

Wiltshire Council

Cabinet

15 January 2019

Questions

**Colin Gale – Representing Pewsey Community Area Partnership (PCAP),
Pewsey Parish Council (PPC) and the Campaign To Protect Rural England
(CPRE) statement and questions regarding key decisions to Wiltshire
Council’s Monitoring Officer**

**To Councillor Richard Clewer – Cabinet Member for Housing, Corporate
Services, Arts, Heritage and Tourism**

At the cabinet meeting on 11th December actions were raised by Wiltshire Council to respond to the various outstanding issues on the closure of Everleigh HRC and Wiltshire Councils ‘Forward Plans’. I subsequently received a response from Wiltshire Councils Senior Solicitor dated 14th December on the various issues raised and have noted that there has been some updates to the ‘Forward Plans’. However, the following items have still not been satisfactorily addressed:

Question 1

The Council have advised that the Council meets the 28 day regulatory requirements for key decisions via the issue/publication of the ‘Forward Plan’. As identified in my correspondence the first issue/publication for the Forward Plan for the proposal to close Everleigh HRC was on 1st October 2018. This Forward Plan item was published in October as a ‘New’ item. No previous Forward Plan included/published this key decision, see Forward Plan Issue History. The 1st October proposal to close Everleigh HRC does include a first published date of 10th September 2018, however, this seems to be an unsupported heading. I am unable to find a published document that satisfied the 28 day regulatory requirement.

Response

The Forward Work Plan for the October meeting of Cabinet was published on 10th September, this included details of the proposed Everleigh HRC decision and therefore met the 28 days notice. This Forward Work Plan is available [here](#), the Everleigh item is shown as ‘New’ since the 10th September was the first date it was published. The online details of the Everleigh decision [here](#) also confirm notice of the decision was first published on 10th September.

Question 2

The PCAP letter dated 20th November included an attachment from Bates Wells Braithwaite regarding flaws in the Wiltshire Council consultation process. PCAP have not received an acknowledgement or comments on the points raised by the solicitors.

Response

The letter from Bates Wells Braithwaite to PCAP, dated 19 November, was stated to have been copied to the Council '*in the expectation that lessons can be learned for the future*'. There was no specific request at that time for the points raised in that letter to be responded to by the Council. However, the Council's comments on those points are as follows:

1. Lack of Clear information for Consultees

The Council is well aware of the requirements for a lawful consultation, including the need to give sufficient reasons for any proposed changes in service provision. It is not accepted that there was a failure to do so in this instance. The Council had a preferred option for the future of the site and sufficient reasons were given as to why that was the case. There is no requirement to provide detailed information about the other options that are not being pursued. Where specific queries were raised about the costs of other options, this information was provided during the course of the consultation process.

2. Requirement for an open mind in decision making

The examples quoted in the letter from Bates Wells Braithwaite do not indicate in any way that the Council did not have an open mind when making its decision. The Council had a preferred option and was entitled to consult on that option. This was reflected in the wording of the consultation questions and it is not accepted that, for example, by mentioning that Everleigh was the least used HRC, the Council was attempting to influence consultees.

3. Regard to the Public Sector Equality Duty

There is no requirement to refer specifically to the PSED in the minutes of every decision, nor in the Cabinet report itself, provided it can be demonstrated that the necessary considerations did, in fact, take place. It is accepted that it may have been preferable, and good practice, to have explicitly mentioned the statutory requirements to avoid any confusion on this point, but the equalities impacts of the proposed changes were addressed in the report and considered by the Cabinet as decision maker.

4. Other Minor Issues

- a. Whilst it may have assisted some consultees if there had been more character space in the free-text box on the questionnaires, submissions on the proposals were not limited to those questionnaires and

respondents who wanted to say more could write or email in separately, and a number of people did do that.

- b. The potential effect on fly-tipping was raised by a number of consultees and this was specifically addressed in the Risk Assessment section of the Cabinet report
- c. It is not accepted that it was misleading to refer to other sites being within a 10 mile radius. The travel implications of the proposal were properly considered in the report

Question 3

Wiltshire Council have not provided a response that addresses any corrective action with respect to the Forward Plan in its varying formats and varying data. The current status does not provide the public with a single consistent document.

Response

The current format provides the public with a PDF document of the Forward Work plan for ease of reference. An online version is also provided to track the issue history and provide links to documents related to the decision in one location.

Question 4

The maintenance of the Forward Plan with respect to key information has been updated. However, an overall change management of the Forward Plan with an amendment sheet controlling the rolling configuration of the document has not been introduced.

Response

The Forward Work Plan is regularly re-published with updated information in advance of the next Cabinet meeting by at least 28 days.

Colin Gale

Vice Chairman PCAP