

SUMMONS

Council Meeting

Date: 9 November 2010

Time: 10.30 am

Place: Council Chamber - County Hall, Trowbridge

**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 718024 or email Yamina.Rhouati@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

1. **Apologies**

2. **Minutes of Previous Meeting** (*Pages 1 - 36*)

To approve as a correct record and sign the minutes of the last meeting of Council held on 13 July 2010.

3. **Declarations of Interest**

To declare any personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Announcements by the Chairman**

5. **Petitions**

(a) **Petitions Received**

'Save Melksham Library'

Details to follow.

(b) **Petitions Update** (*Pages 37 - 40*)

A report by the Head of Democratic Services updating Council on petitions received by this Council is attached.

6. **Public Participation**

The Council welcomes contributions from members of the public.

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 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.

Members of the public wishing to ask a question should give written notice (including details of any question) to the officer named above (acting on behalf of the Director of Resources) by **12.00 noon on Friday 5 November**.

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

7. **Wiltshire Anti-Social Behaviour Reduction Strategy** (*Pages 41 - 68*)

The Leader of the Council will present the following recommendation of Cabinet dated 27 July 2010:

Recommendation:

That Cabinet endorse the Wiltshire Anti-Social Behaviour Reduction Strategy and Implementation Plan and recommend it to the Council.

The report considered by Cabinet is attached as background information together with the recommended Strategy.

BUDGET

The Next Four Years - The Challenges We Face

With the Chairman's permission, the meeting will adjourn at this point to receive a presentation by the Leader of the Council on the challenges to be faced by the Council over the next four years.

8. **Revenue Budget Virement 2010-11** (*Pages 69 - 76*)

The Cabinet member for Finance, Performance and Risk will present the recommendation from Cabinet dated 19 October 2010 for Council to approve virements from reserves as a way of managing the financial pressures and Government reductions.

A report by the Interim Chief Finance Officer is attached.

9. **Annual Report on Treasury Management 2009/10** (*Pages 77 - 90*)

To consider a report by the Interim Chief Finance Officer

COUNCILLORS' QUESTIONS

10. **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 Director of Resources) not later than **Friday 5 November 2010**. 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.

EXECUTIVE BUSINESS

11. **Executive Business**

- (a) **The Leader of the Council and/or Cabinet Members to update Council on any major activities within their respective areas of responsibility**
- (b) **Area Boards - This is an opportunity to raise general issues relating to Area Boards but not specific local issues**
- (c) **The Leader to advise on changes to the Scheme of Delegation on Executive Functions** (*Pages 91 - 102*)

OVERVIEW AND SCRUTINY

12. **Overview and Scrutiny**

The Chairmen of the Overview and Scrutiny Select Committees to update Council on any major activities within their respective Committees.

MINUTES OF CABINET AND COMMITTEES

13. **Minutes of Cabinet and Committees**

(a) The Chairman will move that Council receives and notes the minutes of Cabinet and the various Committees of the Council as listed in the Minutes Book enclosed separately.

(b) Chairmen of Committees other than Cabinet and Scrutiny Select Committees will be given a brief opportunity to make any important announcements concerning the work of their respective committees. Cabinet and Scrutiny Select Committees in this respect are dealt with under items 11 and 12 respectively.

(c) Councillors will be given the opportunity to raise questions on points of information or clarification.

EXTERNAL ORGANISATIONS

To receive reports from external organisations.

Please note that under the Constitution, Councillors wishing to ask a question in relation to the reports of the Wiltshire Police Authority and the Wiltshire and Swindon Fire Authority are required to give written notice to Yamina Rhouati, Democratic Governance Manager (acting on behalf of the Director of Resources) no later than five clear days before the Council meeting – Monday 1 November 2010.

The documents referred to in the following items 14 (a) and (b) and 15, were previously circulated to Councillors to provide an opportunity to submit any questions within the above mentioned timescale. The documents are also circulated with this agenda for ease of reference.

14. **Wiltshire Police Authority**

To receive and note:

- (a) **the minutes of the Wiltshire Police Authority meetings held on 16 September and 12 October 2010** (*Pages 103 - 112*)
- (b) **the report of the Wiltshire Police Authority** (*Pages 113 - 114*)

15. **Wiltshire and Swindon Fire Authority** (*Pages 115 - 120*)

To receive and note the minutes of the Wiltshire and Swindon Fire Authority meeting held on 23 September 2010.

OTHER ITEMS OF BUSINESS

16. **Notices of Motion**

To consider the following notices of motion:

- (a) **Notice of Motion No. 13 - Landshare - From Councillors Jon Hubbard and Peter Colmer** (*Pages 121 - 122*)
- (b) **Notice of Motion No. 14 - Daylight Saving Bill - From Councillor Trevor Carbin** (*Pages 123 - 124*)

17. **Review of the Council's Constitution** (*Pages 125 - 180*)

With the Chairman's permission, Mrs Isabel McCord, Chairman of the Standards Committee and the Focus Group on the Review of the Constitution will present the outcome of the review of the Constitution previously requested by Council.

A report by the Monitoring officer which includes the recommendations of the Standards Committee, is attached.

18. **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 be excluded**

None

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COUNCIL

MINUTES OF THE COUNCIL MEETING HELD ON 13 JULY 2010 AT COUNCIL CHAMBER, COUNTY HALL, TROWBRIDGE.

Present:

Cllr Richard Beattie, Cllr Chuck Berry, Cllr John Brady, Cllr Richard Britton, Cllr Rosemary Brown, Cllr Allison Bucknell, Cllr Jane Burton, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Christopher Cochrane, Cllr Peter Colmer, Cllr Linda Conley, Cllr Mark Connolly, Cllr Christine Crisp (Vice-Chair), Cllr Michael Cuthbert-Murray, Cllr Brian Dalton, Cllr Andrew Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Bill Douglas, Cllr Mary Douglas, Cllr Peggy Dow, Cllr Peter Doyle, Cllr Rod Eaton, Cllr Nick Fogg, Cllr Peter Fuller, Cllr Richard Gamble, Cllr Jose Green, Cllr Howard Greenman, Cllr Mark Griffiths, Cllr Mollie Groom, Cllr Lionel Grundy OBE, Cllr Brigadier Robert Hall (Chairman), Cllr Mike Hewitt, Cllr Malcolm Hewson, Cllr Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Chris Humphries, Cllr Keith Humphries, Cllr Peter Hutton, Cllr George Jeans, Cllr David Jenkins, Cllr Julian Johnson, Cllr John Knight, Cllr Jacqui Lay, Cllr Alan Macrae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Francis Morland, Cllr Bill Moss, Cllr Christopher Newbury, Cllr John Noeken, Cllr Jeffrey Ody, Cllr Stephen Oldrieve, Cllr Helen Osborn, Cllr Jeff Osborn, Cllr Mark Packard, Cllr Sheila Parker, Cllr Graham Payne, Cllr Nina Phillips, Cllr Leo Randall, Cllr Fleur de Rhe-Philipe, Cllr Pip Ridout, Cllr Bill Roberts, Cllr Ricky Rogers, Cllr Judy Rooke, Cllr Jane Scott OBE, Cllr Jonathon Seed, Cllr John Smale, Cllr Carole Soden, Cllr Toby Sturgis, Cllr Dick Tonge, Cllr Bridget Wayman, Cllr Ian West, Cllr Fred Westmoreland, Cllr Stuart Wheeler, Cllr Roy While, Cllr Christopher Williams and Cllr Graham Wright

43. Apologies

Apologies for absence were received from the following councillors:

John Thomson, Nigel Carter, Tony Trotman, Desna Allen, Simon Killane, Jerry Kunkler, Stephen Petty, Paul Sample, Philip Brown, Peter Davis, Russell Hawker, Tom James, Julie Swabey and Paul Darby.

44. Minutes of Previous Meeting

The minutes of the Annual Meeting held on 18 May 2010 were presented.

Resolved:

That the minutes of the Annual Meeting held on 18 May 2010 be approved as a correct record and signed by the Chairman.

45. **Declarations of Interest**

The Chairman declared a personal interest in the discussion which arose from the minutes of the Wiltshire and Swindon Fire Authority concerning the future of the Cricklade Cadet Force by virtue of him being the Chairman of the Fire Authority (minute no. 54 refers).

Cllr Andrew Davis declared a personal interest in the consideration of the recommendation to make a Designated Public Places Order at Warminster by virtue of him also being a member of Warminster Town Council (minute no. 58 refers).

46. **Announcements by the Chairman**

(a) **Birthday honours**

On behalf of Council, the Chairman congratulated the Wiltshire recipients of Queen's Birthday Honours list which he read out.

(b) **Queen's Award for Voluntary Service**

The Chairman announced that five organisations in Wiltshire were nominated for the Queen's Award for Voluntary Service namely, Swindon Down's Syndrome Group, Hope Nature centre, Wiltshire Search & Rescue, Berwick St. John Country Fayre and Lydiard Millicent Lunch Club.

The Chairman was pleased to announce that Swindon Down's Syndrome Group were successful in attaining the award and congratulated them on their achievement.

(c) **Queen's Award for Enterprise**

The Chairman announced that four businesses in Wiltshire had been recognised in the Queen's Award for Enterprise, two in the category for international trade and two for innovation.

Naim audio from Salisbury and Themis from Trowbridge had received awards in the international trade category.

Danlers Limited from Chippenham and Halyard Marine from Salisbury had received awards in the innovation category.

The Chairman congratulated them all on their success.

(d) 'Shaping the future – Being the Best'

The Chairman explained that the Council was launching its first Corporate Staff Awards, 'Shaping the future – Being the Best'. The purpose of the awards was to celebrate and recognise the excellent work being done by Wiltshire council employees.

The Chairman referred Councillors to a brochure which included a nomination form. The winners would be announced at a gala awards ceremony on Monday 27 September at Salisbury City Hall by the Leader and Chief Executive. Category winners would be automatically entered into a competition to find the overall outstanding employee of the year who would also be announced at the awards ceremony.

(e) New Liberal Democrat Group Leader

The Chairman acknowledged that Cllr Jon Hubbard was now Group leader of the Liberal Democrat group on the Council. The Chairman wished him well in his appointment and thanked the previous Liberal Democratic leader, Cllr Trevor Carbin for his work over the past year.

(f) Councillor Julian Johnson – New Forest National Park Authority

The Chairman congratulated Councillor Julian Johnson on his appointment as Chairman of the New Forest National Park Authority.

47. **Petitions - Update**

Council at its Annual Meeting in May 2010 adopted a new Petition Scheme, details of which had now been added to the Council's website. The report of the Head of Democratic Services was considered which updated Council on the Petition Scheme and gave details of the four petitions received since the Petition Scheme was introduced.

The Chairman confirmed that no petitions had been received for presentation at this meeting.

Resolved:

That Council

- (a) **note the report, the petitions received and the actions being taken as set out in the Appendix to the report presented and**
- (b) **note the proposed piloting of the E-Petitions Scheme with effect from mid September 2010.**

48. **Public Participation**

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

49. **Councillors' Questions**

The Chairman reported receipt of questions from Councillors Ernie Clark, Helen Osborn, Peter Colmer, Jeff Osborn, Jon Hubbard, Steve Oldrieve, Trevor Carbin and Chris Caswill.

Details of the questions and responses given were previously circulated and attached as Appendix A to these minutes.

Supplementary questions were made in some cases summarised as follows:

Cllr Helen Osborn – Special Education Need (SEN) provision – sought an assurance that sufficient resources would be made available to deal with SEN.

Cllr Grundy explained that SEN review was governed by legislation and confirmed that there was no question that requirements under SEN would not be continued.

Cllr Peter Colmer – consultation on the Wiltshire Community Plan – asked whether it would be more appropriate to undertake the consultation through community area partnerships rather than a ‘top down’ approach.

The Leader confirmed that the consultation exercise was to ensure the Plan reflected views of the community and that the consultation would include community area leaders.

Cllr Jeff Osborn – recommendations of audit carried out by KPMG – referred to the 50 recommendations from the audit out of which 18 had been highlighted as red.

Cllr Fleur de Rhe Philipe explained that the number of recommendations were to be expected due to the transitional period and confirmed that all recommended actions had been completed.

Cllr Jon Hubbard – collapse of property values – given that property values had collapsed and benefits from disposals would be negligible questioned whether savings would be made ahead of clear directives on the future of local government.

Cllr John Noeken agreed that the Council needed to constantly keep progress of the workplace transformation under review. Given that property prices were currently depressed, he confirmed that the Council was not in a hurry to dispose of its properties. This would be kept under review by the workplace transformation board which had last met on 9 July 2010.

Cllr Jon Hubbard – cost of producing ‘Your Wiltshire Magazine’ against effectiveness of it being used as a vehicle for consultation – questioned the benefits of the magazine and questioned whether the amount spent on producing it could be better spent on providing frontline services.

The Leader emphasised that front line services were not being cut. The production of the magazine was being kept under review and that the Council was working with its partners to make it a public sector magazine. Without the magazine, individual services would have to undertake their own separate consultation which would then collectively cost more. The magazine was never intended as a vehicle for public consultation or for publishing statutory notices. The magazine served the purposes of keeping members of the public informed and in providing an opportunity to challenge the Council with its feedback.

Cllr Steve Oldrieve – Adopted notice of motion on fair trade – asked how the motion was being incorporated into the Council’s procurement policy and toolkit and the contract regulations.

Cllr John Noeken confirmed that it would be reflected in guidance to the contract regulations.

Cllr Trevor Carbin – consultation on the future of waste collection: collection of food waste – questioned why an option of providing food waste collection had not been included in the consultation exercise.

Cllr Toby Sturgis explained that collection of food waste was expensive and that there was a lack of suppliers willing to collect this type of waste. He confirmed that the consultation referred to continuing to investigate this type of collection.

Cllr Caswill – Area Board grants – asked what the proportion of Area Board funding could be used to fund projects which fell outside the criteria of the Community Grants Scheme. He also questioned whether Councillors should promote their own preferences.

The Leader explained that when she attends her own Area Board, she does so as a member of that Area Board rather than as Leader of the Council unless she is specifically asked to respond as Leader. Decisions made were democratically made. She also confirmed that as a local member she would consult the local community and parish/town councils on schemes they wished to pursue.

Cllr Caswill – state of the roads – asked for confirmation that the current state of the roads was due to a lack of investment in highway repairs and asked whether the response given was an early indication that the road repairs budget was being ring fenced.

Cllr Tong referred to under investment on roads by previous administrations of the Council. He also explained that roads were inspected regularly to enable an assessment to be carried out each year. Repairs were carried out on a priority basis. He confirmed that all that could be done within budgetary constraints was being done.

50. **Executive Business**

(a) Updates by Cabinet members

(i) Coalition Government

The Leader initiated a discussion on emerging proposals from the new Coalition Government. She explained that correspondence was being received with increasing regularity from various Government departments on new Government proposals and initiatives.

She referred to the emergency budget announced by the Government in June. This included a reduction in Area Based Grant of £2.7m. The Area Based Grant from the Department for Education had been reduced by 24%. Within the last 24 hours, the Council had been advised of a reduction of £1.24m in education grants for technology across the region for the provision of broadband. A reduction of £700k had also been advised for 14-19 capital grant. The free swimming grant had also been removed and it was hoped to keep free swimming in place over the summer period at least. It was noted that most if not all secondary schools in the Council's area would be expressing a wish to achieve academy status and this would have a tremendous impact on the Council as the Local Education Authority.

Cabinet was working closely with Chief Officers to try and minimise the impact of the reductions in funding. The Council would need to consider its budget as a whole in order to examine its priorities.

Local authorities were awaiting the outcome of the public spending review to be announced by the Government on 20 October 2010 in order to assess the impact on local government. This would also help to inform the Council's Business Plan. The spending review would also impact on other public sector services and the Leader stressed that this should be borne in mind when working with public sector partners. The Government had stated that whilst there would be cuts, it would also be providing local authorities with the freedom to use their budgets according to their priorities.

The Leader referred to the abolition of the Regional Development Agency, the South West Regional Assembly and the privatisation of Job Centre Plus. She also referred to the abolition of the Regional Spatial Strategy, potential implications of the Localism Bill and proposals for directly elected Police Commissioners.

It was noted that the Strategic Health Authority would be abolished by 2012. The Leader referred to the White Paper, Equity and excellence: Liberating the NHS which set out the Government's long-term vision for the future of the NHS. This was likely to include the remits of Primary Care Trusts being redirected to local authorities, GP consortia managing commissioning services and a new health watchdog. The Health Scrutiny function would be replaced by a Health Board.

The Leader explained that a briefing session for all Councillors would be arranged following the August recess once there was more clarification on the future direction of local government.

The Leader responded to questions and Councillors thanked the Leader for the important and informative update.

(ii) Wiltshire Delivers Big Society

The Leader referred to the Government's announced intentions on the 'Big Society'. She explained that this was very much in keeping with the Council's approach and that working locally with people and communities had formed the backbone to becoming a unitary council and shaped how the Council operated. This included the vision set out in the Council's Corporate Plan, business planning for the future, service redesign and finding new ways to engage and involve its communities.

In recognition that this Council was doing far more to deliver Big Society than many other local authorities, the Council had been invited to speak at the Local Government Association Conference held the previous week. Copies of the handouts produced in house for conference delegates were tabled. Following the presentation at the Conference, the Council had received requests from the Cabinet Office and Department of Communities and Local Government to advise and help shape the policies and implementation of Big Society. The Council had also been invited to speak at other regional and national conferences.

(iii) Job Centre Plus Award 2010

Cllr Grundy, Cabinet member for Children's Services advised that the Council had previously secured funding under Job Centre Plus. This was a 3 year programme working with businesses to help young people back into work. The Council had been awarded a Youth Employment Award for the South West for demonstrating a clear commitment and action to help young people back into work. It was hoped to be able to provide further employment opportunities to young people under the scheme.

(b) Area Boards

This was an opportunity for Councillors to ask questions of a general nature concerning Area Boards. No questions were raised.

51. **Overview and Scrutiny**

The Chairmen of the Overview and Scrutiny Select Committees were invited to update Council on major activities within their respective Select Committees.

Environment Select Committee

Cllr Mollie Groom updated Council on her Committee's consideration of the following matters:

- The Committee last met on 6 July and focused on the developments taking place in the Council concerning climate change. The Committee was fully supportive of the work being undertaken by the Climate Change Team and would be considering the draft strategy at its next meeting together with the work being undertaken towards carbon trading.

Health and Adult Social Care Select committee

Cllr Mike Hewitt updated Council on his Committee's consideration of the following matters:

- The Committee last met on 8 July and the next meeting would be held on 9 September.
- The potential changes arising from the Coalition Government's programme had important implications for the way in which Health and Adult Social Care Services would be provided to Wiltshire residents. At the last meeting, a Task group was established to consider the impact of these changes, although its timing and scope was heavily dependant on the contents of the NHS White paper which was due on 12 July.
- The Committee's forward work programme would need to be flexible in light of this, and some previously allocated items may have to slip. However, at the July Committee it was agreed that Task Groups would be initiated to look at:
 1. Coalition Government – Implications for NHS and Adult social care in delivering services for Wiltshire Residents.
 2. Dementia (and possibly wider Adult Mental Health issues).
 3. Closer engagement with local NHS Trusts to gain deeper insight for commenting on Quality Accounts, and CQC ad hoc reporting.

Overview and Scrutiny Organisation and Resources Select Committee

Cllr Jeff Osborn updated Council on his Committee's consideration of the following matters:

- The Committee last met on 27 May and would next meet on 15 July.
- The Committee would be considering the Department of Resources Departmental Delivery Plan which would outline the ambitions and objectives for the Department in support of the Corporate Plan.
- A number of work areas identified within the Plan had already been considered at either Committee or Task Group level or would form part of the forward work programme such as Workplace Transformation, SAP development, future ICT provision and member support.
- The Delivery Plan would tie up the various strands of work with the Department of Resources and would therefore be a useful reference document for the Committee. A further key document would be the Business Plan which was currently being developed.

Children's Services Select Committee

Cllr Carole Soden updated Council on the Committee's consideration of the following matters:

- The Children's Services Select Committee had met once since the last Council meeting in May.
- The Committee was monitoring closely the new Coalition Government's plans for education and children's services and these would undoubtedly form part of the Committee's forward work programme.
- On 22nd July, Children's Services Select Committee will receive the results of the public consultation into Special Educational Needs provision in Wiltshire, plus the recommendations to Cabinet for service development. Prior to this, beginning at 9.30am, officers will brief Committee members on the background to this review to which other members of the Council were welcome to attend.

52. Minutes of Cabinet and Committees

The Chairman moved that Council receives and notes the minutes as listed in the separate Minutes Book and this was duly seconded by the Vice-Chairman.

Cabinet	24/05/10, 22/06/10
Children's Services Select Committee	08/06/10
Environment Select Committee	11/05/10

Health and Adult Social Care Select Committee	20/05/10
Organisation and Resources Select Committee	27/05/10
Officer Appointments Committee	11/06/10
Standards Committee	19/05/10
Staffing Policy Committee	19/05/10
Wiltshire Pension Fund Committee	13/05/10
Licensing Committee	26/05/10
Strategic Planning Committee	12/05/10
Audit Committee	30/06/10
Northern Area Planning Committee	19/05/10, 09/06/10, 30/06/10
Eastern Area Planning Committee	10/06/10, 01/07/10
Southern Area Planning Committee	13/05/10, 03/06/10, 24/06/10
Western Area Planning Committee	12/05/10, 02/06/10, 23/06/10

The Chairman drew Council's attention to recommendations to Council from the Staffing Policy Committee in respect of adoption of the Code of Conduct for Officers and from the Licensing Committee in respect of the licensing of Sex Establishment Policy.

Resolved:

- (a) That the above mentioned minutes be received and noted.**
- (b) That Council adopt the following recommendations:**
 - (i) Recommendation of the Staffing Policy Committee dated 19 May 2010 (minute no. 19 refers):**
That Council approve the Code of Conduct for Officers as amended and to update the Council's Constitution accordingly.
 - (ii) Recommendation of the Licensing Committee dated 26 May 2010 (minute no 7 refers):**
To adopt the amendment to the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 by Section 27 of the Policing and Crime Act 2009. This introduces a Licensing regime for "sexual entertainment venues" such as lap dancing.

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

Cabinet – 22 June 2010 – Minute No. 110 – Housing PFI – Agreement to enter into contract

Cllr Ricky Rogers asked whether the PFI scheme had escaped the cuts in local government funding.

Cllr John Brady explained that the PFI Board had met on 12 July 2010. A further meeting would be held on 14 July in London. It was reassuring to know that at this stage, the scheme had the support of the Housing Minister but would need to be assessed by an independent board and that the Council had complied with all requirements. He was concerned that given the level of cuts being considered, the Government could choose to abandon the scheme. He would however, keep Councillors informed.

Licensing Training

Cllr Bill Moss, Chairman of the Licensing Committee reminded Councillors that licensing training for all Councillors had been arranged for 24 September 2010 from 9.30am to 12.30pm.

Strategic Planning Committee – 21 July 2010

Cllr Andrew Davis, Chairman of the Strategic Planning Committee confirmed that the application at Land at Langley Park, Chippenham had been withdrawn. The meeting would still take place but at County Hall rather than at Monkton Park, Chippenham.

Northern Area Planning Committee – 19 May 2010 – Minute No. 54- Appeal Decision

Reference was made to the announcement made at the Northern Area Planning Committee regarding the Planning Inspector's decision on the appeal lodged by the Council in respect of Sandpit Lane, Calne (08/2438). Cllr Francis Morland asked about the implications of the decision on planning policy. It was noted that the Council was currently assessing the implications.

53. Wiltshire Police Authority

The minutes of the Wiltshire Police Authority meeting held on 10 June 2010 and report of the Police Authority were received and noted. No questions on these documents had been received from Councillors.

54. **Wiltshire and Swindon Fire Authority**

The minutes of the Wiltshire and Swindon Fire Authority meeting held on 26 May 2010 were received and noted.

Cllr Peter Colmer sought an update on the future of the Cricklade Fire Cadets following the withdrawal of funding from the Wiltshire Fire Authority.

At this point, the Chairman declared a personal interest in this item as Chairman of the Wiltshire and Swindon Fire Authority.

The Chairman explained that unfortunately, the Fire Authority was also subject to public spending cuts, which is why it had had to examine all its expenditure. However, in view of the representations made, it had been agreed to continue the Cricklade Cadet Force until at least the end of August 2010. There was potential for the local Area Board to provide some funding and the Cadets were also considering funding initiatives.

55. **Standards Committee Annual Report 2009/10**

At the invitation of the Chairman, Mrs Isabel McCord, Chairman of Wiltshire Council's Standards Committee presented the Annual Report of the Standards Committee for the period 2009/10 for Council's information.

Resolved

To note the Annual Report.

MEETING ADJOURNED

At this point 1.15pm, the meeting adjourned for lunch and reconvened at 1.55pm.

56. **Notice of Motion No. 11 - Opting out arrangements for Schools - From Councillors Jeff Osborn and Helen Osborn**

The Chairman reported receipt of the following notice of motion moved by Cllr Jeff Osborn and seconded by Cllr Helen Osborn:

'This Council views with alarm moves to encourage Wiltshire primary and secondary schools to opt out of their formal relationship with this local education authority (LEA).

The outcome of such a move is likely to result in a "creaming off" of well performing schools, leaving the LEA with a greater proportion of underperforming schools. Also it is unclear as to whether these

opted out schools will take full responsibility for Special Educational Needs pupils.

A further consequence will be that the LEA will lose its critical mass to provide the full range of viable support services.

Already in this current year Wiltshire Council's Children Services is to have its budget cut by £2.1 million. Added to this is the certainty that Wiltshire Council funds from central government will be cut by at least 25% over the next four years. This must severely impact on local – non opted out – educational provision.

Also it seems that much of the funding for these opted out schools – Academies and Free Schools – will come from the curtailment of the Building Schools for the Future programme. This, in turn, will mean that few, if any, remaining LEA schools will be rebuilt.

This Council therefore resolves to:

communicate the consequences of the opting out of Academies and Free Schools to the people of Wiltshire so that they can better understand what is going on'.

Cllr Jeff Osborn spoke to his motion. He explained his concern that the opting out arrangements could lead to an erosion of local authority education and a two tier education system with local authority schools being stigmatised as 'Council schools' and that this would also widen the achievement gap.

The Chairman moved that the motion be debated and this was duly seconded by the Vice-Chairman and it was

Resolved:

That notice of motion no.11 be debated.

The Chairman called on Cllr Grundy to open the debate as the Cabinet member for Children's Services before inviting Group Leaders and then opening the debate to other Councillors.

Cllr Grundy did not support the motion. He explained that the Academy Bill was still progressing and it was too early to give a view on what the consequences would be.

A discussion ensued, during which arguments were made for and against the motion. After careful consideration, it was

Resolved:

That motion no. 11 as detailed above be NOT adopted.

57. **Notice of Motion No. 12 - Political Reform and Freedom Bill - From Councillors Jon Hubbard and Peter Colmer**

The Chairman reported receipt of the following notice of motion moved and by Cllr Jon Hubbard and seconded by Cllr Peter Colmer:

'That:

Council notes:

The new Government's commitment for much needed political reform and the restoration of our civil liberties.

Council welcomes:

*The proposal to bring in a proportionally elected second chamber ensuring that all Wiltshire residents have a full and proper say in who represents them;
Proposals to regulate party funding increasing transparency to Wiltshire residents of how their political parties operate;
The proposal to hold a referendum to give people a chance to vote to end First Past the Post elections for Local Authorities, such as Wiltshire Council, and the House of Commons;*

Council also welcomes the introduction of the Freedom Bill, which will enhance the lives of Wiltshire residents by:

*Scrapping the illiberal ID cards scheme;
Bringing to an end to the fingerprinting of children in schools without their parent's consent;
Introducing better regulation of CCTV cameras;
Placing significant restrictions on the DNA database;
and restoring the right to protest.*

*Council resolves to write to Wiltshire's MPs asking for their support in Parliament when these bills are heard
To write to the Deputy Prime Minister giving this council's support to the proposed bills'.*

Cllr Jon Hubbard spoke to his motion. He explained that quite dramatic changes on how democracy would be reflected and urged support for the Bill by supporting his motion.

The Chairman moved that the motion be debated and this was duly seconded by the Vice-Chairman and it was

Resolved:

That notice of motion no.12 be debated

The Chairman called on the Leader to open the debate before inviting other Group Leaders and then opening the debate to other Councillors.

The Leader explained that whilst there was no doubt that this Council would wish to support much of what was currently in the Bill, it was too early to make a judgement. She also considered that national issues should be dealt with nationally and through lobbying of members of Parliament. For those reasons, she considered that the motion should not be supported at this time and that Council should await further information as the Bill progresses.

After careful consideration, it was

Resolved:

That motion no. 12 as detailed above be NOT adopted.

58. **Warminster Town Alcohol Consumption In Designated Public Places Order (DPPO)**

Declaration of Interest

Cllr Andrew Davis declared a personal interest in this item as a dual hatted member also on Warminster Town Council.

Cllr Keith Humphries, Cabinet member for Health and Wellbeing presented a report on a recommendation from the Warminster Area Board to make a Designated Public Place Order (DPPO) in respect of a prescribed area of Warminster as indicated on the plan presented.

He explained that a DPPO gave the Police the power to ask persons who were behaving or likely to behave in an alcohol induced anti-social manner within the area, to stop drinking and hand over any alcohol in their possession. Refusal is an offence, which may result in arrest and a fine.

On the basis of the Area Board report and the consultation findings, which had found in favour of the Order, Cllr Keith Humphries proposed that the DPPO be made. He also recommended that in future such determinations be delegated to the Licensing Committee.

Resolved

- (a) **That Wiltshire Council makes a Designated Public Place Order under S.13 of the Criminal Justice and Police Act 2001 in respect of the land described in the attached map in the town of Warminster.**
- (b) **That Council pursuant to S.7(3) of the Licensing Act 2003 resolves to delegate the power to make a Designated Public Places Order under S.13(2) of the Criminal Justice and Police Act 2001, to the**

Council's Licensing Committee, considering that the power to make such an Order sufficiently relates to matters already referred to that Committee under S.7(1) of the Licensing Act 2003.

59. **Membership of Committees**

The Chairman gave Group Leaders an opportunity to make any necessary changes to committee membership in accordance with the allocation of seats to political groups previously approved by council.

Following requests made by Cllr Jon Hubbard (Liberal Democrat group) and Cllr Christopher Newbury (Independent group), it was

Resolved

To approve the following changes to committee membership:

Officer Appointments Committee

To replace Cllr Trevor Carbin with Cllr Jon Hubbard with Cllr Peter Colmer as substitute.

Health and Adult Social Care Committee

To replace Cllr Peter Colmer with Cllr Judy Rooke.

To replace Cllr Jon Hubbard as substitute with Peter Colmer.

Strategic Planning Committee

To replace Cllr Steve Petty as substitute with Cllr Peter Colmer.

Eastern Area Planning Committee

That Cllr Francis Morland be appointed as substitute member.

(Duration of meeting: 10.30am – 2.30pm)

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

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

Council

13 July 2010

COUNCILLORS' QUESTIONS

QUESTIONS FROM COUNCILLOR ERNIE CLARK
HILPERTON DIVISION

TO COUNCILLOR JANE SCOTT
LEADER OF THE COUNCIL

Question 1

I understand that the Council has a group providing services for ethnic minorities. Bearing in mind that Wiltshire has a tiny ethnic minority population, can you tell me how big this group is, what they cost and what they actually do.

Response

All areas within the Council are committed to, and are providing services for all our communities, including Black & Minority Ethnic (BME) communities.

In reference to 'groups' in the Council providing services for ethnic minorities, within Department of Children and Education (DCE), the Ethnic Minority Achievement Service (EMAS) deliver educational support to all teaching/school staff and pupils. EMAS support schools to provide equal access to life opportunities for pupils vulnerable to lower attainment levels, and works to deliver national language and literacy strategies to improve access to language learning and attainment of pupils from all ethnic minority groups, including for example Polish migrant workers. EMAS also provides a very successful mentoring service for children and young people who are under achieving and are from lower socio-economic and BME backgrounds. The mentors are drawn from Wiltshire Council employees and this programme supports attainment and achievement, and also contributes significantly to the linking of Wiltshire Council with its schools and communities.

EMAS have a staff team of 6.5 FTE advisory teachers including the head of service; 1 consultant for equality and diversity; 1 mentoring coordinator; 1 bilingual support teacher (largely funded by Honda); 10 bilingual assistants. The overall budget for EMAS (2010/11) is £613k, made up of £133k from Standards Fund; £437k from Direct Schools Grant; £31k from donations; £12k from other income such as from running courses, undertaking specific pieces of work that the service is commissioned to do by external parties. The service provides support to 4761 pupils and their families.

Also within DCE, the Traveller Education Service (TES) responds to the educational needs of Gypsy & Traveller children by supporting their inclusion in mainstream schooling, including outreach to families in order for pre-school children to access foundation stage curriculum. This service ensures that the outcomes of 'Every Child Matters' is the focus of its support, through implementing the government strategies on the Gypsy & Traveller educational achievements, (for example, the service provides training to teachers and governors so they are able to support Gypsy & Traveller children in education). The service also prepares young people 11yrs – 19yrs for working life, and to take up opportunities for further lifelong learning.

TES have a staff team of 2.4 FTE Teachers; 0.5 FTE Education Welfare Officer; and 2 teaching assistants covering the whole county, with an overall budget of £287k which is predominately derived from the Direct Schools Grant.

The TES service works with 326 pupils (to date), which includes pupils in early years and schools, pupils who received home education support, those who are out of school / disengaged, pupils from fairground and circuses who require on site teaching, and children who use the mobile library provisions for education.

Finally, at a corporate level, the Council has an equality and diversity team to support elected members/chief officers, and departments to work effectively so that we are able to meet our obligations under equality legislation, and promote all aspects of inclusion. The team works with partners to promote good community relations and participation in local democracy.

The team currently has 4 staff (2 x FTE and 2 x 0.75 FTE) and an overall budget of £177k (including staffing costs) within the Department of Community Services.

Question 2

At the last full council meeting, questions were asked about the non-pensionable honoraria paid by Kennet District Council. In answer to my supplementary question you stated that WC was hoping to recover approx. £10k from two people. What progress has been made on these recoveries?

Response

The Solicitor to the Council has written to the individuals concerned and is awaiting their response and proposals for repayment. Follow-up action will be taken as appropriate.

TO COUNCILLOR FLEUR DE RHE PHILIPPE
CABINET MEMBER FOR FINANCE, PERFORMANCE AND RISK

Question 1

The KPMG audit report last year (for the old county council) had 10 recommendations (6 red) – what is the average number of total recommendations and red recommendations for councils similar in size to Wiltshire Council?

Response

It is not possible to compare other Council recommendations in that detail. Even if it were collated, the information may not be meaningful as the Audit Commission use a range of companies to carry out audit work as well as undertaking some itself. Therefore there may be presentational differences.

KPMG however have confirmed that it is not unusual for Councils to have audit report recommendations including red ones. At the Audit Committee on 30 June KPMG reported that all actions had been progressed satisfactorily.

Question 2

The KPMG report states that bank reconciliations were not performed for part of the year and not signed off. How could the Chief Financial Officer be sure that the revenue budget monitoring that was being reported to Cabinet (for the months the reconciliations were not performed) was accurate? Equally how could he be sure that reports sent to external bodies, such as VAT return, did not contain significant errors?

Response

Difficulties were encountered during the early days in respect of bank reconciliations. Resolution of these was treated as high priority, and the bank reconciliation is now fully operational.

During the early months when it was not working properly, compensatory adjustments were made to ensure the accuracy and reliability of budget monitoring reports and external reports such as VAT. The Chief Finance Officer was satisfied that the compensatory adjustments were robust. This robustness is confirmed in terms of the Council's outturn for 2009-10 and level of General Fund balance which has been maintained in line with the budget strategy.

QUESTION FROM COUNCILLOR HELEN OSBORN
TROWBRIDGE LAMBROK DIVISION

TO COUNCILLOR LIONEL GRUNDY CABINET MEMBER FOR
CHILDREN'S SERVICES

Question

What is the rationale for continuing with the Special Educational Needs Review in light of the considerable cuts in this year's educational budget plus the certainty of future cuts and the consequences of a significant number of Wiltshire schools opting out of the Local Educational Authority to acquire the status of Academies and Free Schools?

Response

The Local Authority has not yet received any direct communication from the DfE on the future of SEN provision and two Education Bills are awaited; one on Academies and the other on Accountabilities.

However, the DfE website on Academies has an extensive list of Frequently Asked Questions. It explains that when a school becomes an Academy the existing educational provision transfers with it. The Local Authority has to be part of the conversion process where a school has a Specialist Learning Centre or Resource Base. Academies can be named as schools of choice where a child has a statement for SEN. Schools which convert to Academies retain the admissions criteria they currently use for pupils.

Therefore, most of the issues consulted on during the SEN consultation are not affected by the move of schools to academies. The only area directly affected could be the size of the SEN inclusion service being retained. All other recommendations from the consultation are part of a normal review of SEN provision which is the statutory responsibility of the Local Authority.

QUESTION FROM COUNCILLOR PETER COLMER
CRICKLADE AND LATTON DIVISION

TO COUNCILLOR SCOTT
LEADER OF THE COUNCIL

Question

What are the quantifiable benefits of the Wiltshire Assembly to the ratepayers of Wiltshire and what are the associated costs in administering the process?

Response

Leading the Wiltshire family of partnerships (the local strategic partnership (LSP)) for the county are the three lead partnerships:

- Wiltshire Assembly conference –a very wide membership that brings together Wiltshire areas and the voluntary, public and business sectors. The Assembly looks at issues across Wiltshire and sets challenges, outlined in the Wiltshire Community Plan (SCS).
- I as Leader of the Council, chair the Wiltshire Public Service Board (PSB). It brings together chairmen or equivalent of the main public sector organisations to put in place arrangements to deliver shared priorities.
- Wiltshire Coordinating Group (WCG), which is chaired by Andrew Kerr and brings together representatives of Thematic Delivery Partnerships (TDPs), WFCAP (community area partnerships) and the voluntary sector to coordinate strategy and bring together information for the Assembly.

‘One Wiltshire’ is the principle aspiration for Wiltshire Council’s in participating in partnership working. This means looking beyond the council’s own responsibilities and making productive links with the work of other public agencies, the voluntary and community sector (VCS) and private businesses. Margaret West, Chief Officer, Voluntary Action Kennet, said ‘The VCS welcome being involved in the Wiltshire Assembly as it is a gateway to enable the sector to join in at every partnership level and bring knowledge and experience of practically working with communities and making a difference locally. My view is that the VCS has been growing its voice and influence across Wiltshire partnerships, meaning the sector is making a real contribution to partnership working and is acknowledged as a true partner. From this position, the sector then can work with partners to address the challenges ahead’.

Benefits of the Wiltshire family of partnerships

- **Working to a shared agenda.** The Wiltshire vision is cascading through the partnerships and organisations, ensuring our aspirations apply to service delivery in every organisation with less risk of duplication and conflicting interests, and more value for money.

Without strong partnership arrangements, this would not be as effective.

- **Supporting local projects and initiatives.** The PSB coordinated the performance reward grant scheme for area boards which has so far allocated £376,604 to local initiatives. PRG of £1m was also allocated to Action for Wiltshire for initiatives to support Wiltshire people and businesses in the recession.
- **New relationships that the public want to see.** The partnerships are excellent networking and learning opportunities and open doors to new organisational links that have already started to make a difference to projects.
- **Making a difference.** Action for Wiltshire has been the most active Wiltshire Assembly project to date. Included in the project outcomes have been temporary job placements and work mentoring for young people, allocation of £288,000 to the Citizens' Advice Bureau to support them to handle extra calls, and a business support service.
- **Commitment and support.** The Assembly conference events are very popular with all member organisations – evident from evaluation feedback. These days provide a unique opportunity for specialists to stand back and take a broader view of Wiltshire, and what needs to happen to secure a successful future for the county.
- **Good governance.** Bringing all of the above together and reaping all the benefits requires good management and strong leadership. Wiltshire Council, as lead organisation and accountable body, provides this.

Partnership costs

Annual administrative costs to the council for each of the three lead partnerships with estimated staff time, based on average salaries provided by HR, are:

Wiltshire Assembly - £17,500. This is an average costs based on the four meetings to date. There has been a reduction in the cost of the meetings since 2008 as a result of negotiation with venues and speakers. In line with this pattern, it is anticipated that costs for 2010/11 can be lower still. To date, all conferences have been funded from regional grants; therefore cost to the Wiltshire council tax payer has been minimal.

Wiltshire Coordinating Group - £4,437. This is based on nine meetings. The majority of this cost is staff time for arranging the meetings (£3987 and meeting venue costs are minimal. These costs do not include any time spent by officers preparing presentations or reports for the meetings.

Wiltshire Public Service Board - £1,957. This includes staff time (£1,673) to prepare for and support the PSB and additional venue costs (£958). Much of the ongoing costs have been funded by grant and therefore are at no additional cost to the Wiltshire council tax payer. These costs do not include any time spent by officers preparing presentations or reports for the meetings.

Total annual administrative costs **£23,894**

Further information

More detailed information about the work of the partnerships is available in the Wiltshire Assembly annual report 2009. This is available on the website at <http://www.wiltshire.gov.uk/wiltshire-assembly-annual-report.pdf>.

QUESTION FROM COUNCILLOR JEFF OSBORN
TROWBRIDGE GROVE DIVISION

TO COUNCILLOR FLEUR DE RHE PHILIPPE
CABINET MEMBER FOR FINANCE, PERFORMANCE AND RISK

Question

Could members please be informed as to the extra audit fee that KPMG will be charging this Council to complete their external audit for 2009/10 as a result of deficiencies in the Council data originally provided?"

Response

There have not been deficiencies in the Council data originally provided.

At the Audit Committee, KPMG explained that in the first year of SAP teething problems were encountered in the early stages. This is common with the implementation of all new financial systems. As a consequence, KPMG will need to do more substantive detailed transactional testing than would be normal with an established finance system. The additional checking will be low level. KPMG will utilise Council Finance staff wherever possible to collate the information. Therefore the additional costs will be relatively low. As reported to the Audit Committee KPMG are not yet in a position to quantify these costs.

QUESTION FROM COUNCILLOR JON HUBBARD
MELKSHAM SOUTH DIVISION

TO COUNCILLOR JOHN NOEKEN
CABINET MEMBER FOR RESOURCES

Question

In the light of the yet unconfirmed changes to local government that the new government has hinted at with the proposed Localism Bill would it not be prudent to put the Workplace Transformation Project on hold until we know for certain what the role of local authorities such as Wiltshire Council will be?

Is there not a risk that we could waste millions of pounds of taxpayers money refurbishing and building new offices that will not be fit for purpose in just a few years time?

In this time of having to find savings and look at how we can best protect the taxpayers money, would we not be better off investing this money in protecting front-line services?

If you do insist on proceeding with the programme can you confirm what will be the total cost of moving County Hall staff to the George Ward school site in Melksham, including any loss of revenue caused by the delay in developing the site for residential use?

Response

Thank you for the question, which I welcome as it gives me the opportunity to restate what I said when originally taking the proposals to Cabinet - this programme is a true invest to save programme that generates savings which offer the opportunity to protect frontline savings. In fact, for the five year period 11/12 - 15/16 the Programme will deliver gross revenue savings of £24.99m, which after full capital repayment and interest charges equates to net revenue savings of £8.9 million. If the programme was paused, these savings which are already factored into the council's forward financial plan would need to be found from other sources, potentially including front line service reductions - the programme is in fact an excellent example of investing in frontline services and very much in line with the announcements made by government.

Councillors will all be aware that one of the areas highlighted within the Coalition Government's Emergency Budget that should be targeted in order to protect frontline services is property rationalisation and disposal - we are fortunate to be ahead of the curve in so far as we already have the WTP to deliver this

In addition to flexible better located buildings, the WTP delivers work anywhere telephony and ICT - tools that go to the heart of ensuring localisation of service delivery and ensuring that we have the flexibility to

respond to evolving models of public service delivery. A major aim of the refurbishment programme is to ensure that the accommodation provided is highly flexible and as far as possible is future proofed, where as it can be guaranteed that our current estate is not. The Coalition Government is clear that this is a time for Local Government to be bold, to do the right things in order to deliver long term value for money to local residents and take the hard decisions that this involves - standing still is simply not an option. I and my cabinet colleagues are committed to continue to do all we can to reduce costs - and this programme is an excellent example of this. Far from saving money, if the programme was paused now there would be significant additional revenue demands placed on the council's budgets - something that would be irresponsible at any time, but especially now when we are being asked to deliver increased savings.

All Councillors will understand the difference between capital and revenue budgets - the vast majority of the Workplace Transformation Programme is capital spend, money that cannot be transferred to front line service delivery which, in the main, is revenue funded. However, this capital investment in the programme will ensure that savings are generated that will help us protect and develop frontline service delivery over the coming years rather than continue to meet the high annual running costs of our estate (from revenue). There has been a review with Finance of the Workplace programme, endorsed by the recent Programme Board meeting; ensuring that these benefits are still deliverable. We will continue to reassess, based on any subsequent announcements by central government and any necessary change within this council.

The temporary use of George Ward does not represent a loss of revenue to the council, as the asset will remain in council ownership (and will remain part of our capital funding) and will be sold as originally planned at the end of the decant period - the sale will be delayed for up to two years, but as we currently have no prospective purchaser its temporary use by the council removes the need for vacant site security to be undertaken and as myself and Toby Sturgis have indicated previously to cabinet, this delay will hopefully allow for some recovery in demand for residential development land as the Coalition's economic policies begin to have an impact. We do not have a purchaser for the site at present. The total cost of decant across the programme will be in the order of £2.4 million, again, much of this sum which will be capitalised expenditure and of course is already fully funded for within the net savings I identified earlier.

TO COUNCILLOR JANE SCOTT
LEADER OF THE COUNCIL

Question

I refer you to the answer you gave to Cllr Trevor Carbin in February this year regarding the “Your Wiltshire Magazine”.

Could you please confirm if the sales of advertising to date are meeting the targets you previously stated?

Can you clarify if the advertising you seek is publicly funded or from the private sector?

In the previous question you were asked in February you were asked to give the projected cost of the production of the magazine. I cannot see this figure in your answer although you have indicated that your target advertising income would be £150,000. You also stated that the cost of the magazine will be offset against this advertising so I assume that the total cost for the year will be £150,000.

If this is the case can you confirm that future editions will cost only £15,000 each? If this is the case then why did the pilot editions cost over double this amount? Can you confirm that this cost includes distribution.

Response

The net cost per magazine, per household is 11 pence including publication and distribution.

Research from market research company Ipsos Mori clearly evidences that good communication and raising awareness of what councils deliver results in higher levels of public satisfaction and confidence in their local council and what it delivers.

Local intelligence evidences that people like to be made aware through direct marketing or mail to their household. Good communication is about targeting messages and information to different audiences and using the most appropriate and effective channel to do this.

One channel that the council uses is its residents’ magazine that is delivered via Royal Mail door to door to over 200,000 households. Currently this channel is the only method to reach all households. The implementation of broadband and digital inclusion across the county in the future will see the channels evolve using multi-media and as a result a reduction in published materials.

The first two magazines generated £1,950 in advertising income from the private sector.

We are currently investigating alternative ways to generate advertising income that will not be in competition with the local papers. Production and design of the magazine will be delivered in-house. Printing and distribution will be delivered by external companies.

In light of the economic climate we have reduced the number of magazines from ten to five per year and revised the advertising income to £5,000 per edition. The magazine has also been extended to promote public services and to streamline and target communications from Fire, Police, NHS, Probation, and Criminal Justice Board to local people.

The most recent edition of the magazine includes five pages of information from our partners generating an income of over £6,000.

Producing a magazine eliminates the need to publish separate service leaflets, booklets, flyers and other forms of communication. This is projected to save approx. £6,000 per edition.

Distribution cost of the magazine is around £18,500 an edition. The cost for printing is currently subject to a tender process. Previous editions print costs were approx. £20,000 per edition - total estimated gross cost - £37,000 per edition.

The combined income from partners, plus advertising, plus the saving from consolidating other communication materials into the magazine will reduce the cost to around £20,000 per edition. The net cost per household is likely to be around 11 pence per edition.

FROM COUNCILLOR STEVE OLDRIEVE
TROWBRIDGE PAXCROFT DIVISION

TO COUNCILLOR JOHN NOEKEN
CABINET MEMBER FOR RESOURCES

Question

Council at its meeting on 1 December 2009 adopted a notice of motion I had put forward on Fair Trade.

Can the Cabinet member please update me on how the actions agreed as part of the adopted motion have since been implemented.

In particular, I would like an update on the following points:

- How the requirements of the motion have been reflected in the Council's procurement and commissioning policies including the Council's contract regulations, procurement guidance and the manager procurement toolkit and
- How the Council is promoting the concept and practice of fair trade across Wiltshire.

Response

With the Council's increasing financial pressures the Procurement and Commissioning functions have focussed much of its efforts towards the planning and delivery of £9m savings year on year over the next 3 year period. Despite these financial pressures the concept of sustainable procurement, including the use of fairly traded products remains an important part of the Council's procurement strategy. With limited resources available key actions have been achieved since the Council meeting on 1 December 2009. These include:-

- Adoption in March 2010 of a new Corporate Procurement Strategy. Setting out our aspirations and communicating these to staff, partners and service providers.
- Detailed specific guidance regarding the purchase and use of Fairly Traded products for staff involved in tendering is being drafted and will be published on the procurement portal. This will support staff making procurement decisions.
- Talking to local suppliers via Meet the Buyer events as sustainable procurement should also include our local SME businesses in Fair Trading opportunities.

- Hosting Fair Trade event at County Hall.
- Engagement with local and regional groups regarding sustainable procurement.
- Developing the Council's targets on Climate Change.
- Attending South West Fair Trade events (next one is in October 2010).
- Encouraging suppliers, where appropriate to source Fairly Traded products as part of their service delivery (Councillors using the Byways restaurant will now see Sodexo provide a range of products for customers to choose).

So, despite the pressures on our procurement teams to achieve demanding cost savings, good progress is being made towards implementing the actions agreed by Council in December 2009.

**QUESTION FROM COUNCILLOR TREVOR CARBIN
HOLT AND STAVERTON DIVISION**

**TO COUNCILLOR TOBY STURGIS
CABINET MEMBER FOR WASTE, PROPERTY AND ENVIRONMENT**

Question

Wiltshire Council's so-called 'consultation' on the future of waste collection is based on a fortnightly residual waste collection.

However Eric Pickles, Secretary of State for Communities and Local Government, has stated that: "Fortnightly collections are unpopular and unhygienic. It's the traditional weekly bin round that people want. The new Government will work with councils to freeze council tax and help them improve the frequency of rubbish and recycling collections. Let's use incentives and rewards to increase recycling, rather than cuts, fines and taxes. Families now pay a fortune in council tax - it's time they got a better deal."

How will WC respond to the Secretary of State's advice, and will it be taken into account during the current 'consultation'?

Response

Why is the Council consulting on only one service option ?

The Council has considered the views of Overview and Scrutiny Committee and the results of earlier surveys before looking at a number of options for waste and recycling collections before making this proposal.

The Council came to a view that the proposal is the only option that could achieve all our aims, as follows:-

- provides the same service everywhere
- provides service improvements and better recycling opportunities to all
- meet targets set out in our Waste Strategy at an affordable cost.
- Avoid potentially huge EU fines

For these reasons the Council believes that many residents will support the proposal.

If the "No" vote is large, the Council can carry out further research using the "peoples voice" focus group of local residents to find out which aspect of the proposal is not supported.

The New Government has said that it is in favour of Weekly waste collections. Why is the Council not proposing to carry these out?

The council has timed its consultation on the proposal so that emerging government policy on waste can be assessed.

Any government announcements will be taken into account by the council when it decides on the proposal during the Autumn, following this consultation.

Recently, statements expressing a preference for weekly collections have been made by The Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, without any guidance how to increase recycling, whilst maintaining weekly collection of residual waste.

For example, Mr Pickles' recent letter to the Audit Commission expressed anxiety that Councils might be given "perverse incentives" to cut the frequency of rubbish collections.

However, Mr Pickles also stated in the same letter that it was ultimately up to councils when they collected rubbish and recycling. This reflects his views about the importance of "localism". In a speech about this, Mr Pickles also encouraged local councils to be innovative, taking opportunities to improve services and reflecting the views of residents.

Mr Pickles also praised a recycling trial scheme in Windsor and Maidenhead, where residents are rewarded for recycling. Wiltshire Council's view of this is that the most effective and helpful way to encourage recycling is by offering more of the kerbside collection services that residents have asked for. Also, unlike any incentive scheme, the proposal does not involve weighing anybody's wheely bin or recycling box and keeping information about residents.

Caroline Spelman MP is Secretary of State at the Department for Environment, Food and Rural Affairs, or DEFRA. Her responsibilities include waste management. In a recent speech, Mrs Spelman covered many subjects, including a commitment to "help councils deliver the quality and frequency of services their customers want whilst delivering our commitment to waste reduction."

The Council's view is that the proposal reflects these priorities, provided that it is supported by residents. If that support is forthcoming, a local solution has been found which delivers our aims at an affordable cost reducing landfill tax paid and the risk of EU fines which could be £150 per ton.

The Council is in discussion with a number of organizations to investigate the possibility of providing food waste treatment within the County.

QUESTIONS FROM COUNCILLOR CHRIS CASWILL
CHIPPENHAM MONKTON DIVISION

TO COUNCILLOR JANE SCOTT
LEADER OF THE COUNCIL

Question 1

1) Did she raise any objections to the Grant Guidance recently issued to Area Boards? 2) Is she aware that it provides for Boards to "use a proportion of their funding for projects which fall outside the criteria of the Community Grant Scheme"?

3) Why did she intervene at the Chippenham Area Board to try and prevent the Board from exercising this choice?

Response

I did not raise any objections to the Grant Guidance as it is up to individual Area Boards to decide how to manage their grants.

I intervened at the recent meeting of the Chippenham Area Board, because, as a member of that Board, I voiced my objection to a percentage of the grant being placed at the disposal of members to facilitate their particular priorities. The Chairman asked for a show of hands in support, or otherwise, of my views and there was a large majority in support.

It was also felt that, as this item was not on the agenda and there was no supporting information for the meeting to consider, it was sensible to defer a decision until the next meeting.

Question 2

Is she satisfied that all appropriate and necessary actions have been taken in respect of the payments made by Kennet District Council to staff of that Council in the transition to this unitary authority?

Response

Yes I am satisfied. There is ongoing action in relation to the recovery of two payments, totaling approximately £20,000.

TO COUNCILLOR DICK TONGE
CABINET MEMBER FOR HIGHWAYS AND TRANSPORT

Question

At the current rate of expenditure, how long would it have taken the Council to repair the potholes and larger scale road surface damage still visible all over the county?

Response

I would like to thank Mr Caswill for his question as it allows me to tell members of the tremendous work that has been carried out by Highways since the severe winter weather.

The winter had a seriously negative effect on the condition of the road network, but an enormous amount of repair work has already been completed and will continue for the rest of the year.

It is estimated that over 7,000 potholes have been filled so far this year, including those repaired by the Parish Stewards who have been patrolling the network to fix the worst potholes quickly. Over 500,000 square metres of carriageway have been resurfaced, with a further 35,000 square metres currently underway.

Because of the extensive damage a programme of smaller localised repairs is underway with over 5,000 square metres of repairs completed, 17,000 square metres in hand, and further sites being identified in the south and east of the county.

The Velocity Repairers are working on repairing minor roads and have already treated over 15,000 square metres of road surface.

Mr Caswill will know that there is no answer to his question. A road network the size of Wiltshire's needs constant attention. Expenditure is broadly linear but slows as winter approaches as attention is turned to gritting and keeping the roads safe. I would like to point out that the road surface damage and the appearance of a road surface is not the main criteria when choosing the schedule of works. The most important factors are skid resistance and where there are underlying structural issues.

The Council is making significant investment in bringing the road network up to standard, and we are seeing improvements across the county, but this is an on going process which will last all year.

TO COUNCILLOR JOHN NOEKEN
CABINET MEMBER FOR RESOURCES

Question

- 1) Does the Council still have standards for the time taken to respond to requests from (a) members of the public and (b) Wiltshire Councillors and what are they in each case?
- 2) What procedures are in place to ensure those standards are met?

Response

Members of the public

The standards for responding to members of the public are:

Telephone calls – Answered within 20 seconds.

Email & Letter – Full response within 10 working days. (Emails to be acknowledged within 24 hours)

The flow of calls made to Customer Services is monitored and resources are adjusted as and when there is a spike in activity. Monthly reports are produced, which amongst other things, provides details of average response times. Individual members of customer services staff review their performance statistics in monthly one to one sessions with their line manager.

For emails direct to the customer services email box, there is an automatic acknowledgement which confirms the standard for response time. A number of these emails are forwarded to other service areas for action and response and when this happens, a reminder is given of the response standards with a request that they copy customer services in on the reply. This allows customer services to monitor any emails that may have gone over the 10 days.

You will appreciate that not everything goes through customer services and that most of the email and correspondence traffic goes direct to the individual service areas. Each Service Manager is responsible for ensuring the response standards are met. I hope this answers your question on responding to members of the public, but if you have a particular concern in mind, please do take this up with me after the meeting.

Councillors

As far as responding to requests from Wiltshire Councillors is concerned, I would draw your attention to Appendix 2 of the Councillor/Officer Relations Protocol approved by Council and as contained in the Constitution.

This states that response to Councillor enquiries including emails 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' and that 'a substantive response will be provided within seven 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'.

I appreciate that there are more and more pressures being placed on officers, but I would hope that these standards are being met. Councillors themselves will be the best judge of that and if you or any other Councillors have any concerns that this is not the case, please discuss this either with myself or John Quinton, Head of Democratic Services after the meeting and we will look into it.

Wiltshire Council

Council

9 November 2010

Petitions Update

1. Introduction

- 1.1 The Local Democracy, Economic Development and Construction Act 2009 imposed a duty on local authorities to respond to petitions and to tell local people what action was going to be taken.
- 1.2 This duty came into effect on 15 June 2010, with a requirement for each local authority to have an e-petitions facility available by 15 December 2010.
- 1.3 The Council approved a new petition scheme on 18 May 2010

2. Withdrawal of the statutory guidance on petitions

- 2.1 The Department for Communities and Local Government (CLG) issued statutory guidance on the duty to respond to petitions' on 30th March 2010.
- 2.2 However the current government has revoked this statutory guidance with effect from 24 September 2010, to allow for more local discretion in dealing with both paper and online petitions.
- 2.3 The requirements of the Local Democracy, Economic Development and Construction Act 2009 in relation to Petitions however currently remain in force, including the requirement to offer an e-petition facility, which will come into effect on 15th December this year.
- 2.4 Local authorities therefore remain legally bound to comply with the minimum requirements of the statutory duty. CLG have said however that local authorities should consider how they approach the petitions requirements, including making arrangements to set up an e-petition facility, having regard to the government's commitment to remove unnecessary prescription for local authorities and the priority of cutting out all wasteful spending.
- 2.5 Wiltshire Council will continue to deal with any petition received in accordance with its petition scheme, which meets the statutory requirements, and in accordance with the constitution which emphasises the need for petitions to be dealt with flexibly.
- 2.6 A new e-Petitions facility has been brought online by Democratic Services, to meet the forthcoming requirement, using the existing

Modern.gov content management system, at no extra cost to the council. It is now available for use at the Wiltshire Council website at this web address:

<http://moderngov.wiltshire.council/mgEPetitionListDisplay.aspx>

3. Petitions Received

- 3.1 As of 28 October, **six** petitions have been received by Wiltshire Council, since the last Council meeting on 13 July, with a further petition expected, to be presented to the 09 November Council meeting. Further details are shown at Appendix 1 to this report.

Recommendations

That Council:

- 1) notes the report, the petitions received and the actions being taken, as set out in the Appendix to this report;**
- 2) notes the withdrawal of the statutory guidance relating to how local authorities deal with petitions and**
- 3) notes the activation of a new e-Petitions facility in advance of the statutory deadline of 15 December 2010, available to all those who live or work in Wiltshire, or use Wiltshire Council services.**

**John Quinton
Head of Democratic Services**

Record of petitions received between 13.07.2010 (previous Council meeting) – 28.10.10

Received	Topic/Petitioner	No.	Action taken	Outcome
18 July	Speed Limits in Westwood (from Ian Richardson - Westwood Community Road Safety Campaign Team)		Petition acknowledged 21 st July by email. Referred for consideration by the Bradford on Avon Area Board	Westwood Parish Council invited to take part in 20MPH trial (Delegated decision HT027-10)
13 August	Road Safety – Cockhill Trowbridge (From Longcroft Nursery)	109	Petition acknowledged by Democratic Services on 13 th Aug. Referred to for consultation with Chairman Trowbridge Area Board Chairman who requested this be dealt with by Highways Department	Response sent to the Nursery School on 6 th Sept from Parvis Khansari 'Wiltshire Council is in the process of completing a review of speed limits on A and B class roads, inline with revised guidance issued by the Department for Transport. I can confirm the A363 has been included in this review and is intended to reduce the speed limit to 50mph. This review has highlighted approximately 100 changes countywide, at present I am unable to advise when the proposed change to the A363 will be implemented, although I would anticipate this to be within the next 18 months, funding permitting.'
13 August	Improved Speed sign Oxford Street Aldbourne (from Aldbourne Parish Council)	19	Community Area manager confirmed that this had already been acknowledged and actioned	Aldbourne Parish Council invited to attend a Workshop scheduled for the 7 th October
6 September	Amesbury parking Charges (from Amesbury Community Partnership)	234	Petition acknowledged by democratic Services. Referred to Amesbury Area Board Manager, Cllr Tonge and the Highways Department on the 6 th Sept. Petition will be considered along with other responses as part of the Consultation exercise at the Area Board meeting on 21 st Oct.	The Amesbury Area Board which met on the 21 st October acknowledges Wiltshire Council's aspiration to harmonise car park charges across the county, but strongly recommends that: <ol style="list-style-type: none"> 1. there be no charging in small communities, including and especially Amesbury; and 2. any decision on this matter, in any

				<p>community, take fully into account the specific circumstances and in this case, the unique characteristics of Amesbury.</p> <p>Democratic Services will write to the petitioners with the outcome</p>
26 October	Mineral Extraction (from the Mile Elm Sand Stoppers)	1,404	The petition was handed to the Chairman of the Calne Area Board who explained that it would be referred to the Cabinet Member, Cllr John Brady for a response.	
27 October	Mineral Extraction in the Bromham Area (from Save Bromham)	508	Petition acknowledge by Democratic Services. Referred to the Cabinet Member Cllr John Brady and Neighbour and Planning Department	
9 November	Melksham Library		It is likely that a petition will be presented to Council on 9 th November	

Wiltshire Council

Cabinet

27 July 2010

Subject: Wiltshire Anti-Social Behaviour Reduction Strategy

Cabinet member: Cllr Keith Humphries – Public Health and Wellbeing

Key Decision: Yes

Executive Summary

The Local Area Agreement for Wiltshire states that one of the ambitions for Wiltshire is “to reduce particular crimes, change behaviours and inform the public to bring about communities that are safe and feel safe”. The reduction of Anti-Social Behaviour was identified as a priority in achieving this objective.

Response to this challenge is driven by the Wiltshire Community Safety Partnership (the Partnership) which is committed to the promotion of effective, co-ordinated action by partners and the community to tackle anti-social behaviour at both local and county-wide levels.

At its last meeting on the 17th June the Partnership approved the Wiltshire Anti-Social Behaviour strategy supported by an implementation plan. These documents will provide a framework to deliver a consistent service to both victims and perpetrators. The strategy also provides an overview of the complexity of the work of all partners to tackle anti-social behaviour and the implementation plan provides details of the services and resources which are required to deliver this strategic objective.

Success of the strategy will depend on the commitment of the partners and this report is being brought to cabinet to advise Members of the proposals for the actions to be taken with respect to anti-social behaviour but also to seek endorsement of the strategy and plan as a statement of Wiltshire Council’s commitment (as the Partnership’s lead authority on anti-social behaviour) to tackling this issue.

Proposal

The Cabinet endorse the Wiltshire Anti-Social Behaviour Reduction Strategy and Implementation Plan and recommend it to the Council.

Maggie Rae

Corporate Director of Public Health & Wellbeing

Wiltshire Council

Cabinet

27 July 2010

Subject: Wiltshire Anti-Social Behaviour Reduction Strategy

Cabinet member: Cllr Keith Humphries – Public Health and Wellbeing

Key Decision: Yes

1. Purpose of report

1. 1 The purpose of the report is to request Cabinet to consider endorsing the Wiltshire Anti-Social Behaviour Reduction Strategy (Appendix 1) and Implementation Plan 2010-2011 (Appendix 2), and as the Responsible Authority within the statutory Community Safety Partnership (CSP) to support its recommendations. The Anti-Social Behaviour Reduction Strategy if endorsed will form one element of the Council's Crime and Disorder Reduction Strategy. The latter Strategy forms part of the Council's policy framework which would mean that the strategy and any of its components would require approval of the Council. Cabinet is therefore requested to adopt the Anti-Social Behaviour Reduction Strategy with a view to recommending it to Council.

2. Background

- 2.1 Anti-social Behaviour (ASB) and the perception of it, was identified as a priority issue in the most recent Partnership Strategic Assessment, Wiltshire Police Constabulary's Strategic Assessment, perception surveys carried out by Wiltshire Council (People's Voice) and the Wiltshire Police Authority.
- 2.2 Wiltshire Council is obliged to work in partnership to tackle ASB through the obligations placed on in by the Crime and Disorder Act and The Anti-Social Behaviour Act 2003. This was enforced through the National Indicator set which set anti-social behaviour related targets which were included in the Local Area Agreement for Wiltshire.
- 2.3 Partners have been working together for some time now to combat anti-social behaviour but until recently there has been no strategy or implementation plan to provide a framework for this work.. The Wiltshire Anti-Social Behaviour strategy was approved by the Partnership at its meeting on the 17th June 2010.

3. Main considerations for the council

- 3.1 The Wiltshire Anti Social Behaviour Strategy will enable partners to consolidate efforts and approaches to tackling ASB, develop toolkits to be used within communities, manage and support individual cases reported, and communicate how specific community-based problems will be addressed, whilst reassuring victims that their case will be dealt with as a matter of utmost priority.
- 3.2 The strategy supports, encourages and initiates a range of actions and initiatives that will directly address anti-social behaviour by using a victim focused, evidence based problem-solving approach. The aim is to tackle anti-social behaviour through prevention, intervention, enforcement and reassurance.
- 3.3 Prevention - In order to prevent anti-social behaviour, information is required to indicate what the problems are, where and when it is happening, and who the perpetrators and victims are. To ensure that we are able to take effective, targeted action we are committed to improving information sharing between agencies to deliver a co-ordinated approach
- 3.4 Intervention - Sustainable effective action on anti-social behaviour requires early and targeted interventions. We are committed to deliver early proportionate interventions to tackle ASB that affects the environment and our communities
- 3.5 Enforcement - The partner agencies have a range of powers and tools available to them to protect the community from ASB. We are committed to using enforcement in a balanced and proportionate manner. We will ensure relevant powers and tools are used appropriately by all Partners.
- 3.6 Reassurance - Keeping communities informed about what is being done to tackle ASB helps to reduce perception and to promote community cohesion. We are committed to working with the local community forums, such as Community Area Boards, Town and Parish Councils and Residents Associations to receive and provide information about local anti-social behaviour issues.

4. Environmental impact of the proposal

- 4.1 Tackling ASB will have a direct impact on improving the local environment. Examples of this are:
- Animal problems, e.g. Dog-fouling, dog barking
 - Noise nuisance
 - Abandoned vehicles
 - Littering, graffiti and fly-tipping
- 4.2 The environmental impact of the delivery and implementation of the strategy will be taken into account as and when actions and interventions are planned, and measures to address climate change and environmental issues will be incorporated into the planning of all initiatives.

5. Equalities impact of the proposal

- 5.1 The adoption of this strategy will support and improve service delivery and interventions for both victims and perpetrators of ASB. It will have a positive impact on the lives of people in Wiltshire by promoting a balanced approach and proportional use of support, interventions and enforcement powers for both victims and those whose behaviour is persistently unacceptable.
- 5.2 The reduction of anti-social behaviour will have a positive impact on perception of crime and in doing so will improve community confidence and cohesion.

6. Risk assessment

- 6.1 Failure to endorse the strategy may result in
- An uncoordinated approach to reduction of Anti-Social Behaviour.
 - Undermined trust and confidence of the public and amongst practitioners charged with delivery.
 - Undermined reputation of the Community Safety Partnership.
 - Undermine reputation of each individual partner organisation.
 - reduce the level of public confidence.
- 6.2 Adoption of the strategy may result in an increased demand and community expectation for service delivery.

7. Financial implications

- 7.1 Adoption of the strategy is already covered by the existing anti-social behaviour team staffing budget.
- 7.2 There is currently no budget to cover legal costs associated with applications for anti-social behaviour orders or other associated ASB enforcement powers although this is being investigated.

8. Legal implications

- 8.1 The endorsement of this anti-social behaviour strategy complies with the Council's obligations in the Crime and Disorder Act 1998 to work with the other responsible authorities to:
- formulate and contribute to the implementation of a Partnership Crime and Disorder Reduction Strategy to tackle identified priority crimes, one of which is anti-social behaviour and;
 - to consider the implications of all its functions and decisions on crime and disorder in their local area.

The Partnership's Community Safety (Crime and Disorder Strategic Plan 2009 – 2011) agreed a set of local priorities following a strategic

assessment of crime, disorder and substance misuse, and there are partnership strategies in place to facilitate a co-ordinated approach to those other priorities.

- 8.2 The strategy acknowledges our responsibilities under both the Human Rights Act and Data Protection Act.

9. Options considered

- 9.1 The alternative to the recommendation to endorse the strategy is that actions to reduce anti-social behaviour will be delivered in an uncoordinated and inefficient manner which can result in duplication and poor response to community concerns.

10. Conclusions

- 10.1 The Wiltshire Community Safety Partnership Anti-Social Behaviour Strategy is needed to provide a harmonised service across Wiltshire Council and will provide a framework to promote effective, coordinated partnership work to tackle anti-social behaviour at both local and countywide levels.

Maggie Rae
Corporate Director of Public Health & Wellbeing

Report author: Hilary Marsh

Head of Anti-Social Behaviour Reduction; 01380 734675

Background papers

Appendices

Appendix 1: Wiltshire Community Safety Partnership Anti-Social Behaviour Reduction Strategy 2010 – 2011

Appendix 2: Anti-social Behaviour Reduction Implementation Plan

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Anti-social behaviour Reduction Strategy for Wiltshire

2009 - 2011

1. FOREWORD

Tackling Anti Social Behaviour is an important issue facing our communities today as it blights the lives of people who want to enjoy the community they live in. The Wiltshire Community Safety Partnership takes this issue very seriously and in this strategy we have set out our plans, methods and ways for working together with Wiltshire communities to show that ASB is unacceptable and will not be tolerated.

We believe that this work needs to be done jointly by services within the statutory and voluntary sectors, whilst ensuring that the neighbourhoods affected are fully engaged with the solutions that provide relief from the problems causing their distress or concern.

The Wiltshire Anti Social Behaviour Strategy will enable partners to consolidate efforts and approaches to tackling ASB, develop toolkits to be used within communities, manage and support individual cases reported, and communicate how specific problems have been dealt with whilst reassuring victims that their case is being dealt with as a matter of utmost priority.

I commend this strategy as a working tool to be used in supporting victims of ASB through prevention, intervention, enforcement activities and above all provide increasing public confidence that Wiltshire is a Safe County to live, work and relax in.

Maggie Rae,
Chair of Wiltshire Community Safety Partnership

2. BACKGROUND

Wiltshire has one of the lowest rates of recorded crime in England. Public surveys in the county show that residents consistently rate 'a low level of crime' in first or second position when asked "what makes somewhere a good place to live".

Perception of anti-social behaviour often involves clashes of values and standards. Young people look for excitement and action; the elder community may prefer peace and quiet. People have different levels of tolerance for noise, for untidiness, and for rowdiness.

Definitions of anti-social behaviour and levels of tolerance differ widely within and between the various communities that make up Wiltshire's population. Negotiating levels of acceptable behaviour requires an even-handed and open approach which is balanced by support and proportional use of enforcement tools and powers for those whose behaviour is persistently unacceptable.

Partnership working is essential to prevent and reduce anti-social behavior in order to provide a balanced, evidence based response to protect communities and individuals. Tackling anti-social behaviour is everyone's responsibility and we all need to work together to enable all members of our community to live their lives without fear of crime. The Wiltshire Community Safety partnership has drawn up this Anti Social Behaviour Reduction Strategy to provide a county-wide framework to deliver targeted, effective solutions and actions to both local and county-wide issues.

The strategy also incorporates the principles encapsulated in Section 17 of the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006 which enjoined all public authorities to place a concern with reducing crime at the centre of their agenda.

3. WILTSHIRE COMMUNITY SAFETY PARTNERSHIP

The Wiltshire Community Safety Partnership signatories comprise of representatives from the following responsible authorities:

Wiltshire Police
Wiltshire Council
Wiltshire Police Authority
Wiltshire Fire and Rescue Service
Wiltshire NHS
Wiltshire and Swindon Probation Service
Wiltshire Youth Offending Service

4. WHAT IS ANTI-SOCIAL BEHAVIOUR?

The statutory definition of anti-social behaviour, as set out in the Crime and Disorder Act 1998, is behaviour...**that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as (the perpetrator).**

Anti-social behaviour can affect whole communities, not just individuals; where it is frequent or persistent, it can increase people's perception of crime and feelings of safety.

4.1 The main forms of Anti-Social Behaviour

Behaviour directed against specific individuals or groups

- Harrassment/intimidations – making threats, bullying
- Nuisance neighbours; excessive noise, disputes
- Hoax calls – nuisance calls/texts/emails/false calls to emergency services
- Malicious communication

Behaviour that degrades the local environment

- Animal problems, e.g. Dog-fouling, dog barking
- Noise nuisance
- Abandoned vehicles
- Littering, graffiti and fly-tipping
- Trespass

Behaviour restricting access to public space

- Vehicle nuisance – eg. speeding
- Rowdy/nuisance behaviour
- Substance misuse
- Street drinking/drunkenness
- Begging/vagrancy
- Fireworks misuse/fire setting
- Prostitution/kerb crawling – loitering, pestering resident

5. UNDERLYING PRINCIPLES OF THE STRATEGY:

The Wiltshire Anti-Social Behaviour Strategy will provide a framework to promote effective, coordinated action against anti-social behaviour at both local and countywide levels. It will offer a link between the Government's Public Service Agreement to Wiltshire's Local Area Agreement (LAA) targets to:

1. provide public reassurance
2. reduce the fear of crime and anti-social behaviour
3. build confidence in the criminal justice system

It will focus on the delivery of services and responses being developed and implemented by all organizations and local partnerships that exist across Wiltshire

The strategy sets out how anti-social behaviour will be tackled in Wiltshire through prevention, intervention, enforcement and reassurance, using the powers and tools and resources of the partnership agencies and our communities.

The Strategy will be supported by an Implementation Plan to deliver and monitor countywide actions and enable effective practice to be shared. The Implementation Plan will facilitate a coordinated and operational approach to anti-social behaviour between all members of the Community Safety Partnership, voluntary organisations and local partnerships. The contribution of education, social services, leisure services, youth services, transport, housing services, the police, probation, Housing Associations, and fire services are all vital to achieving the targets.

This partnership strategy is underpinned by the following key national and local drivers and is open to responding to new national and local needs.

A. Legislation

Crime and Disorder Act 1998
Police Reform Act 2002
Anti-Social Behaviour Act 2003
National Community Safety Plan
Police and Justice Act 2006
Police Pledge – Safer Neighbourhoods Act
Safe and Confident Neighbourhoods Strategy 2010

B. Public Service and Local Area Agreements

In 2007, Public Service Agreements (PSAs) setting out Government's high level objectives for service delivery were published, and included:

PSA 23: Making communities safer
PSA 25: Reduce the harm caused by alcohol and drugs.

The National Indicator set was introduced in 2007 to measure performance against the PSAs. Two improvement targets for the period 2009 - 2011 relating to anti-social behaviour were negotiated through the Local Area Agreement

NI 17: Perception of anti-social behaviour to be reduced by 1.8% over 2 years (from 12.6% to 10.8% of respondents)

NI 21: Dealing with local concerns about anti-social behaviour and crime by local councils and police. (A target to increase the number of those who agree from 27.8% to 50% over 2 years)

In 2009, the authorities and organisations who are members of the Wiltshire

Assembly signed the Local Agreement Wiltshire (LAW) and agreed to work together to deliver their ambitions for Wiltshire, and anti-social behaviour is implicated in one of the priorities.

Ambition 5 of the Local Agreement Wiltshire is
“To reduce particular crimes, change behaviours and inform the public to bring about communities that are safe and feel safe”.

C. Minimum Standards of Service to Victims and Witnesses

All member agencies of the Wiltshire Community Safety Partnership have agreed to deliver the following services to victims and witness of anti-social behaviour to ensure that

- All victims and witnesses are treated fairly with dignity and respect, with all instances of anti-social behaviour taken seriously, applying a multi agency problem solving solution where appropriate.
- Victims and sufferers who report anti-social behaviour to Wiltshire Council or the Police, and who do not require an immediate response will be contacted within 3 working days to determine the level of support required.
- Reports of anti-social behaviour (taken by Wiltshire Council or another agency), requiring an immediate response will be forwarded to the Police without delay if it is inappropriate for that agency to deal with the incident.
- Victims and witnesses who suffer an identified series of anti-social behaviour incidents will be fully supported and kept informed of agencies progress and their actions if the victim requires it. All appropriate services and support will be made known to the victim.
- All agencies share relevant anti-social behaviour information and intelligence to identify location hotspots, known perpetrators and affected parties and will respond purposefully and speedily to such intelligence.
- Communities and individuals are encouraged to:
 1. take ownership of their neighbourhoods
 2. report incidents of anti-social behaviour to their Neighbourhood Police Teams (NPT)/ Wiltshire Council
 3. attend their local Police and Community meetings
 4. identify their priorities and be part of the problem solving solution
- Communities will be kept informed about who represents which agency within their neighbourhood and how to contact them. This information will be available on the Wiltshire Community Safety Partnership web-site.
- All partner agencies will have a clear understanding of each other’s roles and responsibilities. They will work together to tackle anti-social behaviour and support the victims of anti-social behaviour.
- Communities will be kept informed about what is happening within their neighbourhood through regular community meetings (Community Area Boards, Neighbourhood Police meetings, etc), Area Board and Neighbourhood Police Team newsletters and leaflet distribution (when appropriate).

- Regular perception surveys will be carried out by the Neighbourhood Police Teams to enable the communities to comment on the level of anti-social behaviour within their neighbourhood and how they feel about it.
- Victims have the right of complaint to the Wiltshire Community Safety Partnership through their elected members if they consider that agencies have failed to act to curb persistent anti-social behaviour directed towards an individual or individuals and the matter cannot be resolved through the individual agencies normal complaints procedure or the Community Call for Action.

6. KEY NATIONAL STATISTICS

Crime has fallen by more than a third since 1998 when the Crime and Disorder Act was passed, and a statutory duty was placed on the responsible authorities to work in partnership.

Nationally, Anti-Social Behavior remains a serious issue with around 66,000 reports of ASB made to authorities each day. However, the public are more confident that police and local councils are dealing with local crime and anti-social behaviour (ASB) issues and perceptions of ASB are at their lowest since records began eight years ago.

The British Crime Survey (BCS) is used to measure 'high' levels of perceived anti-social behavior from responses to seven individual anti-social behavior strands: abandoned or burnt-out cars; noisy neighbors or loud parties; young people hanging around; people being drunk or rowdy; people using or dealing drugs; rubbish or litter lying around; and vandalism or graffiti. The latest figures indicate that the proportion of people who perceived high levels of anti-social behaviour decreased to 17% in 2008/09 from the peak of 21% of people in 2002/03. However, there are signs that it is beginning to creep up, as a result of particular concerns about drunk or rowdy behaviour and young people hanging around.

7. LOCAL PROFILE

In order to determine the priorities for the strategy, information from a range of sources was used which included The Partnership Strategic Assessment carried out in 2007, the Police Anti-Social Behaviour Problem Profile (June 2009), Wiltshire Council's People's Voice Survey 2009, the DCLG Place Survey 2008, and the Police Authority 'Safe and Satisfied' Survey 2009.

Police data (Wiltshire Police Strategic Assessment 2008) indicated that that Wiltshire Police (excluding Swindon) received around 30 reports of ASB and Criminal Damage each day. Analysis of this data has revealed that there were four high priority areas in Wiltshire which accounted for 54% of all ASB reported to the Police, and further analysis showed that the top four categories of ASB within these areas were:

- Rowdy/nuisance behaviour
- Vehicle nuisance
- Street drinking
- Noise

Findings from the 'Safe and Satisfied' survey indicated that the biggest crime and anti-social behaviour issues were considered to be :

- Traffic offences
- Young people hanging around
- Rubbish or litter lying around
- Being drunk or rowdy in public places.

However, 40% of respondents said there were no crime or anti-social behaviour problems in their local area.

Partnership agencies in Wiltshire have a good understanding of the benefits of working together in partnership to tackle and prevent ASB. Regular monthly multi-agency anti-social behaviour case management meetings are held across the county to agree on the most effective actions to address the behaviour of individuals who have referred due to their anti-social behaviour. Task and Finish Groups are convened to address problems raised by the community relating to public spaces, car parks and where general concerns about anti-social behaviour have been raised, but no individuals identified. In order to ensure a joined up approach to community issues, members of the Community Safety Partnership are continually working to identify new working practices to further improve the excellent 'partnership working' that already takes place across the County on a daily basis.

8. PRIORITIES OF THE STRATEGY

The strategy supports, encourages and initiates a range of actions and initiatives that will directly address anti-social behaviour by using a victim focused, evidence based problem-solving approach. The aim is to tackle anti-social behaviour through Prevention, Intervention, Enforcement and Reassurance.

8.1. Victim Focus - The strategy supports, encourages and initiates a range of actions and initiatives that will directly address anti-social behaviour by using a victim focused, evidence based problem-solving approach. The aim is to tackle anti-social behaviour through Prevention, Intervention, Enforcement and Reassurance.

8.2. Prevention - In order to prevent anti-social behaviour, information is required to indicate what the problems are, where and when it is happening, and who are the perpetrators and who is affected. To ensure that we are able to take effective, targeted action we are committed to:

1. Improve information sharing between agencies to deliver a co-ordinated approach
2. Develop an effective system for the production of Problem Profiles to provide a clear picture of ASB incidents and to identify priority.
3. Co-ordinate and tackle reports and individual cases of ASB effectively in partnership
4. Provide robust management information (MI) into Partnership Monitoring and Reporting process.
5. Develop ASB Toolkit for community engagement and involvement in ASB prevention.
6. Design out Crime

8.3. Intervention - Sustainable effective action on anti-social behaviour requires early and targeted interventions. We are committed to deliver early proportionate interventions to:

1. Tackle ASB that affects the environment and our communities
2. To provide support for young people and families who are victims or perpetrators of anti-social behaviour
3. To tackle alcohol related ASB, by identifying and implementing support for individuals who mis-use alcohol.
4. To work with the Voluntary Sector to engage with the 'hard to reach' members of the community who are affected by anti-social behaviour.

8.4. Enforcement - The partner agencies have a range of Powers and Tools available to them to protect the community from ASB. We are committed to using enforcement in a balanced and proportionate manner. We will

1. Ensure relevant powers and tools are used appropriately by all Partners
2. Adopt a tiered approach to the use of informal controls and enforcement measures

8.5. Reassurance - Keeping communities informed about what is being done to tackle ASB helps to reduce perception and to promote community cohesion. We are committed to

1. Reduce signal crimes i.e. vandalism/criminal damage/'broken window syndrome' and vehicle related anti-social behaviour
2. To improve the local perception of anti-social behaviour through regular, accessible communication to the public.
3. Working with the local community forums, such as Community Area Boards, Town and Parish Councils and Residents Associations to receive and provide information about local anti-social behaviour issues.

9. IMPLEMENTATION AND DELIVERY

The implementation of the strategic priorities will be delivered through cross-departmental and multi-agency working. Detailed actions and contributions are set out in the ASB Implementation Plan with details of the lead agency responsible for coordinating delivery. A multi-agency partnership group, the Wiltshire Anti-social Behaviour Reduction Group, has been set up to deliver and monitor the plan and outcomes.

10. MONITORING AND EVALUATION

The Wiltshire Anti-Social Behaviour Reduction Implementation Plan is an 'organic' document which will be subject to regular review and reflection in order to:

- Monitor progress against targets and objectives
- Assess performance against in comparison against other areas
- Understand whether actions and activities are achieving the required outcomes, and if not, why not.
- Establish the overall impact and effectiveness of the strategy
- Incorporate new legislation or government directives, as well as reflecting local need to ensure continued effectiveness.
- Regular reporting on National Indicators relating to LAA and Law targets.
- Monitor victim satisfaction with service and support received by Police and Local Authority.

11. ACCOUNTABILITY

The Wiltshire Community Safety Partnership Executive has the responsibility to reduce crime and disorder including anti-social behaviour. The Partnership will provide the overarching governance for the Wiltshire ASB Reduction Strategy, whilst recognizing the role of Wiltshire Council as the Partnership Lead for reducing actual and perceived anti-social behaviour.

Implementation and delivery of the strategy and plan will be the responsibility of individual agencies through a joined-up approach. The partner agencies recognize their obligations to promote race, equality, cohesion, and diversity in the method, quality and style of service delivery.

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INITIAL IMPLEMENTATION PLAN FOR:		ANTI-SOCIAL BEHAVIOUR REDUCTION	
Year Plan is for:	2010/11		
Date Written:	June 2010	Date last edited/version:	22 June 2010
Written/Owned By:		Edited by:	Hilary Marsh
Theme:	Anti-Social Behaviour	Lead Agency:	Wiltshire Council

Desired Outcomes:	<ul style="list-style-type: none"> • Reduce the level of Anti-Social Behaviour in Wiltshire • Deliver Minimum Service Standards for victims and witnesses • Fulfil statutory responsibilities under Section 17 Crime and Disorder Act
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National Indicators	Cross Ref to other documents and plans	Legislative Powers
NI 17 - Perceptions of ASB (LAW and LAA) NI 21 – Dealing with concerns about ASB & crime by local Council & Police NI 27 - Local concerns about ASB and crime (LAW) NI 41 - Perceptions of drunk or rowdy behaviour (LAW) NI 195 - Improved street an environmental cleanliness (LAW and LAA) British Crime Survey (crime figures)	Local Agreement Wiltshire: British Crime Survey (crime figures) Restorative Wiltshire Children & Young Peoples Plan Wiltshire Community Safety Partnership Plan Wiltshire CSP Alcohol Reduction Strategy Policing Plan Wiltshire Criminal Justice Board Plan Confidence Plan Policing Pledge Minimum Standards Safe and Confident Neighbourhoods Strategy	Crime and Disorder Act 1998 (updated by Police Reform Act 2002) Anti-Social Behaviour Act 2003 Environmental Protection Act 1990 Clean Neighbourhood & Environment Act 2005 Noise Act 1996 Licensing Act 2003 Violent Crime Act Housing Act 2004 Local Government Act 1972 Refuse Disposal (Amenity) Act 1978 Children Acts

Risks to whole plan:
<ul style="list-style-type: none"> • No co-ordinated approach to reduction of Anti-Social Behaviour. • Impact of the current financial crisis. • Undermine trust and confidence of the public and amongst practitioners charged with delivery. • Undermine reputation of the Community Safety Partnership. • Undermine reputation of each individual partner organisation.

1 PREVENTION							
No.	Actions to be taken	Lead Officer(s)	Milestones*	Milestone delivery dates	Measurable Outcomes*	Resources	Links to other plans
1.1	To improve information sharing between agencies to ensure a co-ordinated approach.	<i>Police Performance Officer/Partnership Manager</i>	14 codes and definitions agreed by all partners.	July 2010	<ul style="list-style-type: none"> Data produced by analyst to identify ASB hotspots has received information from all relevant agencies. Public can be provided with information as to how an incident has been treated. 	Performance Officers	<i>Police - 14 codes</i> <i>RSL's - 15 codes</i>
		<i>Partnership Manager</i>	All agencies using 14 codes to record ASB within existing monitoring arrangements	July 2010			
		<i>Wiltshire Council: Research Manager</i>	Audit of ASB reporting systems within Wiltshire Council. Action plan written to improve/co-ordinate practices by Wilts Council, Police and RSLs.	July 2010		£10,000 Minimum Standards grant. Analyst employed on short-term contract (3 months) to do this work. Will be based at Wiltshire Council with Phil Morgan's team	Minimum Standards action 1 & 3. Alcohol strategy.
		<i>Police and Wiltshire Council ASB Manager</i>	Co-ordinated case management system agreed by partners	September 2010			
		<i>Police and Wiltshire Council ASB Manager</i>	Case management system implemented by partners.	December 2010			
		<i>Police</i>	Partnership information sharing protocol in place.	July 2010			
		<i>Wiltshire Council ASB Manager</i>	Annual ASB conference arranged and delivered	Oct 2011			Officer time – Police and Wiltshire council
		<i>Wiltshire Police – Learning and Development Team</i>	Joint training for NPTs and partners provided and delivered. Topics to include understanding of use and application of powers and tools available/desk top exercise/problem solving	December 2010			£5650 Minimum Standards Grant
		<i>Police - Divisional Commander</i>	Community Safety Officers/ASBROs and Community Area Board Managers invited to Sector Tasking	Mar 2011		Protocol developed and agreed	Officer time

1 PREVENTION

No.	Actions to be taken	Lead Officer(s)	Milestones*	Milestone delivery dates	Measurable Outcomes*	Resources	Links to other plans
		<i>Selwood Housing on behalf of all Registered Social Landlords</i>	Clear protocol agreed for sharing intelligence between RSL's and other partners to improve neighbourhood management	December 2010			
1.2	To develop an effective system for the production of Problem Profiles to provide a clear picture of ASB incidents and to identify priority areas of activity.	<i>Police – Citizen Focus</i>	Introduction of single non-emergency number.	December 2010	Through Peoples Voice survey public confidence is shown to increase, measured by related NIs. Through Wiltshire Council Residents Magazine details of reporting systems will reach every household in the county Lorraine Jones, hosted by Police, is available for ASB work Links to be made with multi-agency strategic and local Public Safety Events Meetings		Minimum Standard 6
		<i>Wilts Council ASB Manager</i>	Pilot system for on-line anti-social behaviour reporting to be trialled on Wilts Council web-site (3 month pilot starting in Sept 2010)	December 2010		Police and Wiltshire Council web-team	
		<i>Police –Citizen Focus</i>	Risk assessment process in adopted by all partners to assist identification of vulnerability of victims at first point of contact.	July 2010			
		<i>Police</i>	ASB analytical researcher available to partners.	July 2010		Minimum Standards Grant £10,000 to pay for analyst	Minimum Standard 3
		<i>Sarsen, Westlea, Selwood and Wiltshire Council ASB Working Group</i>	Vulnerable families and individuals identified through general contact by housing officers.	Annual report		Housing Officers	
			Plans agreed for preventative actions to tackle identified asb hot spots/public safety events using quarterly asb data.	1 st input July 2010			
		<i>Wiltshire Council – ASB Manager</i>	Promote ASB reporting systems (on-line, log sheets, etc) to all Partners and the community	Sept 2010		Officer time	Minimum Standard 6 & 7
1.3	Co-ordinate and tackle community based and individual cases of ASB effectively in partnership.	<i>Wiltshire Council: ASB Manager</i>	Agree Flow chart showing process for accessing multi-agency partnership responses	July 2010	ASB Panels deliver appropriate outcomes. No of individual reported to ASB panels – monitored by WASBeRG.		Minimum Standard 1
		<i>Wiltshire Council – ASB Manager</i>	Key Partners have an understanding of their roles and responsibilities and those of other partners to implement ASB powers and tools. Demonstrated by no of	Quarterly			Minimum Standard 1

1 PREVENTION

No.	Actions to be taken	Lead Officer(s)	Milestones*	Milestone delivery dates	Measurable Outcomes*	Resources	Links to other plans
			individuals referred to ASB Panels				
		<i>Wiltshire Council – ASB Manager</i>	Calendar for Multi-agency ASB panel meetings available for all partners	June 2010			
		<i>Wiltshire Council – ASB Manager</i>	Terms of Reference for ASB panel meetings agreed by all partners	June 2010			
		<i>Police and Wiltshire Council</i>	Guidance notes/Process to set up problem solving meetings to address community (rather than individuals) issues when necessary agreed (including T&F)	June 2010			
1.4	Provide robust management information (MI) into Partnership Monitoring and Reporting process.	<i>Partnership Manager</i>	Targets, outcomes and monitoring process agreed with Partners	Q1: Jul 10 Q2: Oct 10 Q3: Jan 11 Q4: Apr 11	ASB RAG in Partnership reporting is reliable by January 2011.		
		<i>Partnership Manager</i>	All agencies and services across the partnership involved in ASB provide monitoring information into LAA and NI reporting.	July 2010			
1.5	Develop ASB Toolkit for community engagement and involvement in ASB prevention.	<i>Wiltshire Council/Police/RSL</i>	ASB Toolkit amended and available for use by Area boards	July 2010	Toolkit used across 18 Area Boards by March 2011.		
		<i>Wiltshire Council</i>	Councillors aware of ASB powers and tools and about new toolkit being developed.	July 2010		Officer time	
		<i>All partners</i>	All agencies updated regarding their responsibilities around section 17 of the Crime and Disorder Act 1998	September 2010	CIr training delivered by end of July 2010.		
1.6	Design out crime	<i>Wiltshire Council</i>	Planning Officers aware of Section 17 of the Crime and Disorder Act, and relevance to planning decisions required to reduce ASB.	December 2010	ASB can be proved to be considered in all relevant new builds by March 2011.	Police Architectural Liaison Officer available for advice on all planning issues.	

2 INTERVENTION

No.	Actions to be taken	Lead Officer(s)	Milestones*	Milestone delivery dates	Measurable Outcomes*	Resources	Links to other plans
2.1	To deliver early proportionate interventions to tackle ASB	<i>Partnership analyst</i>	Data used to plan targeted coordinated interventions, campaigns and activities in identified hotspots in areas with highest reports/perception of ASB identified.	September 2010	Effective and immediate action taken by relevant agencies on reported ASB, causing public confidence to grow. Links created with Public Events Safety Group	Partnership analyst	
		<i>Lead depends on campaign</i>	Targeted activities delivered in identified areas and events. in 5 areas	December 2010		£5000 to support activities and events	Minimum Standard 6
		<i>Partnership Manager</i>	A calendar of Community Safety campaigns in place :	July 2010		Public Events Safety Group meetings	
		<i>Police:</i>	Training of Restorative approaches planned and delivered to key partners	March 2011			Minimum Standard 6
		<i>Wiltshire Council</i>	Area Boards and Community Partnership provided with twice yearly opportunities to feed back on community issues.	Twice yearly			
Page 61	To provide early proportionate preventative interventions to tackle ASB, by provide support for young people and families.	<i>Wiltshire Council: Substance Misuse and Crime Prevention Manager</i>	<p>Develop and implement Targeted support/prevention projects</p> <p>Menu of interventions delivered by partners for use with parents, youths and schools.</p> <p>Increase in 'joined-up work between ASB Panels and Schools.</p> <p>All ASB panels consider use of relevant interventions for individual cases.</p>	July 2010	<p>ASB decreases in areas proportionately with families being supported by FIP team</p> <p>Nos removed from ASB Panel as a result of effective intervention.</p> <p>Nos of individual not progressing towards ASBO application</p> <p>ASB decreases in areas proportionately with number of young people attending positive youth activities.</p>	<p>Services currently provided through Wiltshire Council.</p> <p>Funding ends in March 2011.:</p> <p>Youth Intervention Project: for 13 – 17yrs at risk of being involved in crime in West Wilts .</p> <p>Families in Focus 14- 17yrs across county for young people using alcohol and/or cannabis</p> <p>Motivate - under 18yrs across county for YP requiring treatment for substance misuse</p>	Ask SLA

2 INTERVENTION

No.	Actions to be taken	Lead Officer(s)	Milestones*	Milestone delivery dates	Measurable Outcomes*	Resources	Links to other plans
Page 62						<p>Wiltshire Accommodation Support for YP – 16-17 yrs olds at risk of homelessness or who are homeless.</p> <p>Family Intervention Project in Bemerton to support families that reach FIP threshold and have young people at risk of crime.</p> <p>Hidden Harm –to support young people whose parents are problematic substance misusers</p> <p>Parenting – support for YP in YOS and Prevention projects</p> <p>Junior ARPOV dedicated support for young people arrested with alcohol related offence (starting July 2010)</p>	
	<p><i>Head of Targetted Support</i></p>	<p>Review/establish guidance for use of ASB Powers and Tools to prevent young people from entering criminal justice system.</p> <p>Review/establish protocols with Police, CPS/ASBROs and NPTs to promote and increase diversionary activities including restorative justice approaches.</p>	<p>Quarterly</p>	<p>Youth Offending Services</p>			

2 INTERVENTION

No.	Actions to be taken	Lead Officer(s)	Milestones*	Milestone delivery dates	Measurable Outcomes*	Resources	Links to other plans
		<i>Head of Targeted Services (education, children and families, mental health, ewo, extended schools</i>	Identify links with the proposed new Targeted Services structure when implemented. Each hub will have all services relating to children and yp (4 main partners PCSO/YDS/Schools/Prevention)	Mar 2011	Reduction in number of young people entering the criminal justice system Reduction in no of reports of asb in areas where sport/leisure activity has been delivered	Extended Schools Co-ordinators	
		<i>Wiltshire Council: Youth Development Service and Leisure Services</i>	Coordinated diversionary youth activities targeted at ASB as recommended in Audit commission's 'Tired of Hanging Around' report delivered in priority areas	To run July – August 2010		LPSA funding; Tired of Hanging Around Working Group; Wiltshire Alternative Youth Sports team. Splash Project Inspire	
2.3	To deliver early proportionate interventions to tackle ASB, to reduce Alcohol/Drug related ASB	<i>Wiltshire Council: Joint Commissioning Manager Adult Substance misuse</i>	Work with Adult Social Care to implement actions in the Alcohol Strategy linked specifically to the ASB implementation plan. ASBROs to be included on care plan and kept informed if individuals cause public disturbance due to alcohol	December 2010	Alcohol Strategy, in conjunction with ASB implementation plan, records reduction in alcohol related ASB incidents.		Alcohol Strategy VCR
		<i>Wiltshire Council: ASBR Team</i>	T&F groups set up to tackle local issues relating to alcohol related ASB in Community Areas	Minimum of 5 T&F groups set up by end			

2 INTERVENTION

No.	Actions to be taken	Lead Officer(s)	Milestones*	Milestone delivery dates	Measurable Outcomes*	Resources	Links to other plans
Page 64				of March 2011			
		<i>BADAS Manager</i>	Monitor offenders in ARPOV involved in ASB related incidents.	Quarterly		£35,000 Partnership funding	Alcohol Strategy VCR
		<i>Wiltshire Council: Licensing Officer</i>	Monitor Alcohol Strategy/Implementation Plan to ensure actions to tackle alcohol related ASB are delivered	Quarterly			Alcohol Strategy VCR
		<i>Wiltshire Council: Housing Options</i>	Research completed into needs for Alcohol Related homelessness.	October 2010			Homelessness Strategy
		<i>Wiltshire Council: Housing Options</i>	Care and support Provisions in place based on identified needs of adult alcoholics who cause ASB in the community.	March 2011			Homelessness Strategy
		<i>Wiltshire Police – Community Affairs</i>	Increase in the numbers of hardest to reach/vulnerable people in the community reporting ASB incidents	Need to set a baseline at March 2011	Monitoring demonstrates ASB interventions support more accessible reporting methods. Raise awareness of problems faced by this client group	WC leading new Hate Crime Group together with Wiltshire People First..	
		<i>Wiltshire Council: Commissioning Manager People with Learning Difficulties I</i>	Work with multi-agency hate Crime Group to improve reporting methods for people with learning difficulties.		Acceptance and use of easy read log sheets, letters etc.		
		<i>Wiltshire Council: Head of Social Care Policy</i>	Training provided for social care staff and care workers to identify and report ASB/harassment	March 2011	Training of case workers to report asb		

3 ENFORCEMENT

No.	Actions to be taken	Lead Officer(s)	Milestones*	Milestone delivery dates	Measurable Outcomes*	Resources	Links to other plans
Page 65	Ensure relevant powers and tools are used appropriately by all Partners	<i>Police, Wiltshire Council, Housing Providers</i>	Front line officers have received training and information about tools and powers available to all partners. (See Item 1.1 – training)	Quarterly	Process and mechanisms for ASB sanctions can be demonstrated to be used by all Partners e.g. No of ABCs, Injunctions, Parenting Contracts, ASBOs. Training provided by CPS No of ASBOs applied for by Wiltshire Council and Wiltshire Police		
		<i>Police, Wiltshire Council and Crown Prosecution Service.</i>	Develop closer working links CPS and magistrates	July 2010			
		<i>Police : Persistent and Prolific Offenders Manager</i>	Links identified between Integrated Offender Managements (IOM) scheme and ASB practices.	December 2010			
		<i>Police and Wiltshire Council</i>	Good practice identified and shared between Wiltshire and other similar CSPs in relationship to ASB reduction/intervention & enforcement	Twice a year.			
		<i>Wilts Council/Police Lega Services</i>	Source of legal advice identified and agreed for Partners	July 2010		No budget allocated	
		<i>Police: Criminal Justice Unit</i>	Post-conviction ASBO Protocol reviewed and agreed by all Partners and CPS	March 2011			
		<i>Police: Citizen Focus</i>	Alignment of strategic objectives relating to ASB with Swindon.	July 2010			

4 REASSURANCE (Confidence)							
No.	Actions to be taken	Lead Officer(s)	Milestones*	Milestone delivery dates	Measurable Outcomes*	Resources	Links to other plans
4.1	Reduce signal crimes i.e. vandalism/criminal damage/'broken window syndrome' and vehicle related Anti-Social behaviour	<i>Police and, Wiltshire Council: Neighbourhood Services</i>	Reporting mechanisms in place to enable inter-agency complaint/report sharing relating to graffiti, criminal damage, littering.	September 2010			NI 105
4.2	To improve the local perception of Anti-Social Behaviour	<i>Wiltshire Council and Police: Communications Group.</i>	Partnership Communication plan to pilot a campaign about Antisocial Behaviour.	March 2011	Anti-Social Behaviour Information delivered to public. People's Voice survey and other surveys	People's Voice Surveys	NI 17 Minimum Standards 6, 8 & 9
		<i>Wiltshire Council: Research Manager</i>	Low perception hotspots identified in action 2.1 lead to local actions	February 2011		Mosaic analysis	

4 REASSURANCE (Confidence)

No.	Actions to be taken	Lead Officer(s)	Milestones*	Milestone delivery dates	Measurable Outcomes*	Resources	Links to other plans	
			delivered to improve perceptions in hotspots.		indicate improved perception.			
		<i>Police: Citizen Focus</i>	Community is kept advised on actions taken via co-ordinated briefings of ASB delivery through various publications and reports to Area Boards	Contributions in 5 publications a quarter. Area board Reports	Generic template used by all Inspectors for reports to Area Board provides or information about local partnership actions to be provided to community.	Area Board Meetings		
4.3	Provide support to victims and witnesses	<i>Police/Wilts Council/RSLs</i>	Victim support resource provided and available	September 2010	No of cases referred to victim Support worker through ASB Panels	One year pilot to provide p/time Victim Support Officer funded by £15,000 Minimum Standards grant	Minimum Standard 6	
		<i>Police/Wilts Council</i>	Processes developed, including risk assessment and Case Management, by all partners, to identify and take prompt action to respond to vulnerable and repeat victims within 3 working	Sept 2010	Annual audit of ASB Minimum Standards shows good processes in place for co-ordinated response..		Minimum Standard 4	
		<i>Wilts Council/Police Citizen Focus</i>	ASB Minimum Standards/Victims Charter Developed and agreed by Partners	June 2010				Minimum Standard 4
		<i>Police/Wilts Council/</i>	ASB Minimum Standards/Victims Charter Leaflets published , on web-site and distributed to all victims	July 2010				Minimum Standard 2, 3 & 11
		<i>Wiltshire Council and Police Communications Dept.</i>	2 page article re. ASB/Min Standards in Wiltshire Resident's Magazine	September 2010				
		<i>All partners</i>	Complaints and outcomes of ASB incidents fed back to victims on a regular basis. Feedback monitored at ASB panel meetings	Quarterly		Positive response from victims recorded on Customer satisfaction reports		Minimum Standard 11

4 REASSURANCE (Confidence)							
No.	Actions to be taken	Lead Officer(s)	Milestones*	Milestone delivery dates	Measurable Outcomes*	Resources	Links to other plans

*Milestones & Measurable Outcomes = dates actions to be achieved by, numbers to be achieved, items/events to be produced, etc.

Date approved by Champion	17 June 2010	Champion Signature	
Date Approved by Executive Board	17 June 2010	Executive Board Chair Signature:	

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Wiltshire Council

Council

9 November 2010

Revenue Budget Virement 2010-11

Summary

To advise Council of the revenue budget monitoring position as at 31st August 2010 for financial year 2010-11 and recommend virements from the Council's reserves to invest now in adult social care, and to fund the reduction in management costs in order to deliver c.£8 million of ongoing savings from 1st April 2011.

Proposal

That Council, in line with Financial Procedure Rule 15.7, approve the virements from reserves as highlighted at paragraphs 7 to 9 of this report.

Reasons for Proposals

That Members can approve a corporate approach to managing the financial pressures and government reductions.

Michael Hudson
Interim Chief Finance Officer

Revenue Budget Virement 2010-11

Purpose of Report

1. To advise Council of the revenue budget monitoring position as at the end of Period 5 (31st August 2010) for financial year 2010-11, and resultant virements arising from the monitoring.

Background

2. In line with sound financial management a report updating Members on the Council's progress in delivering its 2010-11 revenue budget was submitted to Cabinet on 19 October 2010, based on outturn projections at the end of period 5 (31st August 2010).
3. That report highlighted a number of unforeseen and extraordinary pressures on the Council's budget, such as Central Government's reduction in Area Based Grant, a confirmed increase in adult social care need, and plans to enact a reduction in Management costs before 31st March 2011 in order to yield £8m full year recurring savings in 2011/12.

The Council's Overall Position

4. The last monitoring report to Cabinet in September based on projections as at the end of Period 4 showed the Council's overall position as a projected overspend of £3.328 million. That was a reduction of £1.487 million from £4.811 million previously reported at the end of period 2 (31st May 2010). The previously reported overspend projections were largely due to Central Government funding reductions discussed in the following section. The forecast position as at the end of period 5 (31st August 2010) has seen an increase in service related pressures within the Department of Community Services (DCS), arising largely from a higher than expected demand for services. This has been recognised in the Council's Business Plan going forward, and corporate measures, as set out on paragraphs 7 and 8 of this report, are proposed to mitigate the projected overspend for the Council overall.
5. As a result, the forecast overspend reduces further, and as at the end of period 5 (31st August 2010) stands at £1.038 million. This can be summarised in the table below:

	Pressures £ million	Action Agreed £ million	Forecast Outturn £ million
Central government	5.101	4.001	1.100
Service related	14.042	8.918	5.124
Other	1.380	6.566	(5.186)
Total	20.523	19.485	1.038
Previously reported position	17.399	14.071	3.328
Difference	3.124	5.414	(2.290)

6. The projections across departments are explained in detail in the report to Cabinet of 19th October from paragraphs 20 to 42, and in summary as follows:

Department	Net Forecast Overspend / (Underspend)				Difference from Period 4 £ million
	Central Govt £ million	Service Related £ million	Other £ million	Total £ million	
Children & Education	0.710	0.405	0.380	1.495	0.405
Community Services	0.300	4.929	-	5.229	2.579
Neighbourhood & Planning	0.050	0.497	0.750	1.297	(0.281)
Health & Wellbeing	0.040	0.143	-	0.183	(0.027)
Resources	-	(0.850)	0.250	(0.600)	(0.400)
Corporate Headings	-	-	(3.000)	(3.000)	(1.000)
One off Provision release (discussed below)	-	-	(3.566)	(3.566)	(3.566)
Total	1.100	5.124	(5.186)	1.038	(2.290)
Previously reported position	1.381	2.567	(0.620)	3.328	
Difference	(0.281)	2.557	(4.566)	(2.290)	

Use of Reserves

7. Following the successful closure of its 2009-10 accounts, Council Officers have carried out an assessment of current provisions and earmarked reserves held on the balance sheet. That assessment, having regard to an acceptable level of risk, has identified that £3.566 million can be removed without adversely affecting the Council's long term financial position. A breakdown of the £3.566 million one off release has been detailed below.

Description Provision \ Earmarked Reserve	£ million	Comments
Harmonisation Team Costs	0.729	See bulleted explanation below
Highway Compensation claims	0.530	
Business rates	0.203	
Department of Justice	0.085	
Insurance reserve	1.019	
Capital revenue reserve	1.000	
Total Planned One Off Release	3.566	

- Due to the restructure and revised approach to evaluation, the second and third year of the three year provision to meet the costs of the harmonisation team can be released. This will need to be built into the future business plan.
 - The majority of compensation claims have been settled and the remainder can prudently be released.
 - Provision for fees relating to an outstanding court hearing is no longer required as the case has been settled.
 - The provision dating back to early 2006 regarding the Department of Justice initiative is no longer required.
 - An officer review of the insurance reserve balance recommends a risk assessed level of £4m. £1m therefore can be taken now to offset in year pressures, and £1m discussed below.
 - Reserves held to finance capital programme can be partly used; funding will now be undertaken by prudential borrowing in later years.
8. It is recommended these funds be vired to fund and invest in 2010/11 in Adult Social Care. In the long term the cost pressures faced in relation to these services will be resolved by the Council's Business Plan.

9. In moving ahead with plans to deliver the Council's Business Plan the Authority is in the process of agreeing amendments to its redundancy policies. This was considered by the Staffing Policy Committee on 12th October 2010. As a result proposals to restructure the Council's management are likely to be brought forward to early November 2010. Due to the greater than forecast level of Central Government funding reductions in the next few years, the level of reductions in posts and redundancies are likely to be around £5 million higher than forecast. To help manage cashflow it is recommended that £5 million of reserves are released in 2010/11 to fund the initial current estimate of the redundancies based on the revised policy. This will be recovered in later years from the resultant savings. It is proposed that funding is found from the following reserves:

Reserve	£ million	Comment
PFI	2	See bulleted explanation below
General Fund	2	
Insurance	1	
	5	

- The PFI reserve is used to counter the difference between future inflation increases in the PFI contracts held by the Council against the PFI Government grant credits received to offset the payments which are not index linked. As the contracts run over 15 years there is adequate time in the business plan process to resolve future funding requirements.
 - The Medium Term Financial Plan provides for a £1.8m contribution to General Fund Reserves in 2010/11. As the Business Plan actions are brought forward it is proposed that the General Fund cash flow is reprofiled to aid transformation. This will be factored into the Business Plan to recover in the next two years and ensure General Fund balances remain at the recommended level. This will be reported in more detail in the next budget update.
 - An officer review of the insurance reserve balance recommends a risk assessed level of £4m. £2m will be taken now to offset in year pressures with action being taken in the business plan to bring this back up to recommended levels.
10. The Council's Financial Procedure Rules require that under section 15, that sets out the procedures for budget virements, paragraph 15.7 requires that:
- "for amounts greater than £300,000 and where the virement represents a departure from the Council's approved policy framework, approval of Council is required following a recommendation from the Cabinet".*

11. Advice from the Council's Monitoring Officer is that the virements proposed here (as per the Cabinet report of 19th October 2010) fall under the Financial Procedures paragraph 15.7, hence Cabinet recommended this virement at its meeting on 19th October and this report has been brought to this meeting of Council for approval.

Main Consideration for the Council

12. To note the current budget monitoring report, and approve virements on reserves.

Environmental Impact of the Proposal

13. None have been identified as arising directly from this report.

Equality and Diversity Impact of this Proposal

14. No equality and diversity issues have been identified or arising from this report.

Legal Implications

15. None have been identified as arising directly from this report.

Risk Assessment

16. Significant service financial pressures, including Central Government grant reductions, have been identified across departments in year amounting to £20.5 million. Actions to manage these pressures have been agreed previously with a further one off use of reserves proposed in this report. Ways of managing the remaining £1 million pressures are being developed. Failure to deliver these actions will result in an overspend for the Council.
17. The Council has identified in its corporate risk register various elements which are covered within this monitoring report, most notably the impact the current economic climate has on the Council's finances and the recent potential liability surrounding the claim against a Wiltshire school.

Financial Implications

18. These have been examined and are implicit throughout the report.

Proposals

19. That Members, in line with Financial Procedure Rule 15.7, approve the virements from reserves as highlighted at paragraphs 7 to 9 of this report.

Reasons for Proposals

20. That Members can approve a corporate approach to managing the financial pressures and government reductions.

Michael Hudson
Interim Chief Finance Officer

Report Authors: Andy Brown, Matthew Tiller and Michael Hudson

Unpublished documents relied upon in the preparation of this report: NONE
Environmental impact of the recommendations contained in this report: NONE

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Wiltshire Council

Council

9 November 2010

Annual Report on Treasury Management 2009-10

Summary

In accordance with the CIPFA Prudential Code for Capital Finance in Local Authorities 2003 (The Prudential Code), the Council adopted a Treasury Management Strategy (TMS) for 2009-10, including a set of Prudential Indicators (Prls) and an Annual Investment Strategy (AIS) at its meeting on 24 February 2009. This report shows how the Council has performed against this strategy.

The report was noted and approved at the meeting of Cabinet on 14 September 2010.

Proposal

Council is asked to consider and note:

- a) the actual cash position at the end of 2009-10 against the original forecast for the year;
- b) Prls and other treasury management strategies set for 2009-10 against actual positions resulting from actions within the year as detailed in Appendix A; and
- c) investments during the year in the context of the Annual Investment Strategy as detailed in Appendix B.

Reasons for Proposals

To give members of the Council an opportunity to consider the performance of the Council against the parameters set out in the last approved Treasury Management Strategy.

Council is required to consider this report by the Prudential Code for Capital Finance in Local Authorities and the CIPFA Code of Practice for Treasury Management in the Public Services.

Michael Hudson
Interim Chief Finance Officer

Annual Report on Treasury Management 2009-10

Background & Purpose of Report

1. In accordance with the CIPFA Prudential Code for Capital Finance in Local Authorities 2003 (The Prudential Code), the Council adopted a Treasury Management Strategy (TMS) for 2009-10, including a set of Prudential Indicators (Prls) and an Annual Investment Strategy (AIS) at its meeting on 24 February 2009.
2. An interim report was submitted to Cabinet on 15 December 2009 for the period from 1 April to 30 September 2009. This report covers the whole financial year ended 31 March 2010
3. This report was previously submitted to Cabinet on 14 September 2010, where it was noted and approved.

Main Considerations for the Cabinet

4. This report reviews:
 - a) the actual cash position at the end of 2009-10 against the original forecast for the year;
 - b) Prls and other treasury management strategies set for 2009-10 against actual positions resulting from actions within the year (see Appendix A); and
 - c) investments during the year in the context of the Annual Investment Strategy (see Appendix B).

Review of cash position

5. In setting strategies and Prls for 2009-10, a forecast cash position for the year was prepared based on expected inflows and outflows of cash during the year.
6. The actual cash position at 31 March 2010 is a cash requirement of £37.3 million, against an initial forecasted cash requirement of £25.6 million. This does not represent a loss to the council, it is how much extra cash was required to manage the councils overall liquid resources, which has no impact on the councils revenue budget, compared to how much was originally forecast. The cash forecast for 2009-10, the first year of unitary status, was difficult to quantify in terms of the information available from all five authorities at the time the forecast was set. The variance relates to both capital and revenue items, from both actual receipts and payments against forecasts, no single area being individually identifiable as the main variance. Once a pattern of spend and

income has been established for the new council a more accurate cash forecast will be possible. This will be available for 2010-11.

7. There were no opportunities to restructure PWLB loans in 2009-10 due to, both, interest rates at the appropriate maturity profiles and the high level of premiums payable for the early repayment of PWLB loans.
8. New PWLB loans totalling £20 million were taken up in February 2010, 'freeing up' surplus cash to invest in the short term and improving the 'spread' of the loan maturity profile.

Review of Prudential Indicators and Treasury Management Strategy for 2009-10

9. The detail of the review is given in Appendix A. The Cabinet is asked to note that:
 - a) all action has been within the agreed PrIs;
 - b) the average interest rate for long term debt is 4.30%, compared to 4.29% in 2008/09;
 - c) short term cash deficits and surpluses were managed through temporary loans and deposits with a return on investments of 0.57% (4.58% in 2008-09, the reduction reflects the significant decrease in the level of interest rates since October 2008), in comparison to a market rate of 0.50%, based on the Average 3 Month LIBID Rate for 2009/10 (London Interbank Bid rate, i.e. the rate at which banks are prepared to borrow from other banks); and
 - d) two Money Market Funds were opened, within which several investments (advances and withdrawals) were processed, during the year. No cost effective opportunity arose to obtain increased investment returns within acceptable risk levels from investment with External Cash Managers.

Review of Investment Strategy

10. This review is detailed in Appendix B. The Cabinet is asked to note that:
 - a) there was an unavoidable deviation from the approved Annual Investment Strategy, the possibility of which was brought to the attention of the Implementation Executive at its meeting on 29 January 2009 and the County Council at its meeting on 24 February 2009. As stated in paragraphs 27 and 28 of the approved Treasury Management Strategy for 2009-10, "27. The district councils currently hold investments with maturity dates beyond 1st April 2009, leading to two potential risks of breaching the proposed Treasury Management Strategy when combining these with investments held by the County Council. (leading to a breach of the proposed Treasury Management Strategy): a) in terms of maximum investment limits for individual financial institutions and/or groups of financial institutions; and b) where the districts currently hold investments, the maturity dates of which are later than 31st March 2009, that, because of differing strategies, do not meet the proposed Treasury Management Strategy. 28. In the event that the potential risks in the previous paragraph are realised, it is

proposed that the investments causing the realisation are allowed to continue until maturity. In addition it is proposed that IE agree that all Councils adopt the New Council Investment Strategy immediately to mitigate and limit this risk.”

- b) A £1 million, three year, investment held by one of the former district councils, North Wiltshire in this case, that matured after 1 April 2009, was carried as a Council investment until it matured on 27 April 2010. The counterparty (Kent Reliance Building Society) with which the investment was held did not meet the high credit ratings as required by the new Authority’s Investment Strategy.
- c) no long term investment opportunities were identified.

Environmental and Climate Change Considerations

- 11. a) to d) None have been identified as arising directly from this report.

Equalities Impact of the Proposal

- 12. None have been identified as arising directly from this report.

Risks Assessment and Financial Implications

- 13. The primary treasury management risks to which the Council is exposed are adverse movements in interest rates and the credit risk of counterparties.
- 14. Investment counterparty risk is controlled by assessing and monitoring the credit risk of borrowers as authorised by the Annual Investment Strategy. Appendix B of this report details action taken in 2009-10.
- 15. At 31 March 2010, the Council’s average interest rate in respect of long term debt was 4.30%, which, according to the latest available information, remains one of the lowest rates amongst UK local authorities.
- 16. It is also considered important to ensure that there is an even spread of loans to avoid the prospect of a large number (and value) of loans maturing in any one year, which may need to be replaced when interest rates are high. A summary of the present maturity profile is shown in Appendix C (i).
- 17. Whilst returns on investments have decreased markedly, mainly as a result of the ‘credit crunch’, since October 2008 and are likely to continue at near current levels for a while, the costs of borrowing have remained at similar levels because the loan profile is almost entirely at fixed maturity rates. However, the average rate of borrowing is relatively low and the Council retains sufficient flexibility in its strategy with a reasonable balance between the costs of borrowing and return on investments. The investment rate of return for the year was 0.57%, against an average borrowing rate of 4.30%.

Legal Implications

- 18. None have been identified as arising directly from this report.

Options Considered

19. Additional call accounts, providing 'instant access' to cash surpluses, have been opened with highly credit rated counterparties, paying competitive rates of interest.
20. The opening of two Money Market Funds means that the Council can take advantage of an alternative form of 'instant access account', whilst obtaining a higher return than that gained from placing the cash on fixed short term, or overnight (with HSBC), deposit.
21. Longer term investments were considered, however, in the present economic climate it was decided to continue to keep investments short, pending further certainty in the financial markets, particularly following the failure of the Icelandic banks.
22. The Bank Rate is expected to rise in 2011 and reach 4.5% by March 2013. PWLB rates are also expected to rise steadily over the next three years as the UK economy improves. With this in mind, it was decided to borrow an additional £20 million new PWLB loans in February 2010, reducing the gap between CFR and net borrowing and thus lowering the level of internal borrowing, together with 'smoothing' the spread of the loan maturity profile and 'freeing up' surplus cash for short term investment.

Conclusions

23. Council is asked to note the report.

Michael Hudson
Interim Chief Finance Officer

Report Author:

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Background Papers

The following unpublished documents have been relied on in the preparation of this Report: NONE

Appendices

Appendix A - Review of Prudential Indicators for 2009-10

Appendix B - Investment Strategy for 2009-10

Appendix C(i) - Summary of long term borrowing 1 April 2009 - 31 March 2010

Appendix C(ii) – Summary of temporary loans and deposits 1 April 2009 – 31 March 2010

REVIEW OF PRUDENTIAL INDICATORS FOR 2009-10

1. Where appropriate the figures shown in this report are consistent with future years' estimated PrIs, which were reviewed and reported as part of the 2009-10 budget process.

PrI 1 - Capital Expenditure

2. The table below shows the original and revised estimate of capital expenditure against the actual for the year 2009-10:

	2009-10 Original Estimate £ million	2009-10 Revised Estimate £ million	2009-10 Actual Outturn £ million
Capital Expenditure	131.7	128.8	107.2

3. The Capital Programme has been actively managed throughout the year, including a number of reprofiling. The revised capital budget (capital outturn position for 2009-10) is £124.6 million. Details are as reported in the capital outturn report presented to the Cabinet at its meeting on 22 June 2010.

PrI 2 – Ratio of Financing Costs to Net Revenue Stream

4. PrI 2 expresses the net costs of financing as a percentage of the funding receivable from the Government and council tax payers. The net cost of financing includes interest and principal repayments for long and short term borrowing, as well as other credit-like arrangements, netted off by interest receivable in respect of cash investments.

	2009-10 Original Estimate	2009-10 Revised Estimate	2009-10 Actual
Financing Costs as a percentage of Revenue Budget	6.3%	5.8%	5.2%

5. The actual is below the revised estimate due to increased investment income.

PrI 3 – Estimate of Incremental Impact of Capital Investment Decisions on the Council Tax

6. This indicator is only relevant during budget setting, as it reflects the impact on the Band D Council Tax caused by any agreed changes in the capital programme.

PrI 4 – Net Borrowing and the Capital Financing Requirement

7. PrI 4 measures the so called “Golden Rule” which ensures that over the medium term net borrowing is only for capital purposes. The table below shows the original and revised estimate for 2009-10 compared with the actual position at the year end.

	2009-10 Original Estimate £ million	2009-10 Revised Estimate £ million	2009-10 Actual £ million
Capital Financing Requirement	275.0	259.9	299.5
Net Borrowing	137.2	113.6	142.6
Capital Financing Requirement not funded by net borrowing	137.8	146.3	156.9

8. The Capital Financing Requirement (CFR) increases whenever capital expenditure is incurred. If resourced immediately (from capital receipts, direct revenue contributions or capital grant/contributions) the CFR will reduce at the same time that the capital expenditure is incurred, with no net increase in CFR.
9. Where capital expenditure is not resourced immediately, there is a net increase in CFR, represented by an underlying need to borrow for capital purposes, whether or not external borrowing actually occurs. The CFR may then reduce over time by future applications of capital receipts, capital grants/contributions or further charges to revenue.
10. This PrI is necessary, because under an integrated treasury management strategy (in accordance with best practice under the CIPFA Code of Practice on Treasury Management in the Public Services), borrowing is not associated with particular items or types of expenditure, whether revenue or capital
11. Net Borrowing is the Council's total external debt less its short term cash investments.

PrI 5a – External debt

	31/3/09 Actual £ million	31/3/10 Expected £ million	31/3/10 Actual £ million
Borrowing	186.3	185.2	205.2
Other Long Term Liabilities	0.2	0.2	£0.2
TOTAL	186.5	185.4	205.4

12. This PrI shows the gross External Debt outstanding at year end. The actual borrowing figure is outstanding long term borrowing as shown in Appendix C (i). The difference between expected and actual borrowing reflects the decision to borrow £20 million for the reasons explained in the main body of the annual report (see paragraph 7 of the report).
13. Details of all long term loans taken during the year are given in Appendix C (i).
14. In February 2010, following a meeting with our treasury advisers, it was agreed that the Council should take advantage of lower PWLB loan rates in anticipation that rates are likely to rise over the next three years, thus mitigating the risk of having to borrow at a future date when PWLB rates are higher.

Prl 5b – Operational Boundary for External Debt

Operational Boundary	2009-10 £ million	2010-11 £ million	2011-12 £ million	2012-13 £ million
Borrowing	302.0	326.1	365.1	360.2
Other Long Term Liabilities	0.2	0.2	0.2	0.2
TOTAL	302.2	326.3	365.3	360.4

15. This Prl is for gross borrowing and was set at a limit that would allow the Council to take its entire financing requirement as loans, if this was most cost effective. The limit was set to anticipate expected expenditure and it has not been exceeded during the period covered by this report. The maximum gross borrowing during the year being £205.2 million at 31 March 2010.

Prl 5c – Authorised Limit for External Debt

Authorised Limit	2009-10 £ million	2010-11 £ million	2011-12 £ million	2012-13 £ million
Borrowing	347.4	375.0	419.9	414.2
Other Long Term Liabilities	0.2	0.2	0.2	0.2
TOTAL	347.6	375.2	420.1	414.4

16. This Authorised Limit was not exceeded at any time during the year, as maximum borrowing was below the lower Operational Boundary.

Prl 6a – Upper Limit on Fixed Interest Rate Exposures

The Council's upper limit for fixed interest rate exposure for the period 2009-10 to 2012-13 is 100% of net outstanding principal sums.

Prl 6b – Upper Limit on Variable Interest Rate Exposures

The Council's upper limit for variable interest rate exposure is 22% for 2009-10, 20% for 2010-11, 20% for 2011-12 and 25% for 2012-13 of net outstanding principal sums.

17. All loans and investments are at fixed rates of interest.

Prl 7 – Maturity Structure of Borrowing

Limits on the Maturity Structure of Borrowing	Upper Limit	Lower Limit	Actuals 31/3/10
Maturing Period:			
- under 12 months	15%	0%	0.0%
- 12 months and within 24 months	15%	0%	0.0%
- 2 years and within 5 years	45%	0%	1.0%
- 5 years and within 10 years	75%	0%	1.9%
- 10 years and above	90%	0%	97.1%

18. With effect from 31 March 2009, as reflected in the Statement of Accounts for 2008-09 (also maintained within the draft Statement of Accounts 2009-10), in accordance with the latest recommendations contained within the Statement of Recommended Accounting Practice (SORP) and current guidance, a change was implemented to the treatment of market (LOBO – Lender Option, Borrower Option) loans, where maturity dates are based on the contractual life of the loan rather than the first option (call) date.
19. This was highlighted in both the Annual Report on Treasury Management 2008-09, presented to Cabinet at its meeting on 15 July 2009 and the Treasury Management Strategy 2010-11, which was approved by Cabinet at its meeting on 11th February 2010 (ratified by Full Council at its meeting on 23 February 2010), including the approval of the necessary change to the upper limit for the period of “10 years and above” in the maturity structure of borrowing under, Prl 7, to 100%.
20. In addition to the main maturity indicators it is considered prudent that no more than 15% of long term loans should fall due for repayment within any one financial year. The actual maximum percentage falling due for repayment in any one year is currently 6.3% (£13 million) in both 2052-53 and 2053-54. The average interest rate on present long-term debt is 4.30%, which, according to the latest available information, continues to be one among the lowest local authority rates.

Prl 8 – Total Principal Sums invested for periods longer than 364 days

21. This Prl is covered by the Annual Investment Strategy, which is detailed in Appendix B.

Prl 9 – Compliance with CIPFA Code of Practice for Treasury Management in the Public Services

The Council is and will continue to be fully compliant with the CIPFA Code of Practice for Treasury Management in the Public Services.

22. This Code of Practice has been complied with during 2009-10.

Other Treasury Management issues

Short Term Cash Deficits and Surpluses

23. It was agreed that temporary loans and deposits would be used to cover short term cash surpluses and deficits that arise during the year. Such borrowing or investments would be made to specific dates at fixed rates, with reference to the cash flow requirements. Investments have also been placed in Money Market Funds during the year.
24. The temporary loans and deposits used are summarised in Appendix C (ii).

Icelandic Bank Deposits

25. During 2009-10 the Council received three interim dividends from the administrators of Heritable Bank totalling £3,155,805. No repayments have been received from Landsbanki.

26. According to the latest available information, the Council should expect to receive a total repayment from Heritable of between 79 and 85 pence in the pound. Based on guidance from the Local Government Association and Bevan Brittan solicitors, the final total repayment from Landsbanki is expected to be around 95 pence in the pound. However, this (in line with current opinion) assumes that local authorities obtain priority status in terms of their deposits with the bank. In agreeing claims from creditors, Landsbanki Winding-up Board granted priority status to local authorities, but this decision has been challenged by a group of creditors (mainly bond holders) who are classified as general creditors. Their objections are currently the subject of litigation through the Icelandic courts. If the courts were to accept the objections and decide that priority status does not apply to local authority deposits, the Council would be classified as a general creditor and receive a reduced total final repayment of around 38 pence in the pound, based on current advice.
27. The deposits outstanding with Icelandic banks are shown in Appendix C (ii) at impaired value, impairment being calculated using CIPFA guidance contained within LAAP Bulletin 82, Update 2, May 2010, less the dividends which have been received from Heritable administrators.

Longer Term Cash Balances

28. In the current economic climate it is considered appropriate to keep investments short term and only invest with highly credit rated financial institutions, using Sector's suggested creditworthiness approach. Therefore, when available for investment, longer term cash balances were placed on short term deposits.
29. Should the situation change in the next financial year consideration will be given to investing longer term where rates are attractive, whilst maintaining considerations regarding security and liquidity of investments.

INVESTMENT STRATEGY FOR 2009-10

1. All investments of surplus cash balances were placed to ensure:
 - a) the security of capital, deposits only being placed with financial institutions which met the **high credit ratings** laid down in the approved Strategy;
 - b) the liquidity of investments, all deposits being placed for fixed periods at fixed rates of interest; and
 - c) all such investments were in sterling and in “Specified Investments”, as prescribed in the DCLG Guidance on Local Government Investments (the “Guidance”).
2. As summarised on Appendix C (ii), 326 deposit transactions were processed during the year, with a gross value of £1,183.984 million. Of deposits placed, 153 were placed direct with HSBC Bank Treasury on the Council’s overnight deposit account, 78 in call accounts, 16 through money market funds and 79 were placed with other counterparties.
3. Details of the deposits outstanding at the end of the year, totalling £62.601 million, are shown in Appendix C (ii). These deposits represent the Council’s reserves both long term, such as the PFI and Insurance funds, and short term such as creditors or payments in advance and include the deposits that remain outstanding from Icelandic banks at impaired value less repayments.
4. Two Money Market Funds were opened during the year. The balances outstanding at the end of the year are also shown in Appendix C (ii).
5. The Council contracts with a treasury adviser, regularly reviewing credit ratings of potential organisations and their respective country's ratings, together with other 'tools' used to assess the credit quality of institutions such as credit default swaps. The Council uses this information to assess institutions with which it may place deposits or from which it may borrow, including interest rate forecasts for both borrowing and investment, together with setting a 'benchmark' borrowing rate. The Council's investment policy is 'aimed' at the prudent investment of surplus cash balances to optimise returns whilst ensuring the security of capital and liquidity of investments. However, the Council, like any other organisation, can be exposed to financial risk, which is negated as far as possible by the foregoing measures.

SUMMARY OF LONG TERM BORROWING 1 APRIL 2009 - 31 MARCH 2010**LOANS RAISED During the Period**

Date raised	Lender	Amount (£m)	Type	Interest rate (%)	Maturity date	No. of years
February	PWLB	2.000	Maturity	2.750	Jun-14	4.25
February	PWLB	2.000	Maturity	3.140	Jun-15	5.25
February	PWLB	2.000	Maturity	3.470	Jun-16	6.25
February	PWLB	2.000	Maturity	4.330	Jun-21	11.25
February	PWLB	2.000	Maturity	4.450	Jun-23	13.25
February	PWLB	2.000	Maturity	4.490	Jun-24	14.25
February	PWLB	2.000	Maturity	4.540	Jun-26	16.25
February	PWLB	2.000	Maturity	4.560	Jun-28	18.25
February	PWLB	2.000	Maturity	4.570	Jun-41	31.25
February	PWLB	2.000	Maturity	4.570	Jun-42	32.25
	Total	20.000				

Average period to maturity (years)

15.25

Average interest rate (%)

4.09**Maturity Profile at 31 March 2010**

Year	Amount (£m)	%age	Average rate (%)
1 to 5 years	2.080	1.0	2.815
6 to 15 years	10.015	4.9	3.977
16 to 25 years	37.623	18.3	4.458
26 to 50 years	139.500	68.0	4.362
Over 50 years	16.000	7.8	4.110
Totals	205.218	100.0	4.325

Average period to maturity (years)

35.84

SUMMARY OF TEMPORARY LOANS AND DEPOSITS 1 April 2009 - 31 March 2010**Deposits Outstanding at 31 March 2010**

Borrower	Amount £m	Terms	Interest rate(%)
Blackrock Money Market Fund	10.951	No fixed maturity date	0.52
JP Morgan Money Market Fund	6.120	No fixed maturity date	0.57
HSBC Bank	5.200	No fixed maturity date	0.20
Bank of Scotland	7.639	No fixed maturity date	0.75
Svenska Handelsbanken	7.952	No fixed maturity date	0.75
Santander UK (formerly Abbey)	1.163	No fixed maturity date	0.80
Alliance and Leicester	1.130	No fixed maturity date	0.80
Clydesdale	14.999	No fixed maturity date	0.80
Kent Reliance	1.000	Fixed to 27-Apr	0.66
Heritable Bank	1.385	Est Recoverable Amount	6.00
Heritable Bank	0.924	Est Recoverable Amount	6.00
Heritable Bank	1.385	Est Recoverable Amount	6.00
Heritable Bank	0.463	Est Recoverable Amount	5.42
Landsbanki	2.290	Est Recoverable Amount	6.10
Total	62.601		

Outstanding deposits with Icelandic Banks are shown at the estimated recoverable amount, which takes account of estimated impairments and, in the case of Heritable, any repayments received to date. The interest rates are the original rates.

Transactions During the Period

Type	Balance 1 Apr 09 £m	Raised		Repaid		Balance 31 Mar 10 £m	Interest variance * high/low(%)
		Value £m	No.	Value £m	No.		
Temporary loans							
- General	0.000	0.000	0	0.000	0	0.000	
Total	0.000	0.000	0	0.000	0	0.000	
Temporary deposits							
- General	46.994	434.101	79	473.648	87	7.447	1.58/0.20
- Call Accounts	12.501	161.262	78	140.880	54	32.883	1.20/0.80
- Money Market Funds	0.000	34.771	16	17.700	4	17.071	0.75/0.34
- HSBC Treasury	0.850	553.850	153	549.500	154	5.200	0.30/0.15
Total	60.345	1,183.984	326	1,181.728	299	62.601	

* Interest variance is the highest/lowest interest rate for transactions during the period

General deposits include impaired Icelandic investments less any repayments received during the financial year

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Wiltshire Council

Council

09 November 2010

Report of the Leader of the Council
Part 3A of the Constitution
Revised Scheme of Delegation on Executive Functions

1. As part of the review of the Council's Constitution, I have taken the opportunity to revise the Scheme of Delegation of Executive Functions. The current arrangements in Parts 3A of the Constitution provide a scheme of delegation to only Cabinet Members. There are no changes to the areas of responsibility of individual members of Cabinet. This scheme of delegation need to be updated to reflect more accurately arrangements for the discharge of Executive functions.
2. I have amended the scheme to reflect the decision making structures that are required for successful delivery of the Council's functions. The delegation of Executive functions to different bodies and individuals within the Council is essential to ensure the smooth running of the Council. The changes should demonstrate the Council's commitment to open and transparent decision making.
3. The Executive will be responsible for implementing the Council's policy and budgetary framework and all other functions of the authority that are not the responsibility of any other part of the authority.
4. Two Cabinet Committees have been established. The Cabinet (Capital Assets) Committee will have responsibility for the management of capital assets. The Cabinet (Business Rates Relief) Committee will be responsible for determining applications for business rates relief above a certain threshold.
5. Area Boards may exercise Executive functions within their geographical areas of responsibility in accordance with Part 3 of the Constitution. Specifically, Area Boards are responsible for the approval of applications for grants under the Area Boards grant scheme and the approval of applications under the Council's Community Asset Transfer Policy for the disposal of non-strategic assets with a value below £250,000. These specific areas have been reflected within the Scheme of Delegation on Executive Functions.

6. In appropriate circumstances Executive functions may be discharged under joint arrangements with one or more local authorities and the delegation of Executive functions may be delegated to another local authority in accordance with Articles 12.2 and 12.4 of Part 2 of the Constitution.
7. Attached to this report is the revised Part 3A of the Constitution.

Councillor Jane Scott
Leader of the Council

PART 3A**DELEGATION OF EXECUTIVE FUNCTIONS**

1. The Leader will decide how arrangements for the discharge of Cabinet functions are to be exercised except insofar as they are already set out in the Cabinet arrangements adopted by the council.

This scheme of delegation records the arrangements made by the Leader or Cabinet for the discharge of executive functions by:

- The Cabinet as a whole
- a committee of the Cabinet
- an individual member of the Cabinet
- an area board
- an officer
- joint arrangements or
- another local authority.

Cabinet as a whole

In accordance with the terms of reference of Cabinet as set out at paragraph 3 of Part 3 of this constitution, the Leader either directly or through Cabinet will carry out within the council's policy and budget framework all of the local authority's functions which are not the responsibility of any other part of the local authority whether by law or under this constitution.

Cabinet is defined at Article 7 of Part 2 of this constitution. The procedure rules governing meetings of Cabinet are set out at Part 7 of this constitution.

A Committee of the Cabinet

The Leader may appoint a committee of the Cabinet for the discharge of executive functions.

To date the following Cabinet committees have been appointed:

- **Cabinet (Capital Assets) Committee**

Membership and terms of reference details as set out in Appendix 1

- **Cabinet (Business Rates Relief) Committee**

Membership and terms of reference details as set out in Appendix 1

An individual member of the Cabinet

Cabinet members may exercise any executive functions within their allocated areas of responsibility, as set out in Appendix 2.

2. This does not include executive functions which are specifically reserved to the council, the leader and/or Cabinet, or officers.
3. In exercising delegated functions Cabinet members must have regard to the Leader's Protocol for individual decision making, Protocol ? of this constitution which promotes good practice and ensures transparency and consistency in the decision making process.
4. Cabinet members may in consultation with the leader refer matters to the Cabinet for decision if they consider that it is more appropriate to do so.
5. Where a Cabinet member is unable to act because of absence, a conflict of interest or any other reason, the leader may nominate another member of the Cabinet to exercise the function on their behalf.

An Area Board

This scheme of delegation records the arrangements made by the leader for the discharge of executive functions by each of the 18 Area Boards constituted in accordance with paragraph 4 of Part 3 of this constitution

Area Boards may exercise the following executive functions within their geographical areas of responsibility subject to compliance with paragraph 4.17 – 4.24 of Part 3 of this constitution and specifically:

- The approval of applications from community and voluntary groups and town and parish councils for grant funding through the Area Boards grant scheme.
- The approval of applications for the disposal of non-strategic assets with a value below £250,000 provided that each application is supported by robust and appropriate business cases that benefit local communities in accordance with the Council's Community Asset Transfer Policy.

Officers

The discharge of executive functions as delegated by the Leader having regard to the Scheme of Delegation to Officers as set out at Part 3B of this constitution.

Joint Arrangements

The discharge of executive functions under joint arrangements with one or more local authority as described at Article 12.2 of Part 2 of this constitution.

Another local authority

Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances as described at Article 12.4 of Part 2 of this constitution.

Those delegated to take decisions within this scheme of delegation must:

- act within the Council's budget and policy framework;
 - comply with the Council's constitution, including particularly its financial regulations and procedure rules and contract regulations, and all relevant legislation, guidance and codes of practice;
 - follow the principles of decision making in Article 14.2 of Part 2 of this constitution.
 - consider the implication of any council policy, initiative, strategy or procedure
 - consider the staffing, financial, legal and environmental implications of any proposal
 - consider the assessment of any risks associated with a proposal in accordance with the council's risk management strategy.
6. This scheme may be varied at any time in accordance with paragraph 9 of the Cabinet Procedure Rules.

PART 3A
Delegation of Executive Functions

Appendix 1

Cabinet Committees

Cabinet (Capital Assets) Committee

Membership:

Cllr Jane Scott OBE – Leader of the Council
Cllr John Thomson – Cabinet Member for Adult Care, Communities and Libraries
Cllr Fleur de Rhe-Philippe – Cabinet Member for Finance, Performance and Risk
Cllr Toby Sturgis – Cabinet Member for Waste, Property and Environment
Cllr John Noeken – Cabinet Member for Resources

Other Cabinet members will be invited to attend in a non-decision-making capacity as relevant to the subject matter.

Quorum:

The Quorum is three members.

Purpose:

The Board will increase the political visibility of and accountability for the coordination and use of all capital assets. This will include and serve to develop a wide range of mechanisms for delivering the financial strategy, including partnership work.

Authority:

To discharge the executive functions of the Council with regard to the management of capital assets.

Draft Terms of Reference:

1. The Capital Assets Committee, in respect of all assets owned funded or occupied by Wiltshire Council, will be responsible for:
 - 1.1 Developing the corporate strategy;
 - 1.2 Delivering the Council's business plan insofar as it relates to or requires the acquisition, management and disposal of capital assets;
 - 1.3 Authorising the acquisition and disposal of real property assets by any means, including – but not restricted to – freehold property; and
 - 1.4 Preparing the Council's capital programme for consideration by the Cabinet and monitoring and ensuring the delivery of that programme,

Within the existing executive functions of the Cabinet and, for the avoidance of doubt, without rescinding any existing delegations.

2. In order to achieve this the Committee will
 - 2.1 Receive and monitor reporting information from the Workplace Transformation Programme Board regarding the delivery of that programme;
 - 2.2 Support the delivery of the economic development strategy, and take a strategic overview of the town 'vision' statements for Chippenham, Salisbury and Trowbridge;
 - 2.3 Strategic overview of the Council's policy on Section 106 funding and the use of the funds;
 - 2.4 Work within the framework set by the Council's financial strategy and Constitution;
 - 2.5 Ensure enhanced visibility of all capital asset transactions and budget monitoring for capital spend by Wiltshire Council;
 - 2.6 Advise the Cabinet as necessary on future capital projects and their impacts on the Council's revenue budget; and
 - 2.7 Investigate other mechanisms for the delivery and coordination of Council capital assets.

Frequency of meetings:

Every two months, with authority to hold additional ad hoc formal meetings as merited.

Cabinet Committees

Cabinet (Business Rates Relief) Committee

Membership:

Any three members of Cabinet appointed by the Head of Democratic Services.

Quorum:

The quorum is three members.

Purpose and Authority:

To determine applications for business rates relief where the rate relief applied for is in excess of £10,000 in accordance with the council's Hardship Rate Relief Application and Assessment Protocol.

Note: An Appeals Panel of the Appeals Committee will determine cases where an application has been rejected and an appeal by the ratepayer is lodged.

Frequency of meetings:

As and when required

**PART 3A
Delegation of Executive Functions**

Individual members of Cabinet

APPENDIX 2

CABINET MEMBER	RESPONSIBILITIES	CABINET MEMBER(S)
Leader	<ul style="list-style-type: none"> ○ setting strategic direction ○ ensuring the needs and aspirations of Wiltshire people are known ○ management initiatives ○ identifying priorities and setting targets ○ setting priorities ○ probity and financial monitoring and risk management ○ communication policy ○ monitoring performance of Cabinet members ○ promoting the council ○ relationships with other political group leaders and the chairman of the council 	Mrs J A Scott
Adult care, communities and libraries and deputy leader	<ul style="list-style-type: none"> ○ performance of adult care services including services for people with learning disability, mental health problems or a physical impairment and for older people ○ relations with other organisations, especially the health service and voluntary organisations regarding social care services ○ listening to people: community planning including consultation ○ community development in local areas ○ the Supporting People Programme ○ performance of libraries and heritage 	Mr J Thomson

	services	
Economic development, planning and housing	<ul style="list-style-type: none"> ○ strategic planning including the Local Development Framework ○ development control/management service including planning enforcement and conservation ○ building control and local land charges ○ Wiltshire and Swindon minerals and waste local plans ○ economic development ○ tourism ○ housing and all matters relating to the housing revenue account and housing revenue subsidy ○ housing PFI and all bidding for funds for social housing 	Mr J Brady
Finance, performance and risk	<ul style="list-style-type: none"> ○ finance ○ performance ○ risk 	Miss F de Rhe-Philipe
Children's services	<ul style="list-style-type: none"> ○ performance of children's social services including child protection, fostering and adoption, children's homes and special educational needs ○ relations with other organisations, especially the health service and voluntary organisations regarding children's services ○ partnership with Wiltshire's school governors and head teachers on education matters including school performance and funding, curriculum, buildings and admissions ○ Performance of the youth development service and early years provision and youth justice 	Mr L Grundy
Health and wellbeing	<ul style="list-style-type: none"> ○ health ○ community safety ○ environmental health 	Mr K Humphries

	<ul style="list-style-type: none"> ○ trading standards ○ licensing ○ emergency planning 	
Resources	<ul style="list-style-type: none"> ○ human resources and organisational development ○ ICT ○ procurement and commissioning ○ customer services ○ shared services team ○ business management programme ○ business transformation (systems thinking/lean) ○ legal and democratic services ○ councillor development ○ registration service and coroners 	Mr J Noeken
Waste, property and environment	<ul style="list-style-type: none"> ○ performance of waste management including collection, disposal and recycling, and property management including county farms ○ performance of countryside management and the provision of gypsy and traveller services ○ climate change and carbon trading 	Mr T Sturgis
Highways and transport	<ul style="list-style-type: none"> ○ performance and strategy for transport (including the Local Transport Plan and related strategies and policies. ○ highways maintenance and improvements ○ traffic management including car parking, road safety and passenger transport ○ litter and cleansing activities and environmental enforcement including abandoned vehicles, fly tipping etc) ○ rights of way ○ public conveniences ○ grounds and open space management including allotments ○ cemeteries and markets 	Mr R Tonge

Leisure, sport and culture	<ul style="list-style-type: none">○ cultural development including heritage, museums and arts○ leisure and sports.	Mr S Wheeler
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WILTSHIRE POLICE AUTHORITY

MINUTES of a MEETING held at POLICE HEADQUARTERS, LONDON ROAD, DEVIZES on THURSDAY 16TH SEPTEMBER 2010

PRESENT: Mr C Hoare (Chairman), Mr R Bluh, Mr R Britton, Mr C Caswill, Mr R Fisher, Mr B Fishlock, Ms J Hillyer, Mr C Humphries, Mr A Johns, Mr A Macpherson, Mrs G Mortimer, Mr R Rogers, Mrs C Soden, Mrs G Stafford, and Ms Tawiah

IN ATTENDANCE: Chief Constable B Moore, ACC P Geenty, Mr M Bennion-Pedley, Mr M Milton, Mr K Kilgallen, and Miss S Kyte

1. **Apologies** Apologies for absence were received from Mr Ford, Mr Sample, and Mr Prince.

2. **Public Questions**

Mr French stated that he was distressed by the actions of Ps Andrews. He hoped that members of the public could have their fears allayed and be confident that they would be treated with respect by a Police Officer should they be arrested. The Chairman responded that this matter would be discussed at Agenda Item 15 and, with Mr French's agreement, it was agreed that his comments would be dealt with at that time.

The Chairman informed the meeting that he had received a request from Cllr Michael Cuthbert-Murray, Wiltshire Council, that the following question be asked in his absence:

"As the unitary Councillor for Westbury East Wiltshire I am appalled at the behaviour of the Police Officer which recently has been convicted of serious assault on a member of the public. My constituents have requested that I ask to confirm their horror at such barbarity by a Wiltshire Police Officer. Can HM Inspector of Constabularies investigate to ascertain why this has taken a disgraceful length of time in bringing this before the courts? And, more importantly why are the good people of Wiltshire, through their local taxes, still funding a convicted officer in a quest to appeal against a conviction, which quite clearly is a correct conviction. As such the residents of Westbury East division demand immediate remedy".

It was also agreed that these comments would be dealt with at Agenda Item 15.

3. **Declarations of Interest** There were none.

4. **Chairman's Announcements**

Police National Assessment Centre

The Chairman announced that D/C/Supt James Vaughan and C/Supt Mike Veale had both been successful at the Police National Assessment Centre and would now be attending the Senior Command Course to be held in early 2011.

Secondment of Supt Matt Pullen

The Authority had been asked to approve the secondment of Supt Matt Pullen to Afghanistan. The intended deployment date is 11th October 2010 and is due to finish on 10th October 2011. The invoice for his costs will go to the British Embassy in Kabul.

- Resolved: 1) *To note the updates provided by the Chairman.*
2) *To approve the secondment of Supt Pullen and to ask the Chief Executive to examine the terms of the secondment to ensure that maximum costs are reimbursed.*

5. **Minutes of the Meeting held on 10th June 2010**

Resolved: *To approve and sign the minutes of the meeting held on 10th June 2010.*

6. **Minutes of the Extraordinary Meeting held on 21st July 2010**

Resolved: *To approve and sign the minutes of the meeting held on 21st July 2010.*

7. **Outstanding Actions**

Resolved: *That the Secretariat work with the Force to ensure a fully updated version of the outstanding actions is brought to the next Authority meeting in October.*

8. **WPA and Force Risk Register** The Chief Executive reported that the WPA Risk Register was due to be considered in detail at the Audit meeting on 22nd September 2010 and that, following this, it would be reviewed at the Authority's meeting in October. The Force Risk Register would also be reviewed and reformatted prior to the October meeting. Mr Caswill felt that a risk in relation to public confidence should be included on the Force risk register.

There was a query on whether the risk register should be a joint document between both the Authority and the Force. There had been previous discussions that the same scoring mechanisms and format should be used for both documents but that there must be separate ownership of WPA risks and Force risks.

- Resolved: 1) *To note the update provided on the WPA and the Force risk registers.*
2) *That work on a composite approach to the two risk registers should continue off-line.*

9. **Conferences and Meetings Attended by Members since the Previous Meeting, and Future Conferences / Seminars**

Protective Services Seminar – 16th July 2010

Mrs Stafford attended this event but felt that it was an unsatisfactory conference. Each Police Authority would appear to be dealing with protective services in a different way. Mrs Stafford and D/C/Supt Vaughan were currently reviewing how protective services governance should be conducted in Wiltshire. Enough time needs to be allocated to it with key Force personnel present.

Visit to Gwent Police Authority – 22nd July 2010

Mr Macpherson visited Gwent Police Authority and had previously circulated a report on his visit to Members.

Violence Against Women – 23rd July 2010

Mr Macpherson had attended this half day conference and had previously circulated a report on this to Members.

Local Resolution Training

Ms Hillyer and Mr Macpherson had observed the training provided to members of staff in relation to local resolution. It was felt useful to ask the Criminal Justice Unit to provide an update on local resolution to Members in six months time.

Neighbourhood Partnerships Workshop

Ms Hillyer and Mr Macpherson had observed part of the three day course on training being delivered to staff. A joint report would be submitted to all Members in due course.

- Resolved:
- 1) *To note the verbal reports provided.*
 - 2) *To ask the Criminal Justice Unit to present an update on local resolution to all Members at a future Briefing Session.*

10. **Chief Constable's Performance Report 2010-11** A report by the Chief Constable covering the period 1st April to 31st July 2010 had been circulated.

The Chief Constable reported that:

Strategic Priority 1: Tackling Violent Crime and Protecting Vulnerable People from Harm

- Levels of town centre violence were being monitored in Chippenham, Salisbury, Swindon and Trowbridge. Excellent work was being done with partners and the effect of this was beginning to show. Members' attention was drawn to performance in Swindon which had shown a significant improvement with violent crime 31% lower than the same period in 2009 (41 fewer crimes).
- Serious sexual offences were currently 27.5% over target (equates to 30 offences).
- The Force was currently performing worse than peers in serious violent crime detection rate.

Strategic Priority 2: Tackling Antisocial Behaviour and Crime and Improving Public Confidence

- Overall crime had been rising since April 2010 and was currently 4.2% over target, although there had been an overall reduction in recorded crime of 4.4% compared with the same period last year.

Strategic Priority 3: Tackling Organised Crime and the Supply / Use of Class A Drugs

- Volume of acquisitive crime was exceeding the target by 5.9%. This would be monitored for future months in order to identify any trends.
- Good co-operation and arrests in distractions burglaries had seen significant reductions in this type of crime for July.

Strategic Priority 4: Reducing the Number of People Killed or Seriously Injured on Wiltshire's Roads

- Immediate response to road traffic collisions is good and currently 4% above the target of 85%.
- The last two months had seen an improvement in the number of people killed or seriously injured, but the Force remained 12.3% under target.
- This area of business needs to be discussed with the Authority to see whether the Force can continue to manage this on its own or whether the involvement of partners would increase effectiveness.

Strategic Priority 5: Creating a Sustainable Policing Model for Wiltshire

- An update on this would be provided at the Joint Awayday on 17th September 2010 where Mr Bennion-Pedley would be providing a detailed update on Vision Wiltshire.

Members were then invited to comment on the Chief Constable's report:

- Mr Macpherson stated that whilst the Government had announced the abolition of the Policing Pledge, it would remain for the time being in the Policing Plan until it is reviewed in October. He also reminded Members that whilst the Force had sought the removal of reducing casualties on Wiltshire's roads as a target (as discussed at the August meeting of SDP), it had not been agreed.
- Mr Bluh asked for the Force to let him know who the Most Similar BCU's were for Swindon and Wiltshire, and observed that reducing the number of casualties on Wiltshire's roads was also an educational issue.
- In connection with the answering of non-emergency calls, Mrs Stafford commented that the Authority and the Force needed to be aware of the cost associated with increasing performance in this area to meet target.

- Resolved:
- 1) *To note the content of the report and the verbal update provided.*
 - 2) *For the Force to provide a list to Mr Bluh detailing those Most Similar BCUs for Swindon and Wiltshire.*

11. **Revenue Budget Monitoring Statement** A statement covering the period 1st April to 31st July 2010 had been circulated. The Director of Resources reported as follows:

- The statement does not include the awarding of a pay increase to police staff;
- A restructuring reserve had been created to allow for costs incurred as part of the Vision Wiltshire programme.

Resolved: *To note the budget monitoring statement and the verbal report by the Director of Resources.*

12. **Capital Budget Monitoring Statement** A statement covering the period 1st April to 31st August 2010 had been circulated. The Director of Resources reported as follows:

- There was a £45k underspend on the Calne Police Station project;
- Reports would be submitted to the Authority on the Wide and Local Area Network projects and the Meridian replacement project.

Members asked how vehicles were currently replaced / procured given that the Force was currently producing a policy on this. The Director of Resources reported that the Force was aware of the public perception of purchasing particular vehicles but assured Members that all vehicles were considered in terms of whole life costs. There was currently no Star Chamber for the purchase of vehicles as there is for the recruitment of staff and Members queried whether there should be.

Mr Fisher asked whether the CCTV system purchased was a digital recording system. The Force said they would confirm and respond in due course.

- Resolved:
- 1) *To note the capital budget monitoring statement and the verbal report by the Director of Resources.*
 - 2) *To note the £45k underspend on the rebuild of Calne Police Station.*
 - 3) *To await reports from the Force on Wide and Local Area Network and the Meridian replacement projects.*
 - 4) *That the Force would respond to Mr Fisher on his query whether the CCTV system was digital recording.*

13. **Joint Planned Approach to the Annual Policing Plan** A timeline detailing the proposed key dates for the 2011-12 Policing Plan had been circulated. Mr Macpherson stated that this would be a challenge for WPA this year as the Performance and Policy Officer had not been replaced. This was, perhaps, a matter to be raised with the Force on how this was managed as it may be appropriate to make use of the Force's resources.

Mr Caswill stated that the Authority would need to ensure public consultation is built into this process.

- Resolved:
- 1) *For WPA to liaise with the Force over the challenges the Policing Plan presents for the Secretariat this year and the use of Force resources.*
 - 2) *For the Community Engagement Working Group to factor in public consultation on the Policing Plan and consider how this might be done.*

14. **Camera Safety Partnership**

Resolved: *That the outcomes of the Camera Safety Partnership are looked at as part of the strategic review at the Joint Awayday on 17th September 2010.*

15. **Ps Mark Andrews** A report by the Chief Constable had been circulated. The Chairman reported that Ps Andrews had appealed against the findings of the Court and that the appeal would be heard in November 2010. Therefore the Authority and the Force were unable to comment on the particulars of the case.

In order to reassure the public, the Authority would conduct a full independent review of custody within the force area. The findings of this review would be published. Following the comments made by Mr French at Agenda Item 2, the review would also seek to assure the vulnerable members of the community that this was an isolated incident.

Mr Johns queried the briefing of Independent Custody Visitors (ICVs) in relation to this matter as included in the report. Mr Johns understanding was that ICVs had not been contacted and reminded the Force that contact with ICVs, should be through the Authority.

- Resolved:
- 1) *To note that the Authority would be conducting an independent review into the Force's custody arrangements and the findings of this review would be published.*
 - 2) *That WPA would reply to Cllr Cuthbert-Murray's question.*

16. **Olympics Update** A report by the Chief Constable had been circulated. Mrs Stafford reported that details around the Olympics were now being circulated from the centre, which was not the case originally. Whilst not hosting an event, the Olympic Torch may well pass through the County and would require an amount of resources. Wiltshire may also be hosting a number of training centres for the athletes. Mrs Soden stated that the Royal International Air Tattoo was not included on the list of events and, whilst hosted at Fairford, the Force usually help resource the event due to the amount of traffic that passes through the County as a result.

Resolved: *To note the content of the report.*

17. **Health and Safety Annual Performance Report 2009-10** A report by the Chief Constable had been circulated. The main highlights of the report were as follows:

- 13% reduction in overall reported accidents.
- A significant reduction in assaults on police officers (decrease of 22%).
- The number of recorded accidents to Specials increased from 1 reported incident in 2008-09 to 3 in 2009-10. It should also be noted that the establishment numbers for Specials has significantly increased.
- Reporting of near misses had also increased which was indicative of the culture that has been established in the Force around health and safety.

Resolved: 1) *To note the content of the report.*

2) *To thank the Health and Safety Manager for a succinct but comprehensive report.*

18. **Police Reform** The Chairman reported that the Home Office were currently trying to draft Regulations with the aim of the Bill being brought forward in Autumn 2010. The official consultation period expires on 20th September 2010. The APA would be submitting a response and they will state that they do not believe this is the right way to proceed. WPA will also be submitting its own response. The Chief Constable confirmed that the Force will also be responding.

The Chairman informed Members that he and the Chief Executive had met with Robert Buckland MP last week. Members were invited to write to the press if they so wished highlighting the matter. The Chairman invited Members to contact him to discuss further if they wished.

Resolved: *To note the update provided by the Chairman and the Chief Executive.*

19. **Recruitment of Independent Members**

Resolved: *That two Members from Mr Humphries, Mr Johns, and Mrs Mortimer would form the Selection Panel to consider the appointment of Independent Members.*

20. **Independent Custody Visiting Scheme Review**

Resolved: *To note that the final report would be submitted to the Authority meeting on 22nd October 2010.*

21. **Minutes of Meetings** The minutes of the following meetings were circulated:

<u>Meeting</u>	<u>Date (2010)</u>
Audit and Risk	28 th June
Consultation and Public Focus	12 th July
Professional Standards	15 th July
Resources	16 th July

- Resolved: 1) *To amend the Consultation and Public Focus minutes to the correct date of the meeting (12th July).*
- 2) *To note the above minutes.*

22. **Group Reports**

Resolved: *To note that the Budget Action Group and Value and Productivity Group had had their inaugural meetings in the revised WPA committee structure.*

23. **Dates of Police Authority Meetings in 2010 and 2011**

2010	2011
22 nd October	10 th February
2 nd December	7 th April
	16 th June
	21 st July
	22 nd September
	20 th October
	8 th December

24. **Urgent Items** There were no urgent items.

25. **Exclusion of the Public**

Resolved: *In accordance with Section 100A (4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Items 26-28 below because it is likely that if a member of the public were present there would be disclosure to them of exempt information as defined in Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Act.*

26. **Confidential Minutes of the Extraordinary Meeting held on 21st July 2010**

Resolved: *To approve and sign the confidential minutes of the extraordinary meeting held on 21st July 2010.*

27. **Confidential Minutes of Meetings** The confidential minutes of the following meetings were circulated:

<u>Meeting</u>	<u>Date (2010)</u>
Resources	16 th July
Strategy, Direction and Progress	20 th August

Resolved: *To note the above confidential minutes.*

28. **Police Staff Pay** A verbal update was provided by the Director of Resources.

Ms Hillyer proposed that WPA pay the third year Police Staff Council award to Police Staff and that this is backdated to 1st September 2010. This was seconded by Mr Macpherson. A vote was taken and 8 were in favour, 1 against and 3 abstentions.

- Resolved:
- 1) *That WPA pay the third year of the Police Staff Council award to Police Staff and that this is backdated to 1st September 2010.*
 - 2) *To note that the process surrounding the initial decision in June 2010 (that was taken on the basis of advice from the Force) obviously had an adverse affect on morale and that the Authority regrets this.*
 - 3) *To note that WPA, on the advice of the Chief Constable, had concluded that staff would not wish the pay award to be implemented at the expense of staff posts. WPA wish staff to know this was the basis for the decision.*
 - 4) *That WPA ask the Chief Constable to incorporate into the Vision Wiltshire work the revised cost base and budget accordingly.*

(Duration of Meeting: 10.30am to 1.20pm)

WILTSHIRE POLICE AUTHORITY

MINUTES of an EXTRAORDINARY MEETING held at POLICE DIVISIONAL HEADQUARTERS, GABLECROSS, SWINDON on TUESDAY 12TH OCTOBER 2010

PRESENT: Mr C Hoare (Chairman), Mr R Bluh, Ms J Hillyer, Mr C Humphries, Mr A Johns, Mr A Macpherson, Mr R Rogers, Mr P Sample, Mrs G Stafford, and Ms G Tawiah

IN ATTENDANCE: Chief Constable B Moore, ACC P Geenty, Mr M Milton, Mr K Kilgallen, Mr M Prince and Miss S Kyte

1. **Apologies** Apologies for absence were received from Mr Britton, Mr Caswill, Mr Fisher, Mr Fishlock, Mr Ford, Mrs Mortimer, and Mrs Soden.

2. **Declarations of Interest** There were none.

3. **Public Questions** There were none.

4. **Dates of Police Authority Meetings in 2010 and 2011**

2010	2011
2 nd December	10 th February
	7 th April
	16 th June
	21 st July
	22 nd September
	20 th October
	8 th December

5. **Urgent Items** There were no urgent items.

6. **Exclusion of the Public**

Resolved: *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 7 below because it is likely that if a member of the public were present there would be disclosure to them of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Act.*

7. **Operation Brunel** A report detailing a review of the benefits of Operation Brunel (a collaborative project with Avon and Somerset in respect of Major Investigation Team and Special Branch) had been circulated. Copies of correspondence between Wiltshire and Avon and Somerset (dated 29th September, 30th September, and 6th October 2010) had also been circulated.

Mr Rogers proposed the recommendations in the report by the Chief Constable and that the governance of the Major Investigation Team and Special Branch would be a Joint Committee of Wiltshire Police Authority and Avon and Somerset Police Authority comprising a minimum of two Members of each. This was seconded by Mr Sample. A vote was taken and 8 were in favour, 1 against, and 1 abstention.

- Resolved:
- 1) *To pursue Operation Brunel, noting that direction and control would be vested in the Chief Constable of Avon and Somerset Constabulary.*
 - 2) *That the Chief Constable of Wiltshire may assume responsibility for any investigation in Wiltshire at any time should he so wish.*
 - 3) *That governance of the Major Investigation Team and Special Branch would be a Joint Committee of Wiltshire Police Authority and Avon and Somerset Police Authority comprising a minimum of two Members of each.*

(Duration of Meeting: 2.00pm to 3.50pm)

WILTSHIRE COUNCIL – November 2010
REPORT BY CAROLE SODEN

WILTSHIRE POLICE PERFORMANCE – COUNTY DIVISION

Overall the County Division within Wiltshire Police has maintained a good performance in 2010. Comparing figures for the 12 months 1st October 2009 to 30th September 2010 with same period in the previous year shows that:

Overall Crime

- The incidence of Overall Crime has fallen by 6.5% (1,549 crimes) and County Division is currently ranked first out of 15 similar Basic Command Units (BCUs) for overall crime with 49 crimes per 1,000 residents.
- The detection rate for overall crime has fallen over the last year with 26.1% detected compared to 30.6%.

Violent Crime

- The incidence of Violent Crime has fallen by 4.1% (215 crimes).
- The detection rate for violent crime over the last year was 47.7% compared to 55.7% in the previous year. The fall in detections is partly due to drunk and disorderly offences being dealt with through the issue of penalty notices. These do not count as detections.

Vehicle Crime has increased by 5.7% (110 crimes) and **Domestic Burglary** by 13 crimes.

Crime Types	Similar Areas (out of 15)	Comparison: Oct 09-Sept 10 to same period 08/09
All Crime	1st (2 nd)	-6.5% (1,549 fewer crimes)
All Detections	7th (1 st)	-4.5% (1,479 fewer detections)
Violent Crime	3rd (2 nd)	-4.1% (215 fewer crimes)
Violent Crime Detections	4th (1 st)	-8% (520 fewer detections)
Serious Acquisitive Crime	4th (1 st)	+3.6% (107 more crimes)
Serious Acquisitive Crime Detections	2nd	-2.9% (69 fewer detections)
Criminal Damage	3 rd (3 rd)	-19.9% (1,152 fewer crimes)

* Position at 31st August 2010 with figures in brackets showing position in September 2009.

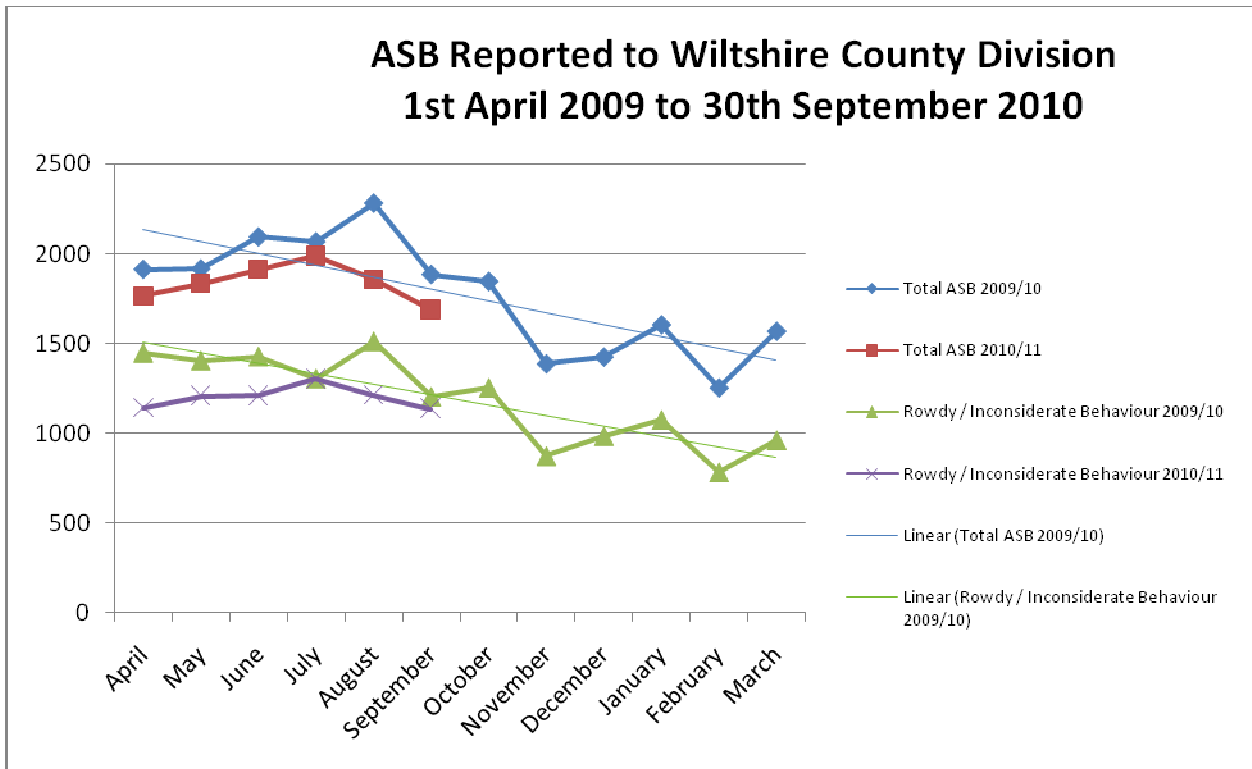
User Satisfaction (Victims of Crime): Comparison with Most Similar BCU's (MSBCU) for 12 months ending 30th June 2010		
Measure: SPI 1.1 Overall experience of the Police		
Wiltshire % Satisfied	MSBCU Average % Satisfied	County Division Position (Out of 15)
84.5%	85.8%	Down from 10th to 12th

Neighbourhood Policing Team (NPT) Abstraction Rates

The Authority set a minimum target of 80% for time spent by NPT staff on their respective areas. County Division has consistently achieved this target since April 2009.

Anti-Social Behaviour Incidents Reported to the Police

The level of antisocial behaviour reported to County Division fell during the year 2009-10 and the monthly figures are given in the graph overleaf. So far this year the monthly figures are below those between April and September 2009.



Wiltshire Police: Senior Officer Team

The Authority took the decision at a meeting in July to not proceed with the appointment of a second Assistant Chief Constable. This was mainly due to the current and future challenges that will be placed upon public sector spending. Since Julian Kirby's departure to South Wales Police as Assistant Chief Constable, Chief Superintendent Mike Veale has been appointed as the County Divisional Commander.

Ps Mark Andrews

Following the sentencing of Ps Mark Andrews in relation to an incident in Melksham Custody in September of this year, the Authority has launched its own independent review of the Force's custody arrangements to satisfy itself, on behalf of the public, that standards and conduct are what they are expected to be. The review is currently ongoing and the findings will be made public in December.

HMIC Report on Anti-Social Behaviour

Her Majesty's Inspectorate of Constabularies (HMIC) published a report on Anti-Social Behaviour in September. A copy of the national report and the outcome of Wiltshire's inspection can be located on the HMIC's website (www.hmic.gov.uk). The Authority will be monitoring the Force's response to the report through its Community Engagement Working Group.

Chippenham Police Station

In September, the Authority announced its intention to provide Chippenham with a modern, fit for purpose police station. This will replace the current building that the Force has occupied since the 1960s. A Project Board has been set up to oversee the development.

Carole Soden, Vice-Chairman, Wiltshire Police Authority

**MINUTES of a MEETING of the WILTSHIRE & SWINDON FIRE AUTHORITY
held at the WILTSHIRE FRS TRAINING & DEVELOPMENT CENTRE, DEVIZES
on THURSDAY 23RD SEPTEMBER 2010**

Present : Cllr Brig. R Hall (Chairman), Cllr M Bawden, Cllr P Brown, Cllr P Davis, Cllr C Devine, Cllr Mrs M Groom (from minute no.35), Cllr N Martin (up to and including minute no.41), Cllr D Montaut, Cllr C Newbury, Cllr J Osborn, Cllr G Payne, Cllr D Wren (up to and including minute no. 41).

32 Minutes of Last Meeting

The minutes of the meeting held on 26 May 2010 were confirmed and signed.

33 Apologies

Apologies for absence were received from Cllr H Marshall.

34 Members' Interests

Cllrs Brown and Wren each declared a personal interest in the business discussed under Minute No.40 by reason of their positions as Alternate Director and Director respectively of South West Fire Control Ltd. The Clerk to the Authority also declared an interest in the same item of business because of his position as Company Secretary of the Company.

35 Chairman's Announcements

The Chairman reported on events he had attended in his capacity as Chairman of the Fire Authority including a Memorial Service for two Hampshire Fire-fighters at Winchester Cathedral and the annual Fire-fighters' Memorial Charitable Trust Service in London.

The Chairman also updated Members on:

- the involvement of Brigade Managers and himself in Ministerial workshops which formed part of the Fire Futures Strategic Review of the Fire & Rescue Service;
- the change of name of the LGA Fire Forum to Fire Commission
- the election of the Chief Fire Officer to the Board of the Institution of Fire Engineers
- the success of the Emergency Services Show
- his resignation as "Alternate" Director to Cllr D Wren in respect of the Board of South West Fire Control Ltd and his replacement by Cllr P Brown.

The Chairman also reminded Members of the Risk Management Seminar which would be taking place on 6th October 2010 at Devizes Fire Station.

36 Questions from the Public

In response to a question from Cllr Martin, the Chief Fire Officer gave an assurance that officers were willing to attend meetings of Community Area Boards/Clusters in Wiltshire and Swindon whenever appropriate subject to availability. There was a cost which needed to be taken into consideration within the context of the future budget constraints.

37 Strategic Review

A report and a verbal update on the Strategic Review into the Fire & Rescue Service being undertaken at national level were received. The involvement of the Chairman and Brigade Managers in the Review was reported and the progress made by each of the workstreams noted. The timetable, especially in view of the delayed start, was considered to be ambitious. The Chief Fire Officer undertook to keep Members advised of all and any progress on the Review.

38 Indicative Budget and Funding 2011/12 Onwards

On considering a paper by the Finance Director containing indicative budgets and funding for 2011/12 onwards,

Resolved:

- a) *To note:*
 - *the assumptions made in establishing the interim assessment of the budget deficit over the next 4 years,*
 - *the potential political and strategic impact of such significant financial reductions being required, and*
 - *the need to evaluate risk when considering specific budget reductions.*
- b) *To note that the assumptions made in the paper are subject to change in the light of the outcome of the Government's review of public expenditure.*

39 Programme & Scrutiny Board

- (1) The report of the meeting of the Programme & Scrutiny Board held on 6 September 2010 was received
- (2) The Board's annual report for 2009/10 was received
- (3) On considering a paper by the Chief Fire Officer on a redundancy and early retirement policy which had been considered by the Programme & Scrutiny Board,

Resolved:

- a) *To ask officers to continue discussions with the relevant representative bodies (and such other staff representatives as may be appropriate) with a view to gaining agreement to the terms of a redundancy policy for the Authority taking into account the prevailing economic circumstances and the possibility of other fire and rescue authorities amending the terms they currently offer their employees.*
- b) *To authorise the Staffing Committee under its delegated powers to approve a redundancy policy for the Authority and the associated terms, having considered the outcome of the discussions referred to in (a) above.*
- c) *To authorise the Staffing Committee under its delegated powers to review and determine the Authority's policy on added years ("augmentation") under the Local Government Pension Scheme (LGPS).*
- d) *Noting that appeals against compulsory redundancies will fall to be heard and determined at member level, to ask the Authority's legal advisor to provide the pool of members for the Appeal Committee with bespoke training on the role of the Committee in relation to such appeals.*

40 South West Fire Control Limited

- (1) Summaries of the discussion and decisions at meetings of the Board of Directors of South West Fire Control Limited held on 4 June 2010 and 29 July 2010 were received.
- (2) On considering a paper by the Chief Fire Officer and Clerk to the Authority,

Resolved:

- a) *To appoint Cllr P Brown to vote on the Authority's behalf at the AGM of South West Fire Control Limited to be held on 15 November 2010.*
- b) *To mandate Cllr Brown to cast the Authority's vote at the AGM in support of the proposed changes to the Company's constitution as set out in the appendix to the paper presented.*

41 Finance Review & Audit Committee

The minutes of the meeting of the Finance Review & Audit Committee held on 29 June 2010 were received. Cllr Martin as Chairman of the Committee reported that the Committee at a subsequent meeting on 14 September 2010 had received the external auditor's unqualified report on the audit of the 2009/10 accounts.

42 Protection, Prevention and Intervention

A short visual presentation was made.

43 Cadet Scheme

On considering a paper by the Assistant Chief Officer (Service Delivery),

Resolved:

- a) *To note the contents of the paper and to agree to the transfer of responsibility of the Fire Cadets to a voluntary body or bodies consisting of the parents and instructors from both units, on terms to be agreed by the Chief Fire Officer and the Clerk to the Authority*
- b) *To agree the re-commencement of the schemes after the 7 October 2010 to allow officers to attend the relevant Community Area Boards beforehand, to assist in securing external funding streams for these activities and to allow for a smooth transition to a voluntary status.*

44 Standards Committee

- (1) The minutes of the meeting of the Committee held on 15 June 2010 were received.
- (2) The Committee's annual report for 2009/10 was received.
- (3) On considering a recommendation of the Committee,

Resolved:

To approve statements, as presented, in respect of the corporate policies on the Freedom of Information Act, the Data Protection Act, and the Environmental Information Regulations.

45 Co-operation and Collaboration with SW FRAs

On considering a paper by the Clerk and the Chief Fire Officer, it was noted that fire and rescue authorities (FRAs) in the South West were being advised to put on a formal basis the current informal arrangements under which one FRA acted as a lead authority for specific collaborative projects.

Resolved:

To enter into a Co-operation Agreement with the other FRAs in the South West on terms to be agreed by the Chief Fire Officer and the Clerk to the Authority after consultation with the Chairman, on the understanding that participation by an individual FRA in any one specific collaborative project is entirely at the discretion of the FRA.

46 Dates of Meetings 2011

Resolved:

To agree the following dates for meetings of the Authority in 2011:-

*Monday 21 February)
Thursday 26 May) all at
Thursday 22 September) 10.30 a.m.
Thursday 15 December)*

47 Regional Management Board

The minutes of meeting of the Regional Management Board held on 22 June 2010 were received.

48 Urgency Committee

The minutes of the meeting of the Urgency Committee held on 31 August 2010 were received.

(Duration of meeting 10.30 a.m. to 12.30 p.m.)

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Wiltshire Council

Council

9 November 2010

Notice of Motion No. 13 – Landshare

**From Councillors Jon Hubbard, Melksham South Division and
Councillor Peter Colmer, Cricklade and Latton Division**

To consider the following notice of motion:

“That Council welcomes:

The Landshare website (www.landshare.net) which, is there to connect people who want to grow their own fruit and vegetables, to people who have space to share. It is also a community website that enables people to share knowledge and resources, encourage debate and discussion, plus lower barriers to entry into the “grow your own” movement.

That Council resolves to support this initiative by:

- Putting a link on the council’s website
- Place an article in the next edition of Your Wiltshire promoting ‘Landshare’
- Publicise allotments available in Wiltshire and how to rent one, where necessary working with Town and Parish Councils.
- Publicise the contact details for all allotment societies across Wiltshire”.

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Wiltshire Council

Council

9 November 2010

Notice of Motion No. 14 – Daylight Saving Bill

From Councillor Trevor Carbin, Holt and Staverton Division

To consider the following notice of motion:

“That Wiltshire Council:

Supports the Private Members Bill being put forward by Rebecca Harris MP to introduce double summertime in the UK, and calls on Wiltshire's MPs to support the Bill at its second reading in the House of Commons on December 3rd.

Reasons:

1. The change would mean lighter evenings and darker mornings. It would cut Wiltshire's road casualty rate, saving lives and reducing injuries.
2. Britain's major sporting organisations including The Football Association, The Lawn Tennis Association and The England and Wales Cricket Board are in support of the proposal, because it would allow more time for sport especially for schoolchildren via after-school activity.
3. Environmental organisations including 10:10 support the move. The change would save an estimated 5,000 tonnes of CO2 in Wiltshire annually, thus helping the council to meet its environmental objectives”.

Note: Further information on this can be found on the Parliament website :

<http://services.parliament.uk/bills/2010-11/daylightsaving.html>

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Wiltshire Council

Council

9 November 2010

Review of the Constitution of Wiltshire Council

Summary

The constitution was last reviewed in 2009/10 to ensure it would meet the needs of the new Wiltshire Council. The purpose of that review was to ensure a constitution fit for purpose was in place when Wiltshire Council came into effect as a unitary authority on 1 April 2009.

The Council adopted the new constitution on the basis that the new Council would review the effectiveness of the constitution in light of experience after six months of operation and requested the Standards Committee to undertake the review.

The Standards Committee established a Focus Group on the Review of the Constitution (Focus Group) to undertake the detailed work required. The Focus Group has met on four occasions and has recommended a number of changes to the constitution. The revised draft of the constitution reflects the recommended changes. The outcome of the work to review the constitution by the Focus Group was reported to the Standards Committee at a special meeting convened for that purpose on 26 October 2010.

The Standards Committee was satisfied with the detailed work undertaken by the Focus Group to review the constitution. The Standards Committee considered the changes proposed and has drawn up a series of recommendations for consideration by Council with a view to adopting a revised constitution.

A hard copy of the revised draft constitution has been made available to members of the Standards Committee to assist in its consideration of the outcome of the review. This report and revised draft constitution will be made available to all members electronically with hard copies available on request from Democratic Services.

Proposals

To consider the following recommendations of the Standards Committee from its meeting held on 26 October 2010 following its review of the constitution of the Council:

- (i) To approve the changes proposed to the constitution shown as tracked changes on the draft revised constitution for adoption by Council at its meeting on 9 November 2010 (summary of main changes referred to in Appendix 5).**

- (ii) To approve for inclusion in the constitution the Protocol on Partnerships, the Protocol on Guidance to Councillors on Outside Bodies and the Protocol on Governance Reporting Arrangements.
- (iii) To note that the Protocol on Media Relations is still under review and that a revised Protocol will be considered by Group Leaders before being presented to Council as part of the revised constitution.
- (iv) That Council determines the issue of whether or not provision should be made in the constitution in respect of response times by Cabinet members.
- (v) To note the decision of Cabinet dated 19 October 2010 to defer consideration of the review of the Development Control Service until such time as the implications of any changes to the planning system as a result of the Decentralisation and Localism Bill are known. Consequently, the Scheme of Delegation on Planning – Part 3C and the Planning Code of Good Practice for Members of Wiltshire Council – Protocol 4 remain unchanged in the meantime.
- (vi) To designate the current Scrutiny Manager post as Wiltshire Council's Scrutiny Officer to be responsible for the statutory functions as defined in Section 31 of the Local Democracy, Economic Development and Construction Act 2009 (Appendix 3 refers).
- (vii) To authorise the Monitoring Officer to make such amendments as are necessary to give effect to decisions of Cabinet, Council or its committees and to ensure that the constitution is clearly presented and legally fit for the purpose of the Council.
- (viii) To thank the Focus Group, its Chairman Mrs Isabel McCord and other members of the Council who contributed to the review for all its valuable work in undertaking the detailed work required to carry out the review.
- (ix) To agree that the Focus Group remains in being to assist with
- the ongoing review work on the constitution as and when required;
 - producing user friendly summaries of the relevant parts of the constitution for use by members of the public and members of

the Council and

- **specifically to review the constitution in light of any changes in the legislation including the proposed Decentralisation and Localism legislation**

and to amend its terms of reference to reflect the above.

**Ian Gibbons
Monitoring Officer**

Review of the Constitution of Wiltshire Council

Purpose of Report

1. To consider the outcome of the review of the constitution with a view to adopting a revised constitution for the Council.

Background

2. The purpose of the constitution is to:
 - enable the Council to provide clear leadership to the community of Wiltshire in partnership with citizens, businesses and other organisations;
 - support the active involvement of citizens in the process of local authority decision making;
 - help councillors represent their constituents more effectively;
 - enable decisions to be taken efficiently and effectively;
 - create a powerful and effective means of holding decision-makers to public account;
 - ensure that no-one will review or scrutinise a decision in which they were directly involved;
 - ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
 - provide a means of improving the delivery of services to the community;
 - help the Council to focus on its strategic objectives.
3. The last full review of the constitution took place during 2009/10. The purpose of that review was to ensure a constitution fit for purpose was in place when Wiltshire Council came into effect as a unitary authority on 1 April 2009. This included work to ensure that the decision making process of the new council reflected the functions previously administered by the former district councils.

4. Wiltshire County Council at its meeting on 24 February 2009 adopted a revised constitution for use by the new Council. This was on the basis that the new Council would review the effectiveness of the constitution in light of experience after six months of operation. Council also noted that work was ongoing in respect of the Area Boards and Overview and Scrutiny arrangements which would be reflected in the constitution for approval by the new Council.
5. At the Annual meeting On 16 June 2009, Wiltshire Council approved the constitutional arrangements for Area Boards, Overview and Scrutiny and public participation, and a number of additional protocols and amendments of a minor nature for inclusion in the constitution. Council also agreed that a review of the constitution should be undertaken in the light of experience after six months and requested the Standards Committee with its responsibility for oversight of the constitution, to undertake the review.
6. This report sets out the outcome of the review by the Standards Committee.

Focus Group on the Review of the Constitution

7. The Standards Committee at its meeting on 11 November 2009 agreed a process for reviewing the constitution by establishing a Focus Group to undertake the detailed work required. The membership of the Focus Group comprised representation from the Standards, Audit and Overview and Scrutiny Organisation and Resources Select Committees and a member from each of the political groups on the Council. The Focus Group was chaired by Mrs Isabel McCord, Independent Member and Chairman of the Standards Committee.
8. Details of the membership and terms of reference of the Focus Group are set out in **Appendix 1**. The Focus Group met on 4 occasions: 15 March, 29 July, 20 September and 8 October. As background information, the minutes of those meetings are attached as **Appendix 2**

Main Considerations for the Council

9. The Council is required to have a constitution in place to ensure that it is able to discharge its functions effectively and lawfully.
10. Whilst the opportunity has been taken to review the entire constitution, many parts of it have not been changed as these are required by legislation and statutory guidance.
11. In adopting the current constitution, it was acknowledged that areas new to Wiltshire Council such as Area Boards, Planning Committees and also the Overview and Scrutiny arrangements would be the subject of review at a later stage. The priority at the time was to have a constitution in place which provided the necessary decision making framework and processes to discharge

these functions effectively. This was the rationale for requesting the new Council to review the constitution in the light of experience after six months.

12. Accordingly, there have been separate reviews of these areas, the outcomes of which have been reflected in the constitution.

Area Boards

13. The Leader of Council undertook a review of the operation of Area Boards as reported to Cabinet on 23 March 2010. The review took into account feedback received during consultation on the operation of Area Boards. The only constitutional implication arising from this review related to amending the Scheme of Delegation to Officers (Part 3B) to include the Area Board and Delegated Decisions checklist for officers. The checklist provides guidance to officers on the issue of when and how to involve local councillors and Area Boards in decisions about local services. As this is very much an operational internal document, the view has been taken not to include it as part of the constitution, but to refer to it in both the Scheme of Delegation to Officers and in the Protocol on Briefing and Information for Local Councillors.
14. The Focus Group at its meeting on 20 September 2010 and 8 October reviewed the sections of the constitution relating to Area Boards and has recommended a number of changes as outlined in the attached summary of main changes at **Appendix 5**. The recommended changes have been reflected in the draft revised constitution.

Development Control

15. A review of the development control service was undertaken following consultation with members of the Council and town and parish councils. The outcome of the review included proposals to revise the Scheme of Delegation on Planning and the Planning Code of Good Practice for Members of Wiltshire Council.
16. The changes which had been proposed were considered in detail by the Focus Group at its meeting on 29 July 2010 following presentation by the Service Director for Development and the Cabinet Member for Economic Development, Planning and Housing. The Focus Group was supportive of the general approach that was being taken but made a number of comments which it would like taken into account.
17. Cabinet at its meeting on 19 October 2010 considered a report on the outcome of the review of the development control service. Cabinet resolved to defer consideration of the review of the service until such time as the implications of any changes to the planning system as a result of the Decentralisation and Localism Bill were known.
18. This was reported to the Standards Committee which acknowledged the Cabinet position. Consequently, the Scheme of Delegation and Planning Code of Good Practice for Members of Wiltshire Council within the revised draft remain unchanged until such time as changes are agreed as part of the review

of the development control service and any changes in the legislation. Any changes to the Scheme of Delegation or Planning Code would require Council approval as they form part of the constitution.

Overview and Scrutiny

19. An interim review of the overview and scrutiny arrangements was undertaken as part of a planned review. One of the outcomes of the review was to establish a Liaison Board which has been meeting on an informal basis. The operation of this Board will be reviewed after 12 months of operation in the light of experience.
20. Slightly amended Articles and Overview and Scrutiny Procedure Rules were considered by the Focus Group at its meeting on 20 September and 8 October 2010 following presentation by the Scrutiny Manager and the Chairman of the Organisation and Resources Select Committee. Apart from a few further minor changes, the amendments were supported by the Focus Group.
21. The Focus Group at its meeting on 29 July 2010 considered a report on the requirement under Section 31 of the Local Democracy, Economic Development and Construction Act 2009 to designate one of the Council's officers as the statutory designated 'Scrutiny Officer'. The Focus Group supported the recommendation to Council to appoint the current Scrutiny Manager post as the Council's Designated Scrutiny Officer. By way of background information, the report considered by the Focus Group and the Organisation and Resources Liaison Board is attached at **Appendix 3**.
22. The Focus Group was advised of progress to develop a Protocol promoting a clear two way relationship between the Executive and Scrutiny. It was noted that this would now form part of a wider governance review called for by the Leader which would focus on backbench member involvement in the Council's decision making process.
23. The issue of whether overview and scrutiny committees should be chaired by members belonging to the majority group on the Council was also considered by the Focus Group. The Focus Group accepted the principle of minority parties influencing the content and direction of the overview and scrutiny function. This was supported by the research into arrangements operated by some other local authorities. This will be considered further as part of the wider governance review referred to in paragraph 22 above.

Changes previously agreed

24. Councillors may recall that a number of changes to the constitution have been previously agreed by the Council where the changes could not be delayed and considered as part of this review. A summary of those changes is attached at **Appendix 4**.

Main Changes now being proposed

25. The changes now being recommended as a result of this review of the constitution are shown as tracked changes in the draft revised constitution. To further assist Councillors, a summary of the main changes is attached at **Appendix 5**.

Introduction of new Protocols

26. The Focus Group has recommended the inclusion of three new Protocols in the revised constitution as follows:

Protocol 3 – Guidance to Councillors Appointed to Outside Bodies

27. This Protocol sets out the main issues which councillors should consider when appointed by the Council to serve on outside bodies. This is especially important in the context of voluntary sector representation and funding, where the need to ensure transparency and avoid conflicts of interest is paramount.
28. Much of the guidance also applies to councillors who are involved in outside bodies in their private capacity, though the Council's insurance and indemnity arrangements will not apply in these circumstances.
29. The guidance:
- sets out the issues which councillors should consider before accepting appointment to any outside body;
 - deals with the roles, responsibilities and potential liabilities that apply to various types of organisation;
 - provides that councillors should generally be appointed to outside bodies on behalf of the Council as members with observer status only, unless there are exceptional reasons for more formal participation.
 - covers issues relating to the Code of Conduct for Members and pre-determination;
 - summarises the Council's insurance cover and provides for the extension of the officers' indemnity to members and co-opted members
30. It is intended to undertake a review of the Council's appointments to outside bodies in the light of this guidance.
31. Further assistance on this subject will be provided to councillors through information (e.g. Frequently Asked Questions) on the Councillors' area of the Council's web-site and through Councillor development training.
32. This Protocol was considered by the Focus Group at its meeting on 29 July 2010 and, briefly again on 8 October, to update members on some further changes, including the addition of some recent guidance from Standards for England on dual-hatted members, and the proposed extension of the officers' indemnity to cover members. The Focus Group fully supported the Protocol.

Protocol 8 – Partnership

33. Cabinet in May 2007 adopted a framework policy for the evaluation, approval and registration of partnerships in order to strengthen the Council's partnership governance arrangements. This Protocol has now been updated. In order to raise the profile of the governance of partnership arrangements and in recognition of increased partnership activity, it is being recommended for inclusion as a Protocol to the constitution. The Focus Group considered the Protocol on 8 October and apart from a very minor amendment, supported this view.

Protocol 11 - Governance Reporting Arrangements

34. This Protocol documents the governance reporting arrangements for the Council's Cabinet, Audit, Overview and Scrutiny and Standards Committees. It identifies key areas of council activity, the extent of involvement by the executive and non-executive lead committee for each of those activities. This is a useful reference document relating to the decision making structure of the Council and is therefore being recommended for inclusion as a Protocol to the constitution.

Outstanding Issues

35. The following issues remain outstanding:

Protocol 7 – Media Relations Protocol

36. Apart from a few very minor amendments, it had not been proposed to change this Protocol. However, the Focus Group was not happy with the Protocol as it stood and asked for it to be redrafted taking on board specific comments it made. The Focus Group asked for a revised version to be considered by Group Leaders initially before being presented to Council as part of the revised constitution.
37. The Protocol is currently being redrafted to take into account comments from the Focus Group, recognising that further changes may be required as a result of the introduction of a revised Code of Practice on Local Authority Publicity, which is currently out for consultation. The intention is to present a revised Protocol (on an interim basis pending the outcome of the review of the Code of Practice on Local Authority Publicity) for initial consideration by Group Leaders before presentation to Council if this can be done within the time available. For the reason, this Protocol has not been included in the revised draft constitution at this stage.

Cabinet Member Response Times

38. A recommendation from the Member Support in the Locality Task Group related to the need to include a protocol stipulating that Councillors can expect an initial response from Cabinet Members and Portfolio Holders within two days and a substantive response within seven days.

39. The view of Cabinet Members is that realistically, the suggested protocol could not be kept to all of the time. They have therefore recommended a broader protocol to the effect that in respect of member enquiries from other members, every effort should be made to provide a prompt response wherever possible with this being applied to all Councillors and not just Cabinet members.

40. The stance taken by the majority of members of the Focus Group is as follows:

'Response from Cabinet members to other members of the Council

A response will, unless there are exceptional circumstances be acknowledged within two working days of receipt. A substantive response will be provided within ten 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'.

41. The Standards Committee considered the recommendation from the Task Group, the views of Cabinet members and the Focus Group. The view of the Standards Committee is that whilst it would be useful to include an appropriate timescale for responses, this was a matter for the Councillors to determine.

42. Should Council agree to include provision for a timescale for responses as suggested, this could be reflected in Part 12 previously entitled 'Members' Job Description'. One of the recommended changes to the constitution is that Part 12 should be renamed 'Role and Responsibilities of Councillors'.

Amendments to Motions (within the Rules of Procedure: Council – Part 4)

43. A number of Councillors have through their feedback via the questionnaire on the constitution and at recent meetings of Council expressed concern over what constitutes a valid amendment to a motion. The wording of this particular rule of the constitution is as set out in the Modular Constitution prescribed in statutory guidance.

44. The Focus Group considered Councillors' concerns and has not recommended a change to this particular rule. It also acknowledged that it was more about the application of this rule rather than the wording of the rule itself. Accordingly, it has requested that consideration be given to the Monitoring Officer drawing up a convention on the application of this rule acceptable to the Chairman of Council and Group Leaders.

Further Review

45. The constitution will need to be reviewed in the light of any new legislation to ensure that it remains lawful and fit for purpose. The proposed Decentralisation and Localism Bill in particular, is likely to have a significant impact on the Council's decision making arrangements.

46. The review of the constitution by a representative Focus Group has once again proved to be a very practical and constructive way of undertaking the detailed work required. One of the recommendations in this report is that the Focus

Group continues with the same membership to consider any significant further revisions as part of an ongoing review. More specifically, the Focus Group would be asked to review the constitution in light of the Localism Bill and other relevant new legislation and for this to be reflected in its terms of reference.

Consultation

47. All elected and co-opted members of Wiltshire Council were given the opportunity to contribute to the review by completing a questionnaire. Of the 123 questionnaires issued (to 98 elected members and 25 co-opted members), 35 completed questionnaires were received; this equates to a 28.45% response rate. The comments received were taken into account by the Focus Group during the review. A summary of the responses together with a commentary is attached at **Appendix 6**.
48. Using the Parish Newsletter, town, parish and city councils were advised that the constitution was being reviewed and invited to submit their comments to help inform the review. No responses other than a few requests for further information on specific areas of the constitution were received. Town, parish and city councils were specifically consulted on the main areas of interest to them namely, the operation of Area Boards, development control and the operation of Planning Committees.
49. The Focus Group was keen to seek the views of members of the public, although it recognised that a number of the documents which make up the constitution might not generate much public interest. The Focus Group therefore agreed a series of questions for inclusion in an online snap survey which centred on public engagement and participation at meetings, details of which were reported to Councillors in the Elected Wire dated 1 October 2010. Whilst a response of only 28 completed surveys is not representative, the comments received will be taken into consideration in seeking to increase public engagement.
50. Cabinet at its meeting on 19 October 2010 received an update on the outcome of the review of the constitution. Cabinet considered that user friendly leaflets summarising the relevant parts of the constitution for use by members of the public and Councillors should be provided. This had been acknowledged during the last review of the constitution and a proposal for this to be undertaken is included as a recommendation to Council. Cabinet also considered that a user friendly summary of the Area Handbook should also be provided.

Environmental Impact of the Proposal

51. None.

Equalities Impact of the Proposal

52. The constitution as amended complies with the Council's obligations under equalities legislation and its Equality and Diversity Policy.

Financial Implications

53. Work on this project has been undertaken within existing resources. There will be a relatively minor cost in the printing of the constitution, although as far as possible the emphasis will be on providing electronic copies of the document. As mentioned in paragraph 49, it is recognised that a user-friendly summary of how members of the public can engage in the decision making process of the Council is needed. This is an area that the Focus Group could be asked to consider along with any financial considerations.

Legal Implications & Risk Assessment

54. The Council is required to have a constitution in place to ensure it is able to discharge its functions effectively and lawfully. The Constitution is a fundamental part of the Council's governance and risk management arrangements.

Conclusion

55. This essentially concludes the review of the constitution requested by the Council. Generally the constitution has been fit for purpose and worked effectively in meeting the objectives in paragraph 2.
56. The few outstanding issues are referred to in paragraphs 35 - 44 of this report. A further review of the constitution will be necessary once the proposals in the Localism Bill and other relevant new legislation are clear.

IAN GIBBONS
MONITORING OFFICER

Report Author:

Yamina Rhouati
Democratic Governance Manager

Appendices:

Appendix 1	-	terms of reference and membership of Focus Group
Appendix 2.1	-	minutes of the Focus Group – 15 March 2010
Appendix 2.2	-	minutes of the Focus Group – 29 July 2010
Appendix 2.3	-	minutes of the Focus Group – 20 September 2010
Appendix 2.4	-	minutes of the Focus Group - 8 October 2010
Appendix 3	-	Report – Designated Scrutiny Officer
Appendix 4	-	Summary of previously agreed changes to constitution
Appendix 5	-	Summary of main changes now proposed
Appendix 6	-	Summary of questionnaire responses from members

Background Papers: None

FOCUS GROUP ON THE REVIEW OF CONSTITUTION

TERMS OF REFERENCE

To note the following terms of reference as agreed by the Standards Committee at its meeting on:

Terms of reference:

- To provide a forum for engagement in the review of the constitution.
- To consider the effectiveness of the constitution in the light of the past six months experience of operating the current constitution to ensure that it is legally sound, fit for purpose and continues to serve the interests of all the people of Wiltshire.
- To consider the views of
 - elected and co-opted members of the Council
 - officers
 - decision making bodies of the Council as appropriate
 - town, parish and city councils and
 - members of the public

ascertained through questionnaire responses and appropriate methods of communication and make appropriate recommendations

- To offer a councillor perspective on and accordingly to influence key issues within the constitution.
- To keep the Standards Committee informed of progress on the review of the constitution.
- To advise the Standards Committee of final recommendations on any changes to the constitution for report to Cabinet for consideration and onward recommendation to Council.

Membership

- (i) a member from each group on the Council nominated by group leaders;
- (ii) a member of the Overview and Scrutiny Management Resources Select Committee;
- (iii) a member of the Audit Committee;

- (iv) two independent members and one town and parish representative of the Standards Committee as detailed above;
- (v) that the Focus Group be chaired by one of the Independent members of the Standards Committee;
- (vi) that appropriate Councillors and Officers be invited to attend as and when requested by the Focus Group or its Chairman to assist it in its work.

MEMBERSHIP

- (vii) a member from each group on the Council nominated by group leaders;
- (viii) a member of the Overview and Scrutiny Management and Resources Select Committee;
- (ix) a member of the Audit Committee;
- (x) two independent members and one parish council representative of the Standards Committee nominated by the Committee;
- (xi) that the Focus Group be chaired by one of the Independent members of the Standards Committee;
- (xii) that appropriate Councillors and Officers be invited to attend as and when requested by the Focus Group or its Chairman to assist it in its work.

Group Representatives:

Cons	Cllr Stuart Wheeler
Lib Dem	Trevor Carbin (replaced for last meeting by Cllr Jon Hubbard)
Ind	Cllr Christopher Newbury
Dvz Gdns:	Cllr Nigel Carter
Labour	Cllr Ricky Rogers

Overview & Scrutiny Rep:

Cllr Tony Trotman

Audit Committee Rep:

Cllr Peter Doyle

Standards Committee reps:

Mrs Isabel McCord (Independent member)
Mr Stuart Middleton (Independent member)

Mr Paul Neale (Parish Councillor)

FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION

MINUTES OF THE FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION MEETING HELD ON 15 MARCH 2010 AT COMMITTEE ROOM NO. 3, COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Nigel Carter, Cllr Peter Doyle, Mrs Isabel McCord,
Mr Stuart Middleton, Mr Paul Neale, Cllr Christopher Newbury, Cllr Anthony Trotman
and Cllr Stuart Wheeler

1. **Apologies**

An apology for absence was received from Councillor Ricky Rogers.

2. **Introductions**

The Chairman invited all Councillors and officers to introduce themselves.

3. **Election of Chairman**

It was noted that the terms of reference of the Focus Group stated 'that the Focus Group be chaired by one of the Independent members of the Standards Committee'. The Group was therefore invited to elect its Chairman from Mrs Isabel McCord and Mr Stuart Middleton.

Resolved:

That Mrs Isabel McCord be elected Chairman of the Focus Group.

4. **Terms of Reference and Membership of Focus Group**

The Focus Group's attention was drawn to its terms of reference and membership as agreed by the Standards Committee on 11 November 2009 as follows:

- To provide a forum for engagement in the review of the constitution.

- To consider the effectiveness of the constitution in the light of the past six months experience of operating the current constitution to ensure that it is legally sound, fit for purpose and continues to serve the interests of all the people of Wiltshire.
- To consider the views of
 - elected and co-opted members of the Council
 - officers
 - decision making bodies of the Council as appropriate
 - town, parish and city councils and
 - members of the public

ascertained through questionnaire responses and appropriate methods of communication and make appropriate recommendations

- To offer a councillor perspective on and accordingly to influence key issues within the constitution.
- To keep the Standards Committee informed of progress on the review of the constitution.
- To advise the Standards Committee of final recommendations on any changes to the constitution for report to Cabinet for consideration and onward recommendation to Council.

Membership

- (i) a member from each group on the Council nominated by group leaders;
- (ii) a member of the Overview and Scrutiny Management Resources Select Committee;
- (iii) a member of the Audit Committee;
- (iv) two independent members and one town and parish representative of the Standards Committee as detailed above;
- (v) that the Focus Group be chaired by one of the Independent members of the Standards Committee;
- (vi) that appropriate Councillors and Officers be invited to attend as and when requested by the Focus Group or its Chairman to assist it in its work.

Resolved:

That the above terms of reference and membership of the Focus Group on the Review of the Constitution be noted.

5. **Review of the Constitution**

(a) **Background**

The Chairman presented the report considered by the Standards Committee at its meeting on 11 November 2009 which established the Focus Group and set out the background to the review.

Resolved:

That the report be noted.

(b) **Scope of the Review**

The Chairman sought the Focus Group's views on the level the review should take.

The last review was undertaken during 2008/09 which culminated in most parts of the constitution being adopted by the then Wiltshire County Council on 1 April 2009. The remaining elements of the constitution were adopted by Wiltshire Council in June 2009.

It was noted that separate reviews were taking place in respect of Area Boards, Development Control and Overview and Scrutiny arrangements. In light of this and subject to the views of the Focus Group, officers were proposing a light touch review of the remaining elements of the constitution for this review. The outcome of the separate reviews would be presented to the Focus Group to consider any constitutional implications.

A table listing each Part and Protocol of the constitution was presented which summarised the level of change required where appropriate. It was noted that parts of the constitution which at this stage would not require change might need to incorporate consequential amendments as a result of changes elsewhere in the constitution.

The Focus Group considered how best to engage town and parish councils and members of the public in the review. The Parish Newsletter was cited as a good way of carrying out any consultation with town and parish councils. It was however, noted that town and parish councils had already been consulted on the two major areas of interest to them, namely the operation of Area Boards and planning committees, the latter by way of the review of development control. It was agreed that consultation on these areas should not be duplicated.

A comment was made that a number of elements of the constitution such as the Financial Regulations which whilst important, would probably be of little interest to the public or town and parish councils.

Cllr Doyle commented that there should be greater correlation between the Area Board Handbook, the relationship with Community Area Partnerships and the section on Area Boards within the constitution. The Monitoring Officer explained the time constraints during the last review in relation to compiling the Handbook and the section on Area Boards which had been done in parallel.

The Focus Group requested that the section in the constitution on the Corporate Parenting Panel be reviewed to ensure it complied with the Council's responsibilities for Looked After Children and Safeguarding Children.

Resolved:

(i) That the following officers be requested to attend future meetings of the Focus Group to consider the under mentioned areas:

- **Steve Milton, Head of Community Governance:**
To consider how best to reflect Area Boards within the constitution and having regard to the Area Board review.
- **Brad Fleet, Service Director for Development:**
To consider the outcome of the review of Development Control.
- **Paul Kelly, Overview and Scrutiny Manager:**
To consider the Overview and Scrutiny arrangements.

(ii) That the section on the Corporate Parenting Panel in the constitution be reviewed to ensure it complied with the Council's responsibilities for Looked After Children and Safeguarding Children.

(iii) That a work plan be presented to the next meeting to detail the timescales involved in completing the review by the Focus Group for submission to the Standards Committee, Cabinet and Council.

6. Questionnaire

The Chairman presented a draft questionnaire for the Focus Group's consideration. The questionnaire once agreed would be distributed to all elected and co-opted members of the Council with a view to establishing their views on the constitution to inform the review of the document.

The Focus Group amended the wording of the last question to read as follows to give an opportunity to make any general comments:

'Are there any other issues arising from how the Council operates in relation to the Constitution which you would like the Focus Group to consider?'

The Focus Group also requested a suitably worded introduction to the questionnaire to explain the background to the review, the fact that separate reviews were being undertaken in respect of Area Boards and development control and scrutiny and how their comments would be used. The Focus Group was reassured that an explanatory letter would accompany the questionnaire. The Focus Group also requested that members be given one month to respond to the questionnaire and that a reminder be issued after two weeks to try and maximise the response rate.

Resolved:

That the questionnaire as amended be circulated to all elected and co-opted members of the Council as outlined above.

7. **Date of Next Meeting**

To be agreed.

(10.30 am – 12.40pm)

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

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FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION

MINUTES OF THE FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION MEETING HELD ON 29 JULY 2010 AT COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Nigel Carter, Cllr Peter Doyle, Gibbons, Mrs I McCord, Mr S Middleton, Mills, Mr Paul Neale, Cllr Christopher Newbury, Rhouati (Secretary), Cllr Ricky Rogers, Cllr Anthony Trotman and Cllr Stuart Wheeler

Also Attendance:

Cllr John Brady – Cabinet member for Economic Development, Planning and Housing
Cllr Jeff Osborn – Chairman of Organisation and Resources Select Committee

8. **Apologies**

There were none.

9. **Minutes**

Resolved:

To confirm as a correct record and sign the minutes of the meeting held on 15 March 2010.

10. **Proposed changes to the Constitution resulting from the review of the Development Control Service.**

The Chairman welcomed Cllr John Brady, Cabinet member for Economic Development, Planning and Housing and Brad Fleet, Service Director of the Development Service who explained the background to the review of the development control service.

All members of Wiltshire Council and town, parish and city councils had been given an opportunity to comment on the review. Views had been sought on six areas in particular, namely the scheme of delegation to officers; the Planning Code of Good Practice; training; communication; what was and was not working well and an opportunity to comment, highlight any concerns or provide suggestions about the service. Details from the feedback from this consultation

were presented. The initial findings and recommendations from the review were considered by Cllr Brady together with the Chairmen and Vice-Chairmen of the four Area Planning Committees and the Strategic Planning Committee at a meeting held on 12 May 2010. At that meeting, the majority of the recommendations were supported. A report incorporating the views expressed at that meeting together with the comments from this Focus Group would be presented to Cabinet with any constitutional implications being presented to Council for final approval.

The report of the Service Director concentrated on those recommendations which were likely to have implications for the constitution. It was noted that there were other recommendations which related to operational and practical considerations but would have no impact on the constitution.

Cllr Brady added that consultation had taken place with 'people at the coalface' and the review had looked in detail at controversial areas such as 'call in' and the issues that surrounded this, such as the large geographical area in which 'call in' operates. It was also acknowledged that there were subtle differences between how Planning Committees operated. It was hoped that adopting best practice in the light of experience would help to promote uniformity and consistency between the Planning Committees of the Council.

The focus group considered in detail each of the recommendations and formed a view on whether or not they should be supported or amended.

Resolved:

That the Focus Group's views on the recommendations concerning the review of development control be as follows:

(a) Scheme of Delegation

1. Amend the Scheme of Delegation specific to planning (Part 3C) to Officers to expand the types of application which can be called in by Members to include Listed Building & Conservation Area Consents and Advertisements.

Supported by the Focus Group.

2. Re-write and simplify guidance on Member call in procedure for planning applications and ensure officers confirm what action they are taking.

Supported by the Focus Group.

It was also agreed to include in the weekly list the date by which an application may be called in.

3. Retain current practice of Division Member only call in unless the Chairman has discussed the application with Members who may have conflicting views, and then decides to call the application in.

**Supported by the Focus Group.
Further clarification sought on the situation when the Chairman is the Division member.**

4. Amend the Scheme of Delegation specific to planning (Part 3C) to Officers to confirm that the Director of the Service has delegated power to make changes to conditions approved at committee provided this is in line with the principles of the committee's decision. (Examples would be where there are clear errors/typos in conditions, to reflect changes in circumstances between a meeting and issue of a decision or a need to add to a condition or reword a condition to ensure that it complies with policies and legal guidance. Any changes to be reported back to a subsequent meeting for Members to note.

Supported by the Focus Group.

5. Amend the Scheme of Delegation to include determining the requirements for and amending when necessary the local validation list for planning applications.

Supported by the Focus Group.

6. Remove any ambiguity about what constitutes a 'senior officer' (private applications submitted by them will have to go to Committee if objections are received) by defining this in the scheme as follows: -

A 'senior officer' within the Development Service will mean a Team Leader, Area Development Manager or the Service Director. In respect of other council services, a 'senior officer' will mean any Service Director, Corporate Director or the Chief Executive.

The Focus Group expressed some reservation over this recommendation. The Service Director explained the staffing structure within the Planning Service and the safeguards which existed. However, the Focus Group considered that this was more about public perception and considered that private applications by any member of the planning service should be included.

The Focus Group requested officers to provide a clearer definition of what constitutes a senior officer taking on board its comments.

7. Revise the Scheme of Delegation to clarify that applications submitted on **behalf** of the council by senior officers will not be treated differently from other applications. (Council applications submitted by senior officers will be treated in exactly the same manner as applications submitted by the public. Objections will not automatically trigger committee consideration).

Supported by the Focus Group.

8. Amend the Scheme of Delegation to include the 'discharge' of conditions.

Supported by the Focus Group.

9. Amend the Scheme of Delegation to clarify that similar considerations apply to both the council's own Regulation 3 applications and the public's in respect of triggering consideration by the Strategic Planning Committee.

Supported by the Focus Group.

10. Where an appeal has been lodged against a planning decision and Counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the Council's case or that there is a substantial risk of costs being awarded against the Council, officers be authorised to inform the appellant and the Planning Inspectorate that the Council will not seek to defend that reason(s) at appeal.

Supported by the Focus Group on the basis that this would only apply where time constraints did not allow for referral back to the committee when the decision would be taken following consultation with the Chairman.

(b) The Planning Code of Good Practice

1. Amend the Planning Code of Good Practice so that it states that Division Members can nominate a substitute to undertake their planning duties, including 'call in' when they have a conflict of interest and are absent due to holidays or illness.

Supported by the Focus Group - to be reworded to incorporate the Chairman's ability to nominate a substitute where a member is unable to appoint their own substitute and for this to be included within the Scheme of Delegation for Planning.

2. That the order of events at committee meetings be amended to the following: -
- 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.
 - d) Members of the public/applicant/agent (in this order) who wish to make representations in support the application will then be invited to do so.
 - e) Consultees who wish to make representations will be invited to do so.
 - f) The town/city or parish council representative, if present, will then be invited to make representations.
 - g) The division member will be invited to make representations*.
 - 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 table an alternative or move that the application be discussed. Once a motion has been seconded it will be open to the councillors to discuss the application and ask further questions of officers.
 - j) If necessary the chairman will then again ask if anyone is prepared to move the officer recommendation, or table an alternative.

* 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. Division members who are not on the committee may be invited to participate in any debate on an application in their division at the chairman's discretion.

Supported by the Focus Group subject to the following amendment:

For the purposes of clarity and to be consistent with the Rules of Debate (Part 4) to reword paragraph (i) and consider the necessity of (j) above.

3. At the chairman's discretion the Democratic Services Officer can issue a clear 30 second warning during all public contributions.

Supported by the Focus Group.

4. Cabinet consider introducing mileage payments (or an allowance) for planning committee members who undertake individual pre-meeting site inspections. Any claims to be annotated with the relevant application number(s). (This was discussed at the chairmen's meeting where there was no consensus. The chairmen asked that this matter be considered and decided upon by Cabinet.)

Recommendation to Cabinet

It was noted that the Independent Remuneration Panel had considered this but did not recommend it on the basis that such incidental costs were included within members' basic allowance.

5. Amend the Code to clarify that parish/town/city councils have an individual slot to make representations at committee. Only one representative per council (representing the council's views, rather than their own individual thoughts!) will be allowed to speak. Where an application site covers more than one parish, one representative from each of the affected parishes may speak.

Supported by Focus Group.

6. Add a section to the Code of Good Practice explaining that in certain circumstances, Councillors could be expected to act as the council's appeal witness. Alternatively, consultants can be engaged to defend the appeal where a Member is unavailable.

Supported by Focus Group – to be reworded to clarify that the Committee would be asked to agree on who would be involved in defending an appeal should one be lodged at the point where the committee resolves to refuse an application contrary to an officer recommendation.

11. **Overview and Scrutiny**

The Chairman welcomed Paul Kelly, Scrutiny Manager and Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee to the meeting.

a) Overview and Scrutiny Arrangements

Paul Kelly explained the background to the current overview and scrutiny arrangements which comprised four Scrutiny Select Committees with each having the ability to appoint Task groups.

An interim review of arrangements included the establishment of a Liaison Board, albeit on an informal basis. The Liaison Board, acting as an overarching body comprised the Chairmen and Vice-Chairmen of the four Scrutiny Select Committees and also had the responsibility of managing the overview and scrutiny function and development of the scrutiny arrangements.

Paul Kelly explained that development of the scrutiny arrangements was currently taking place and he would be able to report the outcome of the review to the next meeting of the Focus Group.

Cllr Jeff Osborn emphasised the need for the Overview and Scrutiny function to add value to the organisation as a critical friend. He also referred to the need to publicise the role of Scrutiny to the public. The main focus of work had been on the creation of the new Liaison Board, which had been considering the development of the scrutiny arrangements. Consideration was being given to whether the Liaison Board should act as an overarching body or be an independent Select Committee.

Cllr Osborn also referred to an Executive/Scrutiny Protocol which was being developed with the aim of establishing and documenting a clear two way relationship between the Executive and Scrutiny. The Protocol would be considered by the Corporate Leadership Team in the first instance before being presented to the next meeting of the Focus Group for its input.

Paul Kelly commented on the questionnaire responses regarding scrutiny. These would also be brought to the attention of the Focus Group when it considers the review of scrutiny arrangements at its next meeting.

Resolved

To note the update on the current overview and scrutiny arrangements and to consider the revised arrangements at the next meeting (20 September 2010).

b) Appointment of Designated Scrutiny Officer

The Focus Group considered a report which explained the requirement under S.31 of the Local Democracy, Economic Development and Construction Act 2009 to designate one of its officers as the 'Scrutiny Officer'. The designated officer may not be the head of paid service, the monitoring officer or chief finance officer.

The designated officer would be responsible for discharging a number of functions as outlined in the report.

The Scrutiny Manager's current job description included to a large extent the functions intended for the designated scrutiny officer and it was therefore considered that operationally, it would make sense for the Scrutiny Manager to be designated formally in this way. The views of the Focus Group were sought in relation to the constitutional implication of including the designation within Article 13 where it sets out the statutory designated posts. The proposal would be progressed to Council for formal approval.

The Focus Group agreed with the proposal to formally designate the Scrutiny Manager as the designated Scrutiny Officer and for consideration to be given as to whether the Scrutiny Manager's job description required revision to reflect this new statutory duty.

Resolved

To recommend Council to designate the current Scrutiny Manager post as Wiltshire Council's Scrutiny Officer to be responsible for the statutory functions set out in paragraph 3 of the report presented with immediate effect and to amend the Constitution accordingly.

12. **Guidance to Councillors Appointed to Outside Bodies**

Ian Gibbons, the Monitoring Officer presented a report and guidance for the Focus Group's initial comments. The guidance set out the main issues which Councillors should consider when appointed by the Council to serve on outside bodies and supplemented advice included in paragraph 13 of the Councillor/Officer Relations Protocol. The guidance covered issues to consider before appointment; application of the Code of Conduct for Councillors; the legal status of outside bodies, capacity of appointment, duties and liabilities and insurance and indemnity.

It was generally agreed that the guidance was very comprehensive and would be very helpful to Councillors. The Focus Group considered that the issues covered in the guidance would apply equally to Councillors representing organisations in their private capacity and asked for this to be emphasised in the guidance. The Focus Group sought clarification on the definition of 'acting in bad faith' as referred to in paragraph 18 and asked for the guidance to specifically refer to Community Area Partnerships.

Resolved

That subject to the comments made by the Focus Group being taken on board, the Guidance to Councillors Appointed to Outside Bodies be endorsed and recommended for adoption.

13. **Governance Reporting Arrangements**

The Focus Group considered a draft schedule which sought to clarify the reporting lines for the Council's governance responsibilities between the Cabinet and the Audit, Overview and Scrutiny and Standards Committees. The schedule reflected the terms of reference of those bodies and indicated which non-executive committee would normally be treated as the lead for the governance area concerned. It was noted that other non-executive committees may of course have an interest in the subject matter and this was also illustrated in the schedule.

The schedule provided a 'rule of thumb' guide to determining lead responsibility. It may however be necessary to review the position in the light of the particular business under consideration. Subject to the Focus Group's comments, it was proposed to include the document as a protocol to the constitution.

Resolved

To endorse the Governance Reporting arrangements for inclusion as a Protocol to the Constitution.

14. **Questionnaire Responses**

At its last meeting on 15 March 2010, the Focus Group agreed a questionnaire for circulation to all elected and co-opted members of Wiltshire Council. Any feedback in the form of responses to the questionnaire would then be used to help inform the review of the constitution.

Of the 123 questionnaires issued (to 98 elected members and 25 co-opted members), 35 completed questionnaires had been received which equated to a 28.45% response rate. The efforts undertaken to maximise the response were outlined.

Due to time constraints at this meeting, it was agreed to note the responses to the questionnaires which would be used at subsequent meetings when reviewing the various parts of the constitution.

Resolved:

To note the responses to the questionnaire which would be considered at subsequent meetings in the review of the various parts of the constitution.

15. **Update on Changes Made**

For the Focus Group's information, a schedule was presented which showed changes to the constitution previously approved by Council since the new Constitution was in place on 1 April 2009.

Resolved:

To note the schedule of changes to the Constitution as previously agreed by Council.

16. **Index of Constitution**

The Focus Group received an updated index to the constitution which showed the current position on the review of the constitution broken down into each part.

Resolved:

To note the Index.

17. **Future Work Programme**

The Focus Group considered its work programme for its next two meetings which were agreed as follows:

20 September 2010 at 10.00am
8 October 2010 at 10.00am

It was noted that a special meeting of the Standards Committee would be arranged for the purposes of considering the recommendations from this Focus Group and to make recommendations to Cabinet on 19 October 2010 which in turn would then make recommendations to Council on the outcome of the review of the constitution.

18. **Public Consultation**

The Chairman sought the Focus Group's views on a series of questions for use in an online survey to ascertain the views of members of the public on aspects of the constitution dealing mainly with public participation and public engagement. Due to the time constraints of the meeting, members were asked to give the questions some thought and forward any comments or suggestions to Yamina Rhouati.

(Duration of meeting: 10.00 am - 1.40 pm)

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

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

FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION

MINUTES OF THE FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION MEETING HELD ON 20 SEPTEMBER 2010 AT COMMITTEE ROOM VII - COUNTY HALL, TROWBRIDGE.

Present:

Cllr Trevor Carbin, Cllr Nigel Carter, Cllr Peter Doyle, Mrs I McCord (Chair), Mr S Middleton, Mr Paul Neale, Cllr Ricky Rogers, Cllr Anthony Trotman and Cllr Stuart Wheeler

Also Present:

Cllr Jeff Osborn

19. Apologies

An Apology for Absence was received from Councillor Newbury.

20. Declarations of Interest

There were none.

21. Minutes of Last Meeting

Resolved:

To confirm as a correct record and sign the minutes of the meeting on 29 July 2010.

22. Review of the Constitution

22a. Overview and Scrutiny - Parts 2 and 8

The Chairman welcomed Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee and Paul Kelly, Scrutiny Manager to the meeting for this item.

The Scrutiny Manager presented a report on the overview and scrutiny arrangements together with details of the proposed changes to the articles and procedure rules for overview and scrutiny. These changes had been made

following a review by the Scrutiny Manager in consultation with the Chairman and Vice-Chairman of the Liaison Board.

It was noted that the changes made were minor as the procedure rules in particular, provided only the framework for overview and scrutiny. It was more about the application of these procedure rules which to a large extent had more to do with the style and culture of the Council's scrutiny process than the rules themselves.

A discussion ensued on the issue of chairmanship of the scrutiny select committees. Concern had been raised that of the 8 leading positions on scrutiny, 6 were held by the majority group. There were differing schools of thought with one being that given the primary purpose of scrutiny select committees was to hold the executive to account, they should be chaired by members not belonging to the majority group. Another school of thought was that the scrutiny process should be non partisan with a reliance on evidence based information and therefore each scrutiny select committee should continue to have the ability to elect its own chairman. The Scrutiny Manager was requested to obtain information on the arrangements adopted by other councils with a view to establishing best practice on this issue and report back to the next meeting of the Focus Group.

The Scrutiny Manager reminded the Focus Group that he had at the last meeting referred to the Executive/Scrutiny Protocol. The Protocol sought to establish and document a clear two way relationship between the Executive and Scrutiny. It had been hoped to bring details of the Protocol to this meeting following consideration by the Corporate Leadership Team (CLT). Unfortunately, due to other pressures, CLT had not yet considered the Protocol. Cllr Wheeler undertook to try and bring it to the attention of Cabinet Liaison to enable consideration by the Focus Group at its next meeting.

The status of portfolio holders was also considered. Portfolio holders were those members appointed by the Leader to assist Cabinet members and act as a resource for other members of the Council. Whilst their contribution was considered to be a valuable one, the issue was the extent to which they could be involved within the scrutiny arena without being conflicted out particularly on executive issues. The Monitoring Officer clarified that although Portfolio holders held no decision making powers, there was an issue around the perception of having a conflict of interest.

Cllr Osborn added that some councillors considered that ruling out the 13 Portfolio holders from the scrutiny process would reduce the number of backbench members involved in the scrutiny process at a time when more involvement was required.

Resolved:

- (a) To consider and approve the proposed changes to the overview and scrutiny elements of the Constitution as a result of the review as set out in appendix 1 of the report presented subject to the following amendments:

Part 8 Overview and Scrutiny Procedure Rules

Paragraph 9 – to make reference to the schedule on Governance Reporting Arrangements

- (b) To note the discussion paper at appendix 2 of the report presented on an intended Executive/Scrutiny Protocol and that the Protocol be considered at the next meeting of the Focus Group following consideration by CLT/Cabinet Liaison.
- (c) To note that national changes impacting on the statutory overview and scrutiny function would need to be reflected in the Constitution where appropriate at the time.
- (d) To note the issues raised concerning chairmanship of the Scrutiny Select Committees. That the Scrutiny Manager be requested to obtain details of arrangements which exist at other authorities with a view to establishing best practice on this issue for report to the next meeting.

22b. **Area Boards - Parts 2 and 3**

The Chairman welcomed Steve Milton, Head of Community Governance to the meeting for this item. Steve Milton responded to the questions raised by members through the questionnaire on the constitution.

A debate ensued during which the committee considered these responses and acknowledged the varying circumstances of the different Area Boards and their operation.

A discussion ensued on the issue of 'dual hatted' members where this leads to conflicts of interests and the process to obtain a dispensation from the need to declare interests. Members acknowledged the need for transparency but considered that the dispensation process should be simplified.

Attendance levels at Area Boards were said to be very good although the majority of those attending belonged to the various groups represented on the Area Boards. Members considered that agendas should have a degree of public interest items to encourage attendance rather than having agendas weighted with corporate items such as consultations. Concern had been expressed over the number of major consultations occupying much of the Area Boards time

recently eg waste, leisure and parking. The length of agendas was also considered to be an issue at some meetings.

Steve Milton referred to the outcome of the Leader's review on Area Boards. One of the outcomes of that review was to include the Area Boards and Delegated Decisions – A checklist for officers within the scheme of delegation to officers (Part 3 B). He also referred to the increased funding being made available to Area Boards.

A discussion ensued on the Area Board handbook, its format and presentation, level of detail, progress with its review and the need to ensure consistency with the constitution.

Steve Milton confirmed that the Handbook was being reviewed although it was difficult to finalise it due to other potential influencing factors such as knowing the full extent of the implications of the Localism Bill. He agreed that from the point of view of Area Board participants it was far too long and detailed but that from an operational point of view some level of detail was required. One of the options considered was having a summarised version.

The Focus Group considered the articles and Part 3 in so far as they related to Area Boards.

Resolved:

- (a) **To note the presentation on Area Boards from the Community Governance Manager.**
- (b) **To agree the following changes:**
- **Article 10.2 c. – to include 'Wiltshire Fire and Rescue Service'**
 - **Article 10.2 c. – to distinguish between the standing membership and other participatory groups.**
 - **Article 11.1 – to insert a section on 'dual hatted' members and dispensation.**
 - **Part 3 – paragraph 4.9 – to clarify that a Cabinet member would attend those area boards which do not have a Cabinet member as a standing member of the Area Board.**
 - **Area Board Handbook – to include information on how groups could become involved in Area Boards as regular participants.**

22c. Contract Regulations - Part 11

As part of the review of the constitution, the opportunity had been taken to review the Council's Contract Regulations. The Chairman welcomed Tony Brett, Head of Procurement who presented the draft revised Regulations for the Focus Group's consideration.

It was noted that the Regulations had undergone a light-touch review, mainly responding to the revisions in EU procurement thresholds and other directives and to provide greater clarity to the reader over their responsibilities to comply with this section of the constitution.

The revised draft had been formulated by a dedicated group of officers comprising the Head of Procurement, Procurement Departmental Business Partners and the Senior Commercial Solicitor.

A detailed discussion took place on various aspects of the draft revised Regulations summarised as follows:

- Paragraph 4.2 makes reference to extensions of contract. The Focus Group asked for specific reference to extensions to include how contracts would be reviewed and scrutinised prior to extending. To ensure that continued extensions of a contract would not result in breaching the EU Regulations ie an extended contract should not be significantly at variance with the original contract otherwise it could warrant a fresh tendering exercise depending on the magnitude of the changes made. To ensure that Value for Money issues were taken into account when extending contracts.
- To include provision for ensuring that financial controls were in place to ensure contracts were affordable.
- Opening of Tenders – In order to secure member involvement at the opening of tenders stage, to include provision for contracts which had been the subject of Cabinet approval, the relevant Cabinet member be given the opportunity to be present at the opening of the tender in relation to that contract.
- Framework Agreements – to include more explicit information relating to these types of agreements.
- The removal of named individuals from the document.
- For appendices to be correctly labelled.

Resolved:

That the draft Contract Regulations be amended to take into account the above changes and be brought back to the next meeting highlighting the changes made as tracked changes for ease of identification.

22d. **Council Rules of Procedure**

Petition Scheme

John Quinton, Head of Democratic Services explained that the Local Democracy, Economic Development and Construction Act 2009 imposed a duty on local authorities to respond to petitions and to tell local people what action is going to be taken. In response to this, Annual Council at its meeting in May 2010 adopted a Petition Scheme and asked the Focus Group to review it as part of the review on the constitution. Accordingly, the Petition Scheme was presented for the Focus Group's consideration.

John Quinton explained how the Petition Scheme operated and the various signee thresholds. Council in adopting the Petition Scheme was keen to emphasise that it should supplement not replace the Council's existing scheme which was more generous than the new legislation required. Details of the Petition Scheme had been posted to the Council's website and the e-petition scheme which enabled petitions to be lodged electronically would go live shortly to initially trial it.

The section on Petitions within Part 4 – Rules of Procedure – Council had been amended in the draft constitution to reflect the Petition Scheme. The Focus Group whilst content with the Petition Scheme itself requested that the suggested wording for Part 4 be amended to distinguish between the mandatory scheme and the Council's own discretionary scheme.

Par 4 - Rules of Procedure - Council

Yamina Rhouati, Democratic Governance Manager invited the Focus Group to consider Part 4 – Rules of Procedure - Council. Due to time constraints, members were asked to consider in particular the sections on:

- Public Participation
- Public Questions
- Member Questions
- Motions on Notice

To facilitate debate, suggested revisions were presented for the Focus Group's initial views before submitting them to the next meeting for more detailed consideration.

Resolved:

That Part 4 – Rules of Procedure – Council be considered in more detail at its next meeting.

That due to constraints of time, the following items at minute no. 27 and 28 be deferred until next meeting on 8 October 2010.

22e. Protocol (i) - Briefing and Information for Local Members

Resolved:

That this item be deferred to the meeting on 8 October 2010.

22f. Protocol (vi) - Media Relations

Resolved:

That this item be deferred to the meeting on 8 October 2010.

23. Date of Next Meeting

The next meeting will be held on Friday 8 October 2010 at 10:00am to consider the following areas:

Part 3B – Scheme of Delegation to Officers

Part 4 – Rules of Procedure – Council

Part 6 – Budget Policy and Framework

Part 11 - Contract Regulations

Overview and scrutiny arrangements: Executive/Scrutiny Protocol and issue of chairmanship of scrutiny committees

Protocol (i) – Briefing and Information for Local Members (deferred item)

Protocol (vi) – Media Relations (deferred item)

Protocol (viii) – Complaints Procedure

Partnership Protocol (not previously included in this constitution)

To consider a redrafted constitution taking into account the changes so far recommended by the Focus Group.

(Duration of meeting: 10.00 am - 2.40 pm)

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

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FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION

**MINUTES OF THE FOCUS GROUP ON THE REVIEW OF THE CONSTITUTION
MEETING HELD ON 8 OCTOBER 2010 AT COMMITTEE ROOM III - COUNTY
HALL, TROWBRIDGE.**

Present:

Cllr Peter Doyle, Cllr Jon Hubbard, Mrs I McCord (Chairman), Mr S Middleton, Mr Paul Neale, Cllr Christopher Newbury, Cllr Ricky Rogers, Cllr Anthony Trotman and Cllr Stuart Wheeler

Also Present:

Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee

1. **Apologies**

Apologies for Absence were received from Cllr Nigel Carter and Cllr Trevor Carbin (replaced by Cllr Jon Hubbard).

2. **Declarations of Interest**

There were none.

3. **Minutes of Last Meeting**

The minutes of the last meeting were presented and it was,

Resolved:

To approve and sign the minutes of the last meeting held on 20 September 2010 as a correct record.

4. **Review of the Constitution**

To review aspects of the constitution as set out below.

(a) **Overview and Scrutiny - Chairmanships and Relations Protocol**

Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee introduced the Overview and Scrutiny recommendations received at the previous Focus Group meeting.

Paul Kelly, Overview and Scrutiny Manager, briefed members on the changes made to Part 8 of the Constitution in light of previous recommendations.

The Focus Group was advised of progress in developing a Protocol documenting a clear two way relationship between the Executive and Scrutiny functions. It was noted that this would now form part of a wider governance review called for by the Leader, which will focus on enhancing backbench member involvement in the Council's decision making process.

The issue of whether overview and scrutiny committees should be chaired by members belonging to the majority group on the Council was considered by the Focus Group. The Focus Group accepted the principle of minority parties influencing the content and direction of the overview and scrutiny function. This was supported by the research into arrangements operated by other local authorities. The additional issue of public perception and transparency was raised at this stage. This will now be included in the wider governance review.

The Focus Group debated this issue and it was,

Resolved:

That this should be addressed by convention, to be determined in full at a later date as part of the wider governance review, and not explicitly set out in the Constitution.

(b) **Contract Regulations - Part 11**

Tony Brett, Head of Procurement, introduced the revised version of Part 11 of the Constitution, incorporating the changes recommended at the last Focus Group meeting.

The Group discussed the revised version, identifying only one rephrasing amendment required, and it was,

Resolved:

To approve the current version, subject to subsequent revision and Focus Group approval of the phrasing of Paragraph 11.4 of this section.

(c) **Budget Policy and Framework - Part 6**

No change was proposed to this part of the Constitution.

Resolved:

To approve this section in its current form.

(d) **Protocols**

(i) Briefing and Information for Local Members

No material changes had been made to this Protocol other than to reformat it and make it clearer. The Protocol also made reference to the Area Board and Delegated Decision checklist which had also been referenced in the Scheme of Delegation to Officers.

Resolved:

That the Protocol be approved in its present form.

(ii) Media Relations

The Focus Group was not happy with this Protocol in its present form. The Focus Group asked for the Protocol to be completely redrafted highlighting a number of specific issues it would like taken into account in the redrafting. The Focus Group suggested that a revised Protocol be presented to a meeting of Group Leaders for approval before being presented to Council on 9 November 2010 as part of the draft revised constitution.

Resolved:

To request the Communications Team to redraft the Media Relations Protocol taken into account the views expressed at the meeting.

A revised Protocol be considered by Group Leaders for approval with a view to including in the draft revised constitution to be presented to Council on 9 November 2010.

(iii) Complaints Procedure

The Focus Group discussed this section and it was,

Resolved:

That the Protocol be approved as presented.

(iv) Partnership Protocol

Tony Brett, Head of Procurement, introduced the draft Partnership Protocol. It was noted that the Protocol stemmed from a Protocol previously adopted by Cabinet which had now been updated. In order to raise the profile of the governance of partnership arrangements and in recognition of increased partnership activity, the document was being recommended for inclusion as a Protocol to the constitution.

Resolved:

To approve the Protocol for inclusion in the constitution, subject to minor revisions to part 5 of paragraph 10.2(c) in order to formally recognise a wider range of community partners.

(e) **Scheme of Delegation to Officers - Part 3B**

The main changes proposed to the Scheme of Delegation to Officers were outlined. The main changes related to updating the titles and main responsibilities of the Corporate Directors following management restructuring.

Resolved:

That the changes be approved.

(f) **Council Rules of Procedure - Part 4**

The Focus Group considered an updated version of this section, incorporating the recommendations made at the last Focus Group meeting.

A number of issues were raised including detailing circumstances which could give rise to a meeting being cancelled, the deadline for submission of questions and circulation of responses. Looking at the Rules of Debate, a discussion ensued on what would and would not constitute a valid amendment. Members considered whether to insert any additional clarification but noted that the section on 'amendments to motions' was taken from the modular constitution. The Focus Group agreed with a suggestion that consideration would be given to drawing up a Protocol to provide an acceptable convention for possible agreement between group leaders and the chairman of Council.

After discussion, it was,

Resolved:

That Part 4 be approved as amended.

5. **Feedback**

(a) **Questionnaire Responses - Members**

The Focus Group's attention was drawn at the outset to the responses to the questionnaire on the constitution from members of the Council.

The Focus Group was advised of comments received on the draft constitution from Cllr Nigel Carter was not able to attend the meeting.

(b) **Online Snap Survey - Public**

The Focus Group was advised of the results of the Public Online Snap Survey on the review of the Constitution, which identified largely positive feedback from those who attended meetings such as the area board, but a perceived difficulty in influencing decision-making from many. Although only twenty eight responses were received, the issues raised were discussed and it was,

Resolved:

To note the survey results and feedback which would be taken into account in any efforts to increase/improve public engagement.

(Duration of meeting: 10.30 am - 4.00 pm)

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

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**Overview and Scrutiny Liaison Board
14 July 2010**

**Constitution Focus Group
29 July 2010**

**Council
9 November 2010**

Designated Scrutiny Officer

Purpose

1. To report on the requirement for the local authority to designate one of its officers as the “scrutiny officer”.

Background

2. Section 31 of the Local Democracy, Economic Development and Construction Act 2009 which came into force on 1 April 2010 requires the local authority to designate one of its officers as the “scrutiny officer”. This was one of a number of provisions in the Act designed to improve governance, democracy and involvement in local government.
3. The designated officer will be responsible to discharge the following functions:
 - (a) to promote the role of the authority’s overview and scrutiny committees;
 - (b) to provide support to the authority’s overview and scrutiny committees;
 - (c) to provide support and guidance to
 - (i) members of the authority
 - (ii) members of the executive of the authority, and
 - (iii) officers of the authorityin relation to the functions of the authority’s overview and scrutiny committees.
4. In order to give a clear message about the importance and transparency of the function, the Government determined that the local authority may not designate any of the following:
 - (a) the head of the authority’s paid service
 - (b) the authority’s monitoring officer
 - (c) the authority’s chief finance officer
5. This follows on from a series of national developments in overview and scrutiny over recent years in order to strengthen and broaden its powers including ensuring that it is sufficiently resourced.

Approach

6. The current overview and scrutiny function in Wiltshire is supported by a small dedicated officer team within Democratic and Members Services. The team is headed by a scrutiny manager who is line-managed by the Head of Service and ultimately through to the Service Director, Legal and Democratic Services (who is the Council's Monitoring Officer).
7. The scrutiny manager's current job description includes to a large extent the functions intended for the designated scrutiny officer and therefore operationally it would make sense that this post is designated formally in this way.
8. The current line-management arrangements would stay in place for staffing purposes but the scrutiny manager would now be statutorily responsible and accountable under the Act for the specific functions set out in paragraph 3. This would include direct reporting, responding to national inspections and contributing to annual governance statements.
9. The Council's Constitution sets out the statutory designated posts in Article 13 (currently those listed in paragraph 4 above) and therefore the new statutory post of "scrutiny officer" will need to be added.
10. In further recognition of the statutory responsibilities, it would seem sensible to make the scrutiny officer responsible for constitutional matters such as receiving member requests for items, giving formal invitation to witnesses, receiving responses from Cabinet members and acting on call-in requests.
11. Authorities who are represented on the national scrutiny network have been consulted on the action they have taken to implement this new requirement. A sample of the responses received is included as an appendix to the report.
12. The Liaison Board and Focus Group will be aware that the formal review of the overview and scrutiny articles and procedure rules in the Constitution are imminent (and referred to elsewhere on the agenda).

Proposals

13. To recommend Council to designate the current scrutiny manager post as Wiltshire Council's Scrutiny Officer to be responsible for the statutory functions set out in paragraph 3 with immediate effect, and to amend the Constitution accordingly.

Ian Gibbons

Director Legal and Democratic Services

Report author: Paul Kelly, Scrutiny Manager

Update on Changes Made

The following changes to the constitution have been previously approved by Council:

Part	Subject	Date of Council approval
3 Part 2.3	Responsibility for Functions Licensing Committee – to extend the terms of reference of committee to deal with all licensing functions carried out by the Public Protection Service.	1 December 2009
3 Para 2.3	Responsibility for Functions Licensing Committee – to extend the terms of reference of committee to determine Designated Places Public Orders (DPPO's)	13 July 2010
3 Para 4	Responsibility for Functions Area Boards To include agreed method of appointing chairs and vice-chairs of Area Boards (<i>this has been further changed as part of the current review of the constitution</i>)	18 May 2010
3A	Scheme of Delegation: Cabinet Following review by Leader and reported to Council (<i>This has been further changed to include delegation of executive functions</i>)	23 February 2010
3D	Scheme of Delegation: Licensing	1 December 2009
4 Paras 18 - 22	Council Rules of Procedure Petitions To incorporate agreed petition scheme	18 May 2010
9 & 10	Financial Regulations & Financial Procedure Rules Revised (<i>A further minor change to the Regulations has been made</i>)	18 May 2010
14	Members' Allowance Scheme Revised	10 November 2009
16	Officers' Code of Conduct Revised	13 July 2010

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Wiltshire Council Constitution

Summary of Main Changes Proposed

The page numbers referred to in this summary correspond with the pages of the revised draft of the constitution.

The revised draft of the constitution which reflects the recommended changes summarised below is available on the Council's website on the following link. Hard copies will be provided to the Chairman of the Council, Group Leaders and are available on request to other members of the Council.

<http://cms.wiltshire.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13101&path=0>

Part 1 – Summary and Explanation (from page 4)

Paragraph 9 – How Decisions are made (page 5)

Amendments to definition of the key decision criteria to ensure consistency with the Financial Regulations and improve clarity.

Part 2 – The Constitution (from page 7)

Article 3.1 – Rights of members of the public (page 9)

To include reference to the Council's Petition Scheme

Article 4.4 – Responsibility for functions (page 11)

To include reference to the addition of a committee structure chart added as Schedule 1 to Part 2 (page 28)

Article 6 – Overview and Scrutiny (page 12)

To incorporate changes agreed by the Overview and Scrutiny Liaison Board and the Focus Group

Article 10.2 ('composition' of Area Boards) (page 16)

To include the Wiltshire Fire and Rescue Service as a standing member of Area Boards to ensure consistency with the membership listing under paragraph 4 of Part 3 of the constitution and distinguishing between standing member organisations and other groups. (The Focus Group suggested that the process for new organisations to apply to join an Area Board be included within the Area Board Handbook).

Article 11 – Area Committees – conflict of interests (page 17)

To include at the request of the Focus Group reference to advice on dual hatted members on Area Boards and the Dispensation procedure.

Article 13 – Officers (from page 19)

Updating corporate director titles following management restructuring. Inclusion of all statutory officers and their main functions, including the designated Scrutiny Officer which is the subject of a recommendation in the main report.

Part 3 – Responsibility for Functions (from page 29)

Sections 1 & 2 – The Council (pages 29/30)

Distinguishing between statutory and non-statutory plans which form part of the council's policy framework and including legislative references in respect of statutory plans.

To provide for local community governance reviews and electoral arrangements in accordance with relevant legislation (page 31)

Section 2.3 – Licensing committee (page 33)

To widen the scope of the licensing committee to ensure it has the authority for all matters pertaining to licensing and registration.

Section 3 – Cabinet (page 39)

To provide more information on the main functions of Cabinet and provide consistency with other sections of the constitution

Section 4.8 – Area Boards – election of chairmen and vice-chairmen
(pages 42/43)

Annual Council on 18 May 2010 agreed that chairmen and vice-chairmen of Area Boards be elected on the rising of the annual meeting of Council or during an adjournment of the annual meeting as appropriate. It was suggested that future consideration be given to these appointments being made at the first round of Area Board meetings.

The Focus Group agreed with the suggestion and has recommended a change to the effect that chairmen and vice-chairmen of Area Boards remain in post until their successors are appointed and that these appointments be made at the first round of meetings in the municipal year to enable the wider membership and the public to also be present. This approach was supported at a recent meeting of Area Board Chairmen.

Section 6 – Corporate Parenting Panel (page 45 – deleted section)

The Standards Committee considered that as this did not form part of the formal decision making structure of the Council, the section should be removed from this part of the constitution. It recommended that it is moved to Part 12 (Role and Responsibilities of Councillors) to supplement the existing reference to a Councillor acting as a 'Corporate Parent' (from page 227)

Part 3A – Scheme of delegation – Executive Functions (from page 46)

This previously only documented the delegation of executive functions by the Leader to Cabinet Members. This has been expanded to include delegation of executive functions by the Leader to Cabinet, Cabinet Committees, Area Boards, officers, under joint arrangements or to another local authority as the law and constitution provides. This is the Leader's delegation and can be altered by the Leader at any time provided that details of the delegation arrangements are reported to Council in accordance with Part 7, Cabinet Procedure Rules.

Part 3B – Scheme of Delegation – Officers (from page 56)

Including reference to the Area Boards and Delegated Decision checklist for officers on the issue of when and how to involve local councillors and Area Boards in decisions about local services (page 58). This stems from one of the outcomes of the Leader's review on Area Boards.

Schedule 1 to the Scheme (from page 60)

Updating titles and main responsibilities of corporate directors following the management restructuring exercise.

Part 3C – Scheme of Delegation – Development Control (from page 63)

This remains unchanged in view of Cabinet's decision to defer consideration of the outcome of the review of the Development Control Service pending proposed changes to the planning system as a result of the Decentralisation and Localism Bill.

Part 3D – Scheme of Delegation – Licensing (from page 65)

To include authority to make Designated Public Places Orders as previously approved by Council (13/07/10)

Part 4 – Rules of Procedure – Council (from page 71)

To include legislative references where appropriate.

To make provision for the cancellation of meetings in certain circumstances (page 74).

Public Participation at meetings (from page 75)

This has been changed to provide clarity over what is expected from members of the public wishing to participate at meetings by making statements, asking questions and presenting petitions and what they can expect from the Council. The deadline for submitting questions has been brought forward from two days to four clear working days (for a meeting on a Tuesday, deadline would be 5pm Tuesday of the preceding week) in line with the deadlines being proposed in respect of Councillors' questions (see below).

To include reference to the Petition Scheme approved by Council (18/05/10) (page 75) and attach the Scheme as a Schedule (from page 96)

The Standards Committee recommended as a proposed change that the category of persons who can submit a question or make a statement should be widened to be consistent with the categories referred to in the section on petitions. This has been reflected in the draft revised constitution.

Councillors' questions (from page 79)

This has also been changed to provide clarity over what is expected from members of the Council wishing to ask questions at meetings and what they can expect. The deadline for submitting questions has been brought forward from two days to four clear working days on the understanding that written responses would be circulated to Councillors two days before the meeting unless this is not possible due to exceptional circumstances (eg volume of questions received).

Motions on Notice (from page 82)

This has been changed to provide more clarity over what is expected from Councillors wishing to submit such motions and how they are dealt with at the meeting. It also provides for motions relating to executive functions, which cannot be determined by Council, being referred to the Leader.

The deadline for submission of motions is 10 clear working days instead of the previous 14 days.

Amendments to motions (from page 86)

As referred to in the main report, a number of Councillors have through their feedback via the questionnaire on the constitution expressed concern over what constitutes a valid amendment to a motion.

The Focus Group considered Councillors' concerns and has not recommended any change to this particular rule, which is taken from the Modular Constitution prescribed in statutory guidance. The Standards Committee acknowledged that it was more about the application of this rule rather than the wording of the rule itself. Accordingly, it has requested that consideration be given to the Monitoring Officer drawing up of a convention on the application of this rule acceptable to the Chairman of Council and Group Leaders.

Part 5 – Access to Information Procedure Rules (from page 103)

To include legislative references where appropriate

Part 6 – Budget and Policy Framework (from page 111)

This has been checked against relevant legal provisions and no changes are proposed.

Part 7 – Cabinet Procedure Rules (from page 115)

No major changes.

Part 8 – Overview and Scrutiny Procedure Rules (from page 119)

Changes recommended by the Overview and Scrutiny Management and Co-ordination Liaison Board and the Focus Group:

Paragraph 9 – Work Programme – reference to the Council's priorities in the Corporate Plan and the relationship with the Audit Committee and referencing to the Protocol on the Governance Reporting Arrangements.

Including reference to the designated Scrutiny Officer (as recommended) as the lead officer on scrutiny.

Paragraph 30 – Attendance by others and evidence gathering

Detailing the principles which would apply to how meetings are conducted when witnesses are called.

Part 9 – Financial Regulations (from page 126)

Part 10 – Financial Procedure Rules (from page 143)

These were previously revised and adopted by Council (18/05/10)

Minor change since adoption by Council at paragraph 105 of the Financial Regulations (page 142) in respect of work for third parties to ensure consistency with the revised Contract Regulations (Part 11)

Part 11 – Contract Regulations (from page 203)

The Regulations have been revised to take into account revisions in EU procurement thresholds and other directives and to provide greater clarity to the reader over their responsibilities to comply with them. The Regulations were considered in detail by the Focus Group on 20 September and 8 October 2010. Changes recommended by the Focus Group have been incorporated.

Part 12 – Role and Responsibilities of Councillors (previously ‘Members Job Description’ (from page 227)

Paragraph 3 – minor change to refer to the Members’ Allowances Scheme rather than quoting the current amount of basic allowance payable.

The Standards Committee has recommended renaming this Part ‘Role and Responsibilities of Councillors’ and suggested that consideration be given to reviewing this Part in any subsequent review of the constitution to better reflect the role and responsibilities of Councillors.

Section 6 of Part 3 (Responsibility for Functions) in respect of the Corporate Parenting Panel has been moved to Part 12 to supplement the existing reference to a Councillor acting as a ‘Corporate Parent’ within that Part recognising that the Panel did not form part of the formal decision making structure of the Council. These changes have been reflected in the draft revised constitution.

Part 13 – Code of Conduct for Members (from page 232)

Unchanged

Part 14 – Members’ Allowances Scheme (from page 241)

This reflects the Scheme previously approved by Council (10/11/09) following consideration of a report of the Independent Remuneration Panel.

Part 15 – Officer Employment Procedure Rules (from page 250)

Unchanged

Part 16 – Officers’ Code of Conduct (from page 254)

A revised Code was previously adopted by Council (13/07/10). Since Council adoption, a change has been made to make reference to the Council’s Policy on Politically Restricted Posts, as recently approved by the Staffing Policy Committee (page 256).

Part 17 – Management Structure (page 264)

This has been updated following the senior management restructuring exercise.

Protocols

Protocol 1 – Briefing and Information for Local Councillors

(from page 265)

This has been changed to provide more clarity but keeping within the spirit of the original document. Reference has been made to the Area Boards and Delegated Decision checklist as mentioned under Part 3B above

Protocol 2 – Councillor/Officer Relations (from page 269)

This was completely revised as part of the last review of the constitution.

A recommendation from the Member Support in the Locality Task Group related to the need to include a protocol stipulating that Councillors can expect an initial response from Cabinet Members and Portfolio Holders within two days and a substantive response within seven days.

The view of Cabinet members is that realistically, the suggested protocol could not be kept to all of the time. They have therefore recommended a broader protocol to the effect that in respect of member enquiries from other members, every effort should be made to provide a prompt response wherever possible with this being applied to all Councillors and not just Cabinet members.

The stance taken by the majority of members of the Focus Group is as follows:

'Response from Cabinet members to other members of the Council

A response will, unless there are exceptional circumstances be acknowledged within two working days of receipt. A substantive response will be provided within ten 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'.

As referred to in the main report, the Standards Committee considered the recommendation from the Task Group, the views of Cabinet Members and the Focus Group. The view of the Standards Committee is that whilst it would be useful to include an appropriate timescale for responses, this was a matter for Councillors to determine and this is reflected in the recommendations to Council.

Should Council agree to include provision for a timescale for responses as suggested, this could be reflected in Part 12 - Members' Job Description which is being recommended should be renamed 'Role and Responsibilities of Councillors' (as referred to above under Part 12).

This Protocol included as an appendix the document 'One Council One Culture - What Will We Be Like?' Whilst this was relevant for the inception of the new Council, it is now being reviewed as part of the 'Shaping the Future' Programme. For this reason, the Standards Committee has recommended that it is deleted from the constitution. The outcome of work on 'Shaping the Future' could if appropriate replace it as part of a subsequent review of the constitution.

Protocol 3 – Guidance to Councillors Appointed to Outside Bodies (New)

(from page 278)

This is a new Protocol details of which are referred to in the main report.

Protocol 4 – Planning Code of Good Practice for Members of Wiltshire Council (from page 301)

This remains unchanged in view of Cabinet’s decision to defer consideration of the outcome of the review of the Development Control Service pending proposed changes to the planning system as a result of the Decentralisation and Localism Bill.

Protocol 5 – Leader’s Protocol for Individual Decision Making by Cabinet Members (from page 309)

Unchanged

Protocol 6 – Complaints Procedure (from page 311)

This has been updated. The main change is the inclusion of the timescales involved.

Protocol 7 – Media Relations (This is not available for the reasons explained below)

Apart from a few very minor amendments, it had not been proposed to change this Protocol. However, as referred to in the main report, the Protocol is currently being redrafted to take into account comments from the Focus Group recognising that further changes may be required as a result of a revised Code of Practice on Local Authority Publicity, which is currently out for consultation. The intention is to present a revised Protocol (on an interim basis pending the outcome of the review of the Code of Practice on Local Authority Publicity) for initial consideration by Group Leaders before presentation to Council if this can be achieved within the time available.

Protocol 8 – Partnership (New) (from page 319)

This is a new Protocol details of which are referred to in the main report.

Protocol 9 – Monitoring Officer (from page 335)

Unchanged

Protocol 10 – Code of Corporate Governance (from page 337)

Unchanged

Protocol 11 - Governance Reporting Arrangements (New) (from page 340)

This is a new Protocol as referred to in the main report.

Protocol 12 – Procedure for Determination of Referred Complaints by the Standards Committee (from page 343)

Unchanged

Yamina Rhouati

Democratic Governance Manager

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