect the infrastructure required to support growth. The process of preparing the IDP involves gathering information from infrastructure and service providers, as well as the community to arrive at a list of requirements to support the development proposals set out in the Core Strategy. The information gathered is then categorised in line with Core Policy 3 of the emerging Wiltshire Core Strategy as being either - "essential" (i.e. required to make development happen") or "place-shaping".

The latest version of the IDP presents information received from 'Wiltshire Scullers' (Ref SAL017) and the items listed have been categorised as 'place-shaping'. As

such, they do not comprise essential infrastructure and would take lower priority to essential infrastructure requirements including sustainable transport infrastructure.

In terms of funding, it is important to note that the items listed may in fact be funded in part, or wholly by the Wiltshire Scullers themselves. Therefore, the draw-down on traditional funding mechanisms such as Section 106, or new revenue streams such as Community Infrastructure Levy (CIL) may in fact be negligible. These matters will be continuously monitored and re-assessed as required.

As outlined above, the IDP is an iterative document and will be kept under review. It is likely that infrastructure requirements will change over time and the life of the emerging Wiltshire Core Strategy. As such, the process of nominating new requirements and prioritising accordingly will be matters for the council to assess on an annual basis.

It is also important to note that the IDP is also used as evidence to support the council's proposals for CIL. Once the local CIL arrangements have been finalised and adopted, the council is required to set out details of how it intends to spend revenue accrued through the application of the levy. In addition, local communities will gain direct access to CIL receipts to spend as they see fit on local priorities. At this stage, the government have determined that 15% of CIL revenue will be passed onto town and parish councils to spend on delivering local priorities. This figure rises to 25% for those communities who have a neighbourhood plan.

With regard to the Bus Station in Salisbury, both the Salisbury Vision and the Core Strategy share the objective of improving public transport in Salisbury and encouraging more people to use it.

Project 5 of the Vision states the following:

5 Bus station

'Develop as a residential led scheme with other associated commercial use such as restaurant, bar and café'

Rationale:

- To support the traffic management and transport projects in creating a more pedestrian focused centre.
- To provide a high quality scheme in the centre of Salisbury.

Projects:

- a) The redevelopment of this site should only be considered if suitable alternative arrangements are in place for the buses and coaches.
- b) Any development should ensure active frontages through windows and doors onto Endless Street and Rollestone Street.

The redevelopment of the Bus Station is an identified project of the Vision for Salisbury. However, as criteria (b) above sets out; it should only go ahead when suitable alternative arrangements are made for buses and coaches.

Item 8 - Questions from Councillors

From Councillor Stephen Oldrieve, Trowbridge Paxcroft Division

To Councillor Jane Scott OBE, Leader of the Council

Question 50

Are you satisfied with the way bottom up (from a local member point of view) policy development is being dealt with by your administration.

Response

A verbal response was given largely based off the following briefing notes.

Yes – overall there are good opportunities for policies to be developed bottom up. Examples of how this currently works, and is being enhanced, are set out below:

- The Council's business plan sets out the high level outcomes for Wiltshire whilst not being prescriptive about how these are delivered. In almost every case policy is driven by central government departments, however its relevance and implementation for Wiltshire can be determined at a lower level. It is here that local communities represented through local members can be involved in bottom up policy development.
- The use of Area Boards further creates opportunities for enabling local members to be engaged in local policy development relevant to their local community area. Officers within the corporate office will be reviewing the way that policy briefings are presented to place greater emphasis on what this means for Wiltshire. This information will be helpful for local Area Boards in enabling the local members to consider how best the delivery mechanisms for these policies can be implemented within their area.
- The scrutiny work programme provides an excellent opportunity for local members to be involved in both the review and development of policy. Members have an opportunity to influence and develop the work programme as well as scoping these reviews through the scrutiny process. Looking to the future we will be considering how we can enhance the role of scrutiny.

Joint Strategic Assessments cascade down to community area levels where local actions and policies are developed to deliver the evidence based priorities. This enables local members and interested residents to take the areas circumstances into consideration in developing actions and policies that address the specific needs of their local area.

Item 8 - Questions from Councillors

From Councillor Ernie Clark, Hilperton Division

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

Question 51

Why do Section 220 notices (sometimes requesting hundreds of thousands of pounds) remain registered against properties as a local land charge sometimes years after the developer has discharged their obligation to the highway authority by entering into a road adoption agreement?

This causes delays when home owners come to sell their properties with the Notices still being unduly registered.

I am aware of a number of occasions when solicitors have written to this authority asking if they intend to enforce the notice against individual home owners, only to be told it should not still be registered and that they will ask Land Charges Dept. to remove the entry.

Response

Section 220 of the Highways Act 1980 relates to the Advance Payments Code, and applies wherever a new building is to be erected and will have a frontage onto a private street.

The Code requires a developer to provide the Highway Authority with monies or security sufficient to cover the costs of roadworks to bring the street up to an adoptable standard by the Highway Authority. This aims to relieve house buyers of potential road charge liabilities under the Private Street Works Code if the Developer defaults.

A Notice under Section 220 of the Highways Act 1980 is served following receipt of Building Regulations approval specifying the amount to be deposited or secured in respect of the street works charges for those dwellings for which approval has been granted which must be paid before building works commence.

Such notices continue to be revealed even when the charge has been secured, ensuring that purchasers have the comfort of knowing that potential street works charges have been dealt with on their behalf.

Charge notices should not be revealed once estate roads have been adopted, however it is acknowledged that from time to time, the existence of a prior charge is shown on a local search. Any questions arising are dealt with easily and without delay, however it is accepted that efforts are required to ensure that such occurrences are avoided.

Item 8 - Questions from Councillors

From Councillor Stephen Oldrieve, Trowbridge Paxcroft Division

To Councillor Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing (excluding Strategic Housing)

Question 52

Further to your email below, please can you provide me with a summary of your review into provision of an out-of-hours Environmental call-out service and does it include a protocol for the gaining the support of Wiltshire Constabulary where excessive & extreme noise incidents are reported?

Email from Cllr Humphries dated 28 January 2013: *Not yet. This is work in progress. Officers are gathering data, analysing the last few years and bench marking against other authorities. I should have data by next week so we can explore any options.*

I believe there is to be a review of all the out of hours services the council operates and Public Protection will obviously be part of that but I'm waiting for further info. In the meantime we will continue with our review. I'll keep you informed.

Response

The review of the Public Protection emergency out of hours services has suffered some delay due to the impact of the recent voluntary redundancy programme and the restructuring and integration of the Public Health and Public Protection teams.

Benchmarking work has been completed with other unitary authorities in the region.

Discussions have also taken place with the police on the use of the 101 telephone service and the exchange of information in relation to out of hours noise calls.

It is anticipated that the review of the public protection element will be completed by the end of November.

- The corporate review of remuneration for out of hours working across the whole council has also been affected by staff being focussed on the recent corporate VR programme.
- Officers are now starting to progress this work again.
- It is recognised that out of hours call answering across all services is worthy of review.

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Item 8 - Questions from Councillors

From Councillor Stephen Oldrieve, Trowbridge Paxcroft Division

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

Question 53

WC policy development on maintaining/disposing of small pockets of open green space.

Please can I have an update on your email below, with a target date to present a draft proposal to the Trowbridge Area Board?

Sent: 29 August 2013 15:42

To: Oldrieve, Steve

Subject: Open Space

Dear Steve,

John has forwarded your email to me and I will try and expedite the policy. I understand it has got delayed due to long term illness and another officer being on maternity leave. I will raise the issue with the property team at my monthly meeting next month and then update you.

Regards,

Toby.

Response

Key Action 8 of the Business Plan clearly sets out the proposal that cost neutral packages of land, services and assets are to be offered for delegation to town and parish councils. From discussions with colleagues in other unitary authorities, this Council has completed significantly more than them.

We are actively reviewing our assets on a town and parish council area basis. This includes identifying what public open green space could be transferred in each Parish and Town Council area and considering what, if any, services could also transfer with these.

Most of these areas are protected as open space areas with either planning restriction or restrictive covenants or both. Therefore in the majority of cases, these smaller areas of public open space will need to remain as such and, for example, would not be able to be easily incorporated into an existing private garden or landholding.

Due to the cost and complexity of individual transactions, I am working with officers to ensure that the council's resources are focused on transfers to Town and Parish councils in line with the business plan, rather than transfers to individuals.

Item 8 - Questions from Councillors

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Jane Scott OBE, Leader of the Council

Question 54

What are the Terms of Reference of the Wiltshire Health and Wellbeing Board (HWB) which you chair, and where are they publicly available? Do they include a commitment to the principles of a public NHS?

Response

The terms of reference for the Health and Wellbeing Board were agreed by Annual Council in May this year and are set out in those papers and on the website.

The terms of reference are the statutory functions of the Health and Wellbeing Board contained within the Health and Social Care Act 2012, which are:-

- to prepare Joint Strategic Needs Assessments (JSNAs) and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and clinical commissioning groups (CCGs).
- a duty to encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under Section 75 of the National Health Service Act 2006 (i.e. lead commissioning, pooled budgets and/or integrated provision) in connection with the provision of health and social care services.
- a power to encourage close working between commissioners of health related services and the board itself.
- a power to encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services

Question 55

How is the work of the HWB to be accountable to this Council? Noting that the publicly stated principles of the HWB include “*accountability to the communities it serves*”, how is that accountability to be delivered?

Response

The Health and Wellbeing Board is underpinned by the principle of shared ownership of the board by all its members (with commitment from their nominating organisations) and accountability to the communities it serves.

The Board is constituted as a council committee, with agendas and papers published in advance, meetings held in public and minutes of the Health and Wellbeing Board made available to Council. The Board will undertake consultation and engagement on its core work and consider reports on progress. All members of the Health and Wellbeing Board are also required to adhere to the Council’s code of conduct and declare interests.

Membership of the Health and Wellbeing Board includes Healthwatch Wiltshire, whose role includes acting as an independent consumer champion - representing the local community, giving a stronger voice to influence and challenge how health and social care services are provided in Wiltshire.

The relationship with other council structures, including scrutiny committees and safeguarding boards, was covered in the paper to Annual Council.

Question 56

The papers for the September meeting of the HWB included a brief 6 lines on the upcoming CCG retendering of the Community Services contract and an appended timeline. This seems an extraordinarily brief, even careless approach to the first major competitive tendering exercise in Wiltshire, which will open up previously publicly-funded health services in Wiltshire to private sector organisations. Given the huge sensitivity of this process, what steps has the HWB taken to assure itself (and the public) that the CCG has the capacity to write the specification in such a way that the outcome will be determined on grounds of clinical quality, and will not allow for loss-leader private sector bids?

Response

The papers for the first formal meeting of the HWB in September included 13 pages on the Community Services Transformation programme, inclusive of the CCG’s proposals for tendering at that time.

The CCG is responsible for the tendering of the Community Services contract and is taking advice from NHS England, Monitor and the Competition Commission.

However, noting the Board’s duty to encourage integrated working, and the potential impact on the transformation programme and indeed the council’s own services,

there was a thorough discussion at the Board on the suitability of the timeframes for the proposed retendering. This is covered in the minutes of the last meeting. A further update on this will be provided at the next meeting of the Health and Wellbeing Board.

In-between meetings of the Health and Wellbeing Board, the council is in continuous discussions with the CCG on the matter of community services tendering.

Question 57

Reference is made in the Appendix to the role of a Joint Commissioning Board, but there is no information on this Board on the CCG web site nor in published HWB material. What is the role of this Board and who are its members?

Response

The role of the Joint Commissioning Board for Adult Services was referred to in the paper to Annual Council on the establishment of the Health and Wellbeing Board. It is a strategic group comprising representatives of the council and CCG. It acts as an advisory body to the two commissioning organisations, making jointly agreed recommendations for change.

Joint commissioning of services for both adults and children will work as sub groups of the Health and Wellbeing Board and, whilst not accountable to the HWB, the commissioning arrangements are brought together at Board level through joined up reporting arrangements.

Membership from CCG

- Accountable Officer - Deborah Fielding
- Chief Finance Officer - Simon Truelove
- Director of Quality and Patient Safety – Jacqui Chidgey-Clark
- Director of Planning, Performance and Corporate Services – David Noyes
- Group Director WWYKD – Mike Relph
- Group Director Sarum – Mark Harris
- Group Director NEW – Ted Wilson

Membership from Wiltshire Council

- Corporate Director – Maggie Rae
- Service Director Strategy & Commissioning – James Cawley
- Finance representative – to be advised
- Head of Commissioning, Older People – Nicola Gregson
- Head of Commissioning, Specialist Services – George O'Neill
- Head of Performance, Health & Workforce – Sue Geary
- Head of New Housing – Janet O'Brien
- Head of Business Change – Iain Kirby
- Public Health Consultant – to be advised

Other attendees are in an advisory/supporting role as required (e.g. NHS England). A proposal for a GP representative and the relevant cabinet member to attend is due for decision shortly.

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Item 8 - Questions from Councillors

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Jane Scott OBE, Leader of the Council

Question 58

After the redistribution of Licensing services around other Council service areas, where does responsibility for Wiltshire Council licensing policy and strategy lie within the Council leadership?

Response

In terms of member responsibility for the licensing policy, the position is determined by the Licensing Act 2003. Section 7 of that Act provides that responsibility for approval of the Council's statement of licensing policy lies with full council and all other matters relating to the discharge by the Council of its licensing functions are exercised by the Licensing Committee. Responsibility for preparation of the licensing strategy remains within the Public Health and Public Protection Team and this has not been affected by the re-allocation of other licensing functions, such as street trading and taxi licensing.

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Item 8 - Questions from Councillors

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing (excluding Strategic Housing)

Question 59

How long has the Council had access to (a) Early Morning Restriction Orders, (b) Late Night Levies and (c) Cumulative Impact Policies?

Response

Early Morning Restriction Orders (EMROs) and Late Night Levies (LNLs) came in to force in October 2012 as part of the Police and Social Responsibility Act 2011. Cumulative Impact Policies have been available to use since November 2005 as part of the Licensing Act 2003. However, in the Police and Social Responsibility Act 2011 this was amended to make it easier for councils to use / implement them as the evidential burden was reduced. Cumulative Impact Policies are mentioned in Wiltshire Council current licensing statement as something that could be considered, but until the amendment in 2011; it was difficult to invoke them.

As I've mentioned in response to one of the other questions, we're currently in the process of scoping the evidence around Milford Street and going out to consultation on this as part of the new licensing statement.

Question 60

Why have none of these powers been adopted by the Council, with the sole exception of the initial work now being done on a possible policy on Cumulative Impact in the Milford Street area of Salisbury?

Response

Recent changes to the Licensing Act have given new adoptive powers to the Council. These include the power to make Early Morning Restriction Orders (EMROs) and to impose Late Night Levies (LNLs). These are in addition to the previous powers to adopt Cumulative Impact Policies. These powers can only be implemented if the Council is satisfied that it is appropriate to do so. Any decision must therefore be based on evidence that there is an identified problem and that the use of any of these powers is appropriate to address that problem. At present, officers do not consider that there is enough evidence to pursue EMROs and LNLs at this time.

As part of the development of the new Licensing Statement, which must be completed by November 2014, officers are currently working with partners to gather the evidence to support a possible Cumulative Impact Zone for Milford Street in Salisbury. Consultation on this element will begin in January 2014.

Question 61

Does the loss of to voluntary redundancy of two of the three senior staff in the Council's Licensing Services, and the dismantling of the service, mean that in effect the Council has abandoned a capacity for any proactive Licensing intervention to reduce the effects and costs of late night alcohol-fuelled crime and anti-social behaviour in our town centres?

Response

The VR process has provided us with an opportunity to review the licensing functions and determine how the expertise of our licensing officers is best utilised. The Council's licensing services will be focused purely on the Licensing Act and Gambling Act and as such will be better placed to continue and build on the proactive interventions available to them to reduce the impact of alcohol fuelled night time economy issues.

Item 8 - Questions from Councillors

From Councillor Chris Caswill, Chippenham Monkton Division

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

Question 62

Why did it take so long to sign the new mega-contract with Balfour Beatty, and why was that followed so quickly by a public statement by Balfour Beatty that they had already lost a million pounds in their work for the Council and were having to move road repair staff to grass cutting work (just as winter was approaching)?

Response

There was no significant delay in signing the contract with Balfour Beatty Living Places (BBLP). In fact the signing took place much sooner than is usually the case with this type of contract. The depot leases and TUPE pension agreements all had to be in place before the contract was signed and these issues were agreed promptly.

The contract involved the transfer of staff from the Council and from the previous suppliers, and required new ways of working to be established. In order to achieve this BBLP are having to reorganise some aspects of their service in order to be able to deliver the Council's requirements for the future. The increased management capacity recently introduced by BBLP, and the additional resources being directed to the contract, are already beginning to show benefits, and these are expected to continue.

The position with regard to this contract was reported to Overview and Scrutiny Management Committee on 5th November and will be the subject of a rapid scrutiny, with performance being reported annually. There are monitoring systems and measures in place to manage the contract, and a series of weekly meetings have been established between the Council's and BBLP's Directors, chaired by Dr Carlton Brand, Corporate Director. Elected members also attend these meetings.

The response to the recent storm by BBLP was very good, and preparations have been completed for the winter season, with gritters maintained, staff trained and salt supplies in place.

Question 63

In the Chippenham Monkton ward alone, the completion of the major road works on Langley Road have been delayed from July to this month; road safety improvements

approved by the local CATG for the Lowden Hill tunnel are delayed from October to January at the earliest; and there is no information available at all about the delivery of white lining of a disabled bay in Tugela Road, and of dangerous junctions in Eastern Avenue which were promised and commissioned by Council officers in the summer. Assuming this pattern of delay is reflected across the County, is the contract with Balfour Beatty now out of the control of the Council and its members and officers? What assurances can you give to members of the public affected by these delays and what steps are going to be taken to improve outcomes from now on?

Response

The final stage of the major resurfacing work at Langley Road was partly delayed to enable the works to be extended to include the adjacent mini-roundabout at the request of Cllr Caswell. The timing of the works was also to enable the works to be carried out safely and to reduce the disruption to traffic in Chippenham.

Officers are working closely with BBLP to ensure that ordered works are now delivered without further delay and in accordance with agreed programmes. Much collaborative effort has taken place, and will continue to take place, between officers and BBLP to ensure that through robust and accurate programme management, the previous delays do not re-occur. BBLP have made changes internally to their management structure so that their roles and responsibilities align better with the way in which the Council operates. This will improve their overall efficiency and throughput of work.

Officers are working closely with BBLP to ensure that ordered works are now delivered without further delay and in accordance with agreed programmes. Much collaborative effort has taken place and will continue to take place between officers and BBLP to ensure that through robust and accurate programme management the previous delays do not re-occur. BBLP have made changes internally to their employee structure and their roles and responsibilities to align themselves better with the way in which the Council operates in order to improve their overall efficiency and through put of work.

Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

To Councillor Jane Scott OBE, Leader of the Council

Question 64

How many staff are employed in the Comms Team?

Response

There are 30.2 Full Time Equivalents (this includes web, design, and print team).

Question 65

What is the ratio between the highest paid employee of Wiltshire Council and the lowest?

Response

The ratio of highest paid to lowest paid employee within the council is published annually in February in the Pay Policy Statement which is available on the Wiltshire Council website. As you know the Pay Policy Statement is agreed by Full Council.

The current ratio of highest paid to lowest paid employee as at November 2013:

	Annual FTE Salary	Ratio
Highest Paid	£139,096	
Lowest paid	£12,435	11.19

The Hutton Review of fair pay in the public sector recommends a maximum ratio of highest paid employee to lowest paid employee of 1:20. The Wiltshire Council ratio of 1:11 clearly falls well within these guidelines.

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Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

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

Question 66

The Welfare Reforms obliged some Wiltshire residents who previously received Council Tax Benefit to pay a proportion of Council Tax for the first time. Do we know how many of such people are in arrears? Have any been taken to court?

Response

The council tax reduction (CTR) scheme replaced council tax benefit for those of working age and around 16,000 households are currently entitled to CTR. CTR may cover some or all of the council tax the household is liable to pay.

Historically around 11,000 court orders are obtained by the Council for non-payment of council tax each year, equating to around 6% of all liable households. So far 7047 have been obtained for the current financial year to 31st October 2013. The careful design of the CTR scheme has meant that the impact has resulted in only a small increase in the number of court orders obtained.

To date, of the 7047 households, 1907 are in receipt of CTR have also been taken to court as a result of either non-payment or late payment.

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Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

To Councillor Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing (excluding Strategic Housing)

Question 67

Do Wiltshire Council Environmental Health officers inspect school kitchens?

Response

School kitchens are inspected by Environmental Health Officers and Public Protection Officers from within the Food and Safety Team.

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Wiltshire Council

Council

4 February 2014

Petition Received

'Call for the Resignation of the Leader and Cabinet of Wiltshire Council'

Council has received a petition from Mr Paul Gaunt with 2,673 signatories on the above matter.

The petition states as follows:

'We the undersigned being electors in the Wiltshire Council local authority area state that we have no confidence in Wiltshire Council's Leader and Cabinet and call for their resignation.'

Why is this important?

On Tuesday 12th November, Wiltshire Council agreed to give a substantial increase in allowances to its members only weeks after making 252 staff redundant.

It means Jane Scott, Wiltshire Council Leader will see her allowance rise by 36.5 per cent a year, affording her an additional £14,892 on her present £37,335, bringing the figure to £52,227.

The increases, to be backdated from May's elections, those Councillors who are members of the Council's cabinet seeing allowances increase by at least 22 per cent from £15,101 to £18,433 a year.

During the summer, the Council ran a voluntary redundancy programme in which 252 front-line staff decided to leave the organisation.

Seven of the Council's 18 associate directors took voluntary redundancy. The remaining associate directors have seen their wages rise by 7.5 per cent, on average.

The rises for those at the top come at the time when front line staff are seeing their numbers reduced, duties increased and minimal pay rises.

This is to the detriment of services and shows a total disregard for service users, the front-line and back office staff at the Council, as well as the Council Tax and Business Rate payers of the County of Wiltshire'.

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Wiltshire Council

Council

4 February 2014

Petitions Update

_Petitions Received

As of 20 January 2014 two petitions have been received by Wiltshire Council since the last report to Council on 12 November, 2013. Further details are shown at Appendix 1 to this report.

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Proposal

That Council notes the petitions received and the action being taken, as set out in the Appendix to this report.

Democratic Governance Manager

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Date of receipt	Subject	Number of signatories	Action
23 November	Provision of Gravel/Salt Bin in and around Evans Close, Chippenham	34	Brought to the attention of Highways and the Cabinet member and referred to Chippenham Area Board.
20 January 2014	Call for the resignation of the Leader and Cabinet of Wiltshire Council	2,673	Being presented to Council on 4 February 2014

Note: This does not include petitions received in respect of regulatory matters ie planning and licensing which are dealt with under different procedures.

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Notices of motion

The following rules taken from Part 4 – Rules of Procedure – Council explain how motions are to be dealt with at the meeting:

At the meeting

89. The Chairman will invite the proposer, or one of the councillors, who has given notice of the motion to move the motion. Where these councillors are not available at the meeting, the motion can be moved and seconded by any other councillors.
90. A notice of motion must be moved at the meeting, it must then be seconded. If the motion is not moved and seconded, it will, unless postponed by consent of the Council, be treated as abandoned and may not be moved without fresh notice.
91. Once moved and seconded at the meeting, the councillor proposing the motion will be given up to five minutes in which to present his or her motion.
92. The Chairman will give the relevant cabinet member an opportunity to respond to the motion giving him or her up to five minutes in which to do so.
93. On considering a notice of motion and subject to paragraphs 95-100 below, the following options shall then be open to the council:
 - debate the motion and vote on it
 - refer it to an appropriate member body with or without debate
 - refer it to the Leader of Council with or without debate
94. The Chairman will move that the motion either be debated on the day or referred to the appropriate member body. This will be seconded by the Vice-Chairman of Council or in his or her absence, another member of the council and put to the vote without discussion. On the question of referring the motion to an appropriate member body, the only amendment the Chairman will accept is to which member body the motion should be referred.
95. If the motion relates to a function exercisable only by the council then the council will debate the motion and on consideration of a report, determine the motion or refer it to a future meeting of the Council.
96. If the motion relates to a function that has been delegated to another member body then the council will vote without debate on whether to refer the motion to that member body.
97. If referred to another member body that member body must consider the motion at its next available meeting. The mover and seconder of the motion will be invited to attend that meeting if they are not already members of that body in order to present their motion but will not be able to vote unless they

have voting rights. The member body must report back to the council as soon as practicable by way of the minutes of that meeting.

98. If the notice of motion is referred to another member body following debate at council, a summary of the debate at council together with any recommendation will be taken into account by the member body when considering the motion.
99. If the notice of motion relates to an executive function, the motion will be referred to the Leader of the Council. The Leader will write to the proposers of the motion with a copy to all members of the council, advising them what steps he or she proposes to take.
100. Any decision of council arising from a motion must comply with the principles of decision making as set out in Part 2, paragraph 14.2 of this Constitution.

Wiltshire Council

Council

4 February 2014

Notice of Motion No.6 - Members' Allowances

**From Cllrs Jeff Osborn, Terry Chivers, John Walsh, Helen Osborn, Ernie Clark,
Brian Dalton, Ian West, Ian Tomes, Ricky Rogers, and Trevor Carbin**

This motion has been submitted in accordance with paragraph 130 of Part 4 of the constitution which requires at least 10 signatures as it relates to the rescission of a decision made within the past six months:

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

For ease of reference the decisions referred to in the above motion are detailed at pages 15 – 17 of this Summons.

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Wiltshire Council

Council

4 February 2014

**Notice of motion No. 7 – Changing Call-in Procedures
From Cllrs Jon Hubbard and Gordon King**

To consider the following motion:

‘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.’

In accordance with the constitution which requires changes to the constitution being approved by Council only after consideration of the proposal by the Standards Committee and the Monitoring Officer, this motion was brought to the attention of the Standards Committee on 20 January 2014.

The Standards Committee agreed that the appropriate opportunity to debate the proposed change could be had at this Council meeting. Furthermore, it was content for the matter to be considered and determined by this Council meeting without referral back to the Standards Committee.

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Wiltshire Council

Cabinet

21 January 2014

Subject: Wiltshire Local Transport Plan 2011-2026: Other Strategies

Cabinet Member: Councillor John Thomson – Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband

Key Decision: Yes

Executive Summary

The Local Transport Plan (LTP) is a statutory document. Wiltshire's third LTP (LTP3) was published in March 2011. A number of sub-documents were not published in 2011 in light of planning and funding uncertainties.

Public consultation on the draft LTP3 sub-documents took place during February and March 2013.

The LTP3 is currently made up of the following elements:

- Strategy
- Implementation Plan
- Freight Strategy
- Public Transport Strategy
- Road Safety Strategy
- Car Parking Strategy

The sub-documents presented here are:

- Accessibility Strategy
- Cycling Strategy
- Powered Two-Wheeler Strategy
- Smarter Choices Strategy

Remaining outstanding sub-documents include other theme strategies and area strategies.

Proposals

That Cabinet:

- (i) approves the Wiltshire Local Transport Plan (LTP3) 2011 – 2026: Accessibility, Cycling, Powered Two Wheeler and Smarter Choices strategies and recommends adoption by the Council at its meeting on 4 February 2014;**
- (ii) notes that further LTP3 theme strategies and area strategies, and implementation plans are planned to be developed and**
- (iii) delegates authority to the Associate Director for Highways and Transport to finalise the document for publication by 31 March 2014.**

Reason for Proposal

To ensure the timely publication of a statutory document.

Parvis Khansari
Associate Director, Highways and Transport

Wiltshire Council

Cabinet
21 January 2014
County Council
4 February 2014

Subject: Wiltshire Local Transport Plan 2011-2026: Other Strategies

Cabinet Member: Councillor John Thomson – Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband

Key Decision: Yes

Purpose of Report

1. For Cabinet to approve four sub-documents of the Wiltshire Local Transport Plan (LTP3) 2011-2026: Accessibility Strategy, Cycling Strategy, Powered Two-Wheeler Strategy and Smarter Choices Strategy.
2. For Cabinet to note the forthcoming development of the outstanding sub-documents of LTP3.

Relevance to the Council's Business Plan

3. These four strategies will help achieve the Business Plan goals. In particular:
 - The Accessibility Strategy helps to ensure that services are working together to identify and reduce inequalities between Wiltshire's towns and rural areas, and across community areas;
 - The Smarter Choices, Powered Two Wheeler and Cycling Strategies help to ensure that people have healthy active and high-quality lives by encouraging walking and cycling, reducing road casualties and reducing air pollution. They also help ensure that everyone in Wiltshire lives in a high quality environment by lowering our carbon footprint and promoting sustainable transport.

Background

4. The Transport Act 2000 made it a statutory requirement for local transport authorities to produce LTPs. The current Wiltshire LTP runs from 2011 – 2026 (LTP3) and can be found at <http://www.wiltshire.gov.uk/localtransportplan3.htm>
5. In response to the uncertainties created by the general election and subsequent planning and funding changes, the LTP3 Project Board took the pragmatic decision to reduce the scale and scope of the LTP3 in 2010 by:
 - (i) only producing a one-year implementation plan;

- (ii) not including the area transport strategies for Chippenham, Devizes, Salisbury and Trowbridge; and
 - (iii) reducing the number of theme strategies to four: car parking (approved by Cabinet at its meeting on 14 December 2010), freight, public transport and road safety.
6. Consultation on the Accessibility, Cycling, Powered Two Wheeler and Smarter Choices Strategies took place in February - March 2013.
 7. The remaining theme strategies are network management, transport asset management plan and walking. A Wayfinding Strategy (e.g. directional signposting) has been prepared by Atkins for the Council and may also be included as an LTP3 sub-document.
 8. Officers have been preparing the final LTP3 Accessibility, Cycling, Powered Two Wheeler and Smarter Choices Strategies in light of the consultation responses and other evidence to ensure that it meets the requirements of the DfT's guidance and helps support local objectives. The main changes made to each section of the consultation draft are detailed in **Appendix 1**. The comments and responses are shown in **Appendices 2-5**.
 9. A draft of the final Wiltshire LTP 2011 – 2026: Accessibility, Cycling, Powered Two-Wheeler and Smarter Choices Strategies is attached as **Appendix 6**.
<http://www.wiltshire.gov.uk/localtransportplan3.htm>

Main Considerations for the Council

10. The following sections provide a brief summary of the LTP3 Accessibility, Cycling, Powered Two-Wheeler and Smarter Choices Strategies.

Accessibility Strategy

11. The Strategy adopts a vision for accessibility which is "to help reduce social exclusion and provide good sustainable access to employment, health care, education, leisure and social activities, as well as other vital goods and services, so that wherever possible people can satisfy their needs locally and without the need to travel by car".
12. Government guidance requires that authorities identify accessibility priorities within their LTP areas.
13. This Strategy has made a relatively broad strategic assessment of accessibility in Wiltshire with a number of priorities being identified for assessment. The first priorities are young people, health and local area assessments.
14. Some of the issues considered in this LTP had already been identified for action in LTP2 and where possible these have been addressed through either the funding levels available at the time or by statute. The Accessibility Strategy, together with the other related strategies of public transport, cycling, walking, smarter choices and rights of way, will seek to address the identified accessibility priorities during the lifespan of LTP3. However, priorities can and do change and therefore this process is very much an iterative one and one where more in-depth local assessments will seek to re-evaluate and re-address the priorities to help ensure that funding and resources are being directed in the most appropriate way possible.

15. Over the next 12 -18 months transport planning officers will seek to identify with more accuracy and assurance where the specific accessibility issues occur. Data from the 2011 Census is beginning to be published now and it is envisaged that some of this data will help build a clearer picture of accessibility issues throughout Wiltshire.

Cycling Strategy

16. As part of the strategic options and appraisal process (see chapter 5 of the main LTP3 strategy document) the Council’s preferred strategic options with regards to cycling measures were established as follows:

Cycle network

Approach	Balanced
Broad description	Provide a sympathetically designed, high quality and well maintained network of cycle routes in the principal settlements and market towns, and where appropriate, provide links between the market towns and to national cycle routes.

Cycle parking

Approach	Balanced
Broad description	Provide high quality cycle parking at key destinations and transport interchanges. Require adequate levels of high quality cycle parking in all new developments with higher levels of provision in the principal settlements and market towns.

17. The cycling strategy expands on these key policies to provide more detail including identifying key routes for improvement, cycle parking standards and identifying the processes to prioritise funding.
18. The Town Cycle Networks identify a key network of key cycle routes in each town. These networks are dynamic and periodic updates will be produced.
19. Key issues raised by the consultation were:

Theme	Officers notes
More use of 20 mph zones in urban areas and 40 mph limits on rural routes	This is dealt with by the Road Safety Strategy and upcoming policy notes
The strategy should be more visionary and include more improvements on rural and tourist cycle routes	There is insufficient funding for this and the radical option for cycle infrastructure was not chosen in the main LTP3 strategy. Rural cycle improvements are largely dealt with through the Countryside Access Improvement Plan, CATG and other Area Board projects and Road Safety improvements.

- 20. This strategy sets out how safety issues are addressed through the Road Safety Strategy with additional policies on infrastructure and parking, including motorcycle parking standards.
- 21. There were very few comments on this strategy and stakeholders seem broadly satisfied.

Smarter Choices Strategy

- 22. This strategy sets out key policies on Travel Plans, car share, electric charging points, transport marketing and information.
- 23. As part of the strategic options and appraisal process (see chapter 5 of the main LTP3 strategy document) the Council’s preferred strategic options with regards to smarter choices measures were set out as follows:

Smarter choices

Approach	Balanced
Broad description	Promote limited smarter choices measures in appropriate new developments and the market towns and undertake a range of targeted smarter choices promotions.

Travel plans

Approach	Balanced
Broad description	Use the planning system to develop, monitor and enforce mandatory residential and business travel plans, and promote the use of voluntary travel plans by organisations generally. Require appropriate contributions to support sustainable transport measures.

- 24. Stakeholders seemed broadly satisfied with this strategy.

Safeguarding Implications

- 25. There are no safeguarding implications as a direct result of this proposal.

Public Health Implications

- 26. The Cycling Strategy should increase the opportunities for safe cycling and encourage cycling, reducing inactivity-related illness.
- 27. The Smarter Choices Strategy promotes cycling and walking.
- 28. The Accessibility Strategy helps to identify inequalities of provision in active travel.
- 29. The Powered Two Wheeler Strategy seeks to reduce motorcycle casualties while at the same time increasing accessibility and reducing pollution.

Environmental and Climate Change Considerations

30. The Smarter Choices, Cycling and Powered Two Wheeler Strategies all encourage less carbon emissions, less pollution and better use of existing transport infrastructure, which helps to reduce CO2 emissions and preserve the countryside.

Equalities Impact of the Proposal

31. The four strategies should increase opportunities for people without access to a car to travel to work or education, or access key services.
32. The Accessibility Strategy helps to identify and tackle inequalities in transport provision.

Risk Assessment

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

1.	Inability to make decisions due to lack of an agreed policy.
2.	Reduced ability to apply for external funding for sustainable transport schemes.
3.	Negative reputational impact.
4.	Inability to secure adequate cycling and motorcycle parking provision through developments.

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

Risk	Mitigation action
Inability to tackle inequalities in accessibility once identified due to lack of funding.	Working with partners and applications for external funding.
Inability to implement strategies due to lack of funding, infrastructure design feasibility issues or lack of community support.	Applications for external funding, continued dialogue with communities and identifying alternate options where proposed design is infeasible.

33. 'Failure to deliver the LTP3 on time and at the required quality' has been added to the Council's corporate risk register.

Financial Implications

34. These strategies set out policies rather than spending and investment proposals.
35. It is expected that delivery of the strategies will be through existing funding sources, i.e. LTP Integrated Transport Fund and the Communities Infrastructure Levy (CIL), alongside external funding such as the Local Sustainable Transport Fund.
36. Where appropriate external funding sources are identified, a financial appraisal will be completed as part of the grant bidding process.

Legal Implications

37. The publication of the new (third) LTP in March 2011 was a statutory requirement under the Transport Act 2000 (as amended by the Local Transport Act 2008). The strategies contained in this report clarify the policies outlined therein. The necessity for Full Council approval is contained in Part 3 of the Council's Constitution.

Options Considered

38. Alternative options are to:
- (i) Not approve the four strategies leaving a policy gap.
 - (ii) Alter the strategies by adopting options that were rejected as part of the main LTP3 consultation.
39. These options are not recommended.

Conclusions

40. The LTP3 is a key policy document that should influence many areas of the Council's business.
41. The development of these four strategies has been the result of a lengthy exercise, involving wide ranging consultation, and a careful reflection on the economic, environmental and social factors that are distinctive to the county.
42. In summary, whilst road safety, social exclusion and health will remain areas where we will look for continued improvement, enabling economic recovery and reducing carbon emissions emerge as the headline priorities.

Parvis Khansari Associate Director, Highways and Transport

Report Author:
Heather Blake
Senior Transport Planner – Transport Strategy
01225 718762
November 2013

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

None

Appendices

Appendix 1 – Main changes made to draft documents
Appendix 2 – Comments on Accessibility Strategy
Appendix 3 – Comments on Cycling Strategy
Appendix 4 – Comments on Powered Two Wheeler Strategy
Appendix 5 – Comments on Smarter Choices Strategy
Appendix 6 - Wiltshire Local Transport Plan 2011- 2026 – Other Strategies

<http://www.wiltshire.gov.uk/Pages/transportplan3.htm>

Updates to LTP3 strategies since Feb 2013 consultation

This document sets out key changes to the strategies since the consultation in February 2013. This is as a result of the consultation or due to ongoing work by council officers or changes to national policy.

Accessibility Strategy

Policy updates were made including:

- Door to Door Strategy – now included in strategy is a brief summary of this strategy.
- Transport for Everyone: an action plan to improve accessibility for all – now included in the strategy, considers the accessibility needs of those with disabilities.
- New Forest Recreation Management Strategy – updated to include this.
- Cranborne Chase and West Wiltshire Downs Management Strategy – updated to include this.

Updates to the Strategic Accessibility Assessment were made including:

- Wiltshire rail network – now included a brief overview of Wiltshire's rail network including the new TransWilts services.
- Population and age profiles – updated to include 2011 census data.
- Car ownership – updated to include 2011 census data.
- Travel to work patterns – updated to include 2011 census data.
- Information communication technology – working from home data updated from 2011 census.
- Rural areas and communities – updated to provide information from the Rural Facilities Survey 2012.
- Tourism – updated to include New Forest National Park.

Cycling Strategy

Policy updates were made including the door-to-door strategy.

Updates to the strategy were made including:

- Policy 1d has been amended to refer to the Wayfinding Strategy which is being completed by Atkins for the Council. The new text reads: Ensure appropriate directional signage is included in new schemes and look for opportunities to improve directions on existing routes by developing and implementing Signposting Implementation Plans for each Town Cycle Network following the principles of the Wayfinding Strategy.

- Addition of policy 1d – Consult with local cycle groups about Town Cycle Networks and scheme design where possible. This strengthens the existing text in Appendix 2.
- Addition of policy 3d. Working with partners to signpost key national and regional cycle routes on highways such as the Wiltshire Cycle Way. This clarifies text elsewhere in the strategy.

Powered Two Wheeler Strategy

The commitment to produce a Motorcycle Safety strategy as an appendix has been removed. Provisions that were intended to be in this appendix have now been included within the main document.

Smarter Choices Strategy

Policy updates were made including:

- Health references have been updated to include NICE guidance on walking and cycling.
- References to Wiltshire Council's Air Quality Strategy have been added.

Key updates to the strategy include:

- Reference to the importance of smarter choices measures for visitor attractions has been added.
- Updates have been added to reflect the development of 'Connecting Wiltshire'.
- The section on Personal Travel Planning has been revised to reflect work undertaken as part of the LSTF programme.

APPENDIX 2

Name/ Organisation	Ref point in strategy	Comment	Response
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 137</p> <p>Mary Jarvis Clerk Melksham Without Parish Council</p>	<p>General comment</p>	<p>Two concerns about the consultation process overall in conclusion:- The question has to be asked "Does Wiltshire Council really want comments on this Plan?!" A councillor who focused on the cycleways issue in the LTP commented that he found it so difficult to get through to find the relevant maps and consultation on your website that he felt Wiltshire Council was obviously not wanting comments too badly!</p> <p>As with the Core Strategy Examination, it is unfair on local councils to have the consultation period for this major Strategic Plan during the election (purdah) period, with the complex process of a local election timetable taking place.</p> <p>The closing date for this Transport Plan is just 22 days after a local council election - 24th May. In our case the Annual Council only met on 20th May and we then had to elect all our committees, reps, etc, as well as review our Annual Accounts and Insurance. This untimely consultation, coupled with the failure of Wiltshire Council to send out even one draft hard copy to us means that we have been unable to put this on a Council Agenda or involve new councillors in any proper assessment of the Plan.</p> <p>These Plans are about local communities but it seems that so little effort goes into making them easily understood. Our earnest desire is thus that the new Wiltshire Council will bring with it a proactive attitude towards working more closely with local councils and communities. As a council we always try to make our office freely available to assist you in your work with local residents in planning, footway queries, flooding concerns etc, saving you huge costs and hours of work. It would so good if you in return were willing to facilitate more meaningful communication between us by sending at least one hard copy of any major strategic document to read.</p> <p>Please may we have a copy of the Local Transport Plan so that all our councillors may read and understand it without having to squint at a screen!</p>	<p>We are sorry to learn of the difficulties encountered by the councillor. It is not our intention to make consultations difficult for people – indeed, we use the Objective system to make consultations easier to access.</p> <p>Unfortunately, it is not always possible to programme consultation events to avoid other processes such as elections. Recognising this, we did run the consultation event for the full 12 weeks period as set out in the Wiltshire Compact.</p> <p>In terms of the provision of hard copies, in the interests of resource saving, we do not send these out automatically. We can, however, provide hard copies if requested.</p>
<p>Margaret Willmot Campaign for Better</p>	<p>General comment about strategy</p>	<p>The DfT guidelines on Inclusive Mobility Dec 2005 (http://www.dft.gov.uk/publications/inclusive-mobility) cover the adaptations which might be necessary to provide an environment better suited to the needs of those with a wide range of physical, sensory and mental impairments. These guidelines include the statement that "... <i>auditing problems of access should be part of the process of</i></p>	<p>Noted.</p>

Transport Salisbury (47)		<i>developing guidance, strategies and implementation programmes, which themselves should form part of Local Transport Plans, local bus and local walking strategies ."</i>	
Anne Henshaw Calne Area Transport (27)	2. Accessibility introduction	Much detail of this is missing such as in 2.3 last sentence. Are new recommendations for planning departments to positively require the recommended cycle parking standards to be enforced?	Passed to HB
Margaret Willmot Campaign for Better Transport Salisbury (47)	2. Accessibility introduction	Specific 2.3 The issue is not just that 'not everyone has access to a car' but the fact that if everyone did have access to a car the environmental impact (in terms of land required for parking/roads, the air pollution and CO2 emissions caused) and the health impacts of inactivity etc would be unacceptable	Noted.
Margaret Willmot Campaign for Better Transport Salisbury (47)	2. Wider context	2.18 The spatial vision quoted here from the emerging Core Strategy does not match the vision which is in the Wiltshire Core Strategy submitted to the Planning Inspectorate for the Examination. The current version of this section (which includes a change, Change Ref 7, to include 'historic' as well as natural and built environment) reads as follows: <i>"By 2026 Wiltshire will have stronger, more resilient communities based on a sustainable pattern of development, focused principally on Trowbridge, Chippenham and Salisbury. Market towns and service centres will have become more self-contained and supported by the necessary infrastructure, with a consequent reduction in the need to travel. In all settlements there will be an improvement in accessibility to local services, a greater feeling of security and the enhancement of a sense of community and place. This pattern of development, with a more sustainable approach towards transport and the generation and use of power and heat, will have contributed towards tackling climate change. Employment, housing and other development will have been provided in sustainable locations in response to local needs as well as the changing climate and incorporating exceptional standards of design. Wiltshire's important natural, built and historic environment will have been safeguarded and, where necessary, extended and enhanced to provide appropriate green infrastructure, while advantage will have been taken of the Wiltshire's heritage to promote cultural and lifestyle improvements as well as tourism for economic benefit. Partnership working with communities will have helped plan effectively for local areas and allow communities to receive the benefit of managed growth, where appropriate"</i> .	Noted and amended strategy.

Anne Henshaw Calne Area Transport (27)	2. Local interest groups	If it is work to be done at a local level, or through the Area Transport Strategy, who are the local interest groups who will be involved? Those invited to be involved should listed. See bullet 2.24...(error in numbering?)	Discussions with local interest groups has been more limited than would have been hoped. However, it is likely that these will be progressed through the local assessment work. Communities and groups will likely have an opportunity to feed into the process through the community areas although this detail had yet to be fully determined.
Margaret Willmot Campaign for Better Transport Salisbury (47)	2. Local interest groups	There is a mention in 2.24 of discussions having taken place with 'interest groups' - it would be helpful to know which groups these were and where they were located in the county. Also what 'valid points/issues' referred to in 2.24 were raised, and how these are to be monitored. In the Equalities impact assessment it is noted "A number of communities and groups have been identified and approached for their assistance in data gathering, but further work is required to ensure all accessibility issues are covered." Can we be made aware of how communities and groups will be able to feed into this process?	Discussions with local interest groups has been more limited than would have been hoped. However, it is likely that these will be progressed through the local assessment work. Communities and groups will likely have an opportunity to feed into the process through the community areas and CATG's although this detail had yet to be fully determined.
Ron Crook (13)	3. Vision	3.2 The term 'Big Society' needs to be defined.	Noted and strategy amended to provide a broad definition.
Margaret Willmot Campaign for Better	3. Vision	3.1 The vision would be made rather stronger by removing the 'begin to' from before 'satisfy their needs locally' (i.e. '...wherever possible people can satisfy their needs locally...' would be better than '... wherever possible people can begin to satisfy their needs locally...')	Noted and amended strategy.

Transport Salisbury (48)			
Margaret Willmot Campaign for Better Transport Salisbury (48)	3. Vision	Figure 3.1 The pedestrian environment - for example in shopping streets, or in residential areas, is not mentioned and this is important in terms of overall accessibility and providing streets for people rather than motor vehicles. I would suggest that under 'safety, security and health' and 'reduce carbon emissions' the bullets re 'improvements to the Rights of Way network and cycle path network' should be changed to refer to 'improvements to the pedestrian environment, the Rights of Way network and cycle path network'.	Noted and amended strategy.
Lt Cdr J Blake/CPRE (57)	3. Vision Accessibility: the bigger picture	In figure 3.1 "the pedestrian environment" should be added to improvements to the Rights of Way and cycle path network.	Noted and amended.
Mr Douglas Colborne (3)	5. Strategic accessibility assessment	You have identified the main population centres of the county. There will be a growing need for travel between these as well as access for more local services. I could see nothing about improvements to the existing trans Wilts rail corridor i.e. Swindon-Chippenham-Melksham-Trowbridge-Westbury-Warminster-Salisbury and the encouragement of its use coupled with an attractive service provision.	Noted and amended strategy, to reflect the LSTF project.
Nigel Chalk (11)	5. Strategic accessibility assessment	There are major opportunities for using the existing rail freight traffic flows to drop off/pickup wagons while passing through the county. For example a major opportunity would be the Freightliner services Southampton-Cardiff, Bristol- Grain and Bristol Tilbury services which pass through Swindon daily, there are several ex railway sites/sidings that could be used to put containers onto lorries for local drops. E.g. Old carriage shed site on south side of main line opposite old Railway Works site could be linked to Great Western Way. For your information the automotive traffic ceased in early 2011 and since then demise of the Swindon Longbridge (ROVER) service there was only one train every 2 weeks from HONDA.	Whilst the council recognises the need to achieve a more sustainable distribution of freight it is recognised that the overwhelming majority of freight distribution within the county is made by road, and that this is likely to remain so in the foreseeable future. Often heralded as the panacea for freight distribution, rail freight

			<p>does have a number of barriers to cross before achieving any mode shift (i.e. high financial costs; the extent of physical infrastructure required; and the inflexibility of the service offered).</p> <p>These barriers have continually made any mode shift from road to rail difficult to promote or implement.</p> <p>For more information please see the Freight Strategy.</p>
Margaret Willmot Campaign for Better Transport Salisbury (49)	5. Strategic accessibility assessment	<p>5.18 'information fro' should read 'information for'</p> <p>5.23 'accessing he relevant' should read 'accessing the relevant'</p>	Noted and amended strategy
New Forest National Park (84)	5. Strategic accessibility assessment	<p>Under section 5, as you will be aware, seven per cent of the New Forest National Park is within Wiltshire, the A338 is an important route linking Salisbury, Fordingbridge and Ringwood. This route connects Salisbury with the wider New Forest area providing opportunities for tourism, recreation, employment and good access to the strategic road network via the A31 and onto the M27 and M3 corridor. In order to make it easier for everyone to enjoy the National Park sustainably, our recreation management strategy includes the following action relating to accessibility:</p> <p>5.8.2 Encourage and work with Hampshire County Council and Wiltshire Council to increase the accessibility of the National Park by providing safe road crossing points at key locations for walkers, horse riders and cyclists, ensuring that these will not increase pressure on the most fragile parts of the National Park.</p>	Noted and amended strategy.

New Forest National Park (86)	5. Strategic accessibility assessment	Under 5.54 (Tourism) in addition to Areas of Outstanding Natural beauty, it is worth referencing the new Forest National Park and specific transport challenges it faces.	Noted and amended strategy.
Environmental Health Wiltshire Council (94)	5. Strategic accessibility assessment	5.4 states that 20 community areas were created and paragraph 3.3 states 18 community areas. This error is also carried through to the key accessibility points' blue box.	18 Area Boards but 20 Community Areas
Environmental Health Wiltshire Council (94)	5. Strategic accessibility assessment	5.6 Should be amended to read that Public Health moved from the NHS to Wiltshire Council in April 2013 as this has now happened.	Noted and amended strategy.
Margaret Willmot Campaign for Better Transport Salisbury (50)	6. Accessibility priorities	6.12 Bullet point re Tisbury (1% within 800m of buses running hourly or better) - would it be more relevant to refer to 'public transport' rather than buses, since Tisbury does have the benefit of a railway station + an hourly train service - perhaps a factor in why there are fewer buses?	Buses is used in this instance because it is a recognised accessibility measurement and whilst Tisbury does have a train station this is the not case of all community areas in Wiltshire.
Lt Cdr J Blake/CPRE (56)	6. Local assessments	An accessibility strategy that aims to provide access for all not only to public transport and buildings but along roads, especially country lanes and roads in towns, bearing in mind the needs of wheel chairs.	Noted. Carrying out local assessments and working with local groups will help to identify specific accessibility issues including those with mobility disabilities.
New Forest National Park (87)	6. Accessibility priorities	Young People (6.10) – it might be of interest for them to know that the NPA now has a Mosaic person who is engaging young people with the (whole of the) National Park.	Noted and will bear this in mind for future reference.
Environmental Health Wiltshire Council (95)	6. Accessibility priorities	6.3 should be deleted as this is all in the past and serves no purpose in the context of this strategy.	This paragraph is necessary as it demonstrates the need to continue to work with our health colleagues to help improve accessibility to health care services.

Environmental Health Wiltshire Council (96)	6. Accessibility priorities	The strategy serves as a useful reference document highlighting the issues facing Wiltshire with regards to accessibility. The local assessments will help to provide the real focus and enable Public Health and Public Protection Services to feed in to the process, in particular to delivering accessibility with regard to improved air quality and public health outcomes.	Noted and we will be mindful of this when the local assessments (re)commence.
Anne Henshaw Calne Area Transport (100)	6. Accessibility priorities Local assessments	Will an audit be required for each market town in order to establish the wide range of obstacles required to be assessed in order to meet mobility requirements? These requirements vary depending on the user group eg. Pedestrians (single or groups such as school children), cyclists, older people using scooters, wheelchairs and those with impaired vision.	It is likely we will use existing evidence and communicate with existing groups however it is likely we will cast a wider net and take more holistic approach and develop a more involved approach with health colleagues using community resources such as CATG's and AB Grants.
Margaret Willmot Campaign for Better Transport Salisbury (101)	6. Accessibility priorities Local assessments	<p>There is a lack of detail regarding what is needed within communities to enable better access - this appears to be deferred for further work at a local level (although the details of how this will be progressed in terms of organisations involved and time frame is not clear).</p> <p>While local assessments are referred to in 6.15-6.17 of this Accessibility Strategy the actions proposed seem to refer more to the 'macro' level (frequency of PT services etc) and there is little indication of the 'micro' level of enhancements which might be assessed & implemented (e.g. city centre changes to provide level street scene for ease of wheel chair access, implementation of wider pavements and dropped kerbs for wheel chairs, buggies and shopping trolleys, signage & assistance for visually impaired etc). For a city such as Salisbury, which attracts a large number of shoppers & tourists with a wide range of mobility requirements, these details are really important - at what stage will the sort of city centre accessibility audit which is required be undertaken? Will this be clarified in the Walking Strategy which is still outstanding?</p>	The Accessibility Strategy and the accessibility planning exercise within it are and will be at the macro level. This starts at the strategic countywide level down to macro local level. However it is probable that during this process micro level issues will be uncovered, however this isn't the main focus. Therefore each town will not undergo a detailed accessibility audit, however should the micro level issues become a countywide issue they will be considered as part of the local assessments.

			Micro level issues are already dealt with through the LTP process.
Mr Nigel Chalke (10)	7. Delivery accessibility	<p>More must be done to open/re-open services/stations in Wiltshire, it is ridiculous that there is no direct connections from Swindon (largest town) – Chippenham (County Record offices) – Melksham – Trowbridge (County town) – Westbury – Warminster – Salisbury.</p> <p>There is also a need for a second station for Swindon and in the Swindon Plan it has been suggested that there are 3 options for a Park-and-Ride located either on Bristol line where is crossed M4, Gloucester line using old refuse site or London line just past Police station on A420 using old Fish sidings.</p>	Noted. There will be a new service between Westbury and Swindon via Melksham commencing Dec 2013. Stratgey amended to reflect this.
Mrs S Harry Tisbury Parish Council (44)	7. Delivering accessibility	<p>Tisbury Railway Station would be an ideal hub for the community area, but is lacking in any co-ordinated integration with a bus service. This is considered to be a threat to the economic viability of Tisbury's High Street that relies on visitors. Facilities, including tourist information and toilets, should be available at the railway station at all times during the timetabled service.</p> <p>Targeted bus services using smaller vehicles to provide a flexible, peak-time demand led service would be of great benefit. Tisbury and the surrounding villages make great use of TISBUS and the Link Scheme, but these are run by volunteers (with a few paid drivers) and currently operate at capacity; Wiltshire Council should consider subsidising such existing services rather than creating new additional services. Note - the estimated cost of providing an extra TISBUS per annum is put at £40,000.</p> <p>Due to the lack of bus services, the elderly are particularly dis-advantaged as bus passes are not useable; a form of train ticket subsidy (that would allow access to Salisbury and Gillingham) and would be more beneficial and should be actively considered by Wiltshire Council as an alternative to a bus pass for those that wish to make better use of the local train network.</p> <p>Shaftesbury, being the largest near town, cannot be reached for return journeys in any time period of less than a day.</p>	<p>Noted.</p> <p>Supported bus services in the Tisbury area are due to be reviewed in 2014/15, and in common with other bus service reviews this will include discussion with community transport groups and Link schemes about their ability and willingness to play a greater role in delivering local public transport services. The council already provides grant funding to support the existing activities of CT and Link schemes.</p> <p>The option of providing support for train travel as an alternative to the free bus pass was considered a few</p>

		<p>The above is just one example of a specific bus timetabling issue, but there are further examples, such as:</p> <ul style="list-style-type: none"> • Children from Tisbury attending Shaftesbury School are severely disadvantaged in terms of after school activities and rely heavily on parents for transport due to the lack of bus services at appropriate times, with the consequent increase in car journeys. • Better co-ordinated bus/train services should be considered, a prime example being that no bus runs directly between Salisbury Railway Station and Salisbury District Hospital; a walk is required - not ideal for those that are not well. It should be noted that a high percentage of the journeys undertaken by TISBUS and the Link Scheme are related to trips to the hospital. A short detour by the Bemerton Heath bus service would be most welcome! • Tisbury and area residents cannot travel on the last train from Waterloo unless arrangements have been made for a taxi, pick up by family/friend, parked car at Salisbury, as this train doesn't stop at Tisbury and there is no bus service at that time. <p>The road infrastructure is not considered adequate in terms of suitability for the large buses that transport School children, or maintenance, that does affect the safe travel of 2 wheeled transport, whether powered or not.</p>	<p>years ago, and rejected for financial reasons. Older people can already purchase a senior citizens railcard which provides discounted rail travel.</p> <p>These detailed points can be considered in the review of supported bus services mentioned above. However, the service that can be provided will (as now) be limited by the funding available and the operational constraints of trying to serve as many of the different needs of the area as possible while making cost effective use of the vehicles and drivers that are available.</p>
Mrs S Harry Tisbury Parish Council (44)	7. Delivering accessibility	The Wheels to Work Scheme does provide some mobility in the area, especially for younger working individuals, but is limited by distances between the villages in the area and the larger towns.	Passed to HB
Mrs S Harry Tisbury Parish Council (44)	7. Delivering accessibility	Co-ordination with the AONB Visitor Economy project should be encouraged by all transport groups.	Noted and will bear this in mind for future reference.
Mrs S Harry Tisbury Parish Council (44)	7. Delivering accessibility	Improving the broadband provision in the Tisbury community area would reduce overall demand on the current transport services where available - enabling some more effective home working, shopping etc.	Residents and businesses in Wiltshire will soon benefit from a multi-million pound partnership between Wiltshire Council, BT and South Gloucestershire Council to provide superfast fibre broadband. The rollout will see 91% of premises in

			Wiltshire connected to superfast fibre broadband of 24Mbps and above by March 2016.
Mrs S Harry Tisbury Parish Council (44)	7. Delivering accessibility	Wiltshire Council should consider restoring the subsidy to the Air Ambulance service as this is an essential feature of rural life.	Noted.
Margaret Willmot Campaign for Better Transport Salisbury (51)	7. Delivering accessibility	7.29 Seems to be a word missing in 'particularly running costs' [in relation to Powered two-wheelers]. Should probably read 'particularly low running costs'.	Noted and amended strategy.
New Forest National Park (88)	7. Delivering accessibility	Under 7.2, Wiltshire Council is a key partner in delivering the 'Two National Parks LSTF Programme'. Discussed above.	Noted.
New Forest National Park (88)	7. Delivery accessibility	The NFNPA is supporting the implementation their Countryside Access Improvement Plan (7.22 – 7.24). This is referenced in action 5.4.3 of our Recreation Management Strategy. Also we are pleased that Wiltshire Council are making links between LTP and CAIP (the ROWIP) and we would encourage even more integration between the two plans.	Noted. NFNPA Rereation Management Strategy now acknowledged in strategy.
New Forest National Park (88)	7. Delivery accessibility	7.31 – as a planning authority we can work together with you on this (on the limited extent of development in the NP)	Noted.
New Forest National Park (88)	7. Delivery accessibility	In relation to planning policy, we are aware that the Wiltshire Council Core Strategy (likely to be adopted later this year) states that 555 dwellings will be completed in the 'southern communities planning area' – namely Morgan's Vale, Woodfalls, Downton etc – over the Plan period. The largest development will be around 190 dwellings in Downton and the rest will be spread across the smaller communities that lie just to the north of the National Park boundary. Given this relatively low level of development (it equates to less than 30 dwellings per annum), I'm not sure we can say much more than noting that additional development is proposed immediately adjacent to the National Park boundary and that impacts on the unfenced B-class roads in the northern part of the New Forest remain a concern.	Noted.

<p>Mike Crook Rights of Way (103)</p>	<p>7. Delivering accessibility</p>	<p>I think it's worth adding some text to mention the different types of users you get in the countryside. Eg change to:</p> <p>The Countryside Access Improvement Plan (CAIP) focuses primarily on rights of way, it also states that improvements to other routes and areas which allow people to access the countryside should also be considered. This access may be on foot, bicycle, horseback, non-motorised vehicle (normally horse and carriage) or motorised vehicle (4x4 or motorbike). The CAIP sets out the actions Wiltshire Council will take to promote use of the countryside access network (CAN).</p> <ul style="list-style-type: none"> • 7.22 Access Land needs capital L • 7.24 Volunteers don't just help with the rights of way network, they also help with the country parks and canals so refer to the CAN rather than rights of way network 	<p>Noted and amended strategy.</p>
<p>Margaret Willmot Campaign for Better Transport Salisbury (52)</p>	<p>8. Performance Management</p>	<p>Performance management Re the '3 year implementation plan due for publication in 2013' - in fact a three year implementation plan 'covering the three year period from 2012/13 to 2014/15' was planned to be consulted on and published in 2011/12 - see WC LTP3 Implementation Plan 2011/12 para 1.5.</p> <p>It appears there has been no Implementation Plan for 2012/13 - what period will the Implementation Plan due for publication in 2013 cover? The Department for Transport's (DfT's) Guidance on Local Transport Plans (July 2009) contained some recommendations re monitoring performance and setting targets, e.g.</p> <p><i>" Authorities should consider as they develop their Plan what performance indicators are most appropriate for monitoring it, and what targets might be set to incentivise and secure delivery. Performance monitoring should be an integral part of managing the LTP programme. A strong LTP will include ambitious target setting, clear trajectories and close monitoring of delivery. "</i> (Chapter 4, para 59)</p> <p>While specific target values might most appropriately be in the Implementation Plan component of the LTP, the nature of the targets together with the base values might helpfully be included in the relevant Strategy components. E.g. for the accessibility theme the Nottinghamshire LTP 2011-2026 outcome indicators included: - access to employment, training, health care & hospitals, retail centres & shops by public transport, accessibility to public transport services - take up on</p>	<p>The review of the LTP Implementation Plan and the indicators chosen is planned to take into account the performance management regime adopted in the emerging Wiltshire Core Strategy and Wiltshire Council Business Plan.</p>

		concessionary fare passes, number of fully accessible buses, provision of information at bus stops, provision of real-time information	
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Cycling Strategy consultation comments and responses

Comment	Response
Introduction	
Dr A H D Graham	
<p>1. Cycling Strategy: Wiltshire Council seems to have spent a lot of time formulating these written strategies, but the output of previous works has been poor. A good example of cycling provision seems to be that near Melksham Oak School. A poor example would be the London Road, Devizes, cycle path. It seems more thought needs to be put into the planning of routes and their detailing. Shared cycle/footpaths should be avoided: this is not good practice (unless the pavement has been widened appropriately) and represents a hazard to pedestrians (which is why, in the absence of blue cyclepath signs, cycling on pavements is against the law!). Cycles belong on the road: provision should be made simply to maximise safety whilst cyclists are using the highway. I suggest more focus on getting cyclists across/around hazardous junctions/roundabouts. Cyclists should be given priority at such locations, which also helps to ensure motorists slow down. Please, no more 'cyclists dismount' nonsense. Wiltshire Council should budget to maintain all cycle routes it creates: again, the London Road, Devizes, path is neglected (e.g. access to the new housing estate has cut the cycle path; the path disappears under hedges at the Cannings Hill end). Might I suggest Highways work more closely with bodies such as the CTC so the detailing is improved?</p>	<p>The London Road path in Devizes was put in a long time ago as part of a maintenance scheme, and design standards are now stricter. Cycling in Devizes has been increasing over the past decade.</p> <p>Appendix 2 sets out where it is appropriate for cyclist provision to be off-road and on-road.</p> <p>Our engineers regularly consult with local cyclists groups about scheme designs and this is an approach that is being adopted in Devizes.</p>
Mrs Sheila Sheppard	
<p>2. Whilst I accept that enabling the increase of cycling should be a priority, the encouragement of RESPONSIBLE cycling should also be encouraged. During the last few weeks I have seen several cyclists cycle the wrong way up North street in Wilton, in fact it is becoming a regular occurrence. Also in Wilton I saw a cyclist totally ignore the traffic lights at the market place and cycle across the road westwards. Thankfully no traffic was coming the opposite way. Again (not at this junction) but cyclists seem to think that they are pedestrians when crossing roads, etc with their bikes even when not dismounting. Cycling on footpaths is also a common problem and I was once told by a cyclist who told me he did it because the roads were too dangerous. Not using lights, and have bells gone out of fashion to warn pedestrians that they are in danger from cyclists?</p>	<p>The Council promotes responsible cycling and has provided information on its website and in print to encourage the use of bells and adherence to the Highway Code.</p>

National and Local Policy Context	
Anne Henshaw, Calne Area Transport	
<p>3. Statements such as that in 10.9 are pretty meaningless unless the method of calculating how many cycle spaces (facilities) are required to be installed in new housing developments and outside retail facilities are upheld and are enforceable. Most planning applications contain the very minimum of cycle spaces, and we do not agree with the figure calculated for supermarkets which should be far higher. The present message is that cycling is very much the second or third choice of travel. The priorities and the requirements must change and rise if the strategy is to succeed. 10.10 quote from DfT is meaningless unless the point above is met and 10.21 the issue of shared paths and on-road provision is radically approached. 10.17 and 10.21 refer to 'lightly trafficked streets' and 'light usage in rural areas' where the issue of better infrastructure and shared paths should be emphasised rather than deemed less important due to the presumption that present low usage will continue to be the norm. Has it not been considered that the reason that some routes and rural roads have light usage is because they are a) unsafe due to excessive vehicle speed b) low quality surfaces, c) poor lighting and d) high curbs? The step change needs to be pursued and be radical. Cycling should be considered not just a form of recreation for certain age groups but as a serious means of travel. SO9 and SO17 are not deliverable unless there is a joined up approach to the LTP and its other strategies. (e.g. parking standards)</p> <p>10.54 needs explanation as 'improving accessibility' is not just about the surface of a route.</p> <p>10.56 refers to the HA objectives. Most of the bullet points, particularly bullets 6 and 8 should be incorporated in any road improvements.</p> <p>The proposed dualling of the A350 at Chippenham is an opportunity to start by bringing in speed reduction and cycle tracks on the sides. A clear 'linkage' of employment areas and place of residence.</p>	<p>The enforcement of planning requirements is outside the scope of this strategy. The actual cycle parking requirements for supermarkets in areas where there is high cycle accessibility may be higher due to Travel Plan requirements.</p> <p>Section 10.10 to 10.21 is an overview of government policy. 'Lightly trafficked' refers to low numbers of motor vehicles. The Council recognises that provision of better infrastructure will encourage usage, but in some areas usage will still be limited by low population density and high distances to destinations. It is often not possible for technical or financial reasons to provide a route in these areas that would meet normal standards. As LTN 1/12 states, the Council needs to consider whether provision of a sub-standard facility is better than no facility at all. In some cases, no facility may be the better option. The urban area of Chippenham is not considered a rural area in this context.</p> <p>The Strategic Options SO9 and SO17 have been consulted on previously and adopted as part of LTP3.</p> <p>More details about 'improving accessibility' are provided in the Countryside Access Improvement Plan which is referenced.</p> <p>The Highway Agency objectives have been updated. This is provided for information as Wiltshire Council has little influence on such objectives.</p> <p>There is currently a shared use cycle path between the Morrisons roundabout and the A350/ B4158 roundabout. The A350 dualling will include some pedestrian/ cycle paths and crossing point alongside the A350; however, the design for this is still being developed and so the exact details are currently unknown at present.</p>

Mr Douglas Colborne	
<p>4. It is good to see so much emphasis on cycling and its many benefits. The national cycle network could be improved to encourage its greater use without detracting from its attractiveness. The key area for this is that the network is for the most part loose surfaced, prone to getting waterlogged in places and suited to off road rather than on road cycles. A tar sealed surface and some lighting would make these routes an attractive and practical safe cycling to work route. As an example take the route from Calne to Chippenham along the railway path.</p>	<p>On the Town Cycle Networks the Council recommends a tarmac surface, although a dressing may be applied to make it more aesthetically suitable in sensitive areas. Routes which are shown as 'Rural Links' will have a surface which balances the needs of utility cyclists, disabled people, leisure cyclists (who may prefer unsurfaced routes), pedestrians and horseriders, and also take into account these routes are often maintained and upgraded through the Rights of Way strategy.</p> <p>The Public Rights of Way team have confirmed that there is no intention to upgrade the Chippenham to Calne route surface, as it is a rural route, which would not be suitable for tarmac or street lighting, as this would be detrimental to the surrounding area. The route is also on private land and is not owned by Wiltshire Council, which creates a number of issues when carrying out any work, as multiple permissions are required thus delaying the process and rising the costs of any work. However, they have noted that some maintenance of the route surface is required.</p>
Margaret Wilmot	
<p>5. All Party Parliamentary Cycling Group (APPCG) report 'Get Britain Cycling' suggested that there should be a target to have 10% of all journeys in Britain made by bike by 2025. It would be appropriate to consider a similar ambition for Wiltshire. While there is some useful background information about cycling, including health benefits etc, the actual policies which are proposed in Wiltshire could be more far-ranging.</p>	<p>Cycling levels are monitored in key towns in Wiltshire and will be used to assess progress as set out in the Implementation Strategy. Given the uncertainty over future government funding it is not possible to set specific targets in the Cycling Strategy. Cycling mode share is also being monitored through the personal travel planning surveys that are being carried out as part of the current Local Sustainable Transport Fund programme.</p>
<p>6. For instance they should cover policies to extend 20 mph zones in residential area, and speed limits on rural roads, measures which would be beneficial not only to cyclists but also to other vulnerable road users. It is appreciated that taking a wider view might impinge on some of the other components of the Local Transport Plan - e.g. the Road Safety Strategy and the Area Transport Strategies. This is one of the major problems with the piecemeal approach which has been taken with the 3rd Local Transport Plan in Wiltshire, with parts being adopted in 2011 and other parts still being developed. Clearly there is a need to produce a coherent overall strategy which takes account of all the individual component strategies and modifies already-adopted strategies where necessary.</p>	<p>Policies on speed limits are set out in the Road Safety Strategy and these will be further refined as new evidence becomes available.</p>

<p>7. Given that the Strategy extends to 2026 it would be good to have a long term vision for where the county might be heading in terms of cycling, even if progress is constrained by financial uncertainties. Some paragraphs from the recent 'Get Britain Cycling' report could provide a start point for this: "Our vision is to realise the full potential of cycling to contribute to the health and wealth of the nation, and the quality of life in our towns and local communities. We believe this is both possible and necessary. We need to get the whole of Britain cycling: not just healthy people or sporty young males, but people of all ages and backgrounds, in urban and rural areas. We need to change the culture of how we use our roads, so that people are no longer afraid to cycle or allow their children to do so. Our streets, roads and local communities, need to become places for people, where cycling and walking are safe and normal." The vision statement for cycling adopted by Devon also provides a good example: "To create a first class environment for cycling, where people of all ages, abilities and backgrounds have the opportunity to choose cycling for a large proportion of everyday journeys and for leisure."</p>	<p>The cycling vision for Devon is: <i>To create a first class environment for cycling, where people of various ages, abilities and backgrounds have the opportunity to enjoy cycling safely and regularly for health, leisure and everyday purposes.</i></p> <p>Such a vision would not change our policies or strategies as the key elements of this vision are already set out in our Strategic Objectives.</p>
<p>8. Specific 10.21 'shared paths are particularly important in rural areas' - there are plenty of examples of minor roads much used by cyclists both on leisure and utility rides in Wiltshire e.g. along the Ebbles Valley & the Woodford Valley around Salisbury, and many parts of the Wiltshire Cycleway. The Cycling Strategy needs to recognise the importance of the minor road network for cyclists, & there should be a policy in relation to safety on these roads. I don't think that 'shared paths are important in rural areas' is particularly the message of LTN1/12 - this is a guidance note re shared use routes for pedestrians and cyclists so it is hardly surprising there is a lot on this topic, and the point is made that there may be low volumes of pedestrians in rural areas so therefore less need for segregation. But the point is also made that "The hierarchy generally discourages designers from taking cyclists off the carriageway, and Table 4.2 in Chapter 4 indicates that, for roads with 85th percentile speeds of 40 mph or less, on-carriageway provision is always a possible option." [para 3.4]. There should be more on measures such as speed reduction which will make minor rural roads safer for cyclists. Note that the APPCG 'Get Britain Cycling' report concluded that "there are many rural lanes where speed limits of 40 mph or less are entirely justified on general safety grounds, and we support the successful implementation of these." The recommendations from the APPCG included "Extend 20 mph speed limits in towns, and consider 40 mph limits on many rural lanes." 'The minimum width requirements for shared paths are</p>	<p>This text refers to the guidance that is given in LTN 1/12, specifically where it states that:</p> <p>(1.9) <i>"it expresses a general preference for on-carriageway provision for cyclists over shared use. However, it is not meant to discourage shared use where it is appropriate. For example, in rural areas, a high quality shared use route away from roads might be a prime objective. Such facilities can be especially beneficial where there is no specific provision for pedestrians and cyclists alongside roads."</i></p> <p>(4.9) <i>"The hierarchy, which is reflected in Table 4.1 (and Figure 2.1), is often a good starting point, but it is important to understand that it is not meant to be rigidly applied. For example, if scheme objectives suggest a clear preference for providing cyclists with an off-carriageway facility, as might often be the case in rural settings, creating a shared use route might be highly desirable."</i></p> <p>Minor roads do indeed form key routes for cyclists in rural areas as noted elsewhere. They may provide a key route alternative to roads where speeds and traffic volumes are high. We have adjusted the text in 10.21 to better reflect this.</p>

<p>superseded' - what has been superseded is section 8.5 of LTN 2/08 (see LTN 1/12 para 7.28). However paragraphs 7.28 - 7.47 in LTN 1/12, summarised in Table 7.5, provide revised rules re minimum widths and when it might be appropriate to have lesser width. It is acknowledged (LTN 1/12 7.32) that " There might be situations, again particularly in rural areas, where flows are so light that the likelihood of two users encountering each other is very low. In this case, the minimum widths given below might be far more than are necessary (or desirable from an environmental point of view). The acceptability of width below the minimum recommended here is something for the designer to determine" The final two sentences in para 10.21 are not very clear ("The minimum width requirements for shared paths are superseded; however, it states that minimum widths may not be applicable in rural areas where there is likely to be very light usage by both pedestrians and cyclists.") and could be reworded to better reflect the message in LTN 1/12. 10.27 The NICE Guidelines 42 (Nov 2012) are in fact called "Walking and cycling: local measures to promote walking and cycling as forms of travel or recreation" - perhaps worth quoting the title in full as it does stress the importance of cycling as a form of travel not just recreation. 10.35 Last sentence 'Cycle storage and forms...' - either there is a word missing or the 'and' is superfluous. 10.36 There is also a Transport Strategy for Devizes referred to Wiltshire Core Strategy, as well as Chippenham, Salisbury and Trowbridge.</p>	<p>We have also added policy 3d and text in 14.14 to clarify this.</p> <p>The text referring to minimum widths has been clarified.</p> <p>The title of Nice Guidelines 42 has been changed in the text.</p> <p>10.35 Storage refers to storage of bikes, lockers refers to lockers for helmets, etc. The text has now been clarified. 10.36 This has now been added.</p>
<p>Gill Anlezark, Hon Membership Secretary Cycling Opportunities Group for Salisbury(COGS)</p>	
<p>9. 10.4 Since the plan covers the period up to 2026, another 13 years, there does not seem to be much vision for the future. All the city and town maps concentrate on what is already identified and needed now and if this is all that is envisaged to be provided in the next 13 years, a significant opportunity to foster a cycling culture in major settlements will have been lost. See also my comments below on section 11.3 10.5 It is far from clear how the policies in section 14 will help Wiltshire Council to comply with the national policies and guidance presented here. No targets have been set for any of the desired outcomes; there are no timelines by which we can expect to see significant improvements in the city and town networks or key indicators and measurements of the effects of implementing the policies on health of the population, road safety or even counting of numbers cycling. A proper system of monitoring the success of the policies needs to be included in the strategy so that value for money can be evaluated and benefits to the local populations assessed.</p>	<p>The Town Cycle Networks include links to areas of development identified in the Core Strategy.</p> <p>See response to 5 above.</p>

<p>10.8 There should be greater emphasis on creating 20 mph zones and limits in residential areas and near schools in the major settlements and market towns, making a default speed limit of 40 mph on rural roads and looking positively at opportunities to create contraflows for cycling where these make a cycle journey more direct. 10.13 It would help to underpin the county's commitment to cycling and act as an example of good practice if there was a clear statement of the Travel Plans operated at the council's own offices.</p> <p>There is no reference in the strategy to monitoring the implementation, updating and progress of workplace or residential travel plans. It would be useful to have a reference to Wiltshire Council's advice to developers on preparation of residential travel plans and ensure that this is brought to the attention of planning officers dealing with major developments (http://www.wiltshire.gov.uk/parkingtransportandstreets/smarterchoices/residentialtravelplanguidance.htm)</p>	<p>See response to 6 above.</p> <p>This is dealt with in the Smarter Choices Strategy which is referenced throughout.</p>
<p>10. 10.18 The strategy for individual settlements needs to make it clear how the proposed improvements will contribute to achieving the key criteria 10.57, 10.58 Some routes for cyclists do not fit neatly into the "within cities and towns" model presented in the Appendices.</p> <p>The Wiltshire Cycleway is not mentioned in the strategy anywhere. This forms a useful leisure route and needs to be promoted for residents and visitors. A programme for improving the Cycleway, producing and updating mapping and promotion should be included.</p>	<p>As set out in Appendix 2 the development of the Cycle Networks and individual scheme design should follow the key criteria. Until detailed scheme design takes place, it is difficult to assess against the criteria. We have clarified this in 10.58 and in Chapter 14.</p>
<p>11. The strategy needs to put more emphasis on the importance of connecting all cities and towns to the National Cycle Network. A plan for implementing links should be included and monitoring of progress specified. Other routes important for tourism and local businesses need to be included in the strategy, for example, identifying and implementing a safe route to Stonehenge, particularly from Salisbury and overcoming barriers to cycling of major roads (A36, A303, M4) crossing desire lines for both leisure and utility cyclists. Wiltshire is bordered by other counties (Dorset, Hampshire, Somerset) where leisure cycling is a popular activity and the strategy needs to consider routes to the New Forest, for example, commuting to work in Swindon and other destinations outside Wiltshire county boundaries.</p>	<p>This is a part of Policy 1. Most of the Town Cycle Networks have more detailed plans. Updates showing where improvements have been made on the networks will be published - the text has now been clarified. The networks already include key routes for tourism and local business within towns: the National Cycle routes and routes to Stonehenge from Amesbury. Unfortunately there is no feasible route over the A303 at present, so we are trying to develop a route via Countess roundabout as shown on the Amesbury Network.</p> <p>The strategy includes the potential Wootton Bassett to Swindon cycle route in Policy 1 as stated in 14.7. Other routes outside of Wiltshire are much less likely to be commuter routes – leisure cycle routes to the New Forest and other tourist routes are covered in policy 3.</p>

12 10.2 Target groups for the strategy should include women (see section 12.25 on Equality of Opportunity) and it should emphasise active travel as a contribution towards health benefits of cycling for all, particularly school travel and commuting	Noted.
Cycling in Wiltshire	
Lt Cdr J Blake, Branch Secretary CPRE Wiltshire	
13. It would be helpful to have targets for accessibility and cycling so these could be monitored, for example 20 mph zones in built up areas and to consider 40 mph speed limits on rural roads. Also a vision statement for cycling such as the one adopted by Devon.	See answer to 5, 6 and 7 above.
Gill Anlezark, Hon Membership Secretary Cycling Opportunities Group for Salisbury(COGS)	
14. 11.2 There is an opportunity to build on these levels of cycling and we would like to see some ambitious targets for cycling to increase over the period of the LTP, rather than accepting that it will remain stable. The All Party Parliamentary Cycling Group recommended an aim to increase cycle use from less than 2 per cent of journeys in 2011, to 10 per cent of all journeys in 2025, and 25 per cent by 2050.	See answer to 5 above.
15. 11.3 The towns and city will have grown considerably well before 2026 and the timeframe for improvements to the cycle networks needs to be much more ambitious. The strategy needs to aim for them to be complete in the same timeframe as the developments not lagging behind so that we have just caught up with them 13 years from now.	As government funding is uncertain it is difficult to be specific about timescales.
16. 11.7 It is not clear how the strategy will remedy the barriers of lack of knowledge about maintenance or concerns about breakdowns. If this is a more major concern than lack of ownership of a bike, there should be a strategy for overcoming these barriers, perhaps by building partnerships with repair businesses and colleges to run courses on maintenance and repair.	This is covered in chapter 14 Smarter Choices and in the Smarter Choices Strategy. An example of how this is being delivered is by providing information on the Connecting Wiltshire website, and encouraging businesses to run maintenance courses through their Travel Plans. As funding opportunities arise, we may be able to do more in this area.
Alistair Millington, Area Manager - Wiltshire Sustrans	
17. 11.6 The strategy should set a target for increasing levels of cycling in the county. The recent Parliamentary report on cycling recommended that a national target of 10% of all trips by bike by 2025. Wiltshire currently has above average levels of cycling and could set itself the target of doubling them from 4% to 8%. Specific targets for school travel should also be considered.	See answer to 5 above. School modal share is measured through School Travel Plans and individual targets are set for these.

Michael Moore	
<p>18. In order to increase cycling needs modest investment in urban cycle routes using some imagination. White lines painted down the side of main roads which stop at dangerous junctions with the words 'end of cycle route' just don't cut it. (Try cycling down the Castle Road from Old Sarum and see what happens as you near the dangerous junction with the ring road). Come on- shared paths and/or alternative routes either via Victoria Road or linking with the riverside cycleway. Don't just drop the cyclists into the traffic. There are endless examples where cycle routes could be joined, priority given at lights or cyclists allowed to cycle the reverse direction up one way streets (standard in Amsterdam). The more people sitting in cars in queues being passed by cyclist the more likely they are to get on a bike, increasing bikes leads to greater safety for cyclists.</p>	<p>Cycle design has evolved significantly in the last decade and we recognise the need for coherence of routes. The Town Cycle Networks set out the key priorities for improvement.</p>
Goals and objectives	
Ms Margaret Willmot	
<p>19. 12.7 In addition to the places listed Calne also had NO2 levels in excess of government guidelines in 2011. 12.8 'In rural areas it is often more important to provide safe off-road routes' - would disagree with this statement (see also 10.21 comments). The dangers particularly apply to rural A roads (as stressed in 12.11) and consideration must be given to make minor rural roads safer for non motorised users - including pedestrians and horse riders as well as cyclists. There should be lower speed limits on minor rural roads, and motorists need to be aware of the likely presence of vulnerable road users (as well as potential for other countryside hazards like slow moving tractors, farm animals and wildlife).</p>	<p>Calne has now been added to the list of AQMA areas.</p> <p>12.8. The emphasis of this statement is that it is unlikely that a critical mass of cyclists required to improve awareness can be achieved on rural A roads. Where minor rural roads exist, they may indeed provide a better alternative route. We have altered the text to try to reflect this.</p>
Anne Henshaw, Group Chaiman, North Wilts and Swindon Group Campaign to Protect Rural England (CPRE)	
<p>20. We would add to the comment at 23.1 the example of Poynton in Cheshire where the radical approach of Shared Streets has shown unexpectedly positive results. The approach to traffic flow should be in order to meet the various objectives of 3, 4 and 12 with a better formula and enhance the case for cycling and walking. A new formula for hard and soft measures needs to be prioritised and reference to them in the Plan.</p>	<p>This comment was on the Smarter Choices Strategy. Shared surface is discussed in Appendix 2 under speed reduction measures. It is not clear what is meant by a 'new formula'. The strategy proposed both hard and soft measures.</p>

Lt Cdr J Blake, Branch Secretary CPRE Wiltshire	
21. In 12.8 the reference to "off road" should please be avoided. It could be replaced with "away from roads" While in some cases it may be best to provide a route that avoids a busy main road, in others it may be best to make less frequented country lanes safe for all users	Off-road may refer to paths alongside or away from roads. Text has been adjusted to recognise quiet lanes.
Gill Anlezark, Hon Membership Secretary Cycling Opportunities Group for Salisbury(COGS)	
<p>22 Health References need updating to include NICE guidance PH41 Walking and cycling: local measures to promote walking and cycling as forms of travel or recreation Public health guidance, PH41 - Issued: November 2012 This guidance sets out how people can be encouraged to increase the amount they walk or cycle for travel or recreation purposes. This will help meet public health and other goals (for instance, to reduce traffic congestion, air pollution and greenhouse gas emissions). The guidance is for commissioners, managers and practitioners involved in physical activity promotion or who work in the environment, parks and leisure or transport planning sectors. They could be working in local authorities, the NHS and other organisations in the public, private, voluntary and community sectors. In addition, it will be of interest to people who promote walking and cycling in an unpaid capacity and other members of the public. In the context of this guidance, walking and cycling includes the use of adapted cycles (such as trikes, tandems and handcycles), wheelchairs and similar mobility aids. Encouraging and enabling people to walk or cycle requires action on many fronts - and by many different sectors. A range of issues have to be addressed, including environmental, social, financial and personal factors. The recommendations cover: local programmes, policy and planning, schools, workplaces and the NHS. In addition to the recommendations made in this (and related) NICE guidance, other measures are needed to tackle the wider influences on walking or cycling. This includes measures to reduce road dangers and to reallocate road space to create a more supportive environment. 12.8 Instead of off-road provision in rural areas, speed limit reduction to a default of 40 mph and less where necessary, would make the roads safer for cyclists to use. 12.25 Measures to encourage women to take up cycling need to be included in the strategy and monitoring of the success of initiatives undertaken.</p>	<p>This has been added to section 10.28.</p> <p>Speed limits are covered in the Road Safety Strategy. Measures to encourage women would form part of the Smarter Choices policy – examples include the information provided on our Connecting Wiltshire website and through the personal travel planning programme.</p>

Ms Rachel Kent	
<p>23 12.7 Calne needs to be added to the list of towns where air pollution is of particular concern. 12.21 Could improved local air quality be added to the list? Wiltshire's air quality action plan will contain measures relating to cycling, particularly within the community action plans which are being developed by the groups in towns with air quality management areas. (Mainly covering Policies 1 - 5 in the cycle strategy) Therefore we welcome the production of the cycling strategy on the grounds of improving air quality and improving health of Wiltshire's population. There are a number of active cycle groups across Wiltshire who are engaging with the community to increase the uptake of cycling, be it for leisure or commuting. These groups should be recognised within the strategy and actively engaged with to avoid duplication of work such as creating cycle maps for the towns and mapping cycle parking (14.14 and 14.16)</p>	<p>Calne has now been added.</p> <p>Air Quality is addressed under health as set out in the main Local Transport Plan document, although we recognise that there are links between several of the objectives.</p> <p>The importance of consulting on design is highlighted in Appendix 2 (table 16.1); however, we have strengthened this by adding in policy 1d. We have attempted to engage with cycle groups in development of these networks, but unfortunately not all groups have had the capacity to respond.</p>
Opportunities and barriers to cycling	
Reverend S Tatton-Brown	
<p>24 As a regular cyclist in Chippenham (I am vicar of St Andrew's and use my cycle for all my parish visiting) may I comment on Section 13, Barriers to Cycling? There are a number of designation cycle routes in Chippenham. Many of them are useless. Either they ride along the pavements, creating a dangerous mix of pedestrians and cyclists (who might be travelling at speeds of 15mph or faster). There are some cycle routes on pavements which go round bends, so cyclists can ride into pedestrians without warning. I'm thinking of the pavement at the bottom of Rowden Hill. Many of these routes come to an end at the next road junction, which is precisely when the cyclist needs protection. There is either a Cyclist Dismount sign (which is often ignored by cyclists), or an End of Cycle Route sign, which gets the Council off the hook but doesn't help cyclists at all. You get the impression that cycle lanes have been put in on the cheap. The cycle lane up Park Lane is brilliant (as long as no one is parked in it). But there is absolutely no protection for cyclists as they approach the road junctions to the top of Park Lane, and those wishing to turn right towards New Road have to cross a lane of traffic, while pushing up a hill. The shared cycle routes across open space (e.g. Monkton Park) are on the whole very good. They work well when there is a low volume of cycle and pedestrian traffic. But if you do succeed in increasing cycle traffic, will these paths have the capacity to cope without some form of separation between pedestrians and cyclists? In</p>	<p>The shared use cycle path at the bottom of Rowden Hill runs between the Lowden Hill Junction and the Bridge roundabout junction. Whilst the corner at the bottom of Rowden Hill is blind, the shared use path actually terminates before the corner and so cyclists should be slowing ready to dismount, or continue on road. Following this, we have noticed that the signage in this area is incorrect and does not specifically state this - the signage will be soon rectified.</p> <p>Sustans' 'Access to Stations' report suggests converting the 2.5m footway connecting Upper New Road to Park Lane - this can be done at its current width or widened by 1m subject to swept path analysis, which will make turning right at the top of Park Lane easier for cyclists.</p> <p>Sustans' report also suggests narrowing the junction with St Pauls Road and providing a raised table junction to slow vehicle speeds and make the right turn movement for cyclists easier. Additional to this, the Western footway should be widened and converted to shared use. All these improvements would mitigate the problems described significantly and are currently being investigated.</p>

<p>Germany, such routes are surfaced in two colours, one (I think grey) for pedestrians, and the other (I think red) where the cyclists ride and the separation is enforced by the police. If you want to encourage cycling between the towns and neighbouring villages, something must be done about the roads approaching Chippenham. The A4 between Corsham and Chippenham sees too many cyclists knocked down and killed. There is no cycle lane. Neither is there any provision for cyclists on the A350 heading north beyond Cepen Park North. The same points can be made for the other roads approaching Chippenham. The cycle route to Calne offers an alternative to the A4, as long as you don't want to travel in the dark. The Pewsham by-pass is dreadful for cyclists. I have to use it regularly to visit Middle Lodge. It's just not wide enough for vehicles to pass cyclists without crossing into the oncoming carriageway, which means they brush alarmingly close to cycles. A word about traffic calming schemes. The traffic calming chicane near Hardens Mead on the London Road leading south out of Chippenham forces cyclists into the middle of the road, in front of following vehicles. Why could there not be a gap to the left of the chicanes for cyclists to ride through, as there is on the chicanes in Derriads Lane? And speed humps make for very uncomfortable cycling! Proper cycle lanes cost money. They also require attention to detail, from the point of view of the cyclist as well as the motorist. I hope these comments help.</p>	<p>Routes between towns are not being considered under this consultation, as this is for the Town Cycle Networks, however, I would recommend a route via Sheldon to cycle between Bath Road, Corsham and Frogwell, Chippenham to avoid using the A4.</p> <p>PRoW have confirmed that the Chippenham to Calne route cannot be street lit, as it is a rural route, where street lighting would be detrimental to the surrounding area. Additionally, the land that the route is on is under multiple ownership and is not owned by Wiltshire Council. This also makes street lighting unfeasible.</p> <p>The A350 duelling will include some pedestrian/cycle paths alongside the A350, as well as a crossing point; however, the design for this is still being developed and so the exact details are currently unknown at present.</p> <p>There are suitable alternatives to avoid cycling along the Pewsham by-pass from St Andrews Church to Middle Lodge, for example an on-street route via Wood Lane and Forest Lane, where you only need to cross the Pewsham by-pass - these routes are included on the Chippenham Town Cycle Network Map.</p> <p>The chicanes on London Road were implemented many years ago, without due consideration to cyclists. It would be a significant improvement to allow cycle access through these chicanes, but we are also working on a cycle route from Baydons Lane to Long Close to Hardens Mead, which would also avoid this problem and provide a quieter and safer cycling route to/from the town centre. As the London Road is not a recommended cycle route, we are focussing attentions on off-road and quieter street routes in this area.</p>
<p>Ms Margaret Willmot</p>	<p>Opportunities and barriers</p>
<p>25 13.5 'Breaks and lighting' should read 'Brakes and lighting'. 13.7 It would be worth considering electrical bike promotion in development where the topography will limit the attractiveness of cycling - e.g. the Fugglestone Red development in Salisbury. There is perhaps the potential to include electric bike provision, or a pool of electric bikes, to be provided as a planning condition as a part of the sustainable transport infrastructure for such a site. (NB purchase costs of electric bikes are not 'prohibitive' when compared to e.g. the cost of a car, & running costs are of course much cheaper). 13.9 'merge wityh' should be 'merge with' Infrastructure General</p>	<p>Noted. The strategy allows for electric bike initiatives as set out in 14.22. The Council's new website, Connecting Wiltshire, promotes electric bike usage. We are not currently looking at any electric bike hire schemes as we believe that a small-scale scheme run by the Council would be difficult to sustain financially. However, we will look for opportunities where schemes might be viable.</p> <p>In the case study mentioned, users found the costs to be prohibitive, but as we highlight in the text, costs are falling and we need to raise</p>

<p>Cycle routes need to be reviewed with the 5 key criteria tucked away in Appendix 2 (coherence, directness, attractiveness, safety and comfort) very much in mind. Too often cycle routes disappear at difficult points on the road network - junctions, roundabouts, etc - and poorly thought through bits of cycle infrastructure may make things worse for cyclists. Consider the Highways Agency 'improvements' at Wilton Road/Skew Bridge in Salisbury, where cyclists are removed from the road to cross the bridge on a top class cycle way, but who then have to stop to give way to traffic when rejoining the main carriageway a few yards later. For new developments, top class cycling and walking and links to town centres and other facilities need to be designed and built, not just walking/cycling links within the development. S106 or CIL contributions need to be allocated for this purpose. The design of new developments needs to take account of the principles in Manual for Streets (e.g. layout and connectivity considerations in Chapter 4). Walking and Cycling linkages outside the development site boundary are not something which is given adequate consideration currently (e.g. Highbury Avenue school site, Salisbury, S/2012/1282).</p>	<p>awareness of this. It is agreed that it would be cheaper to run only an electric bike rather than a car. However, for many people in Wiltshire, particularly in more rural areas, they will want to run a car and a bike.</p> <p>Cycle design has evolved significantly in the last decade and we recognise the need for coherence of routes. In practice, this can be very difficult to achieve where there is limited space and communities are often opposed to losing space for motorists.</p> <p>The importance of Manual for Streets is mentioned in Appendix 2.</p>
<p>Anne Henshaw, Calne Area Transport</p>	
<p>26 13.1 Do not agree with comment. The experience of this group when at local consultation is as follows a) not safe b) not nice due poor driver behaviour and attitude c) lack of any helpful signage d) no facilities for leaving cycles at workplaces, retail outlets or bus stops.</p>	<p>Text has been clarified.</p>
<p>27 We would add to the comment at 23.1 the example of Poynton in Cheshire where the radical approach of Shared Streets has shown unexpectedly positive results. The approach to traffic flow should be in order to meet the various objectives of 3, 4 and 12 with a better formula and enhance the case for cycling and walking. A new formula for hard and soft measures needs to be prioritised and reference to them in the Plan.</p>	<p>Comment refers to Smarter Choices strategy. Appendix 2 sets out some of the factors that need to be considered when choosing design options such as shared streets.</p>
<p>Mr H Helps</p>	
<p>28 Barriers. Highway maintenance. Very Laudable but cycling in the Countryside has now become far more hazardous because of the number of potholes towards the road edge. It is now almost too dangerous to cycle on many rural roads especially in the wetter times because puddles hid large potholes which cause serious problems for cyclists. Many cr/van users try hard to push the cyclist to the side of the road by overtaking at inappropriate times.</p>	<p>Please see the 'Investing in Highways' report</p> <p>http://cms.wiltshire.gov.uk/ielIssueDetails.aspx?IId=39013&PlanId=0&Opt=3#A136156</p>

Gill Anlezark, Hon Membership Secretary Cycling Opportunities Group for Salisbury(COGS)	
29 13.12 Funding constraints It is clear what level of funding is needed to make a difference so we would like to see the strategy committing to a target for funding cycling network improvements in each year of the LTP. It should be quite unacceptable for funding to fall below the £1 per head per year figure quoted and the strategy should aim to obtain much nearer the effective target of £10 per head per year. Reference should be made to the recent All Party Parliamentary Cycling Group report of April 2013 and its key recommendations that include: More of the transport budget should be spent on supporting cycling, at a rate initially set to at least £10 per person per year, and increasing as cycling levels increase. Cycling should be considered at an earlier stage in all planning decisions, whether transport schemes or new houses or businesses. More use should be made of segregated cycle lanes, learning from the Dutch experience. Urban speed limits should generally be reduced to 20 mph. Just as children learn to swim at school they should learn to ride a bike. The Government should produce a detailed cross-departmental Cycling Action Plan, with annual progress reports	<p>Unfortunately funding from the Government and through organisations like Sustrans is uncertain and likely to be distributed through competitions, which makes it difficult to forecast future budgets. The current LSTF programme from 2013-2015 is spending around £1 million improving walking and cycle links to stations.</p> <p>See response to previous comments</p>
Mr Alistair Millington, Area Manager - Wiltshire Sustrans	
30. 13. Road safety is the biggest single barrier to increasing cycling levels in the county. The withdrawal of speed cameras in the county was a backward step for cycle safety and should be reconsidered. 13.8 We would support the wider use of 20 mph zones across the county. In the short-term these should be used to improve road safety in residential roads, particularly the quiet roads used for town cycle networks. In the long-term we would recommend their extension across urban areas. "0 mph limits should be supported by engineering measures to ensure drivers reduce their speed. There are opportunities to improve cycle networks by permitting cycling in pedestrianised areas such as Chippenham High Street or sufficiently wide footpaths/footways. These can often be converted to shared-use relatively inexpensively and with no loss of safety for pedestrians.	<p>Policies on speed limits are set out in the Road Safety Strategy and these will be further refined as new evidence becomes available.</p> <p>Noted</p>
Mr C Gregory, Transport and Tourism Officer New Forest National Park Authority	
31 We welcome this strategy in particular its reference to the growth in the use of electrically assisted bicycles. We are aware of growing popularity of the use of electric bikes to explore the New Forest and other National Parks across the UK. They provide an excellent way of getting new people cycling, by reducing the perceived and actual effects of relief and geography on cyclists.	

Michael Moore	
<p>32 You highlight the potential economic benefit that cycling routes bring to the local economy. Salisbury is on the doorstep of the New Forest which has huge numbers of visitors many of whom will bring cycles. There is currently no safe cycle route from the forest to Salisbury. There is however a disused railway linking Fordingbridge with Alderbury which may be possible to convert to a safe off road cycle route suitable for families and small children. A link route could be provided from Alderbury to Salisbury using one or more of several options. Either by making safe the horrendous short section of the A36 from the Alderbury bypass and creating a cycle route using the main A36 using and utilising existing cycle paths, or by linking through Milford, or better still recreate a river crossing to link with Britford where there is an existing flat cycle route via Britford then Britford Lane. This route could also link the two park and ride sites providing two start points for the cycle route from Salisbury in the reverse direction. The railway continues beyond Fordingbridge and could be linked with an existing cycle route (Castleman Trailway). A route of this kind would require considerable investment but evidence from elsewhere suggests that the economic returns would be significant. An extension to Stonehenge using quiet roads and bridle paths would also be feasible. Imagine the power of the Cathedral to Stones route.</p>	<p>The Council will look for funding opportunities for this type of route as set out in the strategy.</p> <p>The Council has been working with the Highways Agency to create a shared path between Alderbury and the Petersfinger Park & Ride site. Unfortunately the current landowners have blocked this. We will continue to look for opportunities to deliver this route in partnership with the Highways Agency who manage the A36.</p> <p>The Council has looked at a river crossing, and it is unlikely that a route for cyclists will be achievable here.</p>
Michael Moore	
Mr Charles Jenkins	Strategy
<p>33 The strategy of using the Kennet & Avon Canal path for cyclists is to be applauded, but contingency should be made to monitor the canal path surface and where required assist with repair and maintenance. This is particularly relevant to the section of canal path leading from the centre of Devizes out alongside the London Road, where additional housing development could significantly increase the volume of cycle traffic along the canal.</p>	<p>The Kennet And Avon Canal Trust is responsible for the maintenance of the towpath. We are aware that they have certainly asked for contributions for developers in Devizes to contribute to the towpath upgrading/maintenance.</p>
Mr Philip McMullen	Strategy
<p>34 Regarding the town cycle map for Melksham, I'd really like to see something included about helping those in outlying districts to access the town by bike. For example, by simply erecting appropriate signage and painting a white line along the footpath from Challymead to Countrywide Farmers roundabout, cyclists and pedestrians could share the footpath in comparative safety.</p>	<p>The Strategy sets out how rural districts can apply for funding through CATG.</p>

Mr Alistair Millington	Strategy
<p>35 14.10 The Cycling Strategy needs to reinforce the LDF's commitment to prioritising cycle access to new developments. In particular it must emphasise that links between new development areas and town centres or other amenities must be drawn up as part of all masterplans. Delivery can be either as part of new schemes or via S106/CIL contributions but they must take place over the same development timescales. Wiltshire Council must ensure that new development does not reduce the quality of existing cycle provision, by increasing traffic to on-carriageway routes or at crossings, without ensuring that appropriate improvements are made to mitigate this. New cycle paths constructed as part of new developments should be adopted and signed as such. There are examples where this has not happened (e.g: Westbury Leigh) and an opportunity for new cycle routes has been missed. 14.17 The Bike It Plus Officer currently works in Trowbridge, Chippenham, Melksham and Warminster and we hope to expand the project to Devizes and Calne. Subject to the funding for the role being extended beyond academic year 13/14 the Bike It Plus Officer could work elsewhere in the county.</p>	<p>As part of any new development Wiltshire Council's Highways Development Control Team should be, at Planning stage, reviewing the need for cycle routes within the development area and assessing the routes proposed by the Developer, to make sure they are logical, safe and accessible and make recommendations on improvements if necessary. Additionally, HDC should be liaising with the Transport Planning Strategy Team to establish the best way to link these new routes to other established cycle routes within the context of the town, to avoid any severance issues and maintain continuity. Any issues discovered as part of this process should be rectified at Planning stage and result in the Developer contributing/ funding the improvements necessary.</p> <p>Prior to construction taking place on new developments where the roads and paths are to be adopted by Wiltshire Council, the Developer is required to enter into a Dedication Agreement with the Council, most commonly a S.38 Agreement. At this stage, HDC must approve the layout and specification of the all the roads and paths subject to adoption, including signs and lines, which should be approved in accordance to national and local standards.</p> <p>As part of this Agreement process, an HDC Inspector must sign off all the work that is subject to adoption and dedication, making sure they are constructed to the agreed specification and that no maintenance issues arise before completion. This also includes signs and lines and so there should be minimal situations where cycle routes are not constructed or signed correctly, if the process is followed and designs are approved to the appropriate standards.</p> <p>With regards to Westbury Leigh, not all of this estate is adopted as yet and so this could be why there are some routes that are not complete.</p> <p>We are hopeful that the Bike It Officer's role will continue to be extended. Through the LSTF programme we have also employed a Sustrans officer to carry out personal travel planning in schools in Chippenham. This programme last until March 2015 and encourages all forms of sustainable travel including cycling.</p>

Lt Cdr J Blake	Strategy
<p>36 While the aim to establish cycle paths in towns is supported, there is also an urgent need to have cycle paths that link towns, e.g. a cycle path between Wootton Bassett and Swindon where the link within Swindon has been established for some years. It just needs the part in Wiltshire, without having to negotiate M4 Junction 16. Shared usage of paths should be qualified to allow for each path to be assessed or re- assessed separately as some cycle paths may not be suitable for shared access if they become well used by cyclists.</p>	<p>Proposals for a cycle route between RWB and Swindon went out to public consultation in the summer of 2012 and there was overwhelming support for this. The proposed route comprises of a shared use pedestrian/cycle path built alongside the A3102 from Royal Wootton Bassett towards Swindon. At the Sally Pussey Inn on the A3102 the route would then cut across fields towards the Windmill Hill Business Park in Swindon, thereby avoiding the busy J16 of the M4. Work is now underway to progress the project further in partnership with Sustrans, the Highways Agency and Swindon Borough Council</p>
Mr C Gregory Transport and Tourism Officer New Forest National Park Authority	
<p>37 We are delighted to support your cycling strategy and it is good to see a proactive, positive approach to cycling development. The off-road cycling offer in the National Park area of Wiltshire will be significantly improved (in condition) through the LSTF programme. The New Forest National Park Authority has recently submitted an application to the Department for Transport Linking Communities fund (Cycling in the National Parks). Our £3.57 million application seeks to test innovative new ideas to develop family cycling activity in the National Park. There are five projects included within the bid: 1. Development of a world-class cycling visitors centre adjacent to Brockenhurst railway station. 2. Development of the first rural 'transaction and release' bike docking station system in the UK, across 20 docking locations throughout the National Park. Reducing the need for visitors to using their cars to reach cycle hire facilities. 3. Creation of a network of pedal buses and bus routes, providing an innovative and active way of exploring the National Park in a low carbon, active and sociable way. This will replace short journeys normally made by car. 4. Signage improvements to existing cycle routes in the National Park. 5. New Forest cycling facilities capital grants fund. This will support the private sector and local communities to develop high quality cycle parking, hire and maintenance facilities. These measures will have a positive impact on cycling within the Wiltshire Council area of the New Forest National Park and surrounding areas. We are grateful for Wiltshire Councils support in making this application. A decision will be made in June 2013. There are opportunities to make cycling one of the most important means of getting to and around the Forest as a recreational activity for enjoying the National Park. This would require better connectivity between the existing way marked routes and safe road routes and joint working</p>	<p>Noted.</p>

<p>between Wiltshire Council, Hampshire County Council and a range of partners. A series of strategic routes are also needed, linking the New Forest with settlements outside the National Park, and with the Test and Avon Valleys, and the coast. In supporting sustainable access to the New Forest National Park, an aspiration is to link Salisbury to the National Park by a signed cycle route would be welcomed. In Section 14, further investment in the ROW network (bridleways & byways) to make them more physically usable by cyclists could also be considered. This is sort of covered in Policy 3, but many ROW will need more than maintenance (e.g. a bridleway, in particular, by law does not have to be maintained in a condition suitable for use by bicycles)</p>	
<p>Ms Margaret Willmot</p>	
<p>38 issues which are relevant to cycling in Wiltshire are illustrated here - the 'broad description' of the 'balanced' approach could be further enhanced: - The 'balanced' approach to the cycle network talks about providing links to national cycle routes but does not refer to the development of the national cycle routes themselves, which in many cases are still missing key links (e.g. Route 24 - Wilton to Salisbury, Petersfinger to Alderbury crossing, Route 45 to Stonehenge and north of Amesbury). - There is no reference to the Wiltshire Cycleway despite the reference in 12.18 to the tourism benefits which this route could bring. - There is no reference to the improving of rural routes, despite the potential benefit which would accrue from the improving of these routes (see 12.18). An analysis should be undertaken of the settlements within cycling distance of urban areas and market towns, and the benefits which could result from improved cycle links between these settlements. - 'Local Service Centres' have less facilities than 'Market Towns' or 'Principal Settlements', nevertheless they can be important in terms of links to work, education and amenities. In the Salisbury area, one would expect cycle links from the 'Local Service Centres' of Downton and Wilton to Salisbury. Policy 2 The suggestion that horse riders should have permissive access on cycle paths needs more thought.</p>	<p>Improvements to national routes in rural areas are covered by Policy 3.</p> <p>Noted- the text has been amended.</p> <p>Wilton is included within the Salisbury Town Cycle Network area due to its proximity to Salisbury and new development sites. Links to Downton are covered by Policy 3.</p>
<p>39. On bridleways and byways horses are allowed, and cyclists should give way to them. However, currently horses on cycle paths would appear to be contrary to the Highways Code (Para 54 "You MUST NOT take a horse onto a footpath or pavement, and you should not take a horse onto a cycle track..."). Horses can be spooked by cyclists, and a cycle path may not provide enough space for cyclists and horse riders to safely pass. It might be sounder to designate cycle paths as bridleways ONLY</p>	<p>The legal situation is not particularly clear. It is our understanding that it not a criminal act to take a horse on a cycle track but it is a trespassing act against the landowner. The highway code refers to cycle tracks which have not been given any additional access rights for horses. In the code 'should not' is used to indicate advice whereas 'Must not' indicates that it is illegal to do so. Some cycle paths may be legally Cycle Tracks whereas others are</p>

<p>when there is a local demand from equestrians for this and when there is sufficient width for this to be possible safely.</p>	<p>not. We have added some text to clarify that in some cases conversion to bridleway may be appropriate. The Rights of Way legal framework is currently being reviewed and our policies may change in light of these.</p> <p>Policy 2 allows the Council to provide access rights for horseriders in the appropriate circumstances. We have clarified the text. Horses on the National Cycle Network: Technical Information Note 28 (2011) shows that users can share paths safely where widths are sufficient.</p>
<p>40. Policy 3 Only off-road access is being considered for rural areas. It is appreciated that the conversion of sub-standard footpaths to dual use may encourage some cyclists in rural areas. However, in many cases there are no suitable footpaths alongside rural roads and some consideration of speed restrictions in rural areas, particularly on non-A roads, would be helpful to ensure better safety for cyclists (& indeed other road users and animals). Reducing the speed limit on rural minor roads would help towards the following objectives of the LTP: SO8 - To improve safety for all road users and to reduce the number of casualties on Wiltshire's roads; SO9 - To reduce the impact of traffic speeds in towns and villages. Points not covered in the policies - The concept of 20mph zones is supported in the DfT/DH Active Travel Strategy (see para 10.8 of Cycling Strategy) and there should be a policy to encourage this (?maybe in Smarter Choices, since it will assist walking as well as cycling?). The Council has been trialling 20mph zones in rural areas (Appendix 2, p. 45), however there is a large demand for such zones in the urban areas, and plenty of scope for existing 20mph zones (e.g. Salisbury City Centre, Bishopdown) to be extended. DfT Circular 01/2013, Setting Local Speed Limits, asks Traffic authorities to: "...consider the introduction of more 20 mph limits and zones, over time, in urban areas and built-up village streets that are primarily residential, to ensure greater safety for pedestrians and cyclists".</p>	<p>We have clarified the text in 3b – CATG can be used for both on-road and off-road projects.</p> <p>The issue of speed limits is addressed in the Road Safety Strategy and any subsequent policies the Council publishes.</p>
<p>41 Electric Bikes - already mentioned in comment on 13.7. It might be worth adding a section to summarise the benefits of electric bicycles in terms of the environmental and health benefits when compared to vehicles in the Powered Two Wheeler category. It should be explicitly stated that the 'Wheels to Work' scheme (see 19.24 in PTW strategy) will consider provision of electric bicycle where appropriate (one trusts it would - it would be cheaper than a conventional PTW and a perfectly acceptable solution where mileage to be covered is not too great).</p>	<p>The wheels to work scheme covers 50cc mopeds.</p>

<p>42 There is reference in the Accessibility Strategy to the problems caused by the largely car-based access to key tourist attractions in Wiltshire including Stonehenge and Avebury . These problems could be addressed by policies which prioritised the development of cycle links to key tourism destinations - Stonehenge is a key example where cycle access and a link to Sustrans route 45 should be given a high priority. - There could be an explicit policy reference to support for filtered permeability - the provision of an advantage for cyclists by exemptions from the access restrictions applied to motor traffic, or through creation of short connections only available to cyclists and pedestrians (see e.g. Sustrans website).</p>	<p>The balanced option for cycle infrastructure was chosen when the main LTP3 strategy document was consulted on and adopted. The option to improve cycle links between towns was not chosen.</p> <p>Appendix 2 supports the permeability principles as set out by Manual Streets and other best practice design guidelines.</p>
<p>Miss Sue Wright</p>	
<p>43 Policy 1 should specifically mention key tourist destinations and make a stronger statement in relation to national routes. I suggest amending the first sentence of policy 1 so that it reads as follows. The council will aim to provide a sympathetically designed, high quality and well maintained network of cycling routes in the principal settlements and market towns, and to key tourist destinations, and wherever possible provide links to national routes. Justification Tourism is a significant part of the local economy - in South Wiltshire, at any rate - and cycle-based tourism has huge growth potential. Improving cycling provision to and between key destinations (eg Stonehenge, the Stonehenge landscape, Salisbury Cathedral) could provide an important boost to this industry and at the same time help to reduce its carbon footprint and improve its resilience and sustainability.</p>	<p>See response to 42.</p>
<p>Lt Cdr J Blake, Branch Secretary CPRE Wiltshire</p>	
<p>44 Policy 1. While the cycleway maps for the towns are welcomed, there should also be one showing the Wiltshire Cycleway and all the cycleways linking towns so this Policy could refer to them all and to the Wiltshire Cycleway. Smaller towns and large villages may also need cyclepaths. The policy could read"network of cycling routes in and between the principal settlements, market towns and service areas and where appropriate provide links to national routes including the Wiltshire Cycleway." Policy 2 In accordance with the vision at the beginning of the document, this and para 14.11 should be tailored to unique circumstances. See above under 5. Policy 3 It should be stated that cycling does not include motorised cycling. Again speed limits on country roads, especially the less frequented lanes, would help to make them safer for all.</p>	

Gill Anlezark, Hon Membership Secretary Cycling Opportunities Group for Salisbury(COGS)	
45 Policy 2 We disagree that permissive rights for horseriders should be allowed on cycleways. The surface of cycleways is often not suitable for riding on and can easily be destroyed and made uncomfortable for cyclists to ride on.	See response to 39.
Appendices	
Ms Margaret Willmot	
46. Appendices Appendix 1, Town Centre Networks Map 16.10 'Salisbury' should be renamed 'Salisbury & Wilton' since it covers Wilton too. - Broken Bridges - should this read 'alternative to Churchfields Road', rather than 'alternative to Brunel Road'? Appendix 2, Principles for town cycle networks No cycling signs - given that the use of these is discouraged by the DfT it is regrettable that the aspiration is expressed by the Council that a better version will be produced! It might be relevant to give examples of signage which has been useful in encouraging cyclists to take special care of pedestrians (e.g. Cyclists give way to pedestrians at all times).	Noted. While we discourage their use, there are still places where they are needed and the signs are poorly understood.
47 Appendix 4, Cycle Parking Standards The setting of minimum cycle parking standards as a proportion of the [maximum] parking spaces which have been allocated for cars seems counter-intuitive. (e.g. Retail in principle settlements, market towns = a covered space per 10 employees + 1 visitor space per 15 car parking spaces). Car parking spaces can be discounted for easily accessible locations (see LTP3 Parking Strategy), however there would be no reason to discount the cycle parking spaces. City centre locations may rely on publicly available car parking but still benefit from having cycle parking placed conveniently outside (e.g. central health clinic in Salisbury).	We are not proposing discounting cycle parking spaces. City centre locations will be required to provide more spaces than rural locations. This is covered by policy 1.
Anne Henshaw, Calne Area Transport	
48 Appendix 4 Cycle Parking The low cycle parking standards as compared to high car parking space standards is backward thinking. The number of cycle parks should be increased in accessible areas such as town centres where retail, health clinics, libraries, restaurants and town leisure complexes are located. The Wiltshire Parking Strategy needs to be reviewed in the light of the publication of these Other Strategies documents. Town centre locations can still be adequately covered for car parking but with the emphasis moving towards public transport stops and cycle parking. Edge of town retail/supermarkets should be required to have a far greater proportion of cycle parking than currently calculated if a shift in behaviour is to be achieved. The Area Transport Strategies should be able to build on such requirements.	The car parking standards are based on trip rates, thus the cycle parking standards are based on trip rates. The cycle parking standards do require more spaces in town centres.

Gill Anlezark, Hon Membership Secretary Cycling Opportunities Group for Salisbury(COGS)	
<p>49 16 Appendix 1 It is not clear what the strategic direction for cycling is in any of the city and town networks. For each, there needs to be a strategic plan that is in place so that opportunities to apply for funding can be responded to quickly and effectively. For each it would be helpful to have some idea of the priorities that local cyclists and planners put on the proposed improvements (cross city/town centre routes, routes to schools, to and from new developments, to and from railway stations etc). The whole strategy needs to be much more proactive in pointing to the key routes in each settlement so that funding is utilized in the most cost-effective way. Many cycling facilities fail to be used to the maximum because little thought appears to have been given to how they contribute to the overall network and scheme for implementing it. The strategy needs to facilitate the coherence of all the networks and not result in the installation of yet more underused facilities. There also needs to be a statement in the strategy for producing and updating maps (whether physical or online) and targets for doing this when there are significant changes to be included We would like to see some method of informing cyclists when cycle ways and key routes are to be interrupted by roadworks and diversions posted as in the case of motor traffic. A target for repairing road surfaces and potholes, particularly those in the road space used by cyclists, in a timely manner is essential. Table 16.1 Hierarchy of provision puts conversion to shared use at the bottom. It is therefore unfortunate that much of the future planning for cycling in major settlements and market towns involves conversion to shared use as the option quoted most frequently. We would like to see a more radical approach to improving the cycle networks along the lines of the preferred option for the Salisbury Transport Strategy. A balanced approach as outlined in 14.1 is not likely to result in higher levels of cycling and consequent improvements in health, air quality, road safety and traffic density required by national guidance and policy quoted in section 10.</p>	<p>The Cycle Networks are the strategic plans. We have only included the maps in the strategy, but each network has a list of schemes which are in the process of being prioritised. This process is set out in the Appendices.</p> <p>These network options have been developed in consultation with local communities and with Sustrans. There is usually a strong preference for off-road facilities. However, the exact design of each link will depend on individual circumstances.</p> <p>The balanced option was selected in the main LTP3 consultation.</p>
Mr Douglas Colborne	
<p>The key to safe cycle routes is safe junctions. All too often an urban cycle path will end just before a junction when its provision becomes more than white paint and the odd sign. At the most difficult and dangerous point "you're on your own brother".</p>	<p>Noted.</p>

Mr William Boffin, Chairman Market Quarter RA	
<p>Edited version of submission 25. The Market Quarter Estate is located on Cocklebury Road and on the site of the old cattle market. It is the location of the Wiltshire and Swindon Museum and 256 residential properties. The northern boundary of the estate sits on the old Chippenham and Calne railway. The Eastern boundary is separated from Darcy Close by a grassed bund area. The developer included a cycle track to link the cycle track which starts at the Wilshire and Swindon Museum and links to the old railway track, Cycle Route N403 at what is known locally as black bridge and the footpath from Darcy close. The residents of Market Quarter would like to see the 16 metre approx. of rough ground and bramble hedging made into a cycle road to link the existing cycleway on the old railway to the new cycle path.</p>	<p>Sustrans' 'Access to Stations' report categorises this link as a low priority link. Following receipt of a petition from 163 Market Quarter residents and involvement of Councillor Caswill, the development of the link was investigated and we agreed to connect the paths. Despite this, Wiltshire Council's Property Services requested that the link is not developed at present, as the link could potentially be a 'key' to unlock the Core Strategy Development Land to the North and that the development of this link could weaken the Council's negotiating position.</p>
Mrs Mary Jarvis, Clerk Melksham Without Parish Council	
<p>The Melksham Cycleways Plan and Map has a major omission. It does not appear to include any potential new rural cycleway links. So please, what is your vision for rural cycleways?! Despite several comments from my own and other parish councils over the past few years about the need to have safe cycle routes from the Melksham urban area into the surrounding countryside and between towns, no planned routes are mentioned. The movement for safe intra-urban routes is growing as cyclists now have a growing interest in travelling between towns. If one asked the question "What's in this Plan to help cyclists in the villages or to encourage more people to go on their bikes, the answer would be "Very little!" This means that cycling from the villages of Beanacre, Shaw, Whitley, Broughton Gifford into Melksham is a very hazardous occupation, especially with the ever-increasing traffic. The Melksham Cycle Map of April 2013 does not appear to indicate the existing cycleway links to the Kennet and Avon canal - National Route 4 (Bristol to London), or links to the Wiltshire Cycleway. If, as it appears, this Map is just to cover Melksham town , then another map with an inset link is needed to show rural cycleways (even if there are too few of them at present!) A rural cycleway link to Broughton Gifford needs to be included. Although Melksham Lane is part of the Wiltshire Rural Cycleway, it is extremely dangerous to get to it/ Broughton Gifford from Melksham and from it/ Broughton Gifford to Melksham. The Countrywide Farmers roundabout is especially dangerous for cyclists and there is no indication to cyclists of how they should negotiate the roundabout. My Council welcomes the rural link to Berryfield and Semington via the existing, now quiet, Semington Road.</p>	<p>The balanced option for cycle infrastructure was chosen in LTP3. This prioritises links within market towns. The radical option to deliver rural links was not chosen. However, we have provided a number of ways to improve rural cycle links predominantly through CATG requests, but also by providing assistance for land negotiation so that funding bids for larger projects can be made.</p>

However the crossing from the existing Hampton Park cycleway towards Berryfield (light-controlled) does not appear to be shown. An indication of the proposed cycle towpath for the proposed Wilts and Berks canal needs to be shown as a potential rural link. When the canal goes in, it will provide an off road cycle route to Lacock. It will also provide a cycle route along the river, through the centre of town. This too could be used to provide a much needed link in the future to the Wiltshire Cycleway via Melksham Lane, Broughton Gifford and Chalfield etc The potential routes via Kennet and Avon Canal also need to be highlighted. If for example, there was an improved link for walkers and cyclists from Littleton Lane to Great Hinton Lane across A361, close to The Strand and Twyford Farm, this would enable access from canal towpath by Giles Wood out to Great Hinton, Steeple Ashton and the Downs at Great Edington. We understand Great Hinton Parish Council is keen to have better cycle access to Melksham and this proposal would tie in with this objective. There needs to be a potential rural cycle link along edge of A350 to Beanacre (Westlands Lane junction) possibly using part of the Old Road through Beanacre. If the link went to the Westlands Lane junction, Westlands Lane itself could then be used by cyclists to access the Wiltshire Cycleway, via Gastard, and Shaw and Whitley, and this would open up the network considerably. In the past Melksham Without Parish Council carried out a lot of work in conjunction with Wiltshire Council officers to facilitate a design but the Scheme was never carried forward due to lack of funding. However the aspiration to provide such a link still exists and since A350 is now so hazardous, the need for the link is particularly acute. There needs to be a safe cycleway/pedestrian crossing to the east of the Rosemary Way roundabout within the new development east of Melksham. There also needs to be a safe crossing for both pedestrians and cyclists on the Distributor Road by the roundabout in Snowberry Lane.

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Smarter Choices Strategy consultation comments and responses

Name/ Organisation	Ref point in strategy	Comment	Response
Ms Margaret Willmot, Campaign for Better Transport	Smarter choices	Smarter Choices Strategy Overarching Comment. There are a number of issues when a Local Transport Plan is produced piecemeal and over a timespan of several years as has happened in Wiltshire. For example policies in one area of the LTP may suggest a different approach in a different area which has already been adopted. This would be the case with 'Smarter Choice' measures, which typically might include parking restraint, car share clubs, and strong residential travel plans for new developments. This could be fundamentally in conflict with a Parking Strategy which proposes 'minimum' rather than 'maximum' parking standards for new developments (as Wiltshire's Parking Strategy does). It would be appropriate to go back and review the Parking Strategy from March 2011 to ensure it fits in with 'Smarter Choices' strategy which is being proposed.	Noted. However, the Car Parking Strategy and Smarter Choices Strategy do not contain policies that conflict. The SC policy regarding car clubs corresponds with the Parking Strategy. The policy on Residential Travel Plans is in line with our SPD on this.
Ms Margaret Willmot, Campaign for Better Transport	Goals and objectives	23.17 With regard to the selection of 'balanced' as the council's preferred strategic option for Smarter Choices measures: Wiltshire Council have been reluctant to move towards the 'radical' transport policies which are needed to ensure that new developments proposed in the Core Strategy are sustainable from a transport perspective. It is relevant to note that a 'radical' approach was favoured in the public consultation on LTP3, and was confirmed as necessary for Salisbury in the South Wiltshire Core Strategy Examination in Public, see below: Wiltshire Council's Local Transport Plan 2011-2026 Consultation Issues Responses paper, issued in November 2009 following a consultation in March 2009 showed that a 'Radical' long-term transport strategy was favoured by over 60% of respondents. The Salisbury Transport Strategy Options Assessment Report produced in January 2010 concluded that a strategy based on a 'radical' option would best enable Salisbury to meet the challenges of addressing future growth in travel demand in a sustainable manner and it was recommended that this option be further refined. The Inspector's report into the South Wiltshire Core Strategy (SWCS) dated 14.10.11 indicated that one of the changes required, was, in summary "To make reference to the Options Assessment Report prepared as part of the Transport Strategy and to its conclusion that the 'Radical Option' would best enable Salisbury to address future growth in travel demand." It follows from the above, and specifically from the	The approach taken 'Wiltshire -wide' is a balanced approach that should work in Principal settlements and Market Towns; this is explained in more detail in the section on challenges and opportunities. Salisbury is Wiltshire's only city and has a good transport network offering a varied choice of modes, which might make a 'radical' approach possible in

		<p>recommendation in the Inspector's report into the SWCS, that a radical approach to transport planning should be applied in Salisbury. It is unclear how this recommendation will be carried forward locally when the relevant components of LTP3 such as Smarter Choices are only following a 'balanced' approach. Note that para 22.3 quotes the sort of traffic reduction which could occur if an 'intensive smarter choices programme' was followed over 10 years (a reduction in peak hour traffic by 21%) - this will require something more than the 'limited' smarter choices measures in 'appropriate' new developments which are proposed as part of the 'balanced' approach in para 23.17.</p>	<p>that particular area. However, taking Wiltshire as whole, and considering factors such as accessibility and geography, means that the balanced approach is generally deemed more suitable.</p>
<p>Ms Margaret Willmot, Campaign for Better Transport</p>	<p>Strategy</p>	<p>Policy 1 The 'transport assessment thresholds' quoted in 'Development related travel plans in Wiltshire' have been left somewhat vague - e.g. required for 'All major developments exceeding minimum thresholds shown in Table 2', 'All smaller developments generating significant amounts of travel in, or near to, Air Quality Management Areas (AQMA's), and in other locations where there are local initiatives or targets for the reduction of road traffic, or the promotion of public transport, walking and cycling'. Although the supplementary planning document re travel plans is dated July 2009 it does not appear to be enforced currently (e.g. no Travel Plan required for Highbury Avenue planning application S/2012/1282 for 60 dwellings despite the statement that "Travel Plans for household developments exceeding 40 dwelling units will be required through S106 agreement or a planning condition." (5.13 in Development related travel plans SPD)). How effectively is monitoring and enforcement of travel plans being carried out (e.g. in relation to the Bourne Hill Travel plan which was a condition of the planning application for the offices now being used by Wiltshire Council at Bourne Hill)? Policy 2 - School Travel Plans Para 25.10 - a 'Sustainable Modes of Travel Strategy' has been proposed as part of LTP3, however one wonders whether this will be required if there is already a Public Transport Strategy, draft versions of Cycling and Smarter Choices Strategies, and a Walking Strategy to follow. What exactly will be included in 'Sustainable Modes of Travel' (other than more on School Travel plans which is promised in para 25.10) and could this be included in this Smarter Choices Strategy instead to avoid yet more duplication of the policy background etc, etc, which seems inevitable with a multi-volume LTP3.</p>	<p>The SPD on Developed Related Travel Plans allows Wiltshire Council scope to request Travel Plans if and when required on a case by case basis. In terms of travel plan monitoring and enforcement, the SC Strategy proposes ways in which to improve this, e.g. by bringing in monitoring software such as iTrace, see 25.4. The Wiltshire Sustainable Modes of Travel to School Strategy is a legal requirement under the Education and Inspections Act 2006.</p>

<p>Anne Henshaw, Calne Area Transport Group</p>	<p>Smarter choices</p>	<p>New developments being considered through the Wiltshire Core Strategy will have fundamental effects on this strategy. The 'balanced' approach followed by the council will not meet the transport effects without following the old system of facilitating vehicles over all other users. A 'radical' approach is the only way in which sustainable development can be achieved. If traffic reduction is to be achieved then 'limited' smarter choices must change to 'intensive'</p>	<p>The approach taken is applied Wiltshire-wide as this is deemed most appropriate for the majority of towns and villages throughout the county. In some areas, factors such as geography or accessibility mean that it would be extremely challenging to apply a radical approach. However, it is recognised there may be certain locations/circumstances in which more radical approaches can be applied.</p>
<p>Lt Cdr J Blake, Branch Secretary CPRE Wiltshire</p>	<p>Smarter choices</p>	<p>10. Smarter choices are strongly supported. Modal shift is all important in bringing a healthier life-style and reducing carbon emissions. Smarter choices are definitely the way to go and appear to be incompatible with references in LTP3 to "improving journey time reliability on key routes". Improving journey time reliability is very short- term and indeed unsustainable because when new roads are built, or roads are made easier for cars, more cars are encouraged to use them, traffic builds up and there is congestion again. The NPPF paras 29 - 41 promote sustainable transport, so we hope this part of LTP3 may please be revised.</p>	<p>Smarter choices promote the use of sustainable modes of transport and more sustainable car use, which in turn can lead to a reduction in levels of congestion and support new development.</p>

<p>Lorraine McRandle, Committee Administrator Melksham Town Council</p>	<p>Strategy</p>	<p>Travel Plans Policy 1: To continue to use the planning system to develop, monitor and enforce mandatory travel plans and to secure travel plans for all new developments meeting or exceeding transport assessment thresholds as outlined in 'Development Related Travel Plans in Wiltshire'. Comment: The Town Council would like to see through parking charges a Policy to encourage the use of peripheral car parks to avoid congestion in town centres. The Town Council would also like to see the following: The coach park reinstated in Melksham More co-ordination between bus companies on timings. School Travel Plans Policy 2: To provide ongoing support to help schools to implement, monitor and review their travel plans using measures such as: walking buses; park and stride initiatives; car sharing and cycle training. Comment: Agree Residential Travel Plans Policy 3: A Residential Travel Plan will be required for household developments exceeding 40 dwelling units and should be secured through a Section 106 agreement or planning condition. Comment: Agree Personalised Travel Planning Policy 4: Where appropriate opportunities are identified, PTP projects will be considered, particularly when funded by developers for new housing developments as part of Residential Travel Plans Comment: Agree Station Travel Plans: Policy 5: To develop Station Travel Plans with our relevant partners, at all railway stations in Wiltshire Comment: The Town Council would like to see more trains stopping in Melksham. Marketing, information and travel awareness Policy 6: To continue to promote sustainable transport options through the provision of advice and information. In addition, the council will work together with partnership organisations such as the local health authority, sports partnerships and voluntary groups to encourage and promote sustainable travel options whenever possible. Comment: Improve cycleways particularly through the town centre. Car Sharing Policy 7: To continue to maintain the car sharing scheme, particularly through securing travel plans which include measures to encourage car sharing e.g. dedicated car share spaces. Comment: Agree. Car Clubs Policy 8: To support and promote car club developments where appropriate opportunities arise and to expand car clubs to meet demand, particularly where Section 106 funding is available to support this. Comment: Agree. Encouraging low carbon vehicle use Policy 9: To support the provision of charge-points through the planning system. Comment: Agree. Smarter Working Practices Policy 10: To encourage the development of smarter working practices amongst employers and other groups and organisations across Wiltshire. Comment: Would encourage people to pre order goods and collect to sustain a more vibrant town centre rather than home deliveries.</p>	<p>The request for the Parking Policy to consider the use of peripheral car parks to avoid congestion in town centres has been noted and will be considered when a review of the Parking Strategy takes place. However, this suggestion goes against some policies related to the vibrancy and the importance of the local economy in town centres.</p> <p>The coach park re-instatement in Melksham issue will be referred to the Passenger Transport team.</p> <p>Pre-ordering of goods and then collecting, rather than home delivery, is likely to generate more traffic movements than home delivery in a van.</p>
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Mr C Gregory, Transport and Tourism Officer New Forest National Park Authority	Smarter choices	We welcome this strategy. It currently links closely to our LSTF programme which has staff resources allocated to supporting the development of visitor attraction travel plans. For high footfall attractions a small percentage change in visitor travel behaviour can make a significant difference to traffic levels within a locality.	Added 'visitor attractions' as a key partnership organisation to work with in Policy 6.
Mr C Gregory, Transport and Tourism Officer New Forest National Park Authority	Smarter choices	Our Recreation Management Strategy document includes this as an action: 5.10.2 Encourage all recreation providers to have a travel plan offering sustainable transport options to their visitors.	The requirement for a travel plan should be based on the size of the organisation/provider and the number of visitors that site generates. However, this is a laudable suggestion and we have added 'Visitor attractions' as a key partnership organisation to work with in Policy 6.
Anlezark, Hon Membership Secretary Cycling Opportunities Group for Salisbury(COGS)	Goals and objectives	12 Health References need updating to include NICE guidance PH41 Walking and cycling: local measures to promote walking and cycling as forms of travel or recreation Public health guidance, PH41 - Issued: November 2012 This guidance sets out how people can be encouraged to increase the amount they walk or cycle for travel or recreation purposes. This will help meet public health and other goals (for instance, to reduce traffic congestion, air pollution and greenhouse gas emissions). The guidance is for commissioners, managers and practitioners involved in physical activity promotion or who work in the environment, parks and leisure or transport planning sectors. They could be working in local authorities, the NHS and other organisations in the public, private, voluntary and community sectors. In addition, it will be of interest to people who promote walking and cycling in an unpaid capacity and other members of the public. In the context of this guidance, walking and cycling includes the use of adapted cycles (such as trikes, tandems and handcycles), wheelchairs and similar mobility aids. Encouraging and enabling people to walk or cycle requires action on many fronts - and by many different sectors. A range of issues have to be addressed,	A relevant paragraph has been added to 'National Context' in Section 22. A number of the other issues in relation to cycling will be addressing via the Cycling Strategy.

		including environmental, social, financial and personal factors. The recommendations cover: local programmes, policy and planning, schools, workplaces and the NHS. In addition to the recommendations made in this (and related) NICE guidance, other measures are needed to tackle the wider influences on walking or cycling. This includes measures to reduce road dangers and to reallocate road space to create a more supportive environment. 12.8 Instead of off-road provision in rural areas, speed limit reduction to a default of 40 mph and less where necessary, would make the roads safer for cyclists to use. 12.25 Measures to encourage women to take up cycling need to be included in the strategy and monitoring of the success of initiatives undertaken.	
Ms Rachel Kent, Environmental Health Officer Wiltshire Council (Environmental Health)	Smarter choices	22.16 No mention is made of Wiltshire's Air Quality Strategy which sets out the council's actions for improving air quality. Wiltshire's air quality action plan will contain measures relating to smarter choices, particularly within the community action plans which are being developed by the groups in towns with air quality management areas. (Mainly covering Policies 1 - 10 in the smarter choices strategy). Therefore we welcome the production of the smarter choices strategy on the grounds of improving air quality and improving health of Wiltshire's population.	A relevant paragraph will be added to 'National Context' in Section 22.

Powered Two-Wheeler Strategy consultation comments and responses

Comment	Response
Main document	
Mr Nick Hancock	
17.17 - There should also be driver education, not just rider education.	Driver education is covered in the main Road Safety Strategy.
18.4 - If the absence of motorcycle testing centres in Wiltshire is limiting the growth of PTW usage, then surely some thought needs to be given to increasing the availability of testing in Wiltshire.	Unfortunately Wiltshire Council has very limited ability to affect the location of testing centres.
19.10 - Only allowing access to some bus lanes introduces confusion amongst the users. If PTWs were allowed access to all bus lanes then this confusion is alleviated	Different councils have different policies about bus lanes. Bus lanes usually have differing restrictions such as when cars may or may not drive in them.
Appendices	
Anne Henshaw, Calne Area Transport	
Appendix 1. Powered two-wheelers and mobility scooter parking Given the known demographics nationally, and within the county, there is no recognition that there will be a steadily increasing demand for housing which does not require car parking and people who do not want/cannot take buses. Therefore the minimum parking standards for mobility scooters, lacking at present, need to be clearly stated so that applications for developments take this into account when designing the layouts. 1 secure space for every 20 car parking spaces for mobility scooters will be too low particularly at large retail stores and supermarkets on town edges. Sharing space with motorcycles does not seem practical as it could lead to dispute. As with disabled car drivers there should be dedicated mobility scooter spaces.	The number of spaces required will depend on the exact location and type of housing. Providing space that can be adapted for mobility scooters is encouraged through Wiltshire Council's Core Strategy which requires homes to achieve a certain number of points from the Code for Sustainable Homes. Hea3 and Hea4 in the Code encourage space to be provided which could be adapted for mobility scooters. Sharing spaces with motorcycles is unlikely to be appropriate where there is high demand, but may be appropriate for smaller locations, particularly where the proportion of users of motorcycles and mobility scooters is difficult to estimate. The wording has been adjusted to reflect this. This policy may be reviewed in the future as more evidence emerges.

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Wiltshire Council

Council

4 February 2014

Standards Committee Recommendations on Changes to the Constitution

Summary

1. This report asks council to consider recommendations of the council's standards committee on the following matters:
 - a. Amendments to the following protocols to the constitution:
 - 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. Registration and disclosure of additional interests and withdrawal from meetings where a councillor has a disclosable pecuniary interest.

Recommendations

2. **In relation to 1 a. above council is asked to approve the recommended changes to the above protocols and Part 5 as shown in the tracked documents appended to the Minutes of 10 July 2013 and 20 January 2014.**
3. **In relation to 1.b above:**
 - (1) 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.**
 - (2) To amend the Council's Constitution to require councillors with a disclosable pecuniary interest to withdraw from a meeting when business relating to their interest is being considered.**
 - (3) Not to make any changes to the Code of Conduct on gifts and hospitality on the basis that the existing provision is adequate.**

Reason for proposal

4. To ensure that the constitution is up to date and that the documents within it reflect the relevant legislation, in this case the Localism Act 2011.
5. To fulfil the council's duty to promote and maintain high standards of conduct among Wiltshire councillors.

Ian Gibbons**Associate Director, Legal and Governance and Monitoring Officer**

**Standards Committee Recommendations on
Changes to the Constitution**

Purpose of Report

1. The purpose of this report is to ask council to consider the Standards Committee's recommended changes to the constitution on the following:
 - a. Protocol 2 - Councillor/ Officer Relations
 - b. Protocol 3 - Guidance to Members on Outside Bodies
 - c. Protocol 4 - Planning Code of Good Practice
 - d. Part 5 - Access to Information Procedure Rules
 - e. Withdrawal from meetings where a councillor has a disclosable pecuniary interest.

Background

2. The Standards Committee has responsibility for oversight of the Council's constitution. It has established a cross party working group, known as the Focus Group on the Constitution, to advise and assist the committee in carrying out this function.
3. On 10 July 2013 the standards committee considered a number of recommended changes to the following protocols to the constitution:
 - Protocol 2 - Councillor/ Officer Relations
 - Protocol 3 - Guidance to Members on Outside Bodies
 - Protocol 4 - Planning Code of Good Practice
4. These changes were recommended by the Focus Group on the Constitution following detailed consideration at meetings on 24 January and 12 March 2013. The changes relate mainly to the introduction of the new standards regime and the new code of conduct adopted by the council in July 2012, although the opportunity has been taken to update other parts to reflect developments within the council. The Focus Group on the Constitution felt that their recommendations should be considered by the standards committee of the new council and were therefore deferred until the first meeting of the committee on 10 July.
5. Further recommendations were made by the standards committee on aspects of the new standards regime at the meeting on 10 July 2013 and its meeting on 9 October 2013 as summarised below. Additional recommendations were made by the standards committee on changes to Part 5 of the Constitution - Access to Information Procedure

Rules, at its meeting on 20 January 2014 following meetings of the Focus Group on the Constitution on 5 December 2013 and 8 January 2014.

Main Considerations for the Council

6. The relevant extract of the minutes of the standards committee's meeting on 10 July 2013 is attached as **Appendix 1** with the committee's recommended changes to the above protocols, shown tracked for ease of identification. The relevant extract of the minutes of the standards committee's meeting on 20 January 2014 is attached as **Appendix 2** with the committee's recommended changes to Part 5, also shown tracked for ease of identification.

Recommendation

7. **Council is asked to approve the recommended changes to the above documents as shown.**
8. At the 10 July 2013 meeting the standards committee considered a report on whether the council's code of conduct should be amended to provide for the registration and disclosure of additional interests in accordance with the council's power under the Localism Act 2011. Parish, town and city councils had been consulted on the issue and their responses were summarised in the covering report. The relevant extract from the minutes of the Standards Committee is attached at **Appendix 3** together with the report considered at that meeting on this issue.
9. Members were minded to adopt an advisory approach rather than a mandatory one which required amendment of the Code of Conduct. The Department for Communities and Local Government's (DCLG's) revised guide for councillors 'Openness and transparency on personal interests' in Appendix D to the report would assist with this and should be drawn to the attention of parish, town and city councils.
10. The committee went on to consider whether the council's constitution should be amended to include a requirement for councillors with a disclosable pecuniary interest to withdraw from a meeting when business relating to their interest is being considered to avoid any undue influence on the decision making process. Whilst it is fair to say that opinion was divided on this issue the committee was, overall, minded to support the introduction of such a requirement.
11. Finally, the committee considered whether the Code of Conduct should include more specific provision on gifts and hospitality, as suggested in one of the consultation responses. However, the committee felt that this was already covered sufficiently by the existing Code, at paragraph 2, 'you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.'

Recommendation

12. The standards committee resolved to recommend council:

- (1) 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.**
- (2) To amend the Council's Constitution to require councillors with a disclosable pecuniary interest to withdraw from a meeting when business relating to their interest is being considered.**
- (3) Not to make any changes to the Code of Conduct on gifts and hospitality on the basis that the existing provision is adequate.**

Environmental Impact of the Proposals

13. There is no environmental impact as a result of these proposals

Safeguarding Implications

14. There are no safeguarding issues arising from this report.

Equalities Impact of the Proposal

15. There is no equalities impact arising from this report.

Risk assessment

16. There are no significant risks identified as a result of these recommendations.

Financial Implications

17. None identified directly as a result of this proposal.

Legal Implications

18. The recommendations in this report are consistent with the relevant legislation, in particular the Localism Act 2011.

Options Considered

19. As set out in the relevant papers to the standards committee.

Proposal

20. Council is, therefore, asked to consider the recommendations of the standards committee as set out in paragraphs 7 and 12 above and decide accordingly.

Ian Gibbons

Associate Director Legal and Governance and Monitoring Officer

Report Author: Ian Gibbons

Unpublished reports relied upon in the preparation of this report: None

Appendices

Appendix 1 – Standards Committee minute 33 & Protocols

Appendix 2 – Standards Committee Minute 8 and Part 5

Appendix 3 -Standards Committee minute 34 and report

**Extract of minutes of the Standards Committee
Dated 10 July 2013**

33 Minutes and Recommendations of the Focus Group on the Constitution

The Committee noted the minutes of the Focus Group on the Constitution meeting held on 12 March 2013 and debated the suggested changes to Protocols 2, 3, 4 and 12 of the Constitution, as detailed in the agenda pack.

For Protocol 2, *Councillor-Officer Relations*, the suggested changes were accepted, subject to amendments in paragraph 9.1, 15.1 and the retention of paragraph 15.5

For Protocol 3, *Guidance to Members on Outside Bodies*, the Committee agreed the revised document, subject to amendments to paragraph 15 to provide an explanation of the meaning 'dual-hatted' members, paragraphs 17 and 18, and 22.

For Protocol 4, *Planning Code of Good Practice*, the Committee agreed the changes as set out in the document attached to the report, subject to revisions to paragraphs 5.3 and 6 to be drafted by the Monitoring Officer to bring these paragraphs in line with the rest of the document.

For Protocol 12, *Code of Conduct*, the Committee noted the suggested changes and deferred a decision until concluding discussion of the item under Minute 34 below.

In relation to Protocols 2, 3 and 4 the Committee, therefore,

Resolved:

To recommend Council to adopt the revised documents as attached to these minutes.

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Protocol 2

Councillor/Officer Relations

1. Introduction

Context

1.1 Mutual trust and respect between councillors and officers is at the heart of the council's governance arrangements. An effective partnership between councillors, and officers is a key element of a successful and high performing council.

Purpose of Protocol

1.2 The purpose of this protocol is to:

- ~~to~~ outline the essential elements of the relationship between councillors and officers;
- promote the highest standards of conduct;
- clarify roles and responsibilities;
- ensure consistency with the law, codes of conduct and the council's values and practices; and
- identify ways of dealing with concerns by ~~members~~ councillors or officers.

1.3 This protocol is for the guidance and assistance of councillors and officers. Any queries about its content or application should be referred to the monitoring officer.

2. Principles

- 2.1 Councillors (including co-opted members) and officers shall observe this protocol at all times.
- 2.2 There shall be mutual courtesy and respect between councillors and officers with regard to their respective roles as set out below.
- 2.3 Councillors and officers shall each carry out their respective responsibilities in the best interests of the council, ~~and in accordance with the key values set out in appendix 1 {One Council One Culture – What will we be like?}~~.
- 2.4 The roles and responsibilities of councillors and officers are distinct yet complementary. Councillors are accountable to the electorate for the performance of the council's statutory functions. Officers are accountable to the council as a whole. Their job is to give advice to ~~members~~ councillors (individually and collectively) and to carry out the council's work under the direction of the council.
- 2.5 This protocol supports the council's codes of conduct for councillors ~~members~~ and officers. The council's 'Code of Conduct for Members of Wiltshire Council' is set out in Part 13 of the constitution. adopts the statutory code and includes in its preamble the 10 general principles governing councillors' conduct. The Human Resources 'Code of Conduct for Officers' is set out in Part 16 of the constitution and forms part of an officer's contract of employment. Both Codes are set out in the constitution.

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2.6 Breach of this protocol may result:

- in the case of a councillor / co-opted member, in a complaint to Wiltshire Council's Standards Committee under the members' Code of Conduct for Members;
- in disciplinary action in the case of an officer.

3. The role of councillors

3.1 Councillors have a number of specific roles, which are set out in detail in Part 12 of the constitution - Roles and Responsibilities of Councillors ~~the councillors' job description. A copy is included in the council's constitution.~~

3.2 Collectively, councillors are the ultimate policy-makers, determining the core values of the council and approving the council's policy framework, strategic plans and budget.

3.3 Councillors represent the community and its constituents, act as community leaders and as the link between them and the council. This includes performing a key role as a member of their local area board.

3.4 Some councillors will have additional roles specific to their position as members of the ~~C~~Cabinet, or overview and scrutiny or other committees of the council.

3.5 Some councillors may be appointed to represent the council on local, regional or national bodies- see further at section 13 below.

3.6 Councillors must respect the impartiality of officers.

3.7 Councillors must promote the highest standards of conduct and will have regard to the council's Behaviours Framework in carrying out their role. -

3.8 Councillors act collectively as the employer of officers.

3.9 Councillors must seek the advice of the monitoring officer and the chief finance officer if they have any concerns about whether the council is acting outside its statutory powers, maladministration, financial impropriety and probity, or whether any decision is or is likely to be contrary to the budget and policy framework.

4. The role of officers

4.1 Officers are employed by the council. They are therefore accountable to the council as a whole - not to individual councillors. There will, however, need to be special relationships between individual councillors and individual officers and these are dealt with specifically under section 6 of this protocol.

4.2 Officers are responsible for giving professional advice to members and for implementing lawful decisions of the council.

4.3 Officers must act impartially at all times and must not allow their professional judgement and advice to be influenced by their own personal views.

4.4 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for ~~members~~councillors, the media or other sections of the public.

4.5 Officers must act in accordance with the Officers' Human Resources Code of Conduct and the Council's Behaviours Framework.

5. Relationship between councillors and officers - general

5.1 The relationship between councillors and officers should be characterised by mutual trust and respect.

5.2 Close personal familiarity between individual members and officers can harm professional relationships and prove embarrassing to other councillors and officers. Situations should be avoided that could give rise to suspicion and any appearance of

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conduct, or the perception that a ~~member~~councillor and officer treat each

other differently from others due to the nature of the personal relationship between them.

5.3 Councillors should not raise matters relating to the conduct or capability of officers either individually or collectively at meetings held in public or in the press. Officers have no means of responding to criticism like this in public. If councillors feel that they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an officer they should raise the matter with the service director of the department concerned if they are unable to resolve it through direct discussion with the officer – see further at section 15 below.

5.4 Councillors will not publish any material which is derogatory of officers generally, or specific individuals, whether directly or through their agents or political groups.

5.5 What can councillors expect from officers?

- a commitment to the council as a whole and not to individual political groups;
- a working partnership;
- a timely response to enquiries and complaints – (see Appendix 1.2)
- objective, professional advice not influenced by political views or preference;
- integrity, support and confidentiality appropriate to the situation;
- being kept up to date on local issues;
- compliance with the Human Resources 'Officers' Code of Conduct.

5.6 What can officers expect from councillors?

- political leadership and direction;
- a working partnership;
- compliance with the 'Code of Conduct for Members';
- distance from day to day management of the council;
- no improper influence or pressure to gain special treatment for themselves or others;
- recognition of the duty to promote the health, safety and well-being of officers.

6. Relationship between councillors and officers - specific

6.1 Special relationships will exist between certain councillors and officers because of their specific roles. These relationships nevertheless remain subject to the obligations set down in this protocol.

6.2 Members of the cCabinet and the cCorporate Leadership Team will have a distinct and special relationship. In particular the relationship between the leader and the chief executive corporate directors will be key to the success and culture of the council.

6.3 Officers and councillors must ensure that appropriate consultations are undertaken before reports are prepared for decision, either by cabinet or by individual cabinet members under delegated powers.

6.4 Within overview and scrutiny there are two aspects of relationship between members-councillors and officers:

- the relationship between councillors and officers who support the overview and scrutiny function. Councillors lead the scrutiny function. Officers brief scrutiny members, but the decision to pursue any particular issue rests with councillors.
- officers who are asked to attend scrutiny committees or task groups as a witness or special adviser should be treated with respect. They may be expected to answer

questions on the professional advice given to the ~~f~~Full ~~c~~Council ~~or~~ ~~c~~Cabinet in relation to policies and decisions but must not be expected to give a political view. The arrangements for attendance of cabinet members and senior officers at overview and scrutiny meetings to give account are contained in the overview and scrutiny procedure rules ~~within in Part 8 of~~ the constitution.

6.5 Officers may also be ~~called to give evidence asked to speak~~ at a meeting of an area board. Partner organisations such as the police, ~~health and PCT~~, fire, are also likely to be ~~questioned on asked about~~ the provision of local services. In the spirit of partnership working it is important that both officers and the representatives of partner organisations are treated with respect, and from a community perspective it is important that the relationship between ~~members~~councillors, officers and partners is seen to be constructive, with everybody working together and in the same direction.

7. General support to councillors

7.1 Appendix ~~two~~1 summarises the support and facilities provided for councillors at Wiltshire Council and in their constituencies.

8. Support to specific councillors

8.1 To recognise the full-time nature of the role of leader and cabinet members, PA support will be provided, to include diary management and research support in connection with cabinet business.

8.2 PA support will also be provided to the chairman and vice-chairman of the council in recognition of their civic responsibilities.

9. Support to political groups

9.1 Political groups may request private and confidential briefings on matters of policy ~~and factual evidence~~ which are or may become the subject of discussions by the ~~f~~Full ~~c~~Council or ~~c~~Cabinet or any committee.

9.2 The request should be submitted to the ~~chief executive corporate director designated as the liaison officer for the political groups~~, who will discuss it with the appropriate officer. Attendance must be authorised by ~~the chief executive a corporate director~~. If authorised the leaders of all political groups should be notified and a similar briefing offered.

9.3 The briefing should not extend beyond providing information and advice.

9.4 For the avoidance of doubt group meetings cannot make decisions on behalf of the council and it is essential that they are not acted upon as such. Nor does such a briefing negate the need to ensure that all necessary advice and information is provided to the decision-making body when the matter is formally considered.

9.5 Requests for briefings may be declined where these are to take place in premises which are not owned or controlled by the council or where persons who are not members of the council will be present.

9.6 Accommodation for use by political groups will be provided together with reasonable photocopying, postage and ICT facilities. Such use must be in connection with council business.

10. Members' access to information

10.1 This part of the protocol should be read in conjunction with the access to information procedure rules in ~~Part 5 of~~ the constitution and any guidance issued by the monitoring officer.

10.2 Councillors are entitled to see copies of any agenda for meetings of the ~~c~~Cabinet, and of ~~Protocol 2~~ of which they are not appointed members. Councillors' rights to information ~~March 2013~~

are subject to legal rules and, if members have a legitimate interest in a matter in their role as a member of the council, officers should provide the relevant information (including confidential information) to them.

10.3 Councillors should seek advice from the monitoring officer in circumstances where they wish to inspect any document or have access to information about a matter:

- in which they may have an ~~an prejudicial~~ interest; or
- where to do so would be in breach of the Data Protection Act 1998;

10.4 If councillors are not receiving, or are having difficulty in obtaining, information which they feel they need or to which they are entitled to carry out their duties as ~~members-councillors~~ they should contact the monitoring officer for advice.

10.5 Information given to a ~~member-councillor~~ must only be used for the purpose for which it was requested. Councillors and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so. A councillor must seek the advice of the monitoring officer before disclosing information given in confidence, ~~in order that the councillor can be advised on whether such disclosure would be:~~

- ~~reasonable and in the public interest~~
- ~~made in good faith~~
- ~~in accordance with the reasonable requirements of the council.~~

10.6 Councillors will be informed of local issues in accordance with Protocol 1 of the constitution - ~~the Briefing and Information for Local Members, Protocol, annexed to the constitution.~~

11. Media relations

11.1 Councillors are referred to the Wiltshire Council 'Media Relations Protocol' ~~annexed to at Protocol 7 of~~ the constitution.

12. Use of council resources

12.1 Councillors and officers must comply with the council's policies and requirements concerning the use of its resources, including in particular its ~~'ICT Acceptable Usage Policy', 'E-mail, Internet and Computer Use Policy.~~

12.2 Councillors must not use the council's resources improperly for political purposes (including party political purposes) and shall have regard to the local authority code of recommended practice on publicity annexed to the Media Relations Protocol. Councillors should seek advice from the monitoring officer where clarification is necessary.

13. Representation on external organisations _____

13.1 Councillors are referred to Protocol 3 – Guidance to Councillors on Outside Bodies.

13.2 A councillor appointed to represent the council on an external organisation shall take care to establish the legal status of the appointment and the potential liabilities that may be involved before confirming acceptance. Councillors should seek the advice of the monitoring officer if they have any concerns or are unclear about the nature of such appointments.

13.2 Councillors appointed to represent the council on external organisations shall establish relevant council policy on issues arising in those bodies and shall act in accordance with that policy when engaged in discussions and decision-making.

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13.3 Where a ~~councillor member~~ acts as a representative of the council on another ~~relevant authority he or she must comply with the other authority's code of conduct.~~ When acting as a representative of the council on another body, the councillor must comply with the council's Code of Conduct for Members, ~~unless it conflicts with lawful obligations of the other body.~~

14. Access to premises

14.1 If councillors wish to visit council establishments, other than ~~Bythesea Road and the~~ main area hub offices, they should contact the relevant director or head of the establishment in advance to make the necessary arrangements.

15. How to resolve issues

15.1 Councillors and officers are encouraged to work together and seek to resolve any differences informally, by discussing any concerns at the earliest opportunity.

15.2 If a councillor feels that they have not been treated with proper respect, courtesy or they have any concern about the conduct or capability of an officer, or that an officer has acted in breach of this protocol, they may raise the matter with the individual's service director. If the matter cannot be resolved informally, any such referral will be processed in accordance with the council's employment procedures and policies. The councillor and the officer will be kept informed of progress with the complaint and the action to be taken. An individual councillor does not have the power to discipline any officer.

15.3 If an officer feels that a councillor has acted in breach of this protocol, they should raise the matter with their service director. The service director should discuss the matter informally with the councillor. If the matter is not resolved the officer may refer the issue to the monitoring officer and the corporate director designated as the liaison officer for political groups for consideration and discussion with the appropriate group leader. The officer and councillor will be kept informed throughout.

15.4 In relation to the process in paragraph 15.3 above regard should be had to paragraph 3.1 of the council's arrangements for dealing with complaints under the code of conduct, which requires any complaint to be made within 20 working days of the date on which the complainant became aware of the matter giving rise to the complaint.

15.4 The use of mediation may be considered at any stage as a means of resolving the matter informally.

15.5 If the matter cannot be resolved informally the officer may bring a complaint against the councillor under the Members' Code of Conduct.

~~15. Further advice and complaints~~

~~15.1 Any particular cases of difficulty or uncertainty arising under this protocol should be raised with the monitoring officer who will advise how to proceed.~~

~~15.2 Where a councillor or officer considers that there has been a breach of this protocol a complaint may be made to the monitoring officer who will determine how the complaint should be handled.~~

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Councillor - Officer Relations

Principles

The support to be provided to councillors must be subject to the following caveats:

- Officers are employed by the council and are responsible to the council as a whole
- Officers cannot be required and must not undertake work of a political nature
- Officers must respect the confidentiality of some information that they may be exposed to

Supporting councillors centrally

The Democratic Services team ~~based in Trowbridge~~ can offer/facilitate support in the following areas:

A. ICT

ICT training will be given as part of the induction programme and following on from that equipment will be issued. This equipment will include a lap top and docking station, the option of a printer and other essentials. A broadband connection, or a monthly allowance to provide the same, will be provided together with the means to gain secure remote access to the Council's Network.

B. Councillor development

Following the councillor induction programme a detailed councillor development programme will be implemented. Councillors will be offered a personal development discussion which will enable them to discuss their training needs and find out about what training and development is available.

C. Allowances

All councillors are entitled to a basic allowance to cover the costs of being a councillor. Expenses can also be claimed for travel and subsistence. Details of allowances and expenses are set out in the Members Allowances scheme within the Constitution.

D. Secretariat and information

- Keeping councillors up-to-date with diary changes
- Booking onto any sessions from the Councillor Development Programme
- All councillors' conference arrangements including booking of places, hotel reservations, train tickets and arrangements for other transport.
- Providing 'Councillor Websites'
- Monitoring and maintaining individual Councillors' ~~declaration of~~ registered interests-forms on the council's web-site.
- Councillors' briefings with key information and details of delegated decisions, links to minutes and agenda for forthcoming meetings
- A councillor's intranet page with links to committee dates, planning applications, highways works or training opportunities.

Councillors will also be provided with:

- an identity badge
- a pass card to gain entry to the main offices ~~in the Bythesea Road~~
- ~~a council diary~~
- a general retiring lounge known as 'the members' room' (arrangements to be finalised as part of the transformation programme)
- reasonable stationery requirements, including letterheads, business cards, envelopes, and pre-paid reply envelopes for correspondence with council departments
- car parking ~~at Bythesea Road~~ whilst attending official meetings. arrangements under review.

E. Accommodation

Each political group will have a group room and access to a docking station for a lap top, printer, telephone and photocopying facilities for use in connection with council business.

There will also be specific accommodation provided for the leader, the cabinet, scrutiny members and the chairman of the council.

F. Politicalgroupsupport

No dedicated support is provided to group leaders but photocopying can be provided in connection with group business at an agreed cost and correspondence/communications can be sent with official council communications.

G. Briefings/seminars

A detailed list of forthcoming seminars will be maintained.

H. ResponsetoCouncillorenquiries

e-mails and telephone calls

- will be acknowledged within two working days of receipt, giving details of an alternative contact if the officer concerned is absent from the office
- a substantive response will be provided within seven working days of receipt. If that is not possible an explanation will be given as to the reason for the delay, what action is being taken, and when a response will be sent.

Supporting Councillors locally

The democratic services staff based in the office hubs will, subject to resources being available, support councillors in their community leadership roles. This could include:-

- Assisting councillors in providing a two-way link between the council and the community
- Supporting the representational role of councillors
- Arranging for office facilities to be made available

Councillors will arrange any surgeries they wish to hold for their constituents, using libraries and area hub offices where appropriate.

PROTOCOL 3

GUIDANCE TO COUNCILLORS APPOINTED TO OUTSIDE BODIES

Introduction

1. This guidance sets out the main issues which councillors should consider when appointed by the Council to serve on outside bodies. It supplements the advice included in paragraph 13 of the Councillor / Officer Relations Protocol, which forms part of the Council's Constitution.
2. In the context of this guidance 'outside bodies' include trusts, companies, charities, school governing bodies, industrial and provident societies and community associations. Councillors may be involved as a director, trustee, governor or member (with or without voting powers).
3. Councillors who are involved in the management of outside bodies have responsibilities to that body that must be acted upon. Their role, responsibilities and potential liabilities will depend upon the legal nature of the organisation and the capacity in which they have been appointed. Failure to act in a proper manner may give rise to personal liability or liability for the Council.
4. With the increasing emphasis on partnership working, councillors, as community leaders, have an important role to fulfil in supporting and advising outside bodies. However, this can give rise to conflicts of interest, particularly where the organisation is seeking or receiving funding from the Council. Councillors always need to be clear about their roles and alert to potential conflicts of interest in order to ensure transparency and public confidence in local democracy.
5. This guidance seeks to help councillors discharge their responsibilities on outside bodies clearly and effectively. It covers, primarily, the position of councillors appointed by the Council to serve on outside bodies, though much of the advice applies equally to councillors who are involved with outside bodies in a private capacity. In those situations, however, the Council's insurances will not apply.
6. This guidance is general and councillors should contact the Monitoring Officer for further advice if they have any particular issues of concern.
7. The responsibilities of officers in relation to outside bodies is dealt with separately in the Code of Conduct for Officers.
8. The remainder of this guidance includes the following:
 - issues to consider before appointment;
 - application of the Code of Conduct for Councillors;
 - legal status of outside bodies, capacity of appointment, duties and liabilities;
 - insurance and indemnity.

Issues to consider before appointment

9. Before accepting an appointment to an outside body councillors should check:

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- the legal status of the organisation e.g. company, trust, charity, unincorporated association;
 - the capacity in which the councillor is to be appointed e.g. director, trustee, member with voting rights or member with observer status;
 - the purpose of the organisation and how this relates to the Council's functions and objectives;
 - the relationship between the Council and the body and the likelihood and extent of any conflicts of interest;
 - the requirements of the organisation's governing instrument (eg constitution; trust deed; memorandum and articles of association), both as a member and generally;
 - the financial status of the organisation;
 - the governance and decision making arrangements, including the management of risk;
 - any code of conduct for members;
 - potential liabilities;
 - the extent of any insurance cover for members.
10. Having checked the above matters, councillors should consider carefully whether they should be appointed to participate formally in the management of the external organisation e.g. as a director, trustee or voting member, or whether their role as a representative of the Council may be more effectively discharged as a non-voting member with observer status only. Bearing in mind the potential liabilities that may be incurred through formal involvement in an organisation councillors are generally advised to seek appointment as members with observer status only, unless there are exceptional reasons for more formal participation.
11. Councillors are encouraged to seek advice from the Monitoring Officer where any of the above issues are unclear.

Application of the Code of Conduct for Members

12. The Council's Code of Conduct for Members in Part 13 of the Constitution places specific obligations on councillors when acting in that capacity in relation to their dealings with outside organisations, ~~including the registration and declaration of interests. The relevant provisions and guidance are covered in Appendix A. This includes guidance from Standards for England on the position of dual-hatted members under the Code of Conduct. Further guidance on the Code of Conduct may be obtained from the Standards for England web site at <http://www.standardsforengland.gov.uk>~~ The Code will, in particular, apply where a councillor is acting as a representative of the Council on an outside body.

13. Apart from the general duty to promote and support high standards of conduct the following duties of the Code are particularly relevant in this context:

- act solely in the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;
- avoid placing yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;

• make all choices, such as making public appointments, awarding contracts or

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recommending individuals for rewards or benefits, on merit;

- declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and take steps to resolve any conflicts in a way that protects the public interest.
- comply with the statutory requirements on the registration and declaration of interests.

[Final position on registration and declaration of any additional interests - to be determined by Council]

14. Councillors who have a disclosable pecuniary interest in any business at a meeting of the Council e.g. award of a contract, must not participate in any discussion of the matter or vote on it unless a dispensation has been obtained. Failure to comply with these requirements without reasonable excuse may result in prosecution.

15. Councillors that serve on more than one body, in particular, need to be mindful of potential conflicts of interest and always act in an open and transparent manner in carrying out their respective roles. For example, where a councillor is at a council meeting considering an application for a grant or a community asset transfer request from a parish council or other public body of which they are a member they should declare the existence and nature of their interest. Having done so, they may, generally, take part in the discussion of that item and vote, unless there are particular reasons why this would not be appropriate. It is also advisable as a matter of transparency to include details of the interest in their register of interests.

16. The same principle will generally apply where councillors are appointed to serve as school governors, but it is always necessary to have regard to the nature and extent of any conflict of interest in deciding whether to participate or vote. Where the governing body is considering a matter which is likely to have a material effect on the councillor or a member of their family it would be advisable to declare an interest and take no further part in the proceedings.

17. Councillors appointed to serve on outside bodies should be mindful of their legal obligations regarding disclosure of confidential information and in case of doubt should seek advice from the Monitoring Officer.

Predetermination and Bias

18.13. Aside from the Code of Conduct, under the common law councillors must be careful to avoid any pre-determination or bias in their decision making. ~~Guidance from Standards for England on this issue is included at Appendix B.~~ Predetermination occurs where someone has a closed mind so that they are unable to apply their judgment fully and properly to the issue requiring a decision. This can lead to legal challenges and decisions being set aside.

19. The Localism Act 2011 has clarified the rules on predetermination. It makes it clear that a councillor is not deemed to have had a closed mind on an issue just because they have indicated what view they have taken or may take before the issue is decided. A councillor is not, for example, prevented from participating in discussion of an issue or voting on it if they have campaigned on the issue or made public statements about their approach to it.

20. The general position, however, remains that, whatever their views, members must approach their decision-making with an open mind in the sense that they must have

regard to all material considerations and must be prepared to change their views if persuaded that they should.

21. Councillors need to be aware that decisions may be challenged and set aside on the grounds of bias. Under the common law bias involves some element of partiality or personal interest in the outcome of a case, as a result of a close connection with the parties, or the subject matter of the dispute, or because of a tendency towards a particular shared point of view.

22. The relevant test for bias is whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the decision maker was biased.

23. The risk of a successful challenge on these grounds may be overcome by proper observance of the requirements of the code of conduct and particularly the provisions set out in paragraph 13 above.

Legal status, capacity, duties and liabilities

24.44. The specific responsibilities of councillors will depend upon the legal status of the outside body and the capacity in which they have been appointed. The position of councillors in relation to various types of outside body is summarised in the appendices to this note as follows:

Appendix AG - Director of Limited Liability Company

Appendix BD - Trustee of Trust or Charitable Trust

Appendix CE - Member of Unincorporated Association

Appendix DF - Member of Steering Group, Joint Committee or Partnership Body

25.45. The key point to note is that where councillors are carrying out their duties as a trustee, director, or management committee member, they may take account of the wishes of the Council, but their primary duty is to act in the best interests of the organisation to which they have been appointed.

Liability, Insurance and Indemnity

25.46. Councillors can incur personal civil and criminal liability from formal participation in outside bodies.

26.47. However, under section 265, Public Health Act 1875 (as applied by Section 39, Local Government (Miscellaneous Provisions) Act 1976), cCouncillors enjoy statutory immunity from civil liability where they act within the powers of the authority, in good faith and without negligence.

27.48. However, But this immunity does not apply where they act beyond the powers of the council or act in bad faith (i.e. with dishonest or malicious intent) or negligently, and it does not protect them from criminal liability, for example for fraud or for corporate killing where they exercise managerial responsibilities.

2018 Wiltshire Council has a wide insurance provision to protect its assets and liabilities. Within
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these provisions the Council has extended its cover to protect its elected and co-opted members when carrying out duties in connection with the business of Wiltshire Council. Those afforded the protection are;

- elected Members of the Council or co-opted members of any Committee or Sub-Committee.
- members of committees, schemes or associations formed to assist in the activities of the Council.

[2429](#). A summary of those policies which incorporate these two extensions are listed below as follows;

Type	Employers Liability
Insurer	Zurich Municipal
Policy Number	QLA-11U010-0043
Sum Insured	£ 50 million any one event
Cover	This policy provides an indemnity in respect of legal liability to pay damages and claimants costs and expenses in respect of death of or bodily injury to or disease or illness contracted by any members or employees and arising out of and in the course of their official duties or employment in the business and caused during the period of insurance. Cover includes defence costs incurred with Insurer's written consent.

Type	Officials Indemnity
Insurer	Zurich Municipal
Policy Number	QLA-11U010-0043
Sum Insured	£ 5 million
Cover	<p>This policy provides indemnity in respect of legal liability for damages and claimant's costs and expenses for financial loss arising out of: negligent acts, accidental errors or omissions by members or employees arising out of their duties on Wiltshire Council business. This includes activities of employees and members approved by the Council in connection with outside organisations where the Council is legally entitled to approve such activities and indemnify employees and members in respect of them.</p> <p>Cover includes legal costs and expenses incurred with Insurer's written consent.</p>

Type	Libel and Slander
Insurer	Zurich Municipal
Policy Number	QLA-11U010-0043
Sum Insured	£ 5 million
Cover	<p>This policy provides indemnity in respect of legal liability for damages in respect of: libels appearing in normal business publications by members or employees; slanders by members or employees in the course of their official duties. These must be notified to the Insurers during the period of insurance and occurring during the period of insurance. Cover includes defence costs incurred with the Insurer's written consent.</p>

2230. ~~As a 'belts and braces' measure it is proposed to extend the existing officers' indemnity to cover M~~members and co-opted members are indemnified by the Council as follows:

The council will, subject to the exceptions set out below, indemnify its members and former members against claims made against them (including costs awarded and reasonable costs incurred) and will not itself make claims against them for any loss or damage (other than

claims falling within the cover provided to its members under any policy of insurance taken out by the Council or any motor vehicle insurance policy taken out by the members) occasioned by any neglect, act, error or omission committed by them in pursuit of their duties as they may from time to time undertake in the course of their duties with the Council whilst acting within the scope of their authority which shall include when they are acting for other persons or other bodies with the Council's consent.

Exceptions:

The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

- (a) fraud, dishonesty or a criminal offence on the part of the member;
- (b) any neglect, error or omission by the member otherwise than in the course of their duties;
- (c) liability in respect of losses certified by the Audit Commission as caused by wilful misconduct.

The indemnity will not apply if any member, without the written authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this indemnity, or where there is evidence that the member had acted with reckless disregard for the consequences.

Further Advice

[2331](#). Further assistance on the issues covered in this guidance may be obtained from the Council's Monitoring Officer.

APPENDIX A

~~Code of Conduct for Members – Relevant Provisions and Guidance~~

- ~~1. Where a councillor is acting as a representative of the Council on any other body (other than a relevant authority) they must comply with the Council's Code of Conduct except where it conflicts with any lawful obligations to which that body may be subject. (Paragraph 2 (5) of the Council's Code of Conduct for Members)~~
- ~~2. Councillors appointed to serve on outside bodies must be mindful of their duties regarding disclosure of confidential information under paragraph 4 of the Code of Conduct.~~
- ~~3. Councillors must not use or attempt to use their position as a councillor improperly to confer on or secure for themselves or any other person, an advantage or disadvantage – paragraph 6 (a) of the Code. In particular they must not use their position as a councillor improperly to secure benefits or advantages for the outside body to which they have been appointed.~~
- ~~4. Paragraph 13 of the Code requires councillors to register any personal interests which fall within the categories set out in paragraph 8 of the Code of Conduct. Registration is by written notification to the monitoring officer within 28 days of taking up office, or within 28 days of becoming aware of any new interest or change of interest.~~
- ~~5. The categories of interest which are most relevant in this context are:
 - ~~• any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority; (paragraph 8(1)(a)(i))~~
 - ~~• any body –
 - ~~a exercising functions of a public nature;~~
 - ~~b directed to charitable purposes;~~
 - ~~c one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),~~
 - ~~of which the councillor is a member or in a position of general control or management (paragraph 8(1)(a)(ii)).~~~~~~

~~Personal interest~~

- ~~6. A councillor will have a personal interest in any business of the Council which relates to or is likely to affect any of their registrable interests. They will, therefore, have a personal interest in any business of the Council which relates to or is likely to affect an outside~~

body to which they have been appointed by the Council.

- ~~7. They may also have a personal interest where a decision in relation to the business under consideration might reasonably be regarded as affecting their well-being or financial position, or the well-being or financial position of a relevant person to a greater extent than the majority of council tax payers in the electoral division affected by the decision. A 'relevant person' includes a body which falls within the categories of interest described in paragraph 5 above. (paragraph 8(1)(b) of the Code)~~
- ~~8. Where a councillor has a personal interest in any business of the Council and attends a meeting of the Council at which the business is considered, they must disclose the existence and nature of their interest to the meeting when the matter begins to be considered or when the interest becomes apparent. (paragraph 9(1) of the Code). For example, if the councillor is attending a council debate on education policy and is also a council appointed governor, they would only need to declare an interest if and when they decided to speak during the debate.~~
- ~~9. In the case of a personal interest in any business which relates to or is likely to affect any body to which the councillor has been appointed, or a body exercising functions of a public nature, the councillor only needs to disclose the existence and nature of their interest when they address the meeting on that business. (paragraph 9(2) of the Code).~~

~~Prejudicial Interest~~

- ~~10. A councillor will also have a prejudicial interest in any business of the Council being considered where the personal interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgment of the public interest. (paragraph 10(1))~~
- ~~11. A prejudicial interest will only arise, however, where none of the exemptions in paragraph 10(2)(c) of the Code apply, and the business being considered~~
- ~~• affects the councillor's financial position or the financial position of a person or body included in their register of interests e.g. a body to which they have been appointed by the Council;~~
 - ~~• relates to the determination of a regulatory matter affecting them or any such person or body.~~
- ~~12. A councillor who is considering an application for grant or a planning application by a body to which they have been appointed by the Council will, therefore, have a prejudicial interest in that matter. This will apply equally to a councillor who is a member of one of~~

~~the other bodies mentioned in paragraph 5 above.~~

- ~~13. Where a councillor has a prejudicial interest they may make representations on the matter to the same extent as a member of the public, answer questions or give evidence, if required, but they must then leave the meeting and not take any further part in it or vote. They must not seek to influence the decision improperly in any way. (paragraph 12 of the Code)~~
- ~~14. A councillor who participates in decision making on business in which they have a prejudicial interest may invalidate the decision.~~

~~Standards for England Guidance on Dual-hatted Members and the Code of Conduct~~

~~What is a dual-hatted member?~~

~~Dual-hatted members are members who serve on two or more relevant authorities; for instance, a member who is both a district and parish council member.~~

~~When should a dual-hatted member declare an interest?~~

~~If a dual-hatted member is taking part in a council meeting and an issue is under discussion which affects that member's other authority, then provided that they do not have a prejudicial interest, under paragraph 9(2) of the Code of Conduct the dual-hatted member only needs to declare a personal interest if they intend to speak on the matter involving the other authority. If the member does speak on the matter then they must declare a personal interest, but they are still able to vote.~~

~~Members must consider carefully, however, if the nature of the matter under discussion means that their membership of another authority may also give rise to a prejudicial interest.~~

~~For dual-hatted members who would not otherwise have a prejudicial interest for any other reason, a prejudicial interest will arise as a result of membership of the other authority if all of the following conditions are met:~~

- ~~• the matter affects the other authority's financial position or is about a licensing or regulatory matter applied for by the other authority;~~
- ~~• the matter does not fall within one of the exempt categories of decisions under paragraph 10(2)(c) of the Code;~~
- ~~• a reasonable member of the public with knowledge of the relevant facts would believe that the member's ability to judge the public interest would be impaired~~

~~Standards for England takes the view that where a regulatory application, including a matter of consent or approval, is made by a body on a member's register of interests, or a matter is discussed that would impact upon the financial interests of a body on a member's register of interests, then a prejudicial interest will arise. For example if a parish council planning application was being considered at a district council meeting, a member of the planning committee who is also a parish council member would need to declare a personal and prejudicial interest when that matter is considered, leave the chamber and not vote.~~

~~Predetermination and dual-hatted members~~

- ~~• A dual-hatted member does not automatically have an interest in an item just by virtue of having considered the issue at the meeting of a different authority. If the issue does not meet the normal criteria for needing to declare a personal interest, then an interest does not need to be declared. However, the issue of predetermination or bias may need to be considered where members sit on different bodies determining matters. Further information on this is set out in Appendix B.~~

~~Dual-hatted member scenarios~~

~~Standards for England have developed some scenarios covering dual-hatted member issues based on real queries that they have received and the advice they have given. These may be accessed using the following link:~~

~~<http://www.standardsforengland.gov.uk/Resources/ResourceLibrary/Trainingmaterials/Dual-hattedmembers-scenarios/>~~

APPENDIX B

~~Predisposition, Predetermination or Bias, and the Code – Guidance from Standards for England~~

~~Both predetermination and bias have proved to be difficult and controversial issues for many councillors and monitoring officers. Although they are judge-made, common law issues, and not part of the Code of Conduct, Standards for England is publishing this up-dated guide to help clarify the issues.~~

~~We originally published a paper on this issue in August 2007. It was based on advice from leading treasury counsel Philip Sales QC, which can also be [found on our website](#).~~

~~This new version of the paper aims to clarify the issues involved. It includes examples of where councillors are predisposed, and so can take part in a debate and vote, and where they are predetermined and their participation in a decision would risk it being ruled as invalid.~~

~~This area of law is constantly developing which is why the paper has been revised. However, members should refer to their monitoring officers for the most up-to-date position.~~

~~What is predisposition?~~

~~It is not a problem for councillors to be predisposed to a particular view. That predisposition can be strong and can be publicly voiced. They may even have been elected specifically because of their views on this particular issue. It might be in favour of or against a particular point of view, for example an application for planning permission.~~

~~However, the councillor must be open to the possibility that, however unlikely, they will hear arguments during the debate about the issue that will change their mind about how they intend to vote. As long as they are willing to keep an open mind about the issue they are entitled to take part in any vote on it.~~

~~What is predetermination or bias?~~

~~Predetermination is where a councillor's mind is closed to the merits of any arguments which differ from their own about a particular issue on which they are making a decision, such as an application for planning permission. The councillor makes a decision on the issue without taking them all into account.~~

~~If councillors are involved in making a decision they should avoid giving the appearance that they have conclusively decided how they will vote at the meeting, such that nothing will change their mind. This impression can be created in a number of different ways such as quotes given in the press, and what they have said at meetings or written in correspondence.~~

~~Rarely will membership of an organisation on its own, such as a national charity, amount to apparent bias. This is unless the organisation has a particular vested interest in the outcome~~

~~of a specific decision that a councillor is involved in making, or the decision is quasi-judicial in nature.~~

~~Making the decision~~

~~There is an important difference between those councillors who are involved in making a decision and those councillors who are seeking to influence it. This is because councillors who are not involved with making a decision are generally free to speak about how they want that decision to go.~~

~~When considering whether there is an appearance of predetermination or bias, councillors who are responsible for making the decision should apply the following test: would a fair-minded and informed observer, having considered the facts, decide there is a real possibility that the councillor had predetermined the issue or was biased?~~

~~However, when applying this test, they should remember that it is legitimate for a councillor to be predisposed towards a particular outcome as long as they are prepared to consider all the arguments and points made about the specific issue under consideration.~~

~~Also the importance of appearances is generally more limited when the context of the decision-making is not judicial or similar to judicial. Planning decisions are not similar to judicial decisions, they are administrative. Therefore councillors can appear strongly predisposed for or against a particular planning decision.~~

~~How can predetermination or bias arise?~~

~~The following are some of the potential situations in which predetermination or bias could arise.~~

~~Connection with someone affected by a decision~~

~~This sort of bias particularly concerns administrative decision-making, where the authority must take a decision which involves balancing the interests of people with opposing views. It is based on the belief that the decision-making body cannot make an unbiased decision, or a decision which objectively looks impartial, if a councillor serving on it is closely connected with one of the parties involved.~~

~~15. Example:~~

- ~~a. A district councillor also belongs to a parish council that has complained about the conduct of an officer of the district council. As a result of the complaint the officer has been disciplined. The officer has appealed to a councillor panel and the councillor seeks to sit on the panel hearing the appeal. The councillor should not participate.~~

~~Contrast this with:~~

~~b. The complaint about the officer described above is made by the local office of a national charity of which the councillor is an ordinary member and has no involvement with the local office. The councillor should be able to participate in this situation because the matter is not concerned with the promotion of the interests of the charity.~~

~~Improper involvement of someone with an interest in the outcome~~

~~This sort of bias involves someone who has, or appears to have, inappropriate influence in the decision being made by someone else. It is inappropriate because they have a vested interest in the decision.~~

~~Example:~~

~~A local authority receives an application to modify the Definitive Map of public rights of way.~~

~~A panel of councillors is given delegated authority to make the statutory modification Order. They have a private meeting with local representatives of a footpath organisation before deciding whether the Order should be made. However, they do not give the same opportunity to people with opposing interests.~~

~~Prior involvement~~

~~This sort of bias arises because someone is being asked to make a decision about an issue which they have previously been involved with. This may be a problem if the second decision is a formal appeal from the first decision, so that someone is hearing an appeal from their own decision. However, if it is just a case of the person in question being required to reconsider a matter in the light of new evidence or representations, it is unlikely to be unlawful for them to participate.~~

~~Example:~~

~~A councillor of a local highway authority, who is also a member of a parish council that has been consulted about a road closure, could take part in the discussion at both councils. The important thing is that the councillor must be prepared to reconsider the matter at county level in the light of the information and evidence presented there.~~

~~Commenting before a decision is made~~

~~Once a lobby group or advisory body has commented on a matter or application, it is likely that a councillor involved with that body will still be able to take part in making a decision about it. But this is as long as they do not give the appearance of being bound only by the views of that body. If the councillor makes comments which make it clear that they have already made up their mind, they may not take part in the decision.~~

~~If the councillor is merely seeking to lobby a public meeting at which the decision is taking place, but will not themselves be involved in making the decision, then they are not prevented by the principles of predetermination or bias from doing so. Unlike private~~

lobbying, there is no particular reason why the fact that councillors can address a public meeting in the same way as the public should lead to successful legal challenges.

Example 1:

A council appoints a barrister to hold a public inquiry into an application to register a village green. The barrister produces a report where he recommends that the application is rejected. A councillor attends a meeting in one of the affected wards and says publicly: "speaking for myself I am inclined to go along with the barrister's recommendation". He later participates in the council's decision to accept the barrister's recommendation. At the meeting the supporters of the application are given an opportunity to argue that the recommendation should not be accepted.

This is unlikely to give rise to a successful claim of predetermination or bias. The statement made by the councillor only suggests a predisposition to follow the recommendation of the barrister's report, and not that he has closed his mind to all possibilities. The subsequent conduct of the meeting, where supporters of the application could try and persuade councillors to disagree with the recommendation, would confirm this.

Example 2:

A developer has entered into negotiations to acquire some surplus local authority land for an incinerator. Planning permission for the incinerator has already been granted. Following local elections there is a change in the composition and political control of the council. After pressure from new councillors who have campaigned against the incinerator and a full debate, the council's executive decides to end the negotiations. This is on the grounds that the land is needed for housing and employment uses.

The council's decision is unlikely to be found to be biased, so long as the eventual decision was taken on proper grounds and after a full consideration of all the relevant issues.

Predetermination or Bias, and the Code

There is a difference between breaching the Code and being predetermined or biased. It is perfectly possible to act within the Code and still cause a decision you were involved in to be bad for predetermination or bias.

Example:

Under the Code, a councillor may take part in considering whether or not to grant a planning application which is recommended for refusal by planning officers and made by a colleague with whom they do not share a "close association". Nevertheless, because the councillor is the Chair of the planning committee, uses his casting vote to decide in favour of his colleague, and regularly shares a car with that colleague when coming to council meetings, this gives rise to an appearance of bias.

Conclusion

When making administrative decisions like whether or not to grant planning permission, councillors are entitled to have and express their own views. However, this is as long as they are prepared to reconsider their position in the light of all the evidence and arguments. They must not give the impression that their mind is closed.

Relationship to the Code of Conduct

The First-tier Tribunal (Local Government Standards in England) in case reference 0352 has also looked at the relationship between the Code and predetermination and gave an indication that where such issues arise there is a potential paragraph 5 Code breach. The outcome is likely to depend on the individual circumstances of a case and any other Code issues and breaches. This is because a councillor who renders the decision of a council unlawful due to predetermination could reasonably be regarded as bringing that authority or his office into disrepute.

An important issue for members is that by and large predetermination will not amount to a personal or prejudicial interest. Therefore there is no specific requirement to declare an interest and leave the room under paragraphs 8 to 10 of the Code. Members may however find themselves the subject of a complaint under paragraph 5 on disrepute. This paragraph of the Code has no provision for declaring interests or leaving meetings.

For more information on the issue of predetermination or bias, councillors should talk to their monitoring officers or their political group.

Published on December 2009.

APPENDIX

AG

Councillors appointed as Directors of Limited Liability Companies

Legal Status

1. Upon incorporation a company becomes a separate legal entity, which can hold property in its own right, enter into contracts and sue and be sued in its own name. In the case of a limited liability company the liability of members of the company is limited to the amount they paid or agreed to pay when they joined the company. This can be as little as £ 1.
2. Companies limited by shares are those which have a share capital e.g., 1000 shares of £ 1 each. Each member holds shares and receives a share in the profits made by the company according to the value of the shares held. Shares can be sold. Liability in the event of a winding-up is limited to the amount unpaid on the shares held.
3. Companies limited by guarantee do not have shares. Instead, each member agrees that in the event of the company being wound up they will agree to pay an agreed amount eg £ 1. This is most common in the public and voluntary sector, particularly where charitable status is sought.

Directors' Duties

4. The role of a councillor who has been appointed as a director will depend upon the company's Memorandum and Articles of Association (its constitution). A company's constitution will vest most of its powers in the board of directors and the board will exercise these either directly or through managers appointed by the board. Directors must understand the requirements of the Memorandum and Articles of Association in order to fulfil their responsibilities properly.
5. Directors will need to be aware of the requirements of the "Combined Code on Corporate Governance" to the extent that this has been adopted by the company, including general management of the company, rules on directors' remuneration, internal financial and operational controls and risk management.
6. Directors, as agents of the company, must:
 - act in good faith in what they believe to be in the best interests of the company as a whole (not the Council).
 - act with reasonable care, diligence and skill;
 - exercise their powers reasonably and for the purpose for which they are given;
 - keep an open mind when making decisions on company business; in particular Protocol 3 a councillor director must exercise independent judgment and not simply follow

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Council policy when voting on company matters;

- avoid placing themselves in a position where their private interests or their position as a councillor conflict with their duties to the company;
- be aware of the company's financial position through attendance at board meetings and reading the accounts, agendas and minutes; it is not sufficient to assume that the other directors are doing a good job.

7. Some directors may be given special responsibilities under the company's constitution, for instance a managing director or finance director. Those with special roles will be expected to have the personal and technical skills to perform the duties associated with that role, which may be onerous.
8. The above duties apply to non-executive directors as well as executive directors.
9. There are other statutory requirements which may be relevant depending on the company's business. Directors will need to be familiar with these. For example, if the company is an investment vehicle which engages in fundraising activity, financial services legislation will apply.

Observer status

10. The position of observer has no specific legal status in company or local authority law. Any person appointed as an observer should ensure that their role is clearly defined and avoid involvement in the management of the Company. If an observer acts beyond their remit and exercises real influence over the company's affairs and decision making the observer may be deemed to be a shadow director, with all the duties of an ordinary director.
11. Observers and others, such as professional advisors, may attend board meetings. Generally the minutes of the meetings will note the names of observers and the fact that they are "in attendance". Persons "in attendance" have no specific legal status and in itself the phrase does not indicate any particular level of participation in the company's affairs. The extent of the participation of a councillor described in board minutes as "in attendance" is a question of fact. They should, however, take care to avoid involvement in the management of the company so as to avoid being treated as a shadow director.
12. A director (or shadow director) may incur personal liability if they are in breach of the above duties. This may arise where:
 - the company is found, in the course of winding up, to have been trading for fraudulent purposes. If a director has acted dishonestly this is also a criminal offence;
 - following liquidation, a director is found liable for wrongful trading, i.e. allowing Protocol 3 the Company to continue to trade at a time when the director knew or ought

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reasonably to have known that there was no reasonable prospect that the company would avoid going into insolvent liquidation;

- the company commits a breach of the criminal law, for example, health and safety legislation;
 - a director acts negligently or in breach of their duty to the company (including the duty to maintain confidential any confidential information relating to the company that comes into their possession).
 - a director knowingly causes the company to act beyond the activities authorised by its Memorandum of Association;
 - there is a breach of trust, such as the misappropriation of company funds or property;
 - a director uses their powers improperly or makes a personal profit from their position as director.
 - there is a failure to comply with the requirements of companies legislation, such as the making of returns to the Registrar of Companies.
- Insurance

13. Councillors appointed as directors should find out if the company maintains appropriate insurance cover against directors' liability. If this is not in place this should be requested, but this is a matter entirely for the board and the Council cannot insist upon this. It will be necessary to ensure that the company has the resources to maintain payment of the insurance premiums.

14. Further guidance on the responsibilities of company directors is available on the websites of the Institute of Directors and Companies House:

<https://www.iod.com/Home>

<http://www.companieshouse.gov.uk>

APPENDIX

~~B~~

Appointment of a Trustee to a Trust or Charity

Legal Status

1. Trustees will be appointed under a Trust Deed. The role and responsibilities of a trustee will depend, therefore, upon the provisions of the trust deed and/or scheme (collectively referred to as its “governing documents”) and the general law relating to trusts and charities.
2. It is quite common for companies to be set up as trusts with charitable objects. In this case the trustees will also be directors of the company and will have the obligations set out in Appendix C above as well as the obligations set out in this section. Councillors involved with charitable companies should ensure that they understand the capacity in which they have been appointed.

Duties

3. The role of a trustee is generally to fulfil the objects of the trust and apply the income and, if appropriate, the capital of the trust in accordance with the provisions of its governing documents.
4. Trustees are subject to various duties, including the duty to:
 - act for the benefit of the charity and its beneficiaries;
 - preserve the capital of the charity (unless the trust deed gives the trustees the right to spend the capital or the charity is small and the trustees have resolved to spend the capital under the Charities Act 1993);
 - make sure income is spent only on the things authorised in the governing documents;
 - invest the capital only in authorised investments, having first taken professional advice;
 - produce annual accounts;
 - act with reasonable care and skill in administering the trust; and
 - to act unanimously (unless the trust deed allows majority decisions).

Protocol 3 comply with the Charities Acts and other legislation affecting the charity.
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5. The Charity Commission's website - www.charitycommission.gov.uk - contains useful guidance, in particular Publication CC3 - "Responsibilities of Charity Trustees" which outlines the basic principles that should guide trustees when administering their charity:
- the income and property of the charity must be applied for the purposes set out in the governing document and for no other purposes;
 - the trustees must act reasonably and prudently in all matters relating to the charity and must always bear in mind the interests of the charity. They should not let their personal views or prejudice affect their conduct as trustees;
 - trustees should exercise the same degree of care in dealing with the administration of their charity as a prudent businessman would exercise in managing his or her own affairs or those of somebody else for whom he or she was responsible; and
 - where trustees are required to make a decision which affects a personal interest of one of their members that person should not be present at any discussion or vote on the matter.

Liability

6. Trustees are jointly and severally liable to the charity for breaches of trust. They may incur personal liability for losses incurred if they:
- act outside the scope of the trust deed;
 - fall below the required standard of care;
 - make a personal profit from the trust assets;
7. Trustees will incur personal liabilities under contracts they enter into in the name of the charity. They are, however, entitled to be reimbursed from the charity's funds for all liabilities and expenses properly incurred by them, provided this is authorised by the trustees in accordance with the trust deed.

Insurance and Indemnity

8. An indemnity can be given from the trust fund provided the trustee has acted properly and within their powers. Trustees may take out insurance to protect themselves against personal liability except criminal liability. Payment of the premiums must be authorised by the trust deed if they are to be met from charitable funds.

APPENDIX

CE

Unincorporated Associations

Legal Status

1. Most societies, clubs and similar organisations (other than companies, industrial societies and trusts), are unincorporated associations. This is an informal organisation, which may arise where several people join together, with the intention of creating legal relations, to carry out a mutual purpose otherwise than for profit.
2. There is no statutory definition of an unincorporated association but it has been described by the court as “an association of persons bound together by identifiable rules and having an identifiable membership”. Unlike a company it does not have a separate legal status distinct from its members.
3. The rules of an unincorporated association are found in its constitution, which sets out the roles and responsibilities of its members.

Duties

4. An unincorporated association will typically have an executive or management committee with its powers and composition defined by the constitution. Key decisions will usually be made by the members at general meetings. The day to day administration of an association is usually undertaken by the officers and members of the executive or management committee.
5. Broadly executive or management committee members must act within the constitution and must take reasonable care in exercising their powers.
6. Where an unincorporated association is a registered charity the members of the executive or management committee may also be charity trustees. As such, their role and responsibilities will be determined not only by the association’s constitution but also by the general law relating to trusts and charities, as set out Appendix D.

Observer Status

7. The Council may appoint a councillor to the executive or management committee of an unincorporated association as an observer. A councillor acting as an observer should avoid exceeding this role by becoming directly involved in the management of the association as they may be deemed to be an ordinary member for the purposes of determining liability.

Liabilities

8. Members of the management committee are generally liable, jointly and severally, for the acts of the organisation, but are entitled to an indemnity from the funds of the

Protocol 3

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organisation if they have acted properly. If there are insufficient funds the members are personally liable for the shortfall

9. Particular care should also be taken when entering into contracts on behalf of the association. If the individual lacks the authority to do so, they may find themselves personally liable for the performance of the contract.

Insurance

10. Insurance may be available, but payment of the premiums must be authorised by the constitution if they are to be met from the association's funds.

APPENDIX

DF

SteeringGroups, JointCommitteesandPartnershipBodies,includingCommunity AreaPartnerships

1. The responsibilities of a councillor who is appointed as a member of any of these bodies will be determined by the terms of reference, constitution or partnership agreement under which they are established and governed.
2. It is necessary to ensure that the councillor's role on the body is clear, and, in particular, whether they are acting as a delegate or representative of the Council to further the interests of the Council, or whether they are expected to exercise independent judgment in the best interests of the body concerned.
3. Liability will depend on the nature and functions of the body and the constitution or agreement under which it is established. Insurance may be available to cover certain liability.

Protocol 4

The Planning Code of Good Practice for Members of Wiltshire Council

1. Why a 'Code of Good Practice' is required

- 1.1. As a local councillor you will inevitably be involved in planning matters; as a councillor representing your division's constituents; as a councillor responsible for overseeing the planning framework for Wiltshire, or as a councillor responsible for deciding planning applications at an area or strategic planning committee. You will have a crucial role to play in both making the planning system work and ensuring the best possible outcomes for the community, both now and in the future.
- 1.2. The key purpose of planning is to manage development in the public interest. However, concerns are sometimes expressed about the probity of councillors meeting developers, applicants and interest groups and then taking decisions on an impartial basis. The aim of this code of good practice is to ensure that in the planning process in Wiltshire there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. Your role as a member of the council is to make planning decisions openly, impartially, with **legally**-sound judgement and for justifiable reasons. This Code of Good Practice has been prepared to help **and guide** you in this task.

2. When the Code of Good Practice applies

- 2.1. This code applies to councillors at all times when involving themselves in the planning process. This includes not just the taking part in the planning committee meetings of the council, but on less formal occasions, such as meetings with officers, the public, parish/town/city councils and pre-application and consultation meetings. It applies equally to planning enforcement matters or site-specific policy issues as it does to planning applications.
- 2.2. If you have any doubts about the application of this Code **or Wiltshire Council's Code of Conduct for Members** to your own circumstances, **and in particular where you may have a disclosable pecuniary interest in any planning matter**, you should seek advice early, from the Monitoring Officer or one of his/her staff, and preferably well before any meeting takes place.
- 2.3. This code is based upon the 'Model Members Planning Code' adopted by the Association of Council Secretaries and Solicitors in 2003 (updated in 2007). The Model Code was produced following consultation with the Standards for England, the Local Government Ombudsman and the Audit Commission but has been updated to take account of the clarification of the predetermination rules **and the new standards regime introduced by contained in** the Localism Act 2011.

3. Relationship to **Wiltshire Council's the 'Members' Code of Conduct'**

3.1. The Members' Code of Conduct must be complied with at all times **when you are acting in your capacity as a member or co-opted member**. This Planning Code of Good Practice seeks to

explain and supplement the Members' Code of Conduct for the purposes of planning. It provides helpful guidance for members. However, you are advised that if you do not abide by this Code of Good Practice, you may put the council at risk of proceedings on the legality ~~or maladministration~~ of the related decision or a complaint of maladministration to the Local Government Ombudsman, and yourself at risk of ~~either being named in a report made to the Standards Committee or council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Standards Committee under the Members' Code of Conduct~~.

3.2. In the event of a conflict between this Planning Code of Good Practice and the Members' Code of Conduct the latter will prevail.

4. Development proposals and interests under the Members' Code of Conduct

4.1. It is a fundamental point of principle that those who have a significant interest in the outcome of a planning decision should not take part in the decision making process, for example, Members may wish to make their own planning proposals, such as extending their own property. Members should disclose the existence and nature of their interest at any relevant meeting, including informal meetings or discussions with officers and other members. Such interests should be declared at the start of the meeting.

4.2. The requirements for the registration and declaration of interests are set out in Wiltshire Council's Members' Code of Conduct and in the underlying legislation contained in the Localism Act 2011, and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. You should be aware that failure to comply with the requirements relating to disclosable pecuniary interests without reasonable excuse could result in prosecution.

4.3 If you have a disclosable pecuniary interest in any planning matter you must not participate in any discussion of the matter or vote on it at the meeting of the Committee unless you have obtained a dispensation from the Standards Dispensation Sub-Committee. In addition you should:

Where your interest is personal and prejudicial:

- ~~Notify the Monitoring Officer in writing or by e-mail of your interest, if at all possible no later than the submission of the proposal;~~
- ~~Consider employing an agent to act on your behalf in dealing with officers and any public speaking at Committee (although you may participate as and to the same extent as a member of the public); - at any meeting, you must ensure that you leave the room whilst the meeting considers it;~~
- Ask another elected member to represent division views;¹
- ~~Do not~~ participate in the processing of the application or the making of any decision on the matter by the Council;
- ~~Do not~~ seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your position as a councillor.

- ~~Your proposal will not be dealt with by officers under delegated powers if a valid~~ planning objection to it is received. Where this happens it will be reported to a committee for a decision.

Protocol 4 At the meeting of the committee you may speak on the application, but only to the extent permitted for members of the public (not as a local member) in
March 2013
May 2012

~~accordance with paragraph 9.6 below. You must then leave the room.~~

5. Bias and Predetermination

5.1 A planning decision may be challenged and ruled unlawful on the ground of bias.

The test is whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the member was biased.

In particular, under the Council's Code of Conduct for Members, bias would occur if you place yourself under a financial or other obligation to third parties that might seek to influence you in the performance of your official duties

~~5. Fettering discretion in the planning process~~

5.24. The integrity of and public support for the planning process relies on members of planning committees making decisions that are open, transparent and above board. To participate in decision-making on planning matters, it is essential that you do not have a closed mind and that you make your final decision only when you have seen and heard all the evidence and arguments presented, including the Officer's report and representations on both sides.

The Localism Act has helpfully clarified the rules on predetermination.

Predetermination occurs where someone has a closed mind so that they are unable to apply their judgment fully and properly to the issue requiring a decision. This can lead to legal challenges and decisions being set aside.

The Act makes it clear that a member is not deemed to have had a closed mind on an issue just because they have indicated what view they have taken or may take

¹ It is ~~perfectly~~ acceptable for councillors to nominate a substitute(s) to undertake their planning responsibilities, including application 'call in', if they have a conflict of interest or during periods of absence such as holidays or illness. In the case of death, the Chairman will nominate a stand in.

before the issue is decided. A member is not, for example, prevented from participating in discussion of an issue or voting on it if they have campaigned on the issue or made public statements about their approach to it.

The general position, however, remains that, whatever their views, members must approach their decision-making with an open mind in the sense that they must have regard to all material considerations and must be prepared to change their views if persuaded that they should.

5.32 ~~Where I am a~~ If you are a member of a Wiltshire Council planning committee and also a member of a parish, town or city council, ~~can I still attend the parish/town/city council meetings where planning matters are discussed and still be a member of a Wiltshire Council planning committee?~~

~~Y~~You can still take part in debates on planning proposals at parish/town/city council meetings, provided that:

- ~~The proposal does not substantially affect the well being or financial standing of the city/town/parish council;~~
- You must make it clear to them at the meeting that any views you express are based on the limited information before you only and that you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Wiltshire Council Planning Committee;
- You make it clear that you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that parish, as and when it comes before the Committee and you hear all of the relevant information;
- When the development proposal comes up for consideration at a Wiltshire Council Planning Committee, ~~if you intend to speak or vote~~ you should disclose the personal your interest regarding your membership or role at the town/city or parish council.

6. Contact with applicants, developers and objectors

6.1. As a community leader and local representative you will want to be involved in relevant public meetings, pre-application discussions and policy-~~production~~ development. ~~You Councillors~~ can involve ~~themselves yourself as a councillor~~ in discussions with developers and others about planning matters provided you keep to the following guidelines:

- Where developers organise a public exhibition or display of their proposals, it is acceptable for you to visit to examine the proposals and ask questions of the developers to ensure that you are fully informed of the nature of the proposals. You may feed in your own and your local community's concerns and issues and engage in discussion. However, irrespective of any position adopted in advance of a planning meeting you must have and be seen to have an open mind at the point of decision-making and base your decision on the information available at that time.
- Pre-application meetings with developers or prospective applicants may be a positive way of engaging the developer to seek to ensure that community needs are met. However, if approached, you should refer any requests for such a meeting

to an officer of the Development Service. The officer(s) will then organise the meeting and ensure that those present are advised from the start that the discussions will not bind the authority to any particular course of action and that the meeting is properly recorded.

- Refer those who approach you for planning, procedural or technical advice to officers;
- Advise those looking for policy guidance to examine the policies in adopted local plans and the Local Development Framework;
- Avoid meeting developers alone or putting yourself in a position where you appear to favour a person, company or group.

7. Lobbying and councillors

7.1. Lobbying is recognised as a normal and proper part of the political process. However, it is important for members to protect their impartiality and integrity in planning matters. You will not breach this Code of Good Practice by listening to or receiving viewpoints from residents or other interested parties provided that you make it clear that your final position will be determined at the end of the planning process when you are aware of all of the material considerations. Councillor's attention is drawn to the following advice: -

- ~~Avoid accepting gifts or hospitality from~~ Do not place yourself under a financial or other obligation to any person involved or affected by a planning proposal. ~~If a degree of hospitality is entirely unavoidable, ensure that its acceptance is declared as soon as possible and enter it into the register of interests where its value exceeds £25 (twenty five pounds) in writing within 28 days of accepting such hospitality;~~
- Pass a copy of any lobbying correspondence that you receive to the relevant Development Control Area Team Manager or the case officer at the earliest opportunity;
- Do not pressurise or lobby officers for a particular recommendation;
- Promptly refer to the Development Control Area Team Manager any offers made to you of planning gain or constraint of development, through a Section 106 Planning Obligation or otherwise;
- Inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) who will in turn advise the appropriate officers to follow the matter up.
- Political Groups should never dictate how Members should vote on a planning issue and members should not excessively lobby fellow councillors regarding concerns or views, nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

7.2. Can I remain a member of an amenity society when it makes representations on planning matters?

There are many general interest groups who concentrate on issues beyond particular planning proposals. These include bodies such as the National Trust; CPRE; Wiltshire Archaeology and Natural History Society; Ramblers Association; local civic societies. It is acceptable to be members of these societies, provided that ~~an personal~~ interest is declared when that organisation has made representations on a particular proposal and you make it clear that you have reserved judgement and the independence to make up your own mind on each separate proposal.

However, if you become a member of or lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals, you will have to ensure that you still have an open mind and will again have regard to all material considerations at the time any decision is made.

8. The role of officers

8.1. Officers and members work together to deliver the outcomes that seek to deliver the right development at the right place at the right time, whilst protecting the built and natural environment. It is therefore essential that there is mutual trust and understanding between officers and members. Officers will advise and assist members in their formulation of planning advice and the determination of applications and will provide:

- Impartial and professional advice;
- Committee reports that include a clear and accurate analysis of the issues in the context of the relevant development plan and other material considerations; the substance of the representations and views of those who have been consulted and a clear recommendation of action.

Officers will process and determine applications in accordance with the council's code of Conduct for Officers and the Royal Town Planning Institute's Code of Professional Conduct.

9. Decision making

9.1. ~~Planning decisions are made within the context of a national, regional and local planning framework and Inspectorate decisions.~~ By law, the council has to make decisions in accordance with the Development Plan unless material planning considerations indicate otherwise. The National Planning Policy Framework is a material planning consideration.

9.2. As a member, you can request that the relevant planning committee considers a planning application in your division and not be dealt with under delegated powers (although there are a few exceptions, such as tree applications, set out in the Scheme of Delegation). To call-in an application, you need to do this in writing, (an electronic proforma is available for electronic submission), and send it to the relevant area team manager or case officer handling the application. Requests must be received within 21 days of the circulation of the weekly list (but there are some exceptions set out in detail in the Scheme of Delegation to Officers – Part 3B of the Constitution). The proforma must record planning reasons why the committee should deal with the application. (It would be helpful if councillors would contact the case officer prior to call-in to discuss the planning issues involved and whether a call-in is necessary.) Following receipt of a request, officers will confirm the action to be taken and keep the member informed when they are ready to make a recommendation.

9.3. While there is a strong presumption that the Division Member's views on call in should prevail, if another Member (i.e. one from a neighbouring division which is affected by the development) thinks an application should go to committee and this is contrary to the view of the local Division Member, it will be open to that member to discuss the application with the Chairman of the committee. Having discussed the application and considered the possible impacts the Chairman will then have the ability to ask for the application to proceed to committee for determination. In the rare event that the application is in the Chairman's own division, the adjoining member can discuss the application with the Director of the service.

9.4. Councillors should arrive at meeting with an open mind and make a decision only after due consideration of all the information reasonably required to make that decision including any matter reported at the meeting. If you feel that there is

insufficient information before you, you should request that further information. If necessary, defer or, if the grounds are adequate, refuse the proposal.

- 9.5. Site Visits – Councillors will be expected to be familiar with the site and the issues surrounding the decision when they arrive at a committee meeting. It is acceptable to visit the site and, if necessary, surrounding properties that may be affected by the proposal, as an individual councillor before the meeting, although councillors should not enter onto a site without the consent of the owner. On no account should councillors express a view on the merits of the application to anyone, including the applicant, owner or any third party. With regard to the Strategic Committee, for major and controversial applications arrangements will exceptionally be made for organised site visits where these are considered necessary.

The committee reports and officer presentations should provide ample information for councillors to determine applications. Very exceptionally, councillors at a committee may feel that a site visit is appropriate to assess the implications of the development. In these cases, reasons for the site visit will be provided and consideration of the application should be deferred pending the visit. (The site visit will be arranged by officers and although the owner's permission will be required, there should be no dialogue with members of the public or applicant/owner during the visit.) The application will then be re-listed on the following agenda.

- 9.6. Public Speaking at Meetings - The council has an established procedure in respect of public participation at planning meetings. This should be complied with. In particular, it is not permissible during meetings for members of the public to communicate with councillors debating the proposal either orally or in writing, as this may give the appearance of bias.

Consultees and members of the public who wish to speak at a planning meeting, either in favour of or against an application will be asked to register with Democratic Services. Notification can be given in advance of the meeting, but not before the agenda has been published, by contacting the Democratic Services Officer identified on the agenda. However it should be noted that the Democratic Services Officer must receive registrations in person at least ten minutes prior to the meeting; registration will take place on a first come first served basis and if someone fails to register in person the opportunity to speak will be offered to someone else if appropriate. If a large number of speakers wish to speak on an application, Democratic Services will advise them to coordinate their speakers.

Town/parish/city councils will have an individual four minute representation slot should they wish to speak. Only one representative per council should speak and it is important that the spokesperson expresses the formal views of their council, and not their own individual thoughts. If an application is near the boundary with an adjacent parish, each affected council will have a four minute slot. Any additional time will be at the committee chairman's discretion.

There will be a maximum of three members of the public permitted to speak in objection to an application and three members of the public permitted to speak in support of an application. Where a committee member with a ~~prejudicial-disclosable pecuniary~~ interest wants to ~~participate in their private capacity~~ as a member of the public (as they are entitled to do) they will need to secure one of the 'public slots'.

Each speaker will be allotted 3 minutes to address the committee and an audible 30 second warning may sometimes be given before the end of the three minutes.

speakers. It is imperative, however, in the interests of natural justice that any increase in time allowance is applied equally between those speaking for and against.

9.7. Decisions Contrary to Officer Recommendation

There will be occasions when councillors wish to make a decision that conflicts with the planning officer's recommendation. In these circumstances, members proposing, seconding or supporting such a decision must clearly identify and understand the planning reasons leading to this decision and must give the planning officer an opportunity to explain the implications of it. The reasons for the decision must be given prior to the vote and be recorded. If an application is to be approved, councillors should set out any particular conditions they would like imposed which will be in addition to the 'standard' conditions for that type of development which will be added by officers. An opportunity must be given to the planning officer to comment on conditions suggested by members and if necessary, the application should be deferred to the next available meeting to enable proper consideration to be given to the wording needed to achieve members' objectives or members may delegate to the officers the imposition of suitable conditions.

Reasons for refusal against officer advice must be planning related, clear and convincing. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge or appeal.

Where councillors think they could have concerns about any given recommendation at committee, officers will be happy to discuss the application beforehand to explore the options which may be open to the Members.

In cases where councillors have overturned a recommendation and the applicant lodges an appeal with the Planning Inspectorate which will be dealt with by way of hearing or public inquiry, Members should be prepared to defend that decision. This defence should be made in person or, at the Member's discretion in writing. Where Members attend and give evidence as part of the council's 'official team,' e.g., they are supported by counsel (as opposed to turning up to speak on an individual basis,) a Rule 6 statement will be required which usually has to be submitted nine weeks before the appeal hearing/inquiry. (Members may of course also be called upon to support the council's case on appeal where the decision has been made in line with the officer recommendation.)

10. Training

Planning is a complex area, but one that generates a great deal of interest amongst local residents and is at the heart of much of the activity of the council. Great care needs to be taken over procedural matters and to ensure that consideration of applications takes place in a clear and open manner and that decisions are based on sound planning principles. For these reasons, it is mandatory for all elected councillors of Wiltshire Council to have training in planning matters prior to sitting on a planning committee. All elected councillors will be able to attend this training and it will be arranged immediately after each election. For those elected at by-elections, similar training will be made available.

11. The order of events at committee meetings

Meetings will normally commence at 6 p.m. and the applications will be determined in the order in which they appear in the agenda unless the chairman has valid reasons for changing the order. Officer will try and ensure that applications which are likely to attract large numbers of the public appear early in the agendas. If the order is changed, this will be announced at the start of each meeting. The usual procedure will be:

- a) The planning officer will introduce each item and set out any representations, amended plans or material considerations which have been received or come to light in the period between the publication of the agenda and the committee meeting.
- b) Committee Members will then ask the officer to clarify any points/ask technical questions.
- c) Members of the public who wish to make representations opposing the application will then be invited to do so. (up to 3 minutes each)
- d) Members of the public/applicant/agent (in this order) who wish to make representations in support of the application will then be invited to do so.
- e) Consultees who wish to make representations will be invited to do so. (up to 3 minutes each)
- f) The town/city or parish council representative, if present, will then be invited to make representations. (up to 4 minutes each)
- g) The division member will be invited to make representations².
- h) The planning officer will then have an opportunity to respond to comments or provide clarification of any points raised.
- i) The chairman will then normally ask if anyone is prepared to move the officer recommendation or propose an alternative motion. Once a motion has been seconded it will be open to the councillors to debate it and ask further questions of officers if required and determine the issue. The rules of debate as detailed in Part 4 of the Constitution will apply.

² Any division member, be they a member of the committee or not is welcome to attend committee meetings and make representations on any application within their division. Councillors who are part of the committee will have voting rights but those who are not can speak, but are not eligible to vote.

Wiltshire Council Planning Site Visit Protocol

1. Arranging the visit

When members have decided in committee that they would like to visit a site, they will be asked to agree a time and date at the end of the meeting. If this is not possible, a schedule for the visit will be agreed between the chairman and officers. This will identify the timetable for the meeting, invited attendees and what matters will be viewed on site.

Democratic services will then notify the applicant or their agent of the time and date of the site visit and seek authority for councillors and officers to visit the site. Where the application site is on private land, the applicant or agent will be requested to be in attendance only to facilitate access.

All members of the relevant development regulatory committee will be invited to attend the site visit as will the local division member should he or she not be on the committee. Where a proposal would have a significant impact on an adjoining division, the adjoining division member will similarly be invited to attend.

On occasion, officers of other services such as highways or archaeology may be invited (by the area development manager) to attend a site visit to clarify factual matters.

Councillors are reminded that they have no right of entry to private land except by permission of the owner and that they and officers should not enter a private site until all are present and an officer has made contact with the landowner/operator/applicant.

In the unlikely event that the landowner will not give permission to enter a private site, the site will have to be viewed from public highway.

2. Conduct of the visit

The purpose of the site visit is to enable councillors to familiarise themselves with the site and its surroundings and in order to understand the issues more clearly when considering the application at committee.

While it may be necessary for an applicant or his agent to be present on the site (e.g. to provide access or for safety reasons), discussions with the applicant or their agent or any third party should be avoided and they will be advised that lobbying of councillors is unacceptable. Presentations by applicants will not be permissible.

At the request of the chairman, the planning officer will describe the proposal to councillors and will display appropriate plans or drawings of the proposal. (It is expected that councillors will already be familiar with the planning officer's report) The planning officer will indicate matters of fact in relation to the proposal and surrounding land which councillors should take into account.

Questions by councillors should be addressed to the planning officer and be of a factual nature, for example, distances to adjoining or objectors' properties or the landscape features to be retained. If it is necessary to seek information from the applicant or agent on site this will be done by an officer.

At no time during the site visit should councillors debate or comment on the planning merits or otherwise of a proposal.

The role of the local division member will be limited to drawing attention to features of the site that he/she considers relevant to the committee's understanding of the site, its surroundings and the proposal. The local member will not be permitted to make representations on the merits or otherwise of the application.

3. General

- Councillors should avoid being separated; it is essential that they should not allow themselves to be lobbied or enter into a debate about the application.
- Councillors should ensure that they have seen all aspects of the site suggested by the accompanying officer or the chairman during the visit.
- Councillors will not make any decision at the site visit and individual members should keep an open mind about the merits or otherwise of the proposal to which the site visit relates.
- The application will usually be the first item on the agenda of the following Planning Committee meeting where the decision will be made.

4. Record of the visit

A record of the visit will be retained on the planning application file. The record will include the timetable for the meeting, attendees and what matters were viewed on site.

Notes:

- ❖ Officers will identify relevant health and safety issues for all site visits. All health and safety instructions, as issued by the site owner/operator must be strictly followed.
- ❖ Where appropriate, protective clothing e.g. visibility jackets, hard hats will be provided for councillors on arrival at the site. Councillors should, however, be aware of the need to wear appropriate footwear.
- ❖ In the interests of sustainability and highway safety, it is recommended that car-sharing opportunities be used where practical to minimise travelling and parking.

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**Extract of minutes of the Standards Committee
Dated 20 January 2014**

8 Recommendations from the Constitution Focus Group

The Monitoring Officer introduced proposed changes to Part 5 of the Constitution - Access to Information Procedure Rules - as recommended by the Constitution Focus Group at its meeting on 8 January 2014. The changes were to reflect the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. Other changes included a definitions section, clarity over references to council offices and the proper officer for specific actions, notification of private meetings, and other changes to reflect the Council's revised senior management structure

The Committee discussed the proposed changes as detailed in the agenda papers, and noted the Focus Group's suggestion that further clarification regarding the rights of Group Leaders and councillors generally to confidential Part 2 papers should be drawn up by the Monitoring Officer in consultation with Group Leaders. This could be dealt with as an amendment to Protocol 2 of the Constitution on Councillor-Officer Relations, which already has a section on councillors' access to information. It was suggested that it may be appropriate to change the title of the Protocol given the broad range of issues that it covers.

The requirements for giving notice of items that are proposed to be taken in Part 2 of the agenda as business which is confidential or within the categories of exempt information were noted.

The Committee also noted the ongoing discussions of the Constitution Focus Group on its review of the council's Petition Scheme. A report on the outcome of the Focus Group's consideration will be submitted to the Committee in due course.

Resolved:

To recommend that Council approves the changes to part 5 of the Constitution as detailed in the report.

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Part 5

Access to Information

Procedure Rules

Wiltshire Council believes in public access to information in order to ensure that members of the public can exercise their rights to have a say about decisions and can understand what decisions have been taken and why. Although some information has to remain private, for example to respect personal privacy, commercial confidentiality or for legal reasons, the Council has adopted a presumption of openness that information will be available unless there is a substantial lawful reason why not.

This Part 5 reflects the current statutory requirements set out in Section 100 Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These rules apply except where proceedings of the body concerned are governed by other specific legislation.

Definitions

Cabinet means Cabinet or a committee of Cabinet.

Full Council means Full Council or a committee of Full Council, including sub-committees.

Offices means the Council's three hub offices at County Hall, Trowbridge, Monkton Park, Chippenham and Bourne Hill, Salisbury.

Private Meeting means a meeting, or part of a meeting during which the public are excluded by virtue of paragraphs 15 or 17 below.

Proper Officer means the Associate Director, Corporate Function and Procurement, or such other officer as designated from time to time by the Head of Paid Service.

Commented [a1]: Regulation 2 and 4(2)

Scope

1. These rules apply to all meetings of ~~the Full Council or Cabinet and its standing committees, for example, overview committees, including, Overview and scrutiny committees, area committees, area boards~~ Scrutiny Committee, Area Planning Committees, Area Boards, the Standards Committee, and public meetings of the Cabinet (together called meetings).

Additional rights to information

2. These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

Rights to attend meetings

3. Part 5 Members of the public may attend all meetings subject only to the exceptions in these rules.

Notice of public meetings

4. The Council will give at least five clear working days' notice of any public meeting by posting details of the meeting at its Offices reception in County Hall, Trowbridge, Wiltshire and on its website, or if a meeting is convened at less than five clear working days' notice, as soon as it is convened. ~~Where a meeting is held at a location other than County Hall, a notice of the meeting will also be posted at that venue.~~

Commented [M2]: Deleted as not required under legislation.

Notice of private meetings

5. The Council will give at least 28 clear calendar days' notice of its intention to hold a meeting in private by posting a notice at its Offices and on its website. The notice must include a statement of the reasons for the meeting to be held in private.
6. At least 5 clear working days before a private meeting the Council will post a further notice of its intention to hold a meeting in private at its Offices and on its website. The notice must include a statement of the reasons for the meeting to be held in private and details of any representations received about why the meeting should be open to the public and a statement of its responses to any such representations.
7. Where a meeting to be held in private is convened at less than 28 clear calendar days' notice the meeting may only be held in private with the agreement of:
- the chairman of the Overview and Scrutiny Management Committee; or
 - if there is no such person or the chairman of the Overview and Scrutiny Management Committee is unable to act, the chairman of Full Council; or
 - where there is no chairman of either the Overview and Scrutiny Management Committee or of Full Council, the vice-chairman of Full Council.

Commented [a3]: Regulation 5

As soon as reasonably practicable after agreement has been given under this paragraph, the Council must post at its Offices and on its website a notice setting out the reasons why the meeting is urgent and cannot be reasonable deferred.

~~(Local Government Act 1972 Section~~

~~100A(6))~~ Access to agenda and reports before ~~the~~ a public meeting

Commented [a4]: Regulation 7

8. The Council will make copies of the agenda and reports open to the public available for inspection at ~~the designated~~ its Offices and on its website at least five clear working days before the public meeting. If an item is added to the agenda later, the revised agenda ~~(where reports are prepared after the summons has been sent out, the designated~~ Proper Officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda. ~~Where reports are prepared after the summons has been sent out, the Proper Officer shall make each such report available to the public as soon as the report is completed and sent to councillors.~~
9. If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with these rules, the meeting is likely not to be open to the public. Such reports will be marked "not for publication" (Local Government Act 1972 Section 100B(3)) and state that they contain confidential or exempt information as defined in paragraphs 16 or 18 below.

Commented [M5]: Regulation 7

Commented [a6]: Regulation 7(5). Replaces previous paragraph 14

Supply of copies

10. The council will supply copies of:

Part 5 • any agenda and reports which are open to public inspection

- any further statements or particulars necessary to indicate the nature of the items in the agenda and
- if the ~~Proper Officer~~ ~~Director of Resources~~ thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs and make a reasonable number of copies available at the public meeting (except in relation to any part of the meeting not open to the public).

Commented [a7]: Regulation 7(6)

Access to minutes etc. after the meeting

11. The Council will make available copies of the following for six years after a meeting:
- the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
 - a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record
 - the agenda for the meeting and
 - reports relating to items when the meeting was open to the public. ~~(Local Government Act 1972 Section 100C).~~

Background papers

12. The relevant Director will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
- disclose any facts or matters on which the report or an important part of the report is based and
 - which have been relied on to a material extent in preparing the report
 - but does not include published works or those which disclose exempt or confidential information (as defined in paragraphs ~~11, 12 and 13~~ 16 and 18) and in respect of cabinet reports, the advice of a political assistant.

Public inspection of background papers

13. The Council will make available for public inspection at its Offices and on its website for ~~four six~~ years after the date of the meeting one copy of each of the documents on the list of background papers. ~~(Local Government Act 1972 Section 100D(2))~~

Commented [M8]: Regulation 15

Commented [a9]: 100D (2) LGA 1972 requires 4 years but changed to 6 years for consistency with para 11.

Summary of public's rights to attend meetings

14. A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at ~~County Hall~~ the Offices.

Exclusion of access by the public to meetings

Confidential information – requirement to exclude public

15. The public shall be excluded from meetings during an item of business whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

16. Confidential information means information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by court order or under any enactment.

Commented [M10]: Regulation 2

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~~(Local Government Act 1972 Section 100A(2))~~

Exempt information – discretion to exclude public

17. ~~The public may be excluded from meetings during an item of business whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.~~

Commented [a11]: S100A (4) LGA 1972

18. Exempt information means information falling within the following seven categories (subject to any condition):
- 18.1 information relating to any individual
 - 18.2 information which is likely to reveal the identity of an individual
 - 18.3 information relating to the financial or business affairs of any particular person (including the authority holding that information)
 - 18.4 information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
 - 18.5 information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
 - 18.6 information which reveals that the authority proposes:
 - (a) to give under any enactment a notice by virtue of which requirements are imposed on a person, or
 - (b) to make an order or direction under any enactment.
 - 18.7 information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime ~~(paragraphs 13.1 – 13.7 – Local Government Act 1972 Schedule 12A)~~
 - ~~(a) information which is subject to any obligation of confidentiality~~
 - ~~(b) information which relates in any way to matters concerning national security~~
 - ~~(c) information presented to the Standards Committee, or to a sub-committee of the Standards Committee, set up to consider any matter under Regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under Section 58 (1) (c) of the Local Government Act 2000~~
- ~~(i) 19.~~ Information which falls into ~~the above paragraphs 18.1 to 18.7 above that is not prevented from being exempt by virtue of the conditions shown is exempt information is only exempt~~ if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- ~~(ii) 20.~~ Information is not exempt information if it relates to proposed development for which the local planning authority can grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
- ~~(iii) 21.~~ Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Commented [a12]: Amended to reflect changes to Schedule 12A Local Government Act 1972

~~Exclusion of access by the public to reports~~

~~14. If the director of resources thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with these rules, the meeting is likely not to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed. (Local Government Act 1972 Section 100B(2) and (5))~~

Commented [a13]: Replaced by new paragraph 9.

Application of rules to the Cabinet

~~19-22.~~ Paragraphs ~~241 - 552~~ apply to the Cabinet. If the Cabinet meets to take a key decision it must also comply with paragraphs 1 – 18 unless paragraphs 25, 26 and

27 (general exception) or paragraph 28 (special urgency) apply. A key decision is defined in Part 1 of this Constitution.

239. If the Cabinet ~~or its Committees~~ meets to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 clear calendar days of the date according to the forward plan by which it is to be decided, then it must also comply with paragraphs 1 – 18 unless paragraphs ~~285~~, ~~296~~ and ~~3027~~ (general exceptions) or paragraph ~~3128~~ (special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief councillors / co-opted members.

Procedure before taking key decisions

244. Subject to paragraphs ~~285~~, ~~296~~ and ~~3027~~ (general exception) and paragraph ~~3128~~ (special urgency), a key decision may not be taken unless:

- a notice (called here a forward plan) has been published in connection with the matter in question and made available by the public at its ~~O~~the Council's offices and on its ~~w~~website;
- at least ~~1428~~ clear working calendar days have elapsed since the publication of the forward plan; and
- where the decision is to be taken at a meeting of the Cabinet ~~or its Committees~~, notice of the meeting has been given in accordance with paragraph 4 (notice of public meetings).

Commented [M14]: Regulation 9(2)

Commented [M15]: Regulation 9(2)

The forward plan

252. Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

263. The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision (as defined in Part 1 of this Constitution) to be taken by the Cabinet, ~~a Committee of the Cabinet~~, officers area committees or under joint arrangements in the course of the discharge of a cabinet function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

Commented [I16]: Definition in accordance with Regulation 8

- the matter in respect of which a decision is to be made;
- where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- the date on which, or the period within which, the decision will be taken;
- the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- the means by which any such consultation is proposed to be undertaken;
- the steps any person might take who wishes to make representations to the cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken ~~and~~;
- a list of the documents submitted to the decision taker for consideration in relation to the matter;

Part 5 • the address from which, subject to any prohibition or restriction on their

disclosure, copies of, or extracts from, any document listed in the forward plan is available;

- that other documents relevant to the matter may be published at least 14 days before the start of the period covered. The directors submitted to the decision taker; and
- the procedure for requesting details of those documents (if any) as they become available.

Commented [M17]: Regulation 9(1)

~~20. The director of resources will publish, once a year, a notice in at least one newspaper circulating in the area, stating:~~

- ~~that key decisions are to be taken on behalf of the council~~
- ~~that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis~~
- ~~that the plan will contain details of the key decisions to be made for the four-month period following its publication~~
- ~~that each plan will be available for inspection at reasonable hours free of charge at the council's head office~~
- ~~that each plan will contain a list of the documents submitted to the decision-takers for consideration in relation to the key decisions on the plan~~
- ~~the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available~~
- ~~that other documents may be submitted to decision takers~~
- ~~the procedure for requesting details of documents (if any) as they become available and~~

~~the dates, on each month in the following year, on which each forward plan will be published and available to the public at the council's head office;~~

~~21. Exempt information need not be included in a forward plan and confidential information cannot be included.~~

~~274. Where in relation to any matter where the public may be excluded from a public meeting under paragraphs 15 or 17~~11, 12 and 13~~, or documents relating to the decision need not be disclosed to the public, the forward plan must contain the particulars of the matter, but may not contain any confidential information, exempt information or particulars of the advice of a political adviser or assistant.~~

Commented [M18]: Old paragraph 20 deleted as was required under Regulation 12 Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000. Now repealed.

General exception

~~285.~~ If a matter which is likely to be a key decision has not been included in the forward plan, then subject to paragraph ~~31~~~~28~~ (special urgency), the decision may still be taken if:

- the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- the ~~director of resources~~ **Proper Officer** has informed the chair of the **relevant** Overview and Scrutiny **Management** Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- the **Proper Officer** ~~director of resources~~ has made copies of that notice available to the public at the **Offices of the Council** and **on the Council's website**; and

Commented [M19]: Regulation 10

Part 5

6

- at least five clear working days have elapsed since the Proper Officer ~~director of resources~~ complied with the requirements of paragraph 285, bullet point three.

~~296.~~ A soon as reasonably practicable after the Proper Officer has complied with the above they must make available at the ~~offices of the Council~~ Offices and on the Council's website a notice setting out the reasons why compliance with paragraph 2619 above is impracticable.

Commented [M20]: Regulation 10.

~~30~~27. Where such a decision is taken collectively, it must be taken in public.

Special urgency

~~31~~28. If by virtue of the date by which a decision must be taken paragraph 285 (general exception) cannot be followed; then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of ~~the chair of the relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant overview and scrutiny committee, or if the chair of each relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice;~~

- the chairman of the Overview and Scrutiny Management Committee; or
- if there is no such person, or if the chairman of the Overview and Scrutiny Management Committee is unable to act, the chairman of Full Council; or
- where there is no chairman of either the Overview and Scrutiny Management Committee or of Full Council, the vice-chairman of Full Council.

that the taking of the decision is urgent and cannot be reasonably ~~deferred~~.

Commented [M21]: Regulation 11

Reports to Council

~~32~~29. If ~~the~~an Overview and Scrutiny Management Committee thinks that a key decision has been taken which was not:

- included in the forward plan; or
- the subject of the general exception procedure under paragraph 285; or
- the subject of an agreement ~~with the relevant overview and scrutiny committee chair, or the Chairman/Vice-Chairman of the Council under~~ paragraph 3128 (special urgency).

Commented [M22]: Regulation 11

~~t~~The Overview and Scrutiny Management Committee may require the Cabinet to submit a report to Full Council within such reasonable time as the ~~Overview and Scrutiny~~ Committee specifies.

The power to require a report rests with ~~the~~an Overview and Scrutiny Management Committee, but is also delegated to the ~~director of resources~~Proper Officer, who shall require such a report on behalf of the Committee when so requested by ~~(the Chairman or any five members of the Committee)~~. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Management Committee.

Cabinet's report to Full Council

~~33~~0. The Cabinet will prepare a report for submission to the next available meeting of Full Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of ~~the~~an Overview and Scrutiny Management Committee, then the report may be submitted to the meeting after that. The report to Full Council will set out particulars of the decision, the individual or body making the decision, and, if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

Part 5

Quarterly Reports on special urgency decisions

344. The Leader shall report any decision taken under paragraph 3128 (special urgency) to the next available meeting of Full Council. In any event the Leader will submit quarterly an annual reports to Full Council on the Cabinet decisions taken under paragraph 3128 (special urgency) in the preceding three twelve months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

Record of decisions

352. After any meeting of the cabinet Cabinet or any of its committees Committees, whether held in public or private, the Proper Officer or their nominee director of resources or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.:

- a) A record of the decision including the date it was made;
- b) A record of the reasons for the decision;
- c) Details of any alternative options considered and rejected by the decision taker;
- d) A record of any conflict of interest relating to the matter decided which is declared by any member of the decision taker; and
- e) In respect of any declared conflict of interest, a note of any dispensation granted by the Head of Paid Service Standards Dispensation Sub-Committee.

In relation to decisions made by officers, the officer will produce a record of their decision in accordance with Part 3 of this Constitution as soon as reasonably practicable after the decision is made.

Cabinet meetings relating to matters which are not key decisions

363. The Cabinet will decide whether meetings relating to matters which are not key decisions will be held in public or private.

Notice of private meetings of the Cabinet

374. Members of the Cabinet or its committees Committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

Attendance at private meetings of the Cabinet

385. All members of the Cabinet will be served notice of all private meetings of Committees of the Cabinet, whether or not they are Members of that Committee.

396. All members of the Cabinet are entitled to attend a private meeting of any Committee of the Cabinet.

4037. Notice of private meetings of the Cabinet will be served on the chairs of the Overview and Scrutiny Committee and sub-committees, at the same time as notice is served on members of the Cabinet. Where the Overview and Scrutiny Committee does not have a chair, the notice will be served on all the members of that Committee.

4138. Where a matter under consideration at a private meeting of the Cabinet, is within the remit of the Overview and Scrutiny Committee/sub-committee, the chair of that Committee or in his/her absence the vice chair may attend that private meeting with the consent of the person presiding, and speak.

4239. The Head of Paid service Corporate Directors, the Chief Finance Officer and the Monitoring Officer and their nominees are entitled to attend any meeting of the Cabinet. The Cabinet may not meet unless the director of resources Proper Officer

Part 5

has been given reasonable notice that a meeting is to take place.

430. A private meeting may only take place in the presence of the ~~Proper Officer director of resources~~ or his/her nominee who are responsible for recording and publicising the decisions.
444. The provisions of paragraph 352 (record of decisions) will apply where meetings of the Cabinet are held in private.

Decisions made by individual members of the Cabinet

Reports intended to be taken into account

452. Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear working days after receipt of that report.

Provision of copies of reports to Overview and Scrutiny Committees

463. On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of an Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

Record of individual decision

474. As soon as reasonably practicable after an executive decision has been taken by an individual member of the ~~cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the director of resources to prepare, a Cabinet, a written~~ record of the decision, a statement must be produced which must include the following:
- a) record of the decision including the date it was made;
 - b) A record of the reasons for it and the decision;
 - a)c) Details of any alternative options considered and rejected by the member;
 - d) A record of any conflict of interest relating to the matter decided which is declared by any member of the Cabinet who is consulted by the member which relates to the decision; and
 - e) In respect of any declared conflict of interest, a note of any dispensation granted by the Head of Paid Service Standards Dispensation Sub-Committee.
485. The provisions of paragraphs 11, 12 and 13 (access to minutes and background papers after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political or mayor's assistant.

Commented [M24]: Regulation 13

Overview and scrutiny committees' access to documents

Rights to copies

496. Subject to paragraph 5148 (limit on rights) below, any member of an Overview and Scrutiny Committee (including its sub-committees) is entitled to copies of any document which is in the possession or control of the ~~Cabinet Leader~~ and which contains material relating to:

- any business transacted at a public or private meeting of the Cabinet; ~~or its committees or~~
- any decision taken by an individual member of the Cabinet; ~~or~~

Part 5 • any executive decisions that have been made by an officer in accordance with Part

3 of this Constitution.

Commented [M25]: Regulation 13

Where a member of an Overview and Scrutiny Committee (including its sub-committees) requests a document which falls within the above the Cabinet Leader must provide that document as soon as reasonably practicable and in any case no later than 10 clear working days after the Cabinet Leader receives the request.

Commented [M26]: Regulation 17

5047. Subject to paragraph 5148, the chair of the Overview and Scrutiny Committee will be entitled to foresight of papers in relation to private decisions of the Cabinet before the decision is made.

Limit on rights

5148. A member of the Overview and Scrutiny Committee will not be entitled to:

- any document that is in draft form;
- any document or part of it that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise or any review contained in any programme of work of the Overview and Scrutiny Committees; or
- the advice of a political adviser.

Commented [M27]: Regulation 17

Where the Cabinet Leader determines that a member of the Overview and Scrutiny Committee is not entitled to a copy of a document, or part of any such document, for the reasons set out above the Leader must provide the Overview and Scrutiny Committee with a written statement setting out their reasons for that decision.

Commented [M28]: Regulation 17

Additional rights of access for councillors

5249. ~~All councillors will be entitled to inspect any~~ Any document which is in the possession or under the control of the ~~Cabinet Leader or its Committees~~ and contains material relating to:

- ~~any business previously to be~~ transacted at a public meeting;
- ~~any business transacted at a private~~ meeting;
- ~~any decision made by an individual member; or~~
- ~~an executive decision made by an officer~~

must be available for inspection by any member/councillor unless:

- it contains exempt information falling within paragraphs 183.1, 183.2, 183.3 (but only to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract), 183.4, 183.5, and 183.7 of the categories of exempt information; or
- it contains the advice of a political adviser.

530. In relation to public meetings, where a document is required to be available for inspection it must be available for at least 5 clear working days before the meeting except where the meeting is convened at shorter notice or an item is added to an agenda at shorter notice in which case the document must be available for inspection when the meeting is convened or the item is added to the agenda.

544. In relation to private meetings, decisions made by an individual member or executive decisions made by an officer, where a document is required to be available for inspection it must be available within 24 hours of the meeting concluding or where an executive decision is made by an individual member or an officer within 24 hours of the
Part 5 decision being made.

Commented [M29]: Regulation 16

Material relating to key decisions

552. All councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet Leader which relates to any key decision unless the exceptions in paragraph 5249 above apply.

Nature of rights

563. These rights of councillors are additional to any other right he/she may have.

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**Extract of minutes of the Standards Committee
dated 10 July 2013**

34 Code of Conduct: Registration and Disclosure of Additional Interests

The Monitoring Officer presented a report on whether the Council's Code of Conduct should be amended to provide for the registration and disclosure of additional interests in accordance with the Council's power under the Localism Act 2011. Parish, Town and City Councils had been consulted on the issue and their responses were summarised in the report.

It was noted that many of these councils had adopted the same Code as Wiltshire Council, as the principal authority, and therefore any changes to Wiltshire Council's Code might impact upon these councils; they could decide to go with the changes, stay as they are or do something different. It was preferable from the point of view of consistency and enforcement for most councils to have the same Code of Conduct, but this was ultimately a matter for each council.

Members were minded to adopt an advisory approach rather than a mandatory one involving amendment of the Code of Conduct. The DCLG's revised guide for councillors 'Openness and transparency on personal interests' in Appendix D to the report would assist with this and should be drawn to the attention of parish, town and city councils.

The Committee were also advised by the Monitoring Officer that Wiltshire Council's Code of Conduct at paragraph 6 in any event requires councillors to 'declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties, and must take steps to resolve any conflicts arising in a way that protects the public interest ...'

The Committee went on to consider whether the Council's Constitution should be amended to include a requirement for councillors with a disclosable pecuniary interest to withdraw from a meeting when business relating to their interest is being considered. Opinion was divided on this issue but overall the Committee were minded to support the introduction of such a requirement.

Finally, the Committee considered whether the Code of Conduct should include more specific provisions on gifts and hospitality, as suggested in one of the consultation responses. However, they felt that this was already sufficiently covered by the existing Code, at paragraph 2, 'you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.'

The Committee, therefore,

Resolved:

To recommend Council:

(1) 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.

(2) To amend the Council's Constitution to require councillors with a disclosable pecuniary interest to withdraw from a meeting when business relating to their interest is being considered.

(3) Not to make any changes to the Code of Conduct on gifts and hospitality on the basis that the existing provision is adequate.

Wiltshire Council

Standards Committee

10 July 2013

Code of Conduct - Registration and Disclosure of Additional Interests

Purpose

1. To ask the Standards Committee to consider whether the Council's Code of Conduct should be amended to require the declaration and registration of any additional pecuniary and non-pecuniary interests over and above the statutory disclosable pecuniary interests, having regard to the outcome of a consultation with parish, town and city councils on this subject.

Background

2. At its meeting on 26 June 2012 the Council adopted a Code of Conduct which complies with the statutory requirements, but the Council also resolved to ask the Standards Committee to develop proposals, in consultation with parish, town and city councils, on any additional pecuniary and non-pecuniary interests that should be declared and registered under the Code of Conduct, on the question of withdrawal from meetings, and to bring these back to Council for consideration at the earliest opportunity.
3. At its meeting on 13 November 2012 Council adopted the following recommendation made by the Standards Committee at its meeting on 24 October 2012.

To adopt the following as an interim position, pending consultation with parish, town and city councils, and to report back to the Council at its meeting in February 2013 on the outcome of the consultation and any final recommendations for adoption by the Council.

To amend Wiltshire Council's Code of Conduct to require Councillors to:

a. register details of any interest in the following:

- *any body of which the councillor is a member or in a position of general control or management and to which the councillor is appointed or nominated by the Council;*
- *any body exercising functions of a public nature of which the councillor is a member or in a position of general control or management;*
- *any body directed to charitable purposes of which the councillor is a member or in a position of general control or management;*
- *any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the councillor is a member or in a position of general control or management;*

b. declare the existence and nature of any such interest at any meeting of the Council where business relating to the interest is being conducted.

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Having declared such interest Councillors may then speak and vote on the matter, unless the Councillor decides this would not be appropriate due to other special circumstances.

4. A draft code of conduct reflecting this position was considered by the Constitution Focus Group at its meeting on 24 January 2013. It was resolved:
 - (1) To ask the Solicitor to the Council and Monitoring Officer to make the proposed amendments to the code of conduct in relation to the registration and declaration of additional interests without the inclusion of appendices 3 (which listed the statutory disclosable pecuniary interests) and 4 (which set out the other additional interests to be registered) and include the appendices as part of a separate guidance document.
 - (2) To ask the Standards Committee to consider the amended code of conduct along with the result of the consultation with parish, town and city councils on additional interests with any recommendations from the Standards Committee being considered by Council.
5. The Focus Group was clear that any final decision on proposed changes to the code of conduct should be reserved to the new Council. This approach was supported by Group Leaders.
6. Parish, town and city councils have been consulted on the proposed changes to the code of conduct and their responses are summarised below.

Main Considerations

7. A copy of the consultation letter that was sent to parish, town and city councils in December 2012 is attached at Appendix A. Council clerks were advised subsequently that the consultation period had been extended in view of the decision to defer making a decision on the matter until after the May elections.
8. The Council received 97 responses from among the 253 parish, town and city councils in Wiltshire. In summary, from the information received:
 - a. 61 councils have adopted Wiltshire Council's Code of Conduct.
Of these:
 - 17 councils indicated that they are in favour of including the additional specified interests within their adopted Codes. 3 of these stated that their members already declare such interests on a voluntary basis.
 - 38 Councils indicated they are not in favour of including the additional specified interests. 1 of these stated that their members do this voluntarily anyway.
 - b. 18 councils have adopted the National Association of Local Councils (NALC) Code of Conduct. It should be noted that the NALC Code of Conduct already requires councillors to declare and register additional interests of a similar nature to those

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proposed in the consultation and it imposes restrictions on participating and voting where such interests relate to matters being considered. There was a strong suggestion that some council's who have adopted the NALC Code were not fully aware of the restrictions and obligations contained within it.

- c. 4 council's have adopted the DCLG draft illustrative text code of conduct, which is essentially the same as Wiltshire Council's Code..
 - d. 4 councils have adopted some other form of code.
 - e. 10 councils did not state which Code had been adopted.
9. A summary table of the results is included as Appendix B.
 10. Comments received as part of the consultation are included at Appendix C. The Committee will wish to have careful regard to these comments, bearing in mind particularly that a significant majority of these councils (and, it is understood, of all councils in Wiltshire) have adopted Wiltshire Council's existing Code of Conduct.
 12. The proposed amendments help to provide clarity in setting out the type of interests that should be declared and registered over and above the statutory disclosable pecuniary interests and serve to promote the interests of openness and transparency. The proposals do not seek to restrict or inhibit councillors in fulfilling their democratic role and responsibilities and provide that, having declared such interests, councillors may speak and vote on the matter, unless they decide that this would not be appropriate due to their own particular circumstances.
 13. It should be noted that if these changes are adopted a failure to comply with the requirement to register or declare such an interest would amount to a breach of the code of conduct. However, unlike breach of the requirements relating to disclosable pecuniary interests, it would not amount to a breach of the criminal law.
 14. It should be borne in mind that the Code already includes an obligation, over and above the requirements in relation to disclosable pecuniary interests, to declare any private interests, both pecuniary and non-pecuniary, that relate to a councillor's public duties, and to take steps to resolve any conflicts arising in a way that protects the public interest see paragraph 6 of the Code. The proposed changes do not seek to limit this obligation in any way.
 15. It is evident that many councillors, as a matter of good practice, already register additional interests of the kind proposed in their register of interests and routinely declare these when relevant business is being considered. An alternative approach may, therefore, be to promote and encourage this practice on a voluntary basis through appropriate guidance, training and support instead of making it a specific requirement of the Code. The position could then be kept under review to determine whether firmer arrangements were necessary.
 16. There would seem to be no compelling case for a general requirement in standing

Appendix 3

orders for councillors with a disclosable pecuniary interest, or indeed any other interest, to withdraw from a meeting when relevant business is being considered. Councillors may, however, conclude that this would be appropriate in particular circumstances.

17. Mention is made in one of the responses received on whether it would be appropriate for the Code to be more specific about the level of any gifts and hospitality which should have to be declared. Under the former Code of Conduct gifts and hospitality with a value exceeding £ 25 had to be registered and declared. The current NALC Code requires registration and declaration of any gifts or hospitality worth more than an estimated value of £ 50 which the member has received by virtue of his or her office.
18. Wiltshire Council's Code provides (at paragraph 2) ' You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.' This may be considered to cover the issue sufficiently without the need to include any particular amount. The Committee's views on this issue are also sought.
19. If the Committee is minded to agree the proposed changes to the existing code the proposed wording is set out in Appendix D to the Minutes of the Constitution Focus Group under item no. 8 above.
20. The DCLG has issued revised guidance in March 2013 on 'Openness and transparency on personal interests'. This provides a useful summary of the requirements. A copy is attached at appendix D to this report.

Financial Implications

21. Adoption of the proposed changes could result in more complaints falling to be dealt with under the code of conduct and potentially more costs, although these are unlikely to be significant given that these would be processed within existing resources.

Legal Implications and Risks

22. The Council has a power under the Localism Act 2011 to include a requirement for registration and disclosure of such additional pecuniary and non-pecuniary interests as it considers appropriate, but is under no duty to make such provision.
23. There may be a risk of damaging local democracy if a significant proportion of councillors were to decide to leave office on the grounds that the requirements on disclosure and registration of interests are unduly onerous and disproportionate. This is considered to be a relatively low risk given the nature of the proposals involved and should be balanced against the public interest in openness and transparency.

Environmental Implications

23. None.

Proposal

24. The Standards Committee is, therefore, asked to consider the proposed changes to the Code of Conduct, having regard to the responses from the parish, town and city councils, and recommend Council to proceed as the Committee considers appropriate.

Ian Gibbons

Solicitor to the Council and Monitoring Officer

Report author: Ian Gibbons

Unpublished reports relied upon in the production of this report: None

Appendix A - Consultation letter to parish, town and city councils - December 2012

Appendix B - Summary table of results of consultation

Appendix C - Comments received from consultees

Appendix D - DCLG Guidance 'Openness and transparency on personal interests' A guide for councillors

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APPENDIX 3A

Letter to Wiltshire Parish, Town and City Clerks

Dear Colleagues,

Localism Act 2011 - New Standards Regime

The new standards regime has now been operating since July 2012. As you all know, there was very little time between the passing of the primary and secondary legislation and the deadline for implementation on 1 July 2012, which meant that there was insufficient opportunity to consult fully with parish, town and city councils about the practical implications of the legislation.

We undertook to engage in some further consultation with you after the new arrangements had been in place for a few months. Clearly, the code of conduct that your council has adopted is a local decision and we do not propose to consult on the contents of the voluntary elements of your local code. However, Wiltshire Council retains the statutory responsibility for assessing and, if necessary, investigating complaints that members have breached their council's code of conduct. It would therefore be helpful for us to know what code your council has adopted and, if it is not one of the two that have been adopted by most of the councils in Wiltshire Council's area, to have a copy of the code that your council has adopted. Would you therefore please indicate, by ticking the appropriate box, whether you have adopted:

- The NALC model code
- Wiltshire Council's code
- Another code (if so, please send us a copy)

We would like to canvas your views on the interests that councillors should be required to register. Again, beyond the statutory disclosable pecuniary interests that all members are now required to register, any additional interests are a local matter and Wiltshire Council does not seek to impose any additional interests for registration. However, we have received a range of representations from town and parish councils in the months since the new regime came into force.

Some councils have taken the firm view that their members should not be required to register any interests beyond those set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. These interests are set out in the on-line register of interests form for councillors to complete. Other councils have expressed the wish to add to this statutory list of interests and have included additional interests in their local codes of

conduct, as they are entitled to do under section 28(2) of the Localism Act 2011. Failure to declare or register these additional interests would not attract criminal sanctions in the same way as a failure to register a disclosable pecuniary interest would do, but may represent a breach of the council's local code of conduct. In order to capture these additional interests on the register we have included a box for additional local interests for members to complete on the on-line registration form.

At its last meeting Wiltshire Council decided, as an interim position pending consultation with parish, town and city councils, to adopt a limited number of additional interests for Wiltshire Councillors to register. These are set out below. I would be grateful if you would indicate your council's view on whether any of these additional interests would be interests that your council would wish to include in its own local code. Please tick any interest(s) that your council would wish to include in its local code:

- any body of which the councillor is a member or in a position of general control or management and to which the councillor is appointed or nominated by the Council;
- any body exercising functions of a public nature of which the councillor is a member or in a position of general control or management;
- any body directed to charitable purposes of which the councillor is a member or in a position of general control or management;
- any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the councillor is a member or in a position of general control or management;

Wiltshire Council further resolved, as its interim position, that where a Wiltshire Council member holds any of the additional interests listed above, they should declare the existence and nature of any such interest at any meeting of the Council where business relating to the interest is being conducted. However, having declared such an interest Councillors may then speak and vote on the matter, unless the Councillor decides this would not be appropriate due to other special circumstances. Essentially, this approach was felt to be one that is strong on transparency, but which still allows for participation in the democratic process where the nature of the interest is not so strong as to give rise to a conflict between that interest and the Councillor's ability to judge and act in the public interest.

If your council would wish to add any other interest(s) that do not appear on the list, please let us know by contacting Roger Wiltshire at the above address, or by e-mail to roger.wiltshire@wiltshire.gov.uk

We appreciate that many local councils will not meet in December. The deadline for responses to this consultation is therefore 31st January 2013. This will give us time to collate your views and prepare a report for the Standards Committee to make recommendations for consideration by Wiltshire Council on 28 February 2012. Any consequential changes to Wiltshire Council's code of conduct may then be made in time for the election of new members in May 2013.

Whilst writing I wish to draw your attention to the attached revision of the guidance we issued to clerks on dispensations in November 2012. This seeks to reflect some helpful feedback we have received on the content. The overall substance of the advice has not changed, but we have sought to make a clearer distinction between those parts which are statutory and those which are guidance and suggested good practice. I hope this is of some assistance.

This has been a very challenging year for us all with many issues to work through and changes to implement. On behalf of the Governance Team I would like to thank you for your support and co-operation throughout this year, which has been greatly appreciated.

May I take this opportunity to wish you a peaceful Christmas and a fulfilling New Year.

With best wishes.

Ian Gibbons

Solicitor and Monitoring Officer

Wiltshire Council

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APPENDIX 3B

Number of responses received				Code of Conduct adopted					Agree proposed amendments to the Wiltshire Council Code of Conduct	
City	Town	Parish	Total	Wiltshire Council	NALC	DCLG	Other Code	Code not identified	Yes	No
1	13	83	97	61	18	4	4	10	17	38

Note:

1. The figures in the 'Agree proposed amendments' columns do not include the responses from the councils who have adopted the NALC or DCLG Code of Conduct. The NALC Code of Conduct already includes the 'other' interests as set out in the proposed amendment to the Wiltshire Council Code.
2. 20 council's who responded either did not respond or made 'no comment' regarding adopting the proposed amendments to the Wiltshire Code.

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Appendix 3C

Consultation - Comments Received

1. In support of the proposed amendment to the Code of Conduct to include additional interests

- *Declaring such interests increases transparency (and indeed Councillors do do so at present, albeit informally).*
- I think the additional registrations are a good idea considering that many councillors will be involved with local voluntary organisations that might receive assistance from parish councils and those relationships should be transparent. The guidelines on whether or not a councillor subsequently speaks or votes seem sensible to me.
- *You might like to know that as best practice they declare what was the old personal interest, membership of local voluntary groups, etc. and it is recorded as a non-pecuniary interest.*
- As trustees of village assets, i.e. village hall, recreation fields, etc those trustees who are members of the parish council, feel that these interests should also be disclosed.
- *All councillors have declared the charity of which they are trustees in their register of interests.*
- Finally, members do believe that, particularly at Parish and Town Level, some specific guidelines on the acceptance of gifts might be helpful. To this end it was suggested that the Town Council might wish to promote the declaration of gift set at a level of £50 as identified in the NALC Code. However, members felt that whilst they understood the reason for inflating the previous limit, it was the previous limit of £25 that they would wish to promote. In a small community members can be exposed to risk even if they share a drink with someone who is having an extension built and then find themselves open to unfair criticism. Setting a clear limit helps to protect members in small communities where this could potentially occur. It is not a big point but members ask that Wiltshire Council gives some thought to its inclusion for Parish and Town Councils.

2. Size of the Parish Council

- *There has to be some recognition that small parishes need to be dealt with differently. What constitutes small, that is fairly simple to achieve and could be dependent on the number on the electoral roll or size of precept.*
- Members agreed that, as this is a very small parish council, there is no need to modify the existing rules.
- *.....a PC whose precept in 2012 was £600 I find all this bureaucracy tiresome in the extreme.*
- They (the councillors) felt very strongly that this might be useful for larger town or parish councils perhaps but they will not be adopting these additional requirements.

3. Dual-hatting

- *Councillors believe that the current provisions in relation to the participation of “dual-hatted” members of both Wiltshire Council and the Town Council are overly restrictive and tend to act against the public interest. In order to ensure effective input into the democratic process at local level, it is felt strongly that members of both Wiltshire Council and the Town Council should not be excluded from participation and voting on Area Board or Wiltshire Council Committee issues that may relate to the Town Council.*

4. Against proposed amendments

- *that sufficient information was already disclosed and that they (the councillors) all act in a reasonable and sensible manner in declaring any non pecuniary interests on an Agenda item which may arise.*
- It is unfortunate and unnecessary that Wiltshire Council expects Parish or Town Councillors to declare membership of political parties. To date, party politics have not intruded on our parish council business, although they have regularly led to some difficulties at Town Councils.

Over strict interpretation of the rules is felt to be impractical, as all councillors have an interest in something or other.

Declarations of interest, forms part of every meeting agenda and that really

should suffice, especially at parish council level.

- *My suggestion for this consultation and for much of the other stuff is simply this, "Do nothing" simply give it a rest, give us a rest, stop coming up with 'new stuff' and let us all just reflect on how seriously bad things are right now in the UK.*
- I have enough difficulty getting my councillors to complete the basic on-line compulsory declaration of interests and we have not adopted our own local code so any registration beyond the statutory pecuniary interest requirements would not be incorporated by my Parish Council; however, I would like to believe that, as a small Parish Council, we are strong on transparency
- *It is hard enough to get local people to give their time to be a parish councillor without drowning them in unnecessary administration.*
-takes the broad view that members should not be required to register any interests beyond those set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.....
- *The problem with the current rules are that they make running a Parish Council impossible. We cannot set a precept unless we grant ourselves dispensation, and no one knows if that is actually legal. We are not supposed to favour friends or relatives in our deliberations, but in a small parish practically everyone is a friend or relative of someone on the Council.*

The whole process needs turning on its head, it shouldn't be about what you cannot do or have you filled in this form correctly or declared that interest correctly. Parish Councillors are volunteers, they receive no expenses and they give freely of their time in order to benefit the community in which they live, and if we are to encourage people to put themselves forward to be Councillors, that is the principle we need them to sign up to, and all the ridiculous red tape surrounding the position is an insult to the integrity of 99% of those councillors who dispense their responsibilities as best they can and no protection at all against those few who may seek to abuse their position, we have elections to do that!

I'm not sure if this is relevant to your consultation, but with elections on the horizon it should be.

- As well as the more onerous level of work put on Parish Councillors required by localisation, an over the top register of interest will put people off this voluntary work and then there will be real difficulties getting inclusion of the political process at the grass roots.

- *The Parish Council feels very strongly that it would be unwise to consider extending the Code of Conduct, until such times that the existing code has had time to bed-in. The inclusion of such proposals at such an early stage gives the distinct impression that moves are being made to go back to the previous flawed system.*
- Generally, I'm in favour of declaring Statutory interests **only**, especially at Parish Council level - in a small community, we should be well-known enough that people would easily spot if we were abusing our authority. It's notable, though, that even this minimum level is apparently causing confusion - I note that some of the submissions to the Wiltshire Declarations website do not even show home addresses, which is a basic requirement.

Of the 4 additional Interests suggested by Wiltshire, I have a problem with the concept of 'being a member'. Would membership of (say) the National Trust exclude you from discussing planning applications on listed buildings, or membership of (say) the Automobile Association exclude you from discussing traffic policy? That's way too draconian, as well as being imprecise and therefore open to differing interpretations. It is, of course, a different matter if you have a direct management role in such an organisation"

- First, you wished to know which code had been adopted byParish Council. It has adopted the NALC model code, and completed such matters as the Register of Councillor's Interests successfully on line.

Second, I must stress that is a small Parish, with limited resources and relatively straightforward affairs. Our comments have to be viewed against that background. However, our Parish is not untypical of many similar small Parishes facing similar challenges. Our concerns are essentially and by definition parochial, but they are shared across the piece by many.

Third, it is quite hard to convey the strong sense of irritation that theses recent changes have caused at local level. Notwithstanding the simplification of the paraphernalia of Boards at various levels, which has generally been well received, the new procedures for the declaration of interests are widely perceived to be intrusive and bureaucratic. Volunteers in small communities feel a strong sense of affront that their integrity is challenged, whilst at the same time regarding on line registration as yet another irritating small task to add to many others when a perfectly good system already exists. The removal of the previous overall dispensation for Parish Councillors to deal with the setting of the Parish Precept has drawn particular opprobrium and even

ridicule. In short, volunteers regard this as yet another instance of process trumping the practical demands of integrity at working level. Whilst this may not be news which people want to hear, it is a real enough perception at this level.

This is unfortunate, for it is already difficult to find volunteers in a position to serve as Parish Councillors, and it is putting good people off from becoming councillors. This is especially damaging in the year running up to local elections. Equally important, this general concern distracts attention from where genuine amendment would be helpful: for instance, to restore the overall dispensation for Parish Councillors to debate and decide their Precept annually.

Fourth, there can be little doubt at all that the manner of the introduction of the change at national level has not been especially helpful, particularly in the light of a number of high profile stories in the media generally. In this Parish Council we have managed the problem: it has been helpful that, in our case, all Councillors are on line.

Fifth, you asked for our views on the inclusion of additional interests to be declared. At the risk of sounding negative, whilst we would not object to their inclusion, neither are we convinced of the reason for doing so at this point since the existing registration would expose them, whilst, at Parish level, such interests would usually be known anyway. We do not intend to add them to our adopted Code at present.

Finally, against this background, we note your comments regarding amendments prior to the elections in May 2013. Common sense indicates that if the new system is broadly right then it would be timely to avoid tinkering immediately prior to the, by now unfamiliar, process of Parish Council Elections. Give it time to settle down!

We discussed this issue at our December 2012 Parish Council Meeting attended by our local County Councillor. I am providing her with a copy of this letter accordingly.

Localism Act 2011 – New Standards Regime

Following receipt of your letter dated 14 December 2012, members ofCouncil have now had the opportunity to discuss comments they would like to put forward on this consultation exercise in respect of the new Code of Conduct.

Allowing town and parish councils to opt in to either the Standard Code of Conduct that their principal authority has written, or one that has come from the National Association of Local Councils, or they write their own, added confusion about the interpretation of the code whilst trying to operate and put a new code into practice. It is accepted this was not anything to do with Wiltshire Council but for a small..... council like ourselves, we wish to operate within a framework that is understood by all especially the general public.

..... Council adopted Wiltshire Council's Code wanting to make their process as simple as possible and follow the same procedures as its principal authority. Registering members' interests has been fairly simple and these have been uploaded to your website. Not all members have completed their registration directly with our office and if this has been done directly with you, I am not aware. Feedback at the initial workshops indicated that a link would be given to ourselves so that we could link this with our own websites. So far this has not taken place. Is this planned for as later date? We are not yet displaying our register of interests on our web site.

Members were not happy that they had to register their spouse or partner's interests and equally the spouses and partners themselves were upset that this information was being made public. They were not the elected member and did not see why their details had to be published.

Members have still not understood the requirement or not for declarations at meetings and although pecuniary interests may have been registered members are still asking for interests to be declared in council minutes.

With the recent setting of the Council's budget, the workability of the Code has caused issues regarding the necessity of a dispensation which almost made it unworkable for elected members. We believe that elected members are expected to create a budget and request a precept from their principal authority on an annual basis. It seemed almost ludicrous that members, through the new legislation, now held a pecuniary interest because of where they lived had to declare an interest on agenda items in relation to budget setting and therefore render them unable to discuss and agree a budget. The majority of elected members are going to live in the town where they are a councillor and so are likely to need a dispensation for this item.

A whole exercise of agreeing a dispensation process and then getting each Member to sign a further piece of paper to say that they could be allowed dispensation to discuss the budget did not make sense. If you replicate this across all of the town and parish councils throughout the county and country a whole industry has arisen due to the amendment in the new legislation.

Overall Council wish to operate within a Code of Practice that is easily understood by its own members as well as the general public and will continue to follow the advice of its principal authority. I would appreciate an update on the situation regarding a web link for the register of interests if possible

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Department for
Communities and
Local Government

APPENDIX 3D

Openness and transparency on personal interests

A guide for councillors

March 2013
Department for Communities and Local Government

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March 2013

ISBN: 978-1-4098-3604-9

The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- the Broads Authority
- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**'⁴

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property).

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests or your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district of borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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Wiltshire Council

Council

4 February 2014

Drainage Byelaws

Summary

The Flood and Water Management Act 2010 amended Section 66 of the Land Drainage Act 1991 to allow local authorities to make land drainage byelaws. These byelaws also create criminal offences which can be prosecuted in the Magistrates' Courts. The Council is now intending to use its powers to make these byelaws to help it carry out its duties effectively and in doing so assist with reducing of flood risk for local communities.

The proposed byelaws for Wiltshire (see **Appendix 1**) are based on the Department for Environment, Food and Rural Affairs (Defra) set of model Land Drainage Byelaws, which are broadly similar to the byelaws which have been used for many years by the Environment Agency. They cover matters such as changes to flows in watercourses, obstructions, vegetation, damage to river banks and other issues which will be of help to the Council in carrying out its duties as Highway and Lead Local Flood Authority.

Proposals

That Council:

- (i) Make the proposed drainage byelaws as included as Appendix 1 of the report, and carry out the formal consultations.**
- (ii) Subject to the outcome of the formal consultations, request the Secretary of State to confirm the drainage byelaws.**

Parvis Khansari
Associate Director, Highways and Transport

Drainage Byelaws

Purpose of Report

1. To agree to make byelaws in connection with drainage matters to assist the Council in reducing the flood risk for local communities.

Relevance to the Council's Business Plan

2. The making of drainage byelaws would help protect communities, especially those who are most vulnerable, from flooding. They will provide scope for the Council to work with local communities to reduce flood risk, and help empower communities to do more for themselves. Flooding can have serious consequences for communities and businesses affected, and can cause serious disruption to transport links. The proposed byelaws will help the Council deliver its Business Plan and create stronger and more resilient communities.

Background

3. Flooding is a serious issue in Wiltshire, as has been demonstrated by recent events. In recent years, the Council has been required to respond to a number of significant flooding events which have seriously affected a number of communities. The Council, through the Local Resilience Forum, works closely with other agencies to respond to major events. The Council's Operational Flood Working Groups work with local councils and communities to reduce flood risk across the county.
4. Following the major floods in 2007, the Government set up the Pitt Review which led to the Flood and Water Management Act 2010 (The '2010' Act), which transferred ordinary watercourse regulation powers from the Environment Agency to Lead Local Flood Authorities. The 2010 Act amended Section 66 of the Land Drainage Act 1991 and gave local authorities the power to make land drainage byelaws for the purpose of preventing flooding or remedying or mitigating any damage caused by flooding. These byelaws also create criminal offences which can be prosecuted in the Magistrates' Courts. The Council is now intending to use its powers to make these byelaws to help it carry out its duties effectively and in doing so assist with reducing of flood risk for local communities.

Main Considerations for the Council

Proposed Byelaws

5. The Flood and Water Management Act 2010 allows local authorities to make byelaws for the following purposes:
 - To secure the efficient working of a drainage system in the local authority's area.
 - To regulate the effects of a drainage system on the environment.
 - To secure the effectiveness of flood risk management work.
 - To secure the effectiveness of works done in reliance on section 38 – 39 of the 2010 Act concerning incidental flooding
6. The proposed byelaws for Wiltshire (see **Appendix 1**) are based on the Department for Environment, Food and Rural Affairs (Defra) set of model land drainage byelaws, which are broadly similar to the byelaws which have been used for many years by the Environment Agency. They cover matters such as changes to flows in watercourses, obstructions, vegetation, damage to river banks and other issues which will be of help to the Council in carrying out its duties as Highway and Lead Local Flood Authority.
7. There are a number of stages to the process of making the byelaws which are set out below:
 - (i) The proposed draft byelaws are forwarded to Defra.
 - (ii) Formal consultation takes place with Natural England and the local navigational authority (in Wiltshire the Canal and River Trust). The Council has also chosen to informally consult with Parish and Town Councils through the Parish Newsletter before the proposed byelaws are considered by the Council.
 - (iii) Having considered any responses received to both the formal and informal consultations, the Council needs to take a decision as to whether or not to make the byelaws. Under the Council's constitution this decision is reserved to Full Council.
 - (iv) If the Council decides to make the byelaws a formal (statutory) consultation takes place where the byelaws are made, sealed and deposited for one month. If any objections are received, the Council will be expected, where possible, to resolve the objections before the byelaws and any unresolved objections are forwarded to the Secretary of State for confirmation. The byelaws cannot come into operation until they are confirmed by the Secretary of State.
 - (v) Confirmation by the Secretary of State where the byelaws will, unless otherwise decided, come into operation at the expiration of one month from the day on which they are confirmed by the Secretary of State.

Response to initial Consultations

8. The draft byelaws were forwarded to Defra, and no objection has been raised as the draft byelaws follow the Defra model.
9. Natural England did comment on the proposed byelaws, requesting some assurance that the proposed byelaws provide safeguards where they might conflict with the conservation and enhancement of Sites of Special Scientific Interest (SSSI), including consent or assent requirements under the Wildlife and Countryside Act 1981 (as amended), and licensing requirements for species protected under the 1981 Act and/or the Habitats Regulations (see **Appendix 2**).
10. Following further discussions with Natural England and Defra it has been agreed that Natural England's concerns can be addressed by incorporating requirements to obtain the consent from Natural England within the Council's own procedures where any proposed action under the byelaws is likely to take place in areas of interest to Natural England, such as SSSI.
11. The proposed drainage byelaws were publicised in the Council's Parish Newsletter and through the Area Boards. The draft byelaws were available to be viewed on the Council's website, which allowed comments to be made. The deadline for responses to the informal consultation was 10 December 2013. Consultees were informed that they should advise the Council if they also wished for their comments to be considered as part of the formal consultations which is anticipated will take place in spring 2014. To date, no objections to the proposed byelaws have been received.
12. The proposed byelaws were considered by the Environment Select Committee at its meeting on 10 December 2013. In the discussion the Committee considered the need to focus on flood prevention, and potential financial implications for Wiltshire Council as a result of the byelaws, along with issues in relation to development within eight metres of a watercourse, and the contacting of landowners regarding flood management schemes. It was noted that byelaws act as an additional tool for the Council and that co-operation with local people was needed.
13. After discussion, the Environment Select Committee resolved to note the intention of the Council to make the proposed byelaws, which will assist the Council in carrying out its duties as Lead Local Flood Authority under the Flood and Water Management Act 2010.
14. A number of questions, observations and general comments about drainage were made by the public and at the Environment Select Committee and these have been summarised in **Appendix 3**.

Next Stages

15. The next stage, should the Council resolve to make the byelaws, is to hold a formal (statutory) public consultation. The byelaws are then made, sealed and deposited for one month.

16. If any objections are received, the Council will be expected, where possible, to resolve the objections before the byelaws and any unresolved objections are forwarded to the Secretary of State for confirmation. It should be noted that the byelaws cannot come into operation until they are confirmed by the Secretary of State.

Safeguarding Implications

17. There are no safeguarding implications.

Public Health Implications

18. The proposed drainage byelaws could potentially reduce flood risk for some properties, which would have benefits for those residents.

Environmental and Climate Change Considerations

19. Extreme weather events are forecast to become more frequent in Wiltshire due to climate change, and these have serious implications for the Council as Lead Local Flood Authority. The introduction of the proposed byelaws will help the Council carry out its duties and reduce flood risk for communities in Wiltshire as part of the Council's actions to adapt to climate change.

Equalities Impact of the Proposal

20. There are considered to be no equalities impacts in connection with making the proposed byelaws.

Risk Assessment

21. There are anticipated to be no significant risks attached to making of the proposed byelaws. However, there is a possibility of incurring legal costs in connection with the byelaws. If the byelaws are not made, it may prove difficult for the Council to adequately manage flood risk in the future.

Financial Implications

22. There are not anticipated to be any immediate and significant financial implications arising from the making of the byelaws because they will assist the Council in carrying out its duties as Lead Local Flood Authority for Wiltshire.
23. There is a potential for legal costs to arise as a result of any future prosecution under the proposed byelaws. At this stage this is an unknown quantity, but is a factor that would need to be monitored and managed if the byelaws are adopted.

Legal Implications

24. The byelaws are a form of 'delegated legislation' whose operation is usually restricted in order to control or regulate activities in certain places. The enforcement of the proposed land drainage byelaws will be undertaken for the purpose of securing appropriate management of flood risk in Wiltshire. The byelaws are made under the Flood and Water Management Act 2010, Land Drainage Act 1991 and the Local Government Act 1972. Section 236 of the Local Government Act 1972 sets out the legal requirements for making byelaws.

25. The byelaws will also create criminal offences which can be prosecuted in the Magistrates' Courts. Any person who acts in contravention, or fails to comply with the proposed byelaws, will be potentially guilty of a criminal offence punishable in the Magistrate's Court by way of a fine. The new byelaws are expected to help ensure the Council meets its obligations under the Flood and Water Management Act 2010, Land Drainage Act 1991 and Highways Act 1980 and any other relevant legislation concerned with land and highway drainage.

Options Considered

26. The making of the byelaws would help the Council to carry out its duties effectively and would assist with reducing of flood risk for local communities. Not making the byelaws would make it difficult to take action to reduce flood risk in some circumstances. The proposed byelaws follow the Defra model byelaws and are considered to be appropriate.

Conclusions

27. The proposed land drainage byelaws are considered to be essential for the regulation, management and enforcement of the Council's local flood risk management strategy and, which if made and confirmed following the formal consultation process, will assist the Council in carrying out its duties as Highway and Lead Local Flood Authority under the Flood and Water Management Act 2010.

Parvis Khansari Associate Director, Highways and Transport

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

None

Appendices:

Appendix 1 – Draft Byelaws

Appendix 2 – Consultation response from Natural England

Appendix 3 – Comments received on Byelaws

Wiltshire Council

LAND DRAINAGE BYELAW

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Common Seal
Penalty Note

WILTSHIRE COUNCIL LAND DRAINAGE BYELAWS

The Council under and by virtue of the powers and authority vested in them by Section 66 of the Land Drainage Act 1991, do hereby make the following Byelaws which are considered necessary for [one or more of] the following purposes:-

- (a) securing the efficient working of a drainage system in the Council's area,
- (b) regulating the effects on the environment in the Council's area of a drainage system,
- (c) securing the effectiveness of flood risk management work within the meaning of section 14A of that Act, or
- (d) securing the effectiveness of works done in reliance on Section 38 or 39 of the Flood and Water Management Act 2010 (incidental flooding or coastal erosion),

together, "the Purposes":-

1. Commencement of Byelaws

These Byelaws shall come into operation at the expiration of one month beginning with the day on which they are confirmed by the Secretary of State.

2. Application of Byelaws

- (a) These Byelaws shall have effect within the Area;
- (b) The watercourses referred to in these Byelaws are watercourses which are for the time being vested in or under the control of the Council.

3. Control of Introduction of Water and Increase in Flow or Volume of Water

No person shall as a result of development (within the meaning of Section 55 of the Town and Country Planning Act 1990 as amended ("the 1990 Act")) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the Area so as to directly or indirectly increase the flow or volume of water in any watercourse in the Area (without the previous consent of the Council).

4. Control of Sluices etc

Any person having control of any sluice, water control structure or appliance for introducing water into any watercourse in the Area or for controlling or regulating or affecting the flow of water in, into or out of any watercourse shall use and maintain such sluice, water control structure or appliance in accordance with such reasonable directions as may from time to time be given by the Council with a view to securing or furthering one or more of the Purposes.

5. **Fishing Nets and Angling**

No person shall angle or set any nets or engines for the catching or keeping of fish in any watercourse in such a manner as to cause damage to or endanger the stability of the bank of the watercourse or to affect or impede the flow of water.

In this Byelaw “nets” includes -

- (a) a stake net, bag net or keep net;
- (b) any net secured by anchors and any net, or other implement for taking fish, fixed to the soil or made stationary in any other way;
- (c) any net placed or suspended in any inland or tidal waters unattended by the owner or a person duly authorised by the owner to use it for fish, and any engine, device, machine or contrivance, whether floating or otherwise, for placing or suspending such a net or maintaining it in working order or making it stationary.

6. **Diversion or Stopping up of Watercourses**

No person shall, without the previous consent of the Council, take any action, or knowingly permit or aid or abet any person to take any action to stop up any watercourse or divert or impede or alter the level of or direction of the flow of water in, into or out of any watercourse.

7. **Detrimental Substances not to be Put into Watercourses**

No person shall, so as directly or indirectly to obstruct, impede or interfere with the flow of water in, into or out of any watercourse or so as to damage the bank -

- (a) discharge or put or cause or permit to be discharged or put or negligently or willfully cause or permit to fall into any watercourse any object or matter of any kind whatsoever whether solid or liquid;
- (b) allow any such object or matter as is referred to in sub-paragraph (a) of this Byelaw to remain in proximity to any watercourse in such manner as to render the same liable to drift or fall or be carried into any watercourse.

Provided that nothing in this Byelaw shall be deemed to render unlawful the growing or harvesting of crops in accordance with normal agricultural practice.

8. **Lighting of Fires**

No person shall light or cause or permit to be lighted or commit any action liable to cause to be lighted any fire on any land adjoining the watercourse where such action is liable to set on fire the peat land forming the banks of the watercourse or any vegetation including trees growing on land forming the banks of the watercourse.

9. **Notice to Cut Vegetation**

Any person having control of any watercourse shall, upon the receipt of a notice served on him by the Council requiring him so to do, cut down and keep cut down all vegetation, including trees, growing in or on the bank of a watercourse, within such reasonable time as may be specified in the notice, and shall remove such vegetation, including trees, from the watercourse immediately after the cutting thereof.

Provided that, where a hedge is growing on the bank of a watercourse, nothing in this Byelaw shall require more than the pruning of the hedge so as to prevent it from growing over or into the watercourse, and the removal of the resultant cuttings.

10. **No Obstructions within 8 Metres of the Edge of the Watercourse**

No person without the previous consent of the Council shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 8 metres of the landward toe of the bank where there is an embankment or wall or within 8 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 8 metres of the enclosing structure.

11. **Repairs to Buildings**

The owner of any building or structure in or over a watercourse or on the banks thereof shall, upon receipt of a notice from the Council that because of its state of disrepair -

- (a) the building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse;
- (b) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse,

carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice.

12. **Control of Vermin**

The occupier of any bank of a watercourse or any part thereof shall, upon being required by the Council by notice, within such reasonable time as may therein be specified, take such steps as are specified in the notice, being such steps as the Council consider necessary and practicable for preventing the bank from becoming infested by rabbits, rats, coypu, foxes and moles or any other wild mammal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981, but excluding the water vole from such control.

13. **Damage by Animals to Banks**

All persons using or causing or permitting to be used any bank of any watercourse for the purpose of grazing or keeping any animal thereon shall take such steps including fencing as are necessary and reasonably practicable and shall comply with such reasonable directions as may from time to time be given by the Council to prevent the bank or the channel of the watercourse from being damaged by such use.

Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of, for the purpose of enabling animals to drink at it, any place made or to be made or constructed as approved by the Council.

14. **Vehicles not to be Driven on Banks**

No person shall use or drive or permit or cause to be used or driven any cart, vehicle or implement of any kind whatsoever on, over or along any bank of a watercourse in such manner as to cause damage to such bank.

15. **Banks not to be Used for Storage**

No person shall use or cause or permit to be used any bank of any watercourse for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such a manner as by reason of the weight, volume or nature of such rubbish, goods, material or things causes or is likely to cause damage to or endanger the stability of the bank or channel of the watercourse or interfere with the operations or access of the Council or the right of the Council to deposit spoil on the bank of the watercourse.

16. **Not to Dredge or Raise Gravel, Sand etc**

No person shall without the previous consent of the Council dredge or raise or take or cause or permit to be dredged or raised or taken any gravel, sand, ballast, clay or other material from the bed or bank of any watercourse.

17. **Fences, Excavations, Pipes etc**

No person shall without the previous consent of the Council -

- (a) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or appliance whatsoever or any electrical main or cable or wire in or over any watercourse or in, over or through any bank of any watercourse;
- (b) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage to or endanger the stability of the bank;

- (c) make or cut or cause or permit to be made or cut any excavation or any tunnel or any drain, culvert or other passage for water in, into or out of any watercourse or in or through any bank of any watercourse;
- (d) erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof;
- (e) place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank of any watercourse in such a manner or for such length of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse.

Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any work so excepted shall, as soon as practicable, inform the Council in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Council may give with regard thereto.

19. **Interference with Sluices**

No person shall without lawful authority interfere with any sluice, or other water control structure or appliance for controlling or regulating the flow of water in, into or out of a watercourse.

20. **Mooring of Vessels**

No person shall moor or place any vessel in any watercourse or to or upon the bank of any watercourse in such manner or by such method as to cause or be likely to cause injury to such bank or in such manner as materially to obstruct or impede the free flow of water in, into or out of any watercourse.

21. **Unattended Vessels**

No person shall leave any vessel unattended without taking due care to prevent such vessel from materially obstructing or impeding the free flow of water in, into or out of any watercourse or any sluice in any bank.

22. **Removal of Sunken Vessels**

No person who is the owner of a vessel sunk, stranded, damaged or adrift in a watercourse or, in the case of a sunken vessel which is abandoned, who was the owner immediately before the abandonment shall, after ten days from the day on which the Council serves on him notice in writing that the vessel is causing obstruction, permit the vessel to remain in the watercourse in such a manner as to impede or harmfully divert the flow of water in, into or out of the watercourse.

23. **Navigation of Vessels**

No person shall navigate any vessels in such a manner or at such a speed as to

injure the bank of any watercourse and where the Council has by notice erected at any place limited the speed of vessels passing such place no person shall navigate a vessel at a speed over the bed of the watercourse greater than the speed so limited provided that the Council shall not exercise its powers under this Byelaw so as to limit the speed of vessels navigating waterways of the British Waterways Board for which speed limits are prescribed by the Byelaws of such Board.

24. **Damage to Property of the Council**

No person shall interfere with or damage any bank, bridge, building, structure, appliance or other property of or under the control of the Council.

25. **Defacement of Notice Boards**

No person shall deface or remove any notice Board, notice or placard put up by the Council.

26. **Obstruction of the Council and Officers**

No person shall obstruct or interfere with any member, officer, agent or servant of the Council exercising any of his functions under the Act or these Byelaws.

27. **Savings for Other Bodies**

Nothing in these Byelaws shall -

- (a) conflict with or interfere with the operation of any Byelaw made by the Environment Agency or an internal drainage board or of any navigation, harbour or conservancy authority but no person shall be liable to more than one penalty or in the case of a continuing offence more than one daily penalty in respect of the same offence;
- (b) restrict, prevent, interfere with or prejudice the exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by -
 - (i) any public utility undertaking carried on by a local authority under any Act or under any Order having the force of an Act;
 - (ii) the undertakings of the Environment Agency and of any water undertaker or sewerage undertaker;
 - (iii) any public gas transporter within the meaning of part I of the Gas Act 1986;
 - (iv) any navigation, harbour or conservancy authority;
 - (v) any person who acts as the operator of a relevant railway asset, with respect to the construction, use or maintenance and repair of any such asset, or the free, uninterrupted and safe use of any such

- asset and the traffic (including passengers) thereof;
- (vi) any local authority;
 - (vii) any highway authority for the purposes of the Highways Act 1980 (as amended by any subsequent enactment) in relation to any highway whether or not maintainable at public expense;
 - (viii) any undertaking engaged in the operation of a telecommunications system;
 - (ix) a relevant airport operator within the meaning of Part V of the Airports Act 1986
 - (x) the Civil Aviation Authority and any subsidiary thereof;
 - (xi) the British Waterways Board;
 - (xii) the Coal Authority;
- (c) restrict, prevent, interfere with or prejudice any right of a highway authority to introduce into any watercourse surface water from a highway, for which it is the highway authority;
 - (d) restrict, prevent, interfere with or prejudice any right of a licence holder within the meaning of Part I of the Electricity Act 1989 to do anything authorised by that licence or anything reasonably necessary for that purpose;
 - (e) affect any liability arising otherwise than under or by reason of these byelaws.

28. **Saving for Crown Lands**

Nothing in these Byelaws shall operate to prevent the removal of any substance on, in or under (or the erection of any structure, building or machinery or any cable, wire or pipe on, over or under) lands belonging to Her Majesty in right of the Crown by any person thereunto authorised by the Crown Estate Commissioners.

29. **Arbitration**

- (a) Where by or under any of these Byelaws any person is required by a notice in writing given by the Council to do any work to the satisfaction of the Council or to comply with any directions of the Council, he may within 21 days after the service of such notice on him give to the Council a counter-notice in writing objecting to either the reasonableness of or the necessity for such requirement or directions, and in default of agreement between such person and the Council the dispute shall, when the person upon whom such notice was served is a drainage or local authority be referred to

the Secretary of State whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party. Where such a counter-notice has been given to the Council the operation of the notice shall be suspended until either agreement has been reached or the dispute has been determined by arbitration in accordance with the provisions of this Byelaw;

- (b) where by or under these Byelaws any person is required by a notice in writing given by the Council to do any work to the satisfaction of the Council or to comply with any directions of the Council and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with, such dispute if it arises between a drainage authority or local authority and the Council shall be referred to the Secretary of State whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party;
- (c) where by or under Byelaws 3, 6, 10, 16 or 17 any person is required to refrain from doing any act without the consent of the Council such consent shall not be unreasonably withheld and may be either unconditional or subject to such reasonable conditions as the Council may consider appropriate and where any dispute arises as to whether in such a case the consent of the Council is being unreasonably withheld, or as to whether any conditions subject to which consent is granted are unreasonable, such dispute shall if it arises between a drainage authority or local authority and the Council be referred to the Secretary of State whose decision shall be final, and in any other case such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

30. **Notices**

Notices and any other documents required or authorised to be served or given under or by virtue of these byelaws shall be served or given in the manner prescribed by section 71 of the Act.

31. **Limitation**

- (a) Nothing in these Byelaws shall authorise the Council to require any person to do any act, the doing of which is not necessary for securing or furthering one or more of the Purposes, or to refrain from doing any act, the doing of which does not affect the environment, or adversely affect either (i) the efficient working of the drainage system of the area (ii) the effectiveness of flood risk management work within the meaning of section 14A of the Land Drainage Act 1991, or (iii) the effectiveness of works done in reliance on Section 38 or 39 of the Flood and Water Management Act 2010.

- (b) If any conflict arises between these Byelaws and;
- (i) Sections 61A to E of the Land Drainage Act 1991 (which relates to the Council's duties with respect to the environment), or
 - (ii) the Conservation of Habitats and Species Regulations 2010⁴
- the said Act and the said Regulations shall prevail.

32. **Interpretation**

In these Byelaws, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-

“the Act” means the Land Drainage Act 1991;

“Animal” includes any horse, cattle, sheep, deer, goat, swine, goose or poultry;

“Area” means the area under the jurisdiction of the Council;

“Bank” includes any bank, cross bank, wall or embankment adjoining or confining or constructed for the purpose of or in connection with any watercourse and includes all land between the bank and the low water mark or level of the water in the watercourse as the case may be and where there is no such bank, cross bank, wall or embankment includes the top edge of the batter enclosing the watercourse;

“Consent of the Council” means the consent of the Council in writing signed by a proper officer of the Council;

“Council” means Wiltshire Council;

“Occupier” means in the case of land not occupied by any tenant or other person the person entitled to the occupation thereof;

“Owner” includes the person defined as such in the Public Health Act 1936;

"Relevant railway asset" means

(a) a network which was transferred, by virtue of a transfer scheme made under Section 85 of the Railways Act 1993, from the British Railways Board and vested in the company formed and registered under the Companies Act 1985 and known, at the date of vesting, as Railtrack PLC,

(b) a station which is operated in connection with the provision of

railway services on such a network, or

(c) a light maintenance depot.

Expressions used in this definition and in the Railways Act 1993 have the same meaning in this definition as they have in that Act, and a network such as is described in (a) above shall not cease to be such a network where it is modified by virtue of having any network added to it or removed from it.

“The Secretary of State” means the Secretary of State for the Department for Environment, Food and Rural Affairs;

“Vegetation” means trees, willows, shrubs, weeds, grasses, reeds, rushes, or other vegetable growths;

“Vessel” includes any ship, hovercraft (as defined by the Hovercraft Act 1968), lighter, keel, barge, tug, launch, houseboat, pleasure or other boat, aircraft, randan, wherry, skiff, dinghy, shallop, punt, yacht, canoe, raft, float of timber or any other craft whatsoever, and howsoever worked, navigated or propelled;

“Water control structure” means a structure or appliance for introducing water into any watercourse and for controlling or regulating or affecting flow, and includes any sluice, slacker, floodgate, lock, weir, dam, pump, or pumping machinery; and other expressions shall have the same meanings as in the Act.

THE COMMON SEAL OF THE COUNCIL was hereunto affixed on in the presence of;

**The Chief Executive
(or other authorised
officer)**

PENALTY NOTE

By Section 66(6) of the Act every person who acts in contravention of or fails to comply with any of the foregoing Byelaws is liable on summary conviction in respect of each

offence to a fine not exceeding the amount prescribed from time to time for level 5 on the standard scale referred to in Section 37 of the Criminal Justice Act 1982 and a further fine not exceeding Forty pounds for every day on which the contravention or failure is continued after conviction. By Section 66(7) of the Act if any person acts in contravention of or fails to comply with any of these Byelaws the Council may without prejudice to any proceedings under Section 66(6) of the Act take such action as may be necessary to remedy the effect of the contravention or failure and may recover the expenses reasonably incurred by it in doing so from the person in default.

Date: 02 December 2013
Our ref: 104188
Your ref:

Appendix 2

The logo for Natural England, featuring the words "NATURAL" and "ENGLAND" in a bold, sans-serif font. "NATURAL" is in a light green color and "ENGLAND" is in a dark green color. The text is set against a solid yellow rectangular background.

Mrs Sarah Marshall
Solicitor
Legal Unit
Wiltshire Council

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Sarah

Thank you for your consultation on the proposed Land Drainage Byelaws for Wiltshire Council, which was received by Natural England on 14 November 2013.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

In general, the byelaws are likely to have no effect or a potential positive impact on biodiversity. However, there are certain occasions where implementation of a byelaw could affect a SSSI and/or protected species. These would include situations covered by a byelaw which are also covered by the list of Operations Likely to Damage a SSSI and therefore would require consent or assent from Natural England to be carried out.

We would like some assurance that the proposed byelaws provide safeguards where they might conflict with the conservation and enhancement of SSSIs, including consent or assent requirements under the Wildlife and Countryside Act 1981 (as amended), and licensing requirements for species protected under the 1981 act and/or the Habitats Regulations.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me on 0300 0604923. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Alice Walker
Land Use Operations

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Comments and Observations on Proposed Drainage Byelaws

The following observations and questions were raised by Cllr Jeans at the Environment Select Committee on 10 December 2013. The replies are set out below:

1. Page 92 paragraph 8. Regarding no development within 8 metres of a watercourse, as in Mere, permitted light weight garden sheds without foundations etc., will these be brought into this. Is existing excluded?

Paragraph 10 refers to the 8 metre distance from watercourses. The Byelaws would mean that new development would need to receive permission from the Council. Depending on circumstances, light weight sheds and similar structures could be permitted provided they did not adversely affect flood risk or watercourse maintenance. It would not affect existing structures or sheds.

2. Page 93 paragraph 17, will this apply to the utility companies, i.e. someone wanting an overhead telephone line to their property?

Public utilities are exempt from the provisions under paragraph 27 of the Byelaws. They would not need permission from the Council in order to provide service supplies.

3. Page 95 paragraph 25, removal of boards, will the placement require the landowner's permission as without it on private land, can he or she remove?

Boards could only be placed on private land by the Council with the permission of the land owner.

4. Page 96 paragraph 27 extended from page 95, (vi) any local authority, does this include a town or parish council?

Town and Parish Councils are not considered to be 'Local Authorities' under Section 72(1) of the Land Drainage Act.

The following question was raised on the Southwest Wiltshire Community Matters website:

1. Why do we not see/hear much about dredging all waterways, including ditches, any more which prevented most flooding? Surely this is cheaper than paying out for draining flood waters, repairs etc., and people would stand a better chance of getting properties insured.

- 2.

The responsibility of keeping watercourses clear generally rests with the landowner. With regard to dredging the Environment Agency's view is that dredging river channels does not make them big enough to contain the huge volumes of water during a flood. When a major flood occurs, water soon fills the river and enters the floodplain. The floodplain is an area of land over which water naturally flows during flooding. Even major dredging will not free up enough space in the river channel to stop this from happening. Nevertheless, it is important that watercourses are kept clear of obstructions and the proposed Byelaws will give the Council additional powers in connection with this.

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Wiltshire Council

Council

4 February 2014

Pay Policy Statement and the Publication of Senior Staff Pay

Summary

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

On 26 February 2013 Council approved the pay policy statement for 2013/14 and the publication of senior staff salaries with a threshold of £58,200, along with job descriptions, budget responsibilities and numbers of staff.

The statement has been updated for 2014/15 to reflect current headcount, budget and redundancy figures. There have been no significant changes.

Proposals:

That Council approve:

- (a) the updated Pay Policy Statement set out in Appendix 1**
- (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.**

Reason for Proposal

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

Barry Pirie
Associate Director, People and Business

Pay policy statement and the publication of senior staff pay

Purpose of Report

1. This report presents the updated pay policy statement which applies to all non-schools employees of Wiltshire Council.

Background

2. Under section 38 of the Localism Act 2011 every local authority must prepare and publish a pay policy statement for the financial year 2012/13 and each subsequent financial year.
3. Wiltshire Council originally published their pay policy statement in February 2012 and are required to publish an updated policy by 1 April 2014.
4. The legislation states that approval of the pay policy statement must be sought from full council.

Main Considerations for the Council

5. The pay policy statement has been updated to reflect current headcount, budget and redundancy figures but there have been no significant changes.
6. The employment policies referred to within the statement have not been amended since the statement was first published.

Environmental and climate change considerations

7. Not applicable

Equalities Impact of the Proposal

8. The pay policy statement was equality impact assessed on 1st February 2012 and no negative impacts were identified. No significant changes have been made requiring a further assessment for 2014/15.

Risk Assessment

9. The council is required to publish their pay policy statement in order to comply with the requirements of the Localism Act 2011.
10. The pay policy statement clearly outlines that the employment terms and allowances for senior staff are not more beneficial than those of the lowest paid staff.
11. The secretary of state for CLG has also issued a code on the publication of data for the public, and local authorities are now required to publish salaries and related information for all staff earning in excess of £58,200 per annum.
12. The pay policy statement, related employment policies and the senior salaries data will be published on the Wiltshire Council website in accordance with the Localism Act 2011 and the Code of Recommended practice for Local Authorities on Data Transparency.

Financial Implications

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

Legal Implications

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

Options Considered

15. The council is required to update their pay policy statement in order to comply with the requirements of the Localism Act 2011.

Conclusions

16. In order to comply with our responsibilities, full council are recommended to approve the proposals as set out in this report.

Barry Pirie
Associate Director, People and Business

Report Author: Amanda George, HR Policy and Reward Manager
Date of report: 4 February 2014

Appendices

Appendix 1 – Pay Policy Statement (2014/15 update)

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Wiltshire Council Human Resources

Pay Policy Statement

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

What is it?

The pay policy statement sets out the council's approach to pay and reward for senior managers and the lowest paid employees for the financial year 2014-2015.

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

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

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

Remuneration for the purposes of this statement includes three elements:

- basic salary
- pension
- any other allowances arising from employment

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

Corporate Director
Associate Director
Head of Service
Some lead professional jobs

The term “lowest paid employees” refers to those employees on the lowest spinal column point (scp) of our grading system. This is scp 5 of grade A, which is currently £12,435 per annum.

Go straight to the section:

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

Introduction

Wiltshire Council is a large and complex organisation providing a wide range of services to the community, with an annual budget of around £330m (2014/15).

In order to deliver these services around 12,804 people work for the council, 7800 of whom work in schools, in a variety of diverse roles such as corporate director, social worker, teaching assistant and general cleaner.

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

This is set against a background of continuing budget cuts from central government whilst there is an increasing service delivery expectation. In June 2013 the council implemented a voluntary redundancy programme in order to create efficiencies and reduce numbers of staff. This was unlike previous redundancy exercises where the savings had been achieved by holding targeted service reviews. A total of 254 staff were accepted for voluntary redundancy, delivering approximately £6m savings year on year.

In September 2013 there was a senior management review. The number of Service Directors posts was reduced from 18 to 13, and the name changed to Associate Director to reflect the wider responsibilities of the role. The salary scales for all senior managers were also reviewed (previous review in 2008) and re-aligned to median market pay. The changes to the senior management structure have resulted in a saving of £0.431m per annum.

The coming year will be challenging with the council having to find innovative ways to deliver services within strict cost parameters. It is now more important than ever to ensure the council have the right people in the right place at the right time to deliver services, and the focus will be on developing our future leaders in order to drive efficiencies and excellence.

Who does it apply to?

This pay policy statement applies to all non- schools employees of Wiltshire Council.

When does it apply?

This pay policy statement was originally published in February 2012 and has been updated for the financial year 2014/15. It will be reviewed and updated on an annual basis.

What are the main points?

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

The level and elements of remuneration for employees

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

Hay job evaluation scheme:

6. The Hay job evaluation scheme is used to evaluate senior manager jobs within the council (currently 85 employees), which include the following roles:
 - Corporate Director
 - Associate Director
 - Head of Service
 - Some lead professional jobs
7. Each job is assessed by a panel of three Hay trained evaluators. The evaluators consider the job against each Hay element and sub-element and apply the description and points that best fit the job being evaluated. The values awarded are subsequently added together to give a total job score.
8. The Hay Group periodically carry out quality control checks to ensure the consistency of job scores in line with the conventions of the scheme.
9. The job score determines the grade the job. There are 8 Hay grades each containing a salary range over 4 spinal column points.
10. See the [Hay job evaluation scheme](#), the [points to grades](#) and [salary bands](#) for further details.
11. The council's policy is to pay the median market rate for the job and aims to ensure that the pay scales for hay posts are sensitive to labour market pressures. Pay scales for Hay graded posts were first implemented in 2002 and are assessed periodically to ensure that they remain competitive. This assessment is conducted using the Hay Group Ltd

databank of pay rates for organisations in the public and not for profit sector.

12. A review of the pay at senior manager level (Corporate and Associate Director) was undertaken in 2013, and a pay drift was identified. The pay scales were therefore realigned to ensure the council was paying the median market rate for jobs at this level.

Greater London Provincial Council job evaluation (GLPC) scheme:

13. The GLPC job evaluation scheme is used to evaluate the majority of jobs within the council (currently 4547 permanent employees).
14. Each job is assessed by a panel of three trained GLPC evaluators. The evaluators consider each job against a set of factors and award a level per factor. The values of the levels are added together to give a total job score.
15. The job score determines the grade for the job. There are 15 grades, each grade containing between 2 and 4 increments. The GLPC pay grades were first implemented and agreed with the unions as part of the Pay Reform agreement in 2007.
16. See the [GLPC evaluation scheme](#), [the points to grades](#) and [salary bands](#) for further details.
17. The council aims to ensure that the GLPC scheme is appropriately applied and that there is continuity and consistency in the results. The evaluation process and a sample of the scores are checked externally by job evaluation specialists in the South West Councils organisation.

Remuneration on recruitment

18. The same recruitment policies apply to all employees who take up a new appointment with the council, regardless of grade.
19. The council advertises all posts through the careers website, and may also employ a recruitment agency to provide a shortlist of candidates for senior manager jobs.
20. The council has a [market supplement policy](#) which stipulates that if there are recruitment difficulties and it is shown that the council are paying below the market rate for the job, a market supplement may be paid.

21. Market supplements are only payable to a small number of jobs which are evaluated using the GLPC scheme. No market supplements are paid to Hay graded employees. See the list of [market supplements](#) for current details.
22. Candidates are normally appointed on the minimum spinal column point of the grade for the post.
23. If a candidate is already being paid above the minimum point of the post they are applying for, the appointment may in some circumstances be on the next increment above their current salary, subject to the maximum of the grade.
24. The recruitment procedure for Corporate and Associate Director posts is undertaken by the Officer Appointments Committee. This committee represents Council for all Corporate and Associate Director appointments. Once an appointment is proposed by the committee, cabinet is required to ratify the decision and salary level within the band before the appointment is confirmed.
25. In line with the requirements of the Localism Act 2011, all chief and senior officer jobs, including those paid over £100,000 per year, are assessed by applying the Hay job evaluation scheme. The job is then allocated the appropriate existing Hay grade and pay band, and a salary offer will only be made within that pay band.
26. Where it is necessary for any newly appointed employee to relocate more than 15 miles in order to take up an appointment the council may make a contribution towards relocation expenses.

Increases and additions to remuneration

27. The council's policy is to apply the nationally negotiated JNC pay award for Hay graded employees, except for Corporate and Associate Directors, and NJC pay award for GLPC graded employees which takes effect from 1st April each year.
28. The council also employs a small number of specialist employees covered by Youth and Community and Soulbury salary scales which are also negotiated nationally.
29. The last annual pay awards were agreed for JNC employees in April 2008. NJC employees received an annual pay award of 1% in April 2013.

30. Any nationally negotiated pay awards agreed for April 2014 will be implemented as usual to eligible staff.
31. For Hay graded employees incremental progression through the grade is based on satisfactory performance measured over a 12 month period. Increments are paid on 1st April each year subject to satisfactory performance, and a minimum of 6 months in post at that time. There is no provision for the payment of an increment at any other time.
32. For GLPC graded employees, increments are awarded automatically up to the maximum of the grade unless formal proceedings are taking place under the Improving Work Performance Policy. Increments are paid on the 1st April each year, or six months after the start date (if the starting date is between October and April) and there is no provision for the payment of an increment at any other time.
33. As one of a number of cost saving measures a two year increment freeze was agreed jointly between Wiltshire Council and the recognised unions for April 2012 and 2013. Increments are due to be paid again from April 2014.

The use of performance-related pay

34. It is the council's policy that Hay graded employees are subject to a performance appraisal each year. If the performance is measured as satisfactory, an increment may be awarded (subject to point 31. above). If the performance does not meet the required standard an increment may be withheld.
35. For GLPC graded employees, increments are awarded automatically to the maximum of the grade (subject to point 32. above) unless formal proceedings are taking place under the Improving Work Performance Policy.

The use of bonuses

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

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

37. Employees who leave the council's employment are entitled to payment of their contractual notice, along with any outstanding holiday pay.
38. The council does not make any additional payments to employees whose employment ceases, except in the case of redundancy.
39. All employees, including chief and senior officers, are subject to the same redundancy payments policy which has been agreed by Staffing Policy Committee.
40. There is no discretion to make redundancy payments which do not comply with the policy.
41. If employees choose to volunteer and are accepted for redundancy they are entitled to a payment calculated as follows:

Statutory weeks x normal weekly pay x 2.5, capped at 40 weeks, with a minimum payment of £3000 (pro rata for part time staff).
42. If employees choose not to volunteer for redundancy, and cannot be redeployed, they will leave on compulsory grounds. The payment is calculated as follows:

Statutory weeks x weekly salary (capped at £450), with a cap of 30 weeks pay or 20 years service. There is a minimum payment of £1500 (pro rata for part time staff).
43. If employees are aged 55 or over, and have been a member of the pension scheme for at least 3 months, they are able to receive their pension and lump sum early if their employment is terminated on grounds of redundancy.
44. No augmentation to pension will apply for any employee.
45. If employees are dismissed on redundancy grounds, and receive a voluntary (enhanced) redundancy payment, they may be considered for re-employment to posts within Wiltshire Council after the minimum statutory period of four weeks has elapsed subject to the following conditions:
 - The post did not exist or was not foreseeable at the time of the dismissal.
 - The vacancy has been advertised in accordance with Wiltshire Council policy and procedures.

- The appointment was made on the basis of the best person for the job with regard to the usual selection procedures.
 - The appointment has corporate director approval.
46. These conditions apply for 12 months from the date of the dismissal, after which the employee may be considered for re-employment to any post within Wiltshire Council.

The pension scheme

47. All employees are entitled to join the Local Government Pension Scheme (LGPS).
48. The LGPS is changing in 2014 and the benefits structure is moving from a Final Salary basis to a Career Average Revaluation Earnings (CARE) approach for benefits accruing after this date. Employee contribution bandings are also changing and the new regulations are introducing 9 bandings with rates varying between 5.5 – 12.5% according to the employee's salary.
49. The benefits of the scheme for all members include:
- A tiered ill health retirement package if employees have to leave work at any age due to permanent ill health. This could give employees benefits, paid straight away, and which could be increased if they are unlikely to be capable of gainful employment within 3 years of leaving.
 - Early payment of benefits if employees are made redundant or retired on business efficiency grounds at age 55 or over.
 - The right to voluntarily retire from age 60, even though the Scheme's normal pension age is 65. Employees can retire from as early as age 55, provided the employer agrees.
 - Flexible retirement from age 55 if employees reduce their hours, or move to a less senior position. Provided the employer agrees, employees can draw all of their benefits – helping them ease into their retirement.
50. Further information about the pension scheme can be found on the [pensions website](#).

Any other allowances arising from employment

Payment for acting up or additional duties

51. This policy applies only to GLPC graded employees who, on a temporary basis:
- act up – carrying out the full responsibilities and duties of a higher graded post either for some or all of their working hours; or
 - carry out some, but not all, duties or responsibilities of a higher graded post for some or all of their working hours; or
 - take on additional duties within their role.
52. The policy allows for employees to receive the salary difference between the lower and higher graded job, calculated on a percentage basis if the additional duties are taken on for only part of the working week.

Unsocial hours allowances

53. The council provides an additional allowance, expressed as a percentage of the basic rate, for regularly working late evenings/early mornings/nights/Sundays. These payments are graduated according to the degree of unsocial hours working and range from 10% to 33% in addition to normal hourly rate.
54. Unsocial hours allowances are only payable for GLPC graded jobs, and are not available for senior managers.

Local election duties – Acting Returning Officer

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

Governance arrangements

56. The council's policy is to apply the nationally negotiated JNC and NJC pay awards, which take effect from 1st April each year.
57. The council also relies on national negotiation for some key provisions of employment such as the sickness and maternity schemes.
58. The council negotiates locally on some other conditions of employment, such as pay and grading, travel expenses, overtime payments and unsocial hours allowances.

59. For these local conditions of employment, the council consults and negotiates with the relevant trade unions in order to reach agreement. These conditions and allowances are then referred to Staffing Policy Committee for agreement.
60. The role of Staffing Policy Committee is to determine, monitor and review staffing policies and practices to secure the best use and development of the council's staff. This includes the power to deal with all matters relating to staff terms and conditions.
61. The full remit of the council's Staffing Policy Committee is contained within the constitution.

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

62. In accordance with the Code of Recommended Practice for Local Authorities on Data Transparency, the council is committing to publishing the following information relating to senior employees via the council's website:
 - Senior employees salaries which are £58,200 and above
 - Names of the individuals (to be agreed with each individual)
 - A job description for each post
 - Budget responsibility for each post
 - Number of direct reports for each post
 - An organisational chart of the staff structure of the local authority
63. This information has been available via the council's website from 1st April 2012, and is updated on a monthly basis.

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

64. In terms of overall remuneration packages the council's policy is to set different levels of basic pay to reflect the different sizes of jobs, but not to differentiate on other allowances, benefits and payments it makes.
65. The Hutton Review of Fair Pay in the Public Sector recommends a maximum ratio of the highest remunerated post compared with the lowest remunerated post of 1:20

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

	Annual FTE Salary	Ratio
Highest Paid	£139,096	
Lowest paid	£12,435	11.2
Mean Salary	£23,991	5.8
Median Salary	£21,734	6.4

67. The council would therefore not expect the remuneration of its highest paid employee to exceed 20 times that of the lowest group of employees. The current ratio is well within the Hutton review guidelines at 1:11.2

Definitions

NJC – National Joint Council

JNC – Joint Negotiating Committee

GLPC – Greater London Provincial Council

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

Equal Opportunities

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

Legislation

Localism Act 2011

Equality Act 2010

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

Further information

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

Hay job evaluation policy and procedure
GLPC job evaluation policy and procedure
Appointments policy and procedure
Appointments policy and procedure for chief officers
Market supplements policy and procedure
Moving home policy and procedure
Redundancy payments policy
Starting salaries and incremental progression policy and procedure
Acting up and additional duties policy and procedure

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

Policy author	HR Policy and Reward Team – AG
Policy implemented	28 February 2012
Policy last updated	23 December 2013

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Minutes Book

Tuesday 4 February 2014

Council Chamber, County Hall, Trowbridge, BA14 8JN



Minutes of Cabinet and Committees

November 2013 to February 2014

Meeting	Date	Page Nos.	Chairman (Cllr)
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Cabinet Capital Assets Committee	21 November 2013	23 - 28	Jane Scott
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Cabinet Transformation Committee	17 December 2013	33 - 36	Jane Scott
Overview and Scrutiny Select Committees			
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Licensing Committee	05 November 2013	107 - 110	Pip Ridout
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Strategic Planning Committee	11 December 2013	241 - 244	Andrew Davis


Standards Committee			
Standards Committee	20 January 2014	<i>To Follow</i>	Julian Johnson
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Audit Committee	18 December 2013	245 - 248	Tony Deane
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Wiltshire Pension Fund Committee	4 December 2013	261 - 280	Tony Deane
Wiltshire Police and Crime Panel	5 November 2013	281 - 284	Richard Britton
Wiltshire Police and Crime Panel	26 November 2013	285 - 290	
Wiltshire Health and Wellbeing Board	21 November 2013	291 - 304	Jane Scott

CABINET

MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Thursday, 21 November 2013.

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economy, Skills and Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform
Cllr Stuart Wheeler	Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)

Also in Attendance: Cllr Allison Bucknell, Cllr Richard Clewer, Cllr Christine Crisp
Cllr Tony Deane, Cllr Jon Hubbard, Cllr George Jeans
Cllr Julian Johnson, Cllr Simon Killane, Cllr Nina Phillips
Cllr Fred Westmoreland, Cllr Roy While and
Cllr Philip Whitehead

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

100 Apologies

All Cabinet members were present.

101 Minutes of the Previous Meeting

The minutes of the last meeting held on 22 October 2013 were presented.

Resolved:

That the minutes of the meeting held on 22 October 2013 be approved as a correct record and signed by the Leader.

102 **Leader's Announcements**

The Leader made the following announcements:

St Stephen's Place development

The Leader thanked the officers involved in delivering the St Stephen's Place leisure complex in Trowbridge which had officially opened on Tuesday 19 November. The multi-million pound scheme demonstrated how much confidence major companies had in Trowbridge. The complex would create more than 200 jobs and would encourage more businesses and investment to the area. This was great news for the County Town and all the communities which had already started to benefit from this development.

Your Wiltshire magazine – winter 2013 edition

The Leader drew attention to the latest copy of Your Wiltshire Magazine, which was now available and circulated at the meeting. As an incentive to those who did not currently participate in activity, the issue included a seven day free leisure pass for use in any of Wiltshire Council's leisure centres from next Monday the 25th November – until the 28th February. Recognising the need to boost local towns and encourage people to shop for longer, the issue also included a reusable voucher for one hour's free parking in the run up to Christmas which would add one hour free on to any parking ticket purchased.

Wiltshire Assembly – 2 December

The Leader announced that the Wiltshire Assembly on 2 December 2013 would be held at the new Tidworth Garrison Theatre and would be focusing on Wiltshire as a military County, and our partnership with the military community. It would provide an update to partners, community representatives and local businesses on the impact that the Army rebasing project would have on the County over the next few years. Infrastructure, facilities, community and business opportunities would be highlighted and it would showcase some of the excellent work which was taking place across the County to integrate the military and local communities.

Boosting the local economy – Wealth of Wiltshire Christmas Fayre

The Wealth of Wiltshire Christmas Fayre which would be held in the Atrium on December 12 had proved very popular with businesses taking up every stall available. The event was open to the public and free of charge and local choirs would add to the festive atmosphere by singing throughout the day. Local businesses from across the County would be selling their products from 10am

to 7.30pm. This was another way the Council was supporting the local economy and businesses and bringing the community into the heart of this Council.

103 Declarations of interest

No declarations of interest were made.

104 Public participation

The Leader explained that as usual at meetings of Cabinet she would be more than happy to hear from any member of the public present on any of the items on this agenda.

The Leader acknowledged receipt of a statement and questions from Mrs Jarvis, Clerk to Melksham Without Parish Council, details of which were circulated at the meeting in respect of the item on Parish and Town Council Grant Options (minute no. 107 refers).

105 Minutes - Cabinet Transformation Committee

The minutes of the Cabinet Transformation Committee dated 22 October 2013 were presented.

Resolved:

That the minutes of the Cabinet Transformation Committee dated 22 October 2013 be received and noted.

106 Wiltshire Council's New Housing Allocations Policy 

Cllr Keith Humphries presented a report which reported on the outcome of consultations and sought Cabinet approval of a new Housing Allocations Policy effective from April 2014.

The proposed new Allocations Policy would help to deliver on the Council's vision to create stronger and more resilient communities by focussing on local homes for local people. This would also help bring communities together to enable and support them to do more for themselves which was a key priority within the Council's Business Plan.

The Policy would remain a choice based lettings scheme covering the Wiltshire Council area. It would include eligible and exclusion criteria for registration, property size criteria, a new banding structure that determines how applicants would be assessed and prioritised and how homes would be allocated. Cllr Clewer, Portfolio Holder explained points of detail on the Policy.

Scrutiny engagement had taken place at key milestones in developing the revised policy. A Rapid Scrutiny exercise was held on 28 October, the outcome of which had been endorsed by the Overview and Scrutiny Management Committee on 5 November 2013. Cllr Simon Killane, Chairman of the Management Committee explained the Scrutiny recommendations.

Cllr Humphries acknowledged the helpful input from Scrutiny, with many of their recommendations taken on board. Key points from the consultation had been incorporated in the robust policy. This included allocation to people with a local connection, which 71.8% of respondents to the consultation requested.

Concern was raised by Cllrs Tony Deane and George Jeans over the allocations policy being too prescriptive. It was suggested that the Policy should include provision for those with a local employment connection as in need, if they are not able to afford accommodation within the village or parish in which they work. It was also suggested that those building affordable housing should also be happy with the Council's Allocation Policy. A suggested form of wording was proposed.

Cllr Humphries explained that whilst he was not prepared to accept the suggested wording without first examining the implications, he would be happy to discuss the matter further with Cllrs Deane and Jeans and make any minor changes if considered appropriate. It was also agreed to delete the word 'existing' from paragraph 9.3 of the policy to read:

9.3 ~~Existing~~ *Planning agreements and former exception sites*

It was noted that work would take place to promote and explain the revised Policy to members, the public and parish councils.

The proposed Policy as amended was proposed. An amendment was also made to change the delegation from the Associate Director to the Corporate Director.

Resolved:

That Cabinet approves the new Allocations Policy to be implemented from April 2014 and delegates to the Corporate Director with responsibility for Housing any necessary final minor amendments (including the deletion of the word 'existing' from paragraph 9.3) in consultation with the Cabinet member for Public Health, Protection Service and Adult Care and Housing.

Reason for decision:

The Housing Act 1996 Part VI (as amended by the Homelessness Act 2002) and Localism Act 2012 requires the Council to have a scheme which

determines how allocations and nominations will be made. In Wiltshire we operate a Choice Based Lettings policy called Homes4Wiltshire which was adopted shortly before unitary.

The purpose of the Council's Choice Based Lettings Policy is to set out clear guidelines to ensure that affordable housing is allocated fairly and according to an applicants' need for housing while at the same time taking into account effective management of the affordable housing stock across Wiltshire. Following the introduction of the Localism Act we had the opportunity to review our allocations policy to consider some of the new freedoms that the act introduced. Following extensive consultation we have proposed some fundamental changes to our policy and have taken full advantage of our new freedoms to ensure we make best use of our limited affordable housing stock and give priority to local people.

107 **Parish and Town Council Grant Options**

Public participation

Mrs Mary Jarvis, Clerk to Melksham Without Parish Council, addressed Cabinet and asked for a fairer grant for rural councils and parishes. Mrs Teresa Strong, Finance Officer for the Parish Council also addressed Cabinet on this issue. A copy of the statement and question submitted by Mrs Jarvis as tabled at the meeting are attached to the signed copy of these minutes.

Cllr Dick Tonge, Cabinet member for Finance, Performance, Risk, Procurement and Welfare Reform presented a report which asked Cabinet to consider the Council Tax Support grant to town and parish councils for 2014/15 onwards.

From April 2013 Council Tax Support (formerly Council Tax Benefit) had taken the form of Council Tax Reductions (CTR) which had had the effect of reducing the Council Tax Base.

As a consequence, town and parish councils had experienced a decrease to their tax base which therefore decreased the amount of cash received for the same level percentage of precept. In 2013/14 Wiltshire Council awarded a grant totalling £1.4 million to top up the Town and Parish Council funding levels to compensate for this loss in funding.

Following further reductions in Central Government funding to Wiltshire Council, it was necessary to consider the options available in terms of providing support funding to Town and Parish Councils in 2014/15 and onwards.

Cabinet was asked to consider the following four options:

- **Option 1** – Seek new additional funds from Central Government.

- **Option 2** – Do nothing and continue with the grant at the same level as 2013/14.
- **Option 3** – Pass the unringfenced grant adjusted by the Settlement Funding Assessment from DCLG without the Wiltshire Council top up to Town and Parish Councils.
- **Option 4** – Withdraw all grant funding.

The report recommended approval of option 3. Some other authorities had decided not to pass their share of the Council tax support grant to their towns and parishes. It was noted that this Council had lobbied central Government extensively for a change to the scheme. The Leader urged town and parish councils to also lobby for a change. Details of the consultation undertaken with town and parish council and members were also reported.

Cllr Tonge reported that he had been contacted by Mr Morland who queried a £25k discrepancy in the figures. Cllr Tonge explained that the figures quoted were indicative at this stage pending full figures being provided by central Government and that Mr Hudson had responded to Mr Morland.

In response to Mrs Jarvis, it was explained that the level of precept was based on the number of properties, and the grant calculated was unrelated to the population. Council Tax Base was decided within a legislative framework, with bandings supplied from an external valuation office. Cabinet would be asked to determine its Council Tax Base at its meeting on 17 December 2013.

Resolved:

That Cabinet approves option 3 as follows:

1. **That the Wiltshire Council grant to Town and Parish Councils be set at 65% of the 2013/14 grant to take into account the £300k shortfall in the 2013/14 Department for Communities and Local Government (DCLG) grant made up by Wiltshire Council, and the expected reduced level of Council's Settlement Funding Assessment from DCLG.**
2. **That in future years the grant is adjusted in line with changes to the Council's Settlement Funding Assessment from DCLG.**

and that

3. **The comments received as part of the consultation and shown at paragraph G in Appendix C of the report presented be addressed in a separate briefing to be sent to all Towns and Parishes.**

Reason for decision

To provide financial support to Town and Parish Councils in the light of changes made to Council Tax Support by the Coalition.

108 **Report on Treasury Management Strategy 2013-14 - Second Quarter ended 30 September 2013**

Cllr Dick Tonge, Cabinet member for Finance, Performance, Risk, Procurement and Welfare Reform introduced the interim report reviewing the Treasury Management Strategy (TMS), which covered the period 1 April 2013 to 30 September 2013.

This report reviewed management actions in relation to:

- a) the PrIs and TrIs originally set for the year and the position at the 30 September 2013;
- b) other treasury management actions during the period; and
- c) the approved Annual Investment Strategy.

Resolved:

That Cabinet note the content of the report presented in line with the Treasury Management Strategy.

Reason for decision:

This report is a requirement of the Council's Treasury Management Strategy.

109 **Community Contraception and Sexual Health Services Procurement**

Cllr Keith Humphries, Cabinet member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing) presented a report which updated Cabinet on the new mandated responsibility of this Council to commission Open Access Sexual Health services. Cabinet was also asked to agree to the proposed procurement of the Community Contraception and Sexual Health services in Wiltshire.

Cllr Humphries explained that this would be the first of a number of papers to come to Cabinet. The contract with Sirona Care and Health had been transferred without competitive tender when the PCT split commissioning and provider services in 2011. The transition agreement was now coming to an end and the contract needs to be put out for competitive tender.

The majority of contraception and sexual health (CaSH) services were located in the North and it was hoped that the number of clinics could be extended to 10 and would spread across the County. The potential for campuses to play a cost effective role in this was noted.

The need to work on education was highlighted, not just in prevention but knowing where to go in terms of help and guidance. The role of the Area Boards was highlighted in terms of what can be done locally.

Resolved:

That Cabinet:

- 1. agrees in principle to the proposal to undertake a tendering process to provide community contraception and sexual health services for 5 (3+2) year agreement;**
- 2. delegates authority of consideration of a procurement options paper to determine the appropriate procurement route and execute the contracts resulting from this tendering activity to Maggie Rae, Corporate Director, in consultation with the Cabinet Member for Public Health, Public Protection and Adult Care and Housing, the Solicitor to the Council and the Chief Financial Officer.**

Reason for decision:

As part of the Health and Social Care Act reforms, Wiltshire Council has a mandated responsibility to commission Open Access Sexual Health Services, to address the disease burden of sexually transmitted infections and reduce unintended pregnancy through the provision of a full range of contraceptive methods.

110 High Level Specification and Tender Evaluation criteria for Future Waste Management and Collection Services 

Cllr Toby Sturgis, Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property and Waste presented a report which sought Cabinet approval to develop service specifications based on key principles outlined in the report; to use the criteria contained within the report to develop the quality element of tender evaluation models and to use the proposed price/quality ratios to develop the tender evaluation models.

Work was in progress to move forward to tender documentation, and Cabinet's attention was drawn to the price/quality ratio proposed, which differed from the Waste Task Group proposal. It was explained that if the specifications were tightly written the quality weighting could be lowered.

Attention was drawn to the potential use of the My Wiltshire app for residents to report issues such as missed bins using their smart phones.

The need to retain long term flexibility balanced with minimising cost was highlighted, and this would be taken on board within the tender specifications.

Resolved:

That Cabinet agrees to:

- 1. Develop service specifications based upon the key principles set out in the report presented.**
- 2. Develop tender evaluation models based upon the price/quality ratios set out in paragraph 13 of the report presented.**
- 3. Use the criteria contained in the report presented to develop the quality element of the tender evaluation models.**

Reason for decision

The decisions taken in respect of these proposals are key to informing the detailed development of tender documentation and tender evaluation models prior to issuing invitations to tender.

111 **Urgent Items**

There were no urgent items.

112 **Exclusion of the Press and Public**

Resolved:

That Cabinet agrees 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 112 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.

Reason for taking the item in private:

Paragraph 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).

No representations had been received on taking the item under Part II.

113 **Extension of Contracts operated by the Hatts Group in the Salisbury Area**


Cllr John Thomson, Deputy Leader and Cabinet member for Highways, Streetscene and Broadband presented a report which sought Cabinet approval to extend existing contracts between Wiltshire Council and Hatts Travel as detailed in the report presented.

Resolved:

That Cabinet agrees to the extensions of contracts as set out in the report presented.

Reason for decision

1. Extending the contracts preserves the major savings on the Park & Ride contract that were achieved when it was last tendered, and removes the risk that higher prices would be submitted if the contract were retendered.
2. Extending the contracts would achieve savings against the SEN transport budget as detailed in the report.

Appendix to signed minutes

Statement and questions from Mrs Jarvis, Clerk to Melksham Without Parish Council (minute no. 107 refers).

(Duration of meeting: 10.30 am - 12.17 pm)

These decisions were published on the 2 December 2013 and will come into force on 10 December 2013
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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
Press enquiries to Communications, direct line (01225) 713114/713115

Public Participation

Statement/Question from Mary Jarvis, Clerk to Melksham Without Parish Council

Parish and Town Council grant options

There are two issues I would like to raise

1. The unfair way Wiltshire Council plans to award the grants to town and parish councils, despite our objections. This is based on a percentage amount of the planned precept, rather than an amount per elector x number of electors per parish. Thus if a Council has planned a precept of £100,000, the grant is given of a percentage amount of that 30% = 30,000. This system does not take into account the efficiency of the local council and the formula works against rural parishes and areas. A rural parish with £5,000 precept would only receive £1,500. The system should be done fairly to allocate the grant on an amount per each elector, so that each parish has an equitable amount, regardless of the amount of precept. An example of this can be seen in how the grant was paid last year. Melksham Town Council received £13.80 per elector/tax base whereas Melksham Without who has an electorate about the third of the size of Melksham only in effect received 84p per elector. Melksham Town Council received a grant of £54,072.19 whereas Melksham Without which is about one third the size of Melksham received only £2,313.20. That is just unfair.
2. The requirement to pay Melksham Without Parish Council compensation for the loss of grant due to the grant being calculated on the precept for the year before 2012/13, rather than on the previous year's precept, plus the extra revenue from the 200 + extra houses. Although there were approximately 200+ extra new electors in our parish, as a Council we actually lost grant. We wish to receive the amount which should have been given to us last year; i.e. the extra revenue for the extra housing built in our parish during 2012/13, with our grant from you for 2014/15. This year we will miss out again as last year's grant for us omitted to include the revenue base for our extra housing. This year, you will be basing your grant award on last year's amount which was based on our precept amount **prior** to the construction of the extra houses. How are you going to put this right?

Wiltshire Council has acknowledged that Melksham Without lost out on huge amount of revenue due to the way things were calculated. (Under the old system we would have been able to raise £114,000 due to our extra housing without even raising our Precept amount per elector) We are asking that Wiltshire Council now make the correct adjustments including the amount we lost out on last year. Last year's grant should have been based on the correct precept for the number of electors - £114,000, not £107,000 which excluded the extra houses. As a Council we are struggling with the revenue loss for 2013/14 and no more cuts can be made.

The full response the Melksham Without parish made to your consultation questionnaire is attached as our comments were only partially reported in your Agenda papers.

Response from Cllr Tonge

Cabinet member for Finance, Performance, Risk, Procurement and Welfare Reform


A verbal response will be provided at the meeting.

CABINET

MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 17 December 2013.

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economy, Skills and Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform
Cllr Stuart Wheeler	Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)

Also in Attendance: Cllr Allison Bucknell, Cllr Tony Deane, Cllr Richard Gamble
Cllr Jon Hubbard, Cllr George Jeans, Cllr Simon Killane
Cllr Gordon King, Cllr Magnus Macdonald, Cllr Alan MacRae
Cllr Horace Prickett, Cllr Anthony Trotman. Cllr Roy While
Cllr Philip Whitehead

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

114 Apologies

All Cabinet members were present.

115 Minutes of the Previous Meeting

The minutes of the last meeting held on 21 November 2013 were presented.

Resolved:

That the minutes of the meeting held on 21 November 2013 be approved as a correct record and signed by the Leader.

116 Leader's announcements

As this was the last Cabinet meeting of 2013, the Leader thanked Cabinet colleagues, and in particular officers for their professional help and support during the year.

117 Declarations of interest

No declarations of interest were made.

118 Public participation

The Leader explained that as usual at meetings of Cabinet she would be more than happy to hear from any member of the public present on any of the items on this agenda. No formal requests for public participation had been received.

119 Minutes of the Cabinet Capital Assets Committee

The minutes of Cabinet Capital Assets Committee dated 21 November 2013 were presented.

Resolved:

That the minutes of the Cabinet Capital Assets Committee dated 21 November 2013 be received and noted.

120 Adoption Agency Report

Cllr Laura Mayes, Cabinet Member for Children's Services presented a report updating Cabinet on the performance of the Wiltshire Adoption Agency for the period 1 April to 30 September 2013. This was to ensure that Cabinet was satisfied that the service was effective and achieving good outcomes for children, young people and service users as required by statute and national minimum standards.

Year on year data indicated a significant increase in the numbers of children deemed suitable of adoption, rising from 15 on 2010/2011 to 38 in 2012/2013. It was expected that Wiltshire would reach the target set of 50 approved adopters for the year 2013/2014. The age of children being adopted was dropping due to good pre-birth protocol, clearer care-planning and timely decisions.

An increase in applications to adopt was attributed to successful recruitment and timely approval. Cllr Laura Mayes emphasised that there was no room for complacency and that the Council was always focusing on continued improvements to the service.

Resolved:

That Cabinet note the report.

Reason for decision:

The 2011 Statutory Adoption Guidance and the 2011 Adoption Minimum Standards place a requirement on local authority adoption services to ensure that the executive of the Council receives a written report on the management, outcomes and financial state of the adoption agency to satisfy themselves that the agency is effective and is achieving good outcomes for children and/or service users. They must also satisfy themselves that the agency is complying with the conditions of registration (Minimum Standard 25.6; Statutory Adoption Guidance 3.3, and 5.39).

121 **Multi Agency Safeguarding Hub (MASH)**

Cllr Laura Mayes presented a report which sought to update Cabinet on the implementation of a Wiltshire Multi Agency Safeguarding Hub (MASH).

At Cllr Mayes' request, Cllr Alan Macrae, Portfolio Holder for Safeguarding guided Cabinet through the detail of the report and the background to the setting up of the MASH.

Cllr MacRae explained the options considered in setting up MASH and how its implementation would be phased in. An information sharing protocol had now been agreed with partners who were thanked for all their help and co-operation. In particular, Wiltshire Police was thanked for its help and commitment to the project.

A detailed communications strategy was in place which would signpost people to the appropriate services and it was agreed that this would be circulated to members. A full campaign launch would take place once the hub was fully operational, and could potentially link with measures to tackle child sexual exploitation.

Cllr Jon Hubbard referred to the successful involvement of Scrutiny by way of a Task Group on this issue and that he was pleased to see the proposal come to fruition. He also thanked partners for the part they played in the setting up of MASH, although he considered that more engagement was required by the health sector.

The Leader emphasised that the MASH would provide opportunities for joined up evidence gathering to ensure the protection of vulnerable children.

Resolved:

That Cabinet notes the positive progress towards the implementation of a Wiltshire Multi Agency Safeguarding Hub (MASH), reflecting the priority given to safeguarding across the Council, the Police, the Clinical Commissioning Group (CCG) and the Children's Community Health provider (Great Western NHS Hospital Trust).

Reason for decision:

There are a number of significant benefits associated with the establishment of a Wiltshire MASH.

The MASH will:

- provide a faster, more co-ordinated and consistent response to safeguarding through improved quality of services and information sharing between partners
- will assist in the early identification of safeguarding concerns as a result of improved inter agency working arrangements, closer partnership working and clearer accountability
- improve the planning and management of risk assessment and investigation
- improve the process of accessing services and expertise with clear guidance and support provided to the person raising a concern.

122 Redesign of waste and recycling collection rounds for Waste Collection Services

 Cllr Toby Sturgis presented a report which detailed options for re-modelling the operational waste and recycling collection rounds.

Cabinet approval was sought to implement new waste and recycling collection rounds in two phases in April and in September 2014. Reasons for a two phase implementation were laid out in the report, and would be supported by clear communications and new collection day calendars. The Leader requested that all local members be advised of how this would affect their respective divisions prior to implementation.

Details of the various options considered including the financial implications were explained in the report presented and explained to the meeting. The proposals before Cabinet would provide a more efficient waste and recycling collection service as well as deliver savings.

Resolved:

That Cabinet resolves to implement new collection rounds in two phases, the first in April 2014 and the second in September 2014.

Reason for decision:

Implementing these proposals would improve the efficiency of the waste and recycling collections rounds, enabling savings to be made.

123 Community Infrastructure Levy (CIL) Draft Charging Schedule

Cllr Toby Sturgis presented a report which updated Cabinet on recent changes to the CIL Regulations and the work undertaken to date in terms of preparing the Community Infrastructure Levy (CIL).

The report sought Cabinet approval that the Draft Charging Schedule and draft Regulation 123 List be published for a six week period of consultation starting in January 2014 and subsequently submitted for independent examination. The report also explained arrangements for consultation and next steps.

At the Leader's request for clarification, the table shown on page 97 of the agenda was confirmed as the draft schedule under consideration.

Cllr Tony Trotman, Chairman of the CIL Task Group, presented his Task Group's report as previously circulated. He noted that whilst not all of the Task Group's recommendations had been taken on board by the Cabinet member, he did welcome the split between rates. Cllr Trotman thanked members of his Task Group which had met on ten occasions and would continue to meet as and when required.

Cllr Sturgis explained that the rate was index linked and that it was proposed to review it after two years given the volatility of various factors such as interest rates and building costs.

Cllr George Jeans submitted a statement and drew attention to a letter received from Mere Parish Council regarding small sites and hoped that the council would consider advertising that CIL could be negotiated should exception cases be made. He asked that Parish and Town Councils be consulted regarding the timing of CIL payments that may be coming to them, especially with regard to their usual precept time.

Cllr Sturgis confirmed that CIL payments would be monitored in the same way as S106 payments, and would be payable on the granting of permission.

Cllr John Hubbard considered the removal of two higher range settlement categories and taking student housing from residential and placing with hotels as a missed opportunity for maximising return. He was disappointed that rates were lower than the task groups recommendations.

It was noted that residential strategic sites were incentivised by attracting a lower CIL rate. Exemption sites would have a 7 year window on CIL liability.

Cllr Tony Deane raised concern with the consultation in its present form not allowing for negotiation within the rural communities and asked the Cabinet to defer it's decision for further information.

Cllr Sturgis explained that large development property had a different gross development value than a single 400m² nominal property. The Government required that the levy was in place by 2015, and earlier if possible. CIL was predicated in core strategy policies and was mentioned in the City Deal offer which the council had signed up to.

Resolved:


That Cabinet:

- 1. Approves the CIL Draft Charging Schedule at Appendix 1 of the report presented and draft Regulation 123 List at Appendix 3 of the report presented as the basis for a six week period of public consultation, as proposed, in accordance with the Council's adopted Statement of Community Involvement.**
- 2. Authorises the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste and the Associate Director of Finance, to produce the consultation documentation to accompany the CIL Draft Charging Schedule and make arrangements for consultation.**
- 3. Authorises the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste and the Associate Director for Finance, to submit the Draft Charging Schedule for independent examination following the consultation and consideration of the outcome and, if necessary, to consult on modifications to the Draft Charging Schedule after submission.**

Reason for decision:

To ensure that progress is made on preparing a CIL Charging Schedule that will enable the Council to charge CIL on new development to help pay for infrastructure within the county in accordance with the published timetable. The Council should be in a position to adopt the CIL Charging Schedule as soon as possible after April 2014, after which, according to current legislation, the Council will be severely restricted in its ability to pool infrastructure contributions from new development through the existing mechanism of Section 106 agreements. However, the Government has recently proposed extending this deadline to April 2015.

124 Council Tax Base 2014/15

 Cllr Dick Tonge presented a report which detailed the Council Tax base 2014/2015 for Cabinet's approval.

The Council was required to approve its Council Tax Base annually, in accordance with the Local Government Finance Act 199 and the Local Authorities (Calculation of Council Tax Base) Regulations 1992. The Council Tax Base 2014/2015 had to be notified to major precepting authorities by 31 January 2013. Each parish and town council would be notified of the figure for its area.

Resolved:

That Cabinet

- 1. approves the Council Tax Base for 2014/2015 as shown at Appendix 1 of the report presented and**
- 2. notes that the recommended overall collection rate remains at 99.50% which reflects current expectations for collection.**

Reason for decision:

Before the Council Tax can be set in February 2014 a calculation has to be made and approved of the Council Tax Base, which is an annual requirement as laid out in the Local Government Act.

125 Revenue and Capital Budget Monitoring Reports

(a) Revenue Budget Monitoring Period 7 2013/2014

Cllr Dick Tonge presented a report which advised Cabinet of the revenue budget monitoring position as at the end of period 7 (end of October 2013) for the financial year 2013/2014 with suggested actions as appropriate.

The projected year end position for the relevant accounts was reported as set out as follows:

	Revised Budget Period 7 £ m	Profiled Budget to date £ m	Actual and committed to date £ m	Projected Position for Year £ m	Projected Over/ (Under)spend £ m	Actions being taken to recover to date £m	Remainder saving to be identified £m
General Fund Total	340.518	366.090	334.106	346.202	5.684	(3.568)	2.116
Housing Revenue Account	(0.631)	(8.508)	(7.272)	(2.131)	(1.500)	N/A	N/A

As usual finance officers and budget managers were monitoring budgets and taking appropriate action as necessary. It was noted that the report identified potential cost pressures of £5.684 million, however savings of £3.568 million had been identified leaving £2.116 million to be found including use of reserves and partnership funding where possible. It was noted that concerns over the council tax collection rate given the impact of council tax changes were unfounded.

Cllr Roy While, Chairman of the Budget Scrutiny Task Group addressed the Committee and raised concern over the draw on reserves. He asked for the pressure areas to be referred to select committee chairmen.

The Leader identified the £11 million outstanding debt as an area of concern and asked officers to challenge harder and stronger to get the percentage down. The Associate Director, Finance explained that whilst the Council paid its bills promptly, this was not being reciprocated by some debtors. Future reports would include information on the timeline of debts to the Council.

Resolved:

That Cabinet note the outcome of the period 7 (end of October) budget monitoring.

Reason for decision:

To inform effective decision making and ensure a sound financial environment.

(b) Capital Monitoring Period 7 2013/2014

Cllr Dick Tonge presented the report which detailed changes to the budget made since the 2013/2014 budget was set in February 2013 and reflected the position of the 2013/2014 budget as at period 7 (end October 2013).

Resolved:

That Cabinet notes

1. The general budget additions for grants and revenue contributions of £7.658 million as per Appendix B of the report presented and notes the period 7 position of the Capital Programme in Appendix A of the report presented
2. The reprogramming of £27.582 million between 2013/2014 and 2014/2015

Reason for decision:

To inform the Cabinet of the position of the 2013/2014 capital programme as at period 7 (31 October 2013), including highlighting of budget changes.

126 Urgent Items

There were no urgent items.

(Duration of meeting: 10.30 am - 12.10 pm)

These decisions were published on the 23 December 2013 and will come into force on 3 January 2014.
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CABINET CAPITAL ASSETS COMMITTEE

MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Thursday, 21 November 2013.

Cllr Fleur de Rhé-Philippe	Cabinet Member for Economy, Skills and Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform

Also in Attendance: Cllr Keith Humphries
Cllr Laura Mayes
Cllr Christine Crisp

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

102 Apologies and Substitutions

There were no apologies received.

103 Minutes of the previous meeting

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 24 September 2013.

104 Leader's Announcements

There were no Leader's announcements.

105 Declarations of interest

There were no declarations of interest.

106 **Devizes Lower Wharf depot**

Cllr Sturgis, Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property and Waste introduced the report which sought committee approval to transfer the Devizes Lower Wharf depot to Devizes Canoe Club in accordance with the Community Asset Transfer policy, subject to the agreement of the Devizes Area Board.

Resolved:

That the Committee

- 1. approves the application for the transfer of Lower Wharf, Devizes to the Devizes Canoe Club subject to the agreement of the Devizes Area Board**
- 2. delegates authority to the Associate Director for Legal and Governance and the Transformation Director to ensure that suitable terms are incorporated into the asset transfer and to complete any legal documentation required to facilitate this**
- 3. delegates authority to the Associate Director for Finance to remove this property from the list of capital receipts anticipated to be achieved to support the capital programme**

107 **Wellington secondary expansion project** 

Cllr Laura Mayes, Cabinet member for Children's Services introduced the report which sought committee approval for phase one of a two phase expansion project plan to deliver a 10/12 classroom block at Wellington Academy.

The Committee heard that there was a need for the project and funding would come from the designated basic need fund.

Resolved:

That the Committee approves phase one of a two phase project plan to deliver a 10/12 classroom block

Reason for decision

Based on the current net capacity of Wellington Academy, an additional 200/250 places will be required by 2015/16.

108 **Gypsy, Roma and Traveller project** 

Cllr Sturgis, Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property and Waste introduced the report

which sought committee approval to delegate authority to the Associate Director for Adult Care, Commissioning, Safeguarding and Housing in consultation with the Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property and Waste to accept the increase in allocated grant agreed under the existing funding agreement with the Homes and Communities Agency (HCA) from £3.42m to £7.839m, to enter into a contract to deliver the new build works following a competitive tendering exercise and to enter into any associated legal agreements or procurement activities to enable the delivery of the project.

A cabinet member delegated decision would be issued to temporarily close the transit site at Odstock to allow for its use during the refurbishment of other plots. Figures confirmed that the risk of having no transit site for a short period of time would not be surmountable.

Resolved

That the Committee

- 1. Delegates authority to the Associate Director for Adult Care, Commissioning, Safeguarding and Housing in consultation with the Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property and Waste to accept the increase in allocated grant agreed under the existing funding agreement with the Homes and Communities Agency (HCA) from £3.42m to £7.839m**
- 2. Delegates authority to the Associate Director for Adult Care, Commissioning, Safeguarding and Housing in consultation with the Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property and Waste to enter into a contract to deliver the new build works following a competitive tendering exercise**
- 3. Delegates authority to the Associate Director for Adult Care, Commissioning, Safeguarding and Housing in consultation with the Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property and Waste to enter into any associated legal agreements or procurement activities to enable the delivery of the project**

109 Devizes Extra Care scheme

Cllr Sturgis, Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property and Waste introduced the report which sought committee approval to use the Southfields site as the preferred site for the development of an extra care scheme predominantly for older people.

The outcomes of the community working group were reflected in the report presented. Confirmation was sought on the transfer of the final chosen site to the highest bidder possibly at nil value if required and it was noted that this was standard practice. It was agreed that the section 151 officer and the monitoring officer should be consulted on this.

Resolved

That the Committee

- 1. Notes the outcome of discussions with the local working group on their preferred site for extra care in Devizes**
- 2. Approves the use of the Southfields site as the preferred site for the development of an extra care scheme predominantly for older people**
- 3. Authorises officers to consider other potential sites in Devizes for extra care if they provide a more suitable location and a better financial return for the Council**
- 4. Authorises officers to undertake any associated procurement activities required to select a developer and registered housing provider for these facilities**
- 5. Delegates authority to the Corporate Director for Adult Social Services and Public health in consultation with the Cabinet member for Strategic Planning, Development Management, Strategic Housing, Property and Waste, the section 151 officer and the monitoring officer to authorise the transference of the final chosen site to the highest scoring bidder to facilitate the development of extra care possibly at nil value if required to make the scheme viable**

Reason for proposal:

The Southfields site will provide the necessary land for delivery of the extra care facilities outlined in the Older People's Accommodation Development Strategy. This has set out the need for an additional 50 units of extra care in Devizes in the next 10 years.

Through the development of the site, the council would benefit from the provision of a new extra care housing to meet the needs of the growing elderly population in Devizes. Additionally, this development would improve choice and control for older people and provide a vital community resource, replacing an existing care home.

This development will protect some of the most vulnerable older people and meets one of the key actions in the business plan, to develop more affordable housing.

110 Urgent items

There were no urgent items.

111 Exclusion of the Press and Public

Resolved

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the following items of business because it is likely that if members of the public were present there would 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.

Reason for taking the item in private:

Paragraph 3 – information relating to the financial information or business affairs of any particular person (including the authority holding that information)

No representations have been received as to why this item should not be held in private.

112 Devizes Extra Care scheme 

The committee noted the appendix to the report.

(Duration of meeting: 1.30 - 1.42 pm)

<p>These decisions were published on the 28 November 2013 and will come into force on 6 December 2013.</p>
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CABINET CAPITAL ASSETS COMMITTEE

MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 21 January 2014.

Cllr Jane Scott OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform

Also in Attendance: Cllr Jonathon Seed
Cllr Stuart Wheeler

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

113 Apologies and Substitutions

Apologies were received from Cllr de Rhé-Philippe.

114 Minutes of the previous meeting

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 21 November 2013.

115 Leader's Announcements

There were no leader's announcements.

116 Declarations of interest

There were no declarations of interest.

117 **Fitness Equipment in Leisure Centres owned by Wiltshire Council (Phase 1)** 

Cllr Seed, Cabinet member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding introduced the report which sought committee approval for capital funding of £1,435,700 for a phase one programme for the replacement of existing fitness equipment for the Leisure centres and provision of additional equipment required for new and extended Campus sites that are due to become operational in 2014-15 and 2015-16.

He confirmed it was part of the 'invest to save' approach. By improving the quality and quantity of gym equipment across the County, income levels could be significantly increased.

The phase two programme would be the subject of a separate report brought to Cabinet Capital Assets Committee in late 2014-15.

Resolved:

That the Committee approves the award of £1,435,700 for the Phase One replacement of the current fitness equipment and provision of additional fitness equipment required due to the extended facilities planned for the Campus sites and sports equipment required in each Campus. The bid covers phase one of two, to include Wiltshire Council owned facilities, where there are, or will be fitness suites.

Reason for proposal

1. For many years the fitness equipment across the leisure centres has not been replaced leading to facilities and equipment becoming unacceptably dated. Equipment at some of the smaller, more rural sites is in excess of 20 years old. Many replacement parts for this equipment are no longer available leading to faulty equipment being out of service for long periods of time, resulting in loss of service to the public and a loss of revenue to the leisure service.
2. The Campus programme will involve the development of 20 Campuses, which will include the refurbishment, or new build of leisure facilities. All facilities will have a fitness suite that is likely to be between 25% and 50% larger than current facilities. (Projected increases were determined as part of the Leisure Facilities Review 2011 to meet probable demand). An increased number of fitness stations will be required to stock the new facilities, in addition to the replacement requirements of the existing equipment.

118 Learning Management and Performance system

Cllr Wheeler, Cabinet member for Support Services (HR, Legal, ICT, Business Services and Democratic Services) introduced the report which sought cabinet approval for the funds to procure a Learning Management and Performance System (LMPS) for the council.

Implementation of the LMPS would deliver significant savings and would provide 24/7 access to training for both officers and members.

He confirmed that Cllr Bucknell, Chairman of the Councillor Development Group was aware and supportive of the proposal.

Resolved:

That the Committee commits to funding the procurement and implementation of a Learning Management and Performance system for the Council.

Reason for proposal:

To inform Cabinet Capital Assets Committee of the current position, funding required and the benefits of a Learning Management and Performance System. The project will deliver significant savings opportunities for the organisation through workforce development and productivity improvements.

119 Urgent items

There were no urgent items.

(Duration of meeting: 2.20 - 2.26 pm)

These decisions were published on the 23 January 2014 and will come into force on 31 January 2014

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CABINET TRANSFORMATION COMMITTEE

MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 17 December 2013.

Cllr Jane Scott OBE	Leader of the Council
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform
Cllr Stuart Wheeler	Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)
Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)

Also in Attendance: Cllr Fleur de Rhé-Philippe
Angus Macpherson, Police and Crime Commissioner
Cllr Allison Bucknell

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

12 Apologies and Substitutions

Apologies were received from Dr Steven Rowlands, Deborah Fielding, Chief Constable Patrick Geenty and Cllr Johnathan Seed.

Cllr Humphries substituted for Cllr Seed.

13 Minutes of the previous meeting

Resolved:

To approve as a correct record and sign the minutes from the meeting held on 22 October 2013.

14 Leader's Announcements

There were no Leader's announcements.

15 **Declarations of Interest**

There were no declarations of interest.

16 **Project and programme overview**

Ian Baker, Head of Programme Office presented the programme office overview.

He explained that programmes and projects were derived from both the Wiltshire Council's business plan and the Wiltshire Police delivery plan. In total there were currently 214 projects.

When asked how projects and programmes were prioritised it was explained that new projects are assessed in terms of fit with the Council's business plan. Prioritisation for new projects takes place between the project sponsor, transformation team and corporate directors.

The challenges faced in the coming year were recognised and being reflected in the portfolio, with the focus being on areas with the most gain and what could be delivered in terms of capacity within the organisation.

Project Sponsors receive monthly reports through the respective project boards, Sharepoint's project provide information on all live projects. A summary Highlight report is provided to corporate directors and the senior corporate team monthly with a programme summary.

The police portfolio was fully funded by the Police and Crime Commissioner, and where the Commissioner was investing showed long term savings for both organisations.

A review of the programme had shown that 96% of current projects could not be stopped without cost.

17 **Systems thinking review presentation**

John Rogers, Head of Systems Thinking and Customer Access introduced Tamsin Stone - Commissioning and Performance and Heather Lovelock - Systems Thinking, who gave a presentation on 'The front door to Children's Social Care – a Systems Thinking Review'

The review identified the customer purpose for the Referral and Assessment team as "Keep me safe". The analysis found that actual contacts (4000+/month) were four times the recorded contacts (1,000/month), and that of the actual contacts, 8% resulted in a referral for assessment, whereas 59% were for continuing contacts ie by people who had already been assessed and were receiving support. In addition, the helpful team was being submerged under requests for help from a wide variety of organisations.

Following changes to process and the website, and communication, incoming contacts dropped by 55% and 32% of the incoming calls concerned the need for an assessment. The review team also considered and scoped options for wider improvements, including the phased implementation of a Multi-Agency Safeguarding Hub (MASH) with the UK's only fully functioning IT suite.

The Police and Crime Commissioner, Angus Macpherson, would commission research of a joint 101 plan in Wiltshire.

18 **Transformation and Health**

Maggie Rae, Corporate Director noted the apologies from the CCG partners and future meeting date clashes. Future meeting dates have been changed to enable partner attendance. She explained that health was not one unified organisation but had many dimensions such as NHS England, Royal United Hospital, Clinical Commissioning Group, Avon and Wiltshire Partnership and GP practices.

A paper being brought to the next meeting would propose the set up of a Health sub-group to look at integration and asset sharing for sustainability of level of service. There would be a dedicated position on Health Transformation.

19 **Urgent Items**

There were no urgent items.

(Duration of meeting: 1.30 - 2.36 pm)

These decisions were published on the 9 January 2014 and will come into force on 17 January 2014
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OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 5 NOVEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Christine Crisp, Cllr Stewart Dobson, Cllr Alan Hill, Cllr Jon Hubbard, Cllr Simon Killane (Chairman), Cllr Gordon King, Cllr Jacqui Lay, Cllr Jeff Osborn, Cllr Mark Packard, Cllr Pip Ridout, Cllr John Walsh, Cllr Bridget Wayman, Cllr Bob Jones MBE and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Richard Clewer, Cllr Mike Hewitt, Cllr Keith Humphries, Cllr John Noeken, Cllr Paul Oatway QPM, Cllr John Thomson and Cllr Philip Whitehead

131 **Apologies**

No apologies for absence were received for the meeting.

132 **Minutes of the Previous Meeting**

Resolved:

To approve and sign the minutes of the meetings held 8 October 2013.

133 **Declarations of Interest**

There were no declarations of interest received.

134 **Chairman's Announcements**

The Chairman advised that the outcome of the Staffing Policy Committee's consideration of staff morale would be reported to the next meeting of the Management Committee.

135 **Public Participation**

There were no comments or questions received from the public.

136 **Housing Allocation Policy**

The Committee were reminded of the process that had taken place for scrutinising the Housing Allocation Policy, and a copy of questions submitted by

Cllr Deane, and officer responses had also been circulated to the Committee. The Chairman outlined the recommendations contained within the Housing Allocations rapid scrutiny report. The Committee discussed the role of campuses and the location of housing allocations teams within them. It was clarified that campuses would act as a central signposting service, with no plans to relocate the staff currently based at Bourne Hill. Following discussion, the Management Committee;

Resolved:

To support the revised Housing Allocations Policy as appended to the report for approval by cabinet on the 21 November 2013 subject to the following being taken into account:

- 1) To support the benefit of seeking a common allocations policy among all social housing providers in Wiltshire.**
- 2) To change the description of the banding structure to a letter or number classification in order to signify that current arrangements have been extensively revised.**
- 3) To provide a graphical presentation of the new process in the form of a flowchart.**
- 4) To allow local connection to also mean officially recognised neighbourhoods as defined within an adopted neighbourhood plan encompassing more than one parish.**
- 5) To rename the new “expression of interest” category to better reflect that it no longer forms part of the revised Policy.**
- 6) To submit a further appendix to Cabinet and Council highlighting where the changes have been made within the banding structure.**
- 7) To utilise the Council’s hubs and new campus provision to improve access to housing services.**
- 8) To support an extensive housing newsletter for stakeholders and councillors.**

137 Highways and Streetscene Contract - Member Request

The Chairman outlined the position, and reminded the committee that the report and debate would direct the committee as to whether a scrutiny exercise would need to be conducted. The report proposed that a scrutiny exercise be undertaken in June 2014 after the first year of the operation of the contract.

The Chairman invited the Committee to comment on the report. There was a division of opinion between committee members with regard to evidence supporting the alleged contractual failings. The Committee discussed the bedding in period and the suggestion to scrutinise the contract document itself following the previous disbanding of the major contracts review task groups.

Cllr Phillip Whitehead (Portfolio Holder for Highways Contracts) responded to the Committee, detailing the arrangements in place for winter preparedness.

The Committee discussed some specific incidents of good and poor performance across the County and were concerned about addressing performance after events had transpired.

The Management Committee debated the potential areas of risk over the winter period and highlighted concern with reviewing performance after the event. At the conclusion of the debate, the Chairman proposed a three stage approach to the future scrutiny of this major contract.

Resolved:

- 1) A Rapid Scrutiny Exercise would be conducted on the content of the report to enable greater clarity on the concerns raised.**
- 2) A progress report would be presented to the Environment Select Committee after the winter, addressing operational performance.**
- 3) Environment Select Committee to conduct a full scrutiny exercise in June 2014 after the first full operational year of the contract.**

138 Overview and Scrutiny Councillor Development

The Management Committee were asked to comment on the Councillor Development: Scrutiny Skills training event held in October 2013, and to propose any recommendations for amendments to the session prior to the wider rollout.

The opinion of some of the Committee was that the session failed to address key training skills for scrutiny. The Committee agreed that for future events to be successful, greater focus would need to be placed on applied skills. Barry Pirie (Associate Director of People and Business Services) commented that the Council would be better placed to source training using in house expertise from the learning and development team.

Resolved:

To review the current training programme based on the comments received, and to make the necessary amendments before rolling out.

139 Task Group Update

Updates were made from the following task groups:

Financial Planning Task Group:

The Committee noted that monitoring procedures had now been more closely aligned with the financial plan, and another session would be held in November to finalise these arrangements. The Committee discussed how to engage members with the Financial Planning process, as the previous briefing session run by the Director of Finance held on 21 October 2013 was attended by only nine Councillors.

The Committee agreed that members could better engage with the process, stating that a lack of knowledge of task group accessibility and of financial reporting as potential reasons for limited member engagement.

Area Boards Task Group

The Committee noted that the Area Board Task Group was in the process of appointing members from a wide geographic area. There had been some opposition to the way appointments had been made. The Committee agreed that the opportunity for members to sit on the Task Group (and other activities) should be made available to all members.

Local Enterprise Partnership Task Group

The Committee noted that guidance on the Joint Scrutiny of the LEP had not been forthcoming, and requested that more rapid progress be made.

Resolved:

To note the updates from Task Groups.

140 **Forward Work Programme**

Following consideration of the Officers Report, the Chairman invited each of the Select Committees to comment on their own work plans.

The Committee expressed concern at the capacity to manage the burgeoning workplan of each of the Select Committees. A review of the work plan priorities was discussed by the Committee, with particular concern expressed over the engagement of members with some task groups. The circulation of the work programme to all Councillors was suggested, with the possibility of a scrutiny newsletter to keep members informed of the work programme also suggested.

Resolved:

- 1) To note the positive work undertaken to date in developing the work programme.**
- 2) To agree the first draft single overview and scrutiny work programme appended to this report.**
- 3) To note that it will continue to be informed through ongoing dialogue with the Executive linked to priorities in the Business Plan and other discussions.**
- 4) To receive an update on progress with activities and to review the content of the work programme at each future meeting.**

5) To note the possible need to prioritise activities in order to best utilise the resources available to each of the Select Committees.

141 Urgent Items

There were no Urgent Items.

142 Date of Next Meeting

The date of the next meeting was noted as being 14 January 2014.

POST MEETING NOTE:

The date of the next Management Committee was confirmed as being held on the 7 January 2014.

(Duration of meeting: 10.30 am - 1.00 pm)

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OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

DRAFT MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 7 JANUARY 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christine Crisp, Cllr Stewart Dobson, Cllr Alan Hill, Cllr Jon Hubbard, Cllr Simon Killane (Chairman), Cllr Gordon King, Cllr Jacqui Lay, Cllr Jeff Osborn, Cllr Mark Packard, Cllr Pip Ridout, Cllr John Walsh, Cllr Bridget Wayman and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Allison Bucknell, Cllr Terry Chivers, Cllr Mike Hewitt, Cllr Julian Johnson, Cllr Bob Jones MBE, Cllr John Noeken, Cllr Fleur de Rhé-Philipe, Cllr Jane Scott OBE, Cllr John Thomson and Cllr Philip Whitehead

1 **Apologies**

There were no apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 5 November 2013 were presented for consideration and comment. It was,

Resolved:

That subject to the inclusion of Cllr Bob Jones MBE among the list of attendees, to APPROVE as a true and correct record and sign the minutes.

3 **Declarations of Interest**

There were no declarations.

4 **Chairman's Announcements**

Through the Chair it was announced that following the recent Peer Review of the Council conducted in September 2013, a report would be prepared for the Committee to consider at its next ordinary meeting.

5 **Public Participation**

The rules on public participation were noted.

There were no questions or statements submitted.

6 **Highways and Streetscene Contract**

At its meeting on 5 November 2013 the Committee considered a request from Councillor Jeff Osborn to conduct a scrutiny exercise on the contract with BBLP (Balfour Beatty Living Places) and agreed to hold a Rapid Scrutiny Exercise on the content of the Cabinet Member's report presented to that meeting. It was also agreed that a progress report would be presented to the Environment Select Committee after the winter to assess the operational performance, and that a full scrutiny exercise from the Environment Select Committee be undertaken from June 2014 to coincide with the first anniversary of the contract.

The report on the Rapid Scrutiny Exercise was presented, with the lead member for the exercise, Councillor Jeff Osborn, thanking all members and officers who had partaken in the exercise for their work, and the contributions of the Cabinet Member and Portfolio Holder. The Committee also expressed its thanks to all staff involved in work relating to the recent flooding in the county, for their dedication and intensive communication to the public.

The work of the Rapid Scrutiny Exercise was detailed, noting that conclusions had been that the contractor was performing satisfactorily in seven of the eight main areas of the contract, although the local highways and streetscene element of the contract had been identified as a main area of concern, with the IT system also of concern. The crucial role of active local councillors in assisting the relationship between parishes, area boards and BBLP was also emphasized.

The Committee discussed the recommendations of the Exercise as detailed in Paragraph 36 of the report papers, to include for the members of the Exercise to meet again to evaluate further work, receive additional information when available, for Legal to provide summaries of key contracts and for a full audit to be recommended. A debate followed, where points including the following were raised:

- It was agreed that an additional meeting of the members of the Exercise should take place sometime in the Spring, with concerns a date of March 2014 could prove too soon for full information on the Winter work to be available
- Some Members felt that although the contract had been considered by the Environment Select Committee, the lack of a Major Contracts Task Group to further consider such large contracts had hindered additional scrutiny of the topic, while others felt that appropriate scrutiny had taken place, with the Committees setting up appropriate measures when further problems had arisen following implementation of the contract.

- The flexibility of the contract with regards grass cutting was raised, and it was stated that a map of all areas covered under the contract was being created for the use of all Members and Parishes. It was also confirmed that Wiltshire Council would only be responsible under the contract for maintaining land that it owned, and that only where ownership of the land was unclear and later clarified as being council owned would additional land be added to the maps of areas of council responsibility.
- The proposal for there to be a re-launch of the Community Team Service was discussed, with concerns from some members that to begin the process anew would be unhelpful, with a need to assess if the current roll out had been effective and to clarify any existing confusion, and ensure there was consistent service and quality across all community areas.
- Regarding the soliciting of feedback from all councilors, there were also concerns raised that many current local streetscene concerns in relation to operation of the contract would be out of date by the time of the second Rapid Scrutiny Exercise in the Spring

At the conclusion of debate, it was,

Resolved:

- a) **The members who undertook the rapid scrutiny exercise meet again in Spring 2014 to evaluate the work undertaken on IT, local streetscene and the reporting/feedback procedure;**
- b) **Prior to the meeting in the Spring, the rapid scrutiny group is provided with:**
 - **up to date evidence of the effective reporting and feedback procedure;**
 - **information on the role of early warning notices and the absence of default notices, and copies of the standard clauses used in the contract;**
 - **evidence that the most appropriate grass cutting equipment is available, that personnel are fully trained to use the equipment and that productivity has improved.**
- c) **The outcome of the second rapid scrutiny exercise is reported to the Environment Select Committee to coincide with the presentation of a progress report addressing operational performance after the winter;**
- d) **The Highways team ensures the service and communication of the Community Team service is applied at a consistent high quality across all community areas.**
- e) **A copy of the report of the rapid scrutiny group should be sent to all councillors with a covering letter, requesting feedback from them on any outstanding issues on the local streetscene aspects of the BBLP contract. Their feedback to be sent to the**

Scrutiny Team and collated to inform the second meeting of the rapid scrutiny group in Spring 2014.

- f) The legal department should, in future, provide summaries of the key elements of large contracts for circulation to councillors.
- g) The Audit Committee should arrange for a full audit of the Highways and Streetscene contract as soon as possible, the outcome of which should be reported to the O & S Management Committee.
- h) The report should be forwarded to the relevant Cabinet members for response.
- i) To ask the Scrutiny manager to report to the next meeting on the potential role Overview and Scrutiny can play with regard to the letting and monitoring of major contracts bearing in mind its previous involvement.

7 Housing Allocation Policy

At its meeting on 5 November 2013 the Management Committee endorsed the outcome of a Rapid Scrutiny Exercise undertaken on 28 October 2013 on proposed revisions to the Council's Housing Allocations Policy.

Cabinet then considered the proposals and made their decision at their meeting on 21 November 2013. The Management Committee considered the minute of the Cabinet Meeting.

It was,

Resolved:

- 1) To note that Cabinet approved the new Allocations Policy to be implemented from April 2014 and delegated to the Corporate Director with responsibility for Housing any necessary final amendments in consultation with the Cabinet Member for Public Health, Protection Service and Adult Care and Housing.
- 2) To note that the Chairman and Vice-Chairman will meet with the Cabinet Portfolio Holder and the Head of Service to review the implementation of the recommendations made by Scrutiny.

8 Staff Morale Update

At its meeting on 8 October 2013 the Management Committee considered a Member request from Councillor Jeff Osborn for a scrutiny review, requesting:

"An objective investigation into the state of morale amongst the non senior staff of Wiltshire Council, in light of recent management restructuring, legal cap on salaries, extra work load and loss of job security".

The Management Committee instead requested the Staffing Policy Committee investigate the available statistical information which might indicate the level of staff morale, which was undertaken at the Staffing Policy Committee meeting on 6 November 2013. The minute for that meeting was included within the agenda pack, and concluded that on available data concerns regarding staff morale could not be substantiated, and that employees remained engaged.

The Management Committee received and engaged in discussion regarding the minute of the Staffing Policy Committee. It was noted that the latest information compiled from staff surveys dated from October 2012, and that responses were not compulsory. Nevertheless, it was stated that a fresh survey would take place in late 2014, and that the percentage of staff completing the latest survey had increased from that undertaken in February 2011. While some members expressed concern at the impact of the council's voluntary redundancy programme, it was not felt that staff morale was a major area of concern given the available evidence.

At the conclusion of discussion, it was,

Resolved:

To note the update from the Staffing Policy Committee.

9 **Overview and Scrutiny Councillor Development**

At its meeting on 5 November 2013 the Management Committee were asked to comment on the Councillor Development - Scrutiny Skills training event held in October with a view to endorsing a rollout of a wider programme adjusted for less experienced non-executive councillors.

As a result of the mixed reaction to the event, it was decided to seek the support of the Council's Learning and Development Team to help review the training requirement.

The Management Committee considered the proposed training session structure and content as contained in the agenda pack, and it was agreed that the suggested format and provider appeared to address the requested needs and approach of the Committee.

It was,

Resolved:

To arrange a three hour workshop covering 60% scrutiny concept and process and 40 % developing and improving communication skills and techniques, with the training provided as detailed in the agenda report.

10 Council Motion - Supermarket Levy

Council at its meeting on 12 November referred the following motion proposed by Councillor Jeff Osborn and seconded by Councillor Terry Chivers to Overview and Scrutiny for consideration:

“This council requires officers to investigate the opportunities provided in the Sustainable Communities Act 2007 to levy a charge on all Wiltshire supermarkets with the object of reducing parking charges in our city and market towns.

A report should be presented in sufficient time before the next full council to enable a notice of motion to be prepared so that a debate can take place on the matter.”

The Scrutiny Manager (Designated Scrutiny Officer) presented an update on background to the motion and the Sustainable Communities Act, through which Local Authorities could lobby Central Government to enact changes at a national level to improve the economic, social or environmental wellbeing of a local area. The Management Committee was invited to consider how it wished to respond to the referral.

The Management Committee discussed the referred motion, noting that it was the result of a national campaign by an organisation called Local Works, which had been instrumental in the creation of the Sustainable Communities Act and which worked to ensure its objectives were achieved, with several Local Authorities resolved to support similar motions.

It was considered that there was a need for greater clarity over what powers could be asked for and what impact any changes could have on a local area. It was determined that additional research would need to be conducted before any concrete action could be suggested, including what any proposed measure could apply to and the process by which a change would be sought if deemed desirable, for instance in concert with other Local Authorities.

At the conclusion of discussion, it was,

Resolved:

- 1) To note the referral of the Motion from Council;**
- 2) That it was not a topic which at this time could be scrutinized; and,**
- 3) To request that the matter be referred to the Councillor Development Group, who could invite a representative from Local Works or other interested bodies to arrange a briefing for those councillors who wished to learn more about the topic.**

11 Overview and Scrutiny Profile and Communication

At the Overview and Scrutiny Management Committee meeting on 5 November 2013, Members raised the issue of the need to increase the profile of the Overview and Scrutiny function through wider and more effective communication.

The Chairman, Vice-Chairman and Scrutiny Manager met with representatives from the Communications Team on 2 December to discuss the issue and potential options. Communications have indicated that they would:

- Create a page on the intranet explaining what overview and scrutiny is, how it works etc. Make it as interesting, informative and easy to navigate as possible. The main objective is to change the perception of Scrutiny, so everyone is aware of its purpose and value.
- Send an elected wire message directly to members to create as much engagement across all non-executives as we can.
- Hold a follow-up meeting to review the action taken and develop ideas for an outward, public-facing communications tool.

The need for requests for volunteers to serve on Task Groups to be provide clear context of the purpose of the proposed Task Group was emphasised, along with the need for the format of the notices to be distinctive to ensure they were properly considered by Members among the large volume of communications elected members received on a regular basis.

It was also requested that any intranet page also be available on the council's external website, to permit access for councillors and others when access to the intranet was not possible.

At the conclusion of discussion, it was,

Resolved:

To note the update and future plans for raising the profile and communication of Overview and Scrutiny, and request that any dedicated information page be available externally as well as on the council's intranet, The Wire.

12 Task Group Updates

In addition to the written updates from Task Groups as contained in the agenda pack, further updates were received as follows:

Financial Planning Task Group – The written update was noted. A correction was made, clarifying that Cabinet would be considering the Budget at its meeting on 11 February 2014, not 20 January 2014, with a special meeting of the Management Committee to be held on 5 February to consider the Budget ahead of Cabinet.

A discussion arose regarding the consideration of the Budget being a Special meeting of the Overview and Scrutiny Management Committee, rather than a Special Joint Scrutiny meeting to which all the members of each Scrutiny Select Committee were formally required to be present. In response it was stated that all backbench members would be encouraged to attend the meeting, which would take place in the Council Chamber and received the same update from the Associate Director (Finance) as had been the case under previous years' arrangements, but that as the senior Committee it was felt that the Management Committee should still formally be the body taking the final decision.

A vote was taken to hold a Special Joint Meeting of Scrutiny in place of a Special meeting of the Overview and Scrutiny Management Committee, which was defeated. Councillor Jeff Osborn requested his objection to the new arrangement be recorded.

Area Boards Task Group – The written update and membership was noted.

Local Enterprise Partnership (LEP) Task Group – The written update was noted, and it was requested those members assigned to the Task Group arrange a meeting ahead of meeting with Swindon Borough Council and the LEP to agree on understanding and approach.

13 **Forward Work Programme**

The Management Committee considered the forward work programme, and formally approved the Children's Select Committee's creation of a Schools and Local Authority Task Group.

14 **Date of next meeting**

The date of the next ordinary meeting was confirmed as 4 March 2014.

A Special meeting of the Management Committee to consider the draft Budget, with all backbench members encouraged to attend, would take place in the Council Chamber on 5 February 2014.

15 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.30 pm)

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CHILDREN'S SELECT COMMITTEE

DRAFT MINUTES OF THE CHILDREN'S SELECT COMMITTEE MEETING HELD ON 3 DECEMBER 2013 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Pat Aves, Ken Brough, Miss Sarah Busby, Cllr Mary Champion, Cllr Mary Douglas, Cllr Sue Evans, Mr J Hawkins, Cllr Jon Hubbard (Chairman), Cllr Chris Hurst, Cllr Simon Jacobs, KaylumHouse, Rev. A Kemp, Cllr Jacqui Lay (Vice Chairman), Cllr Bill Moss, Cllr Helen Osborn, Cllr Sheila Parker, Dr M Thompson and Cllr Philip Whalley

Also Present:

Cllr Richard Gamble, Cllr Simon Killane, Cllr Alan MacRae, Cllr Laura Mayes and Cllr Jonathon Seed

107 **Apologies**

An apology for absence was received from Cllr Ricky Rogers.

108 **Minutes of the Previous Meeting**

Resolved:

To confirm and sign the minutes of the previous meeting held on 1 October 2013

109 **Declarations of Interest**

There were no declarations of disposable interest or dispensations granted by the Standards Committee.

110 **Chairman's Announcements**

The Chairman introduced Miss Sarah Busby, Headteacher of St Edmund's Girls' School, Salisbury and welcomed her on her first attendance at a meeting of this Committee. She would be representing secondary school headteachers.

111 **Public Participation**

There were no members of the public present or councillors' questions.

112 **Early Help Strategy 2013-16**

Julia Cramp, Associate Director (Joint with CCG) for Commissioning, Performance and School Effectiveness introduced and explained the Draft Early Help Strategy 2013-16 prepared by Wiltshire Children & Young People's Trust and Wiltshire Safeguarding Children Board. This followed on from an information briefing which was provided for Members immediately prior to the start of this meeting. The Strategy was out for consultation until 27 December 2013. Members were reminded that the Committee had previously agreed that Early Intervention was one of its work priorities for this Council.

Julia Cramp explained that the Early Help Strategy set out the improved outcomes the Council wished to see implemented for children and young people and the following priority objectives to achieve this:

- Objective 1: Ensure the best start in life
- Objective 2: Gaining the skills required to begin school
- Objective 3: Being ready for adult life
- Objective 4: Develop a family-based approach to early help
- Objective 5: Develop effective structures and processes to access early help

It was noted that the Early Help Strategy would play a pivotal role in securing the high level outcomes set out in the Children and Young People's Plan 2012-2015. A range of early intervention and prevention key impact indicators were being developed as follows:

- Tackling inequalities in low birth weight to improve health outcomes in childhood and adulthood
- Readiness of children to start school at age 5
- Improving foundation stage profile results for vulnerable and disadvantaged groups
- Improving literacy and numeracy attainment at ages 11, 16 and 19
- Success in closing the gap in educational attainment between children and young people from different socio-economic backgrounds
- Reduction in the number of children and young people missing school
- Reduction in persistence absence
- Reduction in the rate of teenage pregnancies
- Reduction in the number of children and young people experiencing poverty
- Increased numbers of children and young people self-reporting a high level of wellbeing
- Increased numbers of 16-18 year olds participating in education, employment and training
- Increased numbers of young people engaging in positive activities

- Reduction of anti-social behaviour
- Reduction in the number of young people offending including first time entrants to the criminal justice system
- Reduction in re-offending rates
- Number of contacts made to children's social care
- Percentage of referrals to children's social care going on to initial assessment
- Number of children requiring statutory child protection intervention
- Reduction in the number of children and young people in residential home placements including a reduction in the number placed in homes rated as less than "good" by Ofsted
- Reduction in the number of SEND young people going to residential, out of county, educational or social care settings
- Analysis of patterns and trends in young people attending GUM (Genito Urinary Medicine) clinics
- Analysis of patterns and trends of Child Trafficking Investigations
- Levels of children and young people admitted to hospital for non-accidental injuries including self-harm
- Reduction in substance abuse
- Reduction in inappropriate caring responsibilities
- Improving attendance and attainment of looked after children
- Number of children in need under Section 17 of the Children Act
- Supporting parents in to work and sustaining employment

During discussion the following points were raised:

- Concern was expressed that networking was beginning to fall apart due to inconsistencies in partners' training, especially Police. However, it was explained that the Police were keen to work with other partners and also take part in partner training that was still ongoing. It was pointed out that 1 partners were signed up to the Workforce Development Programme.
- The proposals for early intervention were warmly welcomed but it was stressed that help and advice especially to parents should be made available even before the child was born so as to provide the best possible environment for the child's development.
- It was considered that a single point of access for early help should be provided centrally in Wiltshire from where the most appropriate help or advice could be drawn down.

- It was pointed out that there was a need to continue to improve the CAF (Common Assessment Framework) and TAC (Team Around the Child) processes by:
 - (1) Linking the CAF (Early Help Assessment) with the Social Care Single Assessment to support the child from early help to Children's Social Care and 'step down' back to early help where appropriate.
 - (2) Improve the capacity and quality assurance role of the CAF Coordinators to create additional resource to support effective early help.
 - (3) Improved training, advice and support offer to lead professionals.
- There was a need for all targeted services to be linked and also for primary schools to work very closely with children's centres in order to create a seamless move for children from pre-school to primary education.

It was noted that the key impact indicators being developed, as set out above, would be reviewed at six monthly intervals and after further discussion,

Resolved:

- (1) To note the contents of the Draft Early Help Strategy 2013-16.**
- (2) To request the final Strategy and draft implementation plan for the next meeting in January 2014 following the closing date for representations.**
- (3) To request progress reports immediately after the key impact indicators had been reviewed at about six monthly intervals.**
- (4) To thank Officers for the excellent draft report and to support the 'invest to save' approach of Early Intervention as an effective use of Council money, particularly its focus on outcomes.**

113 Further Education in the Salisbury Area Task Group - 18-month Review of Progress

The Chairman reported that an 18 month progress review of further education in the Salisbury area was expected to be circulated as a late supplement. The Task Group, chaired by Dr Mike Thompson, undertook their review on 14 November 2013 at which was considered a range of evidence, including written and verbal contributions from a number of schools and post-16 providers from the Salisbury area, as well as officers and executive members.

The Task Group then agreed its findings and circulated their draft report to providers for comment. Unfortunately, some of the responses received impacted on members' initial conclusions and recommendations quite significantly and it was therefore felt that more time was required to reconsider the report's contents.

Resolved:

To defer consideration of the Further Education in the Salisbury Area Task Group's review of progress until the Select Committee's next meeting on 28 January 2014 to allow further discussions to take place.

114 **Rapid Scrutiny Exercise - Overnight Short Breaks for Children & Young People with SEND**

The Chairman reminded Members that at its last meeting, the Select Committee established a rapid scrutiny exercise to consider the proposals under a joint review between the Council and NHS Wiltshire Clinical Commissioning Group on overnight short breaks for disabled children and young people in Wiltshire. This included a proposal to close Hillcote short breaks unit in Salisbury.

The rapid scrutiny exercise took place on 7 November 2013 and several members also attended a public meeting about the proposals held in Salisbury the previous day. The report of the rapid scrutiny was referred to the Clinical Commissioning Group Governing Body, the decision maker on this matter, and also to the Cabinet Member for Children's Services.

In the light of concerns expressed by many parties on the proposals, the CCG Governing Body decided to defer their decision on this matter until their next meeting on 28 January 2014, the same day as the Select Committee's next meeting.

Cllr Laura Mayes, Cabinet Member for Children's Services, made the following comments on recommendations contained in the rapid scrutiny report:

1 The proposals have not been properly costed

The figure of £40,000 per specialist carer had been arrived at through discussions with two neighbouring authorities who had specialist carers providing overnight short breaks for disabled children (Dorset and Gloucestershire). Although the two schemes were slightly different, the cost was roughly the same. The cost included adaptations and equipment. A member of staff from Wiltshire Council had gone through the costs in detail with contacts in these two authorities.

The new specialist carer scheme was highly unlikely to have any impact on the future use and sustainability of Canon's House. It was known that some families preferred residential provision, whilst others were happier with their

child being looked after in a family home. There will always be a need for a residential unit in a county the size of Wiltshire.

The proposal was cost neutral in that the CCG had signed up to re-investing the funding currently used to run Hillcote in other overnight short breaks and earlier support for families with a disabled child. This commitment was included in the minutes of the CCG Governing Body meeting. There was no intention on the part of the CCG to make a saving from the proposed closure of Hillcote – this was what cost neutral meant.

2 Potential difficulties in recruiting specialist carers

The Council had held detailed discussions with the two adjacent local authorities who had no difficulty recruiting specialist carers. In Dorset, these carers were recruited from their Family Link Scheme. In Wiltshire, interest had already been expressed in being a specialist carer by a member of Hillcote staff. It was right to point out that it would be difficult to recruit a number of Specialist Carers before April 2014, but this was not an option that any of the five families of the young people currently using Hillcote wanted to explore.

3 Quality assurance and safeguarding checks of specialist carers

It was right that specialist carers were subject to the same quality assurance and safeguarding checks as foster carers. These were rigorous checks. Children and young people who were looked after by foster carers were often vulnerable in a variety of ways and this was why safeguarding checks were so important. The intention of a specialist carer scheme to provide overnight short breaks for disabled children was that the specialist carer and the family of the disabled child formed a good relationship and knew each other well. It was not expected that any parent would leave their child with somebody that they did not feel comfortable with.

4 Continuity of provision for service users if a specialist carer decides to stop operating

Specialist carers were recruited, on a contract, to provide a specific amount of overnight short break support. Carers would need to give notice if they decided to stop operating. If this happened, then discussions would take place with families about alternative support. It was right to note that long term support could not be guaranteed.

5 Not demonstrated that proposed specialist carer scheme will be able to provide care at short notice

Within the contracts agreed with a specialist carer, some flexibility could be built in so that they could support families at short notice. However, the position was no different than with a residential unit. Hillcote was only open for part of the week, so would not always be available at short notice. When a parent could not care for a disabled child at short notice, Children's Social Care would make

arrangements for the child to be looked after if the family did not have relatives/friends who could provide help.

6 Parents have not been made aware of or offered provision at Hillcote when it may have been appropriate

Access to overnight short breaks was only given following an assessment by a Social Worker within the Children's Disability Teams. All families with a significantly disabled child were in contact with a wide range of professionals. In Southern Wiltshire, all these professionals would be aware of Hillcote, that it provided overnight short breaks and that access was via the Children's Disability Teams. These teams were not aware of any families being referred that met the criteria for overnight short breaks and who had not been offered support. Two of the families that used Hillcote actually lived closer to Canon's House than to Hillcote. The decline in the use of Hillcote was not related to a lack of information, but it was a specialist service and was therefore not 'advertised' as it was only offered to those families with the highest level of needs. For other families with a disabled child, there were other options (including Wiltshire's Short Break Scheme which was accessed by approximately 1,000 families).

7 What emergency plans will be put in place if Canon's House was temporarily unable to operate

All service providers had business continuity plans. If Canon's House were temporarily unable to operate then other arrangements would need to be made for those children and young people who had planned overnight short breaks at the unit. The closure of Hillcote would not make any difference to the position now. There were no spare buildings for any service just in case there was a fire.

8 No information provided on early intervention services and how their effectiveness has been assessed

If Hillcote closed, then some funding would be re-invested in early intervention services (in line with the views of parents and carers of disabled children across the county who had been telling the Council for a number of years that they wanted help before things reached crisis point, for example help with challenging behaviour, sleep and continence). The CCG already funded a Children's Learning Disability Nursing Service that worked with families struggling with, for example, behaviour or sleep routines for a learning disabled child. However, this only had the equivalent of 3 full-time members of staff for the whole county. This service would be expanded so that help could be provided for a larger number of families at an earlier stage. An expanded Children's Learning Disability Nursing Service would work closely with both Canon's House staff and specialist carers, alongside families with a learning disabled child.

After some discussion,

Resolved:

- (1) To endorse the report of the Overnight Short Breaks for Children and Young People with SEND Rapid Scrutiny Exercise and to note the Cabinet Member's comments.**

- (2) To note that the Wiltshire CCG Governing Body had elected to defer consideration of the proposals of the Council and NHS Wiltshire Clinical Commissioning Group until their meeting on 28 January 2014.**

115 Task Group Update/Forward Work Programme

The Select Committee received an update on the activity of the following Task Groups since the last meeting together with the Committee's Forward Work Programme:-

- Safeguarding Children and Young People Task Group

- Further Education in the Salisbury Area Task Group

- Further Education Task Group – It was noted that the Overview & Scrutiny Management Committee had endorsed the setting up of this Task Group as part of the O&S forward work programme and all Members had been emailed inviting interest in taking part. The following Members of this Committee so far had offered to serve on this Task Group: Cllr Jon Hubbard; Cllr Jacqui Lay; Dr Mike Thompson; Kaylum House.

- SEND (Special Educational Needs and Disabilities) Task Group - The Chairman reminded Members that at its meeting on 1 October 2013, the Committee agreed that children and young people with SEN and Learning Difficulties and/or Disabilities (LLDD) would be a key part of its forward work programme. This also reflected the topic being a priority within the Council's Business Plan 2013-17. A task group was established and authority was delegated to the Chairman to seek membership.

The Chairman had asked Alice Kemp to lead on developing the task group given her role as the Committee's SEN parent governor representative, her knowledge of SEND and her experience on the Special Schools and Post-16 SEN Task Group. The Chairman had met with Alice Kemp, the Senior Scrutiny Officer and executive members to discuss the executive's priorities for SEND and where the Task Group might add the most value. They proposed that the following terms of reference be adopted:-

To explore how we can best prepare young people with SEND for Adulthood, including:

- Local education and training options, including managing transitions
 - Planning for employment and supporting local employers to employ young people with SEND
 - Providing housing options to support young people with SEND to live in their communities
 - Developing communities that are inclusive, welcoming and supportive of young people with SEND
- Schools and the Local Authority Task Group – It was reported that following on from the last Select Committee meeting, the Chairman, Vice-Chairman and Cllr Philip Whalley had met with the Associate Director (joint with CCG) for Commissioning, Performance and School Effectiveness, the Head of School Effectiveness and the Portfolio Holder for Schools to discuss this and gain the executive’s views on where scrutiny could contribute. During discussion the following aspects of the academies’ programme had been considered:
 - (i) The process schools followed when becoming an academy. It was concluded that there was limited opportunity to add value here for the following reasons:
 - Schools received advice direct from the DfE and other bodies on process when pursuing the academies option.
 - The LA had a limited role in advising schools on process.
 - (ii) The best leadership models for academy schools. It was concluded that there was limited opportunity to add value here for the following reason:
 - The LA had no role in directing schools in their choice of leadership model.
 - (iii) The take-up and effectiveness of services sold to academy schools by the LA. It was concluded that a scrutiny exercise could be effective in this area by examining the following:
 - Is the LA offering schools the services they want?
 - Are these services popular and effective?
 - The services task group focuses on should be around ‘educational excellence’ rather than HR, payroll etc

The following members of this Committee so far had offered to serve on this Task Group:
Ken Brough, John Hawkins and Cllr Philip Whalley.

Resolved:

- (1) To note the update on Task Group activity provided.

- (2) To endorse the appointment of Ken Brough to membership of the Safeguarding Children and Young People Task Group.
- (3) To appoint the following members to serve on the Further Education Task Group - Cllr Jon Hubbard; Cllr Jacqui Lay; Dr Mike Thompson; Kaylum House.
- (4)
 - (a) To agree the suggested terms of reference for the SEND Task Group.
 - (b) To seek nominations to serve on this Task Group.
- (5) (a) To agree the following terms of reference of the Schools and the Local Authority Task Group:
 - (i) To explore how the Council promotes excellence and fulfil its statutory duties to children and young people in Wiltshire's schools.
 - (ii) To explore whether the education services offered by the Council meet the needs of schools and students, and if not, how they could be developed to help improve outcomes.
- (b) To seek nominations to serve on this Task Group.

116 **Parent Governor Representatives (England) Regulations 2001**

The Chairman reported that over the past year, two unsuccessful appointments processes had been carried out to seek a new Secondary Parent Governor Representative to serve on this Committee. He explained that one of the reasons why these attempts had been unsuccessful was that the 2001 regulations stated that all Parent Governor Representatives should be appointed from maintained schools and there were now far fewer maintained secondary schools in Wiltshire than when the legislation was introduced as a large number of them had sought and gained academy status.

Resolved:

To ask the Cabinet Member for Children's Services to co-sign a joint letter to the Secretary of State for Education requesting a change in the legislation to reflect the current situation across the County in terms of school designations.

117 **Coalition Changes - Update from Department for Education**

The Committee received and noted a report by Carolyn Godfrey, Corporate Director, on developments relating to children's services arising from the Coalition Government.

118 **Urgent Items**

There were no items of urgent business.

119 **Date of Next Meeting**

Resolved:

To note that the next meeting of the Select Committee was due to be held on Tuesday 28 January 2014 at County Hall, Trowbridge, starting at 10.30am.

(Duration of meeting: 10.30 am - 1.30 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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HEALTH SELECT COMMITTEE

MINUTES OF THE HEALTH SELECT COMMITTEE MEETING HELD ON 19 NOVEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Chris Caswill, Cllr Mary Champion, Cllr Christine Crisp (Chair), Cllr Mary Douglas, Gooch, Cllr Bob Jones MBE, Cllr Gordon King, Cllr Helena McKeown, Cllr John Noeken (Vice Chairman), Cllr Jeff Osborn, Cllr Sheila Parker, Cllr Nina Phillips, Cllr Pip Ridout, Cllr Ricky Rogers, Mr Brian Warwick and Steve Wheeler

Also Present:

Cllr Simon Killane and Cllr Jonathon Seed

100 **Apologies**

No apologies were received for the meeting.

101 **Minutes of the Previous Meeting**

An amendment was proposed to item 96 of the minutes of the meeting held 10 September 2013.

Resolved:

To approve the minutes of the previous meeting, subject to making the necessary amendment, as a true and accurate record of the meeting,

102 **Declarations of Interest**

Standing Declarations of Interest were made by:

Cllr Helena McKeown
Cllr Mary Douglas
Cllr Gordon King
Cllr Sheila Parker
Steve Wheeler

103 **Chairman's Announcements**

The Chair made the following announcements:

New WSUN member

The Chair noted that the Wiltshire & Swindon Users' Network (WSUN) have a non-voting seat on the Committee, and welcomed Diane Gooch, chair of WSUN to the meeting. Diane replaced Linda Griffiths who retired from the Committee in July.

Meeting with NHS England and Public Health England, Taunton 2 Oct

The Vice Chair outlined the main points of note from the meeting, which was deemed to be very productive. The Committee were invited to note that NHS England are preparing a pack for regional HSCs explaining developments and a matrix of information sharing. We have agreed to regular networking meetings with the HSC in Bath, Gloucester and Swindon.

Acute Hospitals

The Chair and Vice Chair have now met with all three acute hospitals, and it has been agreed that the HSC will monitor their PALS complaints information.

CCG

It was confirmed that constructive talks had been held with the CCG, on how the HSC and Health Partners can best work together. It was emphasised that the HSC is keen to be involved early in any CCG initiatives.

Media monitoring

Local media is now being monitored by Democratic Services to identify any matters of interest to the HSC. Members are also asked to alert HSC to any issues as soon as they are seen as a concern.

NHS 111

An update was tabled at the meeting, and Dr Steve Rowlands, chair of the CCG, gave an update on the position regarding the NHS111 service. It was confirmed that Harmoni commenced full service on 28 October. The HSC was satisfied with the monitoring systems in place, but requested that the CCG provide an update on Harmoni's performance at the March meeting of the Committee.

Vascular Services

A report on vascular services from the CCG was expected at the meeting, however, when specialised services commissioning was taken over by NHS England, the rules around who leads on patient and public engagement and working with HSCs changed.

It was confirmed that this work is now being done by the Bristol, North Somerset, Somerset and South Gloucestershire NHS Area Team, who commission services for the whole of the South West. They are currently planning patient and public engagement and will be writing to all the HSCs in the area. Members were asked if there were any specific questions that would need to be asked regarding; patients, carers and the public, and to respond with these when the CCG and providers conduct the public engagement.

Any questions can be sent to Maggie McDonald (Senior Scrutiny Officer at Wiltshire Council) who will make sure they are forwarded to the Bristol team.

Agenda order

The Chair agreed to take the Continuing Health Care item before the Public Health Annual Report.

104 **Public Participation**

No questions had been received from members of the public.

105 **Royal United Hospital (RUH) action plan**

James Scott, Chief Executive of Royal United Hospital (RUH), Bath, was in attendance to present the RUH action plan in response to the Care Quality Commission (CQC) Audit that highlighted a number of concerning findings. James Scott introduced Helen Blanchard, Director of Nursing at RUH who was also in attendance to answer questions from the committee.

James Scott outlined the upcoming inspection of the RUH on 4 December, which will be conducted under the new inspection regime. He went on to detail the new inspection arrangements including the membership of the inspectorate and their new powers. Following this, James Scott discussed public listening events that were being conducted to engage with users and members of the public as part of the inspection process. Events will be held on 5 December 2013 at Bath Race Course and County Hall in Trowbridge. Both events will start at 6.30pm.

Helen Blanchard discussed the action plan and reaffirmed that the RUH was concentrating on taking ownership of the issues and findings, with a focus on making the necessary sustainable changes. The importance of accurate record keeping was discussed with a focus on both professional, CQC and regulatory compliance. The recording of patient risk assessments on admission were also discussed, alongside discharge information. Helen Blanchard commented that, measures had been taken to improve both areas, and was confident that this would be reflected in the outcomes of future inspections. Patient dignity was also discussed, with changes made to staff training, practice and awareness. The monitoring arrangements were discussed, and it was confirmed that the Trust Quality Board continues to monitor the progress of the action plan on a fortnightly basis.

Cllr John Noeken expressed disappointment with the CQC findings, stating historic findings from previous reports and inspections had again been replicated in the most recent report. Cllr Noeken expressed concern over the action plan and the findings from the CQC, and stated that the effectiveness of the actions, findings and recommendations would be tested in full over the winter period.

Cllr Helena McKeown stated concern at the findings in the report and stated that the RUH appeared to be overloaded with policy and internal meetings. Cllr McKeown questioned the hospitals recruitment policy, and in particular the number of nurses appointed by the RUH. A number of examples of patient treatment were cited and the role of record keeping in these examples was questioned. James Scott stated that £750k had been spent on frontline nursing staff, and that the nursing ratios were adequate to manage the patient flow at the RUH. James Scott noted the changes that had been made at operational level to support the handover between shifts.

The role of agency staff was discussed and it was confirmed that agency staff are not used on night shifts. Cllr Gordon King expressed concern from personal experience at the hospital's operational level, where it was stated that there was a lack of senior vision across the wards. Cllr King also stressed concern at the number of junior nursing staff functioning without senior supervision and support. Helen Blanchard confirmed that nurse sisters were available to provide an overview across wards, and that the nursing ratios were sufficient.

Cllr Mary Douglas expressed concern at adequacy of Nursing levels at the RUH. Cllr Douglas also questioned the national guidance for nursing levels, and suggested that the recommended staffing levels were not capable of providing the correct level of care.

Brian Warwick stated his concern at the report findings and stressed concern that the content and findings of the report seemed to have been diluted. The Committee noted concern at the CQC report in general, noting particular concern at the categorisation and continued replication of findings.

James Scott then outlined the internal monitoring arrangements to scrutinise the action plan and frontline performance. This included the clinical governance group reporting to the Board on key performance indicators including patient experience, safety and clinical outcomes (including mortality rates). It was confirmed that mortality rates at RUH were 25% lower than the national average, with this figure falling to 50% below the national average for elective surgery. Helen Blanchard also discussed the role of dignity champions and public engagement.

James Scott then proposed a meeting between the senior staff at RUH and the members of the Health Select Committee to address some of the concerns that had been raised.

Resolved:

- 1) To note grave disappointment and concern at the findings of the CQC report.**

- 2) To meet with the Chief Executive, and senior staff at the RUH to address the concerns with the findings of the CQC report.
- 3) To arrange a meeting between the Chair, Vice Chair (HSC) and Chief Executive (RUH) shortly after the publication of the report into the CQC Inspection, scheduled for December 2013.
- 4) To note concern at the current staffing levels at RUH, and the need for accurate record keeping in supporting operational staff at RUH.

106 Continuing Healthcare (CHC) Update

Jacqui Chidgey-Clark, Director of Quality and Patient Safety at Wiltshire Clinical Commissioning Group (CCG) was in attendance with Dina Lewis, Associate Director of Quality to update the committee on the progress of the Continuing Health Care (CHC) action plan.

Jacqui Chidgey-Clark provided a background overview of the CHC programme. The work had been originally undertaken by the PCT, and had transitioned across to the CCG earlier in 2013, and was conducted in joint partnership with Public Health.

The committee discussed the partnership working arrangements, and it was confirmed that the continuing healthcare update, would also be reported to the Joint Commissioning Board and in turn to the Health and Wellbeing Board.

The Committee discussed the eligibility figures for CHC in the region and it was confirmed that the figures were reported to the Clinical Governance Group. It was stated that the CHC programme had been recently assessed for compliance and there had been no conflicts identified.

The Committee discussed the Joint Commissioning Board and its accountability to the Health and Wellbeing Board.

Resolved:

To note the progress of the Continuing Health Care action plan.

107 Public Health Annual Report

John Goodall, Associate Director of Public Health was in attendance to present the Public Health Annual Report 2012/13. It was stated that the report was published as a statutory requirement for public health, as part of the independent arrangements prior to transition.

A short presentation was made to the Committee on the content of the report. This contained the transitional arrangements and a summary of the integration of public health in the Council's mainstream business. The presentation

focussed on promoting healthy local communities, and creating a lasting health legacy for the people of Wiltshire, in addition to outlining the vision, current work and challenges ahead for public health.

The Committee questioned the planned health checks, and the health inequalities between various social groups. John Goodhall agreed to provide the social inequality data and comment after the meeting. The Committee discussed the treatment of Chlamydia and early intervention strategies, and also questioned the commissioning arrangements for mental health and public health crossover. It was confirmed that a paper would be made available for scrutiny detailing these commissioning arrangements.

The Committee also questioned the monitoring arrangements in place for public health, and it was confirmed that the previous monitoring arrangements had novated as part of the integration arrangements. A discussion was also held on domestic abuse, and it was requested that more information on multi-agency working would need to be provided.

The Committee suggested that limited data was represented in the report, and requested further data in future.

The Committee discussed the importance of older people's representation in the Annual report and requested that in future, greater focus be placed on social isolation and the role of area boards in tackling these issues.

Resolved:

- 1) To note the Public Health Annual Report 2012/13.**
- 2) To receive an update against the Public Health Annual Report 2012/13 in May 2014 following the outcome of the Joint Strategic Assessment community events.**

108 Forward Work Programme

The Committee discussed the forward work programme and the award of the contract to the Mears Group for the provision of the Help to Live at Home service. The Committee discussed upcoming winter pressures and urgent care arrangements for Acute Hospitals in the county.

Resolved:

- 1) The Committee noted updates from the following task groups, and agreed to include as the Draft Work Programme in the single Overview and Scrutiny Work Programme:**
 - Transfer to Care**

- **Continence Services**
- **Review of AWP Services**
- **Air Quality (Joint with Environment Select)**
- **Clinical Commissioning Group**

2) **To review the work of the Help to Live at Home providers following advice from the Associate Director of Adult Care Commissioning, Safeguarding & Housing.**

3) **Review the effectiveness of the CCG's Winter Planning arrangements at its meeting in March 2014**

109 **Urgent Items**

There were no urgent items.

110 **Date of Next Meeting**

The date of the next meeting was noted as being 14 January 2014, to be held at 10:30am, in the North Wiltshire Room, County Hall, Trowbridge BA14 8JN.

(Duration of meeting: 10.30 am - 12.50 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line (01225) 718211, e-mail samuel.bath@wiltshire.gov.uk

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Wiltshire Council

Where everybody matters



Wiltshire's Annual Public Health Report 2012/13

Minute Item 107



Leading healthier, more active lives

– making our vision a reality

From transition to transformation

- A new way of working – the transition of services
- Building on a well established way of working
- Exciting opportunities for improving health outcomes
- Integrating public health in the Council's mainstream business



Our communities

- 2012 – a year of celebrating active, healthy lifestyles
- Bringing communities together
- Creating a lasting, healthy legacy
- Achieving positive health outcomes
- Reducing health inequalities
- The importance of early intervention



Our vision

The JSA identified five key health and wellbeing priorities:

- to identify and support complex and vulnerable families
- to reduce harms associated with substance misuse
- to support the rising number of people with long term conditions to manage their health and needs
- improving people's mental health and emotional wellbeing.
- to reduce long term care home placements





Wiltshire has been chosen, with Swindon, as one of 20 Early Intervention 'Pioneering Places' nationally

Our work

- Healthy Child Programme
- Safe Drive Stay Alive Programme
- Wiltshire Stop Smoking Service
- Active Health scheme
- Health Information Support Service
- Get Wiltshire Walking
- Health Trainers



Our achievements

- Life expectancy has risen to 80.1 years for males and 83.8 years for females.
- Active Health scheme in Wiltshire's leisure centres includes the ground-breaking exercise after stroke classes
- In 2012, over 2,000 people were referred for exercise programmes
- Wiltshire's CVD mortality rates are below those of the South West and England nationally
- In 2010 20.8% people smoked – now just 17% smoke
- During 2012/13 we helped over 2,900 residents to stop smoking



Our achievements

- The number of people killed or seriously injured in road traffic accidents fell 10% from 2011 to 2012
- Children aged 5 have fewer decaying, missing or filled teeth compared with the national average (0.75 vs 0.94 teeth per child)
- The rise in rates of overweight and obesity children in Reception Year children slowed in the last year
- Pilot site for the Domestic Violence Disclosure Scheme



Our achievements

- National Chlamydia Screening Programme – 8,500 young people with 8.8% testing positive
- Wiltshire now has a Abdominal Aortic Aneurysm screening programme for males aged 65 and over
- More than 30,000 health checks were offered and over 14,700 were completed in the last year



The challenges ahead

- Meeting the challenges of an older population
- Addressing public health inequalities across the county – the gap in life expectancy for men in the most and least deprived areas is over 6 years
- Working to improve military and veteran’s health
- Focus on reducing skin cancer, self harm and road traffic collisions



Questions?



Thank you

ENVIRONMENT SELECT COMMITTEE

MINUTES OF THE ENVIRONMENT SELECT COMMITTEE MEETING HELD ON 29 OCTOBER 2013 AT ALAMEIN SUITE - CITY HALL, MALHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Dennis Drewett, Cllr Peter Edge (Vice Chairman), Cllr Peter Evans, Cllr Jose Green, Cllr Mollie Groom, Cllr Alan Hill (Chairman), Cllr Magnus Macdonald, Cllr Horace Prickett, Cllr James Sheppard and Cllr Bridget Wayman

83 **Apologies**

Apologies were received from Councillors Brian Dalton, Ian McLennan and Rosemary Brown.

Councillor Dalton was substituted by Councillor Nick Watts.

84 **Minutes**

The minutes of the ordinary meeting on 11 June 2013 and the extraordinary meetings on 4 July and 18 July 2013 were presented for consideration. It was,

Resolved:

To APPROVE as a true and correct record and sign the minutes.

85 **Declarations of Interest**

There were no interests declared.

86 **Chairman's Announcements**

There were no announcements.

87 **Public Participation**

There were no questions or statements submitted.

Jay Gascoigne, Green Infrastructure Strategy lead, delivered a presentation on the development of the Council's Green Infrastructure Strategy.

The Green Infrastructure Project was first begun in 2009 in response to the need for a countywide open spaces strategy in light of future development and growth, with recognition on a need for emphasis on multiple benefits of green and open space. The consultation with the final stakeholders concluded in late 2011, and it was noted that Core Policy 52 of the Wiltshire Core Strategy set out the Council's current position on Green Infrastructure.

The Committee was taken through various possible definitions of what constitutes Green Infrastructure, from small scale community assets such as village greens to regional infrastructure via a network of assets throughout the county. With the initial stakeholder consultation concluded, the Committee was informed that the intention was to determine an overall Green Infrastructure Strategy, identifying key themes, issues and priorities to enable the drafting of a Green Infrastructure vision through 2026 and highlighting how these might be delivered with an action plan and a framework to inform Green Infrastructure development across the county.

It was stated that the initial draft of the Strategy was aimed for completion in January 2014, with adoption by Council planned for mid 2014.

The Committee discussed the presentation, as attached to these minutes, highlighting the need for Council services and teams to be deeply involved with the creation of a strategy, as well as the need for close partnership working with outside bodies, and it was confirmed this would be the case.

How any Green Infrastructure would be funded was raised, such as part of s.106 or Community Infrastructure Levy contributions, and possibilities of EU funding, along with the need to emphasise economic benefits of Green Infrastructure, alongside environmental and health benefits.

It was discussed how the Green Infrastructure Strategy would be designed to feed down to local community plans, town and parish council plans, local neighbourhood plans and town masterplans, and it was noted that Area Boards could be used to engage with Town and Parish Councils to identify additional details and Green Infrastructure projects.

In response to queries it was confirmed the strategy would not be a supplementary planning document.

At the conclusion of debate, it was,

Resolved:

- a) **To thank Jay Gascoigne for his informative presentation and early involvement of the Committee with the development of the Green Infrastructure Strategy;**

- b) **To note the progress and direction to date on the Green Infrastructure Strategy;**
- c) **To endorse the continued development of the Green Infrastructure Strategy;**
- d) **To encourage Area Boards to look into potential Green Infrastructure projects for local plans that will be influenced by the strategic level Green Infrastructure strategy;**
- e) **To note the commitment for the Committee to consider the draft Green Infrastructure Strategy upon its completion prior to its consideration by Cabinet.**

89 **Investing in Highways**

Investing in highways is a key priority for the Council. On 22 October Cabinet considered a programme of investment in road maintenance to improve the condition of the highway network in Wiltshire. Three options were suggested in the Highways Report accessible via the link to the Cabinet agenda:

<http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=141&MIId=7213&Ver=4>

Option 1 – Maintain existing conditions (average annual expenditure approx. £12.5 million)

Option 2 – Increase investment to £17 million for six years

Option 3 – Increase investment to £21 million for six years.

The Committee was informed Option 3 had been adopted by Cabinet, and that the option also allowed for the involvement of the Area Boards.

The Committee discussed the decision of Cabinet, welcoming the decision to include Area Boards in identifying areas of work required within their Community Areas. The Committee encouraged officers and the Cabinet Member for Highways and Streetscene to engage with Area Boards at the earliest opportunity, and discussed potential processes for that engagement, such as working through the Community Area Transport Groups (CATGs), but it was noted the procedure had not yet been agreed.

The Committee also welcomed that there was a focus on spreading the additional funding throughout the county in local areas as needed, and not merely with large projects which might affect only certain areas.

After discussion, it was,

Resolved:

To note the decision of Cabinet and await further plans and proposals before determining the most appropriate action from the Committee.

90 Developing the Forward Work Programme

The Chairman detailed the outcome of discussions between himself and the Vice-Chairman with the Chairman and Vice-Chairman of the Overview and Scrutiny Management Committee and separate discussions with Cabinet Members on potential items for the Work Programme for the Committee.

The Committee considered the items, the most appropriate method of scrutinizing them, and which items should be given the highest priority.

It was noted that no additional items as suggested from Councillor induction sessions following the May elections had been included, due to either being outside the remit of the Committee, were not yet developed to the state that would enable the Committee to scrutinize the issues, or would be more appropriately scrutinized by another committee.

At the conclusion of debate, it was,

Resolved:

To approve the proposed forward work programme with suggested priority and method of scrutiny as detailed below:

- 1) **Waste - Task Group (Already Established)**
- 2) **Air Quality (with Health Select Committee) - Task Group (Already Established)**
- 3) **Community Infrastructure Levy - Task Group (Already Established)**
- 4) **Investing in Highways - Committee**
- 5) **Community Speedwatch - Rapid Scrutiny Exercise**
- 6) **20mph Speed Limits - Short Term Task Group/Committee**
- 7) **Parking Review - Short Term Task Group**
- 8) **Adoptable Estates - Task Group (Already Established)**
- 9) **Review of Flood Plan - Rapid Scrutiny Exercise**

91 Task Group Updates

The Committee received updates from the currently established Task Groups as follows:

Waste

Councillor Jose Green provided an update on the progress of the Waste Task Group, which had met twice since the last meeting of the Committee, interviewing officers and other witnesses and meeting with the Cabinet member to identify details of the Waste Management Service that could be improved.

The next meeting of the Task Group would take place on 14 November 2013.

Community Infrastructure Levy (CIL)

Councillor Bridget Wayman provided an update on the progress of the CIL Task Group, which had investigated the approaches of other Local Authorities as well

as receiving presentations from developers on the approach on the rate to be applied across the county.

The Task Group had met three times since the last meeting of the Committee and the next meeting would take place on 31 October 2013.

Adoptable Estates

Councillor Peter Evans provided an update on the progress of the Adoptable Estates Task Group, which had had one meeting since the last meeting of the Committee. As much of the membership of the Task Group was new, the Task Group had assessed the action plan of the previous membership and would arrange further meetings to further investigate the issues raised.

92 **Urgent Items**

The Committee requested it be recorded that they praised the work and conduct of the Council's Media Relations Team for their continual updates to members and the public regarding the intense storms that occurred on 28 October 2013, and that the Committee's thanks be forwarded to the team.

93 **Date of Next Meeting**

The date of the next meeting was confirmed as Tuesday 10 December 2013.

(Duration of meeting: 10.30 am - 12.00 pm)

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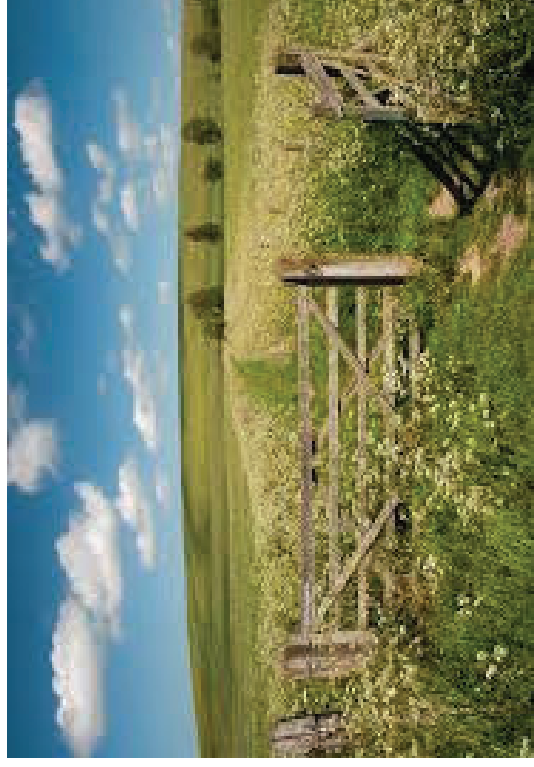
Growing a natural partnership: A Green Infrastructure Strategy for Wiltshire

Jay Gascoigne – Green Infrastructure Strategy Lead

30th October 2013

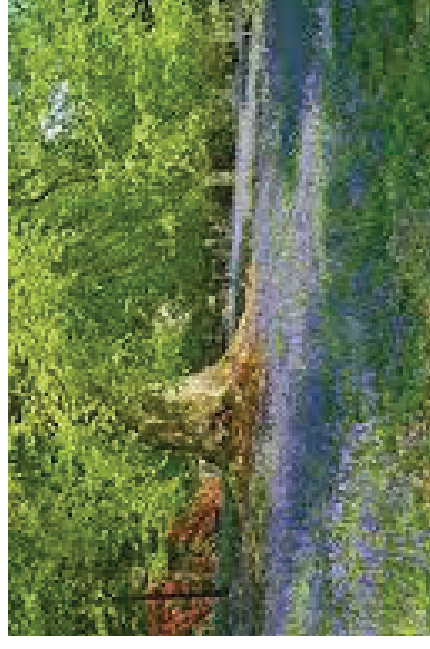
The next ten minutes...

- What does Wiltshire Council mean by Green Infrastructure?
- Where have we been?
- Where are we now?
- Where are we going?



Green Infrastructure in Wiltshire

- A difficult terminology – a sliding scale from vague to detailed
- Wiltshire Core Strategy: DCLG definition
- Defining GI as an asset
- Defining GI as a network
- Defining GI through scale



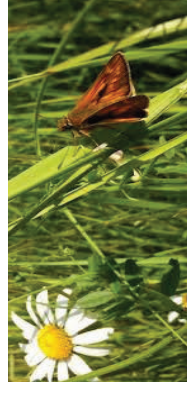


Where have we been?

- Project began in 2009
- Need for countywide open spaces strategy in light of future development and growth
- Emphasis on multiple benefits of green space/open space
- Last stakeholder consultation ended in late 2011
- Core Strategy – Core Policy 52: Green Infrastructure

Where have we been?

- Defining the scope and scale of the strategy
 - What geography will the strategy cover?
 - What will the strategy include?
 - What will it not include?
- Consulting with internal and external partners
 - What are the expectations?



Where are we now?

- Building a thematic framework to ensure multi-functionality

Improving
Public Health
and Wellbeing

Strong
economic
growth and
development

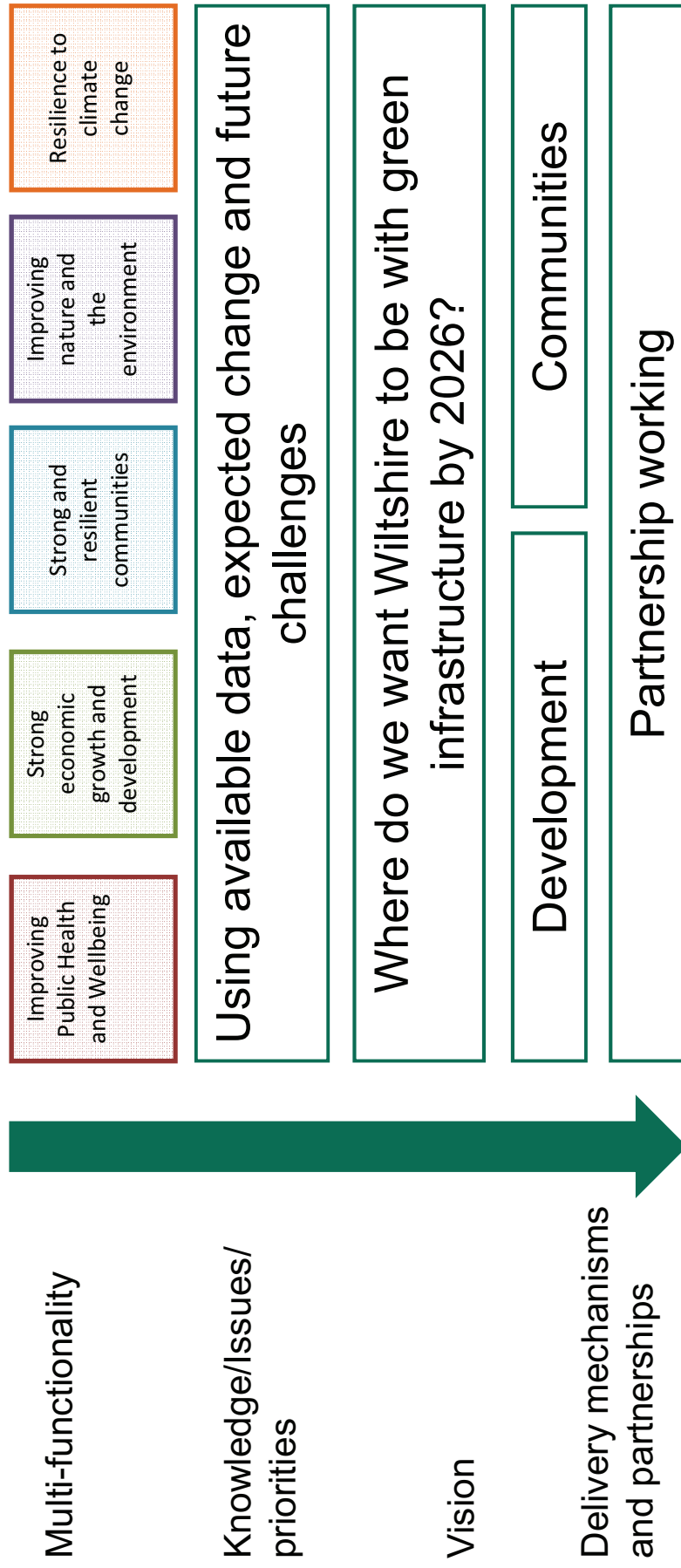
Strong and
resilient
communities

Improving
nature and
the
environment

Resilience to
climate
change

- Using existing data to identify key issues
- Developing priorities through GI themes
- Drafting a vision for 2026
- Highlighting delivery mechanisms

A framework for Green Infrastructure





Where are we going?

Developing an action plan

- Capacity building, awareness raising, education
- Physical improvements
- Asset management

A draft document for consultation is due to be created by January 2014



Thank you for listening
Any questions?

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ENVIRONMENT SELECT COMMITTEE

DRAFT MINUTES OF THE ENVIRONMENT SELECT COMMITTEE MEETING HELD ON 10 DECEMBER 2013 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Rosemary Brown, Cllr Dennis Drewett, Cllr Peter Edge (Vice Chairman),
Cllr Peter Evans, Cllr Jose Green, Cllr Mollie Groom, Cllr Alan Hill (Chairman),
Cllr Magnus Macdonald, Cllr Ian McLennan, Cllr Horace Prickett,
Cllr James Sheppard and Cllr Bridget Wayman

Also Present:

Cllr Trevor Carbin, Cllr Bill Douglas, Cllr Jon Hubbard, Cllr George Jeans, Cllr Simon
Killane, Cllr Jonathon Seed, Cllr Toby Sturgis, Cllr John Thomson, Cllr Ian Thorn, Cllr
Anthony Trotman and Cllr Philip Whitehead

94 Apologies

Apologies were received from Cllr Brian Dalton

95 Minutes of the Previous Meeting

The minutes of the meeting on 29 October 2013 were presented for
consideration. It was,

Resolved

**That following a correction to Minute 91 - Task Group Updates - to correct
all instances of 'Adoptable Estates' to 'Air Quality' To APPROVE as a true
and correct record and sign the minutes.**

96 Declarations of Interest

There were no declarations.

97 Chairman's Announcements

The Chairman confirmed that the Management Committee would be engaging
in a rapid scrutiny exercise in respect of a recent report presented to the
Committee regarding the Balfour Beatty Living Places contract. The
Environment Select Committee therefore expected to receive a report

addressing the operational performance at the April meeting and it was expected that a full scrutiny exercise would be completed later in 2014.

98 **Public Participation**

The rules on public participation were noted. The Committee agreed that members of the public who wished to speak would make their statements directly before the item which concerned them.

99 **Community Infrastructure Levy (CIL) Task Group Report**

The Community Infrastructure Levy is a new charge that local authorities can choose to impose on development in their area. It will contribute towards bridging the funding gap between the total cost of infrastructure necessary to deliver new developments and the amount of funding available from other sources following the reduction in contributions to be received through section 106 legal agreements as part of the CIL regulations. Under the CIL regulations the Council must prepare and publish a charging schedule which sets out the rates of CIL which apply in Wiltshire.

In 2012 the Cabinet and Corporate Leadership Team identified the introduction of CIL as one of its corporate priorities. The Community Infrastructure Levy (CIL) Task Group was established in August 2012 to test out the charging proposals for CIL and report on recommendations for the future implementation of CIL.

Cllr Tony Trotman, Chairman of the CIL Task Group updated the Committee on the work of the Task Group.

Cllr Trotman thanked members of the Task Group for their work and contributions since the inception of the task group, noting four sets of revised regulations on CIL had been received from central government since the formation of the Task Group, necessitating additional work from its members. On behalf of the Task Group he also paid particular thanks to the support from Geoff Winslow (Manager - Spatial Planning Environment) and Maggie McDonald (Senior Scrutiny Officer) in facilitating the work of the Task Group.

The need to consider the whole county and find a solution appropriate for the cities, towns and villages in Wiltshire was highlighted, and therefore the Task Group had determined that a single set rate for the county was not the most appropriate solution, concluding that those areas which could support a higher level of CIL should be required to do so and so supported the concept of different CIL rates for different areas, noting also that the guidance suggests differential rates are more flexible to local conditions. It agreed with the levels proposed in Option 3 as detailed in the report papers.

The Committee considered whether it would be appropriate for the Task Group to continue working until the law had reached a stable point.

A discussion followed, where it was noted that a paper on the Community Infrastructure Levy that was due to be presented before Cabinet made different recommendations from those contained within the Task Group report.

The Committee also discussed the administration of any charging schedule for contributions, and that while a single set rate would be simpler to administer, the positive benefits of a schedule with differing rates would outweigh the additional administrative cost. That affordable housing would not incur a CIL contribution was raised, along with the comments of the Planning Inspector assessing the Council's emerging Core Strategy that the target rate of 40% affordable housing was unsustainable, and what impact this could have on what CIL rate was most appropriate.

Other points discussed included developments on strategic sites would only be liable for half the CIL rate of other areas, and the possibility of reviewing the set CIL rate at a future date.

Cllr George Jeans also made a statement supporting a reduction in the CIL rate for dwellings of 100m² or less in order to encourage affordable housing by design.

After discussion it was,

Resolved:

- a) **In drawing up the Preliminary Draft Charging Schedule for consultation, the Council adopts the CIL charges outlined in paragraph 16 of the report.**

100 **Wiltshire Policy on 20mph Speed Limits and Zones**

Public Participation

Ann Henshaw, Alex Machin, Gill Ansark and Ashley Halls addressed the Committee.

Cllr John Thomson, Deputy Leader of the Council and Cabinet Member for Highways, Streetscene and Broadband, gave an update on the Wiltshire Policy on 20 mph speed limit and zones which set out how 20 mph speed limits and zones would be applied in Wiltshire.

The policy was first begun as a delegated decision on the future use of 20 mph speed restrictions.

Guidance was issued by the Department for Transport in 2006, which enabled Local Authorities to set their own speed limits. Recent guidance issued in 2007

focused on 20mph speed limit use. Wiltshire had varying degrees of experience in relation to the application of 20mph speed limits having already imposed them in some areas.

A trial had taken place in 5 different locations over 18 months. The data collected reflected the guidance received from the Department of Transport policy. It was confirmed that a separate policy regarding 20mph limits outside schools would be developed.

Members of the public then had the opportunity to address the Committee as detailed above. Concerns were expressed about the level of consultation that had taken place and to what extent community opinions had been taken into account. It was felt that the requirements to be considered for the creation of a 20mph limit or zone were too restrictive, and that before the policy was approved a Task Group should be formed to investigate community requests and opinions in greater depth.

Cllr Bill Douglas, Lead for Highway Safety on Chippenham Area Board addressed the Committee, highlighting the launch of a 'no need to speed' campaign in the town seeking to reduce vehicle speed near schools and where pupils live through the use of signs and educational banners as utilized in Glasgow, and that this could be an alternate and far more cost effective method than the imposition of 20mph limits and zones which needed to be investigated further.

The Committee discussed the draft policy and consultation, where it was noted that some amendments had been made to the policy following the consultation, as detailed in the report. The increased funding from the Police and Crime Commissioner for Speedwatch schemes was noted, but some members had concerns that there was a gap in the policies between the average speeds where someone could apply for their area to become a 20mph zone and where they could apply for Speedwatch funding.

The trend towards an ageing and more vulnerable society was also highlighted, and whether increased frequency of 20mph zones would be of positive benefit, as well as other options such as shared space schemes.

At the conclusion of debate it was,

Resolved:

- a) **To approve the policy contained within the report.**
- b) **To set up a Task Group to review and develop the policy as it was enacted.**

101 **Drainage Byelaws**

Cllr Jonathan Seed, Cabinet member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding updated the Committee on Wiltshire Council's intention to make Byelaws in connection with drainage. The Flood and Water Management Act 2010 allowed local authorities to make byelaws to

secure the efficient working of a drainage system in its area, to regulate the effects of a drainage system on the environment and to secure the effectiveness of flood risk management.

Flooding is a serious issue in Wiltshire. Cllr Seed explained that £500,000 had been invested into flood alleviation and that drainage byelaws were needed as part of this scheme.

In the discussion that followed, the Committee considered the need to focus on flood prevention, and potential financial implications for Wiltshire Council as a result of the Byelaws, along with issues in relation to development within 8m of a watercourse and the contacting of landowners regarding flood management schemes. It was noted that Byelaws act as an additional tool for the Council and that cooperation with local people was needed.

After discussion it was,

Resolved:

To note the intention of the Council to make the proposed Byelaws, which will assist the Council in carrying out its duties as Lead Local Flood Authority under the Flood and Water Management Act 2010

102 **Waste Task Group Report**

Cllr Green gave an update on the work of the Waste Task Group. She noted that, in agreeing a price;quality ratio to be used in the awarding of the contract, the Task Group had put the emphasis on quality not cost.

After discussion it was,

Resolved:

- a) **Relevant references to the requirement for adherence to the proximity principle should be inserted in the service specification under section 6 (Sites used for the delivery of services). The service specification is included for reference in Appendix 2. In addition, it should focus not only on existing MRF sites, but should encourage additional sites to be considered and/or sought in areas where there is no existing provision, in order to adhere to the proximity principle.**
- b) **The service specification should include the requirement for operators to make greater efforts to re-claim objects for re-use eg bicycles in section 4 (Scope of the service).**
- c) **The Council should benefit more than at present from the sale of recyclables, which might be a percentage of sale income or through a payment made once a specified ceiling had been reached. It would also like the Council to receive some benefit from any unexpected revenue and therefore would like to see a mechanism included in section 11 (service requirements) and section 26 (Innovation and**

efficiency) of the service specification whereby these could be achieved.

- d) **The layout of new, and where possible existing, household recycling centres (HRC) are designed to make them function more efficiently and easier for the public to use, eg 'drive-up' slopes which enable cars to park above the level of skips. The Task Group cited the HRC at Everleigh as an example of good design.**
- e) **The Task Group scrutinises the communications strategy in respect of the new collection rounds as soon as it is available.**
- f) **To authorise the Chairman of the Environment Select Committee and the Chairman of the Waste Task Group to liaise with officer from the scrutiny team with a view to facilitating a further presentation by Dr Alberry (including date, venue and invitees).**
- g) **That following completion of its remaining activity, the scrutiny of the communications strategy linked to the remodelling of the service, the Task Group will have completed its work. However, the final award of contract to be determined by Cabinet will no doubt be of interest to those members who contributed to the Task Group.**

103 **Task Group Updates**

Waste Task Group

It was confirmed that the Waste Task Group had completed its initial remit, but the Committee agreed that it would be extended in order to scrutinize the communications strategy being developed regarding the upcoming changes to the waste service.

Community Infrastructure Levy Task Group

It was confirmed that the work of the Community Infrastructure Levy Task Group will continue.

Adoptable Estates

The group met on 18 November 2013 to interview officers and developers. Further meetings were planned.

Air Quality

The second meeting of the group took place on 21 November 2013. The Committee was informed that information regarding planning guidance would be circulated in early 2014.

104 **Forward Work Programme**

It was confirmed that the Management Committee would have to be consulted regarding setting up new Task Groups.

The Committee also considered outstanding items from the work programme:

Investing in Highways - The Chairman and Vice-Chairman would meet with the Cabinet member to discuss the best approach for the Committee to add value, and report back to the next meeting of the Committee.

Parking Review - Members were sought for a Task Group to begin work in the new year.

Speedwatch - Members were sought for a Rapid Scrutiny Exercise to take place in the new year.

105 **Date of Next Meeting**

The date of the next meeting was confirmed as 18 February 2014. It was also confirmed that future meetings of the Committee would be located at County Hall in Trowbridge unless stated otherwise.

106 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.10 pm)

The Officer who has produced these minutes is Eleanor Slack, of Democratic Services, direct line 01225 718255, e-mail eleanor.slack@wiltshire.gov.uk

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LICENSING COMMITTEE

DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 5 NOVEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Desna Allen (Vice Chairman), Cllr Nick Blakemore, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Sue Evans, Cllr Jose Green, Cllr Mike Hewitt, Cllr Simon Jacobs, Cllr George Jeans and Cllr Pip Ridout (Chairman)

Also Present:

Ian Brown (Head of Environment Services), Lisa Pullin (Democratic Services Officer), Paul Taylor (Senior Solicitor) and Peter White (Enforcement Manager)

23 Apologies

Apologies were received from Councillors Chris Caswill and Leo Randall.

24 Chairman's Announcements

The Chairman introduced Ian Brown who is the Head of Service for Environment and Peter White who is the Enforcement Manager. This is the team that have taken on the scrap metal dealer licensing functions.

25 Declarations of Interest

Councillor George Jeans declared a personal interest in Agenda item 5 due to the nature of his business and he stated that he intended to vote and speak on this item on the Agenda.

26 Public Participation

There were no members of the public present.

27 Setting of Fees - Scrap Metal Dealers Act 2013

Ian Brown (Head of Environment Services) introduced the report and explained to the Committee that the Scrap Metal Dealers Act 2013 came into force on 1 October 2013. Every scrap metal dealer will be required to have a licence and

operating without one will be a criminal offence. The Council will be able to refuse to grant a licence where the applicant is judged not to be a suitable person to operate as a scrap metal dealer.

A transitional period is running until 1 December 2013. During this transitional period any scrap dealers already registered under the old regime, who registered for the new regime before 15 October 2013, will be granted a deemed licence until the end of the transitional period.

The 2013 Act creates a fee raising power to allow local authorities to recover the costs stemming from administering and seeking compliance with the regime.

The Committee were being asked to agree the fees for scrap metal dealers as follows:

Collector's Licence: £350

Site Licence: £500

Each licence would last for three years, unless revoked by Wiltshire Council. The Council will only revoke a licence where the licence holder's circumstances change so that they may no longer be considered a fit and proper person.

The legislation obliges the authority to review its fees after twelve months, at which point any anomalies or inaccuracies can be accounted for and amended.

All known scrap metal dealers were written to to inform of the changes and 100 application packs for a licence were sent out. 70 of these have been sent back and the remaining 30 will be investigated after 1 December 2013.

Councillors sought clarification on a number of points and Cllr Jeans requested that if and when any relevant Court decisions are made clarifying the definition of scrap metal dealing, these are reported back to the Committee with any impacts highlighted and options for members to consider which respond to the impacts.

Resolved:

That the Licensing Committee sets the fees for the Scrap Metal Dealers Act 2013 as follows:

£350 for a Collector's Licence

£500 for a Site Licence.

The Licence fee will cover a three year period from 1 October 2013 with these fees to take immediate effect.

The Council will review its fee structure for the Scrap Metal Dealers Act within 12 months of this date.

28 **Dates of Future Committee Meetings**

The Chairman indicated that the next planned meeting of the Licensing Committee on Monday 2 December would be cancelled if the Public Protection Team had no business for the Committee to deal with. In that instance the next meeting would be on Monday 3 February 2014.

29 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.30pm to 2.50pm)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services, direct line 01225 713015, e-mail lisa.pullin@wiltshire.gov.uk

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 23 OCTOBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Christine Crisp, Cllr Bill Douglas, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman), Cllr Nick Watts (Substitute) and Cllr Philip Whalley

Also Present:

Cllr Jane Scott OBE

129 **Apologies**

Apologies were received from Cllr Marshall and Cllr Packard.

Cllr Packard was substituted by Cllr Watts.

130 **Minutes of the previous Meeting**

The minutes of the meeting held on 2 October 2013 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

131 **Declarations of Interest**

There were no declarations of interest.

132 **Chairman's Announcements**

There were no Chairman's announcements.

133 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

134 **Planning Appeals**

The Committee noted the contents of the appeals update.

135 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications **7a** and **7b** as listed in the agenda pack.

136 **13/02605/FUL - The Kingfisher, Chippenham**

Public Participation

Dr Eva Detko and Mr Peter Eccott spoke in objection to the application.
Nick Charlton spoke in support of the application

The officer introduced the report which recommended that authority be delegated to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement; and subject to planning conditions.

The Committee noted negotiations between the applicant and officers which had resulted in a change in the design to 2 storey dwellings with a lower roof pitch.

The Committee then had the opportunity to ask technical questions and it was confirmed that the proposal resulted in a 30% reduction in current parking space. There had been no survey on how many vehicles used the car park, however highways officers had considered the application and raised no objections. Attention was drawn to the late observations where the statement requiring a maximum of 30 spaces was found to be incorrect. Officers confirmed that there were no concerns over privacy and were confident no light would be taken from surrounding gardens.

Members of the public then address the Committee as detailed above.

The Local member, Cllr Peter Hutton spoke in objection to the application. He raised concerns over the lack of local engagement, the design being out of character and the impact of the reduction in parking spaces on the neighbouring roads, in particular on emergency access to Barons Mead where there was a predominantly elderly population.

A motion to recommend refusal due the, size, scale and layout and the design being out of character with the area, making reference to policy C3(i) was proposed and seconded.

In the debate that followed the Committee discussed whether the application was out of character with the street scene and the impact of the reduction in parking spaces.

Resolved:

To REFUSE planning permission for the following reason:

Policy C3(i) of the North Wiltshire Local Plan 2011 states that new development should respect the local character and distinctiveness of the area. It is considered that the proposed development, by reason of its siting, scale, mass, design, and density would represent an overdevelopment of the site, to the detriment of the character and appearance of the local area. Furthermore, the design of the proposed development and its relationship with Hungerdown Lane is out of keeping with the character and appearance of the street scene to the detriment of the area. As such the proposal fails to accord with Policy C3(i) of the adopted North Wiltshire Local Plan 2011 and section 7 of the NPPF.

137 **13/01495/FUL - Hill Hayes Lane, Hullavington**

Public Participation

Don Quinn, Mr Dave Martin and Caroline Stephens spoke in objection to the application.

Richard Wearmouth spoke in support of the application.

Sian Neill, Clerk to Hullavington Parish Council spoke in objection to the application

The officer introduced the report which recommended that permission be granted subject to conditions.

He noted that the application had been deferred from 11 September meeting for a site visit that allowed members to understand the location and landscape issues. A new fencing proposal had been submitted that was deer proof and more agricultural in appearance.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that any subsequent application would be considered on individual merits, should the Committee be minded to approve the application it would be a material consideration on any application made for the adjacent fields. The footpath on the west side of the application did not intrude on the site. Landscaping plans included filling gaps in the hedge line. No response had been received from the MOD or the CAA to the consultation.

Members of the public then had the opportunity to address the Committee as detailed above.

The local member, Cllr Jane Scott OBE spoke in objection to the application, explaining that, whilst not against the principle of solar farms, she felt the location of this site was inappropriate. She highlighted the importance of receiving a response from the MOD given the potential future use of the airfield as part of the rebasing programme, and drew attention to the landscaping not shielding during the winter months. If the Committee were minded to approve the application she asked that the fields be sown to manage the weeds and allow grazing and the roads and verges to be returned to their existing state.

In the debate that followed the Committee discussed the need to have a reply from the MOD and the CAA to the consultation and for remedial work to be completed on roads and verges.

Resolved:

To DELEGATE to the Area Development Manager to grant planning permission subject to receipt of written acknowledgement from the Ministry of Defence and the Civil Aviation Authority to confirm they had seen the consultation, and for the rewording of conditions 4 and 8 below in consultation with the Chairman of Area Planning Committee, for the following reason:

The proposed development, by reason of its siting, size, scale, design and materials, will not adversely affect the character or appearance of the host landscape or the setting of the Cotswolds AONB, nor will it result in detriment to highway safety once operational. As such, the proposal accords with Policies C2, C3, NE4, NE15 and NE16 of the adopted North Wiltshire Local Plan 2011 and Sections 10 and 11 of the National Planning Policy Framework.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: In the interests of visual amenity and the character and appearance of the area.

- 3 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the facility or completion of the development, whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 No development shall commence on site until full construction details of both access points for the construction phase and operation phase have been submitted and approved in writing by the Local Planning Authority. These details shall include how the design incorporates the swept path (for lorry of 16.6m). The access shall be properly consolidated and surfaced (not loose stone or gravel) for a minimum of the first 10m. A scheme for discharge of surface water from site (including surface water from access) incorporating sustainable details and details for piping of the ditch. The development shall not be first brought into use until surface water drainage and piping of the ditch has been constructed in accordance with the approved scheme. The access shall be maintained as such thereafter. No development shall commence on site until the access has been constructed in accordance with the submitted plans.**

REASON: To ensure that the development can be adequately drained.

- 5 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**

REASON: In the interests of highway safety.

- 6 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the**

carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 60 metres either side of the entrance from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 7 No part of the development hereby permitted shall commence until the parking area and turning area shown on the temporary construction compound and location (Figure 3) has been surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times during the construction phase and removed and the land restored to its former condition on or before the date six months from the development being first brought into use. The same compound shall be provided in advance of the first removal of buildings/solar panels from the site during the decommissioning phase and removed within three months of the land having been restored to its former condition.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 8 No development shall commence on site until a full condition survey of the agreed site access along Hill Hayes Lane has been carried out and approved in writing by the highway authority and compliant with Section 59 of the Highways Act. A further survey of the same route shall be carried out within 1 month of the first use of the development and agreed in writing by the highway authority. Any damage to the highway surface resultant of the construction works shall then be repaired within a period of 3 months of the first use of the development hereby permitted and the works approved in writing by the Local Planning Authority. The same process shall be following during the course of the decommissioning phase.

REASON: In the interests of highway safety.

- 9 No development shall commence on site until full construction details associated with the of the drawing titled 'Extents of required road widening' numbered Figure HU 03 related to Appendix A of the approved 'Construction Traffic Management Plan' have been submitted and approved in writing by the Local Planning Authority. The road widening works shall be completed in accordance with the approved details prior to the development works commencing at the site.

REASON: In the interests of highway safety.

- 10** No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site between the times of completion of development and commencement of decommissioning.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 11** No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 12** The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (Wessex Solar Energy, May 2013) and the surface water run-off management (SUDS) measures detailed therein. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

REASON: In the interests of flood prevention.

POLICY: National Planning Policy Framework paragraphs 100-103.

13 Prior to commencement of development, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include the following elements:

- **Protection of existing trees and shrubs**
- **Establishment of hedgerows, trees and shrubs to be planted**
- **Establishment / restoration of grassland habitats**
- **Long-term management of all hedgerows, ponds, and restored / created grassland**
- **Features to be installed for the benefits of protected / BAP fauna**
- **Ecological monitoring to inform future management at the site**

The development shall be carried out in accordance with the agreed Landscape and Ecological Management Plan and the site managed in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect and enhance biodiversity at the site

14 Within six months of the date 25 years after commencement of development or the date on which the facility permanently ceases to be operational, whichever is the sooner, all apparatus, buildings, hard standing and fencing shall be permanently removed from the site and the land restored to its former condition.

REASON: In the interests of preserving the long-term character and appearance of the site and its setting.

15 The development hereby permitted shall be carried out in full accordance with the submitted Construction Traffic Management Plan (Wessex Solar Energy, August 2013), including the following:

- a) **Loading and unloading of plant and materials;**
- b) **Access route and site entrance arrangements;**
- c) **Storage of plant and materials used in constructing the development;**
- d) **Wheel washing facilities;**
- e) **Measures for the protection of the natural environment;**
- f) **Hours of construction, including deliveries; and**
- g) **The parking of vehicles of site operatives and visitors.**

The construction traffic route shall be via Norton. No traffic

relating to the proposal shall access the site via Hill Hayes Lane from Hullavington (except in the event of an emergency). Any departures from the approved plan shall be agreed in writing by the Local Planning Authority in advance.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

16 The development hereby permitted shall be carried out in accordance with the following approved plans:

Figure 1.1 - Site Location Drawing
Figure 1.2 0 Site Boundary and Indicative Layout
Figure 4.1 - Indicative Mounted Panel Dimensions - Crystalline
Figure 4.2A - Hullavington Inverter Building
Figure 4.2B - Hullavington Control Building
Figure 4.3 - Indicative Access Track Cross-Section
LL87.03A - Landscape Masterplan

Received 15 May 2013

Figure 4.4 V2 - Indicative Security Fence Details

Received 15 July 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

- 1 Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 2 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- 3 Please note that the Planning Office does not have the facility to receive material samples. Please deliver material samples to site, with a notification to the planning office where they are to be found.**

138 **13/01436/LBC - Stonehaven, The Green, Biddestone**

Public Participation

Mrs Carolyn Madley spoke in support of the application.

Cllr Ashley Juniper, Biddestone Parish Council spoke in support of the application.

The officer introduced the report which recommended that listed building consent be refused.

They noted the existing 2 roof lights as being acceptable but an increase to three would result in awkward positioning, an over-cluttered look and further loss of historic fabric.

The Committee then had the chance to ask technical questions and it was confirmed that the roof lights were difficult to see from public highways but were visible from private land. A larger roof light on a lower roof was being changed to a smaller one and all other work was seen as an enhancement.

Members of the public then had the opportunity to address the committee as detailed above.

The local member, Cllr Jane Scott OBE, spoke in support of the application, noting the building was being renovated to a high standard.

In the debate that followed the Committee discussed the need for amended plans to show the existing roof lights as they are with the addition of a smaller roof light to the shower room.

Resolved:

That listed building consent is DELEGATED to the Area Development Manager to grant subject to receipt of amended plans that are satisfactory to the Area Development Manager showing retention of the existing roof lights plus the addition of one smaller roof light for the following reason:

The addition of a third, smaller roof light would not be detrimental to the aesthetic and historical value of the heritage asset and is in accordance with paragraphs 131, 132 and 134 of the National Planning Policy Framework 2012.

139 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.05 - 8.15 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line 01225 713948, e-mail kirsty.butcher@wiltshire.gov.uk

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 13 NOVEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Christine Crisp, Cllr Bill Douglas, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

Also Present:

Cllr Chris Caswill and Cllr Alan Hill

140 **Apologies**

Changes to membership

Following full Council on 12 November 2013 the membership of the Committee was changed as detailed below:

Cllr Howard Marshall removed as a committee member, added as a substitute

Cllr Simon Killane added as committee member.

Cllrs, Clark, Drewett and Chivers added as substitutes.

Apologies

Apologies were received from Cllr Simon Killane.

141 **Minutes of the previous Meeting**

The minutes of the meeting held on 23 October were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

142 **Declarations of Interest**

Cllr Trotman declared an interest in agenda item 7b as the land in question belonged to his cousin. He declared he would chair the item but would not take part in the debate or vote..

143 **Chairman's Announcements**

The Chairman introduced Eleanor Slack, Democratic Services Officer to the Committee.

144 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

145 **Planning Appeals**

The Committee noted the contents of the appeals update.

146 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications **7a** and **7b** as listed in the agenda pack.

147 **N/13/01067/DEM and N/13/01094/LBC - Chippenham Railway Station**

Public Participation

Maureen Lloyd and Cllr John Scragg, Chippenham Town Council spoke in support of the application

The officer introduced the report which recommended that no objection be made to the demolition notice and that listed building consent be granted subject to conditions.

He explained that the stepped access on the south side of the previously approved scheme had been the subject on a land ownership issue and it was this element that had been redesigned. The existing bridge was not contemporaneous with Great Western Railway (GWR) or the listed Brunel station building. The proposal added step free access to the central platform and the southern side, benefitting people with impaired movement, cycles and pushchairs. Attention was drawn to the late observations which addressed concerns over the dull grey colour used in illustrations by way of condition.

The Committee then had the chance to ask technical questions of officers and it was confirmed that the Committee could add a condition insisting on real stone

cladding around the lift towers. The height of the lift towers were dictated by both safety and the future line electrification.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Caswill addressed the Committee and raised concerns over the colour scheme and the redesign bring the structure closer to the listed building. He noted the improvements relating to lighting that had been made, and noted the criticism from conservation officers.

In the debate that followed Committee members noted their support and highlighted the need to add a condition regarding the use of real stone cladding. Late night access was discussed as was the need for a lift to be installed as soon as funds were available.

Resolved:

In respect of Listed Building Consent 13/01094/LBC

To GRANT Listed Building consent for the following reason:

The proposed demolition of the existing footbridge is considered to have a neutral or positive impact upon the setting of the Listed Building. The replacement footbridge is considered likely to cause some harm to the setting of listed building. However, the significant benefit to the community and users of the railway station through the creation of an accessible footbridge to the platform and rail services is considered to outweigh any harm that may be caused by the construction of the footbridge. The proposal is considered therefore to comply with the requirements of The National Planning Policy Framework.

Subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the materials to be used on the lift towers, to include real stone cladding, and finish and colour of the footbridge to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

3. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

REASON: To ensure that the development is implemented as approved.

INFORMATIVE

- 1. Wiltshire Council wish to ensure that there is as short a time period as possible between the removal of the existing footbridge and the first use of the new replacement bridge. This route is well used by local residents and, whilst the new bridge is considered to bring many benefits, the Councils would wish to see temporary inconvenience experienced when the route is not available minimized as far as possible. Similarly, the Council would also urge the applicants to seek to provide the third lift tower on the northern side of the railway line as soon as practically possible, as this will be of further benefit to the residents of Chippenham.**

In respect of 13/1067/DEM:

NO OBJECTION for the following reason:

The proposed demolition of the existing footbridge is considered to have a neutral or positive impact upon the setting of the Listed Building and the Chippenham Conservation Area. The replacement footbridge is considered likely to cause some harm to the Conservation Area and setting of listed building. However, the significant benefit to the community and users of the railway station through the creation of an accessible footbridge to the platform and rail services is considered to outweigh any harm that may be caused by the construction of the footbridge. The proposal is considered therefore to comply with the requirements of The National Planning Policy Framework and Policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011.

Subject to the following condition:

- 1. No development shall commence on site until details of the materials to be used on the lift towers and finish and colour of the footbridge to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: In the interests of visual amenity and the character and appearance of the area.

148 **N/13/03635/FUL - Dockers Yard, Calstone**

Public participation

Barry Penicud, Sam Young and Richard Godwin spoke in objection to the application.

Colin Meeke spoke in support of the application.

The officer introduced the report which recommended that the application be granted subject to conditions.

He drew attention to an error in the report that had been corrected in the late observations, confirming that the area in question was 4 acres, or 1.62 hectares, and noted the key issues of design and visual impact. The design of the application had been amended to a more traditional L shape and although drainage was a known issue and not yet solved officers had been advised in principle this could be achieved, therefore a condition had been added.

The Committee then had the chance to ask technical questions of officers, and it was confirmed that should members be minded to request green roofing to address the visual impact then the application could be delegated to grant subject to approval. The change of use related to the whole area indicated by the red line. No precedent would be set as there was a pattern of private stabling known throughout the area of outstanding natural beauty (ANOB). The fences or jumps referred to in condition 9 related to more substantial permanent fences with a lasting visual impact. There was no requirement on the applicant to remedy existing flooding problems, although any development must take account of its own impact. The current arrangements were unsatisfactory, however officers were content it was achievable to mitigate the works. No water supply was needed as immediate water needs were met by capturing and retaining run-off water.

Members of the public then had the opportunity to address the committee as detailed above.

The local member, Cllr Alan Hill spoke in objection to the application, explaining that it was a combination of issues around flooding, environmental considerations, lack of passing places on Greens lane and no mention of ANOB landscape plans in the officer's report.

In the debate that followed members discussed the inappropriateness of a 4 acre field being changed to equine use, given the potential to hold a cross country course, and whether permission should be granted if there was doubt on the implementation of the drainage scheme.

A motion to refuse the application was seconded, voted on and lost.

The need to delegate permission to allow for revised plans to be submitted showing a more suitable area for equine use with the majority of the area for grazing was highlighted, and it was agreed that a green roof would reduce the visual impact and be more in keeping with the landscape. Concern was raised over fences and jump being left out on the field.

Resolved:

To DELEGATE to the Area Development Manager to grant permission, subject to agreement of a restricted area for jumps and fences, adequate scheme of drainage and, notwithstanding the submitted details, an amended roof colouring:

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall not be brought into use until details of the finish to external timber, including any paint or stain to be used on the external walls and window joinery have been inspected on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use and maintained as such thereafter.**

REASON: In the interests of visual amenity and the character and appearance of the area.

- 3 The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter. The access shall be made to drain away from the highway, details of which should be approved in writing by the Local Authority.**

REASON: In the interests of highway safety.

- 4 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.

REASON: In the interests of highway safety.

- 5 No external lighting shall be installed on site unless approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- 6 The development hereby permitted shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme for the discharge of surface water from the site (including surface water from the access), incorporating sustainable drainage details.

REASON: To ensure that the development can be adequately drained.

- 7 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

REASON: In the interests of highway safety and to protect the living conditions of nearby residents.

- 8 No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site overnight.

REASON: In order to protect the living conditions of nearby residents and the rural character of the area.

- 9 No fixed or portable jumps, fences or other structures shall be placed anywhere on site outside of the area hatched on plan ref. [insert reference] without the written agreement of the Local Planning Authority.

REASON: In order to protect the rural character of the area.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plans:

1085 Sheet 1 rev 2 - Proposed Plans and Elevations and Location Plan

1085 Sheet 2 rev 2 - Proposed Block Plan

Received 7 October 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

149 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.40 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line 01225 713948, e-mail kirsty.butcher@wiltshire.gov.uk

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NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 4 DECEMBER 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Chris Caswill, Cllr Howard Greenman and Cllr Dick Tonge, Cllr Chuck Berry (Substitute), Cllr Bill Douglas, Cllr Mollie Groom, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane, Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

Also Present:

Cllr Chris Caswill, Cllr Dick Tonge

1 Apologies

Apologies were received from Cllr Christine Crisp.

Cllr Christine Crisp was substituted by Cllr Chuck Berry.

2 Minutes of the previous Meeting

The minutes of the meeting held on 13 November were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

3 Declarations of Interest

There were no declarations of interest.

4 Chairman's Announcements

There were no Chairman's announcements.

5 Public Participation and Councillors' Questions

The Committee noted the rules on public participation.

6 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and available on the website with the agenda pack, in respect of applications **13/02453/FUL**, **13/04030/FUL**, **N/13/2191/FUL**, **13/01776/OUT** and **13/01856/CAC** as listed in the agenda pack.

7 **13/02453/FUL - Woodman's Cottage, Bowden Hill, Lacock, SN15 2PW**

Public Participation

David Pierce and Tony Gill spoke in support of application.

The officer introduced the report which recommended that planning permission be refused.

He explained that a previous planning application to extend the rear of the property had been refused, and was dismissed on appeal. Attention was drawn to the late observations which detailed the comments of the Inspector in his decision to dismiss the previous application, and in particular the views and issues that the Inspector considered to be relevant in relation to that proposal. Although the proposal before the Committee was for a smaller extension than the previously refused application, its scale and massing did not overcome the previous reasons for refusal and subsequent appeal dismissal.

The Committee then had the chance to ask technical questions of officers and it was confirmed that as the property had already been extended the potential was there to lose the integrity of the original cottage. Removing the conservatory could benefit the character however its loss did not justify the scale of the extension.

Members of the public then addressed the committee as detailed above.

The local member, Cllr Tonge addressed the committee and highlighted the lack of objection from the National Trust, Parish Council and local community. He noted extensions to other properties in the local area being out of character, the remote location of the property and its ability to blend into the countryside.

In the debate that followed Committee members discussed their support for the application. They noted the benefit of removing the conservatory and replacing it with an extension, and felt as there were no objections the local community

and Parish Council interests had been looked after. It would promote the enjoyment of the building.

Resolved:

To DELEGATE to the Area Development Manager to grant permission subject to conditions on materials, design and those necessary for the conservation area, the wording of which to be drafted by officers

REASON:

When assessed in conjunction with the already extended property, the additional massing is considered appropriate. It is considered appropriate within the setting of Bowden Hill Conservation Area. It therefore complies with the aims of policies C3, HE1 and H8 of the North Wiltshire Local Plan 2011 and Section 7 of the National Planning Policy Framework 2012.

8 **13/01065/FUL - Sheldon Business park, Sheldon Corner, Chippenham, SN14 0SQ**

Public Participation

Angus Boyd and Cllr Paul Reynolds spoke in objection to the application.

Ben Pierce spoke in support of the application.

The officer introduced the report which recommended that planning permission be granted subject to conditions.

She explained that the application was for a B2, heavy industrial unit. A previous planning application to expand the site into the adjacent grassy area was rejected as it was deemed to be an encroachment on the countryside, however the landscaping in the proposal was all contained within the existing site. The proposed building was similar design to the converted agricultural units currently on the site. Units previously identified as B1 or B2 use had been found to be under B8 occupation and an application to change the use on these had been granted. The site had 77 parking spaces overall which was considered an over provision after the reclassification of buildings. This is now reduced to 69 to allow for better turning space.

There were no technical questions asked.

Members of the public then addressed the Committee as detailed above.

The Local Member, Cllr Greenman spoke in objection to the application, noting it's rural location, significant access concerns and availability of alternative facilities nearby.

In the debate that followed the Committee noted that it was unfair to ask the applicant to address historic issues around highways safety. It was acknowledged that whilst the site management strategy would detail allocation of areas for commercial vehicles, delineated parking spaces, good practice and condition delivery hours it was not possible to govern roadway. The provision of employment in the area was noted.

Resolved:

Planning permission be GRANTED subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The new commercial building shall not be brought into use until all of the car parking spaces as identified on plan LDC.1620.A.002C have been painted and laid out across the site. The applicant shall write to the Local Planning Authority to arrange a site meeting to demonstrate that the parking spaces have been provided in accordance with the plan in order to discharge the condition.

REASON: In the interests of Highway Safety.

3. The Business Park shall operate under the submitted Site Management Strategy Document at all times unless authorised by the Local Planning Authority.

REASON: In the interests of Highways Safety.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the adjacent building (Unit 14).

REASON: In the interests of visual amenity and the character and appearance of the area

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features

6. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times nor any time on Sundays or Bank Holidays except in an emergency:

0800 to 1800 Mondays to Saturdays inclusive.

REASON: In the interests of neighbouring amenity

7. The level of noise emitted from the site shall not exceed 45 dBA_{Leq} 1hr at any time, as measured by the boundaries of the site.

REASON: In the interests of neighbouring amenity

8. The unit permitted shall only be used for Class B2 Business Use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no change of use shall take place without the prior grant of express planning permission.

REASON: In the interest of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or

without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of amenity

10. There shall be no external storage for the new building as this would interfere with the designated parking areas and bin storage as set out in the Site Management Document.

REASON: In the interests of visual amenity and highway safety

11. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan - Received 4 April 2013

Proposed Building Plan - Received 4 April 2013

Topographical Survey - Received 4 April 2013

Revised Site Plan 002D - Received 19 November 2013

Site Management Strategy Document - Received 8 October 2013

REASON: For the avoidance of doubt and in the interests of proper planning

9 13/04030/FUL - St Mary's School, Curzon Street, Calne, SN11 0DF

Public Participation

David Smith, Gillian Rupp, Martin Fine and Cllr Heather Canfer (Calne Town Council) spoke in objection to the application.

The officer introduced the application which recommended that planning permission be granted subject to conditions.

She explained that planning permission for the construction of a sports hall, swimming pool and squash courts had been granted in 1998. The proposal before the Committee was a revision to the existing permission although it was slightly smaller in size. It amended the design and detail to reduce the impact on the listed building and wall and made improvements to the materials and

finish previously agreed. The proposal included the relocation of 20 existing parking spaces to another location with an additional space.

The Committee then had the chance to ask technical questions and it was confirmed that the listed cottage next to the site was owned by the school. The Committee noted that if they refused the application, the school could build a sports hall of a larger size under the 1998 permission. It was confirmed that the access to the school would not change and that the existing swimming pool and proposed sports hall would be used principally by the school.

The public then addressed the Committee as detailed above.

The local member, Cllr Trotman addressed the Committee and spoke in objection to the application.

In the debate that followed the Committee noted the additional and amended conditions seen on the late observations. The need to be mindful of funerals in the cemetery and use of materials with a higher acoustic value was discussed. The need to use shutters/blinds at night was agreed.

Resolved:

To GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

- 2) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: In the interests of visual amenity and the character and appearance of the area.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2770D, 2771B, 2003B, 2040A, 2044A, 2041A, 2040A, 2043A, 2201D, 2043A, 2102F, 2001C, 2200G, 2204B dated 20th August 2013, 2103A dated 30th**

October 2013; 2100 Issue L, 2101 Issue M, 2102 Issue G, 2300 Issue L dated 3rd December 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

- 4) No part of the development hereby approved shall be first occupied until the parking area for shown on the approved plans for all 102 spaces has been consolidated, surfaced, de-lined and laid out in accordance with the approved details (Highways - Proposed Car Parking Layout, Project 118, Ref 2770, issue D). This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 5) The sports hall hereby permitted shall not be occupied at any time other than for purposes ancillary to St Mary's School or wider public under the format of St Mary's Sports Club.

REASON: In the interests of highway safety

- 6) No development shall commence on site until a School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. The School Travel Plan shall also demonstrate that the sixth form students shall remain car free.

REASON: In the interests of road safety and reducing vehicular traffic to the development

- 7) Prior to the commencement of the development hereby permitted, details of a construction method statement shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved methodology.

REASON: To protect the listed wall and the amenity of the area in general.

- 8) Prior to the first use of the development hereby permitted the high level windows in the south west elevation, facing the cemetery,

shall be fitted with blinds which shall be closed at all times when dark outside. The blinds shall remain permanently in place unless otherwise approved in writing by the local planning authority.

REASON: In the interests of residential amenity.

- 9) Any external plant shall be so sited and designed as to meet a rating level (BS4142:1997) of 35dB at any boundary adjacent to residential properties.

REASON: In the interests of residential amenity.

- 10) Prior to the commencement of the development hereby permitted, details of the external lighting scheme shall be submitted to and approved in writing by the local planning authority. Any lighting scheme for the development shall be fully compliant with Zone E2 (Rural) criteria and shall be permanently maintained unless otherwise approved in writing by the local planning authority.

REASON: In the interests of residential amenity.

- 11) Any rooms which can involve amplified music/headsets for dance/fitness sessions shall be fully air conditioned so that all windows can be kept closed at all times

REASON: To prevent noise escape.

INFORMATIVE: The Construction Method Statement conditioned by condition 7 should include, amongst other things, details of the levels, construction in relation to the listed wall, acoustic performance of the materials used and details of how the applicant will deal with construction noise at the time of funerals taking place in conjunction with the funeral operator.

10 **13/02191/FUL - Spittleborough Farm, Swindon Road, Lydiard Tregoze, Royal Wootton Bassett SN4 8ET**

Public participation

Kate Covill and Peter Gantlett spoke in support of the application

Cllr Peter Willis (Lydiard Tregoze Parish Council) spoke in objection to the application.

The officer introduced the application which recommended that planning permission be granted subject to conditions.

He explained that proposed site was agricultural land beside the M4. Under the proposal, solar panels would be grouped in lines and will be 2.5 meters high. The panels would not cover the pipeline running through the site, and two areas of archaeological interest would be left clear. Footpaths running through the site would not be diverted as part of the scheme. The site has good access to the national grid due to close power lines. The proposal included a condition that following 25 years, or cessation of use, the site would be returned to agricultural land. He noted that Highways Agency raised no objection to the development which would include planting on the boundary to screen the M4.

The officer drew attention to the late observations which stated that condition 12 in the original proposal was no longer required.

The Committee then had the opportunity to ask technical questions and it was confirmed that the Highways Department were satisfied with how the panels would be fixed and Sustrans opinion had been sought

Members of the public then addressed the committee as detailed above.

The local member, Cllr Groom then addressed the Committee, explaining that the reasons for call-in had been mitigated where possible.

In the debate that followed, the Committee noted their support for and the need to encourage green energy sources.

Resolved:

To GRANT planning permission subject to conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The Local Planning Authority shall be notified in writing within one month of the event that the solar array hereby approved has started to feed electricity to the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 25 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.**

REASON: In the interests of amenity and the finite operation of this type of development.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

Drawing Nos:

**SH-P-001 Rev 00 1:25000 Location Plan
SH-P-002 Rev 00 1:5000 Existing site
SH-P-002 Rev 01 1:2500 Existing site
SH-P-003 Rev 00 1:5000 Proposed site plan
SH-P-004 Rev 00 1:5000 Existing topography
SH-P-007 Rev 00 1:1000 Long section North to South
OR-001 Rev 10 1:50 Solar Mounting & modules twin pile
OR-002 Rev 10 1:50 Perimeter security deer fencing
OR-003 Rev 10 1:100 Combined DNO & EPC Switchgear Housing
OR-004 Rev 10 1:50 Typical site fence & maintenance details
OR-005 Rev 10 Site welfare & storage/office facilities
OR-006 Rev 10 1:25 Site security and MET monitoring
OR-007 Rev 10 1:100 Inverter housing (Type: Central)
OR-008 Rev 10 1:50 Site storage
3001 Rev A Conceptual Suds Layout 1 of 2
3002 Rev A Conceptual Suds Layout 2 of 2**

Documents:

**Planning Statement
The Proposal
Design & Access Statement
Landscape & Visual Impact Assessment
Heritage Desk-Based Assessment
Notes/Plan for Glint & Glare Analysis
Extended Phase 1 Habitat Survey
Great Crested Newt Survey Report
Statement of Community Involvement
Access Appraisal
Agricultural Assessment
All above dated 11th July 2013**

Revised and additional information:

**2No colour photos of the site as viewed from and near the M4
31st July 2013
Revised SH-P-004 Rev 02 1:1500 Existing Topography
24th September 2013
Revised SH-P-005 Rev 02 1:1000 Topographic Survey Sections
24th September 2013
Additional Noise Report**

27th September 2013

Revised Flood Risk Assessment incorporating sustainable drainage system

11th October 2013

Additional Ecological and Land Management Plan

23rd October 2013

Amended Construction Management Plan

24th October 2013

Additional ITB9046-SK-004 Construction Access Visibility

24th October 2013

Additional ITB9046-SK-005 Temporary construction access low loader visibility

24th October 2013

Additional SH-P-111 Rev 00 Access Compound & Visibility

29th October 2013

Additional Proposed Connection Arrangement

29th October 2013

Additional copy of letter from Scottish & Southern Energy agreeing to Point of Connection for proposed solar park including 1:10000 drawing of connection

29th October 2013

Revised Landscape Strategy

13th November 2013

Revised SH-P-003 Rev 12 1:2500 Proposed site plan

18th November 2013

**Additional Dwg No: OR-101 Rev 00 Cross Section through Access roads
Dated 27th November 2013**

Additional Dwg No: SH-P-202 Rev 00 Proposed temporary protection of archaeology

Dated 28th November 2013

Additional Tree Report Dated 27th November 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

- 4) Within six months of the commencement on site, a scheme for the Decommissioning and Restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to fully agricultural use upon the development no longer being in operation or upon the expiry date of 25 years and six months of from the date of this planning permission whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.**

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

- 5) The proposal shall be carried out in accordance with the 'Construction Traffic Management Plan' Dated October 2013 (attached). If there are any departures from the plan, departures will need to be agreed in writing by the LPA prior to actions or works being carried out on site. Deliveries or vehicular movements with HGVs are prohibited before 10am and after 3.30pm (i.e. HGV deliveries only between 10am-3.30pm). This is to avoid the peak hour traffic conditions on the A3102 in this location. The construction traffic access route shall be via roundabout west of the site on A3102 and shall result in left turn in only movements.

REASON: In the interests of Highway safety.

- 6) No development shall commence on site until full construction details of both access points for both the construction phase (in accordance with drawing 'Construction Access Visibility ITB9046-SK-004 dated 18.10.13) and operation phase has been submitted and approved in writing by the LPA. The access points shall be properly consolidated and surfaced (not loose stone or gravel) for a minimum of the first 10m. A scheme for discharge of surface water from both sites (including surface water from access) and piping of the ditches shall be provided. The development shall not be first commenced until the access has been constructed in accordance with the approved details. The access shall be maintained as such thereafter.

REASON: To ensure that the development can be adequately drained.

- 7) No part of the development shall commence until the parking area (temporary construction compound), passing bay, turning area and wheel washing facilities, shown on the Access, Compound and Visibility SH-P-111 dated 10.10.13 and Proposed Site Plan SH-P-003 11 (dated 30.10.13) have been constructed and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 8) No development shall commence on site until visibility splays have been provided at both access points and have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 215 metres either side of the entrance from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway. (In accordance with drawing 'Construction Access Visibility ITB9046-SK-004 dated 18.10.13)

REASON: In the interests of highway safety.

- 9) A condition survey of the highway network relating to the access routes to the site shall be carried prior to the commencement of the works, the survey shall be carried out by the applicant in conjunction with the highway authority, in compliance with Section 59 of the Highways Act, to ensure that as a result of the proposal the existing condition of the highway network is maintained. If as a result of the construction phase damage to the highway network has been identified, within 3 months of the identification the damage, the works shall be remedied.

REASON: In the interests of maintaining the existing condition of the highway network.

- 10) No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 11) There shall be no external lighting (outside the construction phase) of any kind erected on the site unless otherwise agreed in writing in the form of a separate planning permission in that regard.

REASON: In the interests of visual amenity in the open countryside.

- 12) Prior to commencement of the development an Ecological Monitoring and Management Plan shall be submitted to and approved in Prior to the commencement of the development, a

Construction Environmental Management writing by the Local Planning Authority. The plans shall include the following elements:

- **Maintain the root protection area around the existing and proposed trees to be planted in accordance with the Landscape Strategy received 13.11.2013.**
- **Fill in hedgerows 'gappy' hedgerows with native species and maintain a buffer zone of 5m around hedgerows**
- **Establishment of the native tree planting as shown on submitted Landscape Strategy**
- **Create at least one replacement pond within the site to create a new wetland habitat**
- **Maintain a minimum of a 5m buffer for all watercourses and maintain management to prevent encroachment and maintain/enlarge open sections. Avoid damage to water vole populations/burrows/habitats by preventing screening vegetation on the southern or both banks of the watercourses.**
- **Sow appropriate and species rich seed mixes for over-wintering birds**
- **Submit pre-commencement habitat manipulation details so as to prevent damage reptile populations and loss of supporting habitats**
- **Features to be installed for the benefits of protected/BAP fauna**

The development shall be carried out in accordance with the agreed Construction Environmental Management Plan and all elements of the approved plan shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect and enhance the biodiversity across the site.

13) Prior to the commencement of the development an Ecological Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following elements:

- **Management of existing and proposed trees**
- **Management of hedgerows at a height no less than 3m high**
- **Management of retained/restored/created grassland**
- **Features to be installed for the benefits of protected/BAP fauna**
- **Ecological Monitoring to inform future management at the site.**

The development shall be carried out in accordance with the agreed Construction Environmental Management Plan and all elements of the

approved plan shall be implemented unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect and enhance the biodiversity across the site.

14) All soft landscaping compromised in the approved details and strategy of the Landscape Strategy and Mitigation Proposals received on 13.11.2013 shall be carried out in the first planting and seeding season following the completion of the development whichever is sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which within a period of five years, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All landscaping shall be carried out in accordance with the approved details prior to the completion of the solar park or in accordance with a programme to be agreed in writing with the local planning authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

15) No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each existing and proposed trees and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

16) No development approved by this permission shall be commenced until a detailed surface water run-off limitation scheme, together with supporting calculations has been submitted to and approved in writing by the local planning authority . The submitted details shall clarify the intended future ownership and maintenance of all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON: To prevent any increased risk of surface water flooding associated with the installation of the solar farm development.

CONDITION NOTE: *It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water management on the site, in order to prevent the possibility of the rate of run-off exceeding the existing greenfield rate and to reduce any pollution risks associated with potential soil erosion during/immediately after construction. These techniques involve controlling any sources of increased surface water and include:*

a) Interception and reuse; b) Porous paving/surfaces; c) Infiltration techniques; d) Detention/attenuation and e) Wetlands.

INFORMATIVES

1) The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise

the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- 2) The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who is responsible for issuing licences relating to development on the site of badger setts.**
- 3) The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or roosting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.**
- 4) There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.**

11 **13/01776/OUT - Langley Park, Chippenham, SN15 1GE**

Public participation

Jo Davis spoke in support of the application.

Tim Woodward spoke in objection to the application.

The officer introduced the proposal, drawing attention to the recommendation in the late observations which recommended that permission be delegated to the

Area Development manager to grant subject to a section 106 agreement and conditions

He corrected an error in the report, confirming that 115 dwellings were proposed. He highlighted that zoning will be used to control the type of buildings to be constructed in each area.

The Committee then had the opportunity to ask technical questions and it was confirmed that a condition would protect the zones proposed, and any changes to them would have to be approved by the Committee. Attention was drawn to an error in condition 35 of the report, and it was clarified that the supermarket could sell 20 per cent comparison goods. Conditions would control parking in the supermarket car park and ensure access from Langley Park to the train station.

Concern over traffic flow problems, which would be partially alleviated by the new link road and the installation of traffic signals at the Little George Roundabout. The Retail Impact Assessment indicated that the development would have no adverse impact on Chippenham town centre.

Queries over the heads of terms for the Section 106 agreement confirmed that as there was no impact on the town centre there was no justification for a contribution in that area. Had it been possible to get more money for education it would have been asked for. The 30% affordable housing was in line with the current local plan policy and to ask for any increase would weigh on the viability of the proposal. The Committee noted the need to show the funding required by the Chippenham Transport Strategy within the Section 106 proposal. Although the parking was not owned by Wiltshire Council the applicants were happy for a condition which would allow its use by town centre visitors.

Members of the public then had the opportunity to address the committee as detailed above.

The local member, Cllr Caswill addressed the Committee. He urged the Committee to defer the application. He noted that the development was crucial for Chippenham, and supported the demolition of the majority of the existing buildings. Social housing was a vital issue, and he praised the extensive public consultation. He highlighted the need to ring-fence funding for the pedestrian lift at the railway station. He noted concerns regarding the impact of the development on the town centre, additional traffic and highways issues, the lack of open space, the effect on near-by housing and the loss of the White House.

In the debate that followed the benefits of the development to the community were noted. The proposal included a significant contribution to public openspace; and many of the highways issues were pre-existing and would not be resolved by the applicant.

Resolved:

In respect of 13/01776/OUT:

To DELEGATE to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement which should be approved by the Head of Sustainable Transport and the Head of New Housing; and

To DELEGATE to the Area Development Manager to alter, remove and add additional planning conditions prior to the issuing of the decision notice

The heads of terms for the planning obligation under section 106 of the Town and Country Planning Act 1990 are as follows:

Affordable Housing

30% on site affordable housing (70:30 social rented/shared equity provision)

Highways Contributions

£1.4m offsite highways work including junction improvements to Little George roundabout and a new junction at Pew Hill or works to be undertaken by the applicant /developer under section 278 agreement

£100,000 financial contribution to Wiltshire Council to deliver a DDA compliant lift on the northern side of the existing public foot/cycle bridge across the railway. Financial provision offered for a five year period and refundable to the applicant/developer if the works are not carried out in this time.

£100,000 financial contribution to improvements to Old Road to encourage foot and cycle connectivity into the town centre or works to be undertaken by the applicant/developer under a Section 278 agreement

Delivery of a new vehicle access through the application site to the boundary of the northern station car park to reduce traffic movements along Old Road. The details and final alignment of this route will be the subject of a future reserved matters application.

Secure a possible future landing point on the northern side of the railway within the application site for a new foot/cycle link across the railway line. The desired route is subject to external funding being identified and secured to deliver any foot/cycle bridge. The exact location of the landing point will be the subject of a future reserved matters application.

Public Transport

£200,000 financial contribution to subsidise a new public transport route through the development site for a 3-4 year period.

Provision of bus stops along proposed internal link road.

Public Open Space

£250,000 financial contribution to off-site public open space improvements (£50,000 allocated to Built Leisure Facilities (Halls, Bowls, Artificial Turf etc) and £200,000 allocated to off-site open space and play facilities

Education

£310,000 financial contribution to education to be split between secondary and primary education

And subject to the following conditions:

- 1) Application for approval of the reserved matters specified in Condition 3 below, accompanied by detailed plans and full particulars, must be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
- 2) The development hereby permitted must be begun not later than the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**
- 3) Details of the following reserved matters shall be submitted to and approved in writing by the Local Planning Authority for each plot before any part of the development of that plot is commenced and shall be implemented as approved:**
 - (a) Layout,**
 - (b) Scale,**
 - (c) Appearance**
 - (d) Access**
 - (e) Landscaping**
- 4) The development hereby permitted shall not be carried out except in broad accordance with the details shown on the submitted plans and documents, as detailed below:**

**Parameter Plan: Landscape – SK28-23 C
Parameter Plan: Movement – SK28-22- D
Parameter Plan Building Height – SK28 -21- D
Parameter Plan Land Use – SK28-20 –D
Master Plan- SK28-3 REV F
Highway Plans- IMA 12 066 015 Rev F
IMA 12 066 028
IMA 12 066 029
Technical Documents-
Planning Statement**

**Design & Access Statement
Transport Assessment
Environment Statement
Drainage Statement**

- 5) No development shall commence on any plot of the development until full details of the colour, finish and texture of all new materials to be used on all external surfaces, for all buildings within that phase, together with samples of the facing materials and roof treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
- 6) No development shall take place on any phase of the development until details of the construction of all walls, fences and other means of enclosure for that phase of development has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and complete prior to the first occupation of the unit.
- 7) The landscaping scheme for each plot of development, as required by condition 3 shall include:
 - a) indications of all existing trees and hedgerows on the phase of development;
 - b) details of any trees to be retained, together with measures for their protection in the course of development;
 - c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - d) finished levels and contours;
 - e) means of enclosure;
 - f) car park layouts;
 - g) other vehicle and pedestrian access and circulation areas;
 - h) hard surfacing materials;
 - i) minor artefacts and structures (e.g. furniture, bin and cycle stores and other storage units, signs, lighting etc);
 - j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - k) details for the intended treatment of all boundaries of the phase of development

The above details shall be provided prior to the first occupation of any part of the plot to which the above details relate.

- 8) Any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be

replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted;

- 9) The development shall comply with the following requirements:
- i. the hotel shall not exceed 3530 sq ms.
 - ii. the buildings to be used for B1 & B2 use shall not exceed 3901 sq ms.
 - iii. the buildings to be used for D2 use shall not exceed 2787 sq ms.
 - iv. The building to be used for food retail purposes shall not exceed 3530 sqms net sales area
 - v. The buildings used for A1 shall not exceed ?? sqms
 - vi. Max number of residential units shall not exceed 115 units.
- 10) Prior to the first occupation of any building within the site, details and locations of the proposed signage for the footpaths and cycleways within the site directing people to the Town Centre and Railway Station shall be provided to and approved in writing by the Council. These signs shall be installed in accordance with the approved details and within 6 months of the first occupation of any building on site.
- 11) Prior to the removal of the building on Hathaway Retail Park shown for demolition on plan SK28-3 REV F full details of the colour, finish and texture of all new materials to be used on all external surfaces, together with samples of the facing materials and roof treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
- 12) The retail store shall not be occupied until the building on Hathaway retail park shown for demolition has been demolished, all resulting materials and waste removed from the site and the new access provided.
- 13) Prior to the occupation of the food retail unit the new access into the existing northern surface level railway car park shown on Parameters Plan- Movement (SK28-22D) shall have been provided. The access shall thereafter be retained and made available for use by the general public.
- 14) No retained tree as shown on the Tree Survey plan within the Supplementary Arboricultural Report received by the Local Planning Authority on 2 August 2011 shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval

of the Local Planning Authority. All tree works shall be carried out in accordance with BS5837:2005 (Recommendations for Tree Work) and should be carried out before the commencement of any works.

- 15) No development, shall commence unless and until a combined ecological and landscaping management scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme must include all aspects of environmental enhancements and landscaping and details of species to be planted, timing of works, programme of implementation and future management with monitoring if deemed necessary by the Local Planning Authority. The agreed scheme shall be implemented in the first planting season following the first occupation of the development and shall be thereafter retained.
- 16) No development shall take place until a scheme of highways improvement in accordance with Drawing Numbers IMA 12 066 015 Rev F, IMA 12 066 028 & IMA 12 066 029 including the approval of necessary departures from standard, has been fully implemented and is constructed and open to traffic.
- 17) No building in each plot shall be first occupied until access, loading areas, car and cycle parking serving it have been provided in accordance with the approved plans for that plot and shall be thereafter retained.
- 18) The development hereby permitted in each plot shall not be first occupied until a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has been submitted to, and approved in writing by, the Local Planning Authority. The development shall not then be occupied until the scheme has been implemented.
- 19) No development shall take place on any plot of the development, until a Construction Method Statement for that plot has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel cleaning facilities;
 - vi. measures to control the emission of dust and dirt during construction;

- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. measures to control noise during construction;
- ix. a signage strategy for construction traffic.

20) No building hereby permitted shall be occupied until foul and surface water drainage works have been implemented for that building in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

21) No external construction works or related deliveries shall take place outside 0700 to 1800 hours on Mondays to Fridays or 0700 to 1300 hours on Saturdays not at any time on Sundays or Bank and National Holidays except in an emergency.

22) Development shall not commence on any plot approved under condition 3 of this permission until that plot has been subject to a detailed scheme for investigation and recording of contamination of the land and risks to the development, its future uses and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for the disposal of surface water during remediation. The remediation works shall be carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is

investigated and remediation measures, approved in writing by the Local Planning Authority have been implemented.

23) Prior to the first occupation of any building on site, other than site clearance and demolition, full details of all site access arrangements shall have been completed in accordance with details, which shall have been submitted to, and approved in writing by the Local Planning Authority beforehand.

24) No artificial lighting shall be installed unless full and precise details of the lighting scheme have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- i. A statement setting out why a lighting scheme is required, and the frequency and length of use in terms of hours of illumination throughout the year.**
- ii. A site survey showing the area to be lit relative to the surrounding area, the existing landscape features and proposed landscaping features to mitigate the impacts of the proposed lighting.**
- iii. Details of the make and catalogue number of any luminaires/floodlights.**
- iv. Size, type and number of lamps fitted within any luminaire or floodlight.**
- v. The mounting height of the luminaires/floodlights specified.**
- vi. The location and orientation of the luminaires/floodlights.**
- vii. A technical report prepared by either a qualified lighting engineer or the lighting company setting out the type of lights, performance, height and spacing of lighting columns. The light levels to be achieved over the intended area, at the site boundary and for 25 metres outside it.**
- viii. The lighting shall be constructed and installed in full accordance with the approved details and shall thereafter be maintained in full accordance with the approved details.**

25) No development of the food retail unit shall take place until full details of all proposed fixed plant installed on the building and/or site (and including all mitigation measures screening) has been submitted to and agreed in writing by the Local Planning Authority. Such details shall include confirmation that the plant will not exceed -5dB below the lowest background noise level and that noise rating not exceed 37dB when measured at the nearest residential properties. Development shall be carried out in complete accordance with such details so agreed and shall remain in that condition thereafter.

- 26) Prior to the first use or occupation of the food retail unit development hereby permitted details of the method of managing public access to the whole site outside the hours of opening of the superstore, shall be submitted to and approved in writing, by the local planning authority. The approved management plan shall be implemented prior to the first use of the development hereby permitted and permanently maintained thereafter.**
- 27) No development shall commence on the food retail until a scheme to restrict shopping trolleys leaving the site has been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use until the approved scheme has been brought into operation. The approved scheme shall be maintained in operation in accordance with the approved details.**
- 28) No development shall take place on the food retail unit until details of secure covered cycle parking for both customers and staff (together with associated changing and shower facilities for staff) have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.**
- 29) Prior to the first occupation of the food retail unit the highway works, bus stop facilities and on-site pedestrian and cycle routes, including the link to the northern surface level railway station car park, shall be complete and in accordance with those general details shown on plan number SK28-3 REV F and full details of such highways works, which shall have first be submitted to and approved in writing by the local planning authority.**
- 30) The food retail store shall not be opened for trade until the site access road and its associated footways, have been provided in accordance with the approved plan number IMA 12 066 015 Rev F.**
- 31) The food retail store shall not be opened for trade until the car park circulatory aisles, the car parking spaces, the disabled spaces and the parent and child spaces have been provided, surfaced and marked out in accordance with the a parking plan that shall be submitted to and approved in writing by the Local Planning Authority. These vehicle parking spaces shall thereafter be retained at all times for their designated users.**
- 32) The food retail store shall not be opened for trade until the store service road and its associated service yard have been provided in accordance with details to be submitted to and approved in writing with the Local Planning Authority.**

- 33) Unless otherwise agreed in writing, at no time shall the service yard of the food retail unit be used for outside storage or any other purpose other than the parking and manoeuvring of delivery lorries.
- 34) Unless otherwise agreed in the form of a separate planning permission in that regard, at no time shall the food retail unit hereby permitted be subdivided into a larger number of units.
- 35) The gross internal floor space of the food retail store hereby permitted shall not exceed 8800 square metres. The net retail sales area (defined by the National Retail Planning Forum, and reproduced in Appendix A of the PPS4 Practice Guide 2009) to be used for the sale of convenience goods at the food retail store shall not exceed 3530 square metres. There shall be no sale of comparison goods.
- 36) The unit hereby approved shall be used for food retail purposes only and for no other purpose of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order (without modification).
- 37) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D shall not be subdivided so as to result in any retail units less than 929sqm
- 38) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D shall not be used other than for the sale of DIY/hardware items; garden products and plants; furniture; carpets and other floor coverings; electrical and gas goods; pets and pet products; camping equipment and goods that are ancillary and related to the main goods sold, provided that the ancillary goods comprise no more than 10% of the net sales floorspace of the individual unit and for no other purpose (including any other purpose in Class A1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order without modification), unless the local planning authority gives written consent to any variation.
- 39) The introduction of mezzanine floors shall not be permitted without the prior written approval of the local planning authority.
- 40) The non food retail development forming plot 'Non Food Retail' as identified on plan number SK28-20 REV D, to which this planning permission relates, shall not be implemented if any part of the

development for which planning permission was granted pursuant to planning application reference no *N/10/04067/OUT* is begun.

- 41) The residential development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.
- 42) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows or dormer windows, other than those expressly authorised by the reserved matters application, shall be constructed within the roofs of the dwellings hereby approved.
- 43) Prior to the occupation of any dwellings on the site, access for pedestrian and cycle users between the site and Tugela Road and Hawthorn Road shall be provided in accordance with details which shall first have been submitted to and approved by the local planning authority. The details for Hawthorn Road shall include for the provision of a vehicle turning facility at the end of the existing road, and shall show measures to restrict movement of motorised vehicles to or from the development site. The works shall be undertaken in accordance with the approved details.
- 44) The detailed design of the permitted foodstore shall make provision to accommodate a landing platform for a bridge for non motorised users crossing between the site and the south side of the railway. The design shall identify the route which potential future users of the bridge may use as a right of way between the prospectively maintainable highway and the bridge.

In respect of 13/01856/CAC:

To DELEGATE to the Area Development Manager to grant Conservation Area Consent subject to the completion of a Section 106 agreement.

12 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.40 pm)

The Officer who has produced these minutes is Eleanor Slack, of Democratic Services, direct line 01225 718255, e-mail eleanor.slack@wiltshire.gov.uk

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 8 JANUARY 2014 AT TOWN HALL - CHIPPENHAM TOWN COUNCIL, THE TOWN HALL, HIGH STREET, CHIPPENHAM, SN15 3ER.

Present:

Cllr Christine Crisp, Cllr Bill Douglas, Cllr Chris Hurst, Cllr Peter Hutton (Vice-Chair), Cllr Simon Killane, Cllr Jacqui Lay (Substitute), Cllr Mark Packard, Cllr Sheila Parker, Cllr Toby Sturgis, Taylor, Cllr Anthony Trotman (Chairman) and Cllr Philip Whalley

1 **Apologies**

Apologies were received from Cllr Groom and Cllr Scott.

Cllr Groom was substituted by Cllr Lay.

2 **Minutes of the previous Meeting**

The minutes of the meeting held on 4 December 2013 were presented.

Resolved:

To approve as a true and correct record and sign the minutes.

3 **Declarations of Interest**

There were no declarations of interest.

4 **Chairman's Announcements**

The Chairman drew attention to the late observations circulated at the meeting.

5 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

6 **Planning applications**

1a **N/11/02763/FUL - Moredon Bridge, Purton Road, Wiltshire**

Public Participation

Richard Pagett spoke in objection to the application. Cllr Geoff Greenaway, Purton Parish Council, spoke in objection to the application.

The officer introduced the report which recommended that in the absence of a section 106 agreement to secure the provision of necessary ecological mitigation, the Committee's position would have been to refuse planning permission.

He explained that permission had previously been delegated to the Area Development Manager to grant subject to the signing of a section 106 agreement. t A section 106 agreement had not been signed and the applicant had appealed against non-determination. The Committee's position if able to determine without ecological mitigation needed to be established.

There were no technical questions asked.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Jacqui Lay spoke in objection to the application.

In the debate that followed the need for a legal agreement to secure the provision of necessary ecological mitigation was noted.

Resolved:

That had the Committee been in a position to determine the application it would have been refused for the following reason:

The proposed development results in the loss of a significant protected ecological habitat which is a designated Country Wildlife Site and Biodiversity Action Plan listed habitat. The proposals include no provision for commensurate, deliverable mitigation for the loss of and harm to protected ecological habitat (calcareous Grassland). The proposals are contrary to the NPPF section 11 and paragraphs 14, 17 & 118; NWLP policies C3, NE7, NE10, NE11; and core policy 50 Wiltshire core Strategy proposed Modifications.

1b **13/01551/FUL - Beaters Retreat, Watergates, Colerne, Chippenham, Wilts, SN14 8DR.**

Public Participation

John Bull and Paul Jobbins spoke in support of the application.

The officer introduced the report which recommended that planning permission be refused.

He explained that the site was located on the green belt. Previous planning permission to build a dwelling had been granted because it resulted in the removal of several old buildings, but that this was considered the limit of desired development. Retrospective planning permission had not been sought for a hardcore parking area which was constructed on the site. A caravan was parked on the site under a certificate of lawful use. He confirmed that the applicant was not seeking retrospective planning permission and had not sought to engage in legal agreement to remove of the caravan.

The local member, Cllr Parker addressed the Committee and spoke in support of the application. She noted the size, scale and impact of the proposed development. She explained that the proposed development would improve the public footpath and visibility from across the greenbelt.

In the debate that followed the Committee noted public support for the development. Concerns were noted regarding the caravan being allowed to remain on the site,, the scale of the proposed building and the building being partly sited on a hardcore parking area that, having no planning consent was unlawful.

Resolved:

The application for planning permission is REFUSED for the following reason:

Due to the size, scale and location of the proposed outbuilding it would be a disproportionate addition to the existing dwelling which would be harmful to the openness of the green belt and would not conserve the natural beauty of the landscape. The proposed development would be contrary to policies C3, H8, NE1 and NE4 of the North Wiltshire Local Plan 2011 and section 9 of the National Planning Policy Framework 2012.

1c 13/01868/FUL - 52 Corn Gastons, Malmesbury, Wiltshire, SN16 0LY

Public Participation

Roger Budgen, William Allbrook and Cllr Kim Powers spoke in objection to the application.

John Harris spoke in support of the application.

The officer introduced the report which recommended that planning permission be delegated to the Area Development Manager to grant subject to the signing of a section 106 agreement and subject to conditions.

Attention was drawn to an updated plan contained within agenda supplement 1 and late observations which were available at the meeting, and were available in agenda supplement 2.

He explained that outline permission had been granted in 2005 for a residential development. A previous planning application to build four flats had been refused due to its siting, height, bulk and orientation having a detrimental impact on neighbouring uses and lack of adequate parking provision. The subsequent appeal was dismissed. The current proposal was of a different design and reduced bulk and was therefore not considered to have an overbearing impact on the adjacent school. He explained that a footpath to the school ran alongside the site which the previous permission had used as access and there had been no highways objections received.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that an informative to contact the school when construction would occur could be included. Any further development which would restrict access to the school path would require a new planning application. It was confirmed that a condition to maintain the hedge within the site boundary could be added to the application as well as a construction method statement.

Members of the public then had the opportunity to address the Committee as detailed above.

The local member, Cllr Killane spoke in objection to the application. He explained that the hedge running along the boundary of the site was extremely overgrown and was obstructing a footpath to the school. He noted road safety concerns, rubbish collection issues, emergency service access and delivery concerns.

In the debate that followed road safety concerns were noted as well as the need to encourage children to walk to school. It was noted that there were

alternative entrances to the school and that such entrances were only used for short periods of the day. The existing outline permission was highlighted, and the need to have a construction method statement and a condition regarding maintenance of the boundary hedge on the footpath was agreed

A motion to refuse planning permission based on pedestrian safety, policy C3(vii) was moved, seconded, voted on and lost.

Resolved:

Planning permission be DELEGATED to the Area Development Manager subject to the signing of a section 106 agreement in respect of public open spaces and education contributions; and

Subject to conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Plan list to be confirmed.**

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: In the interests of visual amenity and the character and appearance of the area.

- 4. Prior to the commencement of development details of the drainage of the site must be submitted and approved by the local planning authority. If the water will discharge to Wessex Water sewer then the applicant must submit a copy of the agreement to the council. If not then a SuDS scheme will need to be submitted to and approved by the local planning authority, these details to be accompanied by BRE 365 percolation tests and soak away calculations.**

REASON: In the interest of ensuring the site is adequately drained.

5. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The surface treatment of the parking areas to be a consolidated surface. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

7. Prior to any works commencing on the site the hedge along the northern boundary of the access to the site shall be trimmed and cut back to ensure that the maximum width of the driveway is available to ensure safe use by vehicles and pedestrians. The hedge shall be maintained as such thereafter to ensure adequate visibility and safe passage for all users.

REASON: In the interests of highway and pedestrian safety.

8. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from construction works; and
- g) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

INFORMATIVES:

- 1. The applicant is advised to consult with the Head Teacher and School Governors of Malmesbury School adjacent to the site in respect of any future proposals to erect a gates or other enclosures to the site access.**

1d 13/03489/FUL - Goldenley Care Home, Forest Lane, Chippenham, SN15 3QU.

Public Participation

Denise Williams, Ian Carter, Paul Sibley and Cllr Linda Packard (Chippenham Town Council) spoke in objection to the application.

Sats Ahluwalia spoke in support of the application.

The officer introduced the report which recommended that planning permission be delegated to the Area Development Manager to be granted subject to no adverse comments being received in relation to archaeology and the pipeline and subject to conditions.

He drew attention to the existing permission which granted extensive extensions to the buildings. The proposal at hand was of a similar size, style and scale to the permission already granted. There were significant benefits for people who needed care, and being within the community met both the local and national strategy's in caring for people with dementia.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that the application would allow resident numbers to increase by 25, from 19 to 44. The Highways department had not raised any objection to the development. The plans did not include measures to reduce noise levels but that the applicant was working with residents to address these issues.

Members of the public then addressed the Committee as detailed above.

The local member, Cllr Mark Packard addressed the Committee and spoke in objection to the application. He noted concerns regarding privacy, noise and disruption, access to the site and the impact on existing infrastructure.

A motion to refuse the application was made but not seconded.

A motion to delegate to the Area Development Manager to be granted subject to no adverse comments being received in relation to archaeology and the pipeline and subject to conditions was made and seconded.

In the debate that followed, the Committee noted the need to base their decision on planning issues. It was also noted that signs and traffic calming measures could be included in a legal agreement provided they were located on land in the applicant's ownership.

Resolved:

That permission be DELEGATED to the Area Development Manager to grant subject to the signing of a section 106 agreement in respect of traffic calming measures and signs within the applicant's land; and Subject to conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No part of the development hereby approved shall be occupied until the parking area shown on the approved plans has been consolidated surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.**

REASON: To ensure that adequate provision is made for parking within the site and in the interests of highway safety.

- 3 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

REASON: To ensure that the development can be adequately drained.

- 4 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

REASON: In the interests of visual amenity and the character and appearance of the area.

- 5** No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) accurate indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) hard surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedgerow planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7** Prior to the commencement of development the necessary stopping up process of public highway as necessary will need to be completed.

Reason: To safeguard the interests of the applicant and highway authority.

- 8** The development hereby permitted shall be carried out in accordance with the following approved plans:

**Design and access statement 001, 003, 006, 005, 004, 002, 007,
landscape 01**

**REASON: For the avoidance of doubt and in the interests of proper
planning.**

- 9 No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2 Trees in Relation to Construction. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).**

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

INFORMATIVES

- 1. The applicant is advised that there will be the need for some of the existing highway to be stopped up and rights returned to the owner. It appears that some car parking spaces will be contained within Public Highway although the majority of this parking already takes place. The applicant is advised that there are two possible courses of action.**
 - I. The stopping up of the highway can be carried out under Section 247 of the Town and Country Planning Act prior to development commencing. However, prior to starting formal procedure, an agreed area of highway to be stopped up should be agreed with the highway authority and would I suggest that formal enquires are made to the relevant statutory undertakers to check location of any infrastructure. If there are any utilities in the area, it is possible an easement could be agreed.**
 - II. The second option will be via a Legal Agreement (Highways Act - 116) between the highway authority and the developer. All highway authority costs will need to be covered by the Developer. Please note that the stopping up of Public Highway will need to be advertised and there is a possibility objections could be received that could result in the stopping up being unfeasible.**

1e **13/3728/FUL and 13/04105/LBC - Green Barn, Nettleton, Wiltshire SN14 7NT**

Public Participation

Mr Cheetham, Mr Howard Walters and Cllr David Pearce (Nettleton Parish Council) spoke in support of the application

It was noted that there were two applications, the full application and the listed building consent and that the full application would taken first.

The officer introduced the report which recommended that the planning application be refused.

He explained that linking the two buildings by a large extension was detrimental to the historic character and nature of the buildings and contrary to policy.

The Committee then had the chance to ask technical questions of officers and it was confirmed that the current use of the right hand building was unknown and any works to it would need listwed building consent.

Members of the public then had the opportunity to address the committee as detailed above.

Cllr Toby Stugis spoke on behalf of the local member, Cllr Jane Scott OBE addressed the committee and, whist appreciating what the applicant was trying to do highlighted issues with both the linking and the massing being contrary to policy and harming the overall complex of buildings.

In the debate that followed concern was raised over connectivity.

Resolved:

In respect of 13/3728/FUL:

That planning permission be REFUSED for the following reason:

The size, position and detail of the extension will have an adverse impact upon the listed building and its setting. It would be over-dominant in relation to Green Barn and would fail to preserve both the significance of the listed building and the character and significance of its setting. This would be contrary to Section 12 of the NPPF 2012 and policies C3 and HE4 of the North Wiltshire Local Plan 2011.

In respect of 13/04105/LBC:

That listed building consent is REFUSED for the following reason:

The size, position and detail of the extension will have an adverse impact upon the listed building and its setting. It would be over-dominant in relation to Green Barn and would fail to preserve both the significance of the listed building and the character and significance of its setting. This would be contrary to S.16(2) and S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 12 of the NPPF 2012.

7 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.00 - 9.40 pm)

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 24 OCTOBER 2013 IN THE MAIN HALL, DEVIZES SCHOOL, THE GREEN, DEVIZES, WILTSHIRE SN10 3AG.

Present:

Cllr Mark Connolly (Vice-Chair), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg, Cllr Richard Gamble, Cllr Charles Howard (Chairman), Cllr Jerry Kunkler and Cllr Paul Oatway

Also Present:

Cllr Sue Evans and Cllr Philip Whitehead

84. **Apologies for Absence**

There were no apologies received for the meeting.

85. **Minutes of the Previous Meeting**

The minutes of the previous meeting held 22 August 2013 were signed and approved as a true and accurate record of the meeting.

86. **Declarations of Interest**

Cllr Peter Evans declared a non pecuniary interest in item 6b. Cllr Evans stated that he was a member of the Planning Committee at Devizes Town Council which had previously screened application 6b. Cllr Evans declared that he had not voted on the application whilst it was being considered by the Town Council.

87. **Chairman's Announcements**

No announcements were made through the Chairman.

88. **Public Participation and Councillors' Questions**

No questions had been received from members of the public.

89. **13/00714/FUL - M & Co (now Morrisons) 134 High Street, Marlborough, SN8 1HN**

Public Participation

Ms Sandy Tickner spoke in objection to the application.

The Area Development Manager outlined the report which recommended the application be granted planning permission. It was noted that no late items had been received. The Area Development Manager outlined the site plan and relevant planning history of the site before detailing the relevant planning policy. This included the Kennet Local Plan: PD1, and the National Planning Policy Framework: Chapters 1, 2, 7 and 11. The key issues were summarised as being: the impact on neighbouring property, the impact on the vitality of the town centre and the impact on the character and appearance of the area. Further guidance on key considerations was offered by way of the NPPF paragraph 123.

The committee were then invited to ask technical questions of the application. Cllr Stuart Dobson questioned if noise reflection was a relevant consideration in the application. It was clarified by the Environmental Protection Officer that noise reflection was not a relevant consideration in the application given the nature of the surrounding walls.

Cllr Nick Fogg proposed an amendment to condition 3 from the officer's report. This was supported by the committee.

Cllr Dobson spoke on the item and outlined that the expected noise level and impact on the high street as reasons to support the application.

Cllr Gamble then commented on the impact that the anticipated noise levels would have with regard to nuisance and tranquillity and stated that the expected levels would not be sufficient to constitute a statutory nuisance.

At the end of the debate it was;

Resolved;

To APPROVE planning permission for the application subject to the following conditions;

- 1) All soft landscaping comprised in the approved details of landscaping in respect of the discharge of condition number 2 relating to planning permission K/55894/F shall be maintained in situ, free from weeds. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise first agreed in writing by the local planning authority.**

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 2) The store shall not be open to members of the public outside the hours of 07:00 and 23:00 from Mondays to Sundays inclusive.

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

- 3) The condensers to the rear of 134-135 High Street, Marlborough which serve the refrigeration equipment shall be set to work at no more than 44% of maximum duty. The condensers shall be operated and maintained to ensure that the cumulative "rating noise" level does not add to the "background noise" level measured of any ten minute period. The "rating noise" level shall be assessed at 10m from the condensers. The meaning of "rating noise" and "background noise" referred to in this condition shall be taken from British Standard 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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

- 4) The air conditioning units in the acoustic enclosure at roof level of 134-135 High Street, Marlborough shall be operated and maintained to ensure that the cumulative "rating noise" level does not exceed the "background noise" level measured of any ten minute period. The "rating noise" level shall be assessed at 12m from the condensers. The meaning of "rating noise" and "background noise" referred to in this condition shall be taken from British Standard 4142: 1997 Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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

- 5) Any delivery lorries serving the store shall not be loaded or unloaded outside of the hours of 08:00 to 20:00 Monday to Saturday and 10:00 to 20:00 Sundays.

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

6) The development hereby permitted shall be carried out in accordance with the following approved plans:
p595/102 received on the 20th May 2013
595/103 received on the 31st May 2013
595/106 received on the 20th May 2013
595/104A received on the 20th May 2013
595/105B received on the 9th August 2013
595/101A received on the 3rd July 2013
595/105A received on the 3rd July 2013
RF-NB105.dwg received on the 31st May 2013
595/107 received on the 31st May 2013.
Noise Survey and Impact Assessment dated 14th June 2013 (insofar as not superseded by additional noise data following maximum capacity of plant change to 44% to deal with 'stepping up')
Raw Noise Data received on the 24th July 2013
AC Plant Noise Technical Note dated 6th August 2013
Refrigeration Plant Noise Readings received on the 28th August 2013
Technical data (3 sheets) for Mitsubishi Air Conditioning Units received on the 30th May 2013.

REASON: For the avoidance of doubt and in the interests of proper planning.

90. **13/00719/FUL - St Mary the Virgin Church, New Park Street, Devizes SN10 1DS**

Public Participation

Mr John Mead spoke in objection to the application.
Canon Paul Richardson spoke in support of the application.
George Batterham spoke in support of the application.
Robert Hunt-Grubbe spoke in support of the application.

Sarah Bridewell spoke in support of the application on behalf of Devizes Town Council.

The Area Development Manager outlined the application and detailed the report which recommended the application be refused planning permission. The Area Development Manager outlined the Grade 1 listed status afforded to the site, and detailed the relevant planning considerations for the committee.

This included: Kennet Local Plan 2011: PD1, National Planning Policy Framework: Section 7 and 12. English Heritage guidance: "New work in historic places of worship, 2012" and the Devizes Conservation Area Statement, September 2005. The Area Development Manager also provided guidance on planning considerations as detailed in the Wiltshire Core Strategy Pre-

Submission Document 2012: CP57 and CP58, although the guidance in the core strategy was suggested to not carry full weight as it was yet to have been formally adopted by the Council.

Therefore the relevant planning considerations were summarised as being the impact on the building as a grade 1 listed structure, the impact on the conservation area and the public benefit of the proposed development.

The Committee were then invited to ask technical questions of the application. Cllr Dobson questioned the impact of the proposed development on the boundary wall and its impact on the neighbouring property. The Area Development manager confirmed that part of the wall may need to be reconstructed, but that the impact on the neighbouring property would not be substantial.

Cllr Peter Evans then questioned the footprint of the development in relation to the overall size of the church and churchyard. The Area Development manager stated that he was not able to answer the question exactly but had an understanding that it was around 13%.

Following public participation, Cllr Sue Evans, the local member spoke in favour of the application.

Members then entered a debate on the application and discussed the previous planning application, and the discussions between the applicant and planning officer at the pre application stage. The design and materials of the application was discussed, and the public benefit of the application was considered. Cllr Gamble provided a summary of the reasoning of his views and relevant planning policy. The local development framework was debated and the consultation with statutory bodies including English Heritage was also discussed.

At the end of the debate it was:

Resolved:

To REFUSE planning permission for the planning application for the following reason:

Reason:

The extension, by reason of its scale and size, siting, form, design and materials/detailing, would cause substantial harm to the grade I listed building and its setting, to the character and appearance of this part of the Devizes Conservation Area. No evidence has been provided to adequately demonstrate that the proposal represents the optimum viable use for the building or that there is an overwhelming local need for the facilities such that the public benefit of providing them would outweigh

the substantial harm that would be caused to the heritage assets. The proposal would therefore be contrary to Policy PD1 of the Kennet Local Plan, Policies CP57 and CP58 of the Wiltshire Core Strategy Pre-Submission Document 2012, the Introduction and Sections 7 & 12 of the National Planning Policy Framework (NPPF) 2012 and guidance contained in the Devizes Conservation Area Statement.

91. 13/01926/FUL - 15 Greengate Road, Wedhampton, Devizes, Wilts, SN10 3QB

Public Participation

Malcolm Fraser spoke in objection to the application.

Charlotte Hill-Baldwin spoke in objection to the application.

Albert Ehrnrooth spoke in objection to the application.

Richard Cosker (Agent) spoke in support of the application

Simon Holt from Urchfont Parish Council spoke in objection to the application.

The Area Development Manager introduced the application and outlined the officer recommendation for approval. The Area Development Manager highlighted that one late item had been received and illustrated its content to the committee. The Area Development Manager outlined the proposal and the relevant Planning Policy which was HC24 and PD1 of the Kennet Local Plan. The main issues were summarised as being the design of the proposal; the impact on the amenities of neighbouring properties and the principle of whether it was acceptable development within a 'village with limited facilities'.

Following discussion of the relevant planning considerations, the committee were invited to ask technical questions of the application to the Area Development Manager. There were no technical questions, and so members of the public were invited to speak on the application.

Following submissions from the public, the Area Development Manager was invited to comment on the representations made by members of the public. The Area Development Manager confirmed that a right to a view over another's land was not protected in Law, and was therefore not a planning consideration.

The Committee then entered into a debate on the application, and discussed the limits of permitted development rights. The Committee also discussed classification of the village under the Core Strategy and questioned how this affected the development rights. The Area Development Manager confirmed that the relevant planning policy was to be the Kennet Local Plan, and that any weight afforded to the Core Strategy guidance would be less than that of the Kennet Local Plan, given that the Core Strategy was yet to be formally ratified by the Council.

The Committee then discussed the local Conservation Policy and the Conservation Area Statement and how this was applied along with the Kennet Local Plan.

Following the debate it was;

Resolved:

To APPROVE the application subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 3) The eaves and verge detailing, porch canopy, window headers, cills, window reveals, chimney and rainwater goods to be used on the new dwelling hereby approved shall be finished to match the detailing on the existing dwelling, known as 15 Greengate Road, unless otherwise first agreed in writing by the local planning authority.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 4) No works shall commence on site until details of all new external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details and all external window joinery shall be painted to match the existing dwelling.

REASON: To secure harmonious architectural treatment in the interests of preserving the character and appearance of the conservation area.

- 5) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-
- a) location and current canopy spread of all existing trees and hedgerows on the land;
 - b) full details of any to be retained, together with measures for their protection in the course of development;
 - c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - d) means of enclosure;
 - e) all hard and soft surfacing materials;
 - f) refuse storage areas and any housing;

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification),

there shall be no additions or extensions to the new dwelling hereby approved.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions and extensions.

- 8) The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 9) The gradient of the access way shall not at any point be steeper than 1 in 15 for a distance of 4.5 metres from its junction with the public highway.

REASON: In the interests of highway safety.

- 10) No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 11) No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

- 12) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

**13)The development hereby permitted shall be carried out in accordance with the following approved plans:
1412-planning, Design and Access Statement and Planning Supporting Statement, Block Plan, Elevations and Floor Plan drawings, House and Site Surveys all received on the 17th July 2013.**

REASON: For the avoidance of doubt and in the interests of proper planning.

92. 13/01852/CAC - Ham Cross, Ham, Marlborough, SN8 3QR

Public Participation:

Mrs Mo Robinson spoke in support of the application.

Mr Michael Fowler spoke in support of the application.

Mr Robin Buchanan-Dunlop spoke in support of the application.

The Area Development manager introduced the application and the report which recommended that the application be refused planning permission.

The Area Development Manager outlined the relevant considerations for the committee, stating that the barn was a significant unlisted building in a conservation area. The Area Development Manager stated that Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The Area Development Manager outlined the relevant consultations that had been undertaken and discussed the relevant planning considerations, which were summarised as being; the significance of the barn, and the impact of its demolition on the conservation area.

Following the officers report the committee were invited to ask technical questions of the application. This included a question on the surveys of the building which gave conflicting status reports to its usage and its condition.

The public were invited to speak on the application and the Area Development Manager was given the opportunity to respond to comments made by the public.

Members then entered a debate on the application and discussed the conservation area and the impact of demolition.

Following debate it was;

Resolved:

To APPROVE the application for demolition of the barn subject to the following conditions:

14)1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2). No works for the demolition of the building shall commence until an appropriate programme of building recording (including photographic and architectural/historical analysis) has been carried out in respect of the building concerned. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority. Two copies of the resultant report shall be submitted to the Local Planning Authority for deposit with the county HER.

REASON: To secure the proper recording of the building.

93. Urgent items

There were no urgent items to be considered.

(Duration of meeting: 6.00 - 8.30 pm)

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EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 5 DECEMBER 2013 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Mark Connolly (Vice-Chair), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble, Cllr Charles Howard (Chairman), Cllr Jerry Kunkler and Cllr Paul Oatway

Also Present:

Cllr Jemima Milton

94. Apologies for Absence

Apologies for the meeting were received from Cllr Nick Fogg.

95. Minutes of the Previous Meeting

The Minutes of the previous meeting held 24 October 2013 were presented. It was;

Resolved:

To approve and sign the minutes of the meeting held 24 October 2013, as a true and accurate record.

96. Declarations of Interest

There were no declarations of interest.

97. Chairman's Announcements

The Chairman outlined the procedures for the meeting. There were no further announcements.

98. **Public Participation and Councillors' Questions**

The Chairman outlined the procedure for public participation. No questions had been submitted from the public or Councillors.

99. **Planning Applications**

100. **13/04007/FUL - Unit 4 The Old Dairy, Lower Fyfield**

Public Participation

Mr Dennis Seeley spoke in objection to the application.

Mr Wayne Crabbe spoke in support of the application.

Mr D. Woolley, Fyfield and West Overton Parish Council, spoke in objection to the application.

Local member Cllr Jemima Milton spoke in objection to the application.

The Development Control Team Leader outlined the report which recommended the application be granted planning permission. No late items had been submitted. The Development Control Team Leader outlined the details of the site, noting that the site was currently allocated for B1 – Business, and B8 - Storage and Distribution uses.

The key planning policy considerations were noted as being: Kennet Local Plan 2011: PD1 – General development principles and ED12 – Protecting employment and tourism within villages. The Wiltshire Core Strategy Pre-Submission Document contains emerging planning policy and will eventually replace the Kennet Local Plan. It is not expected to be adopted until 2014 and therefore would not carry full weight. Members did, however, consider that some weight should be attached to its policies and in particular Core Policy 35 which would afford no protection to the employment use. The National Planning Policy Framework also has some relevance.

The Committee were then invited to ask technical questions of the application. It was confirmed that the conditions attached to the site under its previous planning permission (K/51093/F), were broadly similar to those included on the current application.

Members of the public (above) were then invited to speak on the application.

Local Member Cllr Jemima Milton spoke in objection to the application stating the impact on local residents' amenity, and stated the highways objection as a consideration for the Committee. Cllr Milton also drew attention to the current operating hours and requested that the Committee consider conditions to restrict the usage of the site.

Members then entered into debate on the application, of which the main concerns were the traffic increase, and usage of the site outside standard operating hours. Members discussed an amendment to condition 3 to further limit the opening hours of the site. The Committee encouraged a robust approach to enforcing the operating hours of the site.

Resolved:

To GRANT planning permission for the application subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No loudspeakers, public address system, or other amplified sound equipment shall be used on the site which would be audible outside the building.

REASON: In order to protect the amenities of nearby residential properties.

3. The use hereby permitted shall only take place between the hours of 0800 and 1800 from Mondays to Saturdays (inclusive). The use shall not take place at any other time or on Bank Holidays. Deliveries shall not be taken or despatched from the site outside the above hours.

REASON: To protect the amenities of this primarily residential area.

4. No external lighting shall be installed anywhere on the site unless otherwise agreed in writing by the local planning authority. Any approved lighting shall not be used outside normal working hours except as security lights. All lighting within the building shall be turned off within 30 minutes of the end of the working day.

REASON: To prevent undue light spillage in this remote rural area.

5. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form

Design and Access Statement (stamped received on 10 September 2013)

1:1250 Location Plan

1:500 Site Plan (Drawing No. 611) (stamped received: on 1 October 2013)

REASON: For the avoidance of doubt and in the interests of proper planning.

101. **13/03941/FUL - Brow Cottage, Broad Hinton,**

Public Participation

Mr Steve Wright spoke in support of the application.

Local member Cllr Jemima Milton spoke in support of the application.

The Development Control Team Leader outlined the report which recommended the application be refused planning permission. No late items had been submitted. The Development Control Team Leader outlined the details of the application, noting in particular the proposed design and materials.

The key planning policy considerations were noted as being: Kennet Local Plan 2011: PD1 – General development principles and NR7 – Protection of the landscape. The Wiltshire Core Strategy Pre- Submission Document contains emerging planning policy and will eventually replace the Kennet Local Plan. It is not expected to be adopted until 2014 and therefore would not carry full weight, however the committee were minded to consider CP51 -Landscape and CP57 – Ensuring high quality design. The National Planning Policy Framework Section 7 – Requirement for good design, and Section 11 – Conserving and enhancing the natural environment, were also considerations for the Committee.

The key areas for consideration were therefore noted as being the design of the proposed development and the impact on the AONB and local amenity.

The Committee were then invited to ask technical questions of the application, of which there were none.

Members of the public (above) were then invited to speak on the application.

Local Member Cllr Jemima Milton spoke in support of the application, stating that the development could enhance the cottage and make a real difference to the local area.

Members then entered into debate on the application, of which the main areas for discussion were the scale and design of the proposed development, and the impact on the surrounding landscape.

Resolved:

To REFUSE planning permission for the application for the following reason:

- 1. The extension, by reason of its height, scale and design, would appear as an overly dominant and incongruous addition to the host dwelling, to the detriment of its character and appearance. Furthermore, by virtue of this fact, the proposed development would also have a materially harmful impact upon the landscape character and visual qualities of the North Wessex Downs Area of Outstanding Natural Beauty. It would therefore be contrary to saved policies PD1 and NR7 of the Kennet Local Plan 2011 and**

Core Policies 51 and 57 of the Wiltshire Core Strategy Pre-Submission Document, February 2012.

102. Urgent items

There were no urgent items.

(Duration of meeting: 6.00 - 7.00 pm)

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SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 28 NOVEMBER 2013 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Terry Chivers (Substitute), Cllr Richard Clewer, Cllr Brian Dalton, Cllr Jose Green, Cllr Mike Hewitt, Cllr Ian McLennan, Cllr Leo Randall (Substitute), Cllr Ian Tomes, Cllr Fred Westmoreland (Chairman) and Cllr Ian West

Also Present:

Cllr Dr Helena McKeown and Cllr Bridget Wayman

116 Membership Changes

It was noted that following Council on 12 November 2013, Councillor John Noeken was removed as a member of the Committee, to be replaced by Councillor Mike Hewitt.

117 Apologies for Absence

Apologies were received from Councillor Richard Britton, who was substituted by Councillor Leo Randall and Councillor George Jeans who was substituted by Councillor Terry Chivers.

118 Minutes

The minutes of the meeting held on 17 October 2013 were presented for consideration. It was,

Resolved:

To approve as a correct record and sign the minutes.

119 Declarations of Interest

There were no declarations.

120 Chairman's Announcements

The Chairman explained the meeting procedure to the members of the public.

121 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

122 **Planning Appeals**

The committee received details of the appeal decisions as detailed in the agenda.

Following discussion, it was determined that on behalf of the Committee, the Chairman would recommend to the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste that the Council put forward the decision regarding application S/2012/0815 for Judicial Review.

123 **Planning Applications**

Attention was drawn to the late list of observations and representations, and which would be made available on the council's website with the agenda pack.

124 **13/04590/FUL: The Old George Brewery, 3 Rollestone Street, Salisbury, Wiltshire**

Public Participation

Mr Richard Harris spoke in objection to the application.

Mr Scot Masker (agent) spoke in support of the application.

It was agreed that the reports for applications 13/04590/FUL and 13/04597/LBC would be presented together as they concerned the same site and development.

The Planning Officer introduced a report which recommended that permission be granted. The officer stated that the application had been previously rejected due fear of odours from the extraction system. The new application included an upgraded extraction system and the relocation of the roof flue. The officer confirm that the application was applying for A3 permission only rather than A5; therefore would not include a takeaway service.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought regarding the relocation of the flue and clarification of the major differences between this application and the previous application.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Cllr Dr. Helena McKeown, then spoke in objection to the application. Cllr McKeown, as a local GP located in Rollestone Street, stated that this is a residential road and many of the residents are elderly and housebound. Cllr McKeown also highlighted the problem of congestion that the

road already faces, as well as concerns that the restaurant could result in excess noise and disturbances late at night.

A debate followed where the issues of congestion, improving the local economy and the positive or negative impacts to residents of Rolleston Road arising from a new restaurant opening on the site were discussed.

At the end of discussion, it was,

Resolved:

That Planning Permission be Approved subject to conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:**

1410/P07 Submitted on 26/09/13

1410/P08 Rev A Submitted on 26/09/13

1410/P09 Rev B Submitted on 26/09/13

1410/P10 Rev E Submitted on 26/09/13

Details of odour and noise control Submitted on 26/09/13

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).**

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use,

other than a use within the same class(es), having regard to the circumstances of the case.

- 4 Deliveries to and from the site shall be limited to the hours of 08:00 and 18:00 on Mondays to Fridays, 09:00 and 18:00 on Saturdays, and at no time on Sundays and Bank or Public Holidays.

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

- 5 There shall be no customers/members of the public on the premises outside the hours of 12:00 (midday) and 23:00 on Monday – Saturday and on 12:00 to 18:00 on Sundays and public Holidays.

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

- 6 No sound-amplifying equipment, loudspeaker, shall be installed/operated within the premises hereby approved or its curtilage.

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

The two first floor sash windows (serving the kitchen) within the eastern elevation facing Rollestone Street shall be glazed with obscure glass only and permanently fixed shut prior to the first use of the A3 development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

125 **13/04597/LBC: The Old George Brewery, 3 Rollestone Street, Salisbury, Wiltshire**

The Planning Officer recommended that the proposal be approved subject to conditions, as detailed under Minute 124.

Technical questions and representations from the public and local member were as detailed under Minute 124.

At the conclusion of debate, it was,

Resolved:

That Listed Building Consent be Approved subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:**

1410/P07	Submitted on 26/09/13
1410/P08 Rev A	Submitted on 26/09/13
1410/P09 Rev B	Submitted on 26/09/13
1410/P10 Rev E	Submitted on 26/09/13
Details of odour and noise control	Submitted on 26/09/13

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).**

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

- 4 Deliveries to and from the site shall be limited to the hours of 08:00 and 18:00 on Mondays to Fridays, 09:00 and 18:00 on Saturdays, and at no time on Sundays and Bank or Public Holidays.**

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

- 5 There shall be no customers/members of the public on the premises outside the hours of 12:00 (midday) and 23:00 on Monday – Saturday and on 12:00 to 18:00 on Sundays and public Holidays.**

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

- 6 No sound-amplifying equipment, loudspeaker, shall be installed/operated within the premises hereby approved or its curtilage.**

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

The two first floor sash windows (serving the kitchen) within the eastern elevation facing Rolleston Street shall be glazed with obscure glass only and permanently fixed shut prior to the first use of the A3 development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

126 **13/03367/FUL: 88 Ridge, Chilmark, Salisbury, Wiltshire, SP3 5BS**

Public Participation

Mr Robert Molteno spoke in objection to the application.

Mr Tim Reeve, agent, spoke in support of the application.

Cllr Patrick Boyles, Chairman of Chilmark Parish Council, spoke in objection to the application.

The Area Development Manager introduced a report which recommended permission be granted. Key issues for consideration included the area's designation as an Area of Outstanding Natural Beauty (AONB) and impact on neighbour amenity.

The Committee then had the opportunity to ask technical questions of the officer. In response to queries, it was confirmed that the proposed development would only be available for personal use and would not be used for commercial purposes. Details were also sought about the permitted development rights on the site.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Cllr Bridget Wayman, then spoke in objection to the application, highlighting the presence of the AONB and intrusion into the countryside.

A debate followed, where concerns were raised over the scale of the development, along with its impact on neighbouring properties and issues of appropriate screening. It was also considered whether the development was larger than required in need to serve the intended purpose, and the possibility of future conversion into a dwelling

At the end of the discussion, it was,

Resolved:

To REFUSE the application for the following reasons:

The proposed development was too large and would be an intrusion in the open countryside. The application failed to adhere to regulations C5(i), D3(i), C4 and H31(iii).

127 **13/03819/FUL: Amesbury Bus Station, Salisbury Street, Amesbury, Salisbury, Wiltshire, SP4 7HD**

Public Participation

Ms Kim Blunt (agent) spoke in support of the application.

The planning officer introduced the report which recommended permission be granted. It was stated that the application was for a change of use from a bus station to a commercial car park.

Members of the Committee then had the opportunity to ask technical questions of the officer. Concerns with highway safety, relating to the entrance and exit plans on the Salisbury Road, were raised. In response to queries it was also stated that decisions on pricing in the car park would be the responsibility of the applicant.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Local Member, Cllr Fred Westmoreland, then spoke in support of the application subject to appropriate conditions.

During debate, it was noted that Amesbury had recently had a reduction in the number of parking spaces available and replacements were required, although some members felt that the site had potential for more productive long term use

than as a car park, and the possibility of restricting the time of use as a car park was discussed.

The restriction of access on the Salisbury Road was also raised.

At the end of discussion, it was,

Resolved:

That Planning Permission be GRANTED subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development shall commence on site until the following details have been submitted to and agreed in writing by the Local Planning Authority:**

- Details of the parking layout;**
- Details of the location, scale and appearance of the pay station and any associated signage;**
- Details of the making good to exposed surfaces where features have been removed (i.e. the lean-to building, railings, footways);**

Development shall be carried out in accordance with the agreed details prior to the first use of the car park.

Reason: In the interests of highways safety and the character and appearance of the area.

- 3) Prior to the first use of the development, a revised car parking management plan reflecting the requirement of Policy PS5 of the adopted Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy, as submitted but to include a regular visit by an attendant, shall have been submitted to and approved in writing by the local planning authority. The parking management plan shall be implemented in full accordance with the approved plan at all times following the opening of the car park unless otherwise agreed in writing with the local planning authority.**

Reason: In the interests of highway safety and to ensure the adequate provision and control of the car parking.

- 4) **Prior to the commencement of work, a signage scheme to include directional road signs, entry / exit signs and internal signs/ directional arrows shall have been submitted to and approved in writing by the local planning authority. This shall include the prohibition of vehicles entering the car park via the Salisbury Road (A345) access. The signs shall be erected in accordance with the approved plan prior to first use of the development, and shall be maintained as such for the duration of the permitted use.**

Reason: In the interests of highway safety and to prevent confusion for all users of the car park.

INFORMATIVE - Condition 3 (parking layout)

With reference to the internal arrangement, parking space no.28 seems to obstruct the adjacent disabled space and should be removed. Furthermore, the motorcycle parking may be better placed between spaces 18 & 19 if spaces 7-18 were moved along slightly to open the gap.

128 13/04550/FUL: Land at Livery Road, West Winterslow, Salisbury, SP5 1RF

Public Participation

Mr Gary Maloney spoke against the application.

Mr Roman Lukaszewski spoke against the application.

Mr Rob Hewlett (applicant) spoke in support of the application.

Mr Steve Allen spoke in support of the application.

Cllr Simon Port, Winterslow Parish Council, spoke in support of the application.

The planning officer presented the report which recommended refusal as the development was outside the current housing policy boundaries. Key issues were stated to include the principle of the application, and impact on the character of the area.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought over past use of the site as private amenity space and access. Clarification was also sought regarding the village design statement (VDS) and the level of support for the site to be developed within the VDS.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Cllr Chris Devine, then spoke in support of the application, highlighting the support of the parish council to sustainable development on the site.

A debate followed, where the amount of consideration to be given to the Village Design Statement versus local Planning policies was raised, in addition to

assessing the impact on the character of the area from the proposed development.

At the conclusion of debate, it was,

Resolved:

That planning permission be Refused for the following reasons:

- 1) The site comprises undeveloped land outside of a Housing Policy Boundary and is in a location that is not identified for housing growth within the development plan. There is a lack of facilities in the vicinity of the site to meet the needs of future residents and consequently few options to travel by means other than the private car, particularly since a lack of footways means that walking would not be a desirable option. The proposal would therefore be contrary to the aims and objectives of the adopted South Wiltshire Core Strategy, having particular regard to Core Policy 1 and saved Salisbury District Local Plan policies H23 and G1(i), and the NPPF.**
- 2) The proposed dwelling would as a result of its isolated location within the open countryside introduce an incongruous feature at odds with the character of the open countryside and would fail to protect or enhance the area contrary to the aims and objectives of saved Salisbury District Local Plan policies C2, C6, G1(iii) and G2(iv&v).**
- 3) The development has not made adequate provision towards affordable housing or public open space, and would therefore be contrary to Core Policy 3 of the adopted South Wiltshire Core Strategy and Saved Salisbury District Local Plan policy R2 (as saved within the adopted South Wiltshire Core Strategy).**

INFORMATIVE:

It should be noted that the reason given above relating to policy R2 and Core Policy 3 could be overcome if all the relevant parties complete a Section 106 legal agreement.

129 13/03515/VAR: Milford House Nursing Home, Salisbury, SP1 1NJ

The Planning Officer presented a single presentation for items 8f and 8g. The application was an extension to the previous application's three year permission and contained no changes. Changes to planning policy since the initial permission were detailed.

Members of the Committee then had the opportunity to ask technical questions of the officer. Questions were raised if the Highways Agency had any objections to this proposal. and it was stated that their recommendation and lack of objection had not changed.

The Local Member, Cllr Ian McLennan, then spoke in objection to the application, stating that the situation had changed from when permission had been granted, and there were concerns about people walking to work, as the area had become increasingly dangerous and extending permission would increase traffic further.

A debate followed, where the level of traffic on the roads in the area and whether it had changed significantly since permission had initially been granted was discussed, along with whether the increased provision of dementia services in the region made the proposed extensions necessary.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be Approved with conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.**

REASON. To ensure that the external appearance of the building is satisfactory.

- 3 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.**

Drawing ref. no. 08/286(D) 001Rev A Location Plan received on 26.05 2010

Drawing ref. no. 08/286(D) 001Rev A Proposed site plan received on 26.05 2010

Drawing ref. no. 08/286(D) 003Rev A Proposed floor plan received on 26.05 2010

Drawing ref. no. 08/286(D) 004Rev B Proposed elevations received on 26.05.10

Drawing ref. no. 08/286(D) 005 Proposed site plan received on 26.05 2010

Archaeological evaluation ref CA Report 10017 dated February 2010

Design and Access statement received on 26 May 2010

Environmental Noise Survey Report 16446/PPG24_Rev A dated 24 May 2010

Heritage Statement received on 26 May 2010

Construction Method Statement received on 3 June 2010

Lighting assessment received on 26 May 2010

Sustainability statement received on 3 June 2010

REASON: For the avoidance of doubt.

- 4 Construction work shall not begin until a scheme for protecting the development against noise from road and rail traffic has been submitted to and approved by the Local Planning Authority; all works which form part of the scheme shall be completed before the development is occupied.**

REASON: In the interest of amenity for the future occupants of the development.

- 5 The development must not commence until an Arboricultural Method Statement, including all relevant details of tree protection, has been submitted to the Local Planning Authority and approved in writing.**

The statement must include any necessary fencing, in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS.5837: 2005). It must also include any other means needed to ensure that all of the trees to be retained will not be harmed during creation of the additional parking area to the north of the existing building. In particular, the statement should confirm there will be minimal ground disturbance within the Root Protection Areas of the surrounding trees and an appropriate Cellular Confinement System will be used to prevent compaction.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

- 6 The lighting scheme submitted with the application hereby approved shall be installed and operated in accordance with these approved details.**

REASON To enable the Local Planning Authority to exercise control over the appearance of the lighting installation and the level of illumination in order to conserve the high quality landscape and character of the Special Landscape Area and in the interests of residential amenity.

- 7 Notwithstanding the submitted plans, prior to the commencement of development, details of a secure and covered cycle parking facility shall be submitted to, and approved in writing by, the Local Planning Authority, and shall thereafter be constructed in accordance with the agreed details and made available for use prior to the first occupation of the building hereby approved and shall thereafter be retained.**

REASON In order to secure the provisions of appropriate facilities for cyclists and to promote other modes of transport other than the car in the interests of sustainable development.

- 8 Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used solely as a dementia care facility in association with the adjacent Milford House Nursing Home and for no other use purposes, whatsoever, including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment, without formal planning permission first being obtained.**

REASON To enable the Local Planning Authority to retain planning control over the use of the building hereby permitted in the interests of sustainable development.

Informative

Notwithstanding the approval of this application the applicant is asked to consider the provision of a footpath for the use of staff employed at the nursing home to prevent them using the busy main road that the council considers represents a danger to staff and other pedestrians.

130 **13/03516/LBC Milford House Nursing Home, Salisbury, SP1 1NJ**

The Planning Officer presented their report in connection to item 8f, recommending planning permission be approved with conditions.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be Approved with conditions:

- 1 The works for which Listed Building consent is hereby granted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before any on-site works commence. The development shall thereafter be carried out in accordance with the approved details.**

REASON: To ensure that the external appearance of the building is satisfactory.

- 3 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.**

Drawing ref. no. 08/286(D) 001Rev A Location Plan received on 26.05 2010

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Drawing ref. no. 08/286(D) 004Rev B Proposed elevations received on 26.05.10

Drawing ref. no. 08/286(D) 005 Proposed site plan received on 26.05 2010

**Archaeological evaluation ref CA Report 10017 dated February 2010
Design and Access statement received on 26 May 2010**

**Environmental Noise Survey Report 16446/PPG24_Rev A dated 24
May 2010**
Heritage Statement received on 26 May 2010
Construction Method Statement received on 3 June 2010
Lighting assessment received on 26 May 2010
Sustainability statement received on 3 June 2010 Documents /plans

REASON: For the avoidance of doubt.

131 Urgent Items

It was agreed that a site visit should be arranged if application 13/03521/FUL - 90 Blind Lane, Ansty, Salisbury, Wiltshire, SP3 5QE, was scheduled to come before the Committee.

(Duration of meeting: 6.00 - 9.30 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

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WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 6 NOVEMBER 2013 IN THE RIDGEWAY SPACE - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Russell Hawker, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Fleur de Rhé-Philipe (Substitute), Cllr Pip Ridout, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Gordon King

97 **Apologies for Absence**

Apologies for absence were received from Councillors Horace Prickett and John Knight.

Councillor Prickett was substituted by Councillor Fleur de Rhé-Phillipe.

98 **Minutes of the Previous Meeting**

The minutes of the meeting held on 16 October 2013 were presented for consideration. It was,

Resolved:

To APPROVE as a true and correct record and sign the minutes.

99 **Chairman's Announcements**

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

100 **Declarations of Interest**

Councillor Pip Ridout declared a non-pecuniary interest in application 13/02371/FUL - 57 Damask Way, Warminster, Wiltshire, BA12 9PP - by virtue of representing the local member who was not able to be present, and therefore

being more involved with the application than usual, but following advice would speak and vote on the item as normal and consider on its merits.

Councillor Russell Hawker declared a non-pecuniary interest in application 13/02904/FUL - 17 Chalford, Westbury, Wiltshire, BA13 3RG - by virtue of being Chair of Westbury Town Council's Planning Committee where the item had been previously discussed, and would contribute to the debate and vote.

101 **Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

102 **The Definitive Map and Statement for the Bradford and Melksham Rural District Council Area Dated 1952 as Modified Under the Provisions of the Wildlife and Countryside Act 1981**

Public Participation

Karen Howe, on behalf of the Landowner Mr Harris, spoke in objection to the orders.

Mr Martin Moyes spoke in support of the orders.

Mr Rodney Moody spoke in support of the orders.

Mr Bob Mizen spoke in support of the orders.

The Rights of Way Officer presented a report on The Wiltshire Council Parish of Holt (Holt Path No. 71) Rights of Way Modification Order 2013, and The Wiltshire Council Parish of Holt (Holt Path No. 72) Rights of Way Modification Order 2013, recommending the orders be forwarded to the Secretary of State for Environment, Food and Rural Affairs with the recommendation the orders be confirmed.

The Committee was advised that orders were made where it was reasonably alleged, on the balance of probabilities, that a walking route existed, and that the period of alleged use ran from 1991-2011. As an objection had been received to the order, the matter was required to be determined by the Secretary of State, with the Committee to make a recommendation only, following consideration of all the available evidence.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was confirmed there was no minimum use requirement on the suggested paths, and it was also stated that while aerial photographs were often useful considerations, weather, use, timing of photo, soil composition and other factors meant that it was possible for existing or well utilized routes to not be obvious.

Members of the public then had the opportunity to present their views to the Committee.

The Local Member, Councillor Trevor Carbin, then spoke in support of forwarding the orders for confirmation to the Secretary of State.

The Committee then discussed the process by which a determination would be made by the Secretary of State and the impact of the Committee's resolution on the matter on that determination.

It was,

Resolved:

That the Wiltshire Council Parish of Holt (Holt Path No.71) Rights of Way Modification Order 2013 and the Wiltshire Council Parish of Holt (Holt Path No. 72) Modification Order are forwarded to the Secretary of State for Environment, Food and Rural Affairs for determination with the recommendation that the Orders be confirmed.

103 Planning Applications

The Committee considered the following applications:

104 13/02371/FUL: 57 Damask Way, Warminster, Wiltshire, BA12 9PP
Public Participation

Mr John Brewster spoke in objection to the application.

Mr Christopher Hubert spoke in objection to the application.

Mrs Maddocks spoke in objection to the application.

Cllr Sue Fraser, Warminster Town Council, spoke in objection to the application.

The Area Development Manager presented a report which recommended that planning permission be granted. Key issues were stated to include the impact upon the immediate area and local amenity.

Members of the Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

Councillor Pip Ridout on behalf of the Local Member, Councillor Keith Humphries, then spoke in objection to the application.

A discussion followed where the impact of the proposed windows on the proposed extension was discussed, and whether the glazed windows on the first floor were sufficient to prevent overlooking of neighbouring properties, and whether the alignment of the land between the two properties led to a negative impact from the designs.

At the conclusion of debate, it was,

Resolved:

To DEFER the application until the next meeting to allow for a site visit to take place.

105 **13/02945/FUL: Land North West of 69A, Upper South Wraxall, BA15 2SA**

Public Participation

Mr Martin Dennafoord, applicant, spoke in support of the application.

The Area Development Manager introduced a report which recommended planning permission be granted. It was clarified that the proposed change of use and six stable barn, with access route, would be for private equestrian use, not commercial use, and lie within the Green Belt.

Members of the Committee then had the opportunity to ask technical questions of the officer, where it was confirmed that private equestrian use came under the policy of recreation use, which permitted development in the Green Belt. Details were also sought on water and electricity provision for the proposed stables.

The Local Member, Councillor Trevor Carbin, then detailed the concerns of the parish council in objecting to the application, and that he felt that as it was not for commercial use as had been initially feared, the suggested conditions addressed most other concerns.

At the conclusion of discussion, it was,

Resolved:

To GRANT planning permission subject to the following conditions:

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.**

REASON: In the interests of highway safety and to protect the openness of the Green Belt

- 3 **The development hereby approved shall be carried out in accordance with the materials stated in the application form received by the Local Planning Authority on 12th August 2013.**

REASON: To ensure the proposal is appropriate and to reduce its impact upon the Green Belt

- 4 **The development hereby approved shall be carried out in accordance with the arboricultural method statement received by the Local Planning**

Authority on 12th August 2013.

REASON: To ensure the mature trees located within the Green Belt are not harmed during construction of the development

- 5 The development hereby approved shall be carried out in accordance with the Planning Statement received on 11th October 2013 by the Local Planning Authority and no horse manure or any other materials shall be burnt on site.**

REASON: To ensure manure and waste from the site is stored and disposed of appropriately

- 6 The landscaping shown on the approved details of landscaping shall be carried out in the first planting and seeding season following the first use of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 7 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**

REASON: In the interests of highway safety.

- 8 The development hereby permitted shall be carried out in accordance with the following approved plans annotated as:**

Site Plan, Landscaping Plan, Proposed Access Track and Hardstanding, Stable Elevation and Floor Plans, Cross Section through Menage received on 11th October 2013.

REASON: For the avoidance of doubt and in the interests of proper planning.

Public Participation

Mr John Norris spoke in objection to the application.

Mr Graham Dobson, applicant, spoke in support of the application.

The Area Development Manager presented a report which recommended that planning permission be granted. Key issues were stated to include the principle of the proposed alterations to create a studio workshop from existing garages, with dormer windows, and the impact upon neighbouring amenity from the design. It was clarified that previous residential applications for the site had been refused due to access concerns, but that highways had not objected to the current application.

Members of the Committee then had the opportunity to ask technical questions of the officer.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Gordon King, then detailed the local concerns as raised by the objector and the Town Council.

A debate followed, where the usefulness of a site visit by the Committee was discussed and by majority felt not to be necessary in this instance given the information provided and principle matters of concern. The requirement that the site not be used for commercial use was raised and whether suggested conditions needed strengthening, along with consideration of the impact of the proposed dormer windows.

At the conclusion of debate, it was,

Resolved:

To GRANT planning permission subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage, studio, store and workshop hereby permitted shall not be converted to habitable accommodation.**

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

- 3. The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Chalford, Westbury and shall not be separately let or sold.**

REASON: The building is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a non-residential use, in particular in relation to traffic generation at the access point onto Warminster Road.

- 4. The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Drawing number 13712 - 1 received on the 17 October 2013;
Drawing number 13712 - 2 received on the 9 August 2013; and
Drawing number 13712 - 3 received on the 9 August 2013.**

REASON: For the avoidance of doubt and in the interests of proper planning.

107 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.55 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 27 NOVEMBER 2013 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Russell Hawker, Cllr John Knight, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Graham Payne (Substitute), Cllr Horace Prickett, Cllr Pip Ridout and Cllr Roy While (Vice Chairman)

108 **Apologies for Absence**

Apologies for absence were received from Cllr Jonathon Seed, who was substituted by Cllr Graham Payne.

109 **Minutes of the Previous Meeting**

The minutes of the meeting held on Wednesday 6 November 2013, were presented.

Resolved:

To approve and sign the minutes of the meeting held on Wednesday 6 November 2013 as a true and accurate record.

110 **Chairman's Announcements**

There were no Chairman's Announcements.

Details of the exits to be used in the event of an emergency were explained to the public.

111 **Declarations of Interest**

There were no declarations of interest to note.

112 **Public Participation and Councillors' Questions**

A question had been submitted from Cllr Trevor Carbin in relation to policy surrounding contributions made to the Wiltshire Fire and Rescue Service.

A response to the question from the Area Development Manager was noted at the meeting. Details of the full response are attached to the minutes online.

The Chairman welcomed all present, and explained the rules of public participation, in particular noting the procedure to be followed at the meeting.

113 **Planning Applications**

The Committee considered the following applications:

114 **13/02371/FUL - 57 Damask Way, Warminster, Wiltshire, BA12 9PP**

Public Participation:

Mr Peter Gist spoke in objection to the application.

Cllr Sue Fraser spoke in objection to the application on behalf of Warminster Town Council.

Cllr Ridout spoke on behalf of Cllr Humphries, and in objection to the application.

The Area Development Manager outlined the report which recommended the application be granted planning permission. The main areas for consideration were summarised as being West Wiltshire District Plan 1st alteration- policy C31a (design) and C38 Nuisance. These were summarised as being the impact of the Design on the neighbouring area and any potential nuisance caused as a result of the development. The Area Development Manager confirmed that members had attended a site visit for the application as instructed at the previous Western Area Planning Committee (6 November 2013).

Members of the Committee were then given the opportunity to ask technical questions of the Area Development Manager, to which there were none.

Members of the public were then given the opportunity to present their views to the Committee, as detailed above.

Members of the Committee then entered into a debate, which included a discussion regarding the size and position of the extension. Members then debated the addition of a condition to obscure the east facing windows. Members debated the impact of the development on neighbouring properties.

It was;

Resolved;

To GRANT planning permission to the application subject to the following conditions;

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

REASON: In the interests of visual amenity and the character and appearance of the area.

3. The first floor windows in the southern elevation serving a bathroom and the bottom and 1st floor windows situated on the east elevation in the extension shall be obscured glazed, and fixed shut, prior to the first occupation of the extension hereby permitted and shall be so maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: PL01 E, PL02 E, PL03 E, PL04 E, PL05 E received on 27.08.2013

REASON: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE:

1. The applicant is advised of the following information from Wessex Water:

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system. Sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and applicants should survey and plot these sewers on plans submitted for Planning or Building Regulations purposes. It will be important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

Public Participation:

Angus MacDonald, applicant, spoke in support of the application.
Cllr Francis Morland, Heywood Parish Council, spoke in objection to the application.

The Area Team Leader outlined the report which recommended the application be granted planning permission. Key considerations for the Committee were noted as being; the archaeological and ecological impact, the impact on Heywood House and the White Horse as a heritage asset, the impact on rural surroundings and any potential flood risk posed by the application.

Members of the Committee were then given the opportunity to ask technical questions of the officer. This included a question from Cllr Carbin regarding safeguarding the bypass route in the application, following the planning inspectorate previous refusal of the plans. It was confirmed that this adopted policy had been carried over to the emerging core strategy.

The Committee questioned the diversion for the rights of way through the sites and if they would be kept open. It was confirmed that the plans included mitigating strategies to keep both rights of way access' through the site, open. A question was then asked regarding noise from the transformers that would be installed on the site and questioned what impact this would have on footpath users. It was confirmed that the noise of the transformers would not be audible from the path, and that this had been tested and confirmed at the Marsh Farm site. A question was then asked regarding the load factor of the panels to be used at the site. The Area Team Leader was unable to respond to the question. The Applicant confirmed in his submission to the Committee (below) that the panels had a load factor of around 15%. Cllr Newbury questioned the officer recommended condition 11, and it was confirmed that it was the same condition included on the Marsh Farm application. Members questioned the ability for the site to be used in a dual capacity and questioned the allocated size for the bypass on the site. The Area Development Manager confirmed that the allocated space for the bypass was sufficient and that the plans for the site to used for grazing sheep was legitimately feasible.

Members of the public were then given the opportunity to present their views to the Committee, as detailed above.

Members then entered into debate where a discussion was held regarding the discussions between Westbury Town and Heywood Parish Council, and the developer.

It was;

Resolved:

To GRANT planning permission for the applications subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The solar installation hereby granted shall be removed from the site, together with all supporting/associated infrastructure including the inverter stations, CCTV thermal imaging equipment, poles and DNO switch gear, and the land shall be restored to a condition suitable for agricultural use within 6 months of the PV modules ceasing to be used for the generation of renewable energy, or the expiry of 25 years after the date of this planning permission, whichever is the sooner.

REASON: In the interests of amenity and the timely restoration of the land.

3. An aftercare scheme detailing the steps that are necessary to restore the land following cessation of the solar installation use shall be submitted by the applicant/developer to the Local Planning Authority at least 6 months prior to the removal of the PV modules and associated infrastructure.

REASON: To ensure the satisfactory restoration of the site for agriculture.

4. No development hereby granted shall commence until:

- a) A written programme of archaeological mitigation and investigation, which should include on-site work and off-site work including analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and,

- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the preservation and recording of any matters of archaeological interest.

5. No development hereby granted shall commence until a detailed surface water run-off limitation scheme together with supporting calculations, in accordance with the strategy set out in the Flood Risk Assessment (H20K, Ref: J-4119.5-FM, dated 12 October 2012), has been submitted to and approved in writing by the Local

Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON: To prevent any increased risk of surface water flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 6. No development hereby granted shall commence until a glint and glare assessment has been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail. The assessment shall calculate the visual impact and potential glare from the development on train drivers on the east/west line to the south of the development site. The assessment shall cover the stretch of this rail line 274 metres either side of the signal that lies at the rail line junction to the west of the A350. No development shall take place other than in accordance with the details contained in the approved glint and glare assessment.**

REASON: To ensure that the development does not cause any demonstrable glint/glare nuisance to the adjacent railway users.

- 7. No development hereby granted shall commence until the developer has submitted details of improvements of the existing site access on the A350 Westbury Road for the written approval by the local planning authority, and widen the access in accordance with the approved details. Such details shall include vehicle swept path analysis to demonstrate that two 15.4 metre long articulated delivery lorries, can pass in the access bell mouth area, and nearby access track.**

REASON: In the interests of highway safety.

- 8. No development hereby granted shall commence until the applicant/developer has submitted for the written approval by the local planning authority a construction traffic management plan (CTMP), and shall undertake the construction of the site in accordance with the approved details. The CTMP shall include, amongst other things, details of numbers, types and timing of delivery lorries to the site, the procedures in place to ensure that lorry wheels are free of mud before returning to the highway, local signing to aid movement of lorries arriving at the site entrance, details of the site management co-ordinator who will ensure compliance with the CTMP, how users of public rights of way on and near the site and site access shall be protected during the**

works, and details of how construction workers traffic and lorry traffic shall be accommodated on the site.

REASON: To ensure that construction traffic associated with the site does not give rise to unacceptable conditions on the local highway network.

- 9. No development hereby granted shall commence until a landscape management plan has been submitted for the written approval of the Council which shall cover tree, hedge and root protection measures, the on-site management of the existing hedgerows (which shall be allowed to develop to a minimum 2.5 m winter height), as well as producing exact tree and hedgerow planting details (including location, species and spacing) and a timetabled programme for the infill and all proposed new planting and its on-going management and monitoring which shall cover the lifetime of the development.**

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 10. The landscaping proposals hereby approved and as indicated on plan drawing no. 2421_100 Rev F shall be carried out in the first planting and seeding season following the completion of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees, hedgerow or plants which, within the period of twenty five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 11. The defined public rights of way shall both be kept free from obstruction during and after the construction period.**

REASON: In order to protect and safeguard the public's right to use the public right of ways

- 12. No permission is hereby given for any external lighting/illumination at or on the site.**

REASON: To ensure the creation/retention of an environment free from intrusive levels of lighting and to protect the open countryside.

13. No development hereby granted shall commence until:

- a)** An ecological management plan detailing the construction methods, site management and monitoring has been submitted for the written approval of the Council;
- b)** Confirmation of the seeding mixes that shall be used and the area over which each mix shall be sown;
- c)** Confirmation of access points to allow badgers and other mammals to enter areas enclosed by fencing;
- d)** Confirmation of the annual management of the land, including the grassland, hedgerows and trees; and
- e)** The plan should directly accord with the ecological recommendations contained within the submitted survey statements. Therefore the development shall be implemented in accordance with approved details.

REASON: In the interests of safeguarding ecological and biodiversity interests.

14. A survey of habitat condition measured against the Ecology Management Plan and Site Layout Drawing shall be undertaken by a professional ecologist during the period of June to August and submitted for the Local Planning Authority's written approval in the first, third and fifth years after the site first becomes operational. Where monitoring identifies any non-compliance, remedial measures shall be identified, implemented and reported on through a subsequent agreed monitoring survey.

REASON: In the interests of safeguarding ecological and biodiversity interests.

15. Any removal of hedgerow and/or ground preparation shall be undertaken during the period of 1st September to 28th February. If done outside this period, any such works shall be preceded by a survey produced by a professional ecologist and be only

undertaken in accordance with the ecologist's advice and following the written approval by the local planning authority.

REASON: In the interests of safeguarding ecological and biodiversity interests.

16. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Location Plan - received 19.09.2013

Site Block Plan - received 19.09.2013

Development Master Plan - Drawing No 2421_100_Rev F - received 19.09.2013

Planning Layout and Water Pipe Easement Plan - Drawing No 1021-0201-26 received 21.10.2013

Construction Traffic Route Plan - Drawing no 1021-0201-05 Rev 02 - received 19.09.2013

Typical Panel Elevation Plan - Drawing No 2421-400 - received 19.09.2013

Panel Brochure Detail - received 19.09.2013

Standard Inverter Station Detail Plan - Drawing No 1000-0000-00 Issue 01- received 19.09.2013

Security Fencing Detail Plan - Drawing No 1000-0000-00 Issue 01 - received 19.09.2013

Fence and Hedge Setting Out Detail - Figure 16 - received 19.09.2013

CCTV Dimensions Plan - Drawing no 1000-0000-00 Issue 01 - received 13.11.2012

GRP Sub-Station Enclosure Plan - Drawing LCS-EGC-002 - received 13.11.2012

Site Section Plan - Drawing 2421_300 Rev B - received 13.11.2013

REASON: To ensure that the development is carried out in accordance with the approved plans that has been judged to be acceptable by the local planning authority.

Informative(s):

1. The developer/applicant is advised that Network Rail must be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In view of the close proximity of these proposed works to the railway boundary the

developer should contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

In addition, the developer should duly note that the following lists identify Permitted Trees and those which are not permitted to be planting/grown adjacent to railway boundaries:

Permitted: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrs Communis*), Fir Trees - Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash, Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatat "Zebrina"

Not Permitted: Alder (*Alnus Glutinosa*), Aspen - Poplar (*Populus*), Beech (*Fagus Sylvatica*), Wild Cherry (*Prunus Avium*), Hornbeam (*Carpinus Betulus*), Small-leaved Lime (*Tilia Cordata*), Oak (*Quercus*), Willows (*Salix Willow*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), London Plane (*Platanus Hispanica*).

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that at no time will any poles or cranes over-sailor fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

2. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site; and provisions must be made to ensure that all existing drainage systems continue to operate effectively.
3. The applicant/developer is further advised to enter into more discussions with Wessex Water to agree, should it be so required, mitigation measures to accommodate any construction easement across part of the site to allow for infrastructure improvements undertaken by the statutory undertaker.
4. In the interest of positive local relations, the applicant/developer is advised to continue discussions with Westbury Town Council and Heywood Parish Council regarding potential monetary contributions.

116 13/03919/FUL - Made to Measure Ltd, Carsons Yard, Warminster, Wilts, BA12 9NA

Public Participation

Mr John Braddell, applicant, spoke in support of the application.

Cllr Sue Fraser spoke in support of the application on behalf of Warminster Town Council.

The Area Development Manager outlined the report which recommended the application be granted planning permission. Key considerations of the committee were noted as being; West Wiltshire District Plan 1st Alteration (2004) C31a – Design, C38 – Nuisance, E5 – Loss of employment floor space, H1 – Further Housing Development within towns, and T10 Car parking.

Members were then given the opportunity to ask technical questions of the application, to which there were none.

Members of the public were then given the opportunity to present their views to the Committee, as detailed above.

Members of the Committee then entered into a debate which centred around the loss of employment space in the workshop area. Members also discussed access to the neighbouring properties which was located adjacent to the building and would prove restrictive for large delivery vehicles and vans if windows were allowed to open widely. Members also raised concern over the workshop space, and the impact on the residential part of the building should the two contain separate users. Members debated a condition to fix the workshop to the residential occupier.

It was;

Resolved:

To GRANT planning permission for the application subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

REASON: In the interests of visual amenity and the character and appearance of the area.

3. The roof-lights to the east facing elevation shall be obscure glazed for the lifetime of the development

REASON: In the interests of residential amenity and privacy.

4. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interest of highway safety

5. The development hereby permitted shall not be first occupied until the first five metres of the site access, measured from the edge of the access track (Public Footpath 92), has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

6. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/parking/ turning area), incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

7. The development hereby permitted shall be carried out in accordance with the details shown on the submitted plans:

790/1 received on 2 September 2013;
790/2 received on 2 September 2013;
790/3 received on 2 September 2013;

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

8. The attached workshop to be occupied by residential occupants only.

REASON: To safeguard the residential occupants' amenity.

Informative:

All public rights must be safeguarded in respect of Public Footpath 92 which is directly affected by the vehicular access leading to the site.

117 **13/03824/FUL - Land to the Rear of: 12 and 12a Westbury Road, Warminster, Wiltshire**

Public Participation

Mr Gary Bourne spoke in objection to the application.

Mr Ray Taylor spoke in objection to the application.

Ms J. Chaundy spoke in objection to the application.

Mr Richard Robins spoke in support of the application.

Cllr Sue Fraser spoke in objection to the application on behalf of Warminster Town Council.

The Area Development Manager outlined the report which recommended the application be granted planning permission subject to the satisfactory completion of a variation to a s106 agreement.

The key areas of consideration were said to be West Wiltshire District Plan (WWDP) H1 - Town Policy, H24 – New Housing Design, C31a - Design and C38 – Nuisance. The impact on neighbour amenity was stated as a key consideration for the Committee; however this issue had been previously addressed by the planning inspectorate, following an appeal of a previous application.

Members were given an opportunity to ask technical questions of the application, to which there were none.

Members of the public were then given the opportunity to present their views to the Committee, as detailed above.

Members then entered into debate where a discussion was held regarding the impact on neighbour amenity. The size and scale of the property was said to be in conflict with WWDP, policy C38.

It was;

Resolved:

To REFUSE the application for the following reasons.

The proposed development on plot 1, by reason of its siting and the consequent scale and proximity to the adjacent house on plot 12C of the proposed external wall facing 12C, would have an overbearing and unacceptable impact on the amenity of the occupiers of the dwelling on plot 12C. This would conflict with policy C38 of the West Wiltshire District Plan.

118 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.40 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail samuel.bath@wiltshire.gov.uk

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**Wiltshire Council
Western Area Planning Committee**

27 November 2013

Item 5 - Public Participation

From Councillor Trevor Carbin, Holt and Staverton Division

Question 1

Wiltshire Fire and Rescue service's Public Safety Plan states, under the heading Planning Gain, "We are one of only a few fire and rescue services in the country to be fully written into local planning strategies. ... We are receiving developer contributions towards new or upgraded fire stations that we may need in the future...."

Western Area Planning agendas often contain requests from the Fire and Rescue service for developer contributions, but these are invariably declined*.

Could officers clarify the position about such requests, and explain the service's claim to be in receipt of developer contributions?

*eg 13/02945/FUL 6/11/13: " The Fire and Rescue Service have requested a sum of money however there is not a policy within the local plan to request such monies and therefore it would be inappropriate of the Local Planning Authority to do so."

Ref. WFRS Public Safety Plan 2013/13 – 2016/17 p22.

Response

The statement by Wiltshire Fire and Rescue Service that they are 'fully written into local planning strategies' is a reference to Core Policy 3 (CP3) of the emerging Wiltshire Core Strategy where the list of essential infrastructure includes 'emergency services'. The Infrastructure Delivery Plan provided for in the Core Strategy also lists certain projects that have been nominated by the Fire and Rescue Service through on-going dialogue.

However, at this time, the Development Plan that the Western Area Planning Committee is required to determine planning applications in accordance with is the older West Wiltshire District Plan. This does not have any requirement for the provision of emergency services infrastructure. Until the Wiltshire Core Strategy is further advanced and the Council has considered the Inspector's findings into the recent public examination of its soundness, no great weight can be given to CP3 and it is therefore difficult to accede to requests from the Fire and Rescue Service for contributions.

The Fire and Rescue Service may be receiving developer contributions from other parts of Wiltshire where the Development Plan is different. In the medium term, a clearer pattern will emerge once the Core Strategy is adopted, and looking further ahead, when the Community Infrastructure Level (CIL) is in place.

**Mike Wilmot
Area Development Manager, Central**

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 18 DECEMBER 2013 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Russell Hawker, Cllr John Knight, Cllr Magnus Macdonald, Cllr Christopher Newbury (Chairman), Cllr Horace Prickett, Cllr Pip Ridout and Cllr Roy While (Vice Chairman)

Also Present:

Cllr Terry Chivers

119 Apologies for Absence

Apologies for absence were received from Cllr Jonathon Seed.

120 Minutes of the Previous Meeting

The minutes of the meeting held on 27 November 2013 were presented.

Resolved:

To approve and sign the minutes of the meeting held on 27 November 2013 as a true and accurate record.

121 Chairman's Announcements

There were no Chairman's Announcements. The Democratic Services Officer gave details of the exits to be used in the event of an emergency.

122 Declarations of Interest

Cllr Davis stated that he had sat on Warminster Town Council for a decision on item 13/04478/FUL: Land East of 73 Ruskin Drive, Warminster. Cllr Davis had not previously voted on this application.

123 Public Participation and Councillors' Questions

No questions had been received from councillors or members of the public.

The Chairman welcomed all present and explained the rules of public participation and the procedure to be followed at the meeting.

124 **Planning Applications**

The Committee considered the following applications:

125 **13/04760/FUL: 188 Woodrow Road, Melksham, Wiltshire, SN12 7RF**

Public Participation

Mr Richard Cosker spoke in support of the Application.

The Development Control Team Leader (Central Area) outlined the Officers report which recommended the application for refusal. The site was outlined and the wider location of the application was identified. The application sought to demolish the existing dwelling on the site and to replace it with two detached four bedroom dwellings with access and parking. Cllr Terry Chivers had called the application to committee following the recommendation to refuse.

The Development Control Team Leader (Central Area) outlined the relevant planning policy for consideration including the West Wiltshire Local Plan, Policies: C1 – Countryside Protection, C31a- Design, C38 – Nuisance, H1 – Further Developments within Towns and H19 Developments in Open Countryside.

The Committee were then invited to ask technical questions of the application. Members questioned the location of the site, and its finite definition as open countryside or as falling outside the village settlement boundary.

Members of the public were then given the opportunity to speak, as listed above.

Cllr Chivers stated that there was no local objection to the development, and that members should be mindful of this when making their decision. Cllr Chivers also cited previous developments in the area which had been approved.

Members debated the wording of open countryside, and the relevance to the application, and also discussed the impact of a decision against policy.

Following the debate, a motion to refuse the application was tabled and defeated. It was then:

Resolved:

To GRANT planning permission for the application subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 3) Prior to the occupation of the dwellings hereby approved the windows in the first floor side elevations serving the bathroom shall be glazed with obscure glass.

REASON: In the interests of residential amenity and privacy.

- 4) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
 - a) finished levels and contours;
 - b) means of enclosure;
 - c) car park layouts;
 - d) other vehicle and pedestrian access and circulation areas;
 - e) all hard and soft surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6) The development hereby approved shall be carried out in accordance with the Flood Risk Assessment dated March 2013 received by the Local Planning Authority on 24th September 2013

REASON: To minimise the risk of flooding

- 7) The development hereby approved shall be carried out in accordance with the bat roost inspection dated 12th February 2013 received by the Local Planning Authority on 24th September 2013.

REASON: To ensure that protected species are not harmed

- 8) The development hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 9) The dwellings hereby approved shall not be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 10) The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2.0 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 900mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 11) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

- 12) Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

- 13) No development shall commence on site until the soakaway design for the discharge of surface water from the site, incorporating percolation tests, soakaway details and calculations (in accordance with BRE Digest 365), has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained to soakaways in accordance with BRE Digest 365.

- 14) The development hereby permitted shall be carried out in accordance with the following approved plans:
TK/pk received on 24th September 2013

REASON: For the avoidance of doubt and in the interests of proper planning.

It is important for the applicant to note the following informatives requested by the Environment Agency:

INFORMATIVE: Including flood-proofing methods within the construction of the new homes will further protect the buildings from potential flood damage. The applicant can refer to the publication at the following link for further guidance: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

INFORMATIVE: The surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". Only clean, uncontaminated surface water should be discharged to soakaway.

Cllr Ernie Clark and Cllr Christopher Newbury requested that their vote against the application be recorded.

126 **13/04779/FUL: Staverton CofE School, School Lane, Staverton, Trowbridge, BA14 6NZ**

Public Participation

Ms Wendy Grant spoke in objection to the application.

Mr Mark Frati spoke in objection to the application on behalf of Staverton Parish Council.

The Senior Planning Officer outlined the report which recommended the application for approval. The application was for retrospective permission following the erection of a shed on School Grounds close to the perimeter boundary of an adjoining land owner. The application had been called to committee by Cllr Trevor Carbin.

The Senior Planning Officer outlined the application, and noted the site of the application, and the impact on neighbouring properties. This included the objections raised on the impact of light intrusion and shadowing as a result of the shed's location.

The Senior Planning Officer outlined the relevant planning policy for consideration including the West Wiltshire District Plan 1st Alteration 2004 Policies: C1 – Countryside Protection, C31a- Design, C38 - Nuisance and CF1 – General Community Facilities.

Members were then invited to ask technical questions of the application. Members questioned the distance of the shed in relation to the boundary, and the impact on both the schools existing facilities should the barn be relocated, and the impact on residents should permission be granted.

Members of the public were then given the opportunity to speak, as listed above.

The Committee then debated the application and discussed the possibility of relocating the shed to reduce the impact on local residents. At the end of the debate it was;

Resolved:

To DEFER the application in order to allow for discussions between residents and the school to take place, with regard to identifying a suitable alternative location for the shed.

127 **13/04478/FUL: Land East Of 73 Ruskin Drive, Warminster**

Public Participation

Mr Mark Reynolds spoke in support of the application.

The Development Control Team Leader (Central Area) outlined the Officers report which recommended the application for approval. The site was outlined and the relevant planning history noted. A number of objections including local

residents and highways were presented by the Development Control Team Leader (Central Area).

The application proposed to create a new dwelling within the grounds of the applicants existing semi detached property at 73 Ruskin Gardens, to form a line of three terraced houses with near identical proportions.

The Development Control Team Leader (Central Area) outlined the relevant planning policy for consideration including the West Wiltshire District Plan 1st Alteration 2004, Policies: C31a- Design, C38 – Nuisance and H1 – Further Developments within Towns.

The Committee were then invited to ask technical questions of the application, of which there were none.

Members of the public were then given the opportunity to speak, as listed above.

Cllr Pip Ridout stated as the local member that although the application had overcome the previous barriers, the main concerns were those of the three vociferous objectors, who could not be ignored.

The Committee debated the application and agreed that the application met the criteria for development. It was;

Resolved:

To APPROVE the application subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of section 91 of the town and country planning act 1990 as amended by the planning and compulsory purchase act 2004.

- 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.**

REASON: In the interests of visual amenity and the character and appearance of the area.

- 3. The development hereby permitted shall not be occupied until the first three metres of the accesses, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter.**

REASON: In the interests of highway safety.

4. The development hereby permitted shall not be occupied or first brought into use until the area between the nearside carriageway edge and a line drawn 2 metres parallel thereto over the entire site frontage has been cleared of any obstruction to visibility at and above a height of 600mm above the nearside carriageway level. That area shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

5. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access to the junction to the north and 43 metres to the south from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

6. The development hereby approved shall not be occupied until sufficient provision for the parking of two vehicles has been provided for, in accordance with details as shown on plan reference 820/2 received on the 01 October 2013. The garage shall remain as a permanent parking facility for the new dwelling and shall not be separately let or sold but retained in perpetuity for the provision of car parking.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety

7. The development hereby permitted shall be carried out in accordance with the following approved plans:
drawing number 820/1 received on the 01 October 2013
drawing number 820/2 received on the 01 October 2013
reason: for the avoidance of doubt and in the interests of proper planning.

INFORMATIVE: the consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's highway authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

INFORMATIVE: the applicant is advised to contact Wessex water direct on 01225 526 000 with regard to the connection of water and waste supplies for this proposed development.

128 **13/04560/FUL: 164 Bath Road, Atworth, Melksham, SN12 8JR**

Public Participation

Mr Simon Filipowicz spoke in support of the application.

The Senior Planning Officer outlined the report which recommended the application be granted planning permission. The applicant proposed to erect a single storey, flat roofed extension to an existing property, which would house a garage.

The Senior Planning Officer outlined the relevant planning policy which included: West Wiltshire District Plan 1st Alteration 2004, Policies: C31a- Design and C38 – Nuisance.

Atworth Parish Council had been consulted as part of the planning process and had highlighted neighbours concerns over the impact on the existing dry stone wall which separates the applicant's property from the neighbouring property.

Members were invited to ask technical questions of the application, to which there were none.

Members of the public were invited to speak as detailed above.

Members then debated the application and at the close of debate, it was;

Resolved:

To APPROVE the application subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.**

REASON: In the interests of visual amenity and the character and appearance of the area.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drwg. 1339-1 received 26.09.2013

Drwg. 1339-2 received 26.09.2013

Site location plan received 26.09.2013

REASON: For the avoidance of doubt and in the interests of proper planning.

129 Urgent Items

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.25 pm)

The Officer who has produced these minutes is Samuel Bath, of Democratic Services, direct line 01225 718211, e-mail samuel.bath@wiltshire.gov.uk

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

STRATEGIC PLANNING COMMITTEE

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 11 DECEMBER 2013 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Glenis Ansell, Cllr Terry Chivers, Cllr Andrew Davis (Chairman), Cllr Jose Green (Vice Chairman), Cllr Charles Howard, Cllr Bill Moss, Cllr Christopher Newbury, Cllr Anthony Trotman, Cllr Nick Watts and Cllr Graham Wright

Also Present:

Cllr Chuck Berry, Cllr Alan Hill and Cllr Toby Sturgis

48 **Apologies for Absence**

An apology for absence was received from Councillor Fred Westmoreland.

49 **Minutes of the Previous Meeting**

The minutes of the meeting held on 23 October 2013 were presented for consideration. It was,

Resolved:

That subject to the alteration of 'Councillor Christopher Newbury requested his objection to the approval for scheme A be recorded' to 'Councillor Christopher Newbury requested his vote against the approval for scheme A be recorded' under Minute 46, to APPROVE as a true and correct record and sign the minutes.

50 **Declarations of Interest**

Councillors Tony Trotman and Glenis Ansell declared a non-pecuniary interest in application 13/03187/WCM: Units 3 to 5, 2 Porte Marsh Road, Calne, Wiltshire, SN11 9BN, by virtue of being members of Calne Town Council, but would speak and vote on the item, considering the item on its merits.

51 **Chairman's Announcements**

There were no announcements.

52 **Public Participation and Councillors' Questions**

The rules on public participation were noted.

53 **Planning Applications**

54 **13/03187/WCM: Units 3 To 5, 2 Porte Marsh Road, Calne, Wiltshire, SN11 9BN**

Public Participation

Cllr Heather Canfer, Calne Town Council, spoke in objection to the application.

The Area Development Manager presented the report which recommended that permission for the variance to condition 5 to permit loading outside of the building on the site be granted. The original permission was granted in September 2011, and the key issues were stated to include the impact on residential amenity and the local environment and the reasons for imposing the initial condition.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on whether additional conditions could be altered or added, and it was confirmed that it could be done only if the additions and alterations were in relation to the changes being requested. In response to queries it was stated that there was no fencing around the site, and that throughput had increased significantly since the original permission was granted, with the applicants stating health and safety concerns necessitated the changing of condition 5 as a result.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

Councillor Alan Hill, a Unitary Member for Calne, then spoke in objection to the application, drawing attention to the presence of nearby schools and homes which would be affected by the movement of activities outside the confines of the building.

The Local Member, Councillor Glenis Ansell, then spoke in objection to the application, noting concerns of activities spilling out on pavements and increased traffic movements in the area.

A debate followed, where members considered whether the reasons for imposing the original condition 5 were still valid in light of the changed circumstances of the facility, and if the proposed new condition was satisfactory in addressing concerns. Whether the Health and Safety concerns from increased throughput were sufficient to justify permitting the loading of vehicles outside was debated, along with the details of how any unloading would take place.

At the end of discussion, it was,

Resolved:

To REFUSE the application for the following reason:

The variation of condition 5 as requested would permit loading of vehicles by forklifts to take place outside of the building. The building is located close to nearby residential properties and this change in operation would create an unacceptable increase in noise pollution and litter, to the detriment of the amenity of nearby residential properties. This would conflict with policy WDC 2 of the Wiltshire & Swindon Waste Development Control Policies Development Plan Document, that seeks to avoid adverse impacts from waste management development.

Councillor Terry Chivers requested that his vote against the refusal be recorded.

55 **13/01593/FUL: Kemble Enterprise Park, Nr Kemble, Gloucestershire, GL7 6BQ**

Public Participation

Mr Paul Fong, agent, spoke in support of the application.

The Planning Officer introduced the report which recommended permission be refused. The application was stated to be a hybrid application, containing aspects which were outline and others with full detail. Key issues were stated to include the principal of the development, the effect on listed buildings, sustainability and design.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought regarding the views of Kemble Parish Council, and whether the site had been identified specifically for employment uses with the emerging Core Strategy or other policies, which it was confirmed was not the case.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Chuck Berry, then spoke to the application, noting the need to balance the concerns of officers and some residents against the benefits the proposal brought.

A discussion followed, where the scale of the proposed developments over existing buildings was assessed, along with the suitability of transport arrangements for the business park, the prominence of the proposed development on a Greenfield site and whether they enhanced the setting or character of the listed hangers on the site.

At the conclusion of debate, it was,

Resolved:

To REFUSE the application for the following reasons:

- 1) The proposal is located within open countryside and on a Greenfield site within a former MoD site. The proposals are not**

considered to be limited expansion or redevelopment of an existing premises; are not well related to any existing settlements and are considered to be remote, involving development of an open area. The proposals are thus considered to conflict with policies BD5 and NE20 of the North Wiltshire Local Plan 2011 and Wiltshire Core Strategy Policy 37.

- 2) The proposals lack sufficient detail to ensure that they preserve or enhance the setting of the Grade II listed hangars on site and are thus contrary to Policy HE4 of the North Wiltshire Local Plan 2011, Wiltshire Core Strategy Policy 58, section 12 of the National Planning Policy Framework 2012 and the guidance given in S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3) The proposals are set within an open landscape and of a scale, massing and design that is considered to have a detrimental impact on the “special” character of the area and its openness, causing the built form to coalesce, contrary to policy NE15 of the North Wiltshire Plan 2011, Wiltshire Core Strategy Policy 51 and Section 11 of the National Planning Policy Framework 2012 on conserving and enhancing the natural environment.
- 4) The proposal is sited within a remote location with poor public transport facilities and the sustainability proposals put forward by the applicants are considered to be insufficient to outweigh the harm caused and thus the development is considered to be contrary to Policies T1 and T2 of the North Wiltshire Local Plan 2011 together with Wiltshire Core Strategy Policies 60 and 61 and advice within the National Planning Policy Framework 2012 about delivering sustainable development.

56 **Date of the next meeting**

The date of the next meeting was confirmed as 22 January 2014

(Duration of meeting: 10.30 am - 12.10 pm)

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AUDIT

DRAFT MINUTES OF THE AUDIT MEETING HELD ON 18 DECEMBER 2013 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Richard Britton, Cllr Trevor Carbin (Substitute), Cllr Tony Deane (Chairman), Cllr David Jenkins, Cllr Julian Johnson, Cllr John Noeken (Substitute), Cllr Helen Osborn, Cllr Linda Packard, Cllr David Pollitt, Cllr Sheila Parker (Vice-Chairman) and Cllr James Sheppard

Also Present:

Cllr Bill Moss, Cllr Jane Scott OBE and Cllr Dick Tonge

70 **Apologies and Membership Changes**

- 1) Apologies were received from Councillors Stewart Dobson and Stephen Oldrieve.

Councillor Dobson was substituted by Councillor John Noeken.

Councillor Oldrieve was substituted by Councillor Trevor Carbin.

- 2) It was noted that following the Full Council meeting on 12 November 2013, Councillor Howard Greenman had been removed as a member of the Committee.

71 **Chairman's Announcements**

There were no announcements.

72 **Minutes of the Previous Meeting**

The minutes of the meetings held on 4 September and 17 September 2013 were presented for consideration. It was confirmed that Matthew Tiller, Chief Accountant, Technical Accountancy, had been appointed as the lead officer for the Audit Committee as requested under Minute 69, and that the Chairman would receive a written response from the Leader of the Council in relation to Minute 67 and the Committee's concerns over the impact of the council's Voluntary Redundancy Programme.

It was,

Resolved:

To approve as true and correct records and sign the minutes.

73 **Members' Interests**

There were no interests declared.

74 **Public Participation and Committee Members' Questions**

There were no public statements or questions submitted.

75 **Internal Audit December Update Report**

The Associate Director (Finance, S.151 Officer) and David Hill (Group Audit Manager, South West Audit Partnerships), introduced a report on the performance of Internal Audit (IA). Details were provided on the 79 audit assignments progressed during the year 2013/14, and attention was drawn to areas where Internal Audit had added value to services and functions beyond standard expectations, as requested by the Committee. Efforts to strengthen future contract monitoring and improve the efficiency of the payments system were noted.

A discussion followed, where it was raised that feedback from services remained low at around 30%, and the Committee were keen to encourage management at all levels to complete the customer questionnaires sent at the conclusion to each audit. Further details were also sought on additional review activity following requests for Internal Audit support, including Information Services, System Administration and others as detailed in the report.

It was,

Resolved:

To note the findings from the IA audits to date.

76 **KPMG (External Audit) Annual Audit letter 2012/13**

The Associate Director (Finance, S.151 Officer) and Darren Gilbert (Director, KPMG), introduced the Annual Audit Letter for 2012/13 from the council's external auditors, KPMG, summarising work previously reported to the Committee throughout the year. There were no high priority recommendations as a result of KPMG's 2012/13 work.

A discussion followed, where details were sought on how fees for additional work were agreed, and it was confirmed all fees were still subject to determination by the Audit Commission, and had been predicted based on work on additional projects such as a review of the data migration process in relation to the implementation of the QL housing rents system. The Committee also discussed upcoming work and its predicted impact.

It was,

Resolved:

To note KPMG's Annual Audit Letter and receive an update on progress in March 2014.

77 **QL Housing Implementation - Data migration**

Darren Gilbert (Director, KPMG) presented a report on the review of the QL Housing Implementation Data Migration, following the replacement of the Housing IT system application Simdell with the QL Housing application in early 2013. The internal auditors, SWAP, undertook a review of the implementation of QL, with KPMG reviewing the performance and outcome of that implementation.

It was stated KPMG concluded the data migration had been managed and performed in a satisfactory manner, and did not include any formal recommendations for management responses, as detailed feedback and learning issues had already been provided to the council by SWAP.

The Committee discussed the report and noted the suggested areas of improvement for future reviews of projects, in particular the need to take into account the impact of the loss of staff with critical knowledge of the application systems which are to be replaced, as well as debating the success of the new system.

It was,

Resolved:

To note the report from KPMG.

78 **Report of the Audit Committee Task Group Review of Internal Audit Project Procedures and Reporting**

Councillor Richard Britton, Chairman of the Audit Committee Task Group of Internal Audit Project Procedures and Reporting, presented the report of the Task, detailing its work since the membership was agreed on 17 September 2013. The Task Group gave thanks to David Hill, Suella Coman and Denise Drew from South West Audit Partnerships(SWAP) for their assistance in presenting, discussing and providing documentation on the issues the Task Group had investigated.

It was explained that the Task Group had investigated three areas for their report: The conduct of Internal Audit (IA) projects, reporting to the Audit Committee and Value for Money from Internal Audit.

The Task Group ad concluded that IA projects appeared to be professionally conducted and soundly managed, but that the existing reporting arrangements did not allow the Audit Committee to effectively monitor the progress of the IA programme, determine that the IA was delivering value for money, and that the

Audit Committee needed to be better placed to judge the extent to which IA recommendations were implemented as being the best measure whether or not it delivered value for money.

The Committee thanked the Task Group for its work and praised the clarity and thoroughness of the report, and then discussed the recommendations of the Task Group. A new format for IA reports was assessed, as shown in the agenda supplement, which would group projects by their status, and in response to queries it was confirmed that SWAP would not have any problems in implementing the recommendations to produce separate reports on higher level recommendations council management did not accept, and progress reports on those higher level recommendations which were accepted.

It was,

Resolved:

- 1) **The current IA reports to the Audit Committee should be replaced with a new reporting format based on the grouping of projects by their current status.**
- 2) **The Audit Committee should receive a separate report of Levels 3, 4 and 5 recommendations which are not accepted by management.**
- 3) **The management of functional areas where IA have made recommendations of level 3, 4 or 5 in importance should, within three months of IA's Final Report, report to the Audit Committee their progress in implementing those recommendations.**

79 **Forward Work Programme**

The Committee discussed potential options for inclusion on a forward work programme.

80 **Date of next meeting**

The date of the next scheduled meeting of the Committee was confirmed as Tuesday 11 March 2014.

81 **Urgent Items**

There were no urgent items.

(Duration of meeting: 9.30 - 10.30 am)

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STAFFING POLICY COMMITTEE

MINUTES OF THE STAFFING POLICY COMMITTEE MEETING HELD ON 6 NOVEMBER 2013 AT THE PRATCHETT ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Allison Bucknell (Chair), Cllr Mike Hewitt, Cllr David Jenkins, Cllr Gordon King, Cllr David Pollitt, Cllr John Smale (Vice Chairman) and Cllr Stuart Wheeler

Also Present:

Cllr Tony Deane

45 Apologies for absence

Apologies for absence were received from Cllr Jon Hubbard and Cllr Jane Scott OBE.

46 Minutes of Previous Meeting

Resolved:

To confirm and sign as a correct record the minutes of the Committee meeting held on 4 September 2013.

47 Declarations of Interest

There were no declarations of interest made at the meeting.

48 Chairman's Announcements

There were no Chairman's announcements.

49 Public Participation

There were no members of the public present or councillors' questions.

50 Annual Health & Safety Performance

Consideration was given to a report by the Head of Occupational Health and Safety which set out details of the Council's health and safety performance during the period October 2012 to September 2013 and also the planned areas of work for the future reporting period.

It was noted that the report covered the health and safety of the Council's employees and also of the customers and members of the public to whom the Council provided services.

All the information relating to accidents contained within the report was based solely on that which had been properly reported and recorded. There would have been other accidents that had not been recorded or had been misreported. Efforts were continuing to reduce these to the minimum.

It was noted that the Health and Safety Service had experienced a successful year with:

- a reduction in the majority of trend patterns of accidents and, more significantly, incidence rates;
- an absence of any enforcement action from the Health and Safety Executive;
- a positive assessment from the South West Audit Partnership;
- very high customer satisfaction feedback.

Members of the Committee were interested to note that quarterly information reports had been introduced to give Associate Directors and Heads of Service greater detail regarding localised health and safety performance. Health and Safety performance had also been integrated into the corporate appraisal procedure.

The Committee was informed that the key areas of work based on risk assessment included:

- employee well-being
- musculo-skeletal hazards
- lone working
- increasing use of volunteers
- shared workplaces
- commissioned services, including adult care and ground maintenance

The Committee noted that the evidence presented indicated that health and safety was generally well managed at Wiltshire Council and that the Health and Safety team was providing a high-performing service. Performance indicators were positive and the corporate risk register showed that the ongoing direction of travel was towards green RAG rating. However, the issue of violence and aggression towards staff in the course of their duties remained a significant concern and was at the forefront of ongoing work with services and individuals.

After further discussion,

Resolved:

- (1) To approve the report, thanking the Officers for all their work resulting in the positive outcomes as set out in the report.
- (2) To request an update report in due course on progress in securing a reduction of acts of violence and aggression towards staff.

51 **Wiltshire Council - Commitment to the Local Government Pension Scheme (LGPS)**

The Committee received a report by the Associate Director, Finance, Revenues & Benefits and Pensions which updated Members on Wiltshire Council's legal obligations in relation to the Local Government Pension Scheme. The report also highlighted the areas of which Wiltshire Council had discretion and the key considerations that needed to be taken into account when providing services.

The Committee heard further from Cllr Tony Deane, Chairman of the Wiltshire Pension Fund Committee and the Head of Pensions and noted that:-

1. Wiltshire Council had limited discretion in respect of their ability to offer LGPS membership. The Council had a legal obligation to provide LGPS membership to all Wiltshire Council employees, local authority schools and Academies. The only discretion Wiltshire Council had concerning LGPS admittance was to Foundation Schools. If LGPS access was denied to Foundation Schools, Wiltshire Council would be required to provide an alternative pension scheme of a similar value.
2. The organisation needed to be aware of its long term financial commitments arising from its membership, especially in terms of restructuring its services and any potential indirect pension risks arising from commercial arrangements with new providers.

Resolved:

To note the contents of the report.

52 **Wiltshire Rewards Scheme**

The Committee received a report by the Associate Director, People & Business Services in response to a request made by this Committee at its July 2013 meeting for further information about the ability to extend the Wiltshire Rewards Scheme to volunteers and other groups within Wiltshire.

The report covered:

- A roll out to foster carers

- A roll out to school employees
- An extension of the scheme to other groups

Members were pleased to note that, since the scheme was launched to all non-schools council employees on Monday 30 September 2013, about 25% of eligible staff had signed up and that savings made through the scheme were currently around £9,300.

During the ensuing discussion Members expressed the view that whilst they were supportive of extending the scheme to schools, they considered that a careful marketing of the scheme was important in order to ensure this did not give an impression that it was available to everyone. Cllr Stuart Wheeler did confirm that the scheme would not be made available to Members of the Council.

After further discussion,

Resolved:

- (1) **To note that a roll out of the scheme to foster carers would take place by the end of November 2013.**
- (2) **To initially offer free access to Wiltshire Rewards to all Wiltshire schools, including academies, regardless of status on the understanding that if they didn't buy into the Council's payroll service they would have to provide a monthly data base of eligible employees. After one year an annual charge would be made in respect of those academies and non LA schools who wished to continue to use the scheme.**
- (3) **To note the intention to roll out the scheme to volunteers once the current volunteers project had been concluded.**
- (4) **To note that it was not feasible to extend the current Wiltshire Rewards Scheme to other groups but that the setting up of a framework agreement was being investigated to enable an alternative and more suitable scheme to be extended to other groups.**

53 **Workforce Information - Update on Levels of Employee Engagement**

The Committee considered a report by the Associate Director, People & Business Services which provided an update on current levels of employee engagement based on available information and data.

It was noted that recently some concerns about the current levels of employee engagement had been raised by some members and the branch office of UNISON, against a backdrop of significant change including a recent council

wide voluntary redundancy programme and increases to senior management pay.

At a meeting of the Overview & Scrutiny Management Committee on 8 October 2013, a review of staff engagement and moral levels using an external provider was proposed and discussed. That Committee agreed that instead the data available internally should be used to provide an update on current employee engagement levels to this Committee.

The Committee noted the number of initiatives that had been taking place to maintain employee engagement and also the challenges that the Council had been facing since it became a unitary authority in 2009. Each of these challenges had and would continue to shape initiatives aimed at reducing the impact on staff to ensure employee engagement could be maintained during unsettling periods.

Members were pleased to note that despite the lengthy periods of change that had been taking place, employee engagement had improved with the information suggesting that employees were more engaged with the Council now than when monitoring began in 2011.

After further discussion,

Resolved:

- (1) To note the contents of the report.**
- (2) To note that the analysis of all the available data showed that concerns about staff morale could not be substantiated.**
- (3) To conclude that all of the available data suggested that, despite the changes that had been taking place and the challenges being faced, employees were engaged.**

54 Update on Changes to the Senior Management Structure

On considering a report by the Associate Director, People & Business Services,

Resolved:

To note the contents of the report which provided an update on the implementation of the new senior management structure.

55 Senior Officers Employment Sub-Committee

Resolved:

To receive and note the minutes of the Senior Officers Employment Sub-Committee meeting held on 9 October 2013.

56 **Date of Next Meeting**

Resolved:

To note that the next meeting of this Committee was due to be held on Wednesday 8 January 2014 at County Hall, Trowbridge, starting at 10.30am.

57 **Urgent Items**

There were no urgent items of business.

(Duration of meeting: 10.30 am - 12.15 pm)

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STAFFING POLICY COMMITTEE

DRAFT MINUTES OF THE STAFFING POLICY COMMITTEE MEETING HELD ON 8 JANUARY 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Allison Bucknell (Chair), Cllr Peter Evans (Substitute), Cllr Mike Hewitt, Cllr Jon Hubbard, Cllr David Jenkins, Cllr Gordon King, Cllr Bill Moss (Substitute), Cllr David Pollitt and Cllr Stuart Wheeler

Also Present:

Cllr Terry Chivers, Cllr Helen Osborn and Cllr Jeff Osborn

58 **Apologies for absence**

Apologies for absence were received from Cllr John Smale, who was substituted by Cllr Peter Evans and Cllr Jane Scott OBE who was substituted by Cllr Bill Moss.

59 **Minutes of Previous Meeting**

Resolved:

To confirm and sign as a correct record the minutes of the Committee meeting held on 6 November 2013.

60 **Declarations of Interest**

There were no declarations of interest made at the meeting.

61 **Chairman's Announcements**

There were no Chairman's announcements.

62 **Public Participation**

There were no members of the public present or councillors' questions.

63 **Pay Policy Statement**

Consideration was given to a report by the Associate Director, People & Business Services which presented the updated Pay Policy Statement for approval prior to agreement by Council and publication on the Council's website.

It was explained that under chapter 8 of the Localism Act 2011, every local authority was required to prepare an annual pay policy statement. Wiltshire Council originally published its pay policy statement in February 2012 and the Council was now required to publish an updated policy on its website by 1 April 2014.

It was noted that the policy had now been updated to include:

- A revised introduction setting the context of the Council.
- Updated figures on the budget, number of employees and pay ratios.

The Pay Policy Statement set out the Council's policies for the financial year relating to:

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

Reference was made to the review of the pay of staff at senior management level undertaken in 2013 which included employees on the upper HAY grades and Members were informed that the salaries of those remaining HAY graded employees would be reviewed shortly.

After further discussion, during which a few minor amendments to the Pay Policy Statement were made,

Resolved:

To approve the draft Pay Policy Statement which would be presented to Council at its February 2014 meeting for agreement after the budget figure had been reviewed and updated, subject to the following amendments:-

Para 27 to read:

“The Council's policy is to apply the nationally negotiated JNC pay award for HAY graded employees, except for corporate and associate directors, and NJC pay award for GLPC graded employees which takes effect from 1 April each year.”

Para 70 to read:

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

64 **Equality and Diversity Monitoring Report**

Consideration was given to the updated annual equality and diversity employment monitoring report as prepared by the Associate Director, People & Business Services. It was noted that the Council was required to produce this information annually as part of the Public Sector Equality Duty in line with the Equality Act 2010.

It was noted that this updated report outlined the work the Council continued to take in relation to positive action and also outlined work which had been identified for consideration or action based on data analysis which included:

- Measures to increase the recruitment and retention of under 25's
- To improve the rate of unknown's for all categories – including consideration of further data cleanse exercises or targeting particular areas where information was low ie paper based checks for those who did not have a pc etc.
- To give consideration to increasing the number of protected characteristics monitored.
- Dignity at work – further analysis of the staff survey indicated that disabled staff were twice as likely to indicate that they had been bullied. Dignity at work training would be included in the programme of Manager briefings for 2014.

After discussion,

Resolved:

- (1) **To endorse the contents of the draft Equality and Diversity Employment Monitoring Report, subject to the following amendment:**

Para 53 to read as follows:

“The council has a single countywide appraisal system. The appraisal process enables staff to discuss issues relating to barriers to access and progress at work with their manager and is primarily used for developmental purposes.”

- (2) To request a report for the next meeting outlining work being undertaken to encourage the recruitment and retention of young people under the age of 25 years.

65 **Delivering the Business Plan July to September 2013**

The Committee received a quarterly workforce report, excluding fire, police and schools staff, for the quarter ended 30 September 2013 concerning:-

Staffing Levels
Sickness Absence
New Health and Safety RIDDOR related injuries
New Disciplinary and Grievance Cases
Voluntary Staff Turnover
Employee Costs
Additional Financial Information
Employee Diversity

During discussion the following points were highlighted:-

- The headcount during this quarter had decreased by 116 to 5043, largely due to 58 employees being TUPE transferred out in Adult Care and Housing Operations and a large reduction in Schools & Learning due to a structure review. This had resulted in a saving of £140,000.
- Sickness rates during the quarter had slightly decreased to 2.0 FTE days per FTE. The sickness rate for the rolling year 1 October 2012 to 30 September 2013 was 8.9 FTE days per FTE, this being 1.0 day lower than the benchmark rate. It was noted that Waste Management Services and Adult Care & Housing Operations had the highest rates of sickness at 5.0 (+0.6 days per FTE) and 3.4 (-0.2 days per FTE) days per WTE respectively. 36.1% of all absences in Waste Management Services were due to stomach complaints. These absences were being investigated in conjunction with Public Health colleagues. A comparison with similar staff in other local authorities had shown that these absences in Wiltshire were not greater.
- The spend on agency staff had increased this quarter by £240,905. This was largely due to an increase in Adult Care & Housing Operations. Without this cost there would have been a reduction of £124,829 during the quarter, the largest reduction (£129,942) being in Children's & Families Social Care.

Resolved:

To note the contents of the report.

66 Implementation of the Living Wage

Consideration was given to a report by the Associate Director, People & Business Services from which it was noted that at the Council meeting held on 12 November 2013, Cllr Jeff Osborn and Cllr Terry Chivers presented a Motion that the Living Wage should be adopted by the Council. Council had agreed to refer the Motion to Staffing Policy Committee for consideration.

It was explained that the Living Wage was an hourly rate set independently by the Centre for Research in Social Care at Loughborough University and had increased on 4 November 2014 from £7.45 to £ 7.65 per hour, an increase of 2.7%; in 2012 the Living Wage had increased by 3.4%. Members were informed that 16 local authorities had adopted the Living Wage approach but seven of these were London Boroughs.

It was noted that Cabinet had agreed to investigate the implementation of a job family modelling approach to replace the current job evaluation system. The job family modelling approach had been piloted successfully when the corporate and senior management reviews were implemented. This approach was now being scoped for the rest of the organisation and as part of this project the current pay and grading structure would also be reviewed.

It was explained that consideration could be given to applying the principles of the Living Wage to the new pay and grading structure when this project was implemented.

After discussion, during which Cllrs Jeff Osborn and Terry Chivers supported this suggested approach,

Resolved:

- (1) **To note that the Staffing Policy Committee was responsible for making key decisions about the implementation of job families.**
- (2) **To agree that, as part of this project, this Committee would review the pay and grading structure, and would consider if it were appropriate, to implement the Living Wage, taking into account the cost pressures.**
- (3) **To invite Cllrs Jeff Osborn and Terry Chivers, the mover and seconder of the Motion at Council, to the appropriate meeting of this Committee when the matter would be considered.**
- (4) **To request that a time-line for this project be presented to the next meeting of this Committee.**

67 **Date of Next Meeting**

Resolved:

To note that the next meeting of this Committee was due to be held on Wednesday 5 March 2014 in the Kennet Room at County Hall, Trowbridge, starting at 10.30am.

68 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 10.30 - 11.55 am)

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WILTSHIRE PENSION FUND COMMITTEE

**DRAFT MINUTES OF THE WILTSHIRE PENSION FUND COMMITTEE MEETING
HELD ON 4 DECEMBER 2013 AT KENNET ROOM - COUNTY HALL,
TROWBRIDGE BA14 8JN.**

Present:

Cllr Tony Deane (Chairman), Cllr Brian Ford, Cllr Charles Howard (Vice-Chair),
Mr Tim Jackson, Cllr Des Moffatt, Cllr Mark Packard, Mr Mike Pankiewicz,
Cllr Sheila Parker and Cllr Roy While

Also Present:

Mr Jim Edney, Joanne Holden and Cllr Dick Tonge

91 **Membership**

Following the meeting of Council on 12 November 2013, the following changes to membership of the Committee were noted.

Councillor Graham Payne was removed as a Member of the Committee.

Councillor Roy While, previously a substitute Member of the Committee, was appointed a full Member of the Committee

92 **Attendance of Non-Members of the Committee**

There were no non-member attendees

93 **Apologies for Absence**

Apologies for absence were received from Mrs Lynda Croft and Mr Tony Gravier.

94 **Minutes**

The minutes of the meeting held on 19 September 2013 were presented for consideration. It was,

Resolved:

To APPROVE as a true and correct record and sign the minutes.

95 **Chairman's Announcements**

It was announced that following the Committee's decision at its meeting on 04 June 2013 to transfer 10% of the Fund's assets to a Emerging Markets Multi Asset Manager, the contract had gone out for tender and three managers were expected to attend a special meeting of the Committee in January 2014 for one to be appointed to that mandate

It was also noted that the Pensions Team would shortly be transferred to their new working space in the renovated County Hall facilities. The Chairman expressed his concerns about the open plan work space planned for the pension team given the sensitivity of their work.

96 **Declarations of Interest**

There were no declarations of interest

97 **Public Participation and Councillors' Questions**

There were no questions or statements submitted.

98 **Pension Fund Risk Register**

The Head of Pensions presented the updated Pensions Fund Risk Register, noting there had been no significant changes since the last meeting.

Attention was drawn to an update to risk PEN018: Failure to implement the LGPS 2014 Reforms and it was noted that work was continuing on the communications strategy through collaboration with South West Funds, with a newsletter to be sent out in the new year and leaflets explaining changes in more detail while Roadshows have been scheduled across the County. Further presentations are available on request from employers.

It was also noted that the new software for the scheme is planned to be released in February 2014 and currently the firm responsible for the software are monitoring the testing process. A discussion followed raising concerns around the implementation stage and it was stated that the testing stage is progressing successfully and that contingency plans were in place if needed.

There was also an update on PEN 011 – Lack of expertise of pension fund officers, it was noted that training was ongoing and that staff were actively gaining relevant qualifications.

Resolved:

The Committee is asked to note Risk Register and the measures being taken to mitigate the current medium risks.

99 **CIPFA Business Services Update**

Robert Summers (Chairman CIPFA Pensions Panel and Network) presented an update on the current activities and the latest developments/issues within the Local Governance Pension Scheme (LGPS) sector, as attached to these minutes, including details of the proposed Pensions Code of Practice, current and future operation of Pensions Boards, the LGPS Governance Consultation the work of the CIPFA Pensions Panel and its responses to statutory changes and changes to investment regulations

Discussion followed noting issues around recruitment for the Pensions Board and the level of detailed knowledge that would be required by all the members, as well as the need for an application guide for Local Government Pensions Scheme operating under the new Pensions Code of Practice

The issue of Collaborative Investment Vehicles (CIVs) as a potential collaborative model for LGPS schemes was discussed, with members concerned about a lack of resources for such a scheme. The Committee also discussed the most appropriate method for engaging with Wiltshire's parliamentary representatives to raise concerns and questions over the forthcoming changes, in particular the emphasis on administrative costs of running pensions schemes over the issue of the liabilities of those schemes.

After discussion,

Resolved:

For the Chair and Vice-Chair arrange a meeting with Claire Perry MP to discuss concerns regarding the implementation of the new system with officers assistance from officers, and report back to Committee members before the next committee meeting.

100 **Date of Next Meeting**

It was confirmed that the next regular meeting of this Committee would be held on Thursday 6 March 2014.

A special meeting of the Committee to appoint a new Fund Manager would take place in January 2014, with a date to be confirmed later

101 **Urgent Items**

There were no urgent items.

102 **Exclusion of the Public**

Resolved

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified

in Minute Numbers 76-80 because it is likely that if members of the public were present there would be disclosure to them of exempt information defined in paragraph 3 of Part 1 of the Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Paragraph 3 – information relating to the financial or business affairs of any particular person (including the authority holding that information).

103 **CIPFA Pension Administration Benchmarking Club Report**

The Head of Pensions presented the Pensions Administration Benchmarking Club Report for 2013, comparing the service of the Wiltshire Pension Fund against 52 other Local Government Pension Scheme Authorities. It was noted that the survey results were based on pension administration only, and due to differences between administration for the different Funds within the benchmarking club, the provided data and comparison is useful as an indicative assessment of the Fund, while not being an exact comparison with other Funds.

The Committee discussed the report, noting that overall costs were in line with peers despite increased costs from IT administration arising from increased membership of the scheme and department restructuring, Staff costs per member were below the average for the Funds in the Club.

Other points included that the Fund's administration staff had a lower than average level of relevant qualifications, but it was noted that several members were in the process of obtaining those and higher qualifications. It was also noted that the Fund had a higher proportion of deferred members than the average

At the conclusion of discussion, it was,

Resolved:

That the committee note the updates to the report.

104 **Investments Quarterly Progress Report**

The Fund Investment and Accounting Manager presented the Investments Quarterly Progress Report to note the performance of the mandates of the Fund, along with a commentary report from the advisers to the Fund, Mercers.

The Committee discussed the reports and noted that most mandates had performed strongly, and continued to note the phased transition of the Edinburgh Partners mandate to the L&G Fundamental Indexation Fund.

After discussion, it was,

Resolved:

That the committee note the progress report.

105 **Berenberg - Review of 2012-13 & Plans for the Future**

Matthew Stemp, Thimo Koch and Maria Heiden from Berenberg gave a presentation and report on their mandate of the Pension Fund, and took questions from the Committee on the progress and future plans for that mandate.

Following which it was,

Resolved

To thanks the representatives from Berenberg for their attendance and presentation.

106 **CBRE- Review of 2012-13 and Plans for the Future**

Max Johnson, Alex Bignell and Mark Adcock from CBRE gave a presentation and report on their mandate of the Pension Fund, and took questions from the Committee on the progress and future plans for that mandate.

Following which it was,

Resolved

To thanks the representatives from CBRE for their attendance and presentation.

(Duration of meeting: 10.30 am - 2.30 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262 e-mail jessica.croman@wiltshire.gov.uk

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Wiltshire Pension Fund
4th December 2013
Pensions Current Issues

Bob Summers
Chair CIPFA Pensions Panel & Network

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CIPFA Pensions Panel
Role

- Develop / promote / maintain best practise
- Respond to consultations
- Ensure positive relationships

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CIPFA Pensions Panel Focus

- Accounting / auditing
- Reporting / disclosure
- Scheme / fund management
- Governance
- Regulatory environment

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CIPFA Pensions Panel Best Practice / Guidance

- Example Accounts / Disclosure (2013)
- Preparation of the Annual Report (2012)
- LGPS Taxation (2011)
- Buying Time (2011)
- Stock Lending (2011)
- Knowledge / Skills Code of Practice (2013)
- Knowledge / Skills Framework (2010)
- Narrative Reporting (2010)
- Delivering Good Governance (2009)

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CIPFA Pensions Panel Best Practice / Guidance (continued)

- CFO Guidance on Valuations (2008)
- Risk and Reward (2007)
- FOI (2006)
- Shareholder Responsibilities (1999)
- Investment Decision Making / Disclosure (2012)
- Funding Strategy Statements (2012)
- Managing Risk (2012)
- Pensions TIS (2013)

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CIPFA Pensions Network Role / Delivery

- Promotion Practitioner Best Practice
- Identifying / Contributing Best Practice
- Pensions Panel link
- Workshops / Conferences / Newsletters / Networking

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Public Sector Pensions Act 2013

- S 3 (5) – Treasury consent
- S 5 - Pensions Board / Conflict of Interest
- S 7 - Scheme Advisory Board
- S 9 - Revaluation – Treasury role
- S 11 - Valuations - Treasury role
- S12 - Cost Cap
- Schedule 4 (para 4) - Appointment Skilled Persons
- (para 14) – Regulator Code of Practice
- (para 19) – Regulator KS for Pensions Boards

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tPR Code of Practice for Public Sector Pension Schemes

- Requirement of Public Services Pensions Act 2013
- Application to funded / unfunded schemes
- Governance / Standards Sub-Committee Role

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tPR Code of Practice tPR Statutory Objectives

- Protect benefits of pension scheme members
- Reduce risk of calls on Pension Protection Fund
- Promote / improve understanding of the good administration of work-based pension schemes
- Maximise compliance with the duties and safeguards of the Pensions Act 2008

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tPR Code of Practice Content

- Pension Board Knowledge / Understanding
- Conflicts of Interest
- Pension Board information
- Internal controls
- Administration
- Resolving issues

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**tPR Code of Practice
Pension Board Knowledge /
Understanding Requirements**

- Conversant with scheme rules and any document recording policy
- Knowledge / Understanding of pension law and any other prescribed matters
- Knowledge / Understanding to enable proper exercise of Pension Board functions

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**Public Sector Pensions Act
2013 - Pension Boards**

Act allows for regulations to provide for same committee to do both jobs (Clause 5(7)). First glance it may seem that same committee option is administratively expedient however:

- The roles are very different and may require different resources, for example, investment skills in one role and audit skills in the other,
- A single committee constitution may not be able to effectively encompass the decision making requirement of the scheme manager role and the 'assistance' role of the pensions board
- The cross scrutiny functions will prove difficult to apply and demonstrate within one committee
- Clause 5(4)(c) requires regulations to provide that the pension board should have equal numbers of employer and member representatives. Combining the two roles would include applying that requirement to the committee responsible for both roles.

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LGPS Governance Consultation Pensions Panel Response

- Pension Board
 - Avoid over prescription / maximum local flexibility
 - Establish April 2015
 - Not supportive of extending remit
 - S115 officer position
 - Local discretion to determine Board information
 - Funds determine membership levels
 - Separate from statutory committee
 - Annual report
- Scheme Advisory Board
 - compulsory levy needed

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Scheme Advisory Board

Shadow board set up to test the new national arrangements and inform the process of creating the statutory board in regulation. The shadow board was created by a working group representing a wide range of LGPS stakeholders.

The board membership consists of:

Chair – nominated and appointed by the working group

Employers – nominated by funds, appointed by LGA and WLGA

Members – nominated and appointed by TU's (UNISON, GMB, Unite)

Advisors – Actuarial (ACA), Legal (APL)Finance (ALAT), Practitioners (Funds), Professional (CIPFA)

Observers – DCLG, tPR, NAPF

The board leads on the **Call for Evidence** and the **Scheme Annual Report** with other matters handled by sub-committees who report back to the board.

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Scheme Advisory Board Sub - Committees

Shadow board has a range of sub-committees with membership drawn from across all stakeholders in varying proportions. The sub committees are:

- Administration and Communication** – tasked with looking at ill Health retirement and Annual Benefit Statements
- Governance and Standards** – assisting IPR in developing code of practice, collating all existing codes and guidance and assisting funds with new local governance requirements
- Investment and Engagement** – looking at 'fiduciary duty' and revisions to investment regulations
- Value for Money and Collaboration** – Collating all current and planned shared service and joint procurement initiatives
- Cost management and Contributions** – Setting out the scheme level cost management process – ensuring employee contribution yield is 6.5%

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* Only for the purposes of compliance with the regulations, in other funding activity.

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Investment Regulations / The Limits (Before Partnership Limit Increase)

Investments	Maximum permitted under regulations*
Any single sub-underwriting contract	5%
Contributions to any single partnership	5%
All contributions to partnerships	15%
All deposits with any local authority or similar, and all loans to anyone (any combination of such deposits and loans is also subject to the 10% limit, though there is an exception for government loans in paragraph 12, Part 2 of Schedule 1)	10%
All investments in unlisted securities of companies	15%
Any single holding	10%
All deposits with any single bank, institution or person (other than the National Savings and Investments bank)	10%
All sub-underwriting contracts	15%
All investments in units subject to the trusts of unit trust schemes and all investments in open ended investment companies and any combination of unit trust units and open ended investment company investments where the unit trust schemes and the collective investment schemes constituted by those companies are managed by any one body	35%
Any single insurance contract	35%
All securities transferred by the authority under stock lending arrangements	35%

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Investment Regulations Consultation 2013

- Barrier to Infrastructure Investment ?
- New Asset Class (15%) or Partnership Increase (30%)
- Definition
- CIPFA Pension Panel Response

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Investment Regulations & Pensions Panel Responses

- Review in 2008 - Prudential regime needed
- Response to 2011 DCLG Consultation
 - Simplify / clarify
 - Streamline
 - Delete investment definition / add derivative powers
- Further 2011 comment
 - replace with Occupational Pensions Scheme (Investment) Regulations
- Support for partnership limit increase in 2013 but fundamental reform needed
- Impetus from structural reform options?

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Investment Management Expenses

- Reported or netted off in asset values
- Media / political / Shadow Board focus
- Hymans sponsored research / 15 LGPS Funds
- Investment Costs 63 bps but disclosure 32 bps

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Investment Management Expenses Accounting

- IFRS does not require disclosure
- Technical issues on amending Local Authority
Accounting Code of Practise
- Statutory Basis for accounting ?
- Exemplar Accounts / disclosure

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Investment Management expenses Needed

- Consistent reporting data / comparable between reporting periods
- Consistent reporting data / inter-fund comparisons
- Sound underpin to develop performance metrics
- Transparency

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CIPFA CFO Knowledge / Skills Statement

- Status / Statement of Professional Practice
- Application / Administering Body CFO + all other local authority CFOs
- Structure
 - leadership team membership
 - involvement in all material decisions
 - promote / deliver good financial management
 - lead / direct finance function fit for purpose
 - professionally qualified / experienced

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Call For Evidence Responses

- 133 responses including 69 funds
- Around 50% referred to data from existing studies / datasets
 - Around 25% presented analysis / statistics of their own
 - Around 25% appeared to not have supporting evidence

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Cabinet Office / DCLG Consultancy

- Three potential collaborative models
 - CIV at England / Wales level, local asset allocation
 - 5/10 CIV's / local asset allocation
 - 5/10 merged funds / decision making at merged fund level
- To be examined
 - barriers to implementation
 - implementation costs and on-going costs
 - implementation programme
 - NPV assessment over 10 years

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LGPS Structural Reform

- Context
- Shadow Board Role
- Consultation 2014
- Pensions Panel Position

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Pensions Panel / Network

Thank You

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WILTSHIRE POLICE AND CRIME PANEL

MINUTES OF THE WILTSHIRE POLICE AND CRIME PANEL MEETING HELD ON 5 NOVEMBER 2013 AT CIVIC CENTRE, ST STEPHENS PLACE, TROWBRIDGE, BA14 8AH.

Present:

Cllr Abdul Amin, Cllr Glenis Ansell, Cllr Andrew Bennett, Cllr Richard Britton (Chairman), Cllr Brian Ford (Vice Chairman), Malcolm Grubb, Cllr Russell Hawker, Cllr Peter Hutton, Amanda Newbery and Cllr Linda Packard

Also Present:

Cllr Trevor Carbin

14 Apologies for Absence

Apologies were received from Cllr Charles Howard and Cllr Teresa Page.

15 Chairman's Announcements

The Chairman announced that the dates of the March 2014 and September 2014 meetings had been moved to align with the OPCC performance data.

The new dates were:

Thursday 6 March 2014, 2.00 pm, venue TBC

Thursday 4 September 2014, 2.00 pm venue TBC

With the agreement of the Panel the Chairman added iQuanta to the agenda.

A discussion around the role and work of the Panel highlighted the need to have a communications strategy, and it was agreed that public relations would be added to the agenda of next formal Panel meeting on 26 November 2013. The Panel decided to issue an Annual report detailing what the Panel had done, was doing and intended to do. This would be circulated to Area Boards, Localities and the press.

The Chairman informed the Panel that an informal regional PCP chair's meeting had taken place, at which they had agreed to write to the minister raising their concern over the regular meetings taking place with commissioners but with no similar meetings taking place with PCPs. It was agreed that this letter would be circulated to Panel members.

The Panel agreed that the Chairman should suggest to the Commissioner that a monthly informal meeting be set up, and a summary of those discussions circulated to members.

16 **Public Participation**

There were no questions asked or statements given.

17 **Approach to the scrutiny of the Police and Crime Commissioner's delivery of his Police and Crime Plan**

The Panel discussed its approach to scrutiny of the Commissioner's Police and Crime plan. It identified that some areas were more complex than others, and decided that the first approach would be to identify an area which the public could relate to and that would be a rapid exercise and relationship builder.

18 **Scrutiny topics**

The following areas for scrutiny were suggested:

- Young People (engagement)
- Victim Support
- Licensing
- Special Constables
- Volunteers (recruitment, use of, fallback if insufficient forthcoming)
- Community engagement
- Crime reduction
- Anti Social Behaviour (ASB)
- Funding decisions from PCC's £1m pot
- Handling of complaints against the PCC
- PCC/CSP relationships
- Vision Wiltshire

When discussing the topics the Panel agreed that, due to their complex nature, ASB and Vision Wiltshire would be added to the work plan but would not be the first topic for scrutiny.

The Panel noted the reliance on the volunteers and specials within the Commissioner's Police and Crime Plan, and decided that this would be the first area of scrutiny.

19 **Scoping**

The Panel agreed that the Chairman would work with officers to produce a scoping document. This would be circulated to panel members and the PCC for comments.

The following members would make up the scrutiny task group:

Cllr Ansell
Cllr Bennett
Cllr Britton
Malcolm Grubb
Cllr Hutton

The first meeting of the task group would determine its timetable.

20 **iQuanta**

Some Panel members requested that they were not given access to iQuanta and it was agreed that access would only be given to Cllr Britton, Cllr Ford, Malcolm Grubb and Amanda Newbery.

The Panel noted the www.police.uk website which was a useful source of information.

(Duration of meeting: 1.05 - 2.45 pm)

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WILTSHIRE POLICE AND CRIME PANEL

MINUTES OF THE WILTSHIRE POLICE AND CRIME PANEL MEETING HELD ON 26 NOVEMBER 2013 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Abdul Amin, Cllr Andrew Bennett, Cllr Richard Britton (Chairman), Cllr Brian Ford (Vice Chairman), Malcolm Grubb, Cllr Peter Hutton, Cllr Julian Johnson, Amanda Newbery, Cllr Linda Packard and Cllr Teresa Page

Also Present:

Carlton Brand (Corporate Director), Kieran Kilgallen and Angus Macpherson (Police and Crime Commissioner) and Chris McMullin (OPCC)

21 Apologies for Absence

Apologies were received from Cllrs Ansell, Hawker and Howard.

22 Minutes and matters arising

Decision:

The minutes of the meeting held on 16 September 2013 and 5 November 2013 were agreed as a correct record and signed by the Chairman.

23 Declarations of interest

Amanda Newbery declared an interest in item no. 6 being a city centre licensee

24 Chairman's Announcements

There were no chairman's announcements.

25 Public Participation

There were no questions asked or statements given.

26 **Quarterly Data**

Risk

The Commissioner presented his Risk Register.

He drew attention to the following points:

Volunteers:

The score had dropped from 48 to 36.

Assets:

This relates to mainly force assets, e.g. mobiles, laptops. Currently there were 170 assets unaccounted for, and the risk would remain until the Commissioner was happy with the procedure in place for logging of assets.

Complaints / Integrity

There were issues around reputational risk. The likelihood had increased due to the environmental scanning of national, rather than internal issues. A new whistle-blowing policy was in place and an effort was being made to encourage this culture. As the document was a living document, the Commissioner was not concerned by red risks as long as they did not remain red.

In response to questions the Commissioner explained that the Speedwatch protocol which both councils had signed up to had not been used by Swindon Borough Council officers as agreed. This had now been resolved and training was ongoing.

It was suggested that the Commissioner should have a fixed programme of engagement with schools and colleges with volunteers being a vital part of his plan. He confirmed there was no programme for visiting schools at present, however he was engaging with Heads looking at what they were doing and what he could buy in to ensure that years 9-11 were exposed to appropriate messages.

The Commissioner confirmed the new team in Trowbridge would be able to process information from the speedwatch teams. There would be a report in the New Year providing detail on visits from Neighbourhood Policing Teams.

Performance

The Commissioner presented his performance report.

He noted that the report was for the first six months and performance overall was good. In real terms the reduction of crime was 7.2% compares to the same period in 2012/13.

It was noted that the number of recorded hours by Specials was not accurate, as they were transferring from using one system to another. He had asked for accurate data to be in place by the end of the financial review and for a specific budgetary line in the next financial year. After the next round of recruitment the number of specials would be up to 249.

He recognised the need to review his objective of having a minimum of 300 active specials across Wiltshire and Swindon, each attached to communities and contributing an average of at least 16 hours per month. The strategic needs would be discussed with the Chief Constable, defined and recruited to; which would also lead to a major re-write of the objective. The number of volunteers would also be revisited and it was hoped that the Panel's scrutiny review would assist in this.

Although Neighbourhood Watch was an independent charity not owned or run by the police, a working group had been set up supported by OPCC officers to look at back office functions and Neighbourhood Alert. This would report back to the Commissioner to submit a business case for the re-launch of Neighbourhood Watch across the county. It was hoped that this would form a platform for other watch schemes.

He highlighted a 37.1% reduction in the harm caused by dangerous drug networks. Work was ongoing to develop more accurate measures around the Swindon and Wiltshire Integrated Targets for Change programme. The measure 'Tackle irresponsible licensed premises' would be changed to 'licensed premises check'; he had asked for further work in this area and would update the Panel in his next report. The Panel noted that more preventative work was needed in this area, and heard that Wiltshire Council had set up a task group to focus on licensed premises which would look at trends.

He confirmed that the increase in complaints was not down to one contributory factor, and year to date was significantly below the threshold. The number of days referred to were working days.

When questioned on whether the historical 75% threshold for answering 101 calls within 30 seconds could be perceived as soft, he explained that at the start of the year it was seen as reasonable, however performance had been better than anticipated and it may need to be reviewed.

The second tranche of applications for the Innovation fund had been received and would be looked at with the Leaders. A report would be brought to the next Panel meeting. A reporting mechanism was in place to assess effectiveness and outcomes of successful schemes and this would be reported to the Panel in due course. He drew the Panel's attention to the Policing Minister's £20m innovation fund to enhance regional capability and interoperability, bids for which had to be in by 6 December 2013. Further collaboration with both Wiltshire council and Swindon Borough Council was continuing.

New money was being made available for victim commissioning in 2014/15, including the preparation of a victim's pathway which would mirror the national code. He had also requested a report on individual domestic violence assessors given the potential shortage. There would be future emphasis on Domestic Violence Police Officer's and Clare's Law as these had been rolled out nationally.

A panel of the Criminal Justice Board was being formed to look at all out-of-court solutions to ensure they were suitable and proportionate. Neighbourhood Justice Panels had been successfully trialled over a 12-month period in Swindon, and these would now be rolled out across the county using funding from the innovation fund.

Professor Allan Johns updated the panel on complaints, noting that the rise of allegations of incivility had no known cause. There had been 29 appeals, 19 of which were deemed valid. 14 of these had been settled and 3 had been upheld. In response to a query on whether any type of complaint was disproportionately high he confirmed they mostly involved disallowed appeals against decisions not to investigate or to discontinue investigating.

Finance

The Commissioner presented his budget monitoring statement.

He explained that he would be going to area boards and localities from December with his budget proposals, and he hadn't ruled out an increase to the precept. He noted the need to hold a referendum if the proposal was over 2%. He drew attention to the HMIC report which showed that the Wiltshire Police offer was the best value for money around the country.

27 PCC diary report

The PCC's diary report was noted.

28 Complaints against the Commissioner

The Monitoring Officer's report was noted.

The Panel took a 5 minute recess.

29 Public relations

The Panel discussed public relations, and how to promote the function and work of the Panel. The use of social media and radio was discussed, and Sean Chacksfield, Media Relations Officer at Wiltshire Council agreed to promote upcoming meetings in consultation with officers.

The Panel welcomed the idea of an annual report which could be circulated to members, Area Boards and Locality meetings.

The possibility of having a press release would be considered at the end of each meeting.

30 Forward Work Plan

The Panel noted the forward work plan.

31 Future meeting dates

The next meeting of the Police and Crime Panel will be on 15 January 2014 at Committee Room VI, Civic Office, Euclid Street, Swindon SN1 2JH.

Future meeting dates were:

6 February 2014
6 March 2014
11 June 2014
4 September 2014
19 November 2014

(Duration of meeting: 10.00 am - 12.40 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line 01225 713948, e-mail kirsty.butcher@wiltshire.gov.uk

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WILTSHIRE HEALTH AND WELLBEING BOARD

MINUTES OF THE WILTSHIRE HEALTH AND WELLBEING BOARD MEETING HELD ON 21 NOVEMBER 2013 AT SALISBURY ROOM - COUNTY HALL, TROWBRIDGE.

Present:

Chief Executive or Chairman Bath RUH (James Scott), Gareth Bryant (Wessex Local Medical Committee), Debra Elliott (NHS England), Patrick Geenty (Wiltshire Police Chief Constable), Carolyn Godfrey (Corporate Director Wiltshire Council),
Chief Executive or Chairman Salisbury Hospital (Peter Hill)
Chief Executive or Chairman Great Western Hospital (Nerissa Vaughan),
Cllr Keith Humphries (Cabinet member Public Health, Protection Services, Adult Care and Housing), Angus Macpherson (Police and Crime Commissioner), Cllr Laura Mayes, (Cabinet member for Childrens Services) Cllr Jemima Milton (Portfolio Holder for Adult Care and Public Health), Maggie Rae (Corporate Director Wiltshire Council), Dr Stephen Rowlands (Vice Chairman and CCG Chairman), Cllr Jane Scott OBE (Chairman and Leader of the Council) and Deborah Fielding (Chief Officer CCG)

Also Present:

Ian Biggs (NHS England), David Bowater (Senior Corporate Support Officer Wiltshire Council), Cllr Chris Caswill (Wiltshire Councillor), James Cawley (Associate Director Wiltshire Council), Frances Chinemana (Consultant Public Health Wiltshire Council), Cllr Christine Crisp (Chairman Health Select Committee), Julia Cramp (Associate Director Wiltshire Council), Dr Ian Ellison-Wright (Avon and Wiltshire Mental Health Partnership), Patti Harrison (Wiltshire Parent Carer Council), Denise Jones (South Western Ambulance Service), Maggie McDonald (Senior Scrutiny Officer Wiltshire Council), Cllr John Noeken (Vice Chairman Health Select Committee), Margaret Sheather (Chair WSAB), Geoff Shone (NHS England), Emma Townsend (Specialist Commissioning and Safeguarding Team Wiltshire Council), Robin Townsend (Associate Director Wiltshire Council), Steve Wheeler (Healthwatch Wiltshire)

18 Chairman's Welcome, Introduction and Announcements

The Chairman welcomed all to the meeting and provided the following announcements:

- The RNIB Eye Pod Simulator was outside County Hall. All were encouraged to attend where possible as the Pod provided a good insight into the various eye conditions and what services were available. The Pod was on site until 6pm.

- Christine Graves, Healthwatch Wiltshire representative on the Board, had been taken into hospital and was unable to attend the meeting. The Chairman extended the best wishes of the Board for a speedy recovery.
- The CQC would be re-inspecting Bath RUH in December and would also be undertaking public meetings on Thursday 5 December at the following two locations:

Bath Racecourse – 6:30pm
 County Hall, Trowbridge – 6:30pm

- The agenda had been republished to incorporate the following amendments:

Item 10 – Safeguarding Boards Annual Report – a revised report in relation to the Wiltshire Safeguarding Children Board Annual Report was provided.

Item 14 – Adult Autism Self Assessment – this had been moved to the end of the agenda.

19 **Apologies for Absence**

Apologies for absence were received from:

Christine Graves (Healthwatch Wiltshire)
 Dr Toby Davies (CCG Chair of SARUM Group)
 Iain Tully (Avon and Wiltshire Mental Health Partnership)
 Cllr Ian Thorn (Opposition Group)

20 **Minutes**

The minutes of the previous meeting held on 12 September 2013 were signed and approved as a correct record.

21 **Declarations of Interest**

There were no declarations of interest received.

22 **Joint Health and Wellbeing Strategy**

This item was moved forward on the agenda whilst the Board awaited the arrival of Ian Biggs (Area Director, NHS England) for the 'Call to Action' item 5.

The Board at its previous meeting held in September 2013 formally agreed the Joint Health and Wellbeing Strategy and requested a progress report on the work currently underway in relation to its delivery.

In addition the Board had also requested that an easy read version of the document be prepared to ensure the content of the Strategy was communicated

effectively. Thanks were given to the Associate Director for Communications and Communities for the preparation of the branded document in conjunction with colleagues within the authority and CCG.

The Associate Director provided hard copies for consideration by Board members and confirmed that it captured the essence of the strategy and its main priorities in a plain English format.

Deborah Fielding, CCG, confirmed that the item linked well with the presentation that would follow on 'A Call to Action' and congratulated the Communications team at Wiltshire Council for its preparation, noting the easy to read format.

The Chairman confirmed the importance of releasing the document at the earliest opportunity to highlight the work being undertaken and the priorities identified. With this in mind all were requested to provide any feedback to the Wiltshire Council Communications team within the next 7 days.

The Associate Director for Communications and Communities was working with the CCG to develop a communications plan. This would include the circulation of the Strategy which would be disseminated within the county to public locations, such as libraries, GP surgeries, leisure centres, etc.

The Chairman thanked the Associate Director again for the preparation of the document and looked forward to seeing the finalised version shortly.

Resolved:

That the Board:

- 1) Note the progress made on joint activity to deliver Wiltshire's Joint Health and Wellbeing Strategy;**
- 2) Agrees to a full annual report by the end of 2014 to inform any update of Wiltshire's Joint Health and Wellbeing Strategy; and**
- 3) Requests that any comments in relation to the plain English version of the document be provided to the Associate Director, Communications and Communities within the next 7 days from this meeting.**

23 **A Call to Action (NHS England)**

Noting that in June 2013 NHS England had announced the start of a strategic process led by NHS England in partnership with Clinical Commissioning Group (CCGs), Health and Wellbeing Boards (HBSs) and national partners, a request was made at the last meeting of the Board for a presentation to be made providing further details on the NHS 'Call to Action'.

Ian Biggs (Area Director, NHS England) was in attendance to provide a presentation on 'Call to Action' in conjunction with Deborah Fielding (Chief Officer Wiltshire CCG) and Maggie Rae (Corporate Director, Wiltshire Council).

In making the presentation, Ian Biggs confirmed that 'Call to Action' was a sustained programme of engagement to seek the views of patients, the public, staff and stakeholders to assist with future planning of services to reflect the needs of the population, within the funding available.

In drawing the Board's attention to the projected resources available up to 2020/21 it was noted that a financial gap of approximately £30bn would exist in order to meet the population needs. An ageing society, an increase in long-term conditions and lifestyle risk factors would all provide further financial pressures on the system.

Recommendations for improvement already existed with the release of key documents (such as the Bruce Keogh report and Berwick review); it was acknowledged that further changes would be required.

The way in which healthcare was delivered would need to be organised in such a way that services supported primary care and met the needs of the patient within the community itself. A significant shift in future resource was likely to provide services that allowed patients to remain at home where possible. This would meet the needs of the patient, reduce financial pressures and the associated pressures on hospitals.

Promoting healthier life paths and driving a preventative rather than reactive approach to healthcare would be required. This would be achieved by giving service users a greater control over their health and moving away from a one size fits all model of care.

Deborah Fielding confirmed that Wiltshire was in a strong position in comparison with many other areas, noting the preventative measures already in place. This would be emphasised further with the support of the clinical executive who would continue to focus on local services, policy development and planning.

Noting the financial implications a severe winter could have on resources, information on the preparations of all three hospital trusts in the area, Primary Care, Wiltshire Council the Community and Medvivo WMS was highlighted.

As part of ongoing consultation, NHS England has requested CCGs to lead on the development of a local 5 year plan, noting that financial planning in the past has been arranged in one or two year blocks. Wiltshire CCG were currently in the second year of their 'Clear and Credible' Plan and were currently working up commissioning intentions for 2014/15 which would be announced shortly. The

5 year plan would run from 2014/15 to ensure an overlap with the 2014/15 Delivery Plan.

Key assumptions had been used in relation to the Medium Term Financial Plan which included an expected tariff inflation of 2.9% per annum (now expected to be 2.1%). This was likely to put further pressure on acute services, noting that each were already required to continue with 4% efficiency savings year on year.

The growth in allocation was also likely to reduce to 1.8% in 2015/16 from 1.9% in 2014/15, below inflation. This would need to be taken into account with the 10% running costs of commissioning organisations and would again result in further pressures.

In highlighting the Medium Term Financial Plan it was noted the significant change to the Integrated Transformation Fund (ITF) allocation which, in 2015/16 would have approx £20m ringfenced from the budget for primary care, community care and social care purposes.

To help drive the 5 year plan workshops were currently being planned with the CCG facilitators at Attain, the first of which took place on 29 October with the CCG governing body, NHS England and senior officers of the Council to agree the approach. A programme of workshops would start in earnest in January/February 2014.

Joint challenges in the future included:

- The need to get better at preventing disease
- Giving patients greater control of their own health
- Noting the 4,000 additional military personnel with families rebasing to Wiltshire by 2020
- The need to maintain services close to home
- Managing with reduced resources with increased needs
- The impact of specialist commissioning national service specifications
- The need to support Primary Care in its delivery

Maggie Rae, Corporate Director Wiltshire Council, concluded the presentation by reiterating the need of future service integration to ensure services remained fit for purpose and to ensure the best service was provided for the future. The vision was in line with that of the Council and which was outlined within the authority's Business Plan.

The Chairman and Corporate Directors on the Board had recently attended a conference where the message of Wiltshire being in a stronger position than most was also highlighted.

The Chairman fully supported the need of continued joined up working and for a focus on prevention measures to remain a priority to ensure a sustainable

future. In line with this the support of local communities and the voluntary sector would be required in the future.

A national group undertaking research on national barriers to integration was noted. Wiltshire CCG was one of only four in the country accepted into the pilot scheme.

Resolved:

That the Board note the work being undertaken to engage the public and stakeholders alike in the Call to Action process.

24 **Health and Social Care Integration**

At its previous meeting the Board requested to receive an update on work being undertaken for future integration of commissioning and services delivery between Wiltshire Council Adult Social Care services and Wiltshire CCG.

Deborah Fielding presented the report which included a proposed approach to commissioning and set out key governance steps to ensure effectiveness was enhanced.

A working group has been established reporting initially to the Joint Commissioning Board for Adults' Services, to help develop future integration plans, including to outline plans for the Integration Transformation Fund (ITF). Although this would not come into full effect until 2015/16 there was a clear expectation from central government that CCGs and local authorities should have a two-year plan in place from March 2014.

The report proposed that a report on the two-year integration plans be presented to the Board in March 2014. However it was noted that these were to be submitted to NHS England at that time and therefore the report should be brought back for the Board's consideration in January 2014 to ensure any comments received could be incorporated.

During discussion clarification was also sought on the outcome of conversations taking place between CCG and NHS England with regards to Community Services Transformation, as highlighted at the previous meeting of the Board. It was noted that a paper was to be presented to the CCG on Tuesday the following week. The Board would be provided with details on the outcome of this meeting in due course.

Resolved:

That the Health and Wellbeing Board:

- 1) Note the developments in respect of integration of health and social care services; including:**

- The ongoing development of a shared vision
 - The establishment of an officer working group reporting to the Joint Commissioning Board (JCB) and shared principles for joint commissioning
 - The drafting of a Joint Business Agreement (JBA) to provide a framework for all existing and new joint arrangements
 - The ongoing development of proposals for joint commissioning of learning disabilities services and mental health services, which will be reported back to the Board for decisions in early 2014
 - Community transformation development
 - The work towards planning for the Integration Transformation Fund (ITF)
- 2) Receive a report at its meeting in January 2014 on the plans for use of the Integration Transformation Fund (ITF) ahead of its submission to NHS England in March 2014.
- 3) Endorse the commitment to a shared intent to move towards the further joint commissioning of community services and authorise the Joint Commissioning Board (JCB) to develop next steps in terms of:
- The scope of services to be jointly commissioning or aligned
 - Recommending any organisational/structural changes required to support joint commissioning
 - Setting out performance monitoring and review frameworks
- 4) Note the pending decision of the CCG Governing Body on 26 November 2013 regarding tendering options for community health services and that the Board is updated on the outcome of this meeting in due course.

25 **Winterbourne View progress report**

The Board at its previous meeting in September considered a joint update from Wiltshire Council and Wiltshire CCG on progress made in relation to the Department of Health (DoH) report 'Transforming Care: a National Response to Winterbourne View Hospital' and resolved to receive a further update at its next meeting.

An update report was duly presented by James Cawley, Associate Director Wiltshire Council who highlighted that the report was as a result of the CQC visit which had asked all involved to respond accordingly on how they were to progress joint commissioning issues in addition to the outcome of individual cases.

The Board noted the report which included a stock take on progress made as well as work still to be undertaken in relation to future integration of service. Reassurance was also given that the care needs of former residents were being met in the most appropriate way.

The Chairman thanked the officer for the report and requested that the Board receive future regular updates.

Resolved:

That the Board would receive a further update report in May 2014.

26 **Public Health Annual Report**

The Public Health Annual report, which highlighted public health activity for 2012/13, was presented by Maggie Rae, Corporate Director Wiltshire Council.

Confirmation was given that the integration of public health was at the heart of all public services and was one of the 12 objectives identified within the Wiltshire Council Business Plan to help deliver the 3 priorities of the authority.

The report had been presented to the Wiltshire Council Cabinet in September and would be presented to the CCG Board at its next meeting in November.

It was hoped that the document would be distributed widely. With this in mind it was proposed that distribution should take place alongside that of the easy read version of the Joint Health and Wellbeing Strategy.

27 **Safeguarding Boards Annual Reports**

Attendees were reminded that the agenda had been republished to incorporate a revised report in relation to the Wiltshire Safeguarding Children's Board Annual Report which would now be brought to the Board for consideration in January 2014.

James Cawley, Associate Director Wiltshire Council, and Margaret Sheather, Independent Chair of the Wiltshire Safeguarding Adults Board, were welcomed to the meeting to present the WSAB Annual Report, copies of which were available at the meeting and electronically.

The Independent WSAB Chairman was pleased to be able to present the 2012/13 report to the Board noting that the previous year's annual report had been considered by the Board in its shadow form. With this in mind it was acknowledged that the HWB was the natural partner to which the Safeguarding Adults Board reports.

The Board were asked to note the progress made in terms of the WSAB's responsibilities which had continued even with the continued change and financial pressures faced by public services.

The WSAB would also soon be on the same statutory footing as the WSCB following changes made in the Care Bill. Further details in relation to the outcome of regulations and resulting guidance were awaited whilst the Bill moved through parliament.

The Board was fully supportive of the work undertaken by the WSAB and thanks were given to the Independent Chairman in attendance for the report.

Resolved:

- 1) That the Board note the report provided; and**
- 2) That the Wiltshire Safeguarding Adults Board (WSAB) accepts the Health and Wellbeing Board (HWB) as the partnership to which it reports.**

28 **End of Life Care**

The Secretary of State for Health had written to Health and Wellbeing Boards alerting them to a review of the End of Life Care Strategy and requesting that each consider the Strategy within their own Joint Strategic Assessment (JSA) and Joint Health and Wellbeing Strategy (JHWS).

Wiltshire's JHWS already includes a range of activity on end of life planning and coordination. In addition a strategy group was drafting a revised Strategy for Wiltshire which was expected to be available for discussion in January 2014.

The Chairman, in noting the positive work being undertaken to ensure an effective Strategy, stressed the importance of also ensuring delivery of the service and the aspirations for Wiltshire to be the best provider of that service.

In considering care provided, the Board expressed concern with the number of people that were still admitted to hospital at the end of life and were supportive of a system that with the right support would allow patients to be at home, noting that patient choice remained at the heart of care provided.

Deborah Fielding confirmed that a CCG working group of experienced individuals had already been established to consider end of life care provided. It was therefore proposed noting that Deborah Fielding was a lead on this group that it should be asked to consider the current approach to end of life care in Wiltshire and report back to the Board by March 2014. All were in favour of this request.

Resolved:

That the CCG working group would review the approach to end of life care in Wiltshire and report its findings to the Board at its meeting in March 2014.

29 **Commissioning Services for Armed Forces**

From April 2013 NHS England was tasked with ensuring the delivery of better outcomes for patients within its available resources, including the commissioning of health services for armed forces members and their families registered with Defence Medical Services Medical Centres.

Debra Elliott, NHS England, had requested that the Board consider a report outlining where joint commissioning responsibility lies and requesting that the Board approve the proposed plans within.

The Chairman, before handing over to Debra Elliott, confirmed the pertinence of the report, noting the rebasing of approximately 4,000 armed forces personnel in Wiltshire by 2020.

Debra Elliott confirmed that NHS England would be responsible for the commissioning of services for armed forces members and their families, with the CCG taking responsibility for non registered and veteran personnel.

Noting the plans for army rebasing in Wiltshire and the services that would be needed, discussions had already commenced between NHS England, Wiltshire Council and the CCG on how these would be delivered.

To ensure adequate consideration of the health and wellbeing services that would be required it was proposed that joint commissioning be discussed at the Military Civilian Integration Partnership (MCIP) hosted by Wiltshire Council, to agree a joint commissioning plan.

During discussion the important work of the Armed Forces Network was raised and it was agreed that this should have been identified within the report.

In order to identify at as early a stage as possible the requirements of personnel moving back to the UK, officers had been in discussion with families based in Germany with further contact planned.

Deborah Fielding, CCG, confirmed that a similar venture had been undertaken with Gloucester Council the previous year and was therefore fully supportive of this approach.

Discussions were also taking place with all 3 acute hospitals and these would be taken into consideration as part of the joint commissioning plans.

Resolved:

That the Board acknowledge that joint commissioning of services will be discussed at the Military Civilian Integration Partnership (MCIP) hosted by Wiltshire Council with the objective of developing and agreeing a joint commissioning plan for armed forces personnel and their families who are currently or will be residing in Wiltshire.

30 **Governance arrangements**

The Health and Wellbeing Board has a number of important relationships with other governance structures, including the Council, safeguarding boards and joint commissioning boards for adult and children services.

To allow the Board to undertake its work effectively, it is important that all partners have a shared understanding of its role and that of the differing boards responsible for varying aspects of health and wellbeing in Wiltshire.

Noting the significant changes in governance arrangements as a result of the Health and Social Care Act 2012 of which were outlined and endorsed within a report to Full Council in May 2013, a report to the Board outlining the current governing arrangements was presented by Robin Townsend, Interim Associate Director Wiltshire Council.

Upon consideration of the report, it was noted that the Terms of Reference for the Joint Commissioning Board required updating in light of the report to full council which outlined the relationship between the Commissioning Board and Health and Wellbeing Board. Further clarity was also sought on how the Board undertook future work planning.

Resolved:

- 1) That details of the work identified by the Health and Wellbeing Board for future consideration would be shared with members of the Board and Health Select Committee for comment; and**
- 2) That a revised report on governance arrangements would be presented to the Board at a later date to reflect any developments since consideration of the report to Full Council in May 2013.**

31 **Adult Autism Strategy Self Assessment**

The Department of Health (DoH) was leading a formal review of progress against the Adult Autism Strategy. As part of this process local authorities had been contacted and asked to take forward a second self assessment exercise to be submitted to the DoH as part of the review.

The findings of the assessment, undertaken by the Wiltshire Autism Partnership, were presented in the report which the Board was asked to support.

Patti Harrison, Wiltshire Parent Carer Council (PPCC) representative on the Wiltshire Autism Partnership, was welcomed to the meeting to present the report. In doing so, Patti confirmed her support for the multi-agency approach to developing the Wiltshire Strategy and the work being undertaken by the authority to spread awareness.

Emphasis was put on the funding and support available, noting that ongoing support for those leaving education was required to ensure next steps toward independence could be achieved.

Adults of all ages were now able to access a diagnostic service. Although this was a positive step forward, the next stages post diagnosis were equally important with suggestions discussed on how this could be improved which included:

- The publication of material providing frequently asked questions and details of available support services;
- Follow up appointments to allow for the digestion of information by those diagnosed, noting that there were likely to be many questions once diagnosis was made.

Noting that within the children's services department a post diagnostic pack was being developed, it was proposed that this could perhaps also be adapted for use by adults.

An attending Avon and Wiltshire Mental Health Partnership (AWP) representative (commissioned by the CCG to provide diagnostic services within Wiltshire) would feed back the comments of the meeting to the respective officers for due consideration.

Resolved:

That the Health and Wellbeing Board was fully supportive of the direction that the Wiltshire Autism Partnership was taking.

32 **Urgent Items**

There were no urgent items considered.

33 **Date of Next Meeting**

The next meeting of the Board would take place at 3pm on Thursday 16 January 2014 and would be held at Great Western Hospital Lecture Hall, Swindon.

(Duration of meeting: 3:00 pm – 5:15 pm)

The Officer who has produced these minutes is Sharon Smith, of Democratic & Members' Services, direct line 01225 718378, e-mail SharonL.Smith@wiltshire.gov.uk

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CABINET

MINUTES of a MEETING held in Kennet Room - County Hall, Trowbridge BA14 8JN
ON Tuesday, 21 January 2014.

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economy, Skills and Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform
Cllr Stuart Wheeler	Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)

Also in Attendance: Cllr Glenis Ansell, Cllr Allison Bucknell, Cllr Richard Clewer
Cllr Christine Crisp, Cllr Richard Gamble, Cllr Jon Hubbard
Cllr David Jenkins, Cllr Simon Killane, Cllr Gordon King
Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Horace Prickett
Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Roy While
and Cllr Philip Whitehead

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

1 **Apologies**

All Cabinet members were present.

2 **Minutes of the Previous Meeting**

The minutes of the last meeting held on 17 December 2013 were presented.

Resolved:

That the minutes of the meeting held on 17 December 2013 be approved as a correct record and signed by the Leader.

3 Minutes - Cabinet Transformation Committee

The minutes of the Cabinet Transformation Committee dated 17 December 2013 were presented.

Resolved:

That the minutes of the Cabinet Transformation Committee dated 17 December 2013 be received and noted.

4 Leader's announcements

There were no Leaders announcements.

5 Declarations of interest

No declarations of interest were made.

6 Public participation

The Leader explained that as usual at meetings of Cabinet, she would be more than happy to hear from any member of the public present on any of the items on this agenda.

The Leader acknowledged receipt of a statement and question from Mr Ian James, in his capacity as Chairman – Bremhill Neighbourhood Plan Steering Committee; a statement from Mr James in his capacity as a Bremhill Parish Councillor; a statement from Steve Perry – Chippenham Community Voice and questions from Mrs Anne Henshaw – CPRE, details of which were circulated at the meeting in respect of the item on the review of the Local Development Scheme (minute no. 12 refers).

7 Wiltshire Local Transport Plan 2011-2026: Other Strategies

Cllr John Thomson, Cabinet Member for Highways and Streetscene and Broadband presented a report which sought Cabinet's approval of four sub-documents of the Wiltshire Local Transport Plan (LTP3) 2011-2026: Accessibility Strategy, Cycling Strategy, Powered Two-Wheeler Strategy and Smarter Choices

Strategy and to note the forthcoming development of the outstanding sub-documents of the LTP3.

The Transport Act 2000 made it a statutory requirement for local authorities to produce LTPs. The four strategies presented were to promote cycling, walking and other alternate methods of transport, and if approved would be presented to Council for adoption.

The LTP3 document presented had been prepared following wide ranging consultation, taking into account environmental, economic and social considerations to ensure that it met the requirements of the Department for Transport's guidance and helps support local objectives. Details of the consultation responses were presented. Cllr Thomson guided Cabinet through the key points of the document and answered members' questions.

Cllr Thomson confirmed that the Wheels to Work scheme was still being run by Community First. The results of a recent Council staff travel survey were being analysed with a view to introducing appropriate measures.

Cllr Prickett highlighted the impact that the removal of the 264 bus service would have on North Bradley residents. This would leave residents with one service, the 265 for which the bus stop was some distance away without shelter. Cllr Thomson welcomed further information on this, but explained the difficulties of trying to influence commercial routes rather than those funded or part funded by the Council. He also suggested that Area Board and Community Area Transport Group be explored as possible sources of funding for issues such as the provision of bus shelters.

Cllr Jenkins welcomed the cycling strategy, and asked if the Council planned to provide more bike racks. Area Board funding was seen as a mechanism for such provision.

Cllr Hubbard enquired as to when an audit of charge points would be undertaken to include their location and accessibility. He noted that whilst there was one at the County Hall car park, it was not in a public area. He also asked how many car clubs were in existence and how they were being publicised to increase take-up. Cllr Hubbard raised the issue of residential travel plans and highlighted the increase in density on new developments with inadequate parking and asked what criteria, such as parking spaces per property, and off-street parking opportunities were asked for to minimise parking on pavements.

Cllr Thomson explained the implementation plan would explain how car clubs would be supported and written answers would be provided for his two other questions.

Cllr Kunkler suggested that permissions granted for car ports could reduce on-street parking. Cllr Clewer suggested that residential travel plans for new developments should be shared with those moving into the area.

The Leader explained that the LTP3 was mainly about sustainability. She drew attention to the car parking review currently being undertaken and highlighted that whilst car parking charges was a contentious issue, it was a fact that they funded a number of sustainable transport measures.

Cllr Simon Killane explained that the neighbourhood planning process could be a way for communities to engage in the transport planning process and integrate with the Council's policies.

Resolved:

That Cabinet:

- a) **approves the Wiltshire Local Transport Plan (LTP3) 2011 – 2026: Accessibility, Cycling, Powered Two Wheeler and Smarter Choices strategies and recommends adoption by the Council at its meeting on 4 February 2014;**
- b) **notes that further LTP3 theme strategies and area strategies, and implementation plans are planned to be developed and**
- c) **delegates authority to the Associate Director for Highways and Transport to finalise the document for publication by 31 March 2014.**

Reason for decision:

To ensure the timely publication of a statutory document.

8 Wiltshire Council direct provision - CQC registered care services for adults

Cllr Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing presented a report which briefed Cabinet on the registered services provided in house.

It was noted that all services were fully compliant against Care Quality Commission essential standards of quality and safety. Officers were congratulated for their delivery of a well regarded service.

The Leader encouraged members to read the examples of the people who used respite and emergency care summarised in Appendix 2 to the report, which highlighted some of the complex issues involved in the service delivery.

Cllr Christine Crisp, Chairman of the Health Select Committee confirmed that the report had been considered by the Committee at its meeting on 14 January 2014, where no concerns had been raised.

Resolved:

That Cabinet note the key outcomes of the CQC inspections in relation to the Council run registered services and acknowledge the level of managerial input required in order to achieve such positive outcomes, which gives assurance to the Council that quality services are being provided.

Reason for decision:

To ensure that members are aware of the high quality of service provision being delivered by the Council's Adult Care directly provided registered services.

9 Wiltshire Council Adult Social Care Winter Plan

Cllr Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing presented a report which gave details of the work undertaken in Adult Social Care to prepare for the anticipated additional demand over the winter period.

The winter plan was a contribution to the Wiltshire Clinical Commissioning Group's Health and Social Care Communities Winter Plan 2013/14 which described the state of 'system readiness' of the whole health and care system for the winter period. The Council traditionally supported the annual NHS winter planning process, but this was the first year that the Council had formalised this support by producing its own written plan, which could then be shared, managed and monitored.

Cabinet thanked the CCG for their efforts. Cllr Christine Crisp, Chairman of the Health Select Committee confirmed that a task group would monitor performance against the Plan.

The Leader, speaking as Chairman of the Health and Wellbeing Board emphasised how important it was to consider and agree such plans and to ensure that through partnership working, the needs of individuals were met.

Resolved:

That Cabinet note the Council's contribution to the winter planning process and the production of an Adult Social Care Winter Plan.

Reason for Decision:

To keep Cabinet informed of the contribution of adult social care in supporting the anticipated rise in demand for health services over the winter period.

10 Wiltshire Dementia Strategy

Cllr Keith Humphries, Cabinet Member for Public Health, Protection Services, Adult Care and Housing presented a report which sought Cabinet's approval of a draft Wiltshire Dementia Strategy for 2014-21 as presented for the purposes of consultation.

The Leader welcomed Ted Wilson, Group Director - N&E Wiltshire Group and Dr Celia Grummitt, Wiltshire Dementia GP Lead who attended the meeting for this item.

The proposed strategy would set the strategic direction for the Council and NHS Wiltshire CCG in supporting people with dementia and their carers and families. It included a commissioning action plan for 2014/2015 which detailed the actions that would be delivered to achieve the objectives and priorities identified.

The aim of the strategy is that all people with dementia in Wiltshire are treated as individuals and are able to access the right care and support, at the right time so that they can live well with dementia and can remain independent and living at home for as long as possible within supportive communities. A DVD on dementia was shown to the meeting which highlighted the issues faced by sufferers and their families.

Mr Wilson commented that the strategy was a great example of joint working to benefit the people of Wiltshire. Dr Grummitt explained that a dementia assessment was now part of the NHS healthcheck offered to people aged between 40 – 75 every five years. She also confirmed that approximately 50% of dementia cases were straightforward in medical terms which meant that patients received care locally by their GP's. This then helped to speed up referrals for more specialist care where it was needed. The element that could take still time was for the comparatively few cases where patients required referral for a scan. It was noted that improvements had been made in reducing the wait for diagnosis and referral to a memory clinic from 9 months to less than four weeks.

The need to develop dementia friendly communities and towns was highlighted and some Area Board's had already pledged their support. It was also agreed that the DVD shown be presented at Area Board meetings.

Cllr Christine Crisp, Chairman of the Health Select Committee confirmed that the Strategy had been considered by the Committee on 14 January 2014. It was pleased with the work that had been done so far and supported the Strategy. It did have some concerns about funding but acknowledged that the formal consultation would help identify the key priorities. The Committee would comment further following receipt of the post consultation report.

Ted Wilson and Dr Grummitt were thanked for their attendance and contribution on this item.

Resolved:

That Cabinet agree the draft strategic direction for services proposed in the Wiltshire Dementia Strategy 2014-2021 and agree that it can proceed to formal consultation.

Reason for decision

To give Cabinet an opportunity to comment and agree the strategic direction proposed in the Wiltshire Dementia Strategy prior to consultation.

11 Local Government Peer Review

The Leader presented a report which provided a summary of the feedback received from the Local Government Association following the Peer Challenge that took place in September 2013 and the action plan which had been developed to reflect this feedback and recommendations made.

The Peer Challenge covered five core components: understanding of the local context and priority setting, political and managerial leadership, financial planning and viability, governance and decision making and organisational capacity.

In addition the peer team was asked to focus on how the Council was transforming Wiltshire through innovation in three particular areas.

The council's key strengths were identified as follows:

- A very strong respect and high regard for the council leader. Her clarity and strength of vision, commitment and hard work was recognised. A strong sense of loyalty among officers and partners and the leader is an effective ambassador for the council and Wiltshire.
- A strong and trusted relationship between officers and elected members with a clear appreciation that the council is strongly member led.
- The council has a good reputation in the community. Its vision 'to create stronger and more resilient communities' has resonance locally. Parish and town councils, volunteers and voluntary sector organisations speak positively about the purposeful intent of the council to delegate.
- responsibilities and enable local people and groups to do more for themselves.
- A highly engaged workforce with a real sense of pride in the organisation. Staff consistent that they are proud to work for the council.

The feedback had highlighted many positives, with a clear vision understood by staff and strong relationships with the voluntary sector, Police and other partners.

Recommendations included addressing the budget gap for 2015/16 and beyond, clarifying the desired outcomes for area boards, improving the effectiveness of scrutiny, strengthening performance management and working closely with the CCG to ensure shared visions and plans.

Cllr Simon Killane welcomed the challenge for scrutiny to focus more on outcomes rather than processes.

Positive developments had been seen in the Local Enterprise Partnership's Strategic Economic Development Plan which provided direction for the area. An area board review was underway and the campus development programme was breaking new ground with the Corsham campus phase one occupation scheduled for June 2014.

The Leader encouraged all members to read the feedback letter and action plan as presented, and noted there would be a further visit in six to nine months time. She emphasised that this was a good Council and paid tribute to the hard work and dedication by members and staff.

Resolved:

That Cabinet:

- a) Note the feedback and recommendations from the Corporate Peer Challenge**
- b) Endorse the action plan.**

Reason for decision:

The feedback and action plan recognises the achievements in the first 4 years of Wiltshire Council and assists with areas for improvement.

12 Review of Local Development Scheme

Public Participation

Statements and questions were received as follows:


Question and Statement from Ian James, Chairman, Bremhill Neighbourhood Plan, Steering Committee.

Statement from Ian James as Bremhill Parish Councillor

Statement from Steve Perry, Chippenham Community Voice

Questions from Mrs Anne Henshaw – CPRE

Details of the above submissions and responses to them were circulated at the meeting and are attached to the signed copy of the minutes and available on the Council's website along with the agenda for this meeting.

 Cllr Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste presented a report which sought approval of a revised Local Development Scheme (LDS) for Wiltshire in response to the preliminary findings of the Core Strategy Inspector including the introduction of two new Development Plan Documents (DPDs) and to ensure the LDS is up to date.

Cllr Sturgis drew attention to an erratum circulated at the meeting which replaced the development profiles seen in Appendix B of Appendix 1 to the report so that the timetables correspond with 'Table 3: Summary programme for document production'.

Cllr Sturgis in introducing the item explained the context, stating that it would be of great concern if there was no core strategy in place and it was important to adopt at the earliest opportunity to protect the County from inappropriate development.

John Kirkman, CPRE asked how the council was determining the appropriate level of growth for each area based on the disaggregation of 5000. Cllr Sturgis explained that, whilst appreciating there may be some places that couldn't take any more growth, the starting point would be a proportionate split based on the levels of housing in the Plan and then constraints would be looked at.

Mr McDonic, CPRE asked if there would be a public consultation on the outcome of the independent review of affordable housing viability. It was explained that as the examination is the Inspector's process, the Council would submit (the additional work) and it would be for him to advise on the next steps and if a public consultation would be needed. Submission documents would be available on the website.

Mr Morland asked if the starting point for disaggregation would be proportionate to reductions made previously. It was explained it was not as simple as that, and the starting point would be a proportionate split which would be tested at a local level.

Mr James raised concerns over flood and the need to have a sustainable approach to flooding. Cllr Sturgis noted that the Council ensured that any development outside flood risk areas considered the risk to flood plains, working with parish / town councils, Environment Agency and developers.

Cllr Bridget Wayman asked why, given the approved South Wiltshire Core Strategy was the area being asked to take an additional 12% housing. It was explained that the South Wiltshire Strategy had been subsumed into the Wiltshire Core Strategy currently under examination. Cllr Wayman requested that the Gypsy and Traveller DPD timescale be brought forward.

Resolved:

That Cabinet:

- a) **Approves the Local Development Scheme as set out in Appendix 1 to the report presented (taking into account the replaced Appendix B of Appendix 1 circulated at the meeting).**
- b) **Authorises the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member, to make minor amendments to the Local Development Scheme in the interests of clarity and accuracy before submitting it to the Core Strategy Inspector.**
- c) **Authorises the Associate Director for Economic Development and Planning, in consultation with the Cabinet Member, to amend the Local Development Scheme in response to any comments raised by the Inspector on the revised Local Development Scheme, as appropriate.**

Reason for decision:

Wiltshire Council is required to prepare and keep up to date a Local Development Scheme in line with the Planning and Compulsory Purchase Act 2004 (as amended). Revisions to the Local Development Scheme (August 2012) are required in response to the Inspector's preliminary findings into the examination of the Wiltshire Core Strategy to support a sound Core Strategy, and in order to ensure it is up to date.

13 **Urgent Items**

There were no urgent items.

14 **Exclusion of the Press and Public**

Public Participation

Mr Francis Morland addressed Cabinet on this item expressing concern over the venue for this meeting and concerns over what he believed the item at minute no.15 below was concerned with.


Resolved:

That Cabinet agrees in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute no. 15 below 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 4 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.

Reason for taking the item in private:

Paragraph 4 – information relating to consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

15 Review of positive leisure-time activities for young people

 Cllr Laura Mayes, Cabinet Member for Children's Services presented a report which reviewed how the Council meets its statutory duty to secure for young people aged 13-19 (up to 24 for young people with a learning difficulty) access to sufficient positive leisure time activities which improved their wellbeing and the provision of sufficient facilities for such activities.

Four options were under consideration, details of which were presented. Cabinet considered that consultation be undertaken on all four options with young people, affected staff and other key stakeholders. The results of the consultation would then be presented to Cabinet and taken into account by Cabinet in arriving at a decision.

Resolved:

That Cabinet notes the report presented and agrees to carry out a formal consultation process in relation to all four options detailed in the report presented with young people, affected staff and other key stakeholders to inform the decision making process. The consultation process is a developing process which will inform Cabinet prior to a final decision being made by Cabinet currently scheduled for 22 April 2014.

Reason for decision

To give Cabinet an opportunity to review its statutory duty to secure for young people aged 13-19 (up to 24 for young people with a learning difficulty) access to sufficient positive leisure time activities which improved their wellbeing and the

provision of sufficient facilities for such activities. To consider options for the purposes of undertaking a consultation exercise on these options.

Appendices (to signed minutes)

Questions, statements and responses

(Duration of meeting: 10.35 am - 2.10 pm)

<p>These decisions were published on the 30 January 2014 and will come into force on 7 February 2014.</p>

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