

COUNCIL

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

Present:

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

59 Apologies

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

Council Chamber Refurbishment

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

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

60 **Minutes of Previous Meetings**

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

Resolved:

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

61 **Declarations of Interest**

No declarations of interest were made.

62 **Announcements by the Chairman**

a) Order of Business

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

b) Recent Royal Visits

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

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

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

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

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

(c) Arctic Convoy Star Medal Presentation

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

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

(d) Remembrance Day Services And Parades

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

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

(e) The County of Wiltshire Carol Service

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

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

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

(f) The Late Councillor Linda Conley

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

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

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

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

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

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

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

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

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

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

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

63 **Petitions**

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

Resolved:

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

64 **Petitions Received**

No petitions had been received for presentation at this meeting.

65 **Petitions Update**

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

Resolved:

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

66 Public Participation

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

67 Notices of Motion

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

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

The Chairman reported receipt of the above mentioned motion.

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

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

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

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

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

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

Resolved:

That the motion be debated.

Debate

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

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

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

Resolved:

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

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

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

The Chairman reported receipt of the above mentioned motion.

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

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

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

the matter'.

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

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

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

Resolved:

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

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

The Chairman reported receipt of the above mentioned motion.

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

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

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

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

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

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

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

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

Resolved:

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

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

The Chairman reported receipt of the above mentioned motion.

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

Motion as amended:

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

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

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

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

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

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

Resolved:

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

Recorded vote

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

68 **Review of Members Allowances**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the amendment (32)

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

Against the amendment (50)

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

Abstentions (3)

Cllrs Graham Payne, Nina Phillips, Pip Ridout.

The following amendment was moved and duly seconded:

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

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

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

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

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

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

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

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

For the amendment (31)

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

Against the amendment (48)

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

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

Abstentions (7)

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

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

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

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

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

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

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

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

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

For the Motion (53)

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

Against the Motion (29)

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

Abstentions (2)

Cllrs Graham Payne, Pip Ridout.

It was therefore,

Resolved:

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

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

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

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

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

69 Statutory Post of Head of Paid Service

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

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

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

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

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

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

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

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

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

Resolved:

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

70 Standards Committee Recommendations on Changes to the Constitution

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

The subject areas of the recommended changes were as follows:

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

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

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

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

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

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

On being put to the vote, it was

Resolved:

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

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

(a) Review of Committee Places

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

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

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

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

Ungrouped Member	1
Vacancy	1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resolved:

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

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

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

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

Notes:

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

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

(b) Membership of Committees

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

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

Resolved:

That Council approve the following changes to committee membership:

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

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

72 Parish / Community Governance Review

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

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

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

Resolved:

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

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

73 Executive Decisions Taken Under Special Urgency

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

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

Resolved:

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

74 Minutes of Cabinet and Committees

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

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

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

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

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

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

Transformation Committee

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

Overview and Scrutiny Management Committee

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

Children's Select Committee

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

Strategic Planning Committee

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

Standards Committee

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

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

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

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

Resolved:

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

75 Dates of Council meetings

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

Resolved:

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

4 February (if required)

25 February (Budget and Council Tax Setting meeting)

13 May (Annual Council)

29 July

21 October

76 Councillors' Questions

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

Questioners agreed to take their questions as read and were given an opportunity to ask a relevant supplementary question to which the relevant Cabinet member responded.

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

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

Appendix

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

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

(Duration of meeting: 11.10 am - 6.10 pm)

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

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SCHEDULE OF COMMITTEE PLACES

(NB one vacancy)

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

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Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Nicholas Fogg, Marlborough West Division

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

Question 1

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

Response

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

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

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

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

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

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

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

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

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

Question 2

Do you agree with the Bedroom Tax?

Response

A verbal response was given at the meeting.

No written response was used to give this answer.

Question 3

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

Response

A verbal response was given at the meeting.

Answer supplemented by verbal updates from officers.

Question 4

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

Response

A verbal response was given at the meeting.

Answer supplemented by verbal updates from officers.

Question 5

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

Response

A verbal response was given at the meeting:

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

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

Question 6

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

Response

A verbal response was given at the meeting:

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

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

Question 7

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

Response

A verbal response was given at the meeting:

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

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

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

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

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

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

Question 8

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

Response

A verbal response was given at the meeting:

Answer supplemented by verbal updates from officers.

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

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

Question 9

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

What is our relationship with such organisations?

Are they utilised and/or assisted by the Council?

Response

A verbal response was given at the meeting:

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

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

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

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

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

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

92 clients - Trussell Trust in Salisbury

2 clients - Warminster Food Bank

38 clients - Chippenham Food Bank

25 clients - Trowbridge Food Bank

52 clients - Devizes Food Bank.

Total referrals: 209

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

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

Question 10

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

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

Response

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

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

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

Item 8 - Questions from Councillors

From Councillor Helen Osborn, Trowbridge Lambrok Division

To Councillor Laura Mayes, Cabinet Member for Childrens' Services

Question 11

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

Response

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

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

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Helen Osborn, Trowbridge Lambrok Division

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

Question 12

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

Response

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

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

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Chris Hurst, Royal Wootton Bassett South Division

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

Question 13

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

Response

A verbal response was given at the meeting:

No written notes were used.

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

To Councillor Jane Scott OBE, Leader of the Council

Question 14

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

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

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

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

Response

A verbal response was given at the meeting:

No written notes were used.

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

To Councillor Jane Scott OBE, Leader of the Council

Question 15

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

Response

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

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

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

Item 8 - Questions from Councillors

From Councillor Terry Chivers, Melksham Without North Division

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

Question 16

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

Response

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

Income to date

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

Question 17

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

Response

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

Question 18

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

Response

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

Question 19

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

Response

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

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

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

Question 20

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

Response

A verbal response was given at the meeting:

Verbal response prepared from existing knowledge.

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Helen Osborn, Trowbridge Lambrok Division

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

Question 21

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

This seems to be related to a staffing capacity matter.

What is going on?

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

Are the police aware of this hold up?

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

Response

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

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

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Ricky Rogers, Salisbury Bemerton Division

To Councillor Jane Scott OBE, Leader of the Council

Question 22

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

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

Response

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

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

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

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

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

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Jon Hubbard, Melksham South Division

To Councillor Jane Scott OBE, Leader of the Council

Question 23

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

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

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

Response

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

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

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Jon Hubbard, Melksham South Division

To Councillor Laura Mayes, Cabinet Member for Childrens' Services

Question 24

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

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

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

Response

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

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

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

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Jon Hubbard, Melksham South Division

To Councillor Laura Mayes, Cabinet Member for Childrens' Services

Question 25

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

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

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

Response

Yes

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Item 8 - Questions from Councillors

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

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

Question 26

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

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

Response

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

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

Question 27

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

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

Response

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

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

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

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

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

Item 8 - Questions from Councillors

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

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

Question 28

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

Response

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

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

Question 29

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

Response

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

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

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

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

Question 30

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

Response

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

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

Question 31

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

Response

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

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

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

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

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

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Item 8 - Questions from Councillors

From Councillor Ian West, Till & Wylve Valley Division

To Councillor Jane Scott OBE, Leader of the Council

Question 32

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

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

Response

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

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

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Ian West, Till and Wylve Valley Division

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

Question 33

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

Response

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

Wiltshire Council

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12 November 2013

Item 8 - Questions from Councillors

From Councillor Ian West, Till and Wylve Valley Division

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

Question 34

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

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

Response

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

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

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

Question 35

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

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

Response

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

Same answer as 34 above

Question 36

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

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

Response

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

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

Item 8 - Questions from Councillors

From Councillor Glenis Ansell, Calne North Division

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

Question 38

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

Response

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

Policy

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

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

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

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

Proactive steps

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

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

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

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

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

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

Item 8 - Questions from Councillors

From Councillor Glenis Ansell, Calne North Division

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

Question 39

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

Response

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

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

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

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

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

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

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

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

Question 40

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

Response

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

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

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

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

Question 41

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

Response

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

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

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

Question 42

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

Response

Introduction and context

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

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

Dealing with the planning aspects of fracking proposals

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

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

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

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

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

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

Current Position

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

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

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

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

Question 43

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

Response

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

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

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

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

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

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

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

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

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

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

Question 44

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

The current Consultation information is on:

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

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

Response

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

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

A copy of the response is attached.

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



Department for
Communities and
Local Government

Consultation questions - response form

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

How to respond:

The closing date for responses is 15 October 2013

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

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

Responses should be sent preferably by email:

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

Written responses can also be sent to:

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

About you

i) Your details:

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

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

Organisational response

Personal views

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

District Council

Metropolitan district council

London borough council

Unitary authority

County council/county borough council

Parish /community council

Non-Departmental Public Body (NDPB)

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

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

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

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

Yes No

ii) Questions

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

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

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

Yes No

Comments

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

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

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

Yes No

Comments

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

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

Yes No

Comments

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

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

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

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

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

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

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

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

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

Yes No

Comments

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

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

Yes No

Comments

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

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

Yes No

Comments

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

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

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

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

It is unwarranted, unjustifiable and unacceptable.

Thank you for your comments.

Consultation criteria

About this consultation

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

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

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

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

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

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

Question 45

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

Response

A verbal response was given at the meeting.

No briefing notes used.

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Simon Killane, Malmesbury Division

To Councillor Jane Scott OBE, Leader of the Council

Question 46

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

Response

A verbal response was given at the meeting.

No written notes

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

From Councillor Trevor Carbin, Holt and Staverton Division

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

Question 47

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

Response

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

(Same as Question 34)

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

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

COUNCILLORS BRIEFING NOTE

No. 161

Service Area: Sustainable Transport

Further Enquiries to: Allan Creedy

Date Prepared: September 2013

Direct Line: (01225) 713444

Traffic in Vicinity of the New Stonehenge Visitors Centre

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

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

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

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

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

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

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

Next Steps

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

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

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

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

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

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

Question 48

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

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

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

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

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

Response

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

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

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

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

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

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

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

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

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

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

The strategy remains the basis for that work.

Wiltshire Council

Council

12 November 2013

Item 8 - Questions from Councillors

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

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

Question 49

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

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

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

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

Response

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

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

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

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

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

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

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

Project 5 of the Vision states the following:

5 Bus station

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

Rationale:

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

Projects:

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

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

Item 8 - Questions from Councillors

From Councillor Stephen Oldrieve, Trowbridge Paxcroft Division

To Councillor Jane Scott OBE, Leader of the Council

Question 50

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

Response

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

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

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

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

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Item 8 - Questions from Councillors

From Councillor Ernie Clark, Hilperton Division

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

Question 51

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

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

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

Response

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

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

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

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

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

Item 8 - Questions from Councillors

From Councillor Stephen Oldrieve, Trowbridge Paxcroft Division

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

Question 52

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

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

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

Response

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

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

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

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

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

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Item 8 - Questions from Councillors

From Councillor Stephen Oldrieve, Trowbridge Paxcroft Division

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

Question 53

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

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

Sent: 29 August 2013 15:42

To: Oldrieve, Steve

Subject: Open Space

Dear Steve,

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

Regards,

Toby.

Response

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

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

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

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

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Item 8 - Questions from Councillors

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Jane Scott OBE, Leader of the Council

Question 54

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

Response

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

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

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

Question 55

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

Response

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

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

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

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

Question 56

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

Response

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

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

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

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

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

Question 57

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

Response

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

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

Membership from CCG

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

Membership from Wiltshire Council

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

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

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Item 8 - Questions from Councillors

From Councillor Chris Caswill, Chippenham Monkton Division

To Councillor Jane Scott OBE, Leader of the Council

Question 58

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

Response

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

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Item 8 - Questions from Councillors

From Councillor Chris Caswill, Chippenham Monkton Division

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

Question 59

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

Response

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

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

Question 60

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

Response

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

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

Question 61

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

Response

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

Item 8 - Questions from Councillors

From Councillor Chris Caswill, Chippenham Monkton Division

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

Question 62

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

Response

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

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

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

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

Question 63

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

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

Response

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

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

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

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Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

To Councillor Jane Scott OBE, Leader of the Council

Question 64

How many staff are employed in the Comms Team?

Response

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

Question 65

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

Response

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

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

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

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

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Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

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

Question 66

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

Response

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

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

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

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Item 8 - Questions from Councillors

From Councillor Jeff Osborn, Trowbridge Grove Division

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

Question 67

Do Wiltshire Council Environmental Health officers inspect school kitchens?

Response

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

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