

# AGENDA SUPPLEMENT (1)

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**Meeting:** Council  
**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN  
**Date:** Tuesday 29 September 2015  
**Time:** 10.30 am

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**The Agenda for the above meeting was published on 18 September 2015. Additional documents are now available and 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](mailto: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](http://www.wiltshire.gov.uk)

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**6 Public Participation (Pages 3 - 8)**

Questions from Mr Lance Allan (Clerk to Trowbridge Town Council), Ms Jenny Raggett (Campaign for Better Transport) and Mr Patrick Kinnersly (White Horse Alliance) are attached, with responses.

**7 Statement of Gambling Principles (Pages 9 - 10)**

An extract of the Licensing Committee's meeting held on 21 September 2015 is attached.

**13 Minutes of Cabinet and Committees (Pages 11 - 38)**

Minutes of the Cabinet and Cabinet Capital Assets Committee meetings held on 15 September 2015 are attached.

**14 Councillors' Questions (Pages 39 - 48)**

Questions from Councillors Jon Hubbard and Chris Caswill are attached, with responses.

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DATE OF PUBLICATION: 25 September 2015

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**Wiltshire Council**

**Council**

**29 September 2015**

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

**Statement:**

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

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

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

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

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

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

### **Question 1**

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

### **Response**

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

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

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

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

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

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

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

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

**Question 2**

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

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

**Response**

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

**Question 3**

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

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

## **Response**

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

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

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

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

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

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

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

**Question 4 - Financing of Road Projects**

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

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

**Response**

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

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

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

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

## Response

I confirm that the post exists.

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



**Wiltshire Council**

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**29 September 2015**

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**Gambling Act 2005 – Statement of Gambling Principles**

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**Extract from Minutes of the Licensing Committee – 21 September 2015**

**Recommendation to Council**

Linda Holland (Public Protection Team Leader) presented a report which asked the Committee to note the consultation undertaken and subsequent proposed amendments made to the Council's draft Statement of Gambling Principles.

She highlighted the following:

- Three responses were received from the public consultation; one from a Responsible Authority (Children's Services, Wiltshire Council); one from a consultee (Coral Racing) and one from Power Leisure Bookmakers Limited;
- There has been very little increase in the number of gambling permits or licences issued by Wiltshire Council in the last three years. They are currently 421 gambling premises in Wiltshire, 36 of which are betting shops, 2 are bingo halls and 271 are pubs with gaming machines;
- To date Wiltshire Council has not been required to hold a hearing to consider a gambling premises application and there had only been one complaint in relation to a gambling premise in the last 5 years, and
- Proposals to amend the wording of the Statement in light of the comments were detailed in a table (attached as Appendix 4) for the Committee to consider; and
- Following the responses it was confirmed that each application would be considered on a case by case basis, and local risk assessments for premises are due to come into effect from April 2016. The Council would seek to add an appendix to its new Statement once the finalised guidelines are published but believe the Statement addresses most of the requirements within the new statement of Gambling Principles.

Councillor Peter Hutton, Portfolio Holder wished to express his thanks to the Officers for their work in preparing the statement and carrying out the consultation.

**Resolved:**

**That the Licensing Committee notes the amendments made to the Statement of Gambling Principles (as shown in red on the Statement attached as Appendix 5) and commends the final draft to Council for approval and adoption at its meeting on 29 September 2015.**


## CABINET CAPITAL ASSETS COMMITTEE

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DRAFT MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 15 September 2015.

Cllr Fleur de Rhé-Philipe	Cabinet Member for Economic Development, Skills and Strategic Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Strategic Planning (strategic and development management), Property, Waste and Strategic Housing
Cllr John Thomson	Deputy Leader and Cabinet Member for Communities, Campuses, Area Boards and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Systems Thinking, Procurement and Welfare Reform
Also in Attendance:	Cllr Keith Humphries, Cllr Laura Mayes, Cllr Jonathon Seed and Cllr Philip Whitehead

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

### 67 **Apologies and Substitutions**

Apologies were received from Cllr Stuart Wheeler.

### 68 **Minutes of the previous meeting**

The minutes of the previous meeting, held on the 21 July 2015, were presented.

#### **Resolved**

**To approve as a correct record and sign the minutes of the meeting held on 21 July 2015.**

### 69 **Leader's Announcements**

There were no Leader's announcements.

### 70 **Declarations of interest**

There were no declarations of interest.

### 71 **Public Participation and Questions from Councillors**

The Leader noted that Cllr Nina Philips and Mr Robert Ticknell were attending the meeting to address the Committee on the Middlefield item. The Leader stated that their representations could be made once that item had been reached.

## 72 **Capital Budget Monitoring**

Cllr Dick Tonge presented the report which informed Cabinet on the position of the 2015/2016 Capital Programme, as at Period 4 (31 July 2014), including highlighting budget changes.


### **Resolved**

**To note the budget movements undertaken to the capital programme shown in Appendices A and B.**

Reason for Decision:

To inform Cabinet of the position of the 2015/2016 capital programme as at Period 4 (31 July 2015), including highlighting any budget changes.

## 73 **Middlefields, Hungerdown Lane, Chippenham**

 Cllr Toby Sturgis presented the report which provided an update on the current position in respect of the sale of Middlefields, Hungerdown Lane, Chippenham. The report also recommended that the Cabinet provide guidance on how to proceed.

Issues highlighted in the course of the presentation and discussion included: That a number of bids had been received; the impact of drainage and archaeological issues and the mitigations; the impact of the now adopted Core Strategy; that the Council would be considering who would be providing affordable housing as part of any proposals.

Cllr Sturgis stated, in response to a question from Cllr Nina Phillips, that there were no archaeological features on the site to hinder development; and that an agreement had been reached with the Order of St Johns agreement which should address the concerns over care provision.

Cllr Sturgis stated, in response to a statement made by Mr Robert Ticknell, that there had been conditions attached to some of the previously received bids, and it was felt appropriate to remarket the site now that further information was available. Cllr Sturgis, furthermore, stated that he hoped that the remarketing exercise would be over a relatively short period, and that he hoped that it would be concluded by Christmas.

James Cawley, Associate Director, stated that he would bring back report on what the impact of the decision was with regard to adult social care, and would seek to brief Members as soon as possible.


### **Resolved**

- 1. To note the current position in respect of Middlefields;**
- 2. To approve the sale of part of the site to OSJCT for the construction of a care home; and**
- 3. To approve an unrestricted re-marketing of the remainder of the site with the information since obtained regarding surface water disposal and archeological issues.**

Reason for Decision:

In order to progress the sale of the property and support the delivery of the Core Strategy and affordable housing policies.

#### **74 Nadder Close, Tisbury**

 Cllr Jonathon Seed presented the report which sought Members' agreement to provide funding to support the remodelling of a sheltered scheme in Tisbury for the provision of accessible, fit for purpose accommodation for older people in the community and to ensure the building can accommodate the provision of an extra care service that could offer an alternative to residential care.

It was confirmed, following a question raised by Cllr Tonge, that as there was a community facility as part of the housing development, the development would be exempt from the Right to Buy scheme.

### **Resolved**

**To delegate authority to the Associate Director for Adult Care Commissioning and Housing in consultation with the Cabinet Member for Housing (excluding strategic housing), Libraries, Leisure and Flooding to authorise the commitment of Housing Revenue Account capital funding of £745,397 to support the delivery of the project, and to enter into any necessary contracts to enable the project to be delivered.**

Reason for Decision:


The Tisbury scheme will provide good quality, fit for purpose, accessible accommodation for older people with an assessed care need, thus ensuring that they are able to live independently for as long as possible. The scheme will

offer an alternative to residential care and will be able to deliver the extra care services outlined in the Older People's Accommodation Development Strategy.

Through the development of the site, the Council would benefit from the provision of remodelled housing to meet the needs of the growing older population in Tisbury. Additionally, this development would improve choice and control for older people with an assessed care need and provide a vital wider community resource, through the planned refurbished communal areas. Work is being undertaken to determine how these communal areas can be used to offer services to residents and local people in the future.

This development will protect some of the most vulnerable older people by reducing the likelihood of falls and hospital admissions whilst ensuring independence is maintained and also meets a number of the outcomes in the Business Plan.


#### 75 **Council House Building Programme Revision**

 Cllr Jonathon Seed presented the report which sought delegated approval to deliver a revised programme of around 226 new council homes across Wiltshire to meet identified need using council owned land and funding from a range of sources including housing revenue account (HRA) reserves and borrowing, right to buy receipts, commuted sum funding, social care and housing capital funding and grant funding secured from the Homes and Communities Agency (HCA), Department of Health (DoH) and other funding bodies.

James Cawley, Associate Director, stated that the a report would be presented to a future meeting of the Committee regarding the impact of the Government's proposals to reduce social rents by 1%; but that consideration of the likely impacts should not delay implementation of the Council House Building Programme.

The Leader proposed that the vote on the matter should take place once the Committee had considered the financial information contained in the exempt report.

#### 76 **Urgent items - Expansion of St Leonards CE VA Primary School - Award of Contract**

 Cllr Laura Mayes presented the urgent item which asked the Committee to approve an "Award of Building Contract" through the SCAPE minor works framework to Kier Construction Limited for the expansion of Bulford St Leonards CE VA Primary School to 1.5 forms of Entry (80 additional places).

Issues highlighted in the course of the presentation and discussion included: that officers be thanked for their hard work producing the report; that project is required as part of the army rebasing programme; that the decision had been planned to be a Delegated Decision, but must be dealt with by Committee as it went above the financial threshold; and that the project will be ready for the start of the next school year in September 2016.

Following a question from Cllr Tonge, it was confirmed that money already in Capital programme which had been provided by Central Government.

### **Resolved**

**To approve “Award of Building Contract” through the SCAPE minor works framework to Kier Construction Limited for the expansion of Bulford St Leonards CE VA Primary School to 1.5 Forms of Entry (FE) (80 additional places)**

Reason for Decision:

The approval is required to enable the Council to enter into a contract with Keir Construction to expand Bulford St Leonards CE VA Primary School by an agreed 80 places in order to ensure the Council is meeting its statutory duty to secure sufficient school places. The additional spaces are required to support the Army Re-Basing Programme of work and in particular the relocation of 5<sup>th</sup> Rifles to Bulford in 2016.

## **77 Exclusion of the Press and Public**

### **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 following items of business 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 the item in private:

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

No representations have been received as to why this item should not be held in private.

## 78 Council House Building Programme Review

 After considering the information contained in the report and the appendix, the meeting:

### **Resolved**

**to delegate authority to the Associate Directors responsible for housing, finance, procurement, legal and assets in consultation with the Cabinet Member for Housing, Leisure, Libraries and Flooding, the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property and Waste and the Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform to approve;**

- a) The use of sites in Appendix 2 for affordable housing with delegated authority to substitute alternative sites of similar value as appropriate**
- b) Any appropriations necessary pursuant to s122 LGA 1972 to ensure that the sites in a) are held by the Council for housing purposes**
- c) A total budget of £42.5m with delegated authority to substitute and change funding streams within the programme for individual sites to optimise financing. HRA funding will not exceed £32.8m but other funding streams may be increased or decreased as required providing that they stay within available allocation and do not affect the total budget position.**
- d) Entering contracts for consultants, construction and other elements of the project to enable the delivery of around 226 new homes within the total scheme costs identified in Appendix 2 in accordance with the Corporate Procurement & Commissioning Board approach.**
- e) Entering funding agreements with HCA/CLG/DOH as required to secure the grant funding and borrowing approval required.**


Reason for Decision:

Since the council house building programme was first approved in September 2014, further site feasibility work has been undertaken, consultation with local communities has taken place, schemes have been fully designed and costed and some of the projects have been tendered. This has resulted in changes to the estimated costs of schemes, the proposed sites and the number of homes that can be delivered with the available funding.



This report seeks approval for a revised programme to deliver around 226 new homes as detailed in Appendix 2.

## 79 **Five Rivers - proposed lease of premises**

 Cllr John Thomson presented the report which sought approval for the grant of a lease of part of the premises known as Five Rivers Campus to the new Wiltshire & Dorset Fire Authority.

### **Resolved**

- 1. To note the progress of discussions between the Fire Authority and Officers in respect of the proposed lease;**
- 2. To approve the entering into a lease with the Fire Authority on terms set out in the Appendix A;**
- 3. To delegate the final approval of the lease and its terms to the Associate Director Communities and Communications following consultation with Associate Director Finance, the Associate Director Law and Governance and the Cabinet Member for Communities, Campuses, Area Boards and Broadband.**

Reason for Decision:

To ensure that the community facility is utilised for the purposes that it was developed, fostering partnership working with the newly merged fire authority and promoting the local economy in the Salisbury area.

(Duration of meeting: 2.00 - 2.52 pm)

These decisions were published on the 18/9/2015 and will come into force on 28/9/15
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The Officer who has produced these minutes is Will Oulton, of Democratic Services, direct line 01225 713935 or e-mail [william.oulton@wiltshire.gov.uk](mailto:william.oulton@wiltshire.gov.uk)  
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## CABINET


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MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 15 September 2015.

Cllr Jane Scott OBE	Leader of the Council
Cllr John Thomson	Deputy Leader and Cabinet Member for Communities, Campuses, Area Boards and Broadband
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economic Development, Skills and Strategic Transport
Cllr Keith Humphries	Cabinet Member for Health (including Public Health) and Adult Social Care
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Jonathon Seed	Cabinet Member for Housing, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning (strategic and development management), Property, Waste and Strategic Housing
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Systems Thinking, Procurement and Welfare Reform
Cllr Stuart Wheeler	Cabinet Member for Hubs, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services), Heritage & Arts and Customer Care
Cllr Philip Whitehead	Cabinet Member for Highways and Transport

Also in Attendance: Cllr Jon Hubbard, Cllr Allison Bucknell, Cllr Christopher Williams, Cllr Richard Clewer, Cllr Simon Killane, Cllr Dennis Drewett, Cllr Terry Chivers, Cllr Bob Jones MBE, Cllr Gordon King, Cllr Magnus Macdonald, Cllr Bill Moss, Cllr John Noeken, Cllr Stephen Oldrieve, Cllr Jeff Osborn, Cllr Bridget Wayman, Cllr Jerry Wickham, Cllr Horace Prickett

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

### 94 **Apologies**

There were no apologies for absence.

### 95 **Minutes of the previous meetings**

The minutes of the meetings held on 7 and 21 July 2015 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes of the meetings held on 7 and 21 July 2015.**

**96 Declarations of Interest**

There were no declarations of interest from any Cabinet Members.

Cllr Wayman, presenting a report to the meeting, declared an interest in that she was a Director of Selwood Housing Association.

**97 Leader's announcements**

**A) The Big Walk**

The Leader thanked officers and Cllr Jon Hubbard for organising the Big Walk which raised money for Hope for Tomorrow and the Young Melksham charities.

**B) Enterprise Zones**

The Leader stated that she would be making an in principle decision, on behalf of the authority, to propose enterprise zones that should be considered as part of the Government's initiative, announced in July, to all the retention of business rates in those zones for 25 years. The Swindon and Wiltshire Local Enterprise Partnership had been working with both local authorities on their bids. The proposed zones for Wiltshire are: Porton Sceince Park, Castledown, Salisbury Hospital and Corsham. A report on this matter will be considered by Cabinet at a later date.

**98 Public participation and Questions from Councillors**

The Leader drew the meeting's attention to the questions circulated in the supplementary papers from Trowbridge Town Council, and from Patrick Kinnersly

The Leader invited Cllr Bob Brice, from Trowbridge Town Council, to present questions on behalf of Trowbridge Town Council. Cllr Stuart Wheeler, in his capacity as Chair of the Community Governance Review Working Group, responded that the review was still ongoing; that the major elements of the review would be subject to public consultation events, where interested parties and members of the public would be able to put their views; that a progress report would be presented to full Council on 29 September; and that a full report with the Working Party's recommendations would be presented to full Council on 24 November for determination.

It was noted that as Patrick Kinnersly, who had asked questions on behalf of the White Horse Alliance, was not present he would be sent a copy of the responses.

In response to a question from Cllr Steve Oldrieve, Cllr Toby Sturgis stated that following discussions with partners, there had not been an appetite to establish a formal Energy Efficiency Board, but that he would respond in writing to Cllr Oldrieve with regard to progress.

In response to a question from Cllr Jon Hubbard, Cllr Philip Whitehead confirmed that Community Days would no longer be supported, to enable resources to be reprioritised, and that the Parish Stewards system would be reintroduced from the 1 April 2016. The Leader asked that, in the future, all Parish Council briefings should be automatically sent through to Wiltshire Councillors as a means of keeping them informed.

#### 99 **Performance and Risk Outturn report: Q1 2015/16**

Councillor Dick Tonge presented a report which provided a quarter one update on outturns against the measures and activities compiled and reported on the council's website through the Citizens' Dashboard, as well as latest outturns on the council's strategic risk register. The report also contained, as an appendix, a briefing for Cabinet on the recent Ofsted inspection of Wiltshire Council services for children in need of help and protection, children looked after and care leavers.

#### **Resolved**

- 1) To note the updates and outturns against the measures and activities ascribed against the council's key outcomes.**
- 2) To note the updates and outturns to the strategic risk register.**

Reason for Decision:

This framework compiles and monitors outturns in relation to the outcomes laid out in the Business Plan, distilled from individual services' delivery plans. In doing so, it captures the main focus of activities of the council against each outcome.

The strategic risk register captures and monitors significant risks facing the council: in relation to significant in-service risks facing individual areas, in managing its business across the authority generally and in assuring our preparedness should a national risk event occur.

#### 100 **Revenue Budget Monitoring report**

Councillor Dick Tonge presented a report which advised members of the revenue budget monitoring position as at the end of period 4 (end of July 2015) for the financial year 2015/2016 with suggested actions as appropriate.

Cllr Toby Sturgis proposed, subsequently agreed by Cllr Tonge, that the recommendation that proposed the closure of Everleigh Household Recycling

Centre, as outlined in the report, be removed. He stated that this was due an ongoing review regarding changes to the Household Recycling Centres.

In response to a question raised by Cllr Jon Hubbard, Michael Hudson – Associate Director for Finance, stated that at the end of the year, the council would reallocate s106 funds from schemes that had already received sufficient funding from other sources. This process had happened earlier this year, and confirmed that no schemes, for which s106 money had previously been allocated, had not progressed due to this process. He would, however, be happy to provide a list of the schemes so reviewed.

In response to a question raised by Cllr Jon Hubbard, Michael Hudson – Associate Director for Finance, stated that some ICT schemes had been classified as revenue as a way of mitigating the risk of the scheme not coming to fruition and the leaving the money tied up as capital.

Cllr Sturgis stated that additional cost pressures were due to rapid growth in house building, the increase in landfill charges, and the decrease in commodity prices – particularly for paper. It was also noted that, as the economy grew, the amount people consumed and threw away increased.

Cllr Scott stated that education was key for seeking to encourage people to reduce their waste and recycle more.

## **Resolved**

*To note the outcome of the period 4 (end of July) budget monitoring and to approve the following changes to the budget as part of the current recovery plan to deliver a balanced budget:*

- a. £1.1 million transfer from the General Revenue Fund Reserve to provide one off support for the provision of Waste Services in 2015/16.*
- b. A review of adult's residential care charges to recover costs.*
- c. Approve the use of commuted and section 106 funds to support the 2015/16 revenue spend in Highways and Transport as one off virements.*
- d. Approve the capitalisation of £0.800 million spend in IT as a one off virements*

Reason for Decision:

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

## **101 Treasury Management Strategy 2015/16 - First Quarter**

Councillor Dick Tonge presented a report which provided a quarterly review of the Treasury Management Strategy.

Cllr Tonge confirmed that the Council had successfully recovered nearly 98% of the money invested in Icelandic banks.

Cllr Tonge also stated that more money had been invested, than previously planned across the quarter, due to the timing of income and cashflow.


## **Resolved**

### **To note that the contents of this report are in line with the Treasury Management Strategy.**

Reason for Decision:

To give members an opportunity to consider the performance of the Council in the period to the end of the quarter against the parameters set out in the approved Treasury Management Strategy for 2015-16.

## 102 **Establishment of a Wholly Owned Subsidiary (WOS) (Housing) repairs and maintenance, planned and investment works as well as client function**

 Councillor Jonathon Seed presented a report which recommended that Cabinet agree to the formation of a WOS that would deliver council house repairs and improvements and management, and other works which would deliver the council greater efficiencies and more cohesive services.

The Leader invited Cllr Bridget Wayman, Lead Member for rapid scrutiny, to present a report, circulated as a supplementary paper. Cllr Wayman expressed her concern that Scrutiny Members had not been involved earlier in the process, and expressed the wish that they should continue to be involved in this process in the future.

Cllr Wayman went on to highlight some of the issues in the Rapid Scrutiny report, namely: that using only one, large contractor could exclude smaller, local contractors; that use of ICT was critical to the success of the programme; that tenants should continue to be involved in the process; the recommendation that apprenticeships be encouraged in the contract; the impact of the length of tenancies on the costs of the project and energy efficiency; and a recommendation that the existing contract be extended to enable new arrangements to be in place before the transfer. Cllr Wayman also declared an interest in that she was a Director of Selwood Housing Association.

Cllr Seed thanked Cllr Wayman for her report, and stated that quality and efficacy were the chief concerns for tenants, not who or how the service was delivered. He welcomed the input of Scrutiny and welcomed further input.

The Leader stated that, in her view, anything the Council procured should include a consideration of how apprenticeships could be promoted.

Cllr Mayes asked that reference be made as to how opportunities for looked after children were promoted within the scheme.

Cllr Seed stated that he would consider, with the advice of officers, how best to address these issues.

Cllr Hubbard stated that he was broadly supportive of the proposal; and asked if HRAs had been consulted to seek their views and to learn from their experience. Cllr Seed stated that he, and officers, had visited a number of HRAs and local authorities to consider how the model worked and had discussed options with local housing providers. In response to a further question from Cllr Hubbard, Cllr Seed confirmed that the WOS would employ its own staff, and that the Council would procure a company to manage the WOS on its behalf.

In response to a question from the Leader, Dr Carlton Brand – Corporate Director, stated that the matter would come back to Cabinet for consideration once the business case had been further developed, and that Scrutiny Members would be involved further in this process.

## **Resolved**

**To approve in principle for :-**

- 1. The formation of a Wholly Owned Subsidiary (WOS) to deliver the Council's (Housing) Responsive Repairs, Voids, and Planned Investment works, works to hostels, Gypsy & Traveller sites, including the client function role.**
- 2. Approve advancing the procurement of a 'partnering contractor' that will manage the delivery of the Council's housing asset management function and housing maintenance client function**
- 3. To agree to delegate the finalisation of the proposal to the Associate Director for Adult Care, Safeguarding and Housing in consultation with the Cabinet Member for Housing, Leisure, Libraries and Flooding, Corporate Director with responsibility for Housing and the Section 151 and Monitoring Officers.**
- 4. Proposals and final decision to be brought back to cabinet for determination.**

Reason for Decision:

A WOS will deliver a more effective service, and address the key issue of the skills gap within this service area.



### 103 **Transfer of the Colonel William Llewellyn Palmer Educational Charity**

Councillor Dick Tonge presented a report which gave the background to the proposal that the Council resigns its position as sole Trustee of the Colonel William Llewellyn Palmer Educational Charity (CLPEC) and approaches the Charity Commission to seek the transfer of the Charity from Wiltshire Council to the Bradford on Avon Town Council (BOATC) as sole Trustee.

Cllr Magnus MacDonald stated that he was pleased to see the proposals come forward.

The Leader concurred with this sentiment, and hoped to it may stimulate debate about further devolution.


#### **Resolved**

- 1. To give ‘in principle approval’ to the ‘transfer’ of its administration of the Colonel William Llewellyn Palmer Educational Charity to Bradford on Avon Town Council.**
- 2. To delegate authority to the Associate Director, Communities and Communication to seek approval from the Charity Commission and, subject to the Commission’s approval, to progress the transfer to its conclusion.**

Reason for Decision:

The transfer of the Charity will meet the aims of the Wiltshire Council Business Plan by removing a non- core Council activity. The transfer will further the aims of the Charity it being managed by an organisation closer to the residents that use it.

### 104 **Changes to council tax discounts on empty properties**

 Councillor Dick Tonge presented a report which proposed changes to council tax discounts on properties that are empty and unfurnished and properties that are undergoing structural alteration or repair and to introduce a levy on properties that are empty and unfurnished for over two years in order to contribute to meeting cost pressures resulting from the Spending Review July 2015.

Issues raised in the course of the presentation and discussion included: that the impact of previous changes made had had no negative effect on council tax collection rates; what the experience of other councils was and what approach they had taken to discounts; what consultation would be required; and how all precepting authorities in the Wiltshire Council area would benefit from this.

Cllr Tonge confirmed, following a question from Cllr Mayes, that the Council did not control the collection rules on NNDR.

Cllr Tonge confirmed, following a question from Cllr Hubbard, that the 50% levy charged against properties left unfurnished and unoccupied for more than two years, would be in addition to the original council tax bill

Cllr Tonge confirmed, following a question from Cllr Sturgis that the scheme could not be backdated to apply to properties already empty and, in effect, the clock would start from April 2016; so that any levy on empty properties could not be applied until April 2018.

### **Resolved**

- a. That properties undergoing structural repair are no longer eligible for a discount on council tax (known as a Class D discount, as defined at Appendix A).**
- b. That properties that are unfurnished and unoccupied are no longer eligible for a discount on council tax (known as a Class C discount, as defined at Appendix A).**
- c. That properties which remain unfurnished and unoccupied for more than two years is charged a levy equating to 50% of the annual council tax due.**
- d. That changes are implemented with effect from April 2016, which will enable advance communications and advice to be provided.**

Reason for Decision:

The cost pressures on the Council's budget as a result of the July Spending Review are well known.

It is estimated that by removing the discount on unoccupied properties, properties undergoing structural repair and adding a levy to properties left unoccupied for more than two years will generate an additional income of £2.1 million per annum for the Council and a further £534,000 for towns and parishes, the Police and the Fire and Rescue Authority. The methodology of the council tax base does not allow the Council to make changes to the tax base without them affecting these other bodies.

It will reduce administration costs for the Revenues Service and will bring our policies more in line with neighbouring authorities.

### **105 Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.13 pm)

These decisions were published on the 25 September 2015 and will come into force on 5 October 2015.

The Officer who has produced these minutes is Yamina Rhouati, of Democratic Services, direct line 01225 718024 or e-mail [yamina.rhouati@wiltshire.gov.uk](mailto:yamina.rhouati@wiltshire.gov.uk)  
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**Questions received from Patrick Kinnersly on behalf of the  
White Horse Alliance**

**Funding of new highway construction projects in Wiltshire**

\* What is the total cost of major road schemes planned or commissioned by Wiltshire Council, including schemes under construction in the county? Please list all such road schemes and the total estimated cost of each.

\* How much capital will Wiltshire Council contribute to the cost of each scheme?

\* How much capital will developers contribute to the cost of each scheme? Please identify the source of such funding, eg from Community Infrastructure Levy or Section 106 agreements.

*Response:*

<b>Major Road Scheme</b>	<b>Estimated cost</b>	<b>Wiltshire Council contribution</b>	<b>Developers contribution</b>	<b>Other funding</b>
A350 Chippenham Bypass Improvement – Bumpers Farm	£3.354m	£1.684m	-	£1.67m (LGF <sup>1</sup> )
A429 Malmesbury Improvement	£1.637m	£0.237m	-	£1.4m (LGF)
A350 Chippenham Bypass Dualling – Badger to Chequers	£111.1m <sup>2</sup>	TBD	TBD	£7.1m (LGF)
A350 Yarnbrook and West Ashton Relief Road	£17.094m <sup>3</sup>	-	£11.594m <sup>4</sup>	£5.5m (LGF)
M4 J17 Improvement	£2.1m <sup>5</sup>	TBD	TBD	£0.5m (LGF)

Notes:

1. Local Growth Fund
2. A number of scheme options will be considered as part of the development of the Outline Business Case.
3. Estimated cost as set out in the Outline Business Case submitted to the Swindon and Wiltshire Local Transport Body on 21 April 2015.
4. A 'shared approach' was agreed between Wiltshire Council and the developers of the Ashton Park strategic site as part of a 'Wiltshire Core Strategy Examination in Public Statement of Common Ground'.
5. A more accurate scheme cost will be established through the development of the Outline Business Case in associated with Highways England.

**Funding of public transport, cycling and walking infrastructure in Wiltshire**

\* What is the total cost of new public transport infrastructure planned or commissioned by Wiltshire Council, including schemes under construction? Please list all projects, including

railway stations, bus interchanges, cycleways and improved facilities for pedestrians such as safe routes to schools.

\* How much capital will Wiltshire Council contribute to the cost of each scheme?

\* How much capital will developers contribute to the cost of each scheme? Please identify the source of such funding, eg from Community Infrastructure Levy or Section 106 agreements.

*Response:*

For integrated transport the capital budget for 2015/16 was £3.844m.

The total cost of Wiltshire Council funded public transport, cycling and walking infrastructure planned in 2015/16 is estimated at **£982,900** (comprising £636,000 pedestrian, £314,900 cycling and £32,000 public transport)

The total cost of developer funded (S106) cycling and pedestrian infrastructure planned in 2015/16 is **£478,200** (comprising £78,000 pedestrian and £400,200 cycling. There are no developer funded public transport schemes planned in 2015/16.

See attached table for more details.

\* What is the revenue support budget for subsidising public transport services in the current financial year?

*Response:*

This year's revenue budget for 'subsidising public transport' is as follows (Note: this is technically not a subsidy, rather payments that Wiltshire Council makes to operators for the services they run under contract):

- Bus services; £2,780,600 Wiltshire Council funding plus £984,500 Bus Service Operators Grant (ringfenced)
- Connect 2 Wiltshire demand responsive services; £532,100
- Park & Ride; £491,600
- Community Transport grants; £324,400.

\* What does the Council expect to spend on subsidising public transport in the next financial year?

*Response:*

The Council is currently undertaking a passenger transport review. The following was included in the recent pre-consultation with stakeholders and partners:

*Although the importance of good passenger transport services is recognised, Wiltshire Council faces significant budget constraints. Over the next few years we will have to manage savings of at least £140 million (made up of projected cuts to funding plus the increase in demographics and demand into the major services), on top of the major reductions in spending that have already been achieved in recent years. Passenger Transport will have to bear its share of these reductions, and the Council's Medium Term Financial Strategy envisages a reduction of £2.5 million in spending on passenger transport. This is equivalent to some 60% of the 2015/16 budgets for supporting public and community transport services. This will require close scrutiny of all areas of passenger transport spending, including support for public and community transport.*

### Staffing and expertise in the Council's transport teams

\* In view of the scale and complexity of the work undertaken by its transport officers would the Council please list all officers responsible for delivering the above programme of work together with the relevant professional qualifications held by each of them?

*Response:*

The following tables provide the professional qualifications of the most relevant Wiltshire Council officers and Atkins employees (Atkins is Wiltshire Council's term consultant for transport planning and engineering). It should be noted that other officers in the Highways and Transport Group (e.g. traffic engineers and passenger transport officers) and in Wiltshire Council as a whole (e.g. legal and finance officers) provide additional support.

Wiltshire Council:

Post	Professional Qualifications
Associate Director	BSc MSc CEng  Fellow of Institute of Civil engineers  Fellow of Chartered Institute of Highways and Transport
Transport Planning Assistant	BSc (Hons) Geography
Senior Transport Planner	BSc in Physics and Applied Physics  MSc in Transport and Planning
Traffic Engineering Manager	Incorporated Engineer (I.Eng)  Member of Institute of Civil Engineers (MICE)
Policy Development Principal Assistant, Passenger Transport	BSc Natural Sciences  Member of The Chartered Institute of Highways and Transportation (MCIHT)
Transport Planner	MSc Transport Planning
Principal Traffic Engineer	BEng (Hons)  Incorporated Engineer (I.Eng)  Fellow of Institute of Highway Engineers (FIHE)
Senior Transport Planner	MSc Transport Planning
Structures & Highway Improvements Manager	MEng (Hons) Civil Engineering  Chartered Engineer (CEng MICE)
Head of Passenger Transport	MSc Transport Planning  Member of the Chartered Institute of Logistics and Transport (CMILT)
Transport Operations Manager, Passenger	BA Management Studies  Certificate of Professional Competence
Senior Transport Planner	MSc Transport Planning

<b>Post</b>	<b>Professional Qualifications</b>
Senior Transport Planner	BA(Hons) Geography  MSc Transport Planning  Member of The Chartered Institute of Highways and Transportation (MCIHT)
Senior Transport Planner	BA (Hons) Urban Studies  MSc Transport Planning
Principal Traffic Engineer	Incorporated Engineer (I.Eng)  Fellow of Institute of Highway Engineers (FIHE)  Member of The Chartered Institute of Highways and Transportation (MCIHT)
Bus Network Manager, Passenger	HND Business Studies  Member of the Chartered Institute of Logistics and Transport (CMILT)
Principal Transport Planner – Transport Policy	BA (Hons) Geography and Planning with Economics  MA Geographical Information Systems  MA Town and County Planning  PGCert Transport Planning  Chartered Town Planner (MRTPI)
Principal Transport Planner – Transport Strategy	BSc Engineering Geology
Senior Transport Planner	BA (Hons) Geography
Principal Traffic Engineer	Incorporated Engineer (I.Eng)  Associate Member of Institute of Civil Engineers (AMICE)

Atkins:

<b>Post</b>	<b>Professional Qualifications</b>
Design Engineer	BSc (Hons) Manufacturing Technology with Management
Landscape Engineer	BSc (Hons)  B.Arch  DipLD (Diploma in Landscape Design)  MA  Chartered Member of Landscape Institute (CMLI),  Architects Registration Board (ARB)



<b>Post</b>	<b>Professional Qualifications</b>
Senior Engineer	BEng (Hons) Civil Engineering  Chartered Engineer (MICE)  Chartered Member of the Institution of Water and Environmental Management (MCIWEM)  CSCS accredited
Transport Planner	BA (Hons) Geography, MSc Transport Planning, CMILT
Transport Modeller	BEng (Hons) Civil Engineering  MTech Transportation Engineering  Member of the Chartered Institute of Logistics and Transport (CMILT)
Transport Modeller	BA (Hons) Geography
Group Engineer	BEng (Hons) Civil Engineering  Chartered Engineer (MICE)
Senior Engineer – Traffic Signals	MEng  Chartered Engineer, Member of the Institution of Engineering and Technology (MIET)  Sector 8 Certified
Transport Planner	BSc (Hons) Oceanography with Physical Geography  MSc Transport Planning & Engineering  Member of the Chartered Institute of Logistics and Transport (CMILT)

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**Questions received from Trowbridge Town Council**

1. For consideration as item 2 on the Wiltshire Council Cabinet agenda today in the Minutes of the Cabinet meeting held on 21<sup>st</sup> July 2015 at paragraph 89 are details of the discussion and resolution regarding asset transfers and service delegation to Salisbury City Council.

Question 1. How can Wiltshire Council believe that this will be a model for other town and parish councils to negotiate asset transfer and service delegation opportunities if, as a result of the likely failure of the community governance review, Wiltshire Council will ensure that otherwise sustainable towns will for the foreseeable future be the responsibility of multiple parish councils in addition to the main town councils, resulting in a lack of coordinated strategy to deliver such services and manage such assets? And does Wiltshire Council appreciate that if the community governance review fails to adequately address the boundary issues relating to the growth of Salisbury it may even put at risk the asset transfer to Salisbury City Council?

2. For consideration as item 7 on the Wiltshire Council Cabinet agenda today in the Revenue Budget Monitoring Report at paragraph 19 it states that the Communications and Communities department will be; 'seeking greater community ownership.'

Question 2. How can Wiltshire Council reconcile this desire to achieve greater community ownership of wider responsibilities with the likely failure of the community governance review to deliver communities which are capable of or willing to deliver services strategically and assist Wiltshire Council to build a better Wiltshire?

3. Also in the Revenue Budget Monitoring Report at paragraph 25 it states that the Highways department is facing pressures of £130,000 for the RUH Hopper bus service and £1.42million in other public transport budgets.

Question 3. Does Wiltshire Council agree that town and parish councils would be in a good position to assist with funding bus services, but that without clearly defined community boundaries the opportunity for parish and town councils to do that would be severely compromised and therefore such opportunities are once again at risk of been ignored if the community governance review fails to achieve this?

**Response**

The underlying theme of each of the questions is the community governance review which Wiltshire Council is currently undertaking. Whilst the Town Council's comments should be

directed to full council to whom decisions on community governance reviews are reserved, I will take this opportunity to respond to them as they are both premature and ill-founded. Under section 93 Local Government and Public Involvement in Health Act 2007, Wiltshire Council has the power to undertake reviews of the whole or part of its area, with a view to determining whether to make changes to the community governance of its area. These are known as Community Governance Reviews (CGR) and cover such matters as changes to parish boundaries, the electoral arrangements for parishes and the creation or abolition of parishes.

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

Over the years, the Council has received a number of requests from town and parish councils for such reviews of their areas to be undertaken. It was agreed in November 2013 that the Council would proceed to consider the requests that had been received and an exercise was undertaken to identify any further areas that might be appropriate to review. This led to the creation of a working party in February 2014 to conduct reviews of those areas that had been identified and to make recommendations to full Council. The Working Party, which has cross-party membership, have no decision-making powers and can only make recommendations to full Council. Terms of reference were approved for this working party. These identified the areas to be reviewed and the issues to be considered in respect of each of those areas. They also set out the consultation process to be followed.

When conducting a CGR, the Council must consult local government electors for the area(s) under review and other persons or organisations that appear to have an interest in the review. They then have a duty to take into account any representations received in connection with the review. Subject to those duties, it is for the Council to decide how to undertake the review.

The terms of reference for the Working Party provide that they will identify relevant consultees and determine the most appropriate and effective methods of communication. Any representations received as result of the consultation process will be considered by the Working Party and be taken into account in formulating recommendations to the Council. The Working Party have considered the requests for reviews that have been received from town and parish councils with a view to formulating options for any possible changes to governance arrangements. Meetings have been held with relevant parties to receive further details and to clarify the issues involved.

The Working Party have carefully considered all of the proposals put forward and any additional information submitted and have now formulated options for formal consultation. The method of consultation varies depending on the number of properties potentially affected by the proposals. Where only a limited number of properties are affected, individual letters are being sent out to the households concerned. With larger schemes, public meetings are to be held. In all cases, the town or parish council is being directly consulted and details will be on the Council's website.

Following receipt of responses to the consultation, the Working Party will make recommendations to full Council in November 2015.

Whilst the Working Party are consulting on proposals or options that they consider best meet the relevant criteria, the consultation documents also give an opportunity for responders to put forward any other views they may have about the review if they wish. These will be considered by the Working Party and reported to the Council. It will be for full Council to decide how to proceed in relation to each of the areas under review. Council may decide that

there should be further consultation on alternative proposals. Nothing has been formally rejected at this stage.

In conducting the review, the Council is complying fully with the requirements of the relevant legislation and Government Guidance. The review has reached the point where the formal consultation process is starting. At this stage, therefore, all options are still open to the Council.

A progress report will be presented to full Council on 29<sup>th</sup> September. A full report with the Working Party's recommendations will be presented to full Council on 24<sup>th</sup> November.

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**Wiltshire Council**

**Council**

**29 September 2015**

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## **Councillor Questions Update**

### **Questions Received**

1. A total of 12 questions from Councillors have been received since the last meeting of Full Council on 14 July 2015, when new procedures were agreed. This update has been prepared in accordance with the procedures as agreed at the last Council meeting, appended as Appendix 2.
2. In accordance with Paragraph 58 of Part 4 of the Constitution, 3 of these were determined to relate to operational matters and referred to the appropriate Associate Director for a response. In each case the questioner did not state they were dissatisfied with the response, and therefore they were not referred on to this meeting.
3. One question submitted was subsequently withdrawn. Details of questions submitted excluding the withdrawn question, together with responses, are included at Appendix 1
4. A total of 8 non-operational questions were received by the first deadline of 15 September 2015, and written responses prepared as attached to this report.
5. No further questions then were received by the final deadline of 22 September 2015, which would have received at least verbal responses with written responses to follow within five working days of the meeting.
6. In accordance with Paragraph 64 of Part 4 of the Constitution, no more than 20 supplementary questions may be asked at any one meeting, with no more than 1 supplementary per question submitted. As the number of questions received for this meeting are fewer than 20, there will be no need to restrict the number of supplementary questions to 20.
7. The Chairman will go through the questions and responses and as is customary, take them as read and giving the questioner an opportunity to ask one relevant supplementary question for each question submitted.

**Yamina Rhouati, Democratic Governance Manager, 01225 718024,**  
[yamina.rhouati@wiltshire.gov.uk](mailto:yamina.rhouati@wiltshire.gov.uk)

Appendix 1 - Councillor Questions and Responses

Appendix 2 – Procedure for Council questions at Council meetings

## Appendix 1 - Councillor Submitted Questions Summary

In accordance with Paragraph 62 of Part 4 of the Constitution, councillors may not ask a supplementary question to a subsequent question they have submitted until all other Councillors who have submitted questions and who wish to ask a supplementary have been heard.

### Questions for Council (attached)

Ref	Questioner	Date Received	Written or Verbal Response	Subject	Cabinet Member/Committee Chairman
15/02	Cllr Jon Hubbard	7/9/15	Written	Balfour Beatty Highways Contract	Cllr Richard Tonge
15/03	Cllr Chris Caswill	15/9/15	Written	Chippenham DPD	Cllr Toby Sturgis
15/04	Cllr Chris Caswill	15/9/15	Written	Chippenham DPD	Cllr Toby Sturgis
15/05	Cllr Chris Caswill	15/9/15	Written	Chippenham DPD	Cllr Toby Sturgis
15/06	Cllr Chris Caswill	15/9/15	Written	Chippenham DPD	Cllr Toby Sturgis
15/07	Cllr Chris Caswill	15/9/15	Written	Chippenham DPD	Cllr Toby Sturgis
15/08	Cllr Chris Caswill	15/9/15	Written	Chippenham DPD	Cllr Toby Sturgis
15/09	Cllr Chris Caswill	15/9/15	Written	Chippenham DPD	Cllr Toby Sturgis

### Operational Questions (not attached)

Ref	Questioner	Date Received	Response Provided	Subject
15/01	Cllr Terry Chivers	29/7/15	7/8/15 (resent 15/9/15)	234 Bus Service
15/10	Cllr Trevor Carbin	15/9/15	21/9/15	Collection of Green Bins
15/11	Cllr Trevor Carbin	15/9/15	21/9/15	Recycling Centre congestion



**Councillors' Questions**

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

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

**Question (15/02)**

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

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

**Response**

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

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

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

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

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

**Councillors' Questions**

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

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

**Question (15/03)**

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

**Response**

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

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

**Question (15/04)**

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

**Response**

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

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

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

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

### **Response**

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

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

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

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

### **Response**

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

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

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

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

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

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

The draft Chippenham Site Allocations Plan follows this approach.

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

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

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

### **Response**

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

Wiltshire Surface Water Management Plan – Focussed on Chippenham, Trowbridge and Salisbury, Phase I & II - Final Report 2011  
<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase/planningpolicysurfacewatermanagementplan.htm>

Wiltshire Strategic Flood Risk Assessment High Level Executive Summary, published in June 2009:  
<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase/strategicfloodriskassessment.htm>

North Wiltshire Strategic Flood Risk Assessment Level One 2007:  
[http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase/evidencebasenorth.htm#SFRA\\_Level\\_One](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase/evidencebasenorth.htm#SFRA_Level_One)

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

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

## **Response**

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

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

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

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

## **Response**

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

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

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## Procedure for Councillor Questions at Council Meetings

1. The purpose of this procedure note is to provide guidance to Members and officers on how questions at Council meetings shall be dealt with.

It is intended to be read alongside, and to be complementary to, paragraphs 50-71 of Part 4 of the Constitution - Council Procedure Rules. If there is any conflict between the two then the Council Procedure Rules shall take precedence.

2. Members are encouraged to deliver any question as early as possible. Paragraphs 54-55 provides that questions on notice should be delivered to the Democratic Governance Manager no later than 5pm nine clear working days before the date of the relevant Council meeting in order to be guaranteed of a written response prior to the council meeting.

Questions received between nine and no later than 5pm four clear working days before a meeting may only receive a verbal response. Any questions received after this deadline will be received at a future meeting.

3. Where a question submitted relates solely to operational issues the Member will be so informed, and such a question will be forwarded to the appropriate Head of Service or Director for a response. Such a question will only then be submitted if the Member either does not receive a response or has not received a response which the Member considers satisfactory.
4. In accordance with paragraph 62, questions will be taken in the order of receipt per member, but a member may not ask a second question until all other first questions from other members have been dealt with. The same principle applies to third and subsequent questions.

For example, if member A submits four questions, and afterwards member B and thereafter member C submit two and one question respectively, the order of presentation at the meeting would be:

Q1 Member A  
Q2 Member B  
Q3 Member C  
Q4 Member A  
Q5 Member B  
Q6-7 Member A

5. No more than 20 supplementary questions will be answered at the meeting from the list of questions submitted in accordance with paragraph 64. All questions will be recorded in an update received at the meeting, and any question which was given a verbal response will also receive a written response from the appropriate

member no later than 5 clear working days after the meeting and also be attached to the minutes of the meeting.

6. Members should therefore submit their questions listed in priority order in accordance with paragraph 57, and should indicate to Democratic Services prior to the meeting if they do not wish to ask a supplementary question. Only questions which members ask a supplementary to will count toward the limit of 20 to be received at any one meeting as detailed in point 5 above.
7. In exceptional circumstances the Chairman may allow questions without the full period of notice having been given where he or she is satisfied there is sufficient justification. In these circumstances, there is no guarantee that a full or written reply will be given at the meeting.
8. In accordance with paragraph 53 Member questions shall only be permitted at extraordinary meetings if they relate to the subject(s) under consideration at the extraordinary meeting.