

# AGENDA

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**Meeting:** Overview and Scrutiny Management Committee  
**Place:** Kennet Committee Room, County Hall  
**Date:** Tuesday 3 January 2017  
**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Kieran Elliott (Senior Democratic Services Officer), of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Glenis Ansell	Cllr Simon Killane (Chairman)
Cllr Chuck Berry	Cllr Gordon King
Cllr Christine Crisp	Cllr Jacqui Lay
Cllr Stewart Dobson	Cllr Stephen Oldrieve
Cllr Howard Greenman	Cllr Tony Trotman
Cllr Alan Hill (Vice Chairman)	Cllr John Walsh
Cllr Jon Hubbard	Cllr Bridget Wayman
Cllr George Jeans	

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## Substitutes:

Cllr Ernie Clark	Cllr Mark Packard
Cllr Anna Cuthbert	Cllr Ricky Rogers
Cllr Peter Edge	Cllr James Sheppard
Cllr David Jenkins	Cllr Ian Thorn
Cllr Paul Oatway QPM	Cllr Philip Whalley
Cllr Helen Osborn	

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## **Recording and Broadcasting Information**

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## **Parking**

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

**County Hall, Trowbridge**  
**Bourne Hill, Salisbury**  
**Monkton Park, Chippenham**

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## **Public Participation**

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

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

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

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

# AGENDA

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 10*)

To approve and sign the minutes of the meeting held on 1 November 2016.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair, including the following:

- Scrutiny Legacy Workshop 17 January 2017

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 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 on the front of the agenda for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 22 December 2016 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 28 December 2016. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Forward Work Programme** (*Pages 11 - 26*)

To receive updates from the Chairmen and Vice-Chairmen of the Select Committees in respect of the topics under scrutiny in their areas, including any recommendations for endorsement by the Management Committee.

7 **Management Committee Task Group Updates** (Pages 27 - 28)

A report is attached presenting an update on recent activity on the following:

- Financial Planning Task Group
- Swindon and Wiltshire Local Enterprise Partnership Task Group
- MyWiltshire System Task Group

8 **Request For Scrutiny Review Of An Officer Delegated Decision: Demolition Of Former Public Conveniences On Bath Road, Chippenham** (Pages 29 - 50)

To consider a request from Councillor Chris Caswill, Chippenham Monkton Division, for a Scrutiny Review of a decision taken under delegated powers by officers in respect of the demolition of former public conveniences on Bath Road, Chippenham.

9 **Centre for Public Scrutiny (CfPS) Annual Conference 1 December 2016 Update**

To receive an update on the council's attendance at the CfPS Annual Conference.

Slides from sessions at the conference are available [here](#).

Some written highlights from the CfPS are available [here](#).

10 **Dates of Future Meetings**

To note the following upcoming meetings of the Committee:

10:30 on 1 February 2017 in the Kennet Room, County Hall, Trowbridge – Consideration of Budget Proposals

11:00 on 14 February 2017 in the Council Chamber, Monkton Park, Chippenham – Consideration of Opposition Budget Proposals.

11 **Urgent Items**

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

## **PART II**

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

## **OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE**

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### **MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 1 NOVEMBER 2016 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Glenis Ansell, Cllr Chuck Berry, Cllr Stewart Dobson, Cllr Alan Hill (Vice Chairman), Cllr Jon Hubbard, Cllr George Jeans, Cllr Simon Killane (Chairman), Cllr Gordon King, Cllr Jacqui Lay, Cllr Stephen Oldrieve, Cllr Tony Trotman, Cllr John Walsh, Cllr Bridget Wayman, Cllr Paul Oatway QPM (Substitute) and Cllr Philip Whalley (Substitute)

#### **Also Present:**

Cllr Baroness Scott of Bybrook OBE, Cllr John Thomson and Cllr Philip Whitehead

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#### **93 Apologies**

Apologies were received from Councillors Howard Greenman and Christine Crisp, substituted by Councillors Phillip Whalley and Paul Oatway QPM respectively.

#### **94 Minutes of the Previous Meeting**

The minutes from the ordinary meeting held on 6 September 2016 and the special meeting held on 10 October 2016 were presented for consideration, and it was,

#### **Resolved:**

**To approve and sign the minutes as a true and correct record.**

#### **95 Declarations of Interest**

There were no declarations.

#### **96 Chairman's Announcements**

There were no announcements.

#### **97 Public Participation**

There were no questions or statements submitted.

## 98 **Forward Work Programme**

Updates were received from Select Committee Chairmen on recent activity and proposed forward plans including the following:

### Environment Select Committee

It was stated that due to meeting cancellations the Highways and Streetscene Task Group had been unable to conclude its work on performance indicators, that it was proposed Cllr Linda Packard be replaced on the Passenger Transport Review Task Group by Cllr Peter Evans and that it was suggested the proposed work on the Investment Team as suggested by the Corporate Director did not need to take place given the pressure on resources. Details were also provided on recent updates including on the Flood Management Strategy and Highways Maintenance. The Committee also advised several items on the plan should be confirmed or removed as items of interest.

### **Resolved:**

**To support changing the membership of the Passenger Transport Review Task Group as proposed, and removing the Investment Team item from the Forward Plan, and to note the other updates from the Environment Select Committee.**

### Health Select Committee

Updates were provided on work the Health Select Committee had undertaken for future scrutiny of Clinical Commissioning Group services, and poor grades received at Wiltshire hospitals. The Committee had also received updates and provided comment on changes to Minor Injury Unit opening hours and the South West Ambulance Service, and that there would be major work on the Sustainability and Transport Plan moving forward.

During discussion from the Committee it was requested the Health Select Committee continue to monitor the situation regarding Minor Injury Units (MIUs) and potential impacts on out of hours doctor's being unable to see patients due to the lack of other staff present overnight now the MIUs would be closed overnight. It was also confirmed the Better Care Plan Task Group final report would be received in early 2017.

### **Resolved:**

**To note the update from the Health Select Committee.**

### Children's Select Committee

It was detailed that the Children's Select Committee had received a briefing on the Child and Adult Mental Health Service (CAMHS), reporting details of a youth project to provide a qualified online counselling service for young people, and that work on recommissioning the CAMHS service was progressing. Work was also being identified where topics required major work which would be

recommended for the next Council, including Special Educational Needs, in particular in relation to passenger transport. The final reports of the Child Sexual Exploitation and Safeguarding Children and Young People Task Groups would be completed shortly.

**Resolved:**

**To note the update from the Children's Select Committee.**

99 **Management Committee Task Group and Project Board Updates**

Written updates were provided from the Management Committee Task Groups, along with verbal updates as follows:

**Financial Planning Task Group (FPTG)**

The recent work of the FPTG scrutinising the Medium Term Financial Plan was noted, and consideration was given to the approved recommendation of the Task Group to investigate establishing a Task Group to specifically focus on the One Public Estate Programme, which involved partners working together to maximise the efficient use of their capital assets, from which significant savings had been predicted.

The Committee discussed the most appropriate level of scrutiny involvement, taking into account the nature of the programme involving multiple external partners and the closeness to the unitary elections in 2017, as well as the possibility of establishing a Task Group or Rapid Scrutiny at a later date if appropriate, with a scrutiny member on the programme Project Board able to update the Committee moving forward, while not providing the same level of scrutiny as a Task Group at this stage.

After debate, it was,

**Resolved:**

**To seek expressions of interest from all non-executive members to serve on the Project Board for the One Public Estate programme, and delegate the appointment to the Chairman and Vice-Chairman.**

**Military Civilian Integration Partnership Task Group (MCIP)**

It was stated the 5<sup>th</sup> Battalion, The Rifles (5 Rifles) had completed their transfer to Wiltshire from Germany, involving approximately 670 soldiers with approximately 475 spouses and children. The amount was significant although a minority of the total planned numbers, and would be used to assess how well the transfers were planned and lessons to be learned.

**Swindon and Wiltshire Local Enterprise Partnership Task Group (SWLEP)**

It was noted that the Task Group had taken some while to begin proper scrutiny work but that work was now progressing and the Director of the SWLEP had

praised the role of the Task Group and was keen for it to continue in its role post May 2017.

#### MyWiltshire System Task Group

Task Group members expressed some concern that it was intended a contract be awarded for the progression of the MyWiltshire System within a few months, but the Task Group would continue to comment and challenge the work as appropriate. It was raised that it was presently unclear which Cabinet Member had overall responsibility for the development of the system.

#### **Resolved:**

#### **To note the updates from the Task Groups**

##### High Speed Broadband Project

A report was received from Councillor George Jeans, Scrutiny member on the High Speed Broadband Project Board, as detailed in agenda supplement 1. Contributions were also made by Councillor John Thomson, Deputy Leader of the Council.

Details were provide on current uptake levels, discussions with British Telecom (BT) to embed a BT staff member with the council to deal with customer complaints, and a £3.3million underspend due to good management of phase 1 of the project, which would be reinvested into the later phases. Comments in discussion included whether BT acknowledged adequate Broadband as an essential service, and the expectation 95% coverage for the county would be achieved.

The Committee drew particular attention to the report that BT were willing to commit to provide infrastructure for high speed broadband for all developments over 30 houses, should the developers request this, and requested a briefing note be prepared to that effect.

#### **Resolved:**

#### **To note the update.**

#### 100 **South West Overview and Scrutiny Network**

An update was provided on the South West Overview and Scrutiny meeting held on 18 October 2016 attended by the Chairman, Councillor Simon Killane, and Henry Powell, Senior Scrutiny Officer. Details were provided on presentations regarding scrutiny inquiry days held at some councils, improved links being sought with the Care Quality Commission and comment upon Wiltshire and other Authority scrutiny work.

#### **Resolved:**

#### **To note the update.**

#### 101 **Overview and Scrutiny Legacy 2013-17**



As detailed in the agenda the Committee were updated on proposals for the Overview and Scrutiny Legacy process ahead of unitary elections in May 2017, which would include workshops for members, reports to each select committee and a final report from the Committee commenting upon overview and scrutiny work between 2013-2017 and proposed scrutiny priorities for the new Council.

**Resolved:**

**To note the update.**

102 **Date of Next Meeting**

The date of the next meeting was confirmed as 3 January 2017.

103 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.35 pm)

The Officer who has produced these minutes is Kieran Elliott (Senior Democratic Services Officer) of Democratic Services, direct line (01225) 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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## Overview and Scrutiny Forward Work Programme

### Explanatory Note

This work plan consists of agenda items to be considered by the council's four Overview and Scrutiny committees (listed below).

For each agenda item, the following is indicated:

- Meeting date
- Item title
- Details / purpose of report
- Associate Director
- Responsible Cabinet Member
- Report author

Task groups that sit beneath the Overview and Scrutiny committees are also listed, with links to relevant pages on the Wiltshire Council website.

### Overview and Scrutiny

Overview and scrutiny is selective in what topics it looks at so that it can add value to the council's biggest priorities. Wherever possible it helps shape council policies when they are first being designed, as well as scrutinising proposals before they are finally agreed.

Overview and Scrutiny at Wiltshire Council focuses on the commitments given by the council in its Business Plan 2013-2017 and approaches its work in the following way:

- Better outcomes for the people of Wiltshire
- Adds value to the way decisions are reached
- Works constructively with the cabinet
- Challenges positively as a critical friend
- Bases its findings on good evidence
- Learns from others

Overview and scrutiny is a statutory activity of the council, which means its powers and responsibilities are set out in the council's constitution. The relevant sections can be viewed on the Democratic Services [online document library](#) (article 6 and [part 8](#)).

More information can be found at [www.wiltshire.gov.uk/council/overviewscrutiny](http://www.wiltshire.gov.uk/council/overviewscrutiny).

Alternatively please contact a member of the Scrutiny team:

#### **Committee**

[OS Management Committee](#)

[Children's Select Committee](#)

[Environment Select Committee](#)

[Health Select Committee](#)

#### **Scrutiny officer**

Henry Powell, Senior Scrutiny Officer, 01225 718052, [henry.powell@wiltshire.gov.uk](mailto:henry.powell@wiltshire.gov.uk)

Adam Brown, Senior Scrutiny Officer, 01225 718038, [adam.brown@wiltshire.gov.uk](mailto:adam.brown@wiltshire.gov.uk)

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## Overview and Scrutiny Management Select Forward Work Programme

Last updated 1 DECEMBER 2016

Overview and Scrutiny Management Committee – Current / Active Task Groups			
Task Group	Details of Task Group	Start Date	Final Report Expected
Financial Planning Task Group	<a href="#">Website</a>	October 2013	
Campus Governance Task Group	<a href="#">Website</a>	September 2015	
Swindon and Wiltshire Joint LEP Task Group	<a href="#">Website</a>	March 2014	
MCIP Task Group	<a href="#">Website</a>	December 2014	

Overview and Scrutiny Management Select – Forward Work Programme			Last updated 1 DECEMBER 2016		
Meeting Date	Item	Details / Purpose of Report	Associate Director	Responsible Cabinet Member	Report Author / Lead Officer
3 Jan 2017	Forward Work Programme	To consider the OS Forward Work Programme and receive an update from the select committee chairmen.	Robin Townsend	Cllr Stuart Wheeler	Paul Kelly
3 Jan 2017	Management Committee Task Group Updates	To receive an update on OSMC task group activity.	Robin Townsend	Cllr Stuart Wheeler	Henry Powell
3 Jan 2017	Request for Scrutiny of an officer delegated decision	To consider a request received under paragraph 1.8 of Part 3D(1) ( <a href="#">Scheme of Delegation to Officers</a> ) of the Constitution. This relates to a former public convenience building on Bath Road, Chippenham.	Parvis Khansari / Barry Pirie	Cllr Philip Whitehead / Cllr Fleur de Rhe Phillipe	Henry Powell
TBC February 2017	Wiltshire Council's Financial Plan 2017-2018		Michael Hudson	Cllr Dick Tonge	
TBC February 2017	Opposition Group Amendments to Wiltshire Council's Financial Plan 2017-2018		Michael Hudson	Cllr Dick Tonge	
25 Apr 2017	Forward Work Programme	To consider the OS Forward Work Programme and receive an update from the select committee chairmen.	Robin Townsend	Cllr Stuart Wheeler	Henry Powell

<b>Overview and Scrutiny Management Select – Forward Work Programme</b>			Last updated 1 DECEMBER 2016		
<b>Meeting Date</b>	<b>Item</b>	<b>Details / purpose of report</b>	<b>Associate Director</b>	<b>Responsible Cabinet Member</b>	<b>Report Author / Lead Officer</b>
25 Apr 2017	Management Committee Task Group Updates	To receive an update on OSMC task group activity.	Robin Townsend	Cllr Stuart Wheeler	Henry Powell
25 Apr 2017	Overview and Scrutiny Legacy 2013-2017	To approve a report of the legacy of Overview and Scrutiny during the 2013-17 council for referral to the OS Management Committee in May 2017.	Robin Townsend	Cllr Stuart Wheeler	Henry Powell

## Children's Select Committee Forward Work Programme

Last updated 1 DECEMBER 2016

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<b>Children's Select Committee – Current / Active Task Groups</b>			
<b>Task Group</b>	<b>Details of Task Group</b>	<b>Start Date</b>	<b>Final Report Expected</b>
Child Sexual Exploitation (CSE)	<a href="#">Website</a>	April 2015	December 2016
Safeguarding Children & Young People	<a href="#">Website</a>	April 2014	January 2016
School Improvement Strategy 2015-17	<a href="#">Website</a>	Feb 2016	January 2016
Child and Adolescent Mental Health Services	<a href="#">Website</a>	September 2016	TBC
SEND	<a href="#">Website</a>	Jan 2014	TBC

<b>Children's Select Committee - Rapid Scrutiny</b>		
<b>Topic</b>	<b>Details</b>	<b>Date</b>
Academisation	TBC	TBC
SEND Passenger Transport	TBC	Early 2017



Children's Select Committee – Forward Work Programme			Last updated 1 DECEMBER 2016		
Meeting Date	Item	Details / Purpose of Report	Associate Director	Responsible Cabinet Member	Report Author / Lead Officer
24 Jan 2017	Activities of the Wiltshire Assembly of Youth (WAY)	To receive an update on the activities of the WAY presented by James Wilkins, Children & Young People's representative.			
24 Jan 2017	Pupil Performance in Public Tests and Examinations 2016	To consider the pupil attainment figures for the 2015/16 academic year.	Julia Cramp	Cllr Laura Mayes	
24 Jan 2017	Early Help Dataset	For the Committee to consider the dataset.	Julia Cramp	Cllr Laura Mayes	
24 Jan 2017	Nursery Places	To receive a report detailing the demand of nursery places in Wiltshire.	Julia Cramp	Cllr Laura Mayes	
24 Jan 2017	Final Report of the Safeguarding Children and Young People Task Group	To receive the report.	Terence Herbert	Cllr Laura Mayes	
24 Jan 2017	Final Report of the School Improvement Strategy Task Group	To receive and consider the final report and recommendations of the Task Group.	Julia Cramp	Cllr Laura Mayes	Adam Brown
24 Jan 2017	Executive Response to the Final Report of the Child Sexual Exploitation Task Group		Terence Herbert	Cllr Laura Mayes	Adam Brown

<b>Children's Select Committee – Forward Work Programme</b>			Last updated 1 DECEMBER 2016		
<b>Meeting Date</b>	<b>Item</b>	<b>Details / purpose of report</b>	<b>Associate Director</b>	<b>Responsible Cabinet Member</b>	<b>Report Author / Lead Officer</b>
28 Mar 2017	Activities of the Wiltshire Assembly of Youth (WAY)	To receive an update on the activities of the WAY presented by James Wilkins, Children & Young People's representative.			
28 Mar 2017	Obesity and Child Poverty Update	To receive a 6month update on the progress following the outcomes of the Obesity and Child Poverty task group.	Frances Chinemana	Cllr Jerry Wickham	
28 Mar 2017	Executive Response to the Final Report of the Safeguarding Children and Young People Task Group		Terence Herbert	Cllr Laura Mayes	Henry Powell
28 Mar 2017	Executive Response to the Final Report of the School Improvement Strategy		Julia Cramp	Cllr Laura Mayes	Adam Brown
25 Apr 2017	Children's Services Integration Project	To receive a report following the implementation of the project and to consider potential scrutiny involvement.	Terence Herbert	Cllr Laura Mayes	
25 Apr 2017	Review of the Work of the Children's Select Committee	To highlight key aspects of the work undertaken by the Select Committee during the 2013-17 Council and to recommend topics as legacy items to the Management Committee for possible inclusion in a new overview and scrutiny work programme after the elections.			Adam Brown

## Environment Select Committee Forward Work Programme

Last updated 1 DECEMBER 2016

Environment Select Committee - Current / Active Task Groups			
Task Group	Details of Task Group	Start Date	Final Report Expected
Highways And Streetscene Contract Task Group	<a href="#">website</a>	10 December 2013	Early 2017
Public Transport Review Task Group	<a href="#">website</a>	10 June 2015	December 2016

Environment Select Committee - Rapid Scrutiny		
Topic	Details	Date
<b>Housing Bill</b>	To consider the impact of the Housing Bill for Wiltshire Council and its residents and housing tenants (to include communication, management of changes and support to tenants).  NB could be a task group depending on the scale of the work to be undertaken.	After publication of the Housing Bill (The provisional date for the first day of remaining stages on the bill is Tuesday 5 January 2016.) and consideration of a report to ESC highlighting the impact for Wiltshire Council
<b>Re-commissioning of Housing Service Support Contracts Rapid Scrutiny Final Report</b>	<i>The Housing Service is currently reviewing all housing related support contracts with a view to re-commissioning those contracts (current value £1.9m per year) early in 2017 to ensure we have new arrangements in place by April 2018.</i>	January 2017

	<i>Aim: To discuss the approach to procuring new services and help shape the outcomes we want and the substance of what we want to commission.</i>	
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Environment Select Committee – Forward Work Programme			Last updated 1 DECEMBER 2016		
Meeting Date	Item	Details / Purpose of Report	Associate Director	Responsible Cabinet Member	Report Author / Lead Officer
22 Feb 2017	Housing Bill	To receive a report highlighting the potential and actual impact of the Housing Bill.	James Cawley	Cllr Jonathon Seed	Nicole Smith
22 Feb 2017	Calne Library Model	An update on the success and progress of the new Calne Library model, including a breakdown of usage for each library in Wiltshire and an update on the review of the Library Service to be provided.	Laurie Bell	Cllr Jonathon Seed	Joan Davis
22 Feb 2017	Gypsy and Traveller Plan (G&T Plan)	As agreed at 7 June meeting, for the ESC to receive further information on the G&T Plan, once it has been finalised.	Alistair Cunningham	Cllr Toby Sturgis	Georgina Clampitt-Dix, Carolyn Gibson
22 Feb 2017	Update report from Leisure Services	An update report from Leisure on implementing their vision (Helping people in Wiltshire to live longer, healthier lives, while addressing health inequalities), including statistics on the number of individuals participating in leisure activities within Wiltshire.	Frances Chinemana	Cllr Jonathon Seed	John Goodall, David Redfern
22 Feb 2017	Final report of the Public Transport Review task group	To receive the final report of the Public Transport Review task group.	Parvis Khansari	Cllr Philip Whitehead	Marie Gondlach

Environment Select Committee – Forward Work Programme			Last updated 1 DECEMBER 2016		
Meeting Date	Item	Details / purpose of report	Associate Director	Responsible Cabinet Member	Report Author / Lead Officer
22 Feb 2017	Re-commissioning of Housing Service Support Contracts Rapid Scrutiny Final Report	To receive the report of the rapid scrutiny project.	James Cawley	Cllr Jonathon Seed	
4 Apr 2017	Wiltshire Council's Resident Engagement Strategy	For the Committee to receive an updated report on the progress of the Council's resident engagement strategy provided as agreed at 7 June meeting.	James Cawley	Cllr Jonathon Seed	
4 Apr 2017	Final report of the Highways and Streetscene task group	To receive the final report of the Highways and Streetscene task group.	Parvis Khansari	Cllr Philip Whitehead	Marie Gondlach
4 Apr 2017	Public Transport Review task group – Executive Response	To receive the Executive Response to the final report of the Public Transport Review task group.	Parvis Khansari	Cllr Philip Whitehead	Karen Jones
4 Apr 2017	Executive Response to the Re-commissioning of Housing Service Support Contracts Rapid Scrutiny Final Report	To receive the executive response.	James Cawley	Cllr Jonathon Seed	
20 Jun 2017	Resident Engagement Strategy update	To receive an update report on the progress of Wiltshire Council's resident engagement strategy and its outcome in twelve months (resolved at 7 June 2016 meeting).	James Cawley	Cllr Jonathon Seed	James Cawley

<b>Environment Select Committee – Forward Work Programme</b>			Last updated 1 DECEMBER 2016		
<b>Meeting Date</b>	<b>Item</b>	<b>Details / purpose of report</b>	<b>Associate Director</b>	<b>Responsible Cabinet Member</b>	<b>Report Author / Lead Officer</b>
20 Jun 2017	TBC Enforcement update	To review the impact of the reduction of enforcement officers across the services.			
20 Jun 2017	Highways and Streetscene task group - Executive Response		Parvis Khansari	Cllr Philip Whitehead	Parvis Khansari
	TBC - Business Plan	To review any changes for any impact on the areas of the business covered by the Environment Select Committee - currently no date scheduled for Cabinet.	Robin Townsend	Cllr Dick Tonge	David Bowater
	Planning Committees		Alistair Cunningham	Cllr Toby Sturgis	

## Health Select Committee FWP - December 2016

Last Updated 13 December 2016

Task Groups and Rapid Scrutiny Exercise		
Topic	Details	Date
Better Care Plan Task Group	<a href="#">Website</a>	29 June 2015
Obesity & Child Poverty Task Group	<a href="#">Website</a>	April 2015
Sustainability and Transformation Task Group		April 2016



<b>Health Select Committee FWP - December 2016</b>			Last updated 13 DECEMBER 2016		
<b>Meeting Date</b>	<b>Item</b>	<b>Details / Purpose of Report</b>	<b>Associate Director</b>	<b>Responsible Cabinet Member</b>	<b>Report Author / Lead Officer</b>
10 Jan 2017	Final Report of the Better Care Plan Task Group	To present the findings and recommendations of the task group for endorsement.	James Cawley	Cllr Jerry Wickham	Henry Powell
10 Jan 2017	Dorset and Wiltshire Vascular Network – update	To provide an update following changes in 2013 following recommendations from the Vascular Society of Great Britain and Ireland (VSGBI) POVS12[1] report in which they set out the need for hospitals to collaborate.		Cllr Jerry Wickham	
10 Jan 2017	NHS Health Checks Programme - update	To receive an update on the implementation of the program, including any significant impact on levels of diagnoses and procedures.	Frances Chinemana	Cllr Jerry Wickham	John Goodall
10 Jan 2017	Wiltshire Health & Care (Adult Community Health Care Service)		CCG	Cllr Jerry Wickham	

<b>Health Select Committee FWP - August 2016</b>			Last updated 13 DECEMBER 2016		
<b>Meeting Date</b>	<b>Item</b>	<b>Details / purpose of report</b>	<b>Associate Director</b>	<b>Responsible Cabinet Member</b>	<b>Report Author / Lead Officer</b>
7 March 2017	Recommissioning of the Wiltshire Substance Misuse Service	Report to Cabinet in February (tbc) seeking approval to begin the commissioning process to retender the Wiltshire Substance Misuse Service (over 18's drugs and alcohol service).	Frances Chinemana	Cllr Jerry Wickham	Ceri Williams
7 Mar 2017	Review of Health Select Committee work 2013-2017	To highlight key aspects of the work undertaken by the Select Committee during the 2013-17 Council and to recommend topics as legacy items to the Management Committee for possible inclusion in a new overview and scrutiny work programme after the elections.		Cllr Jerry Wickham	Henry Powell
7 March 2017	Wiltshire Safeguarding Adults Board – Priorities for 2017-18	The chairman to present the Board's agreed priorities for 2017-18.	James Cawley	Cllr Jerry Wickham	Christine Morris / Emily Kavanagh

**Wiltshire Council**

**Overview and Scrutiny Management Committee**

**3 January 2016**

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## **Task Group Update**

### **1. Financial Planning Task Group**

#### Membership:

Cllr Glenis Ansell (Chairman)  
Cllr George Jeans  
Cllr Pip Ridout  
Cllr Ian Thorn  
Cllr Roy While

#### Recent activity:

The task group met on 7 December and reviewed the following reports to Cabinet on 13 December:

- Revenue Budget Monitoring Report (Q2, Period 7, 2016/7)
- Capital Monitoring Period 7 2016/2017 (as at 31 October 2016)
- Performance Management and Risk Outturn Report: Q2 2016/17
- Proposal to change the Council Tax Reduction Scheme 2017
- Procurement of a new temporary agency supplier

The Chairman attended Cabinet and provided comments on the task group's discussions.

The task group's next meeting will be on 27 January 2017 to consider the council's draft Financial Plan 2017/18.

### **2. Swindon and Wiltshire Local Enterprise Partnership Task Group**

#### Swindon Membership:

Cllr Cathy Marty  
Cllr Steve Weisinger  
Cllr Des Moffatt  
Cllr Chris Watts

#### Wiltshire Membership:

Cllr Alan Hill (Chairman)  
Cllr Christine Crisp  
Cllr Mark Packard

Recent activity:

The task group has not met since the Committee's last meeting. A meeting will be arranged in the new year.

**3. My Wiltshire System Task Group**

Membership:

Cllr Howard Greenman (Chairman)  
Cllr Jon Hubbard  
Cllr Bob Jones MBE  
Cllr Magnus MacDonald  
Cllr Bridget Wayman  
Cllr Roy While

Recent activity:

The task group held its second meeting on 16 November where it was reported that the procurement timeframe for the next My Wiltshire System platform had been extended, now to be in place in late 2017. This timeframe had been extended in order to allow for the development of a council Digital Strategy outlining our vision for digital access to services. Once the Strategy is developed a new My Wiltshire System platform could be procured to align with the council's agreed digital vision. The task group therefore proposes that in light of the amended timescale for implementing a new My Wiltshire platform, to request that the task group's terms of reference be amended to focus on contributing to the development of the council's Digital Strategy, prior to its adoption by Cabinet.

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Report author: Henry Powell, Senior Scrutiny Officer, 01225 718052,  
[henry.powell@wiltshire.gov.uk](mailto:henry.powell@wiltshire.gov.uk)

## Wiltshire Council

### Overview and Scrutiny Management Committee

3 January 2017

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#### **Request for Scrutiny review of an Officer Delegated Decision: Demolition of Former Public Conveniences on Bath Road, Chippenham**

#### **Purpose of report**

1. A request that the above officer decision taken under delegated powers be scrutinised by the appropriate scrutiny committee was received by the Designated Scrutiny Officer from Cllr Chris Caswill, Chippenham Monkton Division, on 3 December 2016.
2. This report sets out the:
  - Constitutional basis of this provision
  - Officer decision and policy context
  - Councillor's rationale for requesting scrutiny of the decision
  - Initial officer response
  - Suggested process for the Committee's consideration of the request.
3. The report asks the committee consider whether, on the basis of the information presented, the relevant delegated officer decision should be subject to scrutiny.

#### **Background**

4. Under paragraph 1.8 of Part 3D(1) ([Scheme of Delegation to Officers](#)) of the Constitution (**Appendix 1**), "*any member of the Council may request that decisions taken under delegated powers are scrutinised by the appropriate overview and scrutiny committee*".
5. The Designated Scrutiny Officer received such a request from Cllr Chris Caswill on 3 December 2016 with the request relating to the officer delegated decision to demolish a block of former public conveniences (PCs) situated on Bath Road, Chippenham. At the time of writing the demolition has not been carried out. As the public conveniences sit within Cllr Caswill's division he is the local member.

#### **Process**

6. This is the first member request for scrutiny of a Wiltshire Council officer delegated decision. The process for its consideration has been formed by the Designated Scrutiny Officer and Monitoring Officer in consultation with the Chairman and Vice-Chairman of the Management Committee. The process aims to strike a balance between:
  - facilitating councillors' Constitutional right to request scrutiny of such decisions;
  - upholding the principles of openness and transparency;
  - protecting the council's ability to take decisions in an efficient and effective manner; and
  - ensuring that Overview and Scrutiny retains a manageable and effective forward work programme.

7. In keeping with the process followed when Overview and Scrutiny committees consider requests to scrutinise matters at the request of committee members (as provided for under [Part 8 of the Constitution - Overview and Scrutiny Procedure Rules](#)), there are two stages to determining such a request:
  - a) The Management Committee initially considers whether or not there is a case to scrutinise the matter.
  - b) If, following debate, the Committee resolves to support the request, the appropriate committee undertakes scrutiny in a manner agreed by its members.
8. The Committee is therefore asked to consider whether the relevant delegated officer decision should be scrutinised.
9. It should be noted that that the constitutional provision for a member to request scrutiny of an officer delegated decision does not halt implementation of that decision. This is unlike the 'call-in' process, in which a valid request to 'call in' an executive decision **does** prevent that decision's implementation until the matter has been resolved within a prescribed timescale.
10. In considering whether the decision outlined should be scrutinised, the Management Committee may wish to consider the following:
  - a) Accordance with agreed council policy;
  - b) The principles of decision making as set out in [Article 13.2 of Part 2](#) of the Constitution (excerpt at **Appendix 2**);
  - c) The [Protocol 1 - Councillor-Officer Relations](#) (**Appendix 3**) and [Part 3D \(Scheme of Delegation to Officers\)](#) (**Appendix 1**)

## Policy context

11. On 24 February 2015 Full Council agreed the [Financial Plan 2015/2016](#), which included the transfer of the cleaning and securing of unmanned / attended public conveniences to town and parish councils (see page 49 of the linked PDF).
12. On 15 March 2016, under an agenda item titled, [Future of Wiltshire Council Provided Public Conveniences](#), the Cabinet resolved:
  - i. *To note the outcome of the public consultation and transfer any public conveniences that the towns and parishes wish to manage and undertake a 'cost benefit' analysis on any remaining facilities to decide their future.*
  - ii. *To delegate powers to the Associate Director, Highways and Transport following consultation with the Cabinet Member for Highways and Transport with regard to the cost benefit analysis decision on each remaining public conveniences.*
  - iii. *Introduce a Community Toilet Scheme in Wiltshire and enabling where possible the opening of resources in Wiltshire public buildings.*
  - iv. *Authorise the Associate Director for People and Business to enter into appropriate formal arrangements for the transfer or lease of the assets on such terms as to be determined by the Associate Director for People and Business following consultation with the Associate Director for Highways and Transport, Associate*

*Director for and Law and Governance and the Cabinet member for Highways and Transport.*

13. For information, at Full Council on 18 October 2016 Cllr Caswill submitted a written question to the Leader on this matter and received a written response (see page 16 [here](#)).

**Councillor request for scrutiny and officer response**

14. In supporting his contentions listed in the table below outlining why he is requesting scrutiny of the decision, Cllr Caswill has commented that:
- He has submitted a critique of the cost benefit analysis used for the officer’s decision to demolish the former PC block.
  - Although Chippenham Town Council initially resolved not to take on the running of the PC, it subsequently advised Wiltshire Council that it wished to re-enter negotiations on this.
  - A move to demolition seems to favour a desire of Cabinet for redevelopment of the larger site within which the PC block is situated.
15. These matters have been brought to the attention of officers by Cllr Caswill who feels that he has not had satisfactory responses. He has also raised the matter of the planning application for the PC block’s demolition in his request, but has been advised that this is a regulatory matter with its own process for consultation and representation and therefore sits outside of the overview and scrutiny function. Cllr Caswill has also indicated that he does not object to the original policy decision to devolve the running of PCs to town and parish councils.

	<b>Cllr Caswill’s reasons for seeking scrutiny of the decision</b>	<b>Officer responses</b>
	The cost benefit analysis undertaken on the future of the Bath Road PC block was inadequate.	<p>On 15 March 2016 Cabinet resolved to undertake a ‘cost benefit’ analysis on any remaining PC facilities to decide their future. The analysis of the Bath Road PC block considered:</p> <ul style="list-style-type: none"> <li>• Usage levels</li> <li>• Availability of alternative PCs locally</li> <li>• Age and condition of the facility</li> <li>• On-going cost of provision.</li> <li>• Alternative provider options</li> <li>• Value of the asset and alternative uses.</li> </ul> <p>The analysis concluded that there was no viable future use for the building as a PC given that,</p> <ul style="list-style-type: none"> <li>• There are other facilities available in the area that offer an alternative provision.</li> <li>• The facility is old and outdated, in need of refurbishment.</li> </ul>

		<ul style="list-style-type: none"> <li>The cost of the provision outweighed the benefit.</li> </ul> <p>Officers reviewed Cllr Caswill's critique of the analysis and responded in writing (on 30 September and 11 November 2016), but stand by their analysis.</p>
	There was a predetermined, unpublished decision to demolish the PC block, which was taken informally by Cabinet.	<p>The resolution of Cabinet on 15 March 2016 delegated powers to the Associate Director to consult with the Cabinet Member with regard to the cost benefit analysis decision on each remaining PC.</p> <p>Having concluded that there was no viable future use for the building as a PC, the value of the building fell beneath that required for a key decision and fell within the Associate Director's remit.</p> <p>Officers notified Cllr Caswill of the decision to demolish on 15 July 2016 and confirmed this on 22 November 2016.</p>
	Improper weight has been given by officers to informal discussions with Cabinet Members.	The resolution of Cabinet on 15 March 2016 delegated powers to the Associate Director to consult with the Cabinet Member with regard to the cost benefit analysis decision on each remaining PC.
	He was not properly consulted as the local elected member with regards to the decision.	<p>Officers met with Cllr Caswill to discuss his concerns on 19 October 2016 and corresponded with him through July to December 2016. More details of this correspondence are included in paragraph 16.</p> <p>Planning consultation is a separate matter. Cllr Caswill, as with all members, receives a weekly parish list of all applications received</p>
	Chippenham Town Council has reconsidered its position and wants to hold further discussions with Wiltshire Council regarding the future of the PC block. When Cabinet took its policy decision on 15 March 2016 no time limit was put on the delegation of PCs to town or parish councils.	<p>Officers held discussions with Chippenham Town Council regarding the future of the PC as part of the CBA. The Town Council declined to pursue running the PC.</p> <p>The Town Council later reviewed this decision, but then on 30 November 2016 resolved to amend the terms of reference of its Town Centre Toilet Review Working Party to "delete reference to the pursuance of the reopening of the existing toilet block in the Bath Road Care Park" and to "focus on</p>



		<p>improving signage to existing facilities.”</p> <p>The minutes of the meeting can be viewed <a href="#">here</a> (see page 5-6).</p> <p>The Town Council informed Wiltshire Council of its decision not to take over the running of the Bath Road toilets in writing on 16 December 2016.</p>
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16. Cllr Caswill and officers have provided a record of written correspondence on this matter. The correspondence includes telephone calls, a meeting and approximately 25 emails from officers running from July to December 2016.
17. The details above represent only a summary position to enable the Management Committee to take an initial view regarding whether the officer deleted decision should be scrutinised. Cllr Caswill and relevant officers will attend the meeting and can respond to questions from Committee members. Both have supplied further information that would form part of a scrutiny review should the Management Committee consider that appropriate.

### **Proposal**

18. That the Committee considers whether to support or decline the request that the officer delegated decision in question be scrutinised by the appropriate select committee.

### **Paul Kelly, Head of Corporate Support (Democracy and Performance) and Designated Scrutiny Officer**

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### **Appendices**

1. [Scheme of Delegation to Officers](#) (Part 3 Section D)
2. [Principles of Decision Making](#) (Part 2 – Article 13.2)
3. [Councillor-Officer Relations](#) (Protocol 1) (see paragraphs 5.5 and 10.6)

## **Appendix 1 – Protocol 1 – Councillor-Officer Relations**

### **1. Introduction**

#### Context

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

#### Purpose of Protocol

1.2 The purpose of this protocol is to:

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

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

### **2. Principles**

2.1 Councillors (including co-opted members) and officers shall observe this protocol at all times.

2.2 There shall be mutual courtesy and respect between councillors and officers with regard to their respective roles as set out below.

2.3 Councillors and officers shall each carry out their respective responsibilities in the best interests of the council.

2.4 The roles and responsibilities of councillors and officers are distinct yet complementary. Councillors are accountable to the electorate for the performance of the council's statutory functions. Officers are accountable to the council as a whole. Their job is to give advice to councillors (individually and collectively) and to carry out the council's work under the direction of the council.

2.5 This protocol supports the council's codes of conduct for councillors and officers. The council's Code of Conduct for Members of Wiltshire Council is set out in Part 13 of the constitution. The Human Resources Code of Conduct for Officers is set out in Part 16 of the constitution and forms part of an officer's contract of employment.

2.6 Breach of this protocol may result:

- in the case of a councillor / co-opted member, in a complaint under the Code of Conduct for Members;
- in disciplinary action in the case of an officer.

### **3. The role of councillors**

3.1 Councillors have a number of specific roles, which are set out in detail in Part 12 of the constitution - Roles and Responsibilities of Councillors

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

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

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

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

3.6 Councillors must respect the impartiality of officers.

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

3.8 Councillors act collectively as the employer of officers.

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

### **4. The role of officers**

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

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

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

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

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

### **5. Relationship between councillors and officers - general**

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

5.2 Close personal familiarity between individual members and officers can harm professional relationships and prove embarrassing to other councillors and officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct, or the perception that a councillor and officer treat each other differently from others due to the nature of the personal relationship between them.

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

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

#### 5.5 What can councillors expect from officers?

- a commitment to the council as a whole and not to individual political groups;
- a working partnership;
- a timely response to enquiries and complaints – see Appendix 1
- objective, professional advice not influenced by political views or preference;
- integrity, support and confidentiality appropriate to the situation;
- **being kept up to date on local issues;**
- compliance with the Human Resources Code of Conduct.

#### 5.6 What can officers expect from councillors?

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

### 6. Relationship between councillors and officers - specific

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

6.2 Members of the cabinet and the corporate leadership team will have a distinct and special relationship. In particular the relationship between the leader and the corporate directors will be key to the success and culture of the council.

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

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

- the relationship between councillors and officers who support the overview and scrutiny function. Councillors lead the scrutiny function. Officers brief scrutiny members, but the decision to pursue any particular issue rests with councillors.
- officers who are asked to attend scrutiny committees or task groups as a witness or special adviser should be treated with respect. They may be expected to answer questions on the professional advice given to the full council or cabinet in relation to policies and decisions but must not be expected to give a political view. The arrangements for attendance of cabinet members and senior officers at overview and scrutiny meetings to give account are contained in the overview and scrutiny procedure rules in Part 8 of the constitution.

6.5 Officers may also be asked to speak at a meeting of an area board. Partner organisations such as the police, health and , fire, are also likely to be asked about the provision of local services. In the spirit of partnership working it is important that both officers and the representatives o partner organisations are treated with respect, and from a community perspective it is important that the relationship between councillors, officers and partners is seen to be constructive, with everybody working together and in the same direction.

## **7. General support to councillors**

7.1 Appendix 1 summarises the support and facilities provided for councillors at Wiltshire Council and in their constituencies.

## **8. Support to specific councillors**

8.1 To recognise the full-time nature of the role of leader and cabinet members, PA support will be provided, to include diary management and research support in connection with cabinet business.

8.2 PA support will also be provided to the chairman and vice-chairman of the council in recognition of their civic responsibilities.

## **9. Support to political groups**

9.1 Political groups may request private and confidential briefings on matters of policy and factual evidence which are or may become the subject of discussions by the full council or cabinet or any committee.

9.2 The request should be submitted to the corporate director designated as the liaison officer for the political groups, who will discuss it with the appropriate officer. Attendance must be authorised by a corporate director.

9.3 The briefing should not extend beyond providing information and advice.

9.4 For the avoidance of doubt group meetings cannot make decisions on behalf of the council and it is essential that they are not acted upon as such. Nor does such a briefing negate the need to ensure that all necessary advice and information is provided to the decision-making body when the matter is formally considered.

9.5 Requests for briefings may be declined where these are to take place in premises which are not owned or controlled by the council or where persons who are not members of the council will be present.

9.6 Accommodation for use by political groups will be provided together with reasonable photocopying, postage and ICT facilities. Such use must be in connection with council business.

## **10. Members' access to information**

10.1 This part of the protocol should be read in conjunction with the access to information procedure rules in Part 5 of the constitution and any guidance issued by the monitoring officer.

10.2 Councillors are entitled to see copies of any agenda for meetings of the cabinet, and of committees of which they are not appointed members. Councillors' rights to information are subject to legal rules and, if members have a legitimate interest in a matter in their role as a member of the council, officers should provide the relevant information (including confidential information) to them.

10.3 Councillors should seek advice from the monitoring officer in circumstances where they wish to inspect any document or have access to information about a matter:

- in which they may have an interest; or
- where to do so would be in breach of the Data Protection Act 1998;

10.4 If councillors are not receiving, or are having difficulty in obtaining, information which they feel they need or to which they are entitled to carry out their duties as councillors they should contact the monitoring officer for advice.

10.5 Information given to a councillor must only be used for the purpose for which it was requested. Councillors and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so. A councillor must seek the advice of the monitoring officer before disclosing information given in confidence.

10.6 When councillors are kept informed on local issues, they are far better equipped to be proactive in handling local issues and in responding to individuals or interest groups on a particular matter. It is the responsibility of each head of service to ensure that all relevant staff are aware of the requirement to keep local councillors informed and that the timing of such information allows members to respond appropriately and contribute to relevant decisions. Local members must also be kept informed about matters affecting their division during the formative stages of policy development, about matters considered by committees of the Council and about any significant operational matters within local Divisions as soon as realistically practical.

10.7 All officers will have regard to the area boards and delegated decisions checklist to ensure local councillors and area boards are involved in decisions on local services. The cabinet paper checklist also includes consultation with local councillors. In ensuring councillors are kept appropriately informed officers should also be mindful of Part 3 of the constitution which covers the scheme of delegation; Part 5 which covers the access to

information procedure rules and the Media Relations Protocol. Awareness of this requirement will be supported through relevant training and guidance for officers

Appendix 2 provides a guide on the information that should be provided to councilors and how this information will be communicated.

## **11. Media relations**

11.1 Councilors are referred to the Wiltshire Council Media Relations Protocol at Protocol 7 of the constitution.

## **12. Use of council resources**

12.1 Councilors and officers must comply with the council's policies and requirements concerning the use of its resources, including in particular its E-mail, Internet and Computer Use Policy.

12.2 Councilors must not use the council's resources improperly for political purposes (including party political purposes) and shall have regard to the local authority code of recommended practice on publicity annexed to the Media Relations Protocol . Councilors should seek advice from the monitoring officer where clarification is necessary.

## **13. Representation on external organisations**

13.1 Councilors are referred to Protocol 3 – Guidance to Councilors on Outside Bodies.

13.2 A councilor appointed to represent the council on an external organisation shall take care to establish the legal status of the appointment and the potential liabilities that may be involved before confirming acceptance. Councilors should seek the advice of the monitoring officer if they have any concerns or are unclear about the nature of such appointments.

13.2 Councilors appointed to represent the council on external organisations shall establish relevant council policy on issues arising in those bodies and shall act in accordance with that policy when engaged in discussions and decision-making.

13.3 Where a councilor acts as a representative of the council on another body, the councilor must comply with the council's Code of Conduct for Members.,

## **14. Access to premises**

14.1 If councilors wish to visit council establishments, other than the main area hub offices, they should contact the relevant director or head of the establishment in advance to make the necessary arrangements.

## **15. How to resolve issues**

15.1 Councilors and officers are encouraged to work together and seek to resolve any differences informally, by discussing any concerns at the earliest opportunity.

- 15.2 If a councillor feels that they have not been treated with proper respect, courtesy or they have any concern about the conduct or capability of an officer, or that an officer has acted in breach of this protocol, they may raise the matter with the individual's relevant director. If the matter cannot be resolved informally, any such referral will be processed in accordance with the council's employment procedures and policies. The councillor and the officer will be kept informed of progress with the complaint and the action to be taken. An individual councillor does not have the power to discipline any officer.
- 15.3 If an officer feels that a councillor has acted in breach of this protocol, they should raise the matter with their relevant director. The relevant director should discuss the matter informally with the councillor. If the matter is not resolved the officer may refer the issue to the monitoring officer and the corporate director designated as the liaison officer for political groups for consideration and discussion with the appropriate group leader. The officer and councillor will be kept informed throughout.
- 15.4 In relation to the process in paragraph 15.3 above regard should be had to paragraph 3.1 of the council's arrangements for dealing with complaints under the code of conduct, which requires any complaint to be made within 20 working days of the date on which the complainant became aware of the matter giving rise to the complaint.
- 15.4 The use of mediation may be considered at any stage as a means of resolving the matter informally.
- 15.5 If the matter cannot be resolved informally the officer may bring a complaint against the councillor under the Members' Code of Conduct.



## **Appendix 2 – Extract from Part 2 of the Constitution**

### **13.2 Principles of decision making**

All decisions of the council will be made in accordance with the following principles:

- to produce action that is proportionate to the desired outcome
- to ensure open, fair and honest administration
- to be clear over desired outcomes and aims
- to record the options considered and discarded
- to state the reasons for the action
- to consult interested parties where appropriate and practicable
- to consult appropriate officers and to seek their professional advice
- to show due respect for human rights, and to provide equality of opportunity
- to obtain best value and operate efficiently, effectively and economically
- to serve Wiltshire communities and to work in partnership with other agencies having the same aim
- to promote the economic, social, and environmental well-being of the county
- to determine issues at the lowest level commensurate with their importance
- to keep and sustain what is useful in the traditions of the authority and to reject any practices or services retained purely out of sentiment.

## Appendix 3 - Part 3 Section D1 of the Constitution

### SCHEME OF DELEGATION

#### 1. Scheme of Delegation to Directors

- 1.1 This Scheme of Delegation authorises the Directors to exercise the functions of Wiltshire Council as set out in this document. It repeals and replaces all previous schemes of delegation.
- 1.2 This scheme is without prejudice to the exercise of the council's functions by the Council, the Cabinet, and the Council's Committees, Sub-Committees and Panels.
- 1.3 Full Council, its Committees and the Cabinet will make decisions on matters of significant policy. The Directors have express authority to take all necessary actions to implement Council, Committee and Cabinet decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
- 1.4 In relation to all delegated authority conferred on the Directors by this scheme, the Corporate Directors may allocate or re-allocate responsibility for exercising particular powers to any officer of the council in the interests of effective corporate management as he or she thinks fit.
- 1.5 Where a Director is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the Corporate Directors. This nomination should be formally recorded in writing.
- 1.6 The Monitoring Officer will maintain a central record of all delegations under this scheme and make this available for public inspection pursuant to section 100G Local Government Act 1972.
- 1.7 Without prejudice to the generality of the foregoing, the Directors shall have the power:
  - a. To take all lawful action consistent with overall council policy to deliver agreed strategy, plans and policy and to comply with statutory obligations within their areas of responsibility and within approved budget. This shall include, but not exhaustively:
    - Invitation and acceptance of tenders
    - Submission of bids for funding
    - Write-off of irrecoverable debts
    - Virement (within the budget framework)
    - Disposal and acquisition of assets
    - Service and placing of any necessary statutory or other notices

(other than those expressly reserved to Full Council, Committee or Cabinet)

- After consultation with the Solicitor to the Council, authorising the institution, defence, settlement or participation in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the Council;
- b. To put in place management arrangements, which define the area of responsibility of all officers under their service area.
- c. To determine staffing arrangements within approved budgets, subject to agreement on grading with the Head of Paid Service after consultation with the other Corporate Directors and conformance with Council policies and the Finance Regulations and Procedure Rules (Part 9).
- d. To take all action to recruit, appoint, develop, manage and reward employees within approved Council policies and procedures (including operation of policies for voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.

**1.8** Any member of the Council may request that decisions taken by officers under delegated powers are scrutinised by the appropriate overview and scrutiny committee.

1.9 For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the Corporate Directors after consultation with the Monitoring Officer.

1.10 The council has given a general indemnity to any officer acting in the purported discharge of any authority delegated to him for any action, costs, claim or liability incurred by him or her as set out in Schedule 1.

## **2. Decision Making**

2.1 In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with paragraph 2.2 below, to use the most efficient and effective means available (including the deployment of staffing and other resources within their control and the procurement of other resources necessary) whether within or outside the Council.

2.2 In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage:

- a. A key decision should be taken in accordance with the relevant requirements as set out in this Constitution (Parts 1 and 2) and The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;

- b. The views of the relevant Cabinet Member(s), Committee Chairman, Area Board(s) following the application of the consultation criteria set out in paragraph (c) below;
- c. Consideration of the Area Boards and delegated decision checklist for officers on the issue in deciding when and how to involve local councillors and Area Boards in decisions about local services;
- d. The implication of any Council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases, consultation with officers, relevant Cabinet Members(s) or Committee Chairman from any affected portfolio and local members, where the issue relates to a specific area, should take place;
- e. Consultation in accordance with the Council's consultation strategy and the views emanating from that process;
- f. The range of available options;
- g. The staffing, financial and legal implications;
- h. The assessment of any associated risks in accordance with the Council's risk management strategy;
- i. The involvement of appropriate statutory officers and/or other Directors;
- j. The relevance of any regional or national guidance from other bodies;
- k. The Council's Constitution, including the Procurement and Contract Rules (Part 10) and the Financial Regulations and Procedure Rules (Part 9), all relevant guidance, legislation, codes of practice and protocols.

### **3. Record Keeping**

- 3.1 In taking any Executive decision, the officer concerned must prepare a record of officer decision report setting out the following:
- a. A record of the decision including the date it was made;
  - b. A record of reasons for the decision;
  - c. Details of any alternative options considered and rejected by the officer when making the decision;
  - d. A record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision;
  - e. In respect of any declared conflict of interest, a note of dispensation

The record of officer decision must be made available, as soon as reasonably practicable, at the Council main hub offices and on its website unless it contains confidential information or exempt information as defined in the Regulations and set out in Part 5.

- 3.2 In taking any Incidental decision, the officer concerned must consider whether a record of officer decision report is required having regard to guidance from

the Monitoring Officer.

#### **4. Emergency Powers**

- 4.1 The Directors are empowered to take all necessary decisions in cases of emergency;
- 4.2 For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council may be compromised.

#### **5. Solicitor to the Council**

- 5.1 The Solicitor to the Council is authorised:
  - a. To take any action to implement any decision taken by or on behalf of the Council, including the signature and service of statutory and other notices and any document;
  - b. To institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Solicitor to the Council considers that such action is necessary to protect the Council's interests;
  - c. To instruct counsel, solicitors and other experts in relation to legal proceedings, public inquiries, and other matters involving the Council;
  - d. To enter objections to any proposal affecting the county, the Council or the inhabitants of the county.

**SECTION D2**  
**SCHEME OF SUB DELEGATION**

1. The Directors may authorise officers in their service areas to exercise, on their behalf, powers delegated under this Part 3 and Part 3 Section D1 by way of a Scheme of Sub Delegation.
2. Any decision pursuant to a Scheme of Sub Delegation must be taken in the officer's name for and on behalf of the Director.
3. The Directors are responsible for recording all delegations under this part, in writing, in such form as the Monitoring Officer may prescribe.
4. The Directors shall be responsible for ensuring that their Schemes of Sub Delegation are valid and up to date in line with guidance from the Monitoring Officer.
5. All Schemes of Sub Delegation must be recorded on the Register maintained by the Monitoring Officer. The Directors shall send updated Schemes of Sub Delegation to the Monitoring Officer as he/she directs.
6. Any decision taken by an Officer under a Scheme of Sub Delegation must be made in accordance with paragraph 2 of Part 3 Section D1 and recorded in as required in paragraph 3 of Part 3 Section D1.

**Part 3 Section D3**  
**SCHEME OF DELEGATION SPECIFIC TO PLANNING**

1. The Associate Director, Economic Development and Planning Services (and any officers designated by that officer under a Scheme of Sub Delegation) is authorised to:
- - determine any planning application and discharge conditions under delegated powers (including tree/hedgerow work applications);
  - deal with all enforcement matters (including deciding on the expediency of taking/not taking action and issuing enforcement notices, including listed building enforcement and urgent works notices and taking any further action, including prosecution and direct action in respect of any breach of control);
  - deal with all types of appeal and their format;
  - 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 and time constraints prevent the matter being brought back to Committee, officers, in consultation with the Committee Chairman and Local Division Member are authorised to inform the appellant and the Planning Inspectorate that the Council will not seek to defend such reason(s) at appeal, provided any such action does not overturn the substantive decision of the Planning Committee;
  - make and confirm Tree Preservation Orders; Tree Replacement Notices and serve notices requiring action in relation to dangerous trees, and to initiate any associated direct action required to deal with dangerous trees; deciding whether to prosecute for breaches of the Planning Acts in relation to tree and hedgerow matters;
  - determining any applications made under the high hedges provisions of the anti-social behaviour legislation; including any necessary enforcement action;
  - deal with decisions, correspondence and consultations under relevant local government, social, planning, listed building, conservation, building and environmental and other legislation. This includes proposals to change legislation or national guidance and consultation by other planning authorities;
  - determine the requirements for, and amend when necessary the local validation list for planning applications;
  - make and confirm Article 4 directions restricting or removing permitted development rights;
  - nominate officers to represent the council on forums and working parties;
  - authorise officers to enter land and buildings in the course of their duties in accordance with the provisions of the Town & Country Planning Acts;
  - enter into, modify or discharge planning or legal agreements securing controls over development (e.g. Section 106 of the Town & Country Planning Act 1990);
  - make changes to conditions approved at Committee (in the light of changing circumstances between the meeting and the issue of the decision) provided this is in line with the principles of the Committee's decision. Any such changes will be reported back to a subsequent Committee for members' information;
  - annually recommend to the budget process all planning fees and charges
  - refuse applications following a resolution to grant permission or consent if the required legal agreements are not completed by the applicant within the timeframe

set out in the officer's report and present an information report for acceptance by the relevant Planning Committee on a quarterly basis ;

- institute and defend judicial reviews and statutory challenges in consultation with the Associate Director, Legal and Governance.
- Make and serve Building Preservation Notices.
- determine whether an application falls within the remit of Strategic Planning Committee or the relevant area planning committee, after consultation with the relevant cabinet member.

With the following exceptions:

- 1.1 Applications submitted by Wiltshire Council will not be dealt with under delegated powers where an objection has been received raising material planning considerations.
- 1.2 Reference to Committee by Wiltshire Council Division Member

Division Members can request in writing/email that a planning application within their Division proceed to determination by way of an Area Planning Committee. (Any request must be received within 21 days of the circulation of the weekly list of 'applications received' in which it appears, and set out the material planning consideration(s) which warrant the application going before committee). Officers will confirm what action is being taken following receipt of the request.

Where it has not been possible or appropriate to call an application in within this time, officers will accept call in requests in the following circumstances:

1. An application has not been determined and it can still go to Committee and be determined within the target date.
2. The application is already going to go out of time (because of negotiations/amended plans etc.) and taking it to Committee will make no difference to performance.

Where neither of the above apply, and the Division Member thinks there is a strong case to delay the determination of the application and take it to committee, they can discuss the case with the relevant Area Development Manager who will then make an informed decision whether or not to exercise delegated powers.

- a. It is perfectly acceptable for members to nominate a substitute(s) to undertake their planning responsibilities, including application 'call in', if they have a conflict of interest or during periods of absence such as holidays or illness.
- b. Applications for tree work, prior approvals, Certificates of Lawfulness; notifications and variations/discharge of legal agreements - where the latter would bring them in line with a planning decision already made by the Council, will not be eligible for call-in and will be dealt with under delegated powers.
- c. If private applications are made by
  - a member or their close relations;
  - a Director of the Council or their close relations; or
  - a planning officerand objections are received raising material planning considerations the application will be determined by a committee.



There will be occasions where it would be possible to deal with certain applications under delegated powers but where the Associate Director, Economic Development and Planning Services considers it inappropriate to do so, having considered any public representation and consultee responses. In these cases the applications will be determined by an appropriate planning committee.

- 1.3 The following applications shall be dealt with by the Strategic Planning Committee:
- Large-scale major developments which, by their nature (e.g. scale, location etc.) have wider strategic implications and raise issues of more than local importance. This will include applications of a similar nature by Wiltshire Council to develop any land of Wiltshire Council, or for development of any land by Wiltshire Council or by Wiltshire Council jointly with any other person which have similar implications or raise similar issues.
  - Planning applications for mineral extraction or waste disposal, other than small scale works which are ancillary to an existing mineral working or waste disposal facility;
  - Applications, which if approved, would represent a significant departure from the policies of the statutory development plan, where they are recommended for approval;
  - Applications called in by a Division Member that cross the boundary of two Area Planning Committees;
  - Any application that the Associate Director, Economic Development and Planning Services deems raises issues that should be considered by the Strategic Planning Committee.

### Definitions

Planning application means any application submitted to the Council for determination and included within the Governments' PS1 and PS2 returns. (This is a statistical questionnaire dealing with performance which local authorities have to submit regularly to the government and which divides planning application into distinct categories; householder, minor, major etc.)

'Large scale major development' means any application for 200 or more houses; residential development of 4ha or more or other development of more than 10,000 square metres or more than 2 ha, as defined by the Government in the PS1/2 return.

Householder development and the other descriptions of development referred to above shall have the meaning ascribed to them in the Government's PS1/2 return.

Enforcement notices includes all other formal notices under the Planning Acts used to investigate and remedy alleged breaches of planning control or improve the appearance of an area, including Breach of condition notices and Section 215 notices.

A private application is one which has no connection with a member or officer's council duties. For example, if an officer submitted a Regulation 3 application on behalf of Wiltshire Council it would not be a private application.

A close relation is defined as spouse, partner, sibling, parent or offspring.

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