

## COUNCIL

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### **DRAFT MINUTES OF THE COUNCIL MEETING HELD ON 29 SEPTEMBER 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Desna Allen, Cllr Glenis Ansell, Cllr Pat Aves, Cllr Chuck Berry, Cllr Richard Britton (Chairman), Cllr Rosemary Brown, Cllr Trevor Carbin, Cllr Chris Caswill, Cllr Mary Champion, Cllr Terry Chivers, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Mark Connolly, Cllr Anna Cuthbert, Cllr Brian Dalton, Cllr Andrew Davis, Cllr Tony Deane, Cllr Christopher Devine, Cllr Stewart Dobson, Cllr Dennis Drewett, Cllr Peter Edge, Cllr Peter Evans, Cllr Sue Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Jose Green, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Keith Humphries, Cllr Chris Hurst, Cllr Peter Hutton, Cllr Simon Jacobs, Cllr David Jenkins, Cllr Julian Johnson, Cllr Simon Killane, Cllr Gordon King, Cllr John Knight, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Alan MacRae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Jemima Milton, Cllr Bill Moss, Cllr Christopher Newbury, Cllr John Noeken, Cllr Paul Oatway, Cllr Stephen Oldrieve, Cllr Helen Osborn, Cllr Jeff Osborn, Cllr Linda Packard, Cllr Mark Packard, Cllr Sheila Parker, Cllr Graham Payne, Cllr Nina Phillips, Cllr David Pollitt, Cllr Horace Prickett, Cllr Leo Randall, Cllr Fleur de Rhé-Philippe, Cllr Pip Ridout, Cllr Baroness Scott of Bybrook O.B.E, Cllr Jonathon Seed, Cllr James Sheppard, Cllr John Smale, Cllr Toby Sturgis, Cllr Melody Thompson, Cllr John Thomson, Cllr Ian Thorn, Cllr Ian Tomes, Cllr Dick Tonge, Cllr Tony Trotman, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Ian West, Cllr Philip Whalley, Cllr Stuart Wheeler, Cllr Roy While, Cllr Philip Whitehead, Cllr Christopher Williams and Cllr Graham Wright

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#### **67 Apologies**

Apologies for absence were received from Councillors Allison Bucknell, Bob Jones, Magnus Macdonald, Ricky Rogers, John Walsh, Nick Blakemore and Christine Crisp.

#### **68 Minutes of Previous Meeting**

The minutes of the Meeting held on 14 July 2015 were presented.

#### **Resolved:**

**That the minutes of the last Council meeting held on 14 July 2015 be approved as a correct record and signed by the Chairman.**

#### **69 Declarations of Interest**

There were no declarations of interest made.

## 70 **Announcements by the Chairman**

The Chairman drew the meetings attention to the arrangements for the day's meeting, specifically referencing fire safety and that the meeting was being recorded for live webcast.

The Chairman stated that details of his and the Vice-Chairman's activities since the last meeting would be available via his blog <http://wiltshirecouncilchair.blogspot.co.uk/>

The Chairman did, however, make the following announcements at the meeting:

### **(A) HM Queen – Longest Serving Monarch**

Firstly, on behalf of the Council, the Chairman had written to Her Majesty the Queen to offer congratulations to her on becoming the longest serving monarch and thanking her for her dedication and service to the Country.

The office of the Queen had, in reply, offered her thanks and sent her best wishes.

### **(B) Councillor Jane Scott, Leader of the Council**

Secondly, the Chairman, congratulated Cllr Jane Scott on the recent announcement of her appointment to the House of Lords as a Life Peer. He felt that this was indeed an honour and a well deserved privilege for Cllr Scott, but it was also an honour for Wiltshire.

## 71 **Petitions**

A report by the Democratic Governance Manager was presented which provided details of the five petitions received for the period since the last Council meeting. It was highlighted that no requests had been received to present petitions at this meeting.

### **Resolved:**

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

## 72 **Public Participation**

The Chairman drew the meeting's to the questions and answers circulated in the agenda supplement.

The Chairman stated that there was a question and statement regarding the

Community Governance Review and that this would be taken under that item later on the agenda.

Mrs Iris Thompson, resident of Malmesbury, expressed her strong concern regarding the impact of the building of a new roundabout and the safety of the access to the road where she lived. Her consultant's opinion differed with the Council's consultant. She felt that she had not had a proper response to allay her fears, and stated that she felt the Council was failing her and neighbours.

Cllr Philip Whitehead, Cabinet Member for Highways and Transport, explained that whilst he understood why Mrs Thompson was concerned, the Council's engineers were happy that the design was safe, and that he had agreed to review the impact on the access to Inglenook once it was constructed.

It was noted that Jenny Raggett, Campaign for Better Transport, and Patrick Kinnersly, White Horse Alliance, were not present to present their questions which were taken as read.

Details of the questions and responses are attached as Appendix A to these minutes.

### 73 **Statement of Gambling Principles**

Cllr Keith Humphries, Cabinet Member for of the Public Protection, and Cllr Pip Ridout, Chairman of the Licensing Committee, presented a report which outlined the results of the public consultation, and sought the approval of the draft Statement of Gambling Principles. The report highlighted the amendments which had been made to the previous draft considered by the Licensing Committee on 28 April 2015, and the meeting's attention was drawn to the minutes of the meeting of Licensing Committee held on the 21 September where approval of the Statement was recommended.

Cllr Humphries responded to questions raised.

Having been proposed by Cllr Ridout, and seconded by Cllr Allen, the meeting unanimously,

#### **Resolved**

**That the Licensing Committee notes the amendments made to the Statement of Gambling Principles (as shown in red on the Statement attached as Appendix 5 to the report).**

### 74 **Notices of Motion**

The meeting considered the following motions:

75 **Notice of Motion No. 24 - Highways and Streetscene maintenance Contract - Councillors Jon Hubbard and Jeff Osborn**

The Chairman reported receipt of the above mentioned motion from Councillors Jon Hubbard and Jeff Osborn worded as follows:

- “• *Council notes the decision of the Cabinet to end the BBLP Highways and Street-scene maintenance contract 2 years early.*
- *Council requires the Cabinet member to instigate an independent enquiry into the issues surrounding this contract, specifically:*
- *Identifying and detailing the perceived savings that the council claims to have achieved, and why if such savings were being achieved the council felt it necessary to end the contract early?*
- *In tendering the contract was the case for an "in house" operation seriously considered?*
- *What were the performance issues experienced with the contract?*
- *What the true costs are to Wiltshire Taxpayers resulting from the early ending of the contract*
- *What lessons should be learnt from the failure of this contact for any future contacts the council considers awarding?*
- *Why has it been necessary for all details about the ending of the contract to be kept secret, what is being hidden from the taxpayers?”*

The motion was moved by Cllr Hubbard and duly seconded by Cllr Jeff Osborn.

In presenting his motion, Cllr Hubbard stated that he considered that an independent inquiry was justified in order to establish the facts of the matter to enable the Council to learn the lessons from the failure of the contract.

Cllr Philip Whitehead, Cabinet member for Highways and Transport explained that in his opinion, an external inquiry would undermine the work of the Scrutiny Committee which was already tasked with looking into this matter and that given there was to be a Peer Review, the extra expenditure on an external consultant would better be spent elsewhere.

The Chairman proposed that the motion be debated and this was duly seconded by Cllr Wheeler and on being put to the vote, it was

**Resolved: That the motion be debated.**

Debate

The Chairman invited Group Leaders to comment before opening the debate to other Members.

Cllr Jane Scott commended the work of Scrutiny and stated that she had nothing further to add.

Cllr Glenis Ansell stated that it was clear that Scrutiny had not been able to scrutinise this issue properly.

Cllr Ernie Clark whilst supportive of the work of Scrutiny, considered that the public would feel greater assurance if this was examined independently.

Cllr Ian McLennan stated the matter had already impacted negatively on the Council's reputation and that the public remained concerned as to the independence of the Council's internal systems.

Cllr Simon Killane, Chairman of the Overview & Scrutiny Management Committee, stated that he considered that the task group, chaired by Independent Group member, Cllr Jeff Osborn, provided robust and effective challenge; that he was keen to make sure that the chairman of the Financial Planning Task Group was also involved; and that he welcomed the peer review.

Cllr Alan Hill stated that whilst he accepted that the motion was well intended, he considered the ongoing involvement of Scrutiny and the reports due to be considered by Cabinet in public session would ensure that the matter would be dealt with in an open and transparent way, thereby helping to allay people's concerns.

Cllr Ansell, as Chairman of the Financial Planning Task Group, stated that her Group had not yet had the opportunity to scrutinise the BBLP contract.

Cllr Chris Devine made reference to the comments of the Chairman of Balfour Beatty with regard to how the company had bid for a large number of Government contracts during the start of the recession for which they did not have the required management and human resources to carry out these contracts, and that subsequently they had been extracting themselves from these contracts. This, he felt, explained the substantive reason for the failure, and therefore the additional expenditure of an independent inquiry was unnecessary.

Cllr Jeff Osborn, with reference to the work of the Task Group he had chaired, stated that they had focused on how to improve the operational aspects of performance rather than scrutinising the contract itself. He felt that to get to the bottom of the matter it would require forensic analysis.

Cllr Chris Caswill felt that the Scrutiny process was too closely managed by the Cabinet and that contracts of this size, when awarded to private companies, did not offer good value for money to the Council. He asked why, if the Council's professional officers had had concerns as to BBLP's ability to perform, these concerns were not raised with Councillors sooner.

Cllr Linda Packard made reference to the size and complexity of the contract, and felt that it could not easily be scrutinised by Councillors who were,

essentially, lay people. She also queried why the contract had appeared to be signed in September when the work had already started in May of that year.

Cllr Graham Payne stated that whilst he agreed with Cllr Devine as to the causes of the problems, he commended Cllrs Hubbard and Jeff Osborn for performing their duty as opposition members by bringing this matter to Council for debate. He felt that there had a failure of local management by BBLP; and that the Council must have been aware of performance problems given that the Council went to some efforts to withhold a significant payment due to performance failures. Furthermore he felt that there should be improvements in the Council's procurement processes so that a better assessment of a contractor's ability to manage and deliver good performance.

Cllr Tony Deane, Chairman of the Audit Committee, stated that he felt the officer's had managed the situation well given the difficult situation and that he did not see the need for an external investigation.

Cllr Ian Thorn, queried whether the Council's due diligence procedures could be improved, and whether the Council should be more wary of contracts of this nature. He felt that the money spent on an external inquiry would be justified if it meant the Council would save money on these contracts in the future.

Cllr Helen Osborn queried whether this contract had been accepted as the cheapest, and how best the Council could ensure the competence of contractors.

Cllr Chuck Berry felt that the contractor would not have taken the decision to come out of the contract easily and asked whether they should be asked to give a full account as to the reasons why.

Cllr Gordon King felt that Scrutiny did not have the capacity to provide the single version of the truth necessary to resolve this matter.

Cllr Terry Chivers felt that the public deserved an answer and expressed concern as to the capacity of the Task Group to provide this.

Cllr Peter Edge stated that Task Group had focused on operational issues, and expressed concern that Scrutiny had not been involved earlier enough in the process to be able to properly investigate the issues.

Cllr Killane, in response to some of the issues raised, stated that he disputed the assertion that the Executive in any way managed Scrutiny processes, and stated that Scrutiny was independent. He and the Chairman of the Audit Committee had met and would be discussing opportunities for more collaborative engagement.

Cllr Bridget Wayman stated that she felt that the majority of the questions posed by the motion could be answered through a robust Scrutiny of the matter and that she did not feel an independent inquiry was required.

Cllr Whitehead, in response to some of the issues raised, stated that he would work with Scrutiny to answer their questions and reiterated that conclusion of the contact had not cost the Council money.

Cllr Hubbard, in summing up his motion, stated that he did not attach any blame to Scrutiny as they had not looked at the contract but had looked only at elements of delivery. Furthermore, that he was exercising his role as an opposition councillor by bringing this matter to the attention of Council through effective challenge and questioning; that not enough questions were asked at the beginning of the procurement process; why had the Council's due diligence procedure not picked this up, that BBLP had apparently undercharged for the contract; and that it would be worth spending the money to get to the truth.

Having been put to a recorded vote, the motion was LOST and it was therefore

**Resolved: That motion No. 24 as detailed above be not adopted.**

*Note: Details of the recorded vote made is attached as an appendix.*

76 **Notice of Motion No. 25 - Syrian Refugees - Councillors Jon Hubbard and Gordon King**

The Chairman reported receipt of the above mentioned motion from Councillors Jon Hubbard and Gordon King worded as follows:

*'Council notes that over 6 million people have been displaced in Syria and over 3 million people have fled to nearby countries; further notes that thousands of displaced Syrian people have attempted to cross the Mediterranean and have died in the process.*

*Council recognises the Government's support through the international aid programme and the recent commitment to resettle 20,000 refugees from the camps in Syria over the next few years.*

*Council further notes the opportunity to safely resettle the most vulnerable refugees through the Syrian Vulnerable Persons Relocation Programme.*

*Council recognises that it is our moral responsibility to do all we can as a Council and as a country to help to alleviate this once in a generation humanitarian crisis.*

*Council resolves to participate in the Syrian Vulnerable Persons Relocation Programme; and*

*Calls on local people to contact the council if interested in fostering refugee children or if there are offers of suitable self-contained accommodation'.*

In presenting his motion, Cllr Hubbard stated that he was speaking not as politician but as human being responding to a major crisis; made reference to previous migration issues; that whilst he did not want to exaggerate the issues, he felt that it was a once in a generation matter; that the motion asks for Council to step up and do its part. Furthermore he was proud of how the Council was responding already, commended the Leader for the steps taken so far, but stated that he would like the Council to do more, because enough is never enough in this kind of situation. Finally, he made reference to volunteer efforts in the Melksham community that he represented, which reflected the efforts across the county and the country.

In response, Cllr Scott stated that she thanked Cllr Hubbard for his motion which she fully supported. The Council had set up a task group with many local partners working together to formulate a plan, since submitted to Government, to detail what help could be offered. Cllr Scott emphasised the need to ensure that all those seeking refuge had their needs met, sustainably in the future, with a view to a pathway to citizenship if they wished; it was now up to the Government to respond but that should contact them in the next few days if they had not yet replied, especially as winter is coming. The Council and partners would then assess what capacity there was once the first phase had been accepted. Cllr Scott thanked the people of Wiltshire who had offered help, and expressed her desire to co-ordinate efforts from the voluntary sector. The Chairman then proposed, subsequently seconded by Cllr Wheeler, that the motion be debated at the meeting and on being put to the vote, it was

**Resolved: That the motion be debated.**

The Chairman invited the Group Leaders to comment before opening the matter up for wider debate.

In response to a question from Cllr Ansell, Cllr Scott stated that 20-30 refugees would be helped in the first phase. The Council had a duty to ensure it was in a position to provide sustainable help to refugees with vulnerable needs.

In response to issues raised by Cllr Oldrieve, Cllr Wickham and Cllr Clewer, and with agreement of the mover and seconder of the motion, paragraph five of the motion was amended to read as follows:

*To participate in the Government's Syrian Vulnerable Persons Relocation Programme and any other such schemes introduced to support other vulnerable persons seeking refugee status.*

Having been put to a vote, the meeting;



## Resolved

That the motion be adopted amended to read as follows:

1. To note that over 6 million people have been displaced in Syria and over 3 million people have fled to nearby countries; further note that thousands of displaced Syrian people have attempted to cross the Mediterranean and have died in the process.
2. To recognise the Government's support through the international aid programme and the recent commitment to resettle 20,000 refugees from the camps in Syria over the next few years.
3. To note the opportunity to safely resettle the most vulnerable refugees through the Syrian Vulnerable Persons Relocation Programme.
4. To recognise that it is our moral responsibility to do all we can as a Council and as a country to help to alleviate this once in a generation humanitarian crisis.
5. To participate in the Government's Syrian Vulnerable Persons Relocation Programme and any other such schemes introduced to support other vulnerable persons seeking refugee status; and
6. To call on local people to contact the council if interested in fostering refugee children or if there are offers of suitable self-contained accommodation.

Admin Note: The meeting adjourned at 12:00pm and reconvened at 12:45pm

### 77 **Notice of Motion No. 26 - Community Area Transport Group (CATG) process - Councillors Chris Caswill and Jeff Osborn**

The Chairman reported receipt of the above mentioned motion from Councillors Chris Caswill and Jeff Osborn worded as follows:

*'Council notes that a process for handling responses to highways issues logged by Wiltshire residents has been centrally imposed on Area Boards and Community Area Transport Groups (CATGs). Council regrets that this process has been imposed without local consultation. Council is particularly concerned that*

*(a) the process as described in the administrative flowchart is lengthy and bureaucratic, and*

*(b) the process does not recognise and include the representative role of the local Wiltshire Council member, even though that role is specifically set out in the Council Constitution, and*

- (c) Wiltshire Councillors who are not CATG members are limited to the largely symbolic approval of CATG representations, and*
- (d) Parish and Town Councils have an effective veto on action on resident requests from residents, but are required to give first stage consideration to the residents' issues without the benefit of any professional officer advice, and*
- (e) all Community Areas are being required to limit their active consideration of residents' issues to 5 at any one time, regardless of the size of the Community Area and its highway network, and*
- (f) the process will be neither comprehensible nor acceptable to residents who expect their elected representatives to act on their behalf and the Council to provide timely responses to their requests. Council recognises that there are resource constraints on highways and road safety improvements as a result of the combination of Government funding cuts and Cabinet decisions. However the current lengthy and rigid process is neither effective nor consistent with representative democracy. Council therefore requests the Cabinet member for Highways to withdraw the current CATG process, to consult with backbench members, and thereafter to replace it with a more flexible system, which incorporates the representative role of the local Wiltshire Council member'.*

In presenting his motion, Cllr Caswill stated that with the current CATG process as it stood he was less able to represent his constituents as the Town Council effectively has a veto on proposals; In his view the local Wiltshire Councillor should have primacy. He also expressed concern as to the length and complexity of the process.

In response, Cllr Whitehead stated he had recently reaffirmed at a meeting with the Chairmen of the CATG groups that the paperwork and processes had not been imposed on them, but were there to ensure consistency and efficiency. Whilst CATGs were a success, they took up greater proportion of officer time in comparison to the size of the funding involved. Furthermore, in his view, it was not prudent for a project to go forward without the support of a Parish or Town Council; and that any project should have the wider support of the community. In his experience CATGs were able to progress schemes relatively quickly.

The Chairman then proposed, subsequently seconded by Cllr Wheeler, that the motion be debated and on being put to the vote, it was

**Resolved: That the motion be debated.**

The Chairman invited the Group Leaders to comment before opening the matter up for wider debate.

Cllr Hubbard stated that he felt that he believed the Town and Parish councils should not have an effective veto on projects and that there should be some flexibility for projects to come forward that did not have their support.

Cllr McLennan stated that his experience of the CATG process had been positive and that he felt the local Wiltshire Councillors and the Parishes were positively engaged.

Cllr Hill argued that the system worked best when it focused on finding solutions for the wider community rather than on the wishes of individuals.

Cllr Jeff Osborn stated that his experience of the process had been process but understood that in some areas it may not work as well.

Cllr Jacobs and Cllr Clewer both emphasised the importance of the process in seeking community wide solutions.

Cllr Seed made reference to particular instances where the process had encouraged Councillors representing different communities to work together even though they were from different political groups.

Cllr Packard argued that no scheme should be progressed without the support of the local Town or Parish Council.

Cllr Wright felt that as an Independent Wiltshire Councillor, he still felt able to participate effectively in the process.

Cllr Chivers felt that the process may prejudice some smaller parishes that were less able to raise money through their precept.

Cllr Whitehead stated, in response, that the public, in general, welcomed increases in their precept where they could see it being spent directly for their community's benefit. He went on to state that the requirement for a 25% contribution from Town and Parish Councils could be calculated across the five prioritised projects, so that some projects had greater percentage contribution with some projects having less or even none at all.

Cllr Caswill, in summing up his motion, stated he welcomed the points of clarification from the Lead Member; that he was supportive process, having previous been successful in securing support for projects.

Having been put to the vote, the motion was LOST and it was therefore.

**Resolved: That the motion be not adopted.**

## 78 **Devolution Discussions**

Cllr Jane Scott OBE, Leader of Wiltshire Council, presented a report which updated Council on ongoing discussions with Government in respect of the Government's devolution proposals.

Issues raised in the course of the presentation and discussion included: that the Government had asked Councils to submit proposals by the 4 September 2015; that document set out the aspirations of the Council with regard to devolution; that Wiltshire's bid focused on building on existing partnerships – including Police, Health and LEP partners; that there was a desire to deliver more in partnership with Towns and Parishes; that there had not been any feedback from Government yet; that it was not thought that Wiltshire would be in the first wave of devolution deals announced in the Autumn Statement.

Following a suggestion at the meeting, Cllr Scott agreed that recommendation iii) be amended to include consultation with a cross party working group.

Having been proposed by Cllr Scott, subsequently seconded by Cllr Thompson, it was

### **Resolved**

- i) To note the progress made to date;**
- ii) To debate and contribute to the initial proposals that have been put to the Secretary of State for Communities and Local Government to strengthen the councils position and enable positive and constructive discussion with central government;**
- iii) To delegate to the Corporate Directors, following consultation with the Leader of the Council and a cross party working group, to discuss and develop proposals with Secretary of State for Communities and Local Government and partner organisations; and**
- iv) That the final devolution proposal is brought back to Council for approval.**

## 79 **Community Governance Review - Progress Report**

Cllr Stuart Wheeler, Chairman of the Community Governance Review Working Group, presented a report which updated Council on progress on the

Community Governance Review (CGR), with special reference to consultations now in hand, and to prepare the ground for a full report at the extraordinary meeting of Council on 24 November 2015.

The Chairman reported receipt of questions from Mr Lance Allen , Clerk to Trowbridge Town Council as previously circulated. Mr Allen presented his questions which were responded to by Cllr Stuart Wheeler. A copy of the questions and responses are attached as an appendix to these minutes.

In response to the issues raised, Cllr Wheeler stated that he considered that the Working Group had been consistent in applying the nationally agreed guidelines in considering what parcels of undeveloped land to include in proposals; and that he did not support the inclusion of the land suggested by the Town Council. He went on to say, that during the consultation, the Town Council and all other interested parties were able to put their alternative views across; and that it would, ultimately, be the decision of the Council as to what proposals to accept.

Councillor Wheeler proposed, subsequently seconded by Cllr Scott, that the recommendations in the report be accepted.

In response to an issue raised, the Chairman requested the Working Group to consider the most appropriate method of communication which could be used to contact affected parties.

Councillor Jeff Osborn proposed, subsequently seconded by Cllr Helen Osborn, the following amendment:

*'that all the proposals in appendix C be consulted upon'.*

Having been put to the vote, this amendment was LOST..

*Admin Note: Cllr Ernie Clarke abstained from the vote*

Councillor Steve Oldrieve proposed, subsequently seconded by Cllr Jon Hubbard the following amendment:

*'That the following words be deleted from the proposal: to endorse the steps taken by the Working Party to date'.*

Having been put to the vote, this amendment was LOST.

Having been proposed by Cllr Wheeler, subsequently seconded by Cllr Scott, it was

**Resolved**

**To note progress with the Community Governance Review so far, and to endorse the steps taken by the Working Party to date, with a further report to be presented to the November meeting of Council.**

*Admin Note: Cllr Ernie Clarke abstained from the vote.*

**80 Urgent Executive Decisions taken by Cabinet**

Council received a report as required by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 concerning decisions taken by Cabinet under the Special Urgency procedure. The report related to the period since the last such report to Council in May 2015.

The Deputy Leader confirmed that one decision had been taken by Cabinet using the Special Urgency procedure during this period, namely a report on the expansion of St Leonards CE VA Primary School – Award of Contract, details of which were contained in the report. He confirmed that the relevant Regulations had been complied with and that this was a procedure only used in exceptional and urgent circumstances.

**Resolved:**

**That Council notes the report and that one decision had been taken under the special urgency provision in the period since the last report on the 12 May 2015**

**81 Membership of Committees and other bodies**

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

Following requests made by Councillor Ernie Clark, Leader of the Independent Group, the meeting;

**Resolved**

- 1. That Councillor Ernie Clark be appointed to the Northern Area Planning Committee in the place of Councillor Howard Marshall; and**
- 2. That Councillor Ernie Clark be removed from the substitute list for the Northern Area Planning Committee.**

**82 Minutes of Cabinet and Committees**

The Chairman moved that Council receive and note the following minutes as listed in the separate Minutes Book:

Cabinet	9 July 2015 21 July 2015 15 September 2015
Capital Assets Committee	21 July 2015 15 September 2015
Overview and Scrutiny Management	7 July 2015 20 July 2015
Children's Select Committee	21 July 2015
Health Select Committee	28 July 2015
Strategic Planning Committee	15 July 2015
Northern Area Planning Committee	15 July 2015 5 August 2015 26 August 2015
Eastern Area Planning Committee	6 August 2015 27 August 2015
Western Area Planning Committee	1 July 2015 12 August 2015
Southern Area Planning Committee	2 July 2015 23 July 2015
Audit Committee	29 July 2015
Staffing Policy Committee	8 July 2015
Joint Strategic Economic Committee	18 June 2015
Wiltshire Health and Wellbeing Board	16 July 2015
Wiltshire and Swindon Fire Authority	11 June 2015

The Chairmen of committees were invited to make any special announcements in connection with their respective committees and all members were given the opportunity to raise any questions arising from those minutes.

Cllr Chuck Berry, Chairman of the Health Select Committee, extended an invitation to members of Council to attend the Health Workshop scheduled for the 9 October 2015.

Councillor Sturgis stated, in response to a question from Cllr Caswill, that he was not aware of an alternative minute regarding the Middlefields item discussed at the last Cabinet Capital Assets Committee meeting.

There being no further questions, the meeting;

**Resolved:**

**That the minutes of the circulated Minutes Book be received and noted.**

### 83 Councillors' Questions

The Chairman reported receipt of questions from Councillors Jon Hubbard and Chris Caswill, the details of which were circulated in Agenda Supplement No. 1 together with responses where available from the relevant Cabinet member.

Questioners were permitted to each ask one relevant supplementary question per question submitted and where they did so, the relevant Cabinet member responded.

Question ref: 15/03 - Cllr Sturgis stated, in response to a supplementary question from Cllr Caswill, that the Destination of Trips (DOT) figures were used to check the soundness of the models.

Question ref: 15/04 - Cllr Sturgis stated, in response to a supplementary question from Cllr Caswill, that the response made reference to the fact that the modelling assumptions would be made available upon request.

Question ref: 15/05 - Cllr Whitehead stated, in response to a supplementary question from Cllr Caswill, that the modelling assumptions were amended depending on the nature and the traffic characteristics of the town.

Question ref: 15/08 - Cllr Sturgis stated, in response to a supplementary question from Cllr Caswill, that the Environment Agency set out what data was required and that the Council would check that the developer had provided the right data.

Question ref: 15/09 - Cllr Sturgis stated, in response to a supplementary question from Cllr Caswill, that the Environment Agency was responsible for the statement in relation to flooding.

A copy of the questions and responses is attached as an appendix to these minutes.

(Duration of meeting: 10.30 am - 4.07 pm)

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

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**Wiltshire Council**

**Council**

**29 September 2015**

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**Statement and Question from Mr Lance Allan, Clerk to Trowbridge Town Council for Councillor Stuart Wheeler, Cabinet member for Hubs, Heritage and Arts, Governance, Support Services and Customer Care**

**Statement:**

For consideration as item 10 on the Wiltshire Council agenda today is the **Community Governance Review – Progress Report**, at paragraph 3.2 of the report it states as follows;

*Members should be aware that there are proposals (set out in Appendix C) which the CGR Working Party considered did not demonstrate sufficient community identity or local administrative factors to be put out for consultation. Those schemes are not currently out for consultation. However as the final decisions on the CGR rest with the Council, this is an opportunity for members to review that list and to express any views to the CGR Working Party.*

Wiltshire Councillors have important decisions to make regarding this Community Governance Review, similar to the decision they made earlier this year to adopt the Core Strategy for Wiltshire, decisions which will determine how the towns and villages of Wiltshire can grow into sustainable communities. Sustainable communities which will work with Wiltshire Council and other partners to deliver ONE WILTSHIRE, taking on additional assets and services, investing in infrastructure, supporting the establishment of health and well-being centres and developing vibrant town centres.

Some of the proposals *not currently out for consultation* have been proposed by Trowbridge Town Council and relate to areas which have been allocated in the Core Strategy as an Urban Extension and are now subject to planning applications, others are in areas where better natural boundaries such as canals, woodlands, rivers, business parks and new roads exist. There are therefore very clear community identity and local administrative factors which should persuade Wiltshire Councillors when reviewing that list that the CGR Working Party needs to arrange for the proposals contained in Appendix C to be subject to consultation, so that Wiltshire Councillors are able to make a final decision.

The CGR Working Party has delayed progress with a review in respect of the Chippenham area until completion of the Development Plan Document, but has so far refused to take account of the already adopted Core Strategy as a factor in respect of the Trowbridge area. The CGR Working Party has failed to provide any evidence, justification or reasoning why they have concluded that the proposals contained in Appendix C are not appropriate for public consultation.

Without public consultation, Wiltshire Councillors are being denied the opportunity to make important decisions.

### **Question 1**

Will the Council instead of; '*endorsing the steps taken by the working party to date*', as included in the recommendation at the end of the Community Governance Review – Progress Report, ask the Community Governance Review Working Party to; consult the public on all of the proposals made by Trowbridge Town Council and others set out in Appendix C, including those which relate to areas identified for development in the Core Strategy, so that Wiltshire Council has an opportunity to consider these proposals and make a decision at a later date?

### **Response**

The CGR Working Party have carefully considered all of the proposals put forward in accordance with the relevant legislation and guidance, in particular 'Guidance on Community Governance Reviews' published by the Department for Communities and Local Government (DCLG) and the Local Government Boundary Commission for England, which can be found at:

[https://www.google.co.uk/?gws\\_rd=ssl#q=guidance+on+community+governance+reviews](https://www.google.co.uk/?gws_rd=ssl#q=guidance+on+community+governance+reviews)

Section 3 of the above guidance sets out the criteria for undertaking a community governance review and the factors to be taken into consideration under section 93 Local Government and Public Involvement in Health Act 2007.

A community governance review (CGR) must reflect the identities and interests of the communities in that area and also facilitate effective and convenient local government. Consequently, a CGR must take into account the impact of community governance arrangements on community cohesion, and the size, population and boundaries of a local community or parish.

The Working Party applied these criteria in formulating their proposals for consultation. Whilst recognising that a CGR is not governed by planning legislation the Working Party took into consideration the Council's Core Strategy and areas of permitted rather than speculative development as relevant factors.

The Working Party are consulting on proposals or options that they consider best meet the relevant criteria. However, it is open to responders to the consultation to put forward any other views they may have about the review if they wish. These will be considered by the Working Party and reported to the Council in November. It will be for full Council to decide how to proceed in relation to each of the areas under review. Council may decide that there should be further consultation on alternative proposals. Nothing has been formally ruled out at this stage.

**Question from Ms Jenny Raggett, Campaign for Better Transport**

**To Councillor Councillor Fleur de Rhé-Philipe, Cabinet Member for Economic Development, Skills and Transport**

**Question 2**

Campaign for Better Transport is listed on the Swindon and Wiltshire Local Nature Partnership web site as a stakeholder. Can you please tell us:

- (a) Whether the SW LEP Nature Partnership is still in any way active or has it been dismantled? What is its current status and activity?
- (b) If the Nature Partnership is not active then how are the environmental impacts of development including transport being scrutinized by the council and consulted on by organisations such as ourselves?

**Response**

- a) The Local Nature Partnership is still an active partnership. Wiltshire Wildlife Trust provides the secretariat for the Partnership. The Partnership website including contact details for the Trust may be found here: <http://www.link2nature.org.uk/> It is understood that 'Stakeholders of the Wider Partnership' listed on the website are organisations which have attended previous LNP forum events. The Board continues to meet, however there are currently no further forum events planned.
- b) The environmental impacts of development are scrutinised by a number of internal and external consultees, who advise the planning officers on a wide range of specialist environmental subjects as appropriate. All planning applications are also publicly accessible via our website<sup>[1]</sup>, where the public and wider organisations can comment on individual planning applications.

**Question 3**

Could you please explain the working arrangement with Wiltshire Council and WS Akins. Are they working on a contract basis, and if so for how much and for how long? Which council or SWLEP transport projects that they are involved in and what major project work are they being asked to do?

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<sup>[1]</sup> <http://planning.wiltshire.gov.uk/Northgate/PlanningExplorer/Home.aspx>

## **Response**

Atkins were awarded the Council's term Highways Consultancy Contract in 2012.

The contract period is five years, with possible extensions of up to two years subject to performance

The contract is based on a set of agreed rates – individual projects are priced accordingly.

Atkins provide technical support on a range of projects, ranging from the design of small transport improvements (such as pedestrian crossings, pedestrian/cycle schemes and local safety improvements) through to major highway improvements (such as the ongoing dualling of the A350 North West of Chippenham)

They also provide transport modelling support to help guide decisions on spatial planning and business case development to assist with funding bids to external bodies

**Question from Mr Patrick Kinnersly, White Horse Alliance**

**To Councillor Fleur de Rhé-Philippe, Cabinet Member for Economic Development, Skills and Strategic Transport**

**Question 4 - Financing of Road Projects**

In relation to the **A350 Yarnbrook and West Ashton Relief Road (YWARR)**, can the Council confirm that the developer of Ashton Park has made a binding commitment to pay £11.594m towards the £17.094m cost of the road, that the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) has formally undertaken to provide £5.5m through the Local Growth Fund and therefore that the Council will not at any point have to contribute to the cost of this road?

In view of uncertainties over the final construction costs of the **YWARR** and other major schemes listed in the table provided by the Council, notably the **Badger to Chequers component of the A350 dualling** and the **M4 J17 improvements** where developer and Council contributions are not known, will the Council please provide a 'worst-case' estimate of total liabilities that it would have to meet from Council budgets if all the listed schemes were to proceed to completion?

**Response**

The Council has made no provision to contribute to the scheme, other than to act as a conduit for the Local Growth Fund allocation secured by the Local Enterprise Partnership. Heads of terms for a legal agreement have yet to be decided, however the Council's working assumption is that the developer will bear the remainder of the scheme cost.

The preceding answer confirms that there is no financial liability for the Council in respect of the Yarnbrook/West Ashton scheme – the detailed extent and costing for the other two schemes have yet to be finalised.

**Question 5 - Staffing and Expertise in WC Transport Teams**

In its response to our question on this subject the Council produced what appeared to be a comprehensive list of Council and Atkins personnel and their qualifications. However we could not find any post listed for 'Director' or 'Head of Service' for Sustainable Transport. For the sake of completeness please could you confirm that this post still exists and provide the professional qualifications of the post-holder?

## Response

I confirm that the post exists.

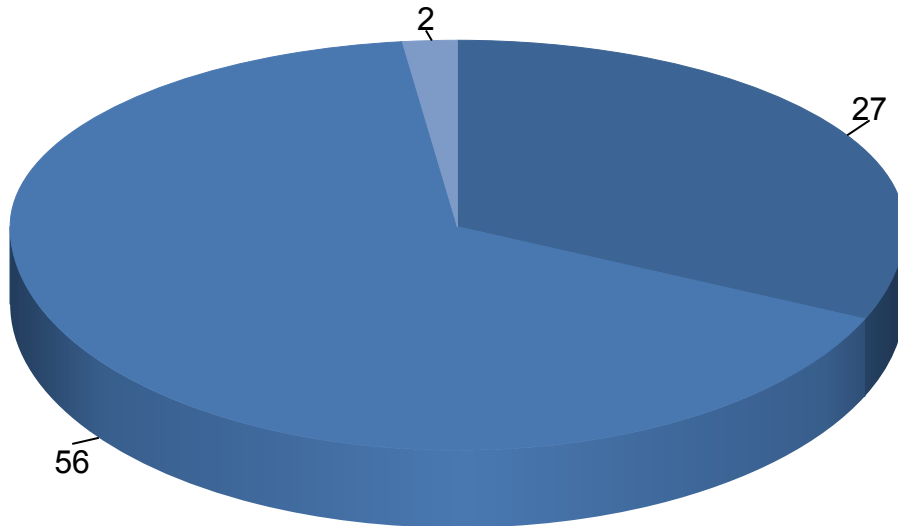
Post	Professional Qualifications
Head of Service – Sustainable Transport	Member of Chartered Institute of Highways and Transport



29/09/2015

11:45:56

## Voting - Motion 24 - Councillors Jon Hubbard and Jeff Osborn



Confirmation presences: 85

■ Yes	27
■ No	56
■ Abstained	2

29/09/2015

11:45:56

**Voting - Motion 24 - Councillors Jon Hubbard and Jeff Osborn**

Confirmation presences: 85

**Yes : 27**

Cllr Brian Dalton (LD) :1  
Cllr Chris Caswill (Ind) :1  
Cllr Chris Hurst (LD) :1  
Cllr David Jenkins (LD) :1  
Cllr David Pollitt (UKIP) :1  
Cllr Dennis Drewett (Ind) :1  
Cllr Desna Allen (LD) :1  
Cllr Ernie Clark (Ind) :1  
Cllr Glenis Ansell (LD) :1  
Cllr Gordon King (LD) :1  
Cllr Graham Wright (Ind) :1  
Cllr Helen Osborn (Ind) :1  
Cllr Ian McLennan (Lab) :1  
Cllr Ian Thorn (LD) :1  
Cllr Ian Tomes (Lab) :1  
Cllr Ian West (LD) :1  
Cllr Jeff Osborn (Ind) :1  
Cllr Jon Hubbard (LD) :1  
Cllr Linda Packard (LD) :1  
Cllr Mark Packard (LD) :1  
Cllr Nick Fogg MBE (Ind) :1  
Cllr Pat Aves (LD) :1  
Cllr Peter Edge (LD) :1  
Cllr Rosemary Brown (LD) :1  
Cllr Stephen Oldrieve (LD) :1  
Cllr Terry Chivers (Ind) :1  
Cllr Trevor Carbin (LD) :1

**No : 56**

Cllr Alan Hill (Con) :1  
Cllr Alan MacRae (Con) :1  
Cllr Andrew Davis (Con) :1  
Cllr Anna Cuthbert (Con) :1  
Cllr Bill Moss (Con) :1  
Cllr Bridget Wayman (Con) :1  
Cllr Charles Howard (Con) :1  
Cllr Christopher Devine (Con) :1  
Cllr Christopher Newbury (Con) :1  
Cllr Christopher Williams (Con) :1  
Cllr Chuck Berry (Con) :1  
Cllr Fleur de Rhé-Phillipe (Con) :1  
Cllr Fred Westmoreland (Con) :1  
Cllr Horace Prickett (Con) :1  
Cllr Howard Marshall (Con) :1  
Cllr Jacqui Lay (Con) :1

Cllr James Sheppard (Con)	:1
Cllr Jane Scott OBE (Con)	:1
Cllr Jemima Milton (Con)	:1
Cllr Jerry Kunkler (Con)	:1
Cllr Jerry Wickham (Con)	:1
Cllr John Knight (Con)	:1
Cllr John Smale (Con)	:1
Cllr John Thomson (Con)	:1
Cllr Jonathon Seed (Con)	:1
Cllr Jose Green (Con)	:1
Cllr Julian Johnson (Con)	:1
Cllr Keith Humphries (Con)	:1
Cllr Laura Mayes (Con)	:1
Cllr Leo Randall (Con)	:1
Cllr Mark Connolly (Con)	:1
Cllr Mary Champion (Con)	:1
Cllr Melody Thompson (Con)	:1
Cllr Mike Hewitt (Con)	:1
Cllr Molly Groom (Con)	:1
Cllr Nina Phillips (Con)	:1
Cllr Paul Oatway QPM (Con)	:1
Cllr Peter Evans (Con)	:1
Cllr Peter Hutton (Con)	:1
Cllr Phillip Whalley (Con)	:1
Cllr Phillip Whitehead (Con)	:1
Cllr Pip Ridout (Con)	:1
Cllr Richard Britton (Con)	:1
Cllr Richard Clewer (Con)	:1
Cllr Richard Gamble (Con)	:1
Cllr Richard Tonge (Con)	:1
Cllr Roy While (Con)	:1
Cllr Sheila Parker (Con)	:1
Cllr Simon Jacobs (Con)	:1
Cllr Simon Killane (Ind)	:1
Cllr Stewart Dobson (Con)	:1
Cllr Stuart Wheeler (Con)	:1
Cllr Sue Evans (Con)	:1
Cllr Toby Sturgis (Con)	:1
Cllr Tony Deane (Con)	:1
Cllr Tony Trotman (Con)	:1
<b>Abstained</b>	<b>: 2</b>
Cllr Graham Payne (Con)	:1
Cllr John Noeken (Con)	:1

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**Wiltshire Council**

**Council**

**29 September**

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## **Councillors' Questions**

**From Councillor Jon Hubbard, Melksham South Division**

**To Councillor Richard Tonge, Cabinet Member for Finance**

### **Question (15/02)**

Could the Cabinet Member please confirm if at any time during the tendering process for the Highways and Streetscene contract any advice was received from officers that in in-house model of provision for many of the services within the contract could be made that would be cheaper and perform better?

*Note: This question has been referred to Councillor Tonge as it relates to a decision taken while he was Cabinet Member for Highways and Transport.*

### **Response**

Members of Cabinet *and* members on the Environment Select Committee received three reports from officers covering four options for the highways and street scene services, including an in house option. These options were:

- Option 1. A full in house service provision
- Option 2. Two separate contracts, one for highways and one for street scene services
- Option 3. A single combined contract
- Option 4. Continuation of the mixed model inherited from the district councils at the time of unitary transfer (in house and external)

The report to Cabinet on November 15, 2011 from M Boden, Corporate Director outlined these four options in detail and the process to be followed to select the preferred option.

The report to Environment Select Committee on March 1, 2012 and then to Cabinet on March 20, 2012 from C Brand, Corporate Director (authors P Khansari and M Smith, Service Directors) evaluated each of these options in turn and recommended that members select Option 3 as offering the best combination of price and quality. *The report from officers did not say that Option 1 would be cheaper and would perform better.*

The final report to Cabinet on December 18, 2012 (a part 1 and part 2 report) from P Khansari and M Smith, Service Directors outlined the tenders submitted from five contractors and recommended the selection of contractor A with the best overall assessed score (Balfour Beatty).

**Councillors' Questions**

**From Councillor Chris Caswill, Chippenham Monkton Division**

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

**Question (15/03)**

At a public meeting on 3 September, a representative of Atkins, the Council's traffic consultants, acknowledged that no data on traffic movements in and across Chippenham had been collected since 2007-8. Will you confirm that to be correct?

**Response**

This is not correct; as was explained at the meeting. A comprehensive set of data, including roadside interviews and number plate surveys at six locations, traffic counts at 34 junctions and 16 other sites, car park counts at eight locations including the rail station and Sadlers Mead, journey time surveys on six routes, and queue length surveys, was collected.

Although there has been no further data collection on this scale, amendments have been made to the model to take account of traffic growth between 2010 and 2015, using factors for Chippenham published by the Department for Transport. Comparisons between 2007/8 traffic flows and current flows have also been made on nine roads using traffic counts undertaken by the Department for Transport which helps to confirm the reliability of the model.

**Question (15/04)**

At the same meeting, the same person offered to share with the Council the assumptions which lie behind the modelling of Chippenham (and in particular, Monkton Park) traffic flows. Has this happened yet, and if so will you now make those assumptions public?

**Response**

A query was raised by a meeting attendee regarding the destinations of trips that originate in the Monkton Park area in the model forecast year (2026). The offer related to sharing information on the patterns of movements that are built into the Chippenham Transport Model.

This information can be provided to individuals on request, and shows the destinations of trips that have originated in Monkton Park in the AM (08:00 – 09:00) and PM (17:00 – 18:00) peak hours.

### **Question (15/05)**

Why did the Council not require and examine those assumptions before completing the Chippenham DPD?

### **Response**

The information provided under the response to Q2 (above) is based on the extensive data collection that took place when the Chippenham Transport Model was developed. The patterns of movement identified from this data have been carried forward to the most recent work, with traffic volumes then increased in line with factors published by the Department for Transport.

The assumptions used were in line with recognised practice. Traffic forecasts have been validated through traffic counts.

### **Question (15/06)**

Reference is made in the Council's Flooding Evidence paper to 2007, 2009 and 2011 reports by Scott Wilson flooding consultants. It is now understood that one or more of these reports recommended that no development take place east of the River Avon until hydrological and other flood assessment studies had been carried out over a period of time? Is that correct, and if so, why has this advice been ignored in the Chippenham DPD?

### **Response**

None of the work commissioned from Scott Wilson recommended that no development take place east of the River Avon. Their work contained a number of recommendations for the whole of Wiltshire, none of which have been ignored. The most pertinent recommendation involving Chippenham was made in 2009 and it suggested:

*"...to mitigate against the anticipated effects of climate change further information through additional hydraulic modelling may be required to inform potential flood alleviation options within existing urban areas of Chippenham, Salisbury and Malmesbury."*

Scott Wilson then prepared a Surface Water Management Plan - Focussed on Chippenham, Trowbridge and Salisbury, which was published in 2011, carried out further modelling and produced a number of observations mainly addressing issues in the urban area.

It did also refer to potential developments located in greenfield areas and commented:

*"These are not served by the public sewer system and flow paths associated with ordinary watercourses (ditches, mainly) are likely to convey water to the River Avon. Surface water management should be considered during the master planning*

*phases to direct development away from potential flow routes and to provide green open space. Site level investigation should be undertaken to identify the suitability of infiltration SuDS due to the presence in some areas of River Terrace Deposits and Alluvial Deposits.”*

The draft Chippenham Site Allocations Plan follows this approach.

Hydraulic modelling is carried out periodically by the Environment Agency to update its flood risk maps. Such work is being carried out currently for the River Avon at Chippenham but the Agency indicate there are only likely to be very minor changes to current flood risk areas. These do not affect proposals of the draft Chippenham Site Allocations Plan. In terms of planning for development detailed site level investigation and hydraulic modelling is carried out as part of Flood Risk Assessments required for planning applications over one hectare and these are used to inform sustainable drainage measures.

### **Question (15/07)**

Are the Scott Wilson reports publicly available, and if so, where?

### **Response**

All three reports from Scott Wilson were published on Council websites (2007 work was commissioned by the former North Wiltshire District Council.) They continue to remain available to view on the following links:

Wiltshire Surface Water Management Plan – Focussed on Chippenham, Trowbridge and Salisbury, Phase I & II - Final Report 2011

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase/planningpolicysurfacewatermanagementplan.htm>

Wiltshire Strategic Flood Risk Assessment High Level Executive Summary, published in June 2009:

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase/strategicfloodriskassessment.htm>

North Wiltshire Strategic Flood Risk Assessment Level One 2007:

[http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase/evidencebasenorth.htm#SFRA\\_Level\\_One](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase/evidencebasenorth.htm#SFRA_Level_One)

### **Question (15/08)**

The risk of increased flooding from green field developments around Chippenham, including the Rawlings Farm and East Chippenham sites is dealt with by requiring each site not to increase water runoff above current levels. Is it correct that measurement of current and future run off will depend entirely on calculations made by developers? And that the Council will also rely on the management and assessment of the necessary urban drainage systems being undertaken by the developers?



## **Response**

The assessment of current and future surface water runoff will not depend entirely on calculations by developers. A flood risk assessment will be required as part of any planning submission; and this will need to include relevant information on ground conditions, existing flows and supporting calculations. This information will be reviewed by the Council as part of the planning process. Detailed or complex computer modelling will be checked by independent consultants if necessary.

The responsibility for management of drainage is set out within the Flood and Water Management Act. This could be by the Council, sewerage undertaker, management company, householders or named persons. In the event of the relevant organisation ceasing to trade ownership/maintenance responsibility would be expected to fall to the Council. It is important that any new drainage systems are suitable and effective, and the Council is keen to ensure that is the case with any future development around Chippenham.

## **Question (15/9)**

It was also stated at the 3 September public meeting that the necessary urban drainage systems must be located within Flood Zones 1, the areas of lowest flood risk, and that systems which rely on infiltration will not be acceptable in the clay soil. Will you confirm this to be correct and that the Council will absolutely and without exception require this?

## **Response**

In accordance with guidance any attenuation or sustainable drainage systems would need to be in Flood Zone 1 areas. The area does have clay soils which are unlikely to be effective for infiltration, and it is considered that other sustainable drainage techniques would be required. The exact arrangements would require careful consideration by the developer in order to be able to demonstrate an effective drainage system is in place to conform to current standards.

The risk of flooding to our communities is understood, and the distress and disturbance caused by flooding is appreciated, especially following the major flooding last year. It is important that new development does not add to or create additional flood risk. This is taken forward by the proposals in the draft Plan.

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