

AGENDA SUPPLEMENT (1)

Meeting: Council
Place: Melksham Assembly Hall, Market Place, Melksham, SN12 6ES
Date: Tuesday 13 November 2012
Time: 10.30 am

The Agenda for the above meeting was published on 31 October 2012 and indicated that the reports detailed below would be to follow. These are now available and is/are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718024 or email Yamina.Rhouati@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

7b) **Review of Major Incident Plan** (*Pages 1 - 2*)

Please note that the relevant Cabinet minute, including the recommendation of Cabinet are set out at pages 3-4 of the minute book.

A question from Councillor Bill Douglas on this item is attached to this supplement.

7c) **Review of Recovery Plan**

Please note that the relevant Cabinet minute, including the recommendation of Cabinet are set out at pages 25-26 of the minute book.

Councillors are reminded to bring with them the previously circulated Major Incident Plan and Recovery Plan

9 **Council Tax Support Scheme** (*Pages 3 - 18*)

An updated Appendix 3 to the report and responses from organisations to the consultation are attached. Please also note that the relevant Cabinet minute, including the recommendations of Cabinet are set out at pages 55 of this Agenda Supplement.

12 **Councillors' Questions** (*Pages 19 - 46*)

Questions received from Councillors together with responses from the relevant Cabinet Member/Committee Chairman are attached.

13 **Minutes of Cabinet and Committees** (*Pages 47 - 132*)

Minutes of the following meetings are attached:

- Cabinet – 6 November 2012
- Cabinet Capital Assets Committee – 6 November 2012
- Children's Select – 27 September 2012
- Environment Select Committee – 1 November 2012
- Northern Area planning Committee – 31 October 2012
- Eastern Area Planning Committee – 1 November 2012
- Southern Area Planning Committee – 25 October 2012
- Standards Committee 24 October 2012

An update from the Cabinet Member for Resources in relation to the Parliamentary Boundary Review is attached at page 59.

In relation to minute 19 of the Standards Committee on 24 October 2012 (page 122 of this Agenda Supplement) Council's attention is also drawn to the Standards Committee's recommendations regarding the interim position on declarations of interest. As background information, the relevant report to the Standards Committee is also attached at pages 127 of this supplement.

DATE OF PUBLICATION: 9 November 2012

Wiltshire Council

Council

13 November 2012

Item 7b - Major Incident Plan

From Cllr Bill Douglas, Chippenham Hardens and England Division

To

Cllr Keith Humphries, Cabinet Member for Public Health and Protection Services

Question 1

In the light of the Presentation today of the Major Incident Plan is the Cabinet Member aware of the flooding of commercial premises on Chippenham High Street? This has been a continuing problem of the past years and the severity has increased in the near past.

The problem occurs when heavy rains fill the available drains and surface water flows down the High Street entering shops and flooding at the lower end of the High Street. Two of our major businesses, Wilkinsons, W.H.Smiths and shops on either side are regularly flooded.

I have received E-mails and verbal complaints from the Managements asking that action be taken as soon as possible, as the near forecasts include several severe flood warnings. Also, with the approach of Christmas they are concerned that flooding would have a devastating effect on their businesses.

Our Incident Plan should cover this unusual flooding situation as a matter of urgency as these warning signals could be a prelude to a major incident. I do understand that drainage is difficult but one would think that with the river being within 20metres of the affected area a system carrying overflow into the river, could be devised. Will the Member ask that this problem have urgent assessment and action by the Engineering Section concerned?

Response

A verbal response will be given at the meeting.

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Results of Consultation

Q1. Do you think that everyone (apart from pensioners, who are not affected by these changes) should pay a minimum of 20% towards their council tax?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	662	69.2	72.9	72.9
	No	246	25.7	27.1	100.0
	Total	908	94.9	100.0	
Missing	0	49	5.1		
Total		957	100.0		

Q2. Do you think we should protect certain vulnerable groups from any reduction? (E.g. disabled people or families with children under 5)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	678	70.8	76.5	76.5
	No	208	21.7	23.5	100.0
	Total	886	92.6	100.0	
Missing	0	71	7.4		
Total		957	100.0		

Q3 Frequencies

		Responses		Percent of Cases
		N	Percent	
Q3 ^a	Q3a. Which of the following vulnerable groups do you think we should protect? - Disabled people	623	34.7%	76.0%
	Q3b. Families with children under five	283	15.7%	34.5%
	Q3c. War widows and widowers	415	23.1%	50.6%
	Q3d. All families on a low income	397	22.1%	48.4%
	Q3e. Don't know	79	4.4%	9.6%
Total		1797	100.0%	219.1%

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Q4. In the proposed scheme do you agree the council should encourage people receiving council tax support to find work and stay in work?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly agree	541	56.5	56.9	56.9
	Agree	279	29.2	29.3	86.2
	Neither agree nor disagree	78	8.2	8.2	94.4
	Disagree	27	2.8	2.8	97.3
	Strongly disagree	26	2.7	2.7	100.0
	Total	951	99.4	100.0	
Missing	0	6	.6		
Total		957	100.0		

Q5. Should working age people receiving council tax support with savings of £6,000 or more be asked to use some of these savings to pay their council tax?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	553	57.8	58.1	58.1
	No	328	34.3	34.5	92.6
	Don't know	70	7.3	7.4	100.0
	Total	951	99.4	100.0	
Missing	0	6	.6		
Total		957	100.0		

Q6. Do you think there should be a single rate of deduction that is lower than the current rate?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	578	60.4	61.0	61.0
	No	198	20.7	20.9	81.9
	Don't know	172	18.0	18.1	100.0
	Total	948	99.1	100.0	
Missing	0	8	.8		
	System	1	.1		
	Total	9	.9		
Total		957	100.0		

Q7. If someone asks us to pay the new council tax support from an earlier date than they made their claim do you think we should?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	257	26.9	27.2	27.2
	No	588	61.4	62.3	89.5
	Don't know	99	10.3	10.5	100.0
	Total	944	98.6	100.0	
Missing	0	10	1.0		
	System	3	.3		
	Total	13	1.4		
Total		957	100.0		

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Q8. The council proposes that it is reasonable not to include a second adult rebate element in the new council tax support scheme. Do you support this approach?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	720	75.2	76.7	76.7
	No	131	13.7	14.0	90.6
	Don't know	88	9.2	9.4	100.0
	Total	939	98.1	100.0	
Missing	0	17	1.8		
	System	1	.1		
	Total	18	1.9		
Total		957	100.0		

Q9. The council proposes to not allow awards of underlying entitlement in respect of overpaid benefit periods in the new council tax support scheme. Do you agree this is reasonable?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	636	66.5	68.5	68.5
	No	153	16.0	16.5	84.9
	Don't know	140	14.6	15.1	100.0
	Total	929	97.1	100.0	
Missing	0	24	2.5		
	4	1	.1		
	System	3	.3		
	Total	28	2.9		
Total		957	100.0		

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Q10. The council would like to set up a discretionary fund to help protect the most vulnerable people from the impact of any changes (subject to meeting criteria). Do you support this approach?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	721	75.3	82.8	82.8
	No	93	9.7	10.7	93.5
	Don't know	57	6.0	6.5	100.0
	Total	871	91.0	100.0	
Missing	0	17	1.8		
	4	28	2.9		
	5	39	4.1		
	6	2	.2		
	Total	86	9.0		
Total		957	100.0		

In addition to the results of the Consultation we attach documents from various bodies whose comments have been considered during the design of the scheme. They include Wiltshire Constabulary, the RNIB and the Royal British Legion. In addition we have received a number of comments from the public some of which are attached, including the response from our own Housing Department which is shown below.

Question 1:

Do you think that everyone (apart from pensioners, who are not affected by these changes) should pay a minimum of 20% towards their council tax?

This would mean each household that currently gets council tax benefit would see it reduced by an average of £237 per year.

- Yes
- No

Housing response: No.

Rationale: Vulnerable and very low income groups should be exempted. With the forthcoming housing benefit changes, the latter in particular will be facing difficulties paying their rent. Adding changes for council tax would exacerbate this.

Question 2:

Do you think we should protect certain vulnerable groups from any reduction? (E.g. disabled people or families with children under 5)

- Yes
- No

Housing response: Yes

Rationale: as above

Question 3:

Which of the following vulnerable groups do you think we should protect? You can tick as many boxes as you like

- Disabled people
- Families with children under five
- War widows and widowers
- All families on a low income
- Don't know

Housing response: All families on a low income

Rationale: Households on a low income are already facing HB cuts and should be protected from CTB cuts.

War widows and widowers do not appear to be significantly at risk as a result of other benefit changes and so should not be protected here. Families with children under 5 and disabled person households can be protected if they are on a low income via the 'families on a low income' option. Higher income families with young children / disabled families do not require protection.

Question 4:

In the proposed scheme do you agree the council should encourage people receiving council tax support to find work and stay in work? This would allow those people that are on a low income to pay less council tax.

- Strongly agree

- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Housing response: Agree

Rationale: This would allow people to earn more income before it affects their benefit, thus upholding the government agenda by incentivising low-paid work

Question 5:

Should working age people receiving council tax support with savings of £6,000 or more be asked to use some of these savings to pay their council tax?

- Yes
- No
- Don't know

Housing response: Yes

Rationale: The existing limit on savings is £16,000. This seems quite high.

Question 6:

We want to provide a simpler scheme and encourage people to work therefore the council proposes to introduce a flat rate deduction which is lower than the current rate.

Do you think there should be a single rate of deduction that is lower than the current rate?

- Yes
- No
- Don't know

Housing response: Don't know

Rationale: it depends what the flat rate is and how it is calculated.

Question 7:

If someone asks us to pay the new council tax support from an earlier date than they made their claim do you think we should?

- Yes
- No
- Don't know

Housing response: Yes, for vulnerable groups only

Rationale: yes for vulnerable groups, as these may have a good reason for not supplying info in a timely manner e.g. admitted to hospital.

Question 8:

The council proposes that it is reasonable not to include a second adult rebate element in the new council tax support scheme. Do you support this approach?

- Yes
- No
- Don't know

Housing response: Yes

Question 9:

The council proposes to not allow awards of underlying entitlement in respect of overpaid benefit periods in the new council tax support scheme. Do you agree this is reasonable?

- Yes
- No
- Don't know

Housing response: No

Rationale: there is an issue of fairness at stake.

Question 10:

The council would like to set up a discretionary fund to help protect the most vulnerable people from the impact of any changes (subject to meeting criteria). Do you support this approach?

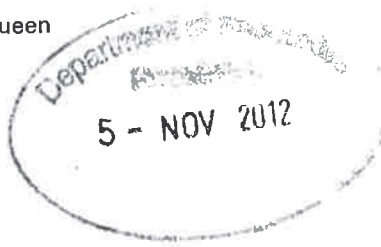
- Yes
- No
- Don't know

Housing response: Yes

Rationale: could be useful for households in difficulty.

The Royal British Legion
199 Borough High Street
London SE1 1AA

T 020 3207 2361
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W www.britishlegion.org.uk



Mr B Pirie
Head of Paid Services
Wiltshire Council
County Hall
Bythesea Road
TROWBRIDGE
BA14 8JN

Date: 1 November 2012

Reference: 12/077

Contact: dmartin@britishlegion.org.uk

MH?

Dear Mr Pirie

Localised support for council tax – consultation submission

As you will no doubt be aware, as part of the Government's localisation agenda local authorities are now required to design and operate their own council tax support schemes. As part of this process local authorities must consult stakeholders on the proposed design of their schemes. Please accept this letter as The Royal British Legion's submission to your authority's consultation process.

I strongly urge you to ensure that your local authority provides a 100% disregard of military compensation payments when calculating entitlement to council tax support. This includes all War Disablement Pensions, War Widow's Pensions and Armed Forces Compensation Scheme payments. These payments are not an income support payment but are paid as compensation for injury, illness or loss as a result of Service in HM Armed Forces. It is therefore not appropriate, nor a recognition of commitment to the nation, to include such compensation payments in calculations for means tested benefits.

Until the recent changes local authorities were statutorily required to disregard the first £10.00 of these compensation payments. However, following our campaigning work, almost every local authority in the country has used its discretionary power to fully disregard these payments, and this is an approach that we strongly support.

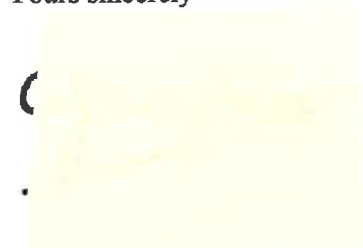
The Government, in its guidance to local authorities, provides a reminder that the discretion to provide a full disregard to them is still available under the new regulations. Indeed it encourages them to do so, in line with the principles of the Armed Forces Covenant¹.

An increasing number of authorities are signing up to the Armed Forces Community Covenant and we are very grateful to those who have done so, or are looking to do so. I believe that the provision of a full disregard of military compensation payments when it comes to calculating council tax support is an essential step in delivering on the principles of the Covenant at a local level.

¹ Localising Support for Council Tax: Vulnerable people – key local authority duties, Communities and Local Government, May 2012.

I would be very grateful if you could confirm to me that your local authority intends to provide a full disregard of War Disablement Pensions, War Widow's Pensions and Armed Forces Compensation Scheme payments in the design of your council tax support scheme.

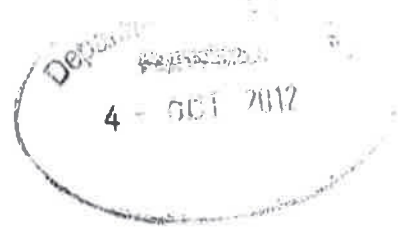
Yours sincerely



Chris Simpkins DMA, Hon.DUniv, DL

Director General

Michael Hudson
Finance Director
Wiltshire Council
County Hall
Trowbridge
BA14 8JN



Date: 1st October 2012

Your ref:

Our ref: MOP/WPA276

Reply contact name: Mike Prince

Dear Mr Tiller

LOCALISATION OF COUNCIL TAX

The Corporate Management Board met last month and discussed The Local Government Finance Bill making provision for the localisation of council tax support in England by imposing a duty on billing authorities to make a localised council tax reduction scheme by 31 January 2013.

The Board was provided with:

- the Wiltshire Council detailed report on Council Tax Support and Technical Changes together with the Background Papers (Financial models analysing impact of Option 1, 3 and 4) which had been prepared for Wiltshire Council's meeting on 19th July 2012; and
- the Consultation Council Tax Support Scheme report taken to Swindon Borough Council on 15th August 2012.

The Board understood and accepted the position taken by both local authorities, noting the difference with regard to child benefit being included as an income source for Swindon but not for Wiltshire.

The Board asked me to write to both Swindon Borough Council and Wiltshire Council informing them of this stance, and pointing out the variance between the two schemes.

Should you require further information from Wiltshire Police Authority, Wiltshire Police or, in due course, the Office of the Police and Crime Commissioner for Wiltshire and Swindon please do not hesitate to contact me.

Yours sincerely

MIKE PRINCE
Treasurer

cc: Clive Barker, Head of Finance. Wiltshire Police

Wiltshire Police Authority
Police HQ, London Road, Devizes, Wiltshire. SN10 2RD
Telephone: 01380 734022
Facsimile: 01380 734025
Email: mike.prince@wiltshire.pnn.police.uk
Web Site: www.wiltshire-pa.gov.uk

**Wiltshire Council
Helping you cope with the changes to Council Tax Benefit
Response from Royal National Institute of Blind People (RNIB)**

October 30th 2012

1. About us

As the largest organisation of blind and partially sighted people in the UK, RNIB is pleased to have the opportunity to respond to this consultation.

We are a membership organisation with over 10,000 members who are blind, partially sighted or the friends and family of people with sight loss. 80 per cent of our Trustees and Assembly Members are blind or partially sighted. We encourage members to be involved in our work and regularly consult with them on government policy and their ideas for change.

As a campaigning organisation of blind and partially sighted people, we fight for the rights of people with sight loss in each of the UK's countries. Our priorities are to:

- Stop people losing their sight unnecessarily
- Support independent living for blind and partially sighted people
- Create a society that is inclusive of blind and partially sighted people's interests and needs.

We also provide expert knowledge to business and the public sector through consultancy on improving the accessibility of the built environment, technology, products and services.

2. Consultation Response:

RNIB are responding to this consultation because of our presence in the South West, representing our members and supporters who live in Wiltshire

It is not appropriate to respond to each of the proposed schemes presented by Wiltshire Council but to rather provide overall comments and observations.

Council Tax is a crucial benefit for people in work who are struggling to pay rising bills for food and fuel, and contributes hugely to making low-paid work pay.

Any scheme introduced by Wiltshire Council should support the aims of the Universal Credit, which are to incentivise work for those on low incomes, simplify the benefits system and make it clearer what amount of income claimants in work will be left with after tax.

The changes to council tax benefits are focused on those of working age. However, disabled people of working age remain far less likely to be in employment. In 2011, the employment rate of disabled people was 48.8 per cent, compared with 77.5 per cent of non-disabled people. The figure is even lower at 33 per cent for blind and partially sighted people. Even then people with sight loss in employment are restricted in being able to access and fully participate in the labour market so a reduction in support with council tax would see blind and partially sighted people struggle with their finances. 45 per cent of blind and partially sighted people describe their financial situation as "just getting by" or worse.

We welcome the inclusion of disabled people, including people with visual impairments as part of the discretionary payment scheme.

We also welcome Wiltshire Councils proposal to change the rate at which council tax benefit is withdrawn where a person has more income than the law says they need to live on and to encourage people to earn more income before it affects their benefit by reducing this amount.

The qualification of entitlement for council tax benefit for people with savings under £6000. This may appear to be a large amount to have in savings. A disabled person may have this much in savings to support their needs and to pay for any expensive adaptation or aids. Aids and adaptations for a person can be costly and we would recommend raising the threshold above £6000

The promotion and take-up of a new local scheme will be more important than ever, to cushion the impact of the Council Tax Benefit (and other) cuts on household budgets. It is important that this scheme is seen

within a wider context, not least because of cuts to Disability Living Allowance (DLA), Housing Benefit (HB) cuts and the one-year time limit of contributory Employment and Support Allowance (ESA).

For further information please contact

Tara Melton
Campaigns Officer, South West
RNIB

01179 341 707
Tara.melton@rnib.org.uk

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Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Ernie Clark, Hilperton Division

To

Cllr Allison Bucknell, Chairman of Staffing Policy Committee

Question 1

How many full time staff are currently employed by Wiltshire Council as 'office staff' (i.e. excluding teachers etc.)? How many of these employees work 'compressed hours' in order to work on four, rather than five, days a week? When working 'compressed hours', how are members of the public able to contact these members of staff outside the time when the telephone switchboard is open?

Response

It is difficult to answer the first part of Cllr Clarke's question as Wiltshire Council does not recognise the term "office staff", similarly working patterns for staff are not recorded centrally so we are unable to provide details of the number of full time staff who work compressed hours.

As you know the council has a range of flexible working policies available for staff and these include a compressed hours policy. Officers are encouraged to work from home where practical and hot desking is becoming the norm under the new ways of working. This is delivering significant savings for the council as the saving per workstation is estimated at £4,000. For example there are 650 desks provided for 1150 staff in the new county hall facility, and this arrangement can only work if staff adopt the new ways of working, and this includes working flexibly.

Officers are also encouraged to adopt a "we go to them" approach which means that some officers, e.g. planning officers, are likely to be out of the office for a greater proportion of their working time.

The role of some officers, e.g. Customer Services and Social Care helpdesk, is to be available to answer calls from the public during core working hours. Outside of these working hours, there is an Out of Hours service to deal with emergencies. There is no requirement for an officer to be available to the public outside of core hours unless that officer provides a service which necessitates that, or the officer has made an arrangement.

Managers, in services which have direct or indirect contact with the public have a primary regard to operational requirements when considering requests from staff to work compressed hours. They may refuse requests if agreeing to compressed hours would have a negative impact on customers and their ability to access the service. Each manager is responsible for making arrangements for dealing with contact from the public in line with the councils published guidelines with respect to opening hours. This information is available to the public via the council's website, and is listed under council offices and departments.

The link is <http://www.wiltshire.gov.uk/council/councilownedpremises.htm>

The council is committed to flexible working and recognises the benefits it can bring as it enables us to shape our services around the needs and concerns of our customers, as well as providing improved motivation, morale, increased productivity, better work life balance and reduced levels of stress for our employees.

Many service areas and functions are involved in Systems Thinking reviews to redesign services to ensure that that customer is at the heart of everything we do. If Cllr Clarke has a specific issue with officers or a service area, he is advised to contact the manager of that service directly to discuss ways of improving the service or even getting involved in the review process.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Nicholas Fogg, Marlborough West Division

To

Cllr John Brady, Cabinet Member for Finance, Performance and Risk

Question 1

How many businesses have applied for rate relief in the county and, in particular, in towns such as Marlborough and Devizes by specific number?

Response

20 applications received so far 2012/13 (6 awards made - 4 still being determined - 10 refused)

1 application received for Devizes (refused)

3 for Marlborough (refused)

Question 2

What has been the overall cost through the county and, again specifically, for Marlborough and Devizes?

Response

Total cost to Wiltshire council £7869.08 to date for 2012/13

No awards have been made in Devizes or Marlborough

Question 3

What publicity and promotion has the council undertaken to ensure that businesses in difficulties in these hard times are aware that they can apply for discounts?

Response

Details of all discounts and exemptions are on the council's website, with application forms.

Question 4

Have the Chambers of Commerce in all Wiltshire's main towns been given promotional material?

Response

No, but we use the Wiltshire Business Support Service to help determine each application. They are fully aware of the scheme.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Stephen Oldrieve, Trowbridge Paxcroft Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

Recent changes in policy at the Wiltshire Probation Service now requires community groups to make a financial contribution to the service for work to be undertaken by people on the community pay-back schemes. Do you support this policy?

Response

It is not for me as the leader of the Council to comment on the policies of other independent public services. We continue to work in partnership with all agencies in Wiltshire and understand that all such organisations have the responsibility to target their resources as effectively as possible following consultation with the community. I understand that the WPT policy of charging beneficiaries can also be waived on a case by case basis in order not to exclude some organisations or charities. There are no plans to introduce the approach into the Wiltshire Youth Offending Service (over which Wiltshire Council has direct influence) which also delivers Reparation Work Projects in the community. Wiltshire Probation Trust is very happy to respond directly to any public enquiries about their policy. Contact details for WPT can be made available for all members.

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Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Ernie Clark, Hilperton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

What progress is being made with respect to recovering the secret 'Non-pensionable Honorarium payments' to certain members of staff at Kennet District Council between 1 January and 1 April 2009?

If you have decided to take no further action, please indicate whether the decision was based upon legal advice and, if so, whether the advice was provided internally or externally.

Response

Having now clarified what documentation is available in response to the request from one of the party's solicitors, the council's legal team is now in a position to make recommendations as to next steps. This is likely to be based on a combination of external legal advice already obtained and internal legal advice.

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Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Ernie Clark, Hilperton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

The KPMG 'Executive Summary' into the Kennet District Council 'Non Pensionable Honorarium' payments states: 'At Kennet, honorarium payments were included in redundancy calculations for two members of staff. Whether or not it was correct for Kennet to have done so given its powers and the existing law is a matter on which Wiltshire will need to obtain legal advice. We understand from a memorandum from a solicitor at the Audit Commission that, in his view, honorarium payments should not have been included in redundancy calculations.'

Was such legal advice sought? If so, from whom? If not, why not? Assuming that legal advice was sought, what was the advice given to Wiltshire Council?

Response

External legal advice was sought. The advice confirmed that there was a reasonable argument that honorarium payments should not have been included in redundancy calculations which would justify pursuing recovery but that depending on the facts that may emerge there may be potential defences available to the recipients in any recovery action.

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Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Ernie Clark, Hilperton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

In a previous question relating to the Kennet non-pensionable honoraria payments for this meeting, I quoted the KPMG executive summary statement which stated 'We understand from a memorandum from a solicitor at the Audit Commission that, in his view, honorarium payments should not have been included in redundancy calculations.'

However, in the full report (page 50 paragraph 4.2.1) this sentence has been redacted. Why was this redaction made to the full report?

Response

I am advised by officers that there have been a number of requests for information in respect of this matter. I am not sure as to which documents from those requests you refer to.

However the sentence was redacted at one stage because the officer doing the redacting considered that as it was legal advice given to KPMG legal professional privilege (a recognised exemption) may attach. It was subsequently decided that this exemption would not attach to this sentence.

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Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

- a. The penultimate page of the Minutes of the July Council meeting records the three questions which I asked you in connection with the Minutes of the 19 June Cabinet meeting. Why is it not been possible in the intervening four months to provide written replies which were promised in July?
- b. Will you now take this opportunity to provide the outstanding responses?

Response

The Service Director of Law and Governance provided a written response to a number of related questions in August. At that time it was understood that these responded to the outstanding concerns that Cllr Caswill had regarding wind turbines and the emerging Core Strategy, and no further response was required. However, in the interests of completeness the response to the specific questions made is provided below.

Cabinet (19 June 2012) in making their recommendation to Council took into consideration all the papers before them including the Appendices to the report and accompanying documents. The recommendation specifically supports the Proposed Changes set out in Appendix 1.

The consultation views and officer responses set out in Appendix 2 formed part of the Cabinet's decision making and were taken into account in making the recommendation to Council that the Wiltshire Core Strategy Pre-Submission Document together with the Proposed Changes in Appendix 1, including those to Core Policy 42, be submitted to the Secretary of State for Examination.

Core Policy 42 (as proposed to be changed) sets out a number of criteria to be addressed in determining wind farm developments. The intention behind

this policy, as with any criteria based policy, is that the criteria will be applied to individual planning applications that come forward (alongside other relevant policies within the development plan). As with any application these will be determined on their merits.

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

Given that Council officers are now to be statutory members of the Wiltshire Health and Well-Being Board, and that that Board will be meeting in public and taking decisions on health services in Wiltshire which are vitally important for its residents, will steps be taken to revise the protocol for member-officer relations so that questions can be asked about the opinions and voting choices of the officers on the Board?

Response

Detailed regulations are still awaited on memberships and voting on the Health and Wellbeing Boards. The regulations were due to be laid before Parliament during the autumn but in view of the change in ministerial leadership at the Department this has now been delayed until early in the new year. The Department is aware that the implementation date of 1 April 2013 to have the Boards up and running may present some challenges to local authorities because of the cycle of Council meetings with the forthcoming elections and the need to set the budget.

The clear understanding from the Department is that these regulations will not be prescriptive in terms of membership – other than that contained in the Act – and will not specify specific voting arrangements. It will be for individual councils to determine these on appointing the Board.

Any consequential amendments that are required to the Constitution or any of its protocols will be made at that time.

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Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

Is she aware of the revelations on the recent Channel 4 Dispatches programme about the extent of NHS services across the country which have been taken over by Virgin Care, and the serious reductions in service which followed?

Will she give an assurance that she would use her influence on the Wiltshire Health and Well-being Board to resist the takeover of NHS services in Wiltshire by private companies like Virgin Care?

Response

The focus of the new health system is intended to be on **improved outcomes**, regardless of the status of the service provider (NHS, private or 3rd sector organisations). The Health and Wellbeing Board will have a big part to play in monitoring these improvements.

The Health and Wellbeing Board is in shadow form at present and will not officially start as a formal committee until April 2013. It is currently developing its role, membership, work plans, and a new health and wellbeing strategy.

There will be a number of channels and checks which can be used to ensure services that are commissioned by the CCG and others are high quality, meet the needs of the local community, and achieve good value for money. A number of examples are highlighted below.

- The membership of the health and wellbeing board will include key representatives that will have oversight of all health related services in Wiltshire. It will work closely and encourage integrated working between commissioners of NHS, public health and social care services. As the chair I will seek to build these relationships and promote the most appropriate health services to meet the needs of all Wiltshire residents.

- A new first draft of the Health and Wellbeing Strategy has been developed and will be published for consultation in November. The commissioning plan produced by the CCG must have regard to this strategy, consult and improve choice, and follow the NHS Commissioning Board mandate.
- The Council will continue to undertake health scrutiny through its Health Select Committee.
- The setting up of Local Healthwatch, which will act for the benefit for the local community. This will involve patients and the public in the commissioning, provision and scrutiny of local health and care services. It will be able to make recommendations and will be represented on the Health and Wellbeing board and the board of the CCG.
- The new role of Monitor, which makes it the independent regulator of all healthcare services. Its role includes making sure all healthcare services are economic, efficient and effective; maintaining and improving the quality of services; licensing all NHS healthcare providers; and addressing anti-competitive behaviour in the provision of health care services where this is against the interests of patients.

All of this work undertaken as part of the new health reforms will seek to ensure health services in Wiltshire will be developed and enhanced for the benefit of all local residents.

(Background note: The Channel 4 programme was broadcast on 29 October 2012 and was titled 'Getting Rich on the NHS'. It looked at healthcare contracts being awarded to private firms and focused on Virgin Care. More information is available from the following link:

<http://www.channel4.com/programmes/dispatches/episode-guide/series-112/episode-4>)

Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

**Cllr John Thomson, Deputy Leader and Cabinet Member for Adult care,
Communities and Housing**

Question 1

- a. As the trial of staff at Winterbourne View has now concluded, are you now in a position to give the Council a statement about the lessons which Wiltshire Council has learned from this shocking episode, and from the CQC and Safeguarding reports which have been produced in recent months?
- b. In particular, are you satisfied that Wiltshire Council has in place the right procedures for listening to any 'whistleblowing' reports about residential accommodation in the county, and about accommodation outside the county where Wiltshire residents have been placed by the Council?
- c. Would you anyway agree that one of the immediate needs is to look again at the level of support which is provided by this Council to any Wiltshire parents who are concerned about the treatment of their children (of all ages) in residential homes, including guidance on the extremely complicated division of responsibilities between the Council, the NHS and other organisations?

Response

- a) Since the scandal at Winterbourne View Hospital was brought to public attention by the BBC Panorama programme a total of five reports have been published to date.
 - Winterbourne View Hospital: A serious Case review
 - Report of the NHS Review of commissioning of care and treatment at Winterbourne View.
 - Care Quality Commission, internal Management review of regulation of Winterbourne View

- Care Quality Commission, Learning Disability Services, inspection programme, National Overview
- Out of Sight: Mencap and Challenging Behaviour Foundation.

Between them, the reports produced 115 recommendations of which 35 need to be considered by all local authorities and their partners, including the NHS. (The other recommendations are primarily in the domain of the NHS, the Care Quality Commission, the Department of Health and service providers.)

Like all Councils across the Country officers of the Council and their PCT colleagues have scrutinised all of the recommendations and are in the process of developing a formal action plan to address them where necessary. The scope of the plan will cover not only the subjects of the Winterbourne View hospital, who were NHS In-patient Assessment and Treatment Units but also residential and nursing home placements as well, as we would wish to ensure the safety of all vulnerable adults, not just the very small number who need to be admitted to specialist health settings. That is why the council is working with the PCT/CCG on a joint plan.

- b) “Whistle blowing” is taken very seriously in Wiltshire. All allegations are investigated thoroughly. Since Winterbourne View hit the headlines the number of safeguarding alerts generated by residential care staff across the county has increased. This is a positive statement in so far as it indicates that the procedures do work well and that the processes have been able to respond to the heightened awareness of staff.

We encourage and have always encouraged staff, people who use services and members of the public to raise with us any concerns they have about care in any care homes in Wiltshire.

- c) Fortunately, very few people with a learning disability in Wiltshire have needed to be admitted by the NHS to specialist assessment and treatment units. At the moment the NHS have 4 people in specialist settings.

For this small number of people and their families it is a stressful time and it is indeed complicated once the mental health act is implemented and a psychiatrist has decided that hospital admission is appropriate. The NHS have the responsibility in these circumstances but as always the council will continue to work with our partners to ensure we can help as much as possible where appropriate .

The Council and the CCG jointly fund an advocacy service for people and families who are involved with the NHS re their mental

health issues, so they can have access to independent advice and support. In addition we will be working with the CCGs and other Health agencies in the coming months as part of the improvement plan to ensure the few families who are involved in these very complicated arrangements are supported and also consulted on what more support they would need.

In due course, the Government will publish a final report in relation to Winterbourne View Hospital and should any new recommendations or statutory requirements emerge from that document they will be incorporated into the Wiltshire action plan.

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Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

Has there been a delay in rolling out the additional Government funding for free pre-school nursery education, and if so why?

Response

There has been no delay in the rolling out of the provision of free pre-school nursery education in Wiltshire.

Children are eligible to receive 15 hours a week of free entitlement to childcare for 38 weeks of the year in a nursery or pre-school of their choice from the term after their third birthday until they go to school. The take up of this entitlement is very good in Wiltshire with over 95% children accessing childcare. This take up is above the national average. Some parents prefer to keep their children at home with them. We currently have sufficient places for parents to access childcare in Wiltshire.

This free entitlement is gradually being extended to the most disadvantaged 2 year olds in the country. Wiltshire has had a target of 90 places for two year olds. This will be extended to 800 places by September 2013 and 1500 by 2014. This provision is not a legal requirement until September 2013.

Wiltshire is meeting its planned roll out of these places. Our target to place 400 children by September 2012 has been reached. Currently 432 disadvantaged two year old children have nursery places for between 10 and 15 hours a week. The criteria used to identify children has been widely publicised and health visitors use the referral form to apply for a placement. The criteria used are primarily financial, with children living in workless households given priority. Other criteria highlight children in need and include children looked after, those on child protection plans and whose parents have substance misuse issues. The referral form includes the requirement to gather evidence of need on a Common Assessment Framework (CAF).

A multi-agency panel agrees the children eligible for the funding and the early year's team works closely with nurseries to find the most appropriate pre-school setting for the child. We have had no difficulty in finding suitable places for the children.

Parents are supported by an outreach worker from their local children's centre to offer the whole family parenting and family support.

From September 2013, Her Majesty's Revenue and Customs will inform the parents that are eligible, directly and they will apply to pre-schools and nurseries themselves. The local authority will publish a list of approved pre-schools, nurseries and childminders.

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Wiltshire Council

Council

13 November 2012

Questions from Councillors

From Cllr Chris Caswill, Chippenham Monkton Division

To

Cllr Jane Scott OBE, Leader of the Council

Question 1

- a. What steps are being taken to replace the Community Care Grants and Crisis Loans which the Government is abolishing from next April?
- b. What steps if any is the Council intending to take to counter the rising tide of high interest payday loans which is causing such distress and hardship to those who are in debt and are being tempted to go down that route?

Response

a) **Background**

- Welfare reform Act 2012 – key functions of social fund will be devolved to local authorities from April 2013
- Currently two parts – Regulated social fund/discretionary social fund
- Discretionary elements – Community care grants/crisis loans
- Emergency expenses – one off
- Replace white goods – fridge/cooker/washing machine
- Fuel reconnected
- Furniture – bed/sofa
- Leave care/prison

Key Principles

- To support people through personal economic/life crisis- alleviate immediate hunger or poverty this may be through signposting or direct support
- To prevent economic crisis by promoting Independence – helping people to try and help themselves through sound financial management advice and support.

Wiltshire's Approach

Wiltshire were contacted in late August 2012 by the DWP confirming that £619,000 will be awarded to the council to distribute through any new scheme

it decides to introduce, in replace community care grants and crisis loans, only. The DWP will continue to deliver other emergency payments.

The delivery model is being designed, building on existing software and processes in use by the Revenues and Benefit service. As only £6,000 has been allowed for set-up costs, it would be difficult to design a bespoke system. Revs and Bens will provide the service, be it by telephone or face to face, from their current offices across the County. It is they who will process the applications forms, issue payment in its various forms and record the outcome.

The service has to be delivered by an accessible team capable of issuing payment, quickly. Payment may be in the form of an automated BACS payment but more likely via a credit to spend on essential or refurbished white /brown goods, travel expenses of even food parcels. This also requires working with partners, particularly the voluntary sector who can offer support or appropriate goods or services to those who qualify.

To achieve these aims the following has still to be determined:

- Design application/including self serve
- Agree budget
- Out of hours service provision
- Appeal process
- Mapping existing services across the council to avoid duplication of service provision
- Consultation -next steps – principles, name

Once a scheme has been fully designed the scheme will then be brought to cabinet and once implemented will have to be marketed in order to raise awareness, specifically in agreement with the DWP who will need to be able to signpost mutual customers to this new service.

- b) The Council recognises that there are various sources of credit available to people in Wiltshire. Illegal sources of credit (loan sharks) are being identified and tackled through our partnership with England's Illegal Money Lending Team. Legal sources of credit include door-step lenders and companies offering 'pay-day' loans. We recognise that many of these sources of credit are very expensive and, frankly, unaffordable for the people who use them (especially those on a low income). However, they are **legal** sources of credit and the Council respects the right of individuals to borrow from them and the right of such business to operate. Instead, what we are doing is working with partners, through the Wiltshire Money partnership, to increase understanding of the cost of unaffordable credit and also promote alternative sources. So, for example, we are promoting Wiltshire Community Bank which sees credit unions in the county offering savings accounts and affordable loans to their members. We are working with children's centres to raise understanding amongst staff about debt and affordable credit so that they are better placed to support their clients. We are also researching an alternative 'pay-day loan' product with Wiltshire Community Bank. Ultimately, we want to promote responsible borrowing and in some cases further loans will compound an already difficult situation. In these cases we urge people to seek advice from Wiltshire Citizens Advice because the solution is often not more borrowing but to tackle the debt they are facing.

Further information:

www.wiltshiremoney.org.uk

www.wiltcommunitybank.co.uk

www.cabwiltshire.org.uk


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CABINET

MINUTES of a MEETING held in COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER on Tuesday, 6 November 2012.

Cllr John Brady	Cabinet Member for Finance Performance and Risk
Cllr Lionel Grundy OBE	Cabinet Member for Children's Services
Cllr Keith Humphries	Cabinet Member for Public Health and Protection Services
Cllr John Noeken	Cabinet Member for Resources
Cllr Fleur de Rhé-Philipe	Cabinet Member for Economic Development and Strategic Planning
Cllr Jane Scott OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Waste, Property, Environment and Development Control Services
Cllr John Thomson	Deputy Leader and Cabinet Member for Adult Care, Communities and Housing
Cllr Dick Tonge	Cabinet Member for Highways and Transport
Cllr Stuart Wheeler	Cabinet Member for Transformation, Culture, Leisure and Libraries

Also in Attendance:	Cllr Allison Bucknell
	Cllr Trevor Carbin
	Cllr Chris Caswill
	Cllr Peter Colmer
	Cllr Linda Conley
	Cllr Christine Crisp
	Cllr Andrew Davis
	Cllr Peter Doyle
	Cllr Richard Gamble
	Cllr Mike Hewitt
	Cllr Jerry Kunkler
	Cllr Laura Mayes
	Cllr Jemima Milton
	Cllr Bill Moss
	Cllr Jonathon Seed
	Cllr Carole Soden
	Cllr Anthony Trotman
	Cllr Fred Westmoreland
	Cllr Christopher Williams

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

118 **Apologies**

There were no apologies

119 **Minutes of the previous meeting**

The minutes of the meeting held on 23 October 2012 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 23 October 2012

120 **Declarations of Interest**

There were no declarations of interest.

121 **Leader's announcements**

The Leader thanked everyone for their good wishes in respect of her husband's illness and said that he was making a good recovery.

The Leader thanked everyone who had been involved in resolving issues following the bad weather last weekend.

122 **Public participation**

The Leader commented that members of the public were welcome to participate in the discussion on items on the agenda.

123 **Future Delivery of the Waste Management Service** 

Councillor Toby Sturgis, Cabinet member for Waste, Property, Environment and Development Control Services introduced the report. The Council were looking at options including more efficient ways to deliver the service and also carrying out benchmarking exercises to ensure that informed decisions were made in respect of options for future service delivery.

Options considered by cabinet are detailed in the report.

RESOLVED:

To approve:

1. **The draft, updated Wiltshire Council Waste Management Strategy 2012.**
2. **The commencement of formal consultation with staff and relevant trade unions on the adoption of new working patterns for the waste collection service.**
3. **Development of a business case for the waste collection service for:**
 - (a) **In-house service delivery**
 - (b) **An out-sourced service**
4. **Development of a business case for:**
 - (a) **Terminating the FCC Environment waste collection contract in 2014**
 - (b) **Extending the FCC Environment contract to be co-terminus with the Hills contract in 2016**
5. **Use of a single service provider to deliver an integrated collection service from 2016.**
6. **Development of the detailed business case to tender the provision of the following waste management services as three lots:**
 - (a) **Landfill capacity**
 - (b) **Garden waste composting facility**
 - (c) **Materials recovery facility, transfer stations, wood waste and servicing household recycling centres (rates to be invited for tender and a percentage share of income from sale of recyclable materials).**

Reason for the decision

To ensure that the Council continues to deliver sustainable and affordable statutory waste collection and waste disposal services and wider waste management services that will enable achievement of the targets confirmed in the updated Wiltshire Council Waste Management Strategy.

124 Integration of Public Health

The Leader introduced the report. It was explained that public health becomes the responsibility of Wiltshire Council in 2013 and public health teams including the Director of Public Health will come over to the Council. Cabinet were asked to consider the options presented in the report regarding the transfer and integration of the post of Joint Director of Public Health.

Taking into account the legal position and the current guidance available there were four options to be considered for the integration of the post of joint director

of public health. After due consideration it was proposed that Option 1 be adopted, this being:

Moving the current joint director of public health into the council in advance of the integration of public health and formalise the contractual relationship with the post holder as an employee of Wiltshire Council. This will enable consultation on a re-structure of the senior management team to be completed for implementation on 1st April 2013 when the integration of public health takes effect. The options to re-structure are to merge the responsibility for public health (a statutory responsibility from 1st April 2013) with:

- a. the corporate director (CD) role with statutory responsibility for adult social services to create a new corporate director role with statutory responsibility for services delivering adult social services & public health, **or**
- b. the CD role with statutory responsibility for children's social care to create a new corporate director role with statutory responsibility for delivering public health, education and children's social care services,

There is nothing in the wording of section 73A of the NHS Act 2006 (as inserted by section 30 of the Health and Social Care Act 2012) to prevent the same officer holding two different statutory appointments. However the council would need to be satisfied that the officer concerned has the right qualifications and experience to deliver the requirements of the two roles and this should be a key consideration of the appointments process.

There are clear synergies with the statutory director of adult social services and it is with this role that the joint responsibility is recommended in this option.

This option would allow the joint director of public health to be included in the consultation for changes to the senior management structure. As part of this consultation the appointments and redundancy policies & procedures for chief & senior officers will apply to all corporate directors, and the joint director of public health.

The appointment, which must be made jointly with the Secretary of State for Health, acting through Public Health England following a selection process, could take effect on 1st April 2013 which would support the integration of public health and meet the guidance relating to the appointment of director of public health.

To change the employment relationship with the joint director of public health in advance of the transfer of public health this would need the agreement of both the post holder and the PCT. Consideration would have to be taken of the terms and conditions that would apply, and the appointment would have to be approved by the Officer Appointments Committee.

Legal advice has confirmed that this is an option available to the council, if the joint director of public health and the PCT are willing to agree to this. Currently, PCTs are required to have a member of their Board with responsibility for public health but this does not necessarily have to be an employee of the PCT. Section 113 of the Local Government Act 1972 allows a local authority to make one of its employees available to an NHS trust (such as a PCT) to perform certain functions.

RESOLVED:

- 1. To approve in principle option 1, as detailed above and for arrangements to move the current joint director of public health into the council in advance of the integration of public health and formalise the contractual relationship with the post holder; and**
- 2. To agree in principle the proposal outlined in option 1 to combine the statutory roles for adult social services and public health into one corporate director with joint responsibility for adult social services and public health, and the subsequent formal consultation process to enable appointment to the joint statutory role by 1 April 2013 to support the integration of the public health service; and**
- 3. To agree that the implementation of option 1 is delegated to the Service Director HR and Organisational Development as the Council's Head of Paid Service, in consultation with the Leader of the Council.**

Reason for the decision

To advise Cabinet of the available options with regard to the transfer and integration of the post of joint director of public health and to determine the best way forward taking into account legal advice and guidance over the integration of public health.

125 Public Health Transition Update

Councillor Keith Humphries, Cabinet member for Public Health and Public Protection presented the report which provided an update on the Public Health transition project and outlined progress that had been made in respect of finance, IT and communications. It was expected that staff would undertake an induction in the next few weeks and the final move would take place on 1 December.

Decisions were being taken in line with national guidance on the Public Health transfer and by using the Public Health Transition Project Board chaired by

Councillor Keith Humphries. The PCT and Council are represented on this project board and this feeds into the joint PCT cluster transition programme board.

RESOLVED:

To note and approve the progress report

Reason for the decision

To advise Cabinet of Department of Health National Guidance.

126 Controlled Waste Regulations 2012 and Proposed Changes to the Council's Charging Policies

Councillor Toby Sturgis, Cabinet member for Waste, Property, Environment and Development Control Services presented a report which set out changes to the powers of local authorities for making charges for waste collection and disposal as defined in the Controlled Waste Regulations 2012, which replaced the 1992 Regulations. The main issue was how to identify the premises that were referenced in the Regulations and work was being undertaken to code these premises accordingly.

The option of not applying charges to organisations where permitted by the legislation had been considered, but pursuing that option would have been counter to the government's reason for reviewing the legislation. Not applying charges would result in council tax payers funding the waste management costs of organisations who have a duty to manage their waste.

It was requested that the Council communicates to the organisations that are affected in user-friendly language and that it is explained to them that it is Wiltshire Council's statutory duty. Further communication should also be made to Village Hall committees via Parish Councils to explain the process.

RESOLVED:

To

- 1 Approve the provision to charge non-domestic organisations for waste collection and disposal in accordance with paragraphs Error! Reference source not found. to Error! Reference source not found. of the report and any associated actions required to introduce these charges.**

- 2 Approve the harmonisation actions identified in paragraphs Error! Reference source not found. to 65 of the report, including the provisions to apply charges where indicated.**
- 3 Communicate in a user-friendly language to all affected organisations, explaining that it is the Council's statutory duty and also to communicate to Parish Councils via the Parish Newsletter so that they are aware of the process.**

Reason for the decision

To ensure that:

- (i) The Council's waste policies are updated to take account of the new regulations, including harmonisation of anomalies in current practice.
- (ii) The changes to policy prevent council tax payers from funding the costs of waste management for organisations which are responsible for the waste that they produce.

127 Council Tax Support and Technical Changes

Councillor John Thomson, Cabinet member for Adult Care, Communities and Housing introduced the report which provided options in response to the Coalition Government's Welfare Reform changes that see a significant reduction in the Council's funding of Council Tax Benefit. It proposed a local, means tested, method of calculating a reduction in council tax; as well as a number of technical changes to council tax discounts and exemptions to go in part to meet that imposed funding gap. A consultation had taken place and it was reported that there had been no significant changes to the results since the publication of the agenda and the conclusions therefore still stood, but that these would be reported in full to Council on 13th November before the decision is taken.

Cabinet considered the options presented in appendix 1 of the report.

RESOLVED:

To recommend to Council that:

- 1. A local council tax support scheme is introduced, as set out at paragraphs 16 to 18 of the report.**
- 2. Technical changes are made to the way in which council tax discounts for second homes and exemptions for properties in classes A, C and L are applied from 1st April 2013, as set out at Appendix 2 of the report, and paragraph 20.**
- 3. Council introduce a discretionary fund to be administered in conjunction with the discretionary housing payments (DHP) and**

ring fence the Social Fund grant allocation to mitigate the impact of transition from the old scheme to the new, in cases where householders may feel the impact of other changes to benefit entitlement, under-occupancy costs, for example. Criteria for awards under this scheme to be approved by Cabinet and Council by January / February 2013 and implemented from 1st April 2013.

Reason for the decision

For the purpose of setting 2013/14 council tax it is also important that a decision is made now to ensure that having maximised the period for consultation on the draft scheme, the council is able to introduce the scheme within its budgetary timetable and the statutory timetable ending 31 January 2013.

128 Volunteering in Wiltshire

Councillor John Thomson - Adult Care, Communities and Housing presented a report which updated councillors on the work to develop volunteering across the County and requested agreement to the proposals set out in the report. It was noted that volunteering in the Libraries had been a great success and the Spice Time Credits Scheme had worked very well. The Council would use the learning about volunteering support to provide further opportunities for staff to volunteer to support community activities and events in the forthcoming year.

RESOLVED:

That Cabinet

- 1. Commits to its community leadership role in relation to employee volunteering, so that it can be seen by local businesses to be a key partner to Wiltshire Responsible Employer Network and a role model to local businesses.**
- 2. Agrees that the Council will use the learning about volunteering to support the work of the Legacy Board with further opportunities for staff to volunteer to support community activities or events next year.**
- 3. Delegates the fine detail of the employee volunteering scheme to the Cabinet member for Adult Care, Communities and Housing who will work with the Communities and Voluntary Sector Support Team (with links to the HR Policy and L& D teams) to implement it and refer to the Staffing Policy Committee if deemed appropriate**

Reason for the decision

Cabinet is requested to commit to its community leadership role in relation to employee volunteering so that it can be seen by local businesses to be a key partner to Wiltshire Responsible Employer Network and a role model to local businesses.

129 Interim Report on Treasury Management Strategy 2012-13

Councillor John Brady, Cabinet member for Finance, Performance and Risk presented the report. This was an interim report covering the period from 1 April to 30 September 2012. It was noted that no external borrowing would be undertaken thereby reducing the cost of borrowing.

RESOLVED

To note the contents of the report in line with the Treasury Management Strategy.

Reason for the decision

The report is a requirement of the Council's Treasury Management Strategy.

130 Housing Management Repairs and Maintenance Contract 

Councillor John Thomson, Cabinet member for Adult Care, Communities and Housing presented the report which requested Cabinet's approval to sign off up to five separate contracts for the delivery of repairs, maintenance and improvements to the council's housing stock. The new arrangements will deliver extra investment in to existing stock and five separate contracts will help to spread the risk.

There were options around what type of contract to use, and after careful consideration a partnering style contract was agreed on, on the basis of being more flexible in use, and to gain greater efficiencies throughout, as well fitting the ethos of the councils to work in partnership, the re-structuring of landlord services has been developed around this approach.

RESOLVED:

That Cabinet

1 Approves the expenditure of up to £ 61 million pounds over the next five years split across five contracts, which has already been assumed with the HRA self financing model

2 Approves to the signing of five contracts for the repairs, maintenance and improvements to the Councils housing stock, to be delegated to the Service Director of Communities in consultation with the Cabinet member for Adult Care, Communities and Housing

Reason for the decision

The existing contract arrangements covering works detailed in this tender process ends March 2013, therefore the re-tendering was required.

Due to the OJEU process, and the timescales involved it is necessary to get approval at this cabinet meeting, as the evaluation process is not complete, we have asked for the final approval be delegated.

131 Budget Monitoring Period 5 August 2012

Councillor John Brady, Cabinet member for Finance, Performance & Risk presented the report. The Council were on track for a balanced budget by the end of the year.

RESOLVED:

To note the outcome of the Period 5 (August) budget monitoring

Reason for the decision

To inform effective decision making and ensure a sound financial control environment

132 Urgent Items

There were no urgent items.

133 Exclusion of the Press and Public

Further notice was given in accordance with paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item in private.

RESOLVED:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute number 117 below because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Reason for taking item in private:

Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).

No representations had been received on the question of taking the item in private.

134 **Agency and Temporary Staff Contract Award**

Councillor John Noeken, Cabinet member for Resources presented the confidential report which sought Cabinet approval for the “Agency and Temporary Staff” award of contract.

Options for various types of service model were detailed in the report.

RESOLVED:

That Cabinet

Agrees to give delegated authority to the Service Director, Finance, following consultation with the Cabinet member for Resources, to award a contract through the Mstar framework with an intended contract start date of 19th November 2012 and to be in place for 3 years with an option to extend for one further year.

Reason for the decision

To award the agency and temporary staff contract.

(Duration of meeting: 11.00 am - 1.15 pm)

These decisions were published on the 9 November 2012 and will come into force on 19 November 2012
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The Officer who has produced these minutes is Pam Denton, of Democratic Services, direct line 01225 718371 or e-mail pam.denton@wiltshire.gov.uk
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Update from Cllr John Noeken, Cabinet member for Resources

Parliamentary Boundary Review

- The Boundary Commission for England (BCE) is responsible for reviewing Parliamentary constituency boundaries in England.
- The 2013 review will reduce the number of constituencies from 533 to 502, and in the South West this will reduce the number of constituencies from 55 to 53.
- The new constituencies will all contain between 72,810 and 80,473.
- Following publication of the BCE's initial proposals in September 2011, the BCE has now published its revised proposals.
- Under these revised proposals, 29 of the 53 constituencies in the south west are due to be revised from the initial proposals
- The BCE is consulting between 16 October and 10 December 2012 on their revised proposals.

For Councillors' ease of reference, the article below was published in the 19 October edition of Elected Wire:

Article in Elected Wire – 19 October 2012

Revised Parliamentary boundary proposals

The revised boundary proposals can be found on the Boundary Commission for England website, with Dorset and Wiltshire sub-region detailed from p34, para AC96 onwards

- A cross county constituency is unavoidable
- The Lavingtons and Erlestoke to remain in Devizes constituency
- Till and Wylde Valley restored to Salisbury constituency
- Tisbury moved to Warminster and Shaftesbury constituency
- Lyneham moved to Chippenham constituency from Devizes
- Ethandune moved to Warminster and Shaftesbury constituency
- Corsham Town and Corsham Pickwick to be moved in to Trowbridge constituency
- Box and Colerne to be moved in to Chippenham constituency
- Proposed Chippenham constituency to be renamed North Wiltshire
- Proposed Trowbridge constituency to be renamed West Wiltshire

The electorates after all of these changes would be:

- Devizes – 77,319
- North Wiltshire – 75,229
- Salisbury – 77,465
- Warminster and Shaftesbury – 72,973
- West Wiltshire – 77,305

Comments to


www.consultation.boundarycommissionforengland.independent.gov.uk or
southwest@bcommengland.x.gsi.gov.uk from 16 October to 10 December

CABINET CAPITAL ASSETS COMMITTEE

MINUTES of a MEETING held in COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER on Tuesday, 6 November 2012.

Cllr Jane Scott OBE	Leader of the Council
Cllr John Noeken	Cabinet Member for Resources
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economic Development and Strategic Planning
Cllr Toby Sturgis	Cabinet Member for Waste, Property, Environment and Development Control Services
Cllr Lionel Grundy OBE	Cabinet Member for Children's Services

Also in Attendance: Cllr John Brady
Cllr Dick Tonge
Cllr Stuart Wheeler

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

52 **Apologies and Substitutions**

Apolgoies for absence had been received from Councillor John Thomson

It was noted that Councillor Grundy was in attendance as a substitute for Councillor Thomson.

53 **Minutes of the previous meeting**

Resovled:

To approve as a correct record and sign the minutes of the meeting held on 10 September 2012.

54 **Leader's Announcements**

None.

55 **Declarations of interest**

There were no declarations of interest.

56 **Capital Monitoring - month 6**

The Chief Financial Officer introduced the report which reflected the position of the 2012/2013 Capital Programme as at 30 September 2012. The report also detailed changes to the budget made since the previous monitoring reports.

Resolved:

That the Cabinet (Capital Assets) Committee:

- a. **Notes the budget movements undertaken to the capital programme in Appendix A, including reprogramming of expenditure of £20.590 million into 2013/2014.**
- b. **Notes total budget increases of £0.795 million as shown in Appendix B.**
- c. **Notes the current spend against the budget to date in Appendix A.**

Reasons for Proposals

To inform Cabinet of the current position of the 2012/2013 capital programme and highlight changes and note budget reprogramming into 2013/2014.

57 **Devizes Browfort Options**

Councillor Toby Sturgis, Cabinet Member for Waste, Property, Environment and Development Control Services, introduced the report which presented all the potential options for the disposal of the Browfort site and asked Members to select their preferred option.

Councillor Sturgis noted that the proposed approach was to market the site on present use for six months. If no significant interest or deliverable schemes were forthcoming, then further consultation would be undertaken with the Area Board and the Town Council. This was to ensure compliance with the Council's Core Strategy, and to ensure the best return was achieved for the asset whilst balancing against the need to ensure a sustainable development which would benefit the community.

Resolved:

1. **That officers undertake consultation with the Area Board and the Town Council based on this Committee's preferred option(s). That officers commence early marketing of the site for employment use.**
2. **Six months after marketing commences, if no significant and deliverable interest has been demonstrated, Dr Brand, in conjunction with Cllr Stuart Wheeler, to determine and proceed with implementation of one of the options preferred by this Committee, giving due consideration to the views of the Area Board and the Town Council.**

Reasons for decision

As set out in the report and above.

58 Urgent items

None.

(Duration of meeting: 1.30 - 1.40 pm)

These decisions were published on 8 November 2012 and will come into force on 16 November 2012
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The Officer who has produced these minutes is James Hazlewood, of Democratic Services, direct line 01722 434250 or e-mail james.hazlewood@wiltshire.gov.uk
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CHILDREN'S SELECT COMMITTEE

DRAFT MINUTES OF THE CHILDREN'S SELECT COMMITTEE MEETING HELD ON 27 SEPTEMBER 2012 AT COMMITTEE ROOMS A - C, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Paul Darby, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Mark Griffiths, Mr J Hawkins, KaylumHouse, Rev. A Kemp, Cllr Jacqui Lay (Vice Chairman), Cllr Bill Moss, Cllr Helen Osborn (Substitute), Mr N Owen, Cllr Sheila Parker, Mrs R Ryan, Cllr Carole Soden (Chairman) and Dr M Thompson

Also Present:

Nicholas Breakwell, Mark Brotherton, Lynda Cox, Julia Cramp, Teresa Goddard, Cllr Lionel Grundy OBE, Paul Kelly, Cllr Laura Mayes, Henry Powell, Susan Tanner and Cllr Anthony Trotman

35 Apologies

Apologies for absence were received from Cllr Peter Davis, Cllr Russell Hawker, Cllr Jon Hubbard (who was substituted by Cllr Helen Osborn) and Revd Alice Kemp.

36 Minutes of the Previous Meeting

Resolved:

To confirm and sign the minutes of the previous meeting held on 26 July 2012, subject to the recording of apologies received from Mr Neil Owen. .

37 Declarations of Interest

There were no declarations of interest.

38 Chairman's Announcements

The Chairman made the following announcements:-

- (1) Adult Education The Chairman reminded the meeting that at its meeting on 26 July 2012 this Select Committee considered a report on the Role

of Wiltshire Council in Informal Education at which the following two options were recommended:-

Option 2 – To facilitate the provision of informal adult education at a local level, and

Option 3 – To coordinate and promote informal adult learning opportunities offered across the County.

Subsequently, on 10 September 2012, cabinet agreed:-

- a) that the Council would adopt the role to facilitate the provision of informal adult education at a local level;
 - b) approve the appointment of a part-time adult education officer to work with local community networks to develop a sustainable locally-based adult education provision including information on, and promotion of, opportunities and
 - c) To allocate budget of £32,000 from the revenue savings accrued from the closure of Urchfont Manor College to meet the costs associated with the appointment.
- (2) Health Scrutiny Workshop The Chairman announced that the Health Select Committee would be running an afternoon workshop on 3 October 2012 at the Angel Hotel in Chippenham, starting at 1.30pm and a light lunch would be provided.

The workshop would be for all non-executive Members who wished to influence the health and social care agenda, and the key aim of the workshop would be to provide an opportunity for Members to hear from representatives across the health and social care arena and discuss matters of interest. In recognition of the increased responsibilities of the Council and the importance of this area of work, a number of senior representatives from the health sector would contribute to the afternoon as well as officers from within the Council. More details were available from Maggie McDonald, Senior Scrutiny Officer.

39 **Public Participation**

The Committee noted the rules on public participation and the manner in which the meeting would be held.

40 **Disabled Children and Adults (DCA) Pathfinder**

The Select Committee received a report by Carolyn Godfrey and Sue Redmond, Corporate Directors which provided an update on the Green Paper

Support and Aspiration: A new approach to special educational needs and disability and Wiltshire's approach to this as a pathfinder.

It was explained that in 2011 work started on the disabled children and adults review aimed at giving more choice and control to children and families, ensuring the Council worked efficiently and improving the transition process from children to adult services. This review of the services for disabled children and adults was listed as a priority in the Business Plan 2011-2015.

At the same time, the government published a Green Paper proposing radical reforms to systems for identifying, assessing and supporting children and young people with disabilities or special educational needs. In September 2011 confirmation was received that Wiltshire was one of 20 local authorities selected to be a pathfinders for this Green Paper work. As the work of the DCA review and the requirements of the green paper were aligned, the two pieces of work were brought together and managed as the Disabled Children and Adults (DCA) Pathfinder.

In addition to this, it was explained that the recently published draft Care and Support Bill included provision to give local authorities powers to assess children for adult services. It also provided a new protection to ensure that children's services continued until the assessments and planning required for adult services had been completed, and support was ready to meet their needs, thus ensuring that there was no gap in care.

It was noted that as from September 2012, a proof of concept team had been testing the single assessment framework and plan, the single assessment process and a new role supporting this process, namely the SEND lead worker. Approximately 40 families would be approached to be involved in testing the assessment process and it was explained that they would be chosen from amongst children and young people reaching specific educational stages and also from amongst young families with a sudden change in circumstances. It was noted that this new procedure was popular with families especially as it resulted in a single assessment process.

Members questioned the robustness of the system for collecting data and it was noted that the Head of Performance Management & Co-ordination was working on this, especially the outcomes, the outputs being good.

Resolved:

- (1) **To note the contents of the report.**
- (2) **To request an update report at the March 2013 meeting of the Committee, to include details of progress in data management.**

41 **Coalition Changes - July to September 2012**

The Committee received and noted a report by Carolyn Godfrey, Corporate Director, on developments relating to children's services arising from the Coalition Government.

Arising therefrom:

Literacy Catch-up Programme for Disadvantaged Pupils It was reported that the Government had set up a £10 million programme across England and Wales to help disadvantaged children who failed to reach the expected level in English and Maths by the end of their primary education (i.e. level 4 at Key Stage 2). Some projects would be fast-tracked through the bidding process to start with immediate effect and other projects would commence in 2013.

It was noted that good and robust transfer arrangements were in place to assist children transferring from primary to secondary school.

Members asked for information about the subjects available on offer in the English Baccalaureate which was increasingly becoming available to students in secondary schools. Officers stated that they intended to include details of this qualification when available in a future Coalition update report.

Project to re-engage NEET young people Members noted that funding up to £126 million was being made available to organisations across England, who would be paid by results to get 16 and 17 year old students back into education or training. The programme, which was part of the Government's Youth Contract, was the first to use payment by results to help to get NEETs (Not in Education, Employment or Training) re-engaged.

During discussion, Members of the Committee requested information about the providers available and also how much of the £126 million Wiltshire could expect to receive. The Service Director, Commissioning & Performance explained that Wiltshire was working with a wide range of providers and contracts, worth up to £2,200, were in place to help with support for vulnerable groups.

42 **Executive response to the Final Report of the Special Schools and Post-16 SEN Task Group**

The Select Committee received a report which set out the response of the Cabinet Member for Children's Services to the report of the Special Schools and Post-16 SEN Task Group, which was endorsed by the Committee at its last meeting on 26 July 2012. The report also contained responses from Wiltshire NHS to recommendations 2, 3 and 10 which related to services commissioned by the Primary Care Trust (PCT). The Committee was invited to note the

Cabinet Member's response and decide any further action that needed to be taken.

During discussion the following points were made:-

- There was a general view that the level of service likely to be required in the future had been underestimated and that additional funding would be required especially with projected growths in population.
- A certain amount of concern was expressed at the level of some healthcare provision in schools, in particular the lack of training of some teaching staff to carry out certain procedures such as the changing and cleaning of tracheostomy tubes.
- Whilst Members were pleased to note the proposals for a new care home on land at the former Paddocks site, to replace the existing Larkrise School, Trowbridge, the need for additional land to increase current outdoor space was endorsed.
- Disappointment was expressed that no funding was available for an Eco-Learning Centre at Rowdeford School, Rowde.

It was noted that the Task Group would be reconvened to undertake further work, including:-

- (i) a visit to Wiltshire College's provision for post-16 learners with SEN.
- (ii) consideration of the identification of Behavioural, Emotional and Social Difficulties (BSED) in primary school aged children.
- (iii) an investigation to identify out of County resources being used by Wiltshire.
- (iv) an examination of mainstream schools to identify the level of SEN provision they make.

After further discussion,

Resolved:

- (1) To note the response of the Cabinet member for Children's Services to the Task Group's report.**
- (2) To note that the Task Group would reconvene to undertake further work as requested by this Select Committee and would report its findings back to this Committee in due course.**

- (3) **To request the Task Group to also consider the responses provided by the Cabinet Member for Children's Services in detail and to receive the various pieces of further information offered with that response.**

43 Report of the FE in the Salisbury Area Task Group: Concerns raised by Sarum Academy regarding the Task Group's final report

Consideration was given to a report from the Further Education in the Salisbury Area Task Group, having considered the concerns raised by Sarum Academy regarding the Task Group's final report.

At its July meeting, the Children's Select Committee received the response of the Cabinet Member for Children's Services to the Task Group's final report. At this meeting, Ruth Johnson, Principal of Sarum Academy, raised a number of concerns about the report's circulation and its accuracy in regard to Sarum Academy. This Select Committee asked the Task Group to reconvene to consider the points raised and report back to the Committee at a later date. The Task Group met on 24 August 2012 and were joined by Ruth Johnson, Principal of Sarum Academy.

The Committee also received a copy of a letter dated 21 June to Carolyn Godfrey, Corporate Director from three of Sarum Academy's four sponsors setting out their areas of concern together with a response sent by Dr Mike Thompson, Chairman of the Task Group, dated 11 July.

After some discussion.

Resolved:

- (1) **To note the conclusions of the Further Education in the Salisbury Area Task Group and bring them to the attention of the Cabinet Member for Children's Services.**
- (2) **To thank Ruth Johnson, Principal of Sarum Academy, for attending the Task Group meeting on 24 August 2012 and for her engagement in the scrutiny process.**

44 Task Group Update

The Select Committee received an update on the activity of the following Task Groups:-

- Safeguarding Children & Young People Task Group
- Special School and Post-16 SEN Task Group

- Major Contracts Task Group

Resolved:

- (1) To note the contents of the report.
- (2) To note that the Major Contracts Task Group would be meeting in October, when Members would conduct their annual review of the Council's contract with the White Horse Education Partnership (WHEP).

45 **Forward Work Programme**

The Committee received the Forward Work Programme for consideration and comment, it being noted that this would be presented to the Overview & Scrutiny Management Committee for endorsement.

Resolved:

To approve the Committee's Forward Work Programme and commend it to the Overview & Scrutiny Management Committee to be endorsed.

46 **Urgent Items**

There were no urgent items of business.

47 **Date of Next Meeting**

Resolved:

To note that the next meeting of this Committee would be held on Thursday 29 November 2012, starting at 10.30am at the Council's Offices, Monkton Park, Chippenham.

(Duration of meeting: 10.30 am - 12.30 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

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ENVIRONMENT SELECT COMMITTEE

DRAFT MINUTES OF THE ENVIRONMENT SELECT COMMITTEE MEETING HELD ON 1 NOVEMBER 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Chuck Berry, Cllr Rosemary Brown, Cllr Trevor Carbin (Substitute), Cllr Nigel Carter, Cllr Christopher Cochrane, Cllr Peter Doyle, Cllr Jose Green, Cllr Alan Hill (Vice Chairman), Cllr Jon Hubbard (Chairman), Cllr Tom James MBE, Cllr Ian McLennan, Cllr Leo Randall and Cllr Anthony Trotman (Substitute)

Also Present:

Cllr Dick Tonge

25 Apologies

Apologies were received from Cllrs Chris Humphries and Stephen Oldrieve.

Cllr Humphries was substituted by Cllr Anthony Trotman.

Cllr Oldrieve was substituted by Cllr Trevor Carbin.

26 Minutes of the Previous Meeting

The minutes of the meeting held on **30 August 2012** were present. It was,

Resolved:

That subject to substituting 'Task Group' with 'Rapid Scrutiny Exercise' under Minute 22 - Forward Work Programme - subheading, Energy Efficient Homes, to APPROVE the minutes as a true and correct record.

27 Declarations of Interest

There were no interests declared.

28 Chairman's Announcements

The Chair, in consultation with the Vice-Chair, announced that the scheduled meeting on 04 April 2013, would be best used to determine or finalize any

recommendations on future topics and approaches that would be forwarded to the new Council in May 2013 for their consideration.

29 **Public Participation**

There were no questions or statements received.

30 **Highways and Streetscene Works Update**

The Environment Select Committee has had a long-standing interest in the Highways and Streetscene Service, receiving a report on options for the Highways and Streetscene Contract in November 2011, and receiving regular updates at subsequent meetings.

Following the reorganization of the Overview and Scrutiny structure, the Committee requested a report highlighting issues within the Highways and Streetscene service which might require further input from Scrutiny.

Peter Binley (Head of Service Highway Asset Management and Commissioning) presented a report with the Cabinet Member for Highways and Transport, Cllr Dick Tonge, on the procurement process for the new Highways and Streetscene Works contract which would replace the services currently delivered through a mixture of separate contracts and in-house provision.

Details were provided on the assessment criteria used in the procurement process, including the importance of utilizing the Community Teams to assist the revamped service, and the points raised in the report were reinforced.

A debate followed, where further information was sought regarding the incentives built into the contract, where if a contractor developed and carried out an idea or method which increased efficiency and reduced costs, they would receive a proportion of those savings in reward. It was confirmed that although it was not possible to ensure the contractor lost out financially if they developed and carried out an idea which actually increased inefficiency and cost, the contracts would be reviewed annually to ensure the Council was being best served by its then current arrangements.

The Committee discussed the role of Parish Stewards in assisting the contractors chosen, and how this relationship could be made even more effective and flexible. Details were sought regarding the selection criteria for contractors and the selection process, and it was confirmed the contract could be re-tendered at any time if there is significant underperformance. It was also confirmed the contract was for five years with a possible two year extension.

Members then sought additional information on the operation of the contracted services, including how these would interact with Town Council run services, and communications issues between the public, council officers and contracted staff were raised, including the development and any future use of the Customer Lighting And Roads Enquiry Centre (CLARENCE) system for the public to report concerns. The need to further educate council staff on the

system for reporting concerns and to address technical issues, should it be taken forward further, was also raised.

The Committee also sought assurances regarding any job losses as a result of the implementation of the contract, and it was stated none were expected.

Resolved:

- 1) **In view of the importance of the Council's Highways and Streetscene service to the public there should be regular reports to the Environment Select Committee during the lead in and transition to the new service supplier. The next report to be in February 2013.**
- 2) **That a Rapid Scrutiny Exercise be undertaken to consider the new Community Teams, particularly with regard to their relationship with the Community Area Managers, and also that they should be monitored and progress on their implementation reported to this Committee.**
- 3) **The changes and improvements to be implemented as a result of the new contract should be monitored and reported to ensure that the potential benefits are fully realised.**

31 **Development Services Task Group**

Cllrs Trevor Carbin introduced the report of the Development Services Task Group, and thanked officers for their assistance during the work of the Task Group. It was stressed that the transformation of the Development Service was an on-going process, which might require future input from Scrutiny at some stage.

A discussion followed, where details of the continuing transformation process, such as question and answer sessions for Members and planning displays, were raised, along with the need to remain focused on enforcement issues for the service as it changes.

The nature and extent of the work of the Task Group during a period of extensive change within the Development Service was discussed, along with a debate on the conclusions reached.

At the conclusion of debate, it was,

Resolved:

- 1) **To support the ongoing work of the Development Service Transformation Programme;**
- 2) **To endorse the conclusions of the Task Group, and;**
- 3) **To refer those conclusions to the Cabinet Member for Waste, Property, Environment and Development Control Services.**

32 **Forward Work Programme**

The Committee had the opportunity to suggest changes to the Forward Work Programme, recognizing that alterations or additions would require the endorsement of the Overview and Scrutiny Management Committee.

The Committee also received updates on all current Task Groups and Rapid Scrutiny Exercises, as attached to these minutes.

It was,

Resolved:

- 1) **To note the Forward Work Programme.**
- 2) **With regards the topic of Low Carbon and Renewables, that a Rapid Scrutiny Exercise be appointed to undertake a fact-finding scoping exercise to identify what form a review of the topic would take and what evidence would be required.**

33 **Date of Next Meeting**

The date of the next scheduled meeting was confirmed as **Thursday 20 December 2012** at Monkton Park, Chippenham.

34 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.15 pm)

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

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NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 31 OCTOBER 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.

Present:

Cllr Desna Allen, Cllr Chuck Berry (Substitute), Cllr Peter Colmer, Cllr Peter Davis, Cllr Bill Douglas (Substitute), Cllr Mollie Groom (Substitute), Cllr Peter Hutton, Cllr Simon Killane, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Allison Bucknell, Cllr Jacqui Lay, Cllr John Thomson and Cllr Dick Tonge

107 **Apologies**

Apologies were received from Councillors Crisp, Hill and Packard.

Cllr Crisp was substituted by Cllr Berry.

Cllr Hill was substituted by Cllr Groom.

Cllr Packard was substituted by Cllr Douglas.

108 **Minutes of the previous Meeting**

The minutes of the meeting held on 10 October 2012 were presented.

Resolved:

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

109 **Declarations of Interest**

Cllr Doyle declared an interest in agenda item no. 7b being a member of the Cotswold Conservation Board. He declared he would participate in the debate and vote for each item with an open mind.

110 **Chairman's Announcements**

Tracey Smith was thanked for her hard work and the Committee wished her every success in her new role.

111 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

112 **Planning Appeals**

The Committee noted the contents of the appeals update.

113 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications **7a**, **7b** and **7c** as listed in the agenda pack.

114 **11/02978/FUL - Mardrea, The Hyde, Purton SN5 4DX**

Public Participation

Claire Fish spoke in objection to the application.

Tony Doyle spoke in support of the application.

The Planning Officer introduced the report which recommended that the application be DELEGATED to the Area Development Manager for APPROVAL subject to:

- conditions; and
- subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space; refuse/recycling bin provision on site and an indemnity agreement whereby vehicular access is permitted to all properties on the site.

It was explained that concerns over flooding had been addressed and the provision for surface water drainage catered for a 100 year event plus 30%. The access had also been improved to provide a turning point. Officers will try to negotiate a contribution for Purton Cemetery.

There were no technical questions asked.

Members of the Public were then given the opportunity to address the Committee with their views as detailed above.

The Local Member, Councillor Jacqui Lay spoke in objection to the application.

A debate followed during which concern was raised over surface water drainage, the lack of decent access to the site and potential damage to the road surface by construction vehicles. The need to ensure any surface water scheme was maintained thereafter was highlighted.

At the end of the debate it was:-

RESOLVED:

To DELEGATE to the Area Development Manager for APPROVAL subject to:

- the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space, refuse/recycling bin provision on site and an indemnity agreement.

-

For the following reason:

The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and the proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties. Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway, rights of way or pedestrian safety. The proposed development would not be harmful to existing trees and would not be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere. In this way the proposed development is considered to comply with the provisions of policies C3, NE14, H3 and CF3 of the adopted North Wiltshire Local Plan 2011 and the guidance contained within the National Planning Policy Framework.

And Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning

Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:**
 - (a) indications of all existing trees and hedgerows on the land;**
 - (b) details of any to be retained, together with measures for their protection in the course of development;**
 - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;**
 - (d) finished levels and contours;**
 - (e) means of enclosure;**
 - (f) hard surfacing materials;**
 - (g) bin stores and collection points**

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY - C3 of the North Wiltshire Local Plan 2011.

- 5. No retained trees shall be cut down, uprooted, or destroyed, nor shall any retained trees be topped or lopped other than in accordance with the approved plans and particulars without prior written approval of the Local Planning Authority. Any topping or lopping approval shall be carried out in accordance with BS 3998 2010 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.**

If any tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place at a size and species planted at such time that must be agreed in writing with the Local Planning Authority.

The protective fencing shown on Tree Protection Plan Dwg No. 111114-MHL-TPP-LI&AM shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority.

In this condition 'retained trees' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development whichever is later.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen, or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

REASON: To prevent trees being retained on or adjacent to the site from being damaged during the construction works and in the interest of visual amenity in accordance with policy NE14 of the North Wiltshire Local Plan 2011.

- 6. No demolition, site clearance or development shall commence on site until a Detailed Arboricultural Method Statement prepared by an arboricultural consultant providing comprehensive details of construction in relation to trees shall be submitted to and approved in writing by the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following :-**

- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005;
- Details of general arboricultural matters such as the area for the storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities which have implications for trees on or adjacent to the site.

REASON: In order than the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with policy NE14 of the North Wiltshire Local Plan 2011 and the current best practice and Section 197 of the Town and Country Planning Act 1990.

7. The development shall be carried out as specified in the approved Arboricultural Method Statement and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works in accordance with policy NE14 of the North Wiltshire Local Plan 2011.

8. No development shall commence until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme. The scheme shall be maintained thereafter.

REASON: To ensure that the development can be adequately drained in accordance with policy C3 of the North Wiltshire Local Plan and the guidance contained with the National Planning Policy Framework.

- 9. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.**

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

- 10. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans (LPC 2805.11.03 'Proposed Residential Development' dated 3rd August 2011). The areas shall be maintained for those purposes at all times thereafter.**

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

- 11. The development hereby permitted shall not be first brought into use until the first ten metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.**

REASON: To safeguard the amenities and character of the area and in the interest of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.

- 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.**

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

14. Before the development hereby permitted is first occupied all bathroom and ensuite windows at first floor level shall be glazed with obscure glass only and fixed with a ventilation stay restricting the opening of the window and shall be permanently maintained as such at all times thereafter.

REASON: In the interests of residential amenity and privacy.

15. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

LPC.2805.10A – Site plan, date stamped 27 September 2012

PLC.2805.10A – Site plan with red line date stamped 16 October 2012

LPC.2805.11.04A – Site plan visibility splay and refuse vehicle, date stamped 27 September 2012

LPC.2805.11.05A – Floor plans, plots 1, 2 & 3 – plot 4 handed, date stamped 3rd October 2011

LPC.2805.11.06 – Elevations plot 3, plot 4 handed, date stamped 1st September 2011

LPC.2805.11.07 – Elevations plots 1 & 2, date stamped 1st September 2011

REASON: To ensure that the development is implemented as approved.

16. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;

- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- measures for the protection of the natural environment.
- hours of construction, including deliveries;
- measures for making good any damage to the road based on a survey undertaken to establish the condition of the road prior to the commencement of development;
- the size of construction vehicles to access the site.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall be carried out in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

Informatives

1. Thames Water will aim to provide customers with a minimum pressure of 10 m head (approximately 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. Any changes to the surfaces (including grass) within the site will require planning permission unless they are a like for like replacement given the drainage requirements for this site.

115 **12/03017/S73A - 2 Gibbs Cottages, Castle Combe, Chippenham, Wiltshire SN14 7NQ**

Public Participation

Mr Richard Neale spoke in support of the application.

The Planning Officer introduced the report which recommended that planning permission be REFUSED. Attention was drawn to a typographical error in the report on page 40 of the agenda and it was confirmed that the second paragraph of the Conclusion should read:

‘Concerns raised at the refusal of the previous application, in respect of inadequacy of access to the site, have been not been withdrawn by the Highways Officer in acknowledgement of the improvement works that have been undertaken to the verge to the northeast of Gibb Cottages. However, the

location of the site for these purposes remains inherently unsustainable, and this is a relevant consideration.'

It was explained that this was a retrospective application, and a previous application had been refused in 2008. The property is sited outside the village boundary, and Wiltshire Council's policy was to direct holiday lets to villages. Access to the site was a concern due to poor visibility.

There were no technical questions asked.

Members of the public then had the opportunity to address the Committee as detailed above.

The Local Member, Councillor Jane Scott, who was represented by Councillor John Thomson, spoke in support of the application.

A debate ensued during which concerns over road safety were discussed and whether the change of use would result in more vehicles compared to the existing permitted business use. It was noted that bed and breakfast could be offered from their house with no permission needed, and that there was an existing bed and breakfast facility using the access road.

At the end of the debate it was:

RESOLVED:

To APPROVE Planning Permission for the following reason:

The proposed change of use by reason of its scale and location in close proximity to the tourist attraction of Castle Combe and its associated facilities is considered to be a benefit to the local economy and would not be detrimental to any residential amenities or highway safety. The proposal thus accords with Policies C3, NE4 and NE15 of the adopted North Wiltshire Local Plan; Policy RLT9 of the adopted Wiltshire and Swindon Structure Plan; and Core Policy 39 of the emerging Wiltshire Core Strategy.

Subject to the following conditions:

- 1. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), the accommodation hereby permitted shall be used for holiday accommodation only and for no other purpose.**

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access,

and planning policies pertaining to the area, would not permit permanent residential accommodation.

2. The owners/ operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

3. The accommodation hereby permitted shall not be occupied as a persons' sole or main place or residence.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

4. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

2367/01 – Plans and elevations as built

2367/02 – First floor as built

Design and Access Statement

Received 3 September 2012

REASON: To ensure that the development is implemented as approved.

116 **12/00850/OUT - Royal Arthur Park, Westwells, Corsham, Wiltshire SN13 9SF**

Public Participation

Mr Fuller spoke in objection to the application

Paul Coleman and Councillor Anstey spoke in support of the application.

The Planning Officer introduced the report which recommended that the application be DELEGATED to officers for planning permission to be GRANTED subject to conditions.

It was explained that this was a hybrid application containing both detailed and outline plans. The established C2 use was confirmed as continuing and the designs were considered appropriate. Attention was drawn to the late observations in which details were given of an assessment on traffic increase and which addressed resident's concerns.

The Committee was then given the opportunity to ask technical questions of the officers and it was queried whether it was right to include bin provision within the Section 106 agreement and whether it should be delegated in conjunction with the Waste Service.

Members of the Public then had the opportunity to address the Committee as detailed above.

The Local Member, Councillor Tonge expressed his concerns about the traffic implications and the cumulative effect on Neston. He requested that if the Committee were going to approve the application consideration was given to ways of diverting traffic towards the A4 and away from Neston and that the proposed minibus be made available for community use.

In the ensuing debate the need for this sort of facility in the community was highlighted and it was confirmed that a regular bus service passed at the end of the road.

RESOLVED:

Subject to no new and substantive issues being raised by the Council's Ecologist and Natural England, including the addition and/or alteration of relevant planning conditions

And

Subject to all parties entering into a legal agreement under s106 of The Act in respect of (and following the covenants set out in existing legal agreement associated with permission 10/04093/FUL): age restrictions, provision of communal facilities, highway improvements, travel plan, minimum care requirements and contributions to bin/recycling provision in light of the proposed Waste Strategy , then:

To DELEGATE to officers for Planning Permission to be GRANTED for the following reason:

The site has a lawful use as a residential training centre (Class C2) and in common with previous permissions on this site, the proposal overcomes the reasons for dismissal of the subsequent appeal, under reference 05/02094/OUT. The legal Agreement associated with this planning permission secures, in perpetuity, the nature of the use permitted,

sustainable travel and highway improvements. The revised design respects the character of the site and continues to provide significant landscape improvements. As was the case with previous permissions, traffic generation compares favourably with the lawful use and would be lower than potential alternatives. The biodiversity of the site, including protected species, will be preserved and enhanced. In light of the above, the proposal is considered to comply with policies C1, C2, C3, NE5, NE9, NE11, NE14, NE15, NE17, NE29, T1, T2, T3 and T4 of the North Wiltshire Local Plan 2011 as well as guidance contained within the National Planning Policy Framework.

Subject to the following conditions:

1. The full development hereby permitted (as shown green on phasing plan dwg no. 2234/051) shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. Prior to the commencement of the development hereby permitted (as shown shaded red on the phasing plan dwg no. 2234/051), details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:
 - (a) The siting of the development (including existing and proposed levels);
 - (b) The design of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site;

Where the development permitted is to be carried out in a phased manner, the development of each phase shall not start until details of the matters listed above have been submitted to and approved in writing by the local planning authority insofar as they relate to that phase.

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission.

3. (a) The application for approval in respect of all matters reserved in Condition No.1 above shall be made to the local planning authority within a period of three years, commencing on the date of this permission.

- (b) The development hereby permitted shall be begun before the expiration of two years of the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 4. The approved landscaping scheme shall be implemented in accordance with a phased scheme of implementation to be submitted to and approved by the local planning authority before development commences. The landscaping shall be maintained thereafter for a period of not less than five years from the implementation of each phase. This maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of amenity.

- 5. Prior to the commencement of the development hereby permitted and before any equipment, machinery or materials are brought onto the site for the purposes of the development, details of fencing to be erected for the protection of retained trees/hedges/shrubs shall be submitted to and approved in writing by the local planning authority. Fencing for the protection of retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: In the interests of protecting the existing trees/ hedges/ shrubs on the site.

- 6. No development shall take place until a detailed scheme for the positioning of all service trenches, pipe runs and/or drains has been submitted to and approved in writing by the Local Planning Authority. Such detailed scheme shall be configured such that no trenches, pipe runs and/or drains are sited within the root protection zone of retained trees set out in the approved landscape strategy and plans.

REASON: To maintain a vigorous and healthy root system to ensure the retention of trees in a safe and healthy condition.

7. No development shall take place until details of the construction of all walls, fences and other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with a timescale to be approved by the local planning authority

REASON:In the interests of amenity.

8. No development shall take place until a scheme for remediation of ground contamination shall be submitted to and approved by the local planning authority. The remediation shall be carried out in complete accordance with the details agreed under this condition and with timescales, which shall be contained within the scheme. A remediation validation report shall be submitted to and approved by the local planning authority within three months of completion of the approved remediation works.

REASON:To avoid risk of contamination.

9. Absolutely no external lighting (including any lighting installed for security purposes or used during construction) shall be installed anywhere on the site until full details (which shall include positioning, levels of luminance and hours of illumination), have been submitted to and approved in writing by the local planning authority. The lighting shall thereafter be installed and operated in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority in the form of a separate planning permission in that regard.

REASON: In the interests of amenity and nature conservation.

10. Prior to the erection of any building hereby granted planning permission, details of all materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.

REASON: In the interests of visual amenity.

11. Prior to the first use or occupation of any building on the site, a demand responsive bus service for the use of residents and staff shall commence and be provided in perpetuity. Specific details of type of bus, days / hours of operation and area to be covered by the service, which shall be agreed in writing with the local planning authority prior to commencement of that service.

REASON: In the interests of highway safety and accessibility.

12.No development shall take place on the site until detailed schemes for the access road, junctions and footways along the access road (to include the installation of street lighting on the access road), has been submitted to, and agreed in writing, by the local planning authority. For the avoidance of doubt, details shall include any necessary Traffic Regulation Orders. Development shall be carried out in complete accordance with those details approved prior to the first use or occupation of any of the buildings hereby granted planning permission.

REASON: In the interests of highway safety and accessibility.

13.No development shall take place until detailed schemes for the upgrading of rights of way Box 49, Box 50, Box 51 and Corsham 63 (within 1500m of the site) have be submitted to, and agreed in writing by the local planning authority. For the avoidance of doubt, this shall include any necessary Traffic Regulation Orders. Development shall be carried out in complete accordance with those details approved prior to the first use or occupation of any of the buildings hereby granted planning permission.

REASON: In the interests of highway safety and accessibility.

14.Prior to first occupation of any of the buildings, the access road, access road footway, access road street lighting, junctions and rights of way improvements to be constructed on the detailed phase of development shall be completed in their entirety.

REASON: In the interests of highway safety and accessibility.

15.No development shall take place until a construction method statement, including phasing of development in relation to nature conservation interests has been submitted to and approved by the Local Planning Authority. The development shall be carried out in complete accordance with the approved statement.

REASON: In the interests of nature conservation.

16.Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the Plan.

REASON: In the interests of the amenity and waste reduction objectives of the adopted Wiltshire and Swindon Waste Core Strategy July 2009.

Informatives:

- 1. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers and the Deed of Variation dated 21/06/2011.**
- 2. The Council should like to encourage the applicant to introduce any measures in conjunction with Highways Officers to reduce the potential for turning left from the site to seek to ensure main routes from the development are used.**
- 3. If an on-demand bus service is provided for the site, local community groups would welcome the opportunity to share the use of the bus if feasible.**

117 12/01914/S73A - Land at Harrow Grove, Lyneham, Wiltshire SN15 4AB

Public Participation

Mr Drummond Harris and Mr Bartle spoke in objection to the application

Councillor Sturgis left before discussion, debate and voting on the last item.

The Planning Officer introduced the report which recommended that planning permission be GRANTED FOR A TEMPORARY PERIOD OF SIX MONTHS subject to conditions.

It was explained that this was a retrospective application for a change of use from public open space to storage. The compound was described as visually intrusive, out of accord with the character of the neighbourhood and considered inappropriate to the locality. The service the applicant was providing was considered important and was reflected in the recommendation which gave time to work towards relocation.

The Committee then had the opportunity to ask technical questions and it was explained that waste was brought to the site from a broader locality, concerns over dust, gates and content could be addressed through conditions, that if conditions were breached then a breach of condition notice could be issued which required immediate compliance and that 6 months was considered a reasonable timeframe to relocate.

Members of the Public then had the opportunity to put their views before the Committee as detailed above.

The Local Member, Councillor Allison Bucknell then spoke in objection to the application.

A debate followed during which the inappropriateness of the location was discussed and the need to get it relocated as soon as possible was highlighted.

RESOLVED:

That Planning Permission be GRANTED FOR A TEMPORARY PERIOD OF ONE MONTH for the following reason:

The change of use and erection of the fencing and gates to create the storage compound would result in a loss of open space contrary to policies CF2 and CF3 of the North Wiltshire Local Plan. The operation and use of the compound would result in harm to existing residential amenities through noise and general disturbance contrary to policy C3 of the adopted North Wiltshire Local Plan 2011. In addition the erection of the fencing and gates would be visually prominent and out of character with the locality and is visually harmful to the locality contrary to policy C3 of the Adopted North Wiltshire Local Plan. The proposed development is contrary to adopted Local Plan policies and inappropriate in this location. A permanent consent for the proposed development in this location is inappropriate and harmful. The grant of a temporary consent for a limited period to allow the relocation of the employment activity to an appropriate location is considered acceptable and appropriate in the context of the support for economic and employment development contained within the National Planning Policy Framework, in particular paragraphs 18 – 22 of the NPPF.

Subject to the following conditions:

- 1. The delivery and despatch of waste materials to and from the site shall be limited to the hours of 7am and 7pm on Mondays to Fridays Saturdays, and at no time on Sundays and Bank or Public Holidays.**

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY-C3

- 2. The building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the land restored to its former condition on or before 1 (one) month from the date of this permission (Decision Letter) in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.**

REASON: In the interests of amenity, in order to secure the restoration of the land upon removal/extinguishment of a building/use for which permission can be justified only on the basis of a special temporary need.

POLICY – C3

3. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside of the storage compound hereby approved for a temporary period of one month .

REASON: In the interests of the appearance of the site and the amenities of the area.

POLICY--C3

4. No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored above the maximum height of the erected fencing forming the storage compound hereby approved for a temporary period of one month.

REASON: In the interests of the appearance of the site and the amenities of the area.

POLICY-C3

5. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans: 1914/1; 1914/2; 1914/3 Dated: 24/8/12

REASON: To ensure that the development is implemented as approved.

INFORMATIVE

1. It is recommended that the applicant contacts the Council's Economy & Enterprise Team to discuss relocation options and potential site availability information.

118 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.03 - 9.15 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line (01225) 713948, e-mail kirsty.butcher@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 1 NOVEMBER 2012 IN THE WESSEX ROOM CORN EXCHANGE DEVIZES SN10 1HS.

Present:

Cllr Liz Bryant (Substitute), Cllr Jane Burton, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman), Cllr Charles Howard (Chairman), Cllr Chris Humphries, Cllr Jerry Kunkler (Substitute) and Cllr Christopher Williams

Also Present:

Cllr Mark Connolly and Cllr Stuart Wheeler

62. **Apologies for Absence**

Apologies were received from Cllrs Jemima Milton, Laura Mayes and Peggy Dow.

Cllr Milton was substituted by Cllr Jerry Kunkler.

Cllr Mayes was substituted by Cllr Liz Bryant.

63. **Minutes of the Previous Meeting**

The minutes of the meeting held on **11 October 2012** were presented. It was,

Resolved:

To APPROVE as a correct record and sign the minutes.

64. **Declarations of Interest**

Cllr Nick Fogg declared a non-pecuniary interest in Application E/2012/0786/FUL - *Burbage Wharf, Burbage, Marlborough, SN8 3BJ* - by virtue of being acquainted with the partner of the applicant. He declared this would not affect him considering the application on its merits, and would debate and vote with an open mind.

65. **Chairman's Announcements**

There no announcements.

66. **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

There were no questions or statements submitted.

67. **Planning Applications**

The Committee considered the following applications, with reference to the late list of representations, attached to these minutes.

67.a E/2012/0361/OUT: Land at Zouch Manor, Tidworth

Public Participation

Mr Ben Bathurst spoke in objection to the application.

The Planning Officer introduced the report, which recommended approval, and drew attention to the late correspondence received including an amendment to condition 5 and the full details of the planning obligations as set out within the current draft of the S106.

It was stressed that apart from the issues of access, all other details for the site were reserved for a future application, meaning specifics relating to scale, design, landscaping and other issues, would be determined at a future date. The main issues to consider therefore included the principle of the development, and the details of the access arrangements. Attention was drawn to the views of council officers contained in the report.

The Committee then had the opportunity to ask technical questions of the officers. The visibility of the site and Zouch Manor in particular was raised, along with details of ownership of the Manor, surrounded by the application site, by the Ministry of Defence, and initial details of the proposed dwellings.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Mark Connolly, then addressed the Committee, supporting the principle of the application, but suggesting further conditions to mitigate local concerns.

A debate followed, where the level of affordable housing provision that could viably be sought through an s.106 legal agreement was discussed, along with details on permitted construction times at the site and acceptable heights for properties depending on their relationship to nearby, existing residential properties.

The suitability of the proposed access arrangements was raised, and it was confirmed a condition had been suggested to ensure the primary access was

completed first, and used for construction traffic thereafter. Details on recreational space were also sought.

At the conclusion of debate, it was,

Resolved:

That subject to the applicant entering into a s.106 legal agreement to secure:

- **The provision of 25% affordable housing on site;**
- **The provision of on-site recreational space;**
- **Financial contributions towards primary & secondary education, a new community centre, highway infrastructure improvements and public transport, sports pitches, waste & recycling bins for the development, and the Wessex Stone Curlew Project.**

That Planning Permission be GRANTED for the following reason:

The residential development would be acceptable in principle, falling within the boundaries of a main settlement, and the proposed density of development would make effective use of the land whilst being able to respond to the key characteristics of the site and surrounding area. Subject to conditions, the proposed means of access to the site would be acceptable in highway safety terms and the development would not have a significant effect upon the highway network.

The indicative layout demonstrates a generally acceptable townscape and relationship with neighbouring dwellings subject to the further approval of detailed matters relating to scale, design and landscaping. Subject to conditions there would be no significant adverse impacts in terms of ecology, the environment, archaeology or public health. An appropriate level of affordable housing would be provided on site, having regard to viability considerations, and appropriate provision has been secured towards off-site recreational open space and other necessary community infrastructure improvements.

The proposal would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to saved policies PD1, HC1, HC5, HC7, HC28, HC19, HC30, HC31, HC34, HC37, HC42, AT1, AT9, AT10, NR4, HH1 of the Kennet Local Plan and the NPPF.

And subject to the following conditions:

- 1) **Approval of the details of the Scale and Appearance of the buildings, Layout and Landscaping of the site (hereinafter called 'the reserved matters') shall be**

obtained from the Local Planning Authority in writing before any development is commenced.

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the Scale and Appearance of the buildings, Layout and Landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 4) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

REASON: This permission is in outline only and is granted under the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order, 1995 as amended by section 51 (2) of the Planning and Compulsory Purchase Act 2004.

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Application form
- Application site plan (Drg. No. TID/PA/SLP/01 Rev. E) Feb 2012
- Indicative Masterplan (Drg. No. H.0277_07B) 27.01.12
- Primary Site Access (Drg. No. H406/3 Rev. B) February 2012
- Secondary Site Access (Drg. No. H406/4 Rev. E) February 2012
- Tertiary Site Access (Drg. No. H406/5 Rev. A) March 2012

- Proposed Foul Water Connection Points (Drg. No. TID/PA/FWC/01) Feb 2012
- Planning Supporting Statement (Pegasus Planning) 06.03.12
- Design & Access Statement (Pegasus Planning) March 2012
- Landscape Appraisal (MHP Design) 23.02.12
- Heritage Statement (CgMs Consulting) March 2012
- Ecological Assessment (Ecology Solutions Ltd) March 2012
- Geotechnical Design Report (Wilson Associates) 17.11.11
- Flood Risk Assessment & Drainage Strategy (Phoenix Design) March 2012
- Transport Assessment (PFA Consulting) 02.03.12
- Site Waste Minimisation Statement (Pegasus Urban Design) 05.03.12

REASON: For the avoidance of doubt.

- 5) The landscaping approved as part of the reserved matters shall be carried out in the first planting and seeding season following the occupation of the dwellings or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development.

Policy: PD1

- 6) No development shall commence on site until the trees on the site to be retained have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): 'Trees in relation to design, demolition and construction – Recommendations'. Before the fence is erected its type and position shall be approved by the Local Planning Authority in writing and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected area(s) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

Policy: PD1

- 7) No development shall commence within the Root Protection Area of any retained trees (as shown within drawing number 28.38.01, Tree King Consulting – December 2011) until details of the existing and proposed service routes (including drainage, sewerage, water, gas, electricity and telecommunications) and details of any other proposed construction works within the Root Protection Area have been submitted to and approved by the Local Planning Authority together with a method statement demonstrating how the trees will not be adversely affected by the proposed works. All works within the Root Protection Areas shall be carried out in accordance with the agreed details.

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

Policy: PD1

- 8) No works shall be carried out which will obstruct the route of North Tidworth footpath no.2 until an official Footpath Diversion Order has been obtained.

REASON: To ensure that the legal route of North Tidworth footpath is not obstructed, and adequate provision is made for its diversion if necessary.

Policy: PD1, HC7

- 9) No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

Policy: PD1

- 10) The details approved pursuant to Condition 2 shall ensure that the layout of the road from the approved tertiary access (Nepaul Road) is of a type, width and layout that will accommodate a minimum of four on-street parking spaces.

REASON: In the interests of highway safety and to replace the spaces lost at the end of the existing highway by its extension into the site.

Policy: PD1

- 11) Within 3 weeks of the commencement of the development the Advance Direction Sign at the site entrance from Pennings Road shall have been relocated using the same or similar new traffic sign posts to a new position as detailed on drawing H406/3 Rev B dated February 2012.

REASON: In the interests of highways safety.

Policy: PD1

- 12) The primary access point onto the A338 shall be formed and made ready for use prior to the other site access points, and shall be used as the primary access for construction traffic and contractors' vehicles.**

REASON: In the interests of highways safety and residential amenity.

Policy: PD1

- 13) Construction traffic and contractors' vehicles shall not access or egress the site via Zouch Farm Road, unless otherwise agreed in writing with the Local Planning Authority.**

REASON: In the interests of highways safety and residential amenity.

Policy: PD1

- 14) No development shall commence on site until full details of the land contamination remedial works (as indicated by the Wilson Associates Geotechnical Design Report reference 3399/2) have been submitted to the Local Planning Authority and approved in writing. The remedial works shall be implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.**

REASON: To ensure that land contamination can be dealt with adequately prior to the residential use of the site.

Policy: PD1

- 15) No development shall commence on site until details of the finished floor levels of the dwellings, to be set no lower than 110m above Ordnance Datum in accordance with the approved Flood Risk Assessment and Drainage Strategy prepared by Phoenix Design Partnership Limited (March 2012), have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.**

REASON: To reduce the risk of flooding to the proposed development and future occupants.

Policy: NPPF (Chapter 10)

- 16) No development shall commence on site until a detailed surface water drainage scheme for the site, based upon the principles contained within the Flood Risk Assessment and Drainage Strategy prepared by Phoenix Design Partnership Limited (March 2012), demonstrating sustainable drainage principles and an**

assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The details shall also include specification of how the scheme shall be managed and maintained in perpetuity after completion.

REASON: To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

Policy: NPPF (Chapter 10)

- 17) No development shall commence on site until a detailed foul drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details on the layout and build standard of individual drains and their connection points, and a 'scheme of works' for the works associated with the 'RAM' pumping station, including details of a construction programme and timetable for implementation. The foul drainage scheme shall be constructed in accordance with the approved details and timetable for implementation.

REASON: To ensure that proper provision is made for sewerage of the site and that in the interests of public health and to protect the environment the development does not increase the risk of sewer flooding to downstream property.

Policy: PD1

- 18) No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment.

Policy: PD1

- 19) No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that a minimum of Code for Sustainable Homes level 3 is achieved for all new dwellings in respect of water efficiency measures. The scheme shall be implemented in accordance with the agreed details before the first occupation of the development.

REASON: In the interests of sustainable development and prudent use of natural resources.

Policy: PD1

20) No development shall commence on site until an Ecological Management Plan for the site has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall include a timetable for implementation and the following biodiversity enhancement measures: areas to be planted with species-rich grassland and native woody planting; provisions for nesting birds, bats and invertebrates; and management of the River Bourne corridor to secure enhancement of habitats for riparian and other corridor species. The approved Plan shall be carried out in accordance with the agreed details.

REASON: In the interests of biodiversity.

Policy: NR4, NPPF (Chapter 11)

21) No development shall commence on site until a written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority. The approved programme of archaeological work shall be carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

Policy: HH1

22) No development shall commence on site until an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of those buildings at the former Zouch Farm complex identified as being of historic interest within the submitted Heritage Statement (CgMs, March 2012). This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing with the Local Planning Authority.

REASON: To secure the proper recording of heritage assets.

Policy: PD1, NPPF (Chapter 12)

23) No demolition or construction works shall take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays or at any time on Sundays & Banks Holidays.

REASON: In the interests of neighbouring amenity.

Policy: PD1

INFORMATIVES:

1) **Condition 2 – Layout and impact upon setting of Thatchwell Cottage**

Although the enhancement of the existing hedge to Bourne (Thatchwell) Cottage is welcomed (as illustrated within the MHP Landscape Plan) it is considered that, for

the final scheme to be acceptable in terms of the setting of this listed building, amendments will be required to the orientation and location of the nearest proposed dwelling (as illustrated within the Indicative Masterplan). For further advice please contact the Council's Conservation Officer (Helen Garside, tel: 01380 734878).

2) Condition 2 – Layout and impact upon amenities of existing neighbouring properties

Should the housing layout of the final scheme be generally based upon the Indicative Masterplan, it is considered that for the scheme to be acceptable a greater degree of physical separation will be necessary between the following proposed and existing buildings: the proposed terrace of three dwellings to the south of 11-14 Monks Close; the proposed terrace of five dwellings and associated parking area to the east of 1 Chestnut, Nepal Road; and the proposed detached dwelling to the north of 15-19 Chandlers Court. In relation to the 11-14 Monks Close relationship, a more satisfactory layout would involve the omission/relocation of the northernmost terraced unit.

3) Condition 2 – Scale and impact upon amenities of existing neighbouring properties

It would be expected that any 3 story buildings be situated away from the site boundaries and existing neighbouring property.

4) Condition 16 - Surface water drainage

The Environment Agency expect to see the following details when discharging the surface water drainage condition:

- A clearly labelled drainage layout plan showing the pipe networks and (where appropriate) any attenuation ponds, soakaways, drainage storage tanks etc. This plan should show any pipe node numbers referred to in the drainage calculations and the invert and cover levels of manholes;
- A manhole schedule;
- Model runs to demonstrate that the critical storm duration is being used;
- Confirmation of the agreed discharge rate (where appropriate), with any flow control devices indicated on the plan with the rate of discharge stated;
- Calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 critical duration storm event including climate change allowance; • If there is any surcharge and flooding from the system up to the design event, overland flood flow routes and "collection" areas on site (e.g. car parks, landscaping) must be shown on a drawing. CIRIA good practice guide for designing for exceedance in urban drainage (C635) should be used. The run-off from the site during a 1 in 100 year storm plus an allowance for climate change must be contained on the site and must not reach unsafe depths on site;
- A 30% allowance for climate change should be incorporated into the scheme in accordance with PPS25;
- Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.
- Specification of how the scheme will be maintained and managed after completion.

5) **Existing surface water drainage systems**

There must be no interruption to the existing surface water drainage systems of the surrounding land as a result of operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively throughout all phases of construction, and that riverbank (riparian) owners upstream and downstream of the site are not adversely affected.

6) **Water Resources Act 1991 and the Land Drainage Byelaws**

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed permanent or temporary works or structures in, under, over or within 8 metres of the top of the bank of the River Bourne, designated a 'main river' at this location. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01258 483351.

We are reliant on the accuracy and completeness of the FRA in undertaking our review, and can take no responsibility for incorrect/inadequate data or interpretation made by the authors. Our response does not constitute approval of those details or calculations nor do they constitute our consent or approval that may be required under any other statutory provision, byelaw, order or regulation. The responsibility for the FRA and proposal details and calculations remains with the developer or his agents. Flood risk cannot be eliminated and is expected to increase over time as a result of climate change and our response does not absolve the developer of his responsibility to ensure a safe development.

7) **Condition 18 - Pollution prevention during construction**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compound
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

8) **Condition 19 - Water efficiency measures**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. Any submitted scheme should include detailed information (capacities, consumption rates etc) on proposed water saving measures. Please do not include manufacturer's specifications. Applicants are advised to refer to the following for further guidance:

<http://www.environment-agency.gov.uk/homeandleisure/drought/138319.aspx>
<http://www.savewatersavemoney.co.uk/>

9) **Public right of way**

The developer should be informed that the rights of public footpath users must be safeguarded and that temporary closure of the public footpaths crossing of the site is likely to be required during construction.

10) **Parking standards**

The submitted Transport Assessment refers to the Council's superseded maximum parking standards at section 5.8. The applicants should be informed that the current minimum residential parking standards will be applied to any reserved matters application for detailed layout including the requirement for visitor parking at the rate of at least 1 space per 5 dwellings.

11) **Access to the rear of Zouch Manor**

It is expected that the final layout of the site would make provision for an alternative vehicular access to the north-east of Zouch Manor.

67.b E/2012/0786/FUL: Burbage Wharf, Burbage, Marlborough, SN8 3BJ

Public Participation

Mr Paul Oakley, agent, spoke in support of the application.

Mr Ian Booth, applicant, spoke in support of the application.

Mr Mike Vardy, Burbage Parish Council, spoke in support of the application.

The Area Development Manager introduced a report which recommended refusal. The key issues included the principle of the development, the impact upon the listed building, visual amenity and the Area of Outstanding Natural Beauty (AONB), Highways safety and the lack of recreation space and affordable housing.

The Committee then had the opportunity to ask technical questions of the officers.

Members of the public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Stuart Wheeler, then spoke in support of the application.

A debate followed, where the current state of the site was raised, along with its location in the open countryside. The impact upon the listed building and the AONB from the application designs was discussed, along with the lack of pedestrian access for the site, and the relevant aspects of local, Wiltshire and national planning policy were raised in assessing the suitability of the site.

After discussion, it was,

Resolved:

That planning permission be **REFUSED** for the following reasons:

1. The proposed development occupies a countryside location which is remote from services and employment opportunities, and with poor facilities for pedestrians to safely and conveniently access the site, would be unsustainable in that it would increase the need to travel, especially by private car. This would be contrary to policies HC26 and PD1 of the adopted Kennet Local Plan 2011, policy DP1 of the Wiltshire and Swindon Structure Plan 2016 and Chapters 6 and 7 of the National Planning Policy Framework.
2. The A346 Class I road, from which the proposed development would take access, is busy, winding without pedestrian facilities, only subject to the national speed limit, and is therefore inadequate and inappropriate to provide safe and convenient pedestrian access to and from the site. This is contrary to policy PD1 of the adopted Kennet Local Plan 2011 and Chapters 6 & 8 of the National Planning Policy Framework.
3. The scale, layout and design of the proposed development would fail to preserve or enhance the setting of heritage assets, the character or quality of the North Wessex Downs Area of Outstanding Natural Beauty and the setting and appearance of the Kennet and Avon Canal. Consequently, the proposal is contrary to policies PD1, NR6 and NR7 of the adopted Kennet Local Plan 2011 and Chapters 7, 11 and 12 of the National Planning Policy Framework.
4. The proposal fails to make adequate provision for affordable homes in this area of housing need. The proposal is therefore contrary to policy HC32 of the adopted Kennet Local Plan 2011 and Chapters 6 & 8 of the National Planning Policy Framework.
5. The proposal fails to make adequate provision for children's recreation. This is contrary to policy HC35 of the adopted Kennet Local Plan 2011 and Chapter 8 of the National Planning Policy Framework.

68. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.40 pm)

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

Press enquiries to Communications, direct line (01225) 713114/713115

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SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 25 OCTOBER 2012 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Richard Britton, Cllr Brian Dalton, Cllr Christopher Devine, Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Leo Randall (Substitute), Cllr John Smale, Cllr Fred Westmoreland (Chairman) and Cllr Ian West

Also Present:

Cllr Tony Deane

72 Apologies for Absence

Apologies were received from Cllrs Jose Green and Paul Sample. Cllr Leo Randall substituted for Cllr Green.

73 Minutes

The minutes of the meeting held on 4 October 2012 were presented.

Resolved:

To approve as a correct record and sign the minutes.

74 Declarations of Interest

There were no declarations of interest

75 Chairman's Announcements

The Chairman explained the meeting procedure to the members of the public.

Members of the committee were asked if they required any site visits. It was agreed that site visits could be held for the following if required:

Woodland Drive, Winterslow and Steeple Langford affordable housing site

76 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

77 **Planning Appeals**

There were no appeal decisions

78 **Planning Applications**

78a **S/2012/1120 - 45 Ladysmith Gomeldon Salisbury SP4 6LE**

Public participation:

Mr Robert Andrews spoke in objection to the application
Mr Carlo Castiglione spoke in objection to the application
Mrs Emma Bravery, the applicant, spoke in support of the application
Mr James Bravery, the applicant, spoke in support of the application

The Planning Officer introduced the report, which was recommended for refusal, outlined the application and explained that a site visit had been held prior to the meeting.

Members requested clarification on how the application differed from the previous application which had been refused. During the debate issues such as the impact on the streetscene and the effect on neighbouring properties were discussed, following which

It was

RESOLVED

That the application be GRANTED for the following reasons:

It was

RESOLVED

That the application be GRANTED for the following reasons:

Subject to the completion of a legal agreement securing a financial contribution towards recreational open space facilities and affordable housing, it is considered that the development would be acceptable in principle, would have no significant impact in design terms, and would not result in any significant overshadowing, overdominance or overlooking to the neighbouring properties. The development would therefore accord with the aims and objectives of the

development plan, having regard in particular to Local Plan policies G2, D2, and H16, which are 'saved' policies of the South Wiltshire Core Strategy.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended by section 5(1) of the Planning and Compulsory Purchase Act 2004

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), there shall be no additions, extensions or enlargements of the development hereby permitted and no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslopes or side elevations of the development hereby permitted.

Reason: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements- Policy G2

3. No delivery of plant, equipment, materials, demolition or construction works or other building activity shall take place on Sundays or public holidays or outside the hours of 07:30 & 18:00, weekdays and 08:00 & 13:00 Saturdays.

Reason: In the interests of residential amenity- Policy G2

4. This development shall be in accordance with the submitted drawings

- Site Block Plan 0712/P002, dated July 2012 and received to this office on 03/08/12
- Proposed elevations 0712/PQ05, dated July 2012 and received to this office on 06/08/12
- Proposed floor plans 0712/P004, dated July 2012 and received to this office on 06/08/12
- Proposed site layout (amended parking layout) 0712/P003 dated Sep 12 and received to this office on 12/09/12

unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

5. Before the development hereby permitted is first occupied the en-suite windows in the first-floor side elevations shall be glazed with obscure glass only and shall be of a top-opening vent design, and the windows shall be permanently maintained with obscure glazing at all times thereafter.

Reason: In the interests of residential amenity and privacy- Policy G2

6. No development shall commence within the proposed development site until:

- A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation agreed by this office and there will be a financial implication for the applicant.

Reason: To enable the recording of any matters of archaeological interest.

7. The development hereby permitted shall not be first occupied until the two parking areas and access thereto, have been consolidated and surfaced (not loose stone or gravel). The access and parking spaces shall be maintained as such thereafter.

Reason: In the interests of highway safety- Policy G2

8. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained- Policy G2

9. No development shall commence on site until details of the bricks and tiles to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

INFORMATIVE: Section 106 Agreement (Open Space/Affordable Housing)

This permission shall be read in conjunction with the S106 Agreement in relation to the Public Open Space/Affordable Housing contribution.

INFORMATIVE: Water Efficiencies

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include as a minimum, low-flush toilets, water butts, spray taps, low flow showers, and kitchen appliances with the maximum water efficiency rating.

INFORMATIVE: Protected Species

Many wildlife species are legally protected. The applicant should be aware that if it becomes apparent that the site is being used or has previously been used by protected species (such as slowworms, badgers, barn owls or bats), work should STOP immediately and Natural England should be contacted at their Devizes office 01380 725344 for advice on how to proceed.

78b **S/2012/1112 - 19 Southbourne Way Porton Salisbury SP4 0NN**

Public participation:

Ms Ann Ryder spoke in objection to the application
Mr Keith Elmer spoke in objection to the application
Mr Bob Fischen spoke in objection to the application
Mr Nigel Crouch spoke in support of the application
Ms Ira Blake spoke in support of the application

The Planning Officer introduced the report and drew attention to the late correspondence.

A debate ensued during which concerns over the actual height of the property were discussed in some depth following which

It was

RESOLVED

Planning Permission be GRANTED for the following reason:

The increase in the ridge height of the dwelling, by 150mm above the 600mm increase approved under planning permission S/2011/0527/FULL, is considered to have no significant impact on the residential amenities of the occupiers of nearby properties, the character and appearance of the dwelling and the character and appearance of the area surrounding the proposal site. The proposal is therefore considered to be in accordance with the aims and objectives of the saved policies G2, D3, C6 and H16 of The Salisbury District Local Plan (which are 'saved' policies of the adopted South Wiltshire Core Strategy).

And subject to the following conditions:

This approval relates only to the following drawings:

Proposed elevations: Drawing number: 11027/2 A Date received by Wiltshire Council: 03/08/2012

Proposed cross section, proposed roof plan and proposed floor plans: Drawing number: 11027/1 Date received by Wiltshire Council: 03/08/2012

Reason: For the avoidance of doubt.

INFORMATIVE

In granting the approval of this application members were concerned that the built height of the completed development may exceed the 750mm allowed for in this application. As such members wished officers to revisit the site and measure the completed development with the ward member prior to reporting to the following planning committee meeting.

78c **S/2012/0616 - Land adjacent to Church Cottage Portnells Lane Zeals Warminster BA126PG**

Public participation:

Mr D Carpendale, the agent, spoke in support of the application
Cllr John Wigg, representing Zeals Parish Council, spoke in objection to the application

The Planning Officer introduced the report, which was recommended for approval, and drew attention to the late correspondence.

During the debate members expressed concerns at the proximity to the churchyard and the impact on the conservation area.

It was

RESOLVED

That Planning Permission be REFUSED for the following reasons:

1. The proposed detached dwelling would be positioned on a site where it would result in the loss of a view and open space or, gap between buildings and gardens that would detract from the special character of the Conservation Area.

The proposal would also result in the loss of an open area which makes a positive contribution towards the character of the settlement whilst the impact on the view of the church from Portnells Lane and Zeals Rise, would fail to preserve and enhance the setting of the listed building and the overall character of this part of the Conservation Area.

As such the proposal is considered to be contrary to saved policies CN10, H16 - criteria (ii), CN8 and CN5 of the adopted Salisbury District Local Plan which, are saved policies in appendix C of the adopted South Wiltshire Core Strategy.

2.The proposal, in so far as the applicants have not entered into a Section 106 agreement for the provision of commuted sums for, off-site outdoor adult recreation and affordable housing, is contrary to saved policy R2 of the adopted Salisbury District Local Plan which, is a saved policy in appendix C of the adopted South Wiltshire Core Strategy, and Core Policy 3 (CP3) of the adopted South Wiltshire Core Strategy.

78d S/2012/1189 - The Old Chapel Tuckingmill Tisbury Salisbury SP3 6JB

Public participation:

Mr Jonathan Amos spoke in objection to the application

Cllr Richard Platts, representing West Tisbury Parish Council, spoke in objection to the application

Cllr Tony Deane, local member, spoke in objection to the application

The Planning Officer introduced the report and it was underlined that the committee should only consider the planning considerations such as neighbour and visual amenity of the application as set out in the officers report – the issue of the effects of the smoke from the chimney would be dealt with through statutory processes in environmental law.

A debate ensued during which members confirmed that there would be a cowl fitted to the chimney and that both that and the chimney would be painted black.

It was

RESOLVED

Planning Permission be GRANTED for the following reason:

The proposed retrospective installation of an black (painted) stainless steel flue serving a wood burning stove is considered on balance to be acceptable by virtue of its scale, design, siting and materials, with no significant impact to neighbouring amenities or the AONB/Conservation Area and is therefore compliant with adopted policies; G2, D3, C4, C5, CN8 as saved within Appendix C of the adopted South Wiltshire Core Strategy and paragraph 28 of the National Planning Policy Framework.

And subject to the following conditions:

(1) The retrospective black coloured steel flue hereby approved shall be maintained in the existing black finish in perpetuity.

REASON: In the interest of the preserving the visual character of the Conservation Area and the AONB.

POLICY: D3 (Design) CN8 (Conservation Area) C4 & C5 (AONB)

(2) Within 1 month from the date of this permission, a scheme for a black coloured accelerator chimney cowl shall be submitted to and be approved by the Local Planning Authority. Such an approved scheme shall then be carried out within 1 month of the date of the Local Planning Authority's approval letter.

REASON: In the interest of neighbouring amenity.

POLICY: G2 (General)

78e S/2012/1205 - 15 Bishops Drive East Harnham Salisbury SP2 8NZ

Public participation:

Mrs Pauline Kennedy spoke in objection to the application
Mr Geoff Kennedy spoke in objection to the application
Mr Robert Burrows, the applicant, spoke in support of the application

The Planning Officer introduced the report, drew attention to the late correspondence and explained that a site visit had been held prior to the meeting.

During the debate issues such as light pollution affecting the neighbours and the possibility of non reflective and obscure material being used on the roof were discussed.

It was

RESOLVED

Planning Permission be GRANTED for the following reason:

The proposed first floor rear conservatory extension is considered on balance to be acceptable by virtue of its scale, design, siting and materials, with no significant impact to neighbouring amenities and is therefore compliant with adopted policies; G2, D3, H19 as saved within Appendix C of the adopted South Wiltshire Core Strategy.

And subject to the following conditions:

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

(2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY- D3 (Design)

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the eastern elevation of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY- G2 (General)

(4) Before development commences a scheme demonstrating an obscure glazed and non reflective glass roof shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented before occupation of the development hereby permitted and shall be maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

POLICY- G2 (General)

(5) The development shall be carried out in complete accordance with the following drawing:
DRG No. 04412 1 Rev B (Aug 2012) 09/10/2012

REASON: For the avoidance of doubt

83 Urgent Items

There were no urgent items

(Duration of meeting: 6.00 - 9.00 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services,
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STANDARDS COMMITTEE

DRAFT MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 24 OCTOBER 2012 AT THE PRATCHETT ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Allison Bucknell, Cllr Trevor Carbin (Substitute), Cllr Nigel Carter, Cllr Chris Caswill, Cllr Ernie Clark, Cllr Christopher Cochrane (Substitute), Cllr Peter Fuller (Vice Chairman), Cllr Julian Johnson (Chairman), Cllr Ian McLennan, Cllr Roy While and Cllr Christopher Williams

Also Present:

Cllr Francis Morland and Cllr Jonathan Seed

13 Apologies for Absence

Apologies were received from Cllrs Brian Dalton and Carole Soden. Cllr Trevor Carbin substituted for Cllr Dalton and Cllr Cochrane for Cllr Soden.

14 Minutes

The minutes of the meeting held on 30 July 2012 were presented.

RESOLVED:

To sign the minutes as a correct record.

15 Declarations of Interest

There were no declarations of interest.

16 Chairman's Announcements

The Chairman announced that Item 11 would be brought forward as some members were due to go on a planning site visit.

17 **Public Participation and Questions**

There were no members of the public present

18 **Appointment of non-voting co-opted members.**

The Chairman introduced the persons selected for appointment as non-voting voting co-opted members of the Standards Committee

and it was

RESOLVED

To confirm the appointment of the following as non-voting co-opted members:

Mr John Scragg

Miss Pam Turner

Mr Paul Neale

Mr Philip Gill MBE, JP

19 **Implementation of New Standards Framework - Update**

The Head of Governance introduced the report and outlined the progress that had been made in implementing the new requirements in Wiltshire, particularly in respect of the Code of Conduct and the Register of Interests.

The Monitoring Officer then referred to paragraphs 21-24 of the report, which asked members to consider whether it was appropriate to require any additional pecuniary and non-pecuniary interests to be declared and registered under the Council's Code of Conduct in accordance with its discretion under section 28(3) Localism Act 2011, and whether councillors with disclosable pecuniary interests should be required by standing orders to withdraw from meetings. The Council had, at its meeting on 26 June 2012, asked the Standards Committee to look into this, in consultation with parish, town and city councils and to report back with proposals at the earliest opportunity.

The Monitoring Officer also referred to the notes of the meeting of the Member Support in the Locality Task Group where further clarification had been requested on the new rules, particularly in relation to 'dual-hatted' members and whether member allowances were a disclosable pecuniary interest. It was recommended that guidance on this would be of particular assistance to parish, town and city councillors and should reflect the environment in which they work.

Following discussion it was

RESOLVED:

To recommend the Council to adopt the following as an interim position, pending consultation with parish, town and city councils, and to report back to the Council at its meeting in February 2013 on the outcome of the consultation and any final recommendations for adoption by the Council.

To amend Wiltshire Council's Code of Conduct to require Councillors to:

a. register details of any interest in the following:

- any body of which the councillor is a member or in a position of general control or management and to which the councillor is appointed or nominated by the Council;*
- any body exercising functions of a public nature of which the councillor is a member or in a position of general control or management;*
- any body directed to charitable purposes of which the councillor is a member or in a position of general control or management;*
- any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the councillor is a member or in a position of general control or management;*

b. declare the existence and nature of any such interest at any meeting of the Council where business relating to the interest is being conducted.

Having declared such interest Councillors may then speak and vote on the matter, unless the Councillor decides this would not be appropriate due to other special circumstances.

20 Procedure for dealing with Code of Conduct Complaints - Assessment Criteria

The Head of Governance introduced the report and explained that 29 assessments had now been conducted and the criteria seemed to work very well. She recommended that the committee adopt the criteria and use them as a guideline for assessing and reviewing complaints.

The draft criteria set out at appendix 1 to the report reflected the comments of the Member Support in the Locality Task Group

Members requested some minor alterations to the assessment criteria:

Paragraph 1 last sentence to read: 'The Monitoring Officer will advise the complainant in such matters that they cannot proceed under local codes of conduct, but that the complainant should contact the relevant council in order to bring a complaint under the appropriate complaints procedure'.

Paragraph 2 – delete the first sentence.

RESOLVED

To approve the assessment criteria as set out in appendix 1 of the report, subject to the amendments detailed above.

21 Commission for Local Administration in England and Wales (Local Government Ombudsman) - Annual Report

The Chairman presented the annual report of the Local Government Ombudsman

RESOLVED

To note the report

22 Status report on complaints

The Head of Governance presented the report. It was noted that the majority of complaints were not going forward for investigation.

RESOLVED

To note the report

23 Minutes of a Hearing sub-committee

The Chairman asked the Monitoring Officer to introduce this item. The Monitoring Officer explained the process that had been followed in hearing the complaint under the Code of Conduct, as summarised in the minutes, and the concerns which had been raised on behalf of Cllr Humphries about the fairness of the procedure, which had led him, on advice from his solicitor, to withdraw. The Monitoring Officer had since received detailed submissions from Cllr Humphries' Solicitor setting out grounds for seeking a rehearing of the matter. These were being considered. The Monitoring Officer was, however, satisfied that the Sub-Committee had dealt with the matter fairly and lawfully in the

circumstances.

The Monitoring Officer then responded to questions from members of the Committee arising from the minutes.

RESOLVED

To receive and note the minutes.

24 Forward Plan

The forward plan was presented. The result of the consultations with the town and parish council's (minute 19 refers) were added to the January meeting.

RESOLVED

To receive and note the forward plan

25 Urgent Items

There were no urgent items.

(Duration of meeting: 2.00 - 3.40 pm)

The Officer who has produced these minutes is Pam Denton, of Democratic Services, direct line 01225 718371, e-mail pam.denton@wiltshire.gov.uk

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Wiltshire Council

Standards Committee

24 October 2012

Subject: Implementation of New Standards Framework - Update

Purpose of Report

1. To provide members with an update on Wiltshire Council's implementation of the new standards framework.

Background

2. The Localism Act 2011 introduced a new standards framework which came into force on 1 July 2012. Wiltshire Council, as a principal authority, was required under the provisions of the new legislation to make a number of significant changes to its arrangements governing standards of member conduct. This report sets out the Council's progress in implementing the new arrangements.

Main Considerations for the Committee

Code of Conduct

3. The old statutory Code of Conduct for members was abolished by the Localism Act 2011 ("the Act"). Councils were required to adopt new Codes of Conduct with effect from 1 July 2011. These new Codes had to broadly reflect 7 principles of conduct in public life, which are set out in the Act: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Additionally, new Codes had to provide for the registration of members' interests, which were subject to certain new statutory requirements. Provided councils complied with these minimum statutory requirements, they were free to vary their Codes of Conduct to meet local needs and preferences.
4. At a meeting of Wiltshire Council on 26 June 2012 Wiltshire Council adopted a Code of Conduct which complies with the statutory requirements.

Membership of the Standards Committee

5. The Localism Act 2011 abolished the requirement for principal authorities to have a Standards Committee. However, principal authorities retained a responsibility to put in place arrangements under which allegations that

a member has breached their Code of Conduct can be investigated and determined. As a principal authority, Wiltshire Council's duty in this regard extends to allegations about the conduct of city, town and parish councils in its area, as well as to its own members. The Act also requires authorities to promote and maintain high standards of conduct by members and co-opted members of the authority.

6. Wiltshire Council has decided to discharge these responsibilities by adopting a Standards Committee. This is a committee of the Council and is subject to the rules of political balance. The Council has also determined that in order to provide a degree of continuity, it would appoint 4 of the co-opted members of the old Standards Committee to serve as co-opted members of the new Standards Committee for a period of one year.
7. The process for appointing co-opted members has now been completed, subject to confirmation by the Standards Committee on 24 October 2012.

Independent Persons

8. The Act requires principal authorities to appoint at least one independent person whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and whose views may be sought by members who are the subject of an allegation and by the authority in circumstances other than when it is making a decision on an allegation it has decided to investigate.
9. Interviews for Independent Persons were conducted on 9 July 2012 and the appointment of 3 Independent Persons was approved by Council at their meeting on 10 July 2012. The Council has, therefore, complied with the statutory requirements for the appointment of Independent Persons.

New arrangements for the assessment of complaints

10. The council agreed a new procedure for dealing with member misconduct complaints on 26 June 2012. Since 10 July the Monitoring Officer has sought the views of an Independent Person in relation to 14 allegations that members have breached their local Code of Conduct. Members who were the subject of an allegation have sought the views of an Independent Member 6 times.

An Independent Member has given their views at one hearing to determine an allegation following investigation by the Monitoring Officer.

11. The new procedure for assessing complaints requires the Monitoring Officer to meet an Independent Person and consider the allegation. The old statutory procedure did not permit the subject member to receive a copy of the complaint nor to submit any response before the complaint

was assessed. Under the new local procedure adopted by Wiltshire Council a copy of the complaint is sent to the subject member who is then able to consult an Independent Person and to submit a response before the complaint is assessed. The Monitoring Officer considers this arrangement to be more satisfactory than the old statutory procedure. It provides a more balanced view of a complaint, allowing for a far more informed decision at an early stage. Early indications are that this will result in fewer complaints going forward for investigation than would have been the case under the old standards regime. Of the 14 complaints that have been assessed so far, only 1 has been put forward for investigation.

12. The Monitoring Officer and the Independent Persons who have given their views at the assessment stage have noted that complainants are not generally framing their complaints in relation to local Codes of Conduct. Since each council is free to adopt and vary their own Code and complainants are not providing a copy of the particular Code they believe the subject member has breached, there is a risk that the wrong criteria are being applied. So far this has not been a problem, but it could become an issue in the future.
13. It is too soon to assess the effectiveness of the new investigation procedures because the case that has been referred for investigation has not yet gone through the process.
14. Wiltshire Council's arrangements for the assessment and consideration of complaints are in place and operational. They meet the requirements of the Localism Act 2011.

Registration of Members' Interests

15. The Act requires the Monitoring Officer to establish and maintain a register of interests of members and co-opted members of the authority and of the city, town and parish councils within Wiltshire Council's area. He must secure that the register is available for inspection at a place in the authority's area at all reasonable hours, and that it is published on Wiltshire Council's website.
16. The interests that members are required to register are defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Authorities may include in their Code of Conduct such other pecuniary and non-pecuniary interest as they consider appropriate.
17. These regulations were only made available to relevant authorities around 14 working days before they came into force, so the scope for consultation with city, town and parish councils on the arrangements for ensuring compliance with the new statutory requirements was very limited.
18. In view of the large number of city, town and parish councils in Wiltshire Council's area, officers concluded that the only way to collate and

publish the information required by the legislation within the available resources would be to collect the data on-line. Officers in the web-team had to create an application to carry out this collection activity. Opportunities for user acceptance testing and consultation after development were minimal because of the extremely tight deadlines resulting from the delayed publication of the regulations. However, the development work was completed 2 working days before the regulations came into force and each parish council was issued with a unique password and log-on ID – these were sent to parish clerks for transmission to their members. The Monitoring Officer also sent a letter to all the parish clerks outlining the requirements of the new legislation and explained the process for registering interests on line.

19. The response was variable. Around 50% of the city, town and parish council members managed to register their interests with no difficulty. About 30% had some difficulty initially because their passwords did not work – this was remedied relatively easily with a phone call, but did cause some understandable frustration for the users. A minority of councillors or councils complained to the Monitoring Officer about the statutory requirement for the information to be captured and published on-line. There was particular discomfort voiced about the statutory requirement for members' partners' interests to be registered. Initially the web form required the name of the partner to be declared – however, the inclusion of partners' names on the register is not a statutory requirement and has now been removed.
20. Several councils said that they wished their members to be able to register a greater range of interests than those required in the new regulations. This is currently provided for by the inclusion of a free-text box on the web form where additional interests can be added.
21. At its meeting on 26 June 2012 the Council resolved to ask the Standards Committee to develop proposals, in consultation with parish, town and city councils, on any additional pecuniary and non-pecuniary interests that should be declared and registered under the Code of Conduct, and on the question of withdrawal from meetings, and to bring these back to Council for consideration at the earliest opportunity.
22. Examples of the type of interests that could be subject to registration as an additional requirement under the Code of Conduct might include:
 - any body of which the councillor is a member or in a position of general control or management and to which the councillor is appointed or nominated by their authority;
 - any body exercising functions of a public nature of which the councillor is a member or in a position of general control or management;
 - any body directed to charitable purposes of which the councillor is a member or in a position of general control or management;
 - any body one of whose principal purposes includes the influence of public opinion or policy (including any political party

or trade union) of which the councillor is a member or in a position of general control or management;

23. The Council may take the view that it would be appropriate to require councillors to register these interests in order to promote transparency, but that having declared them they may then speak and vote on matters relating to those interests, unless there are other special circumstances where this would not be appropriate.
24. It would be helpful, for the purposes of the assessment and determination of allegations of breach, if the majority of the councils in Wiltshire Council's area were to have similar requirements in terms of any additional interests they require their members to register, although that would, of course, not be compulsory. It is therefore proposed to consult parish, town and city councils from November / December of this year with a view to the results of the consultation and any proposals for amendments to Wiltshire Council's Code of Conduct being brought to the Standards Committee and then to full Council in the spring of 2013 in time for implementation ahead of the elections in May 2013.
25. Wiltshire Council's arrangements for the registration and publication of members' interests are in place and comply with the statutory requirements of the Localism Act and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Conclusion

26. The Council has put in place a framework and procedures that meet the requirements of the Localism Act 2011 and associated regulations. Monitoring of the effectiveness of these arrangements will allow it to make any adjustments to improve their operational efficiency.

Recommendation

27. Members are asked to note the report, to consider what additional interests may be required to be registered under the Code of Conduct, and to determine the arrangements for consultation with parish, town and city councils on this aspect.

Ian Gibbons
Director of Law & Governance and Monitoring Officer

Report Author:

Nina Wilton, Deputy Monitoring Officer and Head of Governance 01225 713078

Date of report: 11 October 2012

Background Papers

The following unpublished documents have been relied on in the preparation of this report: None