

**CABINET
24 NOVEMBER 2009**

PUBLIC PARTICIPATION

QUESTION MR JOHN BOWLEY

Question (1)

(1) Is it correct that £5.282 million had previously been set aside for capital expenditure on the now defunct Westbury Bypass scheme?

Response

The budget for 2009/10 for Westbury Bypass was £5.828m assuming the scheme was approved. Approx 90% of this budget would have been funded by the Department for Transport (DfT).

Question (2)

Is it correct that this £5.282 million has now in effect been a 'saving' which has been used to offset a deficit elsewhere?

Response

No funding will now be received from the DfT. Wiltshire's 2009/10 contribution to the scheme less the closing down costs will be returned back to the County Fund.

Question (3)

Does the transfer of 'costs' to the revenue account refer to this total figure or to additional costs incurred after cancellation of the scheme? What in-year adjustments are envisaged to the revenue account during 2009-10 to reflect the cessation of the Westbury Bypass project?

Response

The transfer of costs to the revenue account refers to costs incurred by Wiltshire Council previously charged as capital. It is anticipated that the amount will be £4.448 million in 2008/2009 accounts and £0.250 million in the 2009/2010 accounts.

Question (4)

Please provide a breakdown of the previously proposed capital expenditure on the Westbury Bypass scheme into intended construction cost contribution, fees, other etc.

Expected costs from April 2009 had the scheme gone ahead:

Total scheme cost	£34.719m
DfT funding	£30.984m
Wiltshire Council contribution	£3.735m

DfT funds 50% of preparation costs after scheme approval and 90% of scheme cost.

Question (5)

Please provide a summary breakdown of costs to date incurred by Wiltshire Council on the Westbury Bypass scheme, inclusive of fees, officer time, relevant other time, planning inquiry expenditure, winding-up costs, contract cancellation fees etc.

Response

Expenditure originally charged to Capital on the Westbury Bypass scheme to 31st March 09 totalled £4.448 million and broken down below. It is anticipated that a further £0.250 million will be incurred during the 2009/10 financial year.

Costs incurred to 31st March 2009:

Highways Consultant Fees	£2.838m
Ground Investigations / Hydrological Assessment	£0.534m
Other Prof Fees / Surveys / ECI Process / Utilities	£0.532m
Compensation to Landowners/Legal costs for inquiry	£0.317m
Officer Time	£0.184m
Other	£0.043m

Question (6)

What are the Chief Financial Officer Delegations?

Response

Please see the attached Word Document (Wiltshire Council Constitution Part 3B - Scheme of Delegation to Officers)

Question (7)

What are the costs of the Westbury Station Road railway over-bridge restrictions?

Response

Expected cost approx £70,000 for manufacture and installation of signs (incl. fees) will be funded by Network Rail.

Question (8)

What is the approximate estimated cost for renovating the Westbury Station Road railway over-bridge for unrestricted full use?

Response

Discussions with Network Rail are in progress to establish the scope and cost of the work required. It will be some time before reliable cost estimates can be given.

Question (9)

Please provide a summary breakdown of costs incurred by Wiltshire Council on the Warminster Town Centre scheme, inclusive of construction costs, fees, officer time etc.

Response

Financial Year	Highways Contractor £000's	Highways Consultant £000's	Other (Includes Officer time) £000's	Total Expenditure £000's
2006/2007	13	110	13	136
2007/2008	566	116	12	694
2008/2009	440	85	61	586
2009/2010	298	52	10	360
Total	1317	363	96	1776

N.B. 2009/2010 costs are to 31/10/09

PART 3B

SCHEME OF DELEGATION TO OFFICERS

1. This scheme of delegation authorises the chief executive and the directors to exercise the functions of the council as set out in this document. It repeals and replaces all previous schemes of delegation.
2. This scheme is without prejudice to the exercise of the council's functions by the council, the Cabinet, and the council's committees, sub-committees and panels.
3. For the purposes of this scheme "the directors" means the corporate and service directors whose job title and areas of responsibility are set out in Schedule 1 below.
4. The chief executive and the directors are empowered to make decisions on behalf of the council in accordance with the following general principles:
 - a. If a function, power or responsibility has not been specifically reserved to the council, a committee, or the Cabinet, the director within whose remit the matter falls is authorised to act;
 - b. The council, its committees and the Cabinet will make decisions on matters of significant policy. The chief executive and the directors have express authority to take all necessary actions to implement council, committee and Cabinet decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate;
 - c. The chief executive and the directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible;
 - d. The chief executive and the directors are empowered to take all necessary decisions in cases of emergency;
 - e. In relation to all delegated authority conferred on the directors by this scheme, the chief executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the council in the interests of effective corporate management as he or she thinks fit;
 - f. Where a director is absent from the workplace for a period of time that requires others to exercise delegated authority in that officer's absence, another officer should be nominated by the chief executive. This nomination should be formally recorded in writing.
 - g. Where there is doubt over the responsibility for the exercise of a delegated power, the chief executive or their nominee is authorised to act;
 - h. Anything delegated to a director is also delegated to the chief executive;
 - i. These delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources, the efficient delivery of services, and the achievement of the council's goals.
5. For the purposes of this scheme, emergency shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the council may be compromised.

6. In deciding whether or not to exercise such delegated powers, the chief executive and the directors should consider whether to consult the appropriate Cabinet member(s) or committee chairman and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body where they consider it expedient to do so.
7. The chief executive and the directors may authorise officers in their service areas to exercise, on their behalf, powers delegated under this scheme.
8. All delegations conferred under this scheme must be recorded in writing by the chief executive and the directors as the case may be (including for the avoidance of doubt any delegation under paragraph 4 (e) above). Any decision taken under such authority shall remain their responsibility, and must be taken in their name.
9. The monitoring officer will maintain a central record of all delegations under this scheme and make this available for public inspection. The chief executive and directors are responsible for recording all delegations under paragraph 8 above in such form as the monitoring officer may prescribe.
10. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the council's constitution, including its contract and financial procedures and regulations, and overall council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the council.
11. Without prejudice to the generality of the foregoing the chief executive and the directors shall have the power:
 - a. to take all lawful action consistent with overall council policy to deliver agreed strategy, plans and policy within their area of responsibility and within approved budgets. This shall include, but not exhaustively:
 - invitation and acceptance of tenders
 - submission of bids for funding
 - write-off of irrecoverable debts
 - virement (within the budget framework)
 - disposal and acquisition of assets
 - service and placing of any necessary statutory or other notices (other than those expressly reserved to a council, committee or Cabinet)
 - after consultation with the solicitor to the council, authorising the institution, defence or appearance in criminal or civil proceedings in relation to any legislation which they are responsible for monitoring, enforcing or otherwise implementing on behalf of the council.
 - b. to put in place management arrangements, which define the area of responsibility of all officers under their area of responsibility.
 - c. in the case of any overspend to notify the chief finance officer in the role of Section 151 officer in accordance with the financial procedure rules and regulations.

- d. to determine staffing arrangements within approved budgets, subject to agreement on grading with the director of resources and conformance with council policies.
 - e. To take all action to recruit, appoint, develop, manage and reward employees within approved council policies and procedures (including operation of policies for voluntary severance, early retirement, redundancy and redeployment) and relevant conditions of service.
12. In taking any decision, the officer concerned must be satisfied that the following issues have been properly considered and completed where appropriate. All of these issues should be considered at the earliest possible stage.
- a. a key decision should be taken in accordance with the relevant requirements;
 - b. the views of the relevant Cabinet members(s), committee chairman, area board(s) following the application of the consultation criteria set out in paragraph (c) below;
 - c. the implication of any council policy, initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision in other services. In such cases, consultation with officers, relevant Cabinet members(s) or committee chairman from any affected portfolio and local members, where the issue relates to a specific area, should take place;
 - d. consultation in accordance with the council's consultation strategy and the views emanating from that process;
 - e. the range of available options;
 - f. the staffing, financial and legal implications.
 - g. the assessment of any associated risks in accordance with the council's risk management strategy.
 - h. the involvement of appropriate statutory officers and/or other directors;
 - i. the relevance of any regional or national guidance from other bodies.
 - j. the council's constitution, including the forward work plan, its contract and financial procedures and regulations, all relevant guidance, legislation, codes of practice and protocols.
13. Any member may request that decisions taken by officers under delegated powers are scrutinised by the appropriate overview and scrutiny committee.
14. The solicitor to the council is authorised:
- a. to take any action to implement any decision taken by or on behalf of the council, including the signature and service of statutory and other notices and any document;
 - b. to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council or in any case where the solicitor to the council considers that such action is necessary to protect the council's interests.

- c. to instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the council.
 - d. to enter objections to any proposal affecting the county, the council or the inhabitants of the county.
15. For the avoidance of doubt anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the chief executive.
16. The council has given a general indemnity to any officer acting in the purported discharge of any authority delegated to him for any action, costs, claim or liability incurred by him or her in the form in schedule two.

PART 3B

SCHEME OF DELEGATION TO OFFICERS

Schedule 1

Chief executive and directors areas of responsibility

Post	Areas of responsibility
Chief executive	<ul style="list-style-type: none">the chief executive will be the head of paid service for purposes of Section 4 (1) of the Local Government and Housing Act 1989as head of paid service he/she will have overall responsibility for running the council within the policies currently adopted by the council and for managing the council to achieve its aimsfor that purpose he/she will have authority over all other employees of the councilthe chief executive will be the proper officer for all statutory purposes unless otherwise determined by him/her.
Director of resources assisted by relevant service directors within the team	<ul style="list-style-type: none">participate in the corporate management of the councilprovide a range of services including legal, democratic and member services, business transformation, customer care, shared services, human resources, organisational development, ICT, financial and procurement in support of the council's corporate and service strategies and objectivesensure the council meets its statutory obligations in these areas.
Director for children & education assisted by relevant service directors within the directorate	<ul style="list-style-type: none">participate in the corporate management of the council.direct the children and education department in the provision of educational services and childcare services in support of the council's corporate goals.ensure the council meets its statutory obligations under the Children's Act 1989 and as Local Education Authority.
Director of transport, environment and leisure assisted by relevant service directors within the directorate	<ul style="list-style-type: none">direct the transport, environment and leisure department in the provision of services in support of the council's corporate goals including property management, highways, transportation, management and leisureensure that the council meets its statutory obligations in these areas.

<p>Director of economic development, planning and housing</p> <p>assisted by relevant service directors within the directorate</p>	<ul style="list-style-type: none"> • participate in the corporate management of the council • direct the economic development, planning and housing department in the provision of services in support of the council's corporate goals including economic development, housing and the regulatory planning and licensing and environmental functions • ensure that the council meets its statutory obligations in these areas.
<p>Director of community services</p> <p>assisted by relevant service directors within the directorate</p>	<ul style="list-style-type: none"> • participate in the corporate management of the council • direct the community services department in the provision of adult care services, libraries, arts and heritage, community planning and governance and community safety services in support of the council's corporate goals and manage its partnership arrangements with external bodies, particularly the voluntary sector and health service • ensure that the council meets its statutory obligations under adult social services and other legislation • act as the council's statutory director of social services.
<p>Joint director of public health</p>	<ul style="list-style-type: none"> • participate in the corporate management of the council • direct the public health department to support the council's corporate goals and management • ensure the council meets its responsibility for improving health, assessing the needs of the population and reducing health inequalities • ensure that statutory obligations are met.

PART 3B

SCHEME OF DELEGATION TO OFFICERS SCHEDULE 2

Indemnity to staff

The council will, subject to the exceptions set out below, indemnify its employees and former employees against claims made against them (including costs awarded and reasonable costs incurred) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to its employees under any policy of insurance taken out by the council or any motor vehicle insurance policy taken out by the employee) occasioned by any neglect, act, error or omission committed by them in pursuit of their duties as they may from time to time undertake in the course of their employment with the Council whilst acting within the scope of their authority which shall include when they are acting for other persons or other bodies with the council's consent.

Exceptions

The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

- (a) fraud, dishonesty or a criminal offence on the part of the employee;
- (b) any neglect, error or omission by the employee otherwise than in the course of his duties;
- (c) liability in respect of losses certified by the district auditor as caused by wilful misconduct.

The indemnity will not apply if an employee, without the written authority of the council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution, or where there is evidence that the employee had acted with reckless disregard for the consequences.

The indemnity is without prejudice to the right of the council to take or institute disciplinary action against an employee in respect of any neglect, act, error or omission.